



Hurting Religious Feelings

Author(s): DANIEL STATMAN

Source: *Democratic Culture* / 2000 , *תרבות דמוקרטית*, Vol. 3 (2000), pp. 199-214

Published by: Bar Ilan University Press

Stable URL: <https://www.jstor.org/stable/24142168>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <https://about.jstor.org/terms>



JSTOR

Bar Ilan University Press is collaborating with JSTOR to digitize, preserve and extend access to *Democratic Culture* / *תרבות דמוקרטית*

Hurting Religious Feelings¹

DANIEL STATMAN

Complaints about hurting religious feelings have become prevalent in the public discourse in Israel, as in other corners of the world. A recent example is the minor scandal in Israel around the dress and content of a dance intended for performance in the central entertainment event to celebrate Israel's jubilee year. Some religious politicians argued that as the dance would hurt the feelings of the religious community, it should not be included in the program. Their pressure was successful, and, at the end of the day, the dance troupe left the event without performing.

The importance of not hurting religious feelings was explicitly acknowledged in 1997 by the Israeli Supreme Court in its decision on Bar-Ilan Road. Bar-Ilan Road is a central traffic route in north Jerusalem running through a neighborhood with a 95% Orthodox, mainly ultra-Orthodox, population. The Orthodox residents of this area argued that the movement of traffic through their neighborhood on the Sabbath and on Holydays hurts their religious feelings. They demanded that the Bar-Ilan Road be closed to traffic on these days, just as other areas are in Jerusalem, in Bnei-Berak, and in other Orthodox areas in Israel. A committee established by the Supreme Court recommended that the road be closed on the Sabbath and on festivals, but only during the time of services. The recommendation was accepted by the Minister of Transport, which led both sides to appeal to the Court against it. Some secular residents and politicians argued that the decision was illegal and, therefore, that the road should be left open at all times, while Orthodox representatives argued that the decision was unreasonable and that the road should be closed throughout the whole of the Holydays. In a majority decision of five against

1 This is a short version of a paper originally published in Hebrew under the same title in *Multiculturalism in a Democratic and Jewish State*, eds. Menahem Mautner, Avi Sagi and Ronen Shamir (Tel Aviv: Ramot, 1998), 133–88.

four, the court basically approved the minister's decision. The main reason for regarding his decision as reasonable was the value assigned by the court to the protection of religious feelings. Even the judges in the minority did not deny this value, they just thought that it was overridden by more powerful reasons in the circumstances.

I believe, however, that this decision was wrong, or, to be more accurate, that it was based on the wrong reasons. More generally I shall argue that the notion of hurting religious feelings is very problematic, and that it is overused in contemporary moral and political discourse. The thesis I wish to present has three aspects: conceptual, normative, and historical. The conceptual thesis offers an explanation of what hurting feelings means and what the typical cases of hurting religious feelings are. The normative and most important thesis concerns the role that should be allocated to claims about hurt feelings in moral-political decisions. I shall illustrate this thesis through a critical analysis of the Bar-Ilan Road case. Finally, the historical thesis argues that the prevalence of such claims is notably a modern phenomenon which has to do with the status of religious groups within an encompassing secular society.

I. What is it that we Do when we Hurt Religious Feelings?

When we think of the expression "hurting feelings," the analogy to hurting the body, to physical injury, immediately comes to mind. If my body can be hurt, why can't my feelings be hurt too? Yet the analogy becomes less clear when we ask ourselves what exactly we hurt in the case of feelings. Feelings—as opposed to the organs of the body—do not exist as a fixed property of a person but come and go: I felt hungry an hour ago, now I'm fine; I was angry with you yesterday, but I have now forgiven you, etc. Feelings are responses to changes in the world, responses which, in most cases, are rather limited in time. Within a short period of time our feelings fade away and other feelings take their place, or we achieve some tranquillity of mind, when nothing is felt. Hence, hurting feelings might be understood either as hurting existing feelings, i.e., feelings that happen to be present at a given moment, or as generating new feelings, i.e., feelings that are painful to the victim.

Before proceeding to explore these two possibilities, I should note another difficulty in the expression under discussion. When we are told that somebody's body

has suffered hurt, we find it natural to ask what part of the body it was, the hand, the leg, or the eye, while in the case of hurt feelings the reference is always in the plural—the “feelings” are hurt, not any specific feeling. But certainly when we hurt somebody’s feelings, we do not hurt *all* of them. Thus, according to the above analysis, we either hurt, i.e., weaken, some particular feeling that exists at a given time, or we generate, at a given time, some specific unpleasant feeling.

Let’s start with the possibility that to hurt feelings means to weaken some existing feelings. What kind of religious feelings might be hurt by the behavior of other people? Religious feelings express the believers’ attitude towards God and towards the various laws and institutions of their religion. For example, religious feelings include the awe one feels before God, and the sense of devotion to His laws, such as observation of the Sabbath. Yet these feelings don’t seem to be hurt, that is, to be weakened or diminished, by the types of behavior typically characterized as hurting feelings. To the contrary, such behaviors often generate such feelings or intensify them. Think, for example, of an observant Jew with very strong feelings about the Sabbath, who sees some other Jews violating the laws of the Sabbath and complains that such behavior hurts his feelings. Does the sight weaken his deep feelings about the Sabbath or strengthen them? The last option seems the more reasonable one. I would go further and say that in some cases, rather than weakening existing feelings, the behavior under discussion arouses religious feelings that might have been quite latent, if not dormant, until the perceived hurting behavior took place. Hence, the analogy between hurting a body and hurting feelings seems rather unhelpful. When we hurt the body we weaken, or even cut off, some specific part of the body, while when we hurt feelings—understood as hurting contingently existing ones—we often strengthen and intensify feelings, be they religious, national or other, and not reduce them.

I think, therefore, that we should adopt the second understanding of the expression “to hurt feelings.” When we hurt the feelings of another, we don’t weaken any feelings, nor do we reduce the emotional faculties in general, but rather *we generate painful feelings*. We do something, or say something, as a result of which some people feel very bad. On this understanding, the verb “to hurt” is indeed quite misleading here, because in order to hurt *x*, *x* must exist prior to the hurting action, while in the present context the “hurting” action brings something new into existence, i.e., produces new (and painful) feelings.

This characterization is still too general, because negative feelings are of different kinds. What kind of negative feelings are generated in typical cases of hurt feelings? The answer is feelings of anger, frustration, fear, and, above all, humiliation and insult. The person whose feelings are hurt feels offended, insulted, humiliated, and threatened by the behavior of others—and these, as we all know, are very unpleasant feelings. Needless to say, on this account, not every wrong action is one that can properly be described as hurting feelings, a view which would lead to the conclusion that “we never protect anything *but* feelings.”² If this were true, there would be no need for a separate category of hurt feelings. This category, however, does play a distinct normative role in public discourse—protests about hurt feelings are raised only in some normative contexts and not in all of them, and they refer to feelings of a specific sort, feelings of anger, humiliation, threat.

How do we arouse such unpleasant feelings? We do so by offending the victim’s values or beliefs. Because *x* has paramount value in the victim’s eyes, because the victim regards *x* as sacred, when we offend against *x* the victim feels very bad. And how is this negative attitude to the victim’s values and beliefs expressed? Typically by desecrating symbols of the values under discussion; by burning a flag, mocking a central figure such as Muhammad or Jesus, spitting on the floor of a holy place. Such behaviors express deep contempt and disrespect for the values of the victims, to which they cannot be indifferent. And why can’t they be indifferent to them? Because they identify very strongly with the values that are being mocked. The values and the symbols that are desecrated are part of the personal identity of the victim. That’s why he takes the offense “personally,” why he not only opposes it in the abstract but feels bad about it. Thus, the full picture in typical cases of hurting feelings is as follows: We hurt a person’s feelings, that is, we generate within him unpleasant feelings by hurting *him*, i.e., by undermining his self-respect or self-esteem; and we do so by expressing disrespect for values with which he deeply identifies, through the desecration of sacred symbols.

Thus one can hurt the feelings of Muslim believers by eating pork outside a mosque, thereby expressing deep disrespect for the Islamic religion: the Muslims

2 As Jonathan Yovel put it in his comment to an earlier version of this paper at a conference at Bar-Ilan University, June 1998.

who see this or hear about it are deeply offended because of their deep identification with the precepts and the customs of their religion and, as a result, they suffer painful feelings.

Painful feelings in the above circumstances derive from the fact that for most of us our self-esteem is to some extent fragile and dependent on the attitudes and views of other people. Once in a while, a long while usually, we encounter people like Diogenes, whose well-being is totally free of the contingencies of the world. But most people are not Diogenes, and they are not so confident in their worth as to be able to truly ignore behaviors that challenge it or that threaten them in some way. Is it "rational" to feel insulted and humiliated by the behavior of others? The attempt to find a general justification here is doomed to failure, as Avishai Margalit argues with regard to what he calls "the paradox of humiliation": "That's the way it is, that's life."³

Nevertheless, some people are more sensitive to perceived offensive behaviors than others, and their feelings seem to be more frequently and more badly hurt. These are people whose self-esteem is especially fragile, often because they belong to minority groups that feel threatened, culturally if not physically, by the dominant society. When these groups have a history of persecution or discrimination, as is the case with Afro-Americans or women, the sensitivity is at times especially high.⁴ This observation provides us with part of the historical thesis, i.e., an explanation as to why religious feelings seem to be hurt more often than other feelings. After centuries of dominance, the religious community has become a relatively small minority in Western countries. Adhering to religious beliefs and practices within a secular, materialistic culture is not easy, and believers can sense a threat from the governing values and practices. In other words, I wish to argue that the special sensitivity of religious feelings testifies to the weakness, or the fragility, of the

3 Avishai Margalit, *The Decent Society* (Cambridge, Mass.: Harvard University Press, 1996), 127.

4 Cf. David Kretzmer, "Freedom of Speech and Racism," *Cardozo Law Review* 8 (1987): "[T]he statement in America that all whites should be deprived of the vote is unlikely to cause much (or any) harm to whites. On the other hand, when the speech at issue is associated with a history of antagonism towards the groups concerned, the harm to the individual may be significant."

religious way of life, rather than to its strength. In Israel, religious people not only feel that their values are challenged by the dominant culture but also that they are objects of hatred and prejudice as a social group. Such feelings furnish the background for the special sensitivity of religious people, who too often interpret the behavior of others as insulting, and as falling short of expressing proper respect.

II. Is there a Moral Duty to Protect against Hurt Feelings?

Mill, Hart, and other liberals have argued powerfully against seeing hurt feelings as a sort of harm that is entitled to protection on the Harm Principle. If we acknowledged mere bad feelings about the behavior or the views of others as a reason for restricting liberty, that would open the door to the worst forms of the tyranny of the majority and to the end of liberalism. The mere fact that some people are upset by my behavior, for instance my sexual behavior, constitutes no reason for me to change it or limit it. "[T]here is no parity," says Mill, "between the feeling of a person for his own opinion and the feeling of another who is offended at his holding it, no more than between the desire of a thief to take my purse and the desire of the right owner to keep it."⁵ The hurt feelings of a person created just by her very knowledge of my being Catholic, or being Protestant, are similar to the feelings of the thief toward my purse. Neither carry any moral weight.

Yet these classic arguments against protecting hurt feelings do not apply to cases of intentional hurting, to cases where the only reason for the offending behavior is to hurt the people against whom it is directed. Think, for example, of burning a cross in front of a church or leading pigs around a mosque. Condemning such behaviors or even adopting legal sanctions against them would not lead to tyranny of the majority and would not put an end to liberalism. Furthermore, the bad feelings of the victims of such deliberately offensive behavior are definitely different from the feelings the thief has toward my purse. In Dworkin's terminology, my preference not to be deliberately disrespected and insulted is a personal preference, not an external one, and therefore deserves to be taken into the moral calculation.

5 J.S. Mill, *On Liberty* (Harmondsworth: Penguin, 1983), 151.

So far I have distinguished between two extremes: cases where feelings are hurt by merely thinking about the behavior of others, and cases where feelings are hurt by the deliberately offensive behavior of others. In the first type of cases the hurt feelings carry no moral weight, while in the second they carry such weight and justify a (*prima facie*) moral demand for restricting such behavior. But these two extremes do not exhaust the ways in which our feelings are hurt. The most common cases, and the most troubling ones in public life, are somewhere in between. These are cases where the perceived hurting behavior is public, so I am not hurt just by the *knowledge* of a certain behavior or belief. Yet the behavior is not intended to hurt me, it is not chosen in order to offend against me. Think, for example, of a Muslim whose feelings are hurt when he sees the person on the seat near him in the plane enjoying an appetizing pork meal. The reason the neighbor eats this meal has of course nothing to do with the presence of the Muslim. She would eat it in any case. Hence it is certainly not a case of intentional hurt to the Muslim's feelings. On the other hand, it is also not a case of the Muslim being upset by the very thought of people eating pork. Let's refer to such cases as "incidental hurting."

What is the normative status of such hurt feelings? Are they sufficient to establish a moral demand to avoid the hurting behavior? Before we answer this question we must try to clarify further the nature of the situation. If, in the above example, the Muslim is not upset by the very knowledge that people eat pork, why are his feelings hurt when somebody eats pork near him, assuming that her doing so is in no way intended to offend or hurt the Muslim? I contend it is because the Muslim has certain expectations from those who are aware, or who ought to be aware of his presence (let's assume that the Muslim dresses in a way that makes his religious commitment apparent). Because these expectations are not realized, the Muslim feels that his fellow passenger has not shown respect, hence his hurt feelings. Or, to take another example: An Orthodox rabbi enters a supermarket in New York in July. There are many women in the store, some of whom, in the rabbi's eyes, are wearing rather immodest dress. He might be embarrassed by the situation and might feel uncomfortable. But I don't think we would describe the situation by saying that the women in the store hurt the rabbi's feelings, and it would be rather bizarre if he were to complain about them doing so. But now consider a different case. Suppose the rabbi is invited to a Hanukkah party in the neighborhood where

all the guests know he will participate, yet when he enters the hall he discovers that many of the guests are dressed in a rather immodest manner. In this case he might feel not only embarrassment but also anger or insult. He had expected that the guests at the party would respect his presence by dressing accordingly. Their not doing so is interpreted as a message of disrespect, hence the hurt feelings.

What emerges out of these examples is that typical complaints about incidental hurting of feelings presuppose the existence of expectations the victim has vis-a-vis the perceived offender, expectations which are not fulfilled. In other words, the victim's feelings are hurt not as a direct result of the perceived offender's behavior, but as a result of the expectations the victim has about this behavior. If all this is correct, then the question regarding the normative status of incidental hurtings is contingent to a large extent on questions regarding the normative status of not fulfilling other people's expectations vis-a-vis my behavior. If I ought to fulfill these expectations, then not doing so might correctly be interpreted as showing disrespect, and might serve as a basis for a legitimate complaint. If it is not the case that I ought to fulfill these expectations, then not doing so should not be taken as a sign of disrespect, and therefore cannot serve as a basis for a legitimate claim. But whether or not I ought to fulfill the expectations other people have regarding my behavior depends on the moral status of the behavior under discussion. If my behavior is morally wrong—because it violates rights, disregards interests, etc.—then the expectations that I behave otherwise are indeed justified; but then the hurt feelings play no real role in the argument intended to restrict my behavior. If, however, my behavior is morally correct, then the expectation that I behave otherwise is unjustified, and hence the bad feelings caused by their nonfulfillment cannot constitute a serious moral claim.

As indicated earlier, not every case of perceived unfairness, or perceived violation of rights generates painful feelings of the kind alluded to. It is quite common to disagree with individuals and with institutions about what we deserve and what we do not deserve, and we do not experience bad feelings every time we lose in these disputes. When are such feelings added to the belief in some kind of injustice or unfairness? When one interprets the perceived unjust behavior as expressing fundamental disrespect for one's interests and one's values. Such an interpretation might suggest itself when the injustice is significant or—and this seems especially relevant to our present concern—when one's interests are con-

sistently ignored across a number of incidents. Thus, in typical cases of hurt feelings I have in mind two claims against the offender, one focusing on the injustice of her behavior, and the other on the disrespect for me which is expressed by it and the hurt feelings that emerge as a result. Claims about hurt feelings are wholly parasitic on claims concerning the wrongness of the offender's behavior. Ultimately the victim does not expect us to restrict the offender's behavior merely because the victim has painful feelings. She expects us to do so because she believes the offender has committed a double wrong: (a) his behavior is unfair, and (b) it sends a message of disrespect.

III. The Asymmetrical Nature of Claims Concerning Hurt Feelings

This discussion enables us to see the main problem with arguments about hurt feelings. Such arguments suffer from a basic asymmetry between the reasons that justify the painful feelings in the eyes of the victim and the reasons he turns to in order to restrict the behavior of others. The reasons that justify the painful feelings in the eyes of the victim have to do with the unfairness assumingly done to him and the disrespect expressed by it. If we ask this person, "Why are you so upset? Why do you feel so angry, insulted, humiliated?," the answer will be something like: "Because this individual, or this institution, behaved towards me in such an unfair manner." But when this person presents his case and asks for constraints on the behavior of the offender, or for punishment, then, instead of complaining about the unfairness, he complains about the painful feelings caused to him as a result of the perceived unfairness.

The problem with the above asymmetry, however, is not only a logical one. The situation of the victim basing her demands not on what really bothers her, but on the emotional pain she undergoes, is humiliating to the victim, in her own eyes, as well as in the eyes of others. The humiliation results from the disregard of any rights-based claims and from the focus merely on the bad feelings as the basis for consideration. By doing so, the victim is behaving like a child moaning and crying about his pain or distress, expecting us to show pity for him just because he is such a poor little thing. I don't know if my 8-year-old daughter Michal is special in this respect (she is certainly special in many other respects), but until recently she used to burst into tears when she realized she was not getting what she wanted,

and after working herself into a good fit of weeping she would say: "Don't you see I am crying?" as if the crying itself, by arousing her father's sense of pity, could get her what she had failed to achieve by argument. Yet pity, as Nietzsche and Spinoza have shown, is humiliating.⁶ We want other people's sympathy, we don't want their pity. The re-shifting of the victim's focus from the reasons that justify the bad feelings to the bad feelings themselves is a move between two different ethical discourses, one based on duties and rights, the other based on pity. When people base their demands on rights, on justice, they elicit respect from others and affirm their self-respect as human beings who are entitled to equal respect and concern just like anybody else. When they base their demands merely on their distress, they appear both to others and to themselves like whining children, and they evoke pity rather than respect.

Finally, the focus in the public discourse on the hurt feelings of the parties concerned instead of on the reasons that justify these feelings leads to a shallower level of discourse. Ultimately, it leads to the thought that important questions of public policy be decided by answering the question of who cries harder, whose feelings are more painful. Muslims, for instance, will complain about the Christians hurting their feelings. Christians will complain about Muslims hurting their feelings. And the court, be it moral or legal, will presumably have to decide whose feelings are more painful. Surely this is not the right way to deal with such issues, not to mention the impracticality of comparing the competing severity of the hurt feelings.

The conclusion to draw from all this is that the language of hurt feelings should be significantly reduced in moral and political discussions. Whenever some people wish to restrict liberty because of the painful feelings they suffer we should ask them why they think their feelings are justified, what claims about rights, equality or fairness underlie their bad feelings. If these claims are good ones, the people will get what they want with no need to put themselves in the humiliating situation of whining about their distress. If the claims are not convincing, then most probably the whining will not make up for them and will fall short of establishing a demand

6 See, for instance, Eamonn Callon, "The Moral Status of Pity," *Canadian Journal of Philosophy* 18 (1988), 1–18.

to restrict liberty. Needless to say, this conclusion accords well with the general mistrust of the liberal tradition towards claims based on hurt feelings, a mistrust based on the threat of such claims to both liberty and equality.

I wish now to illustrate my suggestion through a critical reading of the Supreme Court's decision on the Bar-Ilan Road case. As I indicated at the outset of this paper, all the justices conceded that the main consideration for closing the road to cars on Saturdays and Festivals was to avoid hurting the feelings of the Orthodox people living in the neighborhoods near the road. The justices disagreed as to the relative weight that should be assigned to this consideration in comparison to other relevant considerations; in fact, there were four justices against four on the question of the legality of the proposed compromise to close the roads during the time of services. A majority supporting the compromise was created only when Justice Tal, who really thought the road should be closed throughout the Sabbath, reluctantly joined the closest position, the one introduced by Justice Barak, who accepted the legitimacy of closing the road during services only.

Following the arguments I leveled above, let's assume we ask the Orthodox people who live on Bar-Ilan Road in a peaceful and respectful manner why they want the road to be closed on the Sabbath, why the traffic passing through their neighborhood on the Sabbath bothers them. What answer would we expect to get? Let me start with two answers we would not expect to get. The first of course is "because the traffic hurts our religious feelings." And we would not get this answer for the simple reason that *why* the feelings are hurt is precisely what we are trying to understand. We wish to comprehend why it is the case that traffic on Bar-Ilan Road hurts the feelings of the residents, given that traffic elsewhere does not cause this hurt, at least not to a significant degree. The second answer we would not expect to get is "because these drivers violate the rules of the Sabbath." Clearly, thousands of such violations are carried out by Jews, some of which are more severe from the point of view of Jewish law than driving a car, but they don't arouse anything like the passionate, angry feelings related to the traffic on Bar-Ilan Road on the Sabbath. We should bear in mind in this context that the demand to close the road is, of course, not restricted to Jews. Muslim and Christian drivers would also be prevented from using the road on the Sabbath, just as they would be stopped from using other roads that are closed on the Sabbath in Jerusalem and in other cities.

What then *would* be the Orthodox people's answer to the question of why the traffic on the Sabbath bothers them? Fortunately, we don't need to speculate too much about the answer because it is explicit in the appeals submitted to the court and in the opinion of Justice Barak himself. In fact Barak provides us with more than one answer. He mentions, *inter alia*, the following considerations for closing the road:

1. As most of the population in the area is Orthodox, and as the streets inside the neighborhood are closed on the Sabbath, many pedestrians walk along and across Bar-Ilan Road so that the traffic may endanger them;
2. The traffic disrupts the services and the lessons in the many synagogues and religious seminaries (*yeshivot*) in the area;
3. The traffic ruins the general atmosphere that the Orthodox Jews wish to create in their neighborhood on Saturdays and Holidays. On this last point Barak says:

The expectation of a religious community is that the Sabbath rest would not be reduced to the private sphere only, but would be felt in the public sphere too. ... The noise and rush that characterize the six days of work would be replaced by special services, family walks, etc. A [traffic] route passing through the heart of the neighborhood, a significant number of cars, the hooting of car horns and the noise of engines are no doubt a strict contradiction to the desired Sabbath atmosphere in the eyes of a resident of the area.

I believe that this last consideration is the main one, and it is this consideration that really motivates the expectation of the Orthodox communities in Israel and abroad that their neighborhoods be closed to traffic on the Sabbath. They have an understandable desire to shape the face of their areas of residence in a way that will reflect and enhance their values and beliefs.

This interpretation of the Orthodox expectation that Bar-Ilan Road be closed on the Sabbath also helps to explain – on a psychological level – why their feelings are hurt when the expectation is not fulfilled. The expectation is based on the conviction that, in a sense, the area through which Bar-Ilan Road passes is the Orthodox community's *home*. And the feeling that other people do not respect one's interests within one's own home is especially annoying and offensive, hence the gravity of the hurt feelings of the Orthodox community.

We have seen that the Orthodox side in this debate can be presented in a fair manner with no reference at all to the notion of hurt feelings. It would be helpful to reiterate the advantages of doing so: first, it does more justice to the Orthodox position by focusing on what really bothers the community, i.e., on the reasons for bad feelings rather than on the feelings themselves. Secondly, it allows the Orthodox people to enter into this public debate as proud adults demanding what they regard as their legitimate rights, not as weeping children appealing for pity. Thirdly, the focus on reasons, interests, and rights instead of on feelings saves us from the need to compare the bad feelings of the two sides in the debate. The feelings of nonreligious people were also hurt in this case by what they regarded as the imposition of religious values upon them. By downplaying the normative role of hurt feelings in the debate, we avoid the ridiculous demand to decide such cases according to who suffers more, or who weeps more loudly.

My call to minimize the normative role of hurt feelings applies in a particular way to cases of incidental hurtings, in which there is no intention to offend the victim or show disrespect for her values. Precisely because no evil intention is involved, the victim, the one who suffers the bad feelings, must work hard to show that the perceived offender's behavior is unreasonable. He cannot take a shortcut by directly appealing to the notion of hurt feelings, thereby attempting to bypass the serious questions concerning the normative justification of his expectations from the perceived offender.

IV. The Historical Thesis

Before concluding, let me complete the historical thesis and add another word as to why complaints about hurting *religious* feelings are so prevalent nowadays. I said that arguing from feelings rather than from the reasons underlying them is problematic. Why, then, we must ask, don't people talk about what really bothers them, namely, the offense to their sacred values? The answer seems to rest in the lack of a consensus about such values in contemporary society. When religion is widespread, then showing the heretical nature of some expression or behavior would be enough to restrict it. Indeed, many legal codes in Europe and elsewhere contain sections dealing with offenses against religion. Presently, however, religion is no longer a matter of wide consensus (to say the least), hence believers cannot

hope to restrict undesired behaviors by arguing that these behaviors are against religion. They need a different basis to establish demands of this kind, and the new basis is hurt feelings. This transition is illustrated by the changing attitudes towards the offenses against religion, in particular the offense against blasphemy, in Western democracies. In ancient days, the very fact that some behavior or speech blasphemed God was sufficient to make its agent subject to the worst of punishments. In the 18th and 19th centuries this was no longer sufficient, as religion was losing the high status it had had in the past. A new justification for the above offense was suggested, based on the critical role of religion in maintaining the moral stability of society. This view was affirmed by American courts in numerous decisions defending rules concerning the Sabbath, prayer in schools, etc. The following words of a North Carolina court are typical of this view: "What constitutes the standard of good morals? Is it not Christianity? There certainly is none other. Say *that* cannot be appealed to, and I don't know what would be good morals. The day of moral virtue in which we live, would in an instant, if that standard were abolished, lapse into the dark and murky night of pagan immorality."⁷

Yet this new justification for the offenses against religion was doomed to failure as the process of secularization advanced. In societies with a secular majority one could not justify offenses against religion on the claim that religion is necessary to protect public order or moral virtue. A new justification was needed and the hurt feelings of the religious communities were called upon to do the job. The justification took the following form: "True, we cannot forbid such expressions on the basis of them being against God. Neither can we restrict them by arguing that they are a threat to morality and civil order. But still, such expressions hurt *us*, believers, and this is sufficient to justify our demand for restriction."

Yet even the hurt feelings strategy is too weak to justify the common offenses against religion. If the rationale of such offenses is to protect feelings, why limit the protection to *religious* ones? Assuming that minorities are especially vulnerable to threat and offenses, as explained in Section I, we should be concerned about protecting offensive behaviors against all such minorities, be they religious, ethnic, or racial. Indeed, this seems to be the natural development in this area, i.e., abol-

7 *City of Charleston v. Benjamin*, 1 L.R., N.S. 7, 10.

ishing the laws that grant the feelings of religious people a privileged status, and incorporating them in comprehensive laws aimed at restricting expressions of deep disrespect which are intended to outrage the feelings of the members of any racial or religious group.⁸

V. Summary

I have tried to defend three interrelated theses: conceptual, normative, and historical. The conceptual thesis argues that, in typical cases, to hurt feelings means to generate feelings of a particular kind, i.e., anger, humiliation, threat. These unpleasant feelings are generated by the offender's behavior, which is interpreted by the victim as expressing deep disrespect for the values which the victim holds dear and with which she identifies. The message of disrespect is sometimes intended and at other times incidental, but in all cases the problematic behavior is interpreted by the victim as expressing disrespect. Complaints about hurt feelings are logically and psychologically parasitic on other claims concerning the (perceived) offender's behavior, though these claims are not always made explicit.

The normative thesis argues that hurt feelings ought to play a much more marginal role in the moral and political discourse than it actually does. This discourse ought to focus on the reasons that justify the painful feelings in the eyes of the victims, not on the feelings themselves. Such a shift in the locus of the argument would do more justice to its logical structure; would show more respect to the victims by saving them from the humiliating position of basing claims on mere pain; and would release us from the need to compare the intensity of the painful feelings of the sides involved.

The historical thesis offers an explanation for the odd fact that, in Western countries, claims about hurt feelings are made mainly by religious people, as if only religious feelings can be hurt or, in fact, are hurt. The explanation is based on the marginal status of religion nowadays, after centuries of religious hegemony. This marginalization of religion has two relevant aspects here. First, religious communities, like all minorities, are threatened by the majority and are, therefore, more

8 See, for instance, Sebastian Poulter, "Towards Legislative Reform of the Blasphemy and Racial Hatred Laws," *Public Law* (1991), 371, 372.

vulnerable to perceived offensive behavior and speech. Second, secularization means that religious communities cannot protect their values directly, i.e., just by citing the offense to religion as a reason to limit the behavior of others. The idea of hurt feelings serves in this context as an alternative resource for justifying such limitations. If the argument of this paper is sound, it is too weak a resource to carry this heavy burden.