

ELSEWHERE UNACCEPTABLE

Further to Revisit Colorado

The cover story by Daniel Mendelsohn in the September/October 1996 *Lingua Franca* titled, "The Stand: Expert Witnesses and Ancient Mysteries in a Colorado Courtroom," evoked this letter from Robert P. George. Professor George is the author of an article in the Winter 1995-96 *Academic Questions* that follows upon a piece by John Finnis in our Fall 1994 issue to detail the gross abuse of scholarship by Martha Nussbaum in sworn testimony in a court of law. Though the *Lingua Franca* article disputes none of their allegations, the editor of that journal declined to print Professor George's comments on Mendelsohn's interpretation. *AQ* is thus compelled to devote this space to emphasize that the possible excuse suggested by *Lingua Franca* for Professor Nussbaum's behavior (i.e., that her falsehoods and distortions resulted from unfamiliarity with formal requirements and constraints of legal procedure) is not credible in light of the comprehensive critiques by Professors George and Finnis.

To the Editor of *Lingua Franca*:

Referring to Martha Nussbaum's testimony in the Colorado Amendment 2 trial, Daniel Mendelsohn observes that "among many scholars who prize philosophical meticulousness, what Nussbaum did in Colorado hasn't entirely passed the laugh test." But Mendelsohn also entertains the possibility that Nussbaum's behavior shows that "the narrow requirements of legal discourse...may ultimately be incompatible with the expansive nature of serious humanistic discourse."

I don't think so. Nussbaum got into trouble, not because she lacked "discursive space" to provide the nuances needed in complex philosophical, philological, or interpretative discussions, but because she gave false, misleading, and deceptive testimony about matters of plain fact. Mendelsohn's article partly conveys her outrageous deceptions in the matter of the Greek-English lexicon, and her falsification of Sir Kenneth Dover's account of Socrates' views of homosexual conduct in his book *Greek Homosexuality*. But there are many other examples.

Here are just two: (1) her statements falsely implying that Berkeley professor David Cohen, whose published scholarship undermines her bizarre claim that moral objections to homosexual conduct were a Christian innovation, (a) is not a classicist, (b) lacks a doctorate in the field, and (c) cannot read

Robert P. George is associate professor of politics at Princeton University, Princeton NJ 08544-1012.

Greek at the level of proficiency required to conduct original scholarship in Greek history; (2) her statements falsely suggesting that A.W. Price, in his book *Love and Friendship in Plato and Aristotle*, rejected the standard translation of *para phusin* (in Plato's *Laws*) as "unnatural," in the morally condemnatory sense of "unnatural acts" (this coupled, I should add, with her failure to inform the court that Price himself, in the same book, stated that Plato's morality of sexual acts was—to Price's own regret—in line with what would emerge later as the Catholic view).

Had Nussbaum's sworn testimony regarding these and other matters been merely "laughable," then perhaps it wouldn't be worth "lingering" over the question of her honesty. In truth, however, abuse of scholarship on so massive a scale by a figure of Martha Nussbaum's stature in the academy is no laughing matter.

These items are selected from a document circulating on the internet that gives reasons to talk to someone who has announced his support for National Coming Out Day.

- To tell someone that you're wondering about your attraction to someone of the same sex as yourself.
- To discuss with other faculty ways to infuse issues of sexuality and gay and lesbian culture into your courses.
- To tell someone that you are angry, frustrated, scared/scarred, or silenced because people around you sling at each other the words "fag" and "dyke" as insults.
- To tell someone that you are totally in love with your new (same sex) lover and that you would tell the world, if you could.
- To talk about your feeling that your sex is in conflict with your gender.