

Introduction

Wokeshevism: Critical Theories and the Tyrant Left

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I INTRODUCTION

We live in revolutionary times. While this revolution has been brewing for some time, the death of George Floyd on 25 May 2020 catalysed it. In the aftermath of his death, many rioted and cities burned. Statues fell, not just of Confederate leaders like Robert E Lee and Jefferson Davis, but also Union leaders like US Grant and Abraham Lincoln and American Founders like George Washington and Thomas Jefferson.¹ Books like Robin DiAngelo's *White Fragility* and Ibram X Kendi's *How to Be an Antiracist* became bestsellers. Corporations dedicated themselves to social justice and racial justice.

¹ See, eg, '4 charged after statue toppled at Montgomery's Robert E Lee High School', *WSFA 12 News* (Web Article, 3 June 2020); Mark Katkov, 'Protestors Topple Jefferson Davis Statue in Richmond, Va', *NPR* (Web Article, 11 June 2020); Marty Johnson, 'Protestors tear down statues of Ulysses S Grant, national anthem lyricist Francis Scott Key', *The Hill* (Web Article, 20 June 2020); Mike Baker, 'Protestors in Portland Topple Statues of Lincoln and Roosevelt', *New York Times* (Web Article, 12 October 2020); David Williams, 'Protestors tore down a George Washington statue and set a fire on its head', *CNN* (Web Article, 19 June 2020); 'Thomas Jefferson statue toppled in Portland, Oregon' *CBS News* (Web Article, 15 June 2020).

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A new, more extreme brand of leftist thought has caught fire, consuming the old brand of left-liberalism. In an article for *Tablet Magazine*,² Bari Weiss observes:

No one has yet decided on the name for the force that has come to unseat liberalism. Some say it's 'Social Justice.' The author Rod Dreher has called it 'therapeutic totalitarianism.' The writer Wesley Yang refers to it as 'the successor ideology' – as in, the successor to liberalism.

At some point, it will have a formal name, one that properly describes its mixture of postmodernism, postcolonialism, identity politics, neo-Marxism, critical race theory, intersectionality, and the therapeutic mentality.

We call it 'Wokeshevism'.

II WOKESHEVISM

The defeat of communism in the USSR... by no means assures its defeat in the world. Indeed, the release of the West from its conflict with the East emancipates utopian communism at home from the suspicion of... affinity with an external enemy. The struggle for the preservation of western civilization has entered a new – and perhaps far more deadly and dangerous – phase.³

The end of the Cold War was the cause for celebration and hope in the

² Bari Weiss, 'Stop Being Shocked', *Tablet Magazine* (Web Article, 15 October 2020).

³ Harry V Jaffa, 'The Long Arm of Socialism', *The Claremont Review of Books* (Web Article, 27 April 2016).

West and around the world. In the fight against liberalism and communism, liberalism had prevailed. The above quote is from a speech Harry V Jaffa gave in 1991 and, at the time, could be considered alarmist. Not anymore. The war was only half-won. An opponent only gives up when they know they are beaten. The adherents of economic Marxism knew that they were beaten, but there were other forms of Marxism out there...

The term 'Wokesheivism' is a portmanteau of 'woke' and 'Bolshevism'.⁴ The term 'woke' is relatively new, but what does it mean? Helen Pluckrose and James Lindsay observe that the woke worldview:

[Stems] from a very peculiar view of the world – one that even speaks its own language in a way. Within the English-speaking world, they speak English, but they use everyday words differently from the rest of us. When they speak of 'racism', for example, they are not referring to prejudice on the grounds of race, but rather to, as they define it, a racialized system that permeates all interactions in society yet is largely invisible except to those who experience it or who have been trained in the proper 'critical' methods that train them to see it. (These are the people sometimes referred to as being 'woke', meaning awakened, to it.)⁵

Pluckrose and Lindsay continue:

They are obsessed with power, language, knowledge, and the relationships between them. They interpret the world through a

⁴ The earliest record of the use of this term that we can find is Frank Pineland, 'Bokhari: Activism Not Journalism - CNN Pressures Brands to Join Facebook Ad Boycott', *Disqus* (Comment, 1 July, 2020).

⁵ Helen Pluckrose and James Lindsay, *Cynical Theories: How Activist Scholarship Made Everything about Race, Gender, and Identity – and Why This Harms Everyone* (Swift Press, 2020) 15.

lens that detects power dynamics in every interaction, utterance, and cultural artefact – even when they aren’t obvious or *real*. This is a worldview that centres social and cultural grievances and aims to make everything a zero-sum political struggle revolving around identity markers like race, sex, gender, sexuality, and many others.⁶

Charles Pincourt and James Lindsay note that:

Woke is a term given both to a worldview and to the people who are initiated, and adhere, to that worldview. The worldview is known under several pseudonyms: the Critical Perspective, Social Justice, and the Critical Social Justice ... perspective.⁷

Lindsay notes:

The term ‘Woke’ refers to being ‘awakened’ or ‘woke up’ to the alleged realities of ‘systemic power dynamics’ that order society. These alleged power dynamics are said to create what sociologists call ‘stratifications’ in society, like kinds of upper and lower classes, depending on who has ‘privilege’ and who is ‘oppressed’ by various power dynamics like systemic racism (or white supremacy), systemic sexism (or patriarchy or misogyny), cis-heteronormativity, and so on. A certain unreality attends these arguments too, as these power dynamics are often described using dense technical jargon and making use of words in ways that seem at least slightly distorted from their original intended meanings. The Marxian flavour of this analysis – which sees them as structural and sites of necessary conflict – is also

⁶ Ibid 15-16 (emphasis in original).

⁷ Charles Pincourt and James Lindsay, *Counter Wokecraft: A Field Manual for Combatting the Woke in the University and Beyond* (Independently published, 2021). The term ‘Critical Social Justice’ is perhaps the closest fit for the ‘formal name’ noted by Bari Weiss, at least in terms of its intellectual worldview: see Weiss (n 2). As we note below, ‘Wokesheivism’ encompasses the zeal with which this worldview is imposed on all parts of society.

obvious but hard to pin down.⁸

Bolshevism is ‘the political theory and practice of the Bolshevik Party which, under Lenin, came to power during the Russian Revolution of 1917.’⁹ According to Richard Pipes, Bolsheviks embraced a philosophy of “merciless” violence ... that strove for the destruction of every actual and potential opponent’.¹⁰ They displayed ‘a philosophical inability to deal with opinions different from their own except by abuse and repression’.¹¹ For these reasons, Pipes adds, ‘they should be regarded not as utopians but as fanatics’.¹²

Bolsheviks rejected objective morality as a form of ‘bourgeois oppression’.¹³ For Bolsheviks, ‘all moral questions were ultimately subordinated to the Revolution’s needs’.¹⁴ They identified themselves ‘as a moral as well as political vanguard, whose messianic sense of leadership demanded that its members prove their worthiness to belong to that elite’.¹⁵ Orlando Figes notes:

Bolsheviks were expected ... to be involved in the daily practice of its rituals – its oaths and songs, ceremonies, cults, and codes of conduct – just as the believers of organized religion performed their belief when they attended church. But the Party’s doctrines

⁸ James Lindsay, ‘Forward’ in Charles Pincourt and James Lindsay, *Counter Wokecraft: A Field Manual for Combatting the Woke in the University and Beyond* (Independently published, 2021).

⁹ ‘Bolshevism’, *Oxford Reference* (Web Page).

¹⁰ Richard Pipes, ‘Did the Russian Revolution Have to Happen?’ (1994) 63(2) *The American Scholar* 215, 226.

¹¹ Ibid

¹² Ibid.

¹³ Orlando Figes, *The Whisperers: Private Life in Stalin’s Russia* (Penguin Books, 2007) 33.

¹⁴ Augusto Zimmermann, *Western Legal Theory* (LexisNexis Butterworths, 2013) 203. It should be noted that this paragraph is based on material previously published in this work at 203.

¹⁵ Figes (n 13) 33.

were to be taken as articles of faith by all its followers. Its collective judgement was to be accepted as Justice. Accused of crimes by the leadership, the Party member was expected to repent, to go down on his knees before the Party and welcome its verdict against him. To defend oneself was to add another crime: dissent from the will of the Party.¹⁶

‘Wokesheivism’ thus denotes the woke’s revolutionary zeal to impose their worldview on all parts of society, and to crush any dissent.

III CRITICAL THEORIES

I do not, frankly, think that the [academic left] have superior ideas. Rather, they have something that may be more important for having an impact on the way things are actually done. They have more energy and enthusiasm, not to say fanaticism and intolerance. In the long run these may be more effective in changing universities than rigorous arguments.¹⁷

The above quote was taken from an article that John Searle wrote in 1993. His statement has proven prophetic. However, it has especial

¹⁶ Ibid 34. This may explain why so many Bolsheviks surrendered to their fate in the purges under Joseph Stalin in the 1930s, even when they were innocent of the crimes of which they stood accused: at 33.

¹⁷ John R Searle, ‘Is There a Crisis in American Higher Education?’ (1993) 46(4) *Bulletin of the American Academy of Arts and Sciences* 24, 41. Searle spoke of a conflict between ‘traditionalists’ and ‘challengers’ in the teaching of the humanities. At 24-25, Searle noted that the ‘challengers’ were:

[A]uthors from a variety of points of view: Marxists, feminists, deconstructionists, and people active in ethnic studies and gay studies, as well as many former 1960s-style student radicals who are now middle-aged university professors. Most of these opponents... in spite of their diversity, are of the left-wing political persuasion, and they tend to write in tones of moral outrage - the outrage of those who are exposing vast and nameless oppressive conspiracies - which we have come to expect from the academic left since the 1960s.

poignancy for the legal academy, for it is here that key theories driving Wokeshevism were nurtured. Drawing on Critical Theory,¹⁸ Critical Legal Studies gave rise to Critical Race Theory ('CRT'),¹⁹ which is now perhaps the most influential of the 'critical theories'.²⁰ As one of CRT's founders, Angela Harris, observes:

[CRT] has exploded from a narrow sub-specialty of jurisprudence chiefly of interest to academic lawyers into a literature read in departments of education, cultural studies, English, sociology, comparative literature, political science, history, and anthropology around the country.

Given its role in Wokeshevism's creation, it is incumbent on the legal academy to play a role in combatting it. This volume of *The Western Australian Jurist* is intended to help with this task.

IV THE TYRANT LEFT

What do we mean by the 'tyrant left'? Here, it is useful to distinguish between the 'tyrant left' and the 'free left'. Both the tyrant left and the free left adopt left-wing political positions. However, the distinguishing characteristic of those in the free left is their commitment to fundamental freedoms, especially freedom of expression. They are willing to engage in debate, and are prepared to adopt a 'live and let

¹⁸ Jay M Feinman, 'The Failure of Legal Education and the Promise of Critical Legal Studies' (1985) 6 *Cardozo Law Review* 739, 757.

¹⁹ Brian H Bix, *Jurisprudence: Theory and Context* (Sweet & Maxwell, 7th ed, 2015) 238.

²⁰ Angela Harris, 'Foreword' in Richard Delgado and Jean Stefancic, *Critical Race Theory: An Introduction* (New York University Press, 3rd ed, 2017) xvi.

live' position to those with whom they disagree.

The tyrant left, however, is distinguished by its disdain for fundamental freedoms, especially freedom of expression. (In our view, the disdain for freedom of expression is one of the 'tyrant tells'.) Hence, they have no hesitation using any of all of the tools of 'cancel culture': ostracising, deplatforming, sacking, or encouraging others to do these things. Further, they support laws (such as "hate speech" laws) to prohibit speech they don't like. Finally, the tyrant left is totalitarian: there can be no 'live and let live'. Everyone in society must accept their views or be punished by society, the state, or both.

The tyrant left has had other iterations, such as Bolshevism and Maoism. Wokeshevism is but the latest one.

Wokeshevists no doubt think they are serving good by fighting oppression wherever it is found (which, apparently, is everywhere). However, this brings to mind the following quote from CS Lewis:

Of all tyrannies, a tyranny exercised for the good of its victims may be the most oppressive. It may be better to live under robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometimes sleep, his cupidity may at some point be satiated; but those who torment us for our own good will torment us without end, for they do so with the approval of their own conscience.²¹

We also question whether Wokeshevism actually serves good. All manner of state and societal measures are justified to fight "oppressors". There appears to be no limiting principle to Wokeshevist actions, apart

²¹ CS Lewis, *God in the Dock: Essays on Theology and Ethics* (William B Eerdmans Publishing Company, 1970) 292.

from (maybe) ‘defer to those more oppressed than you’. This leads to what has been described as ‘Oppression Olympics’: a competition to see who is more oppressed.²² Pluckrose and Lindsay note that contests over who is more oppressed create a ‘caste system of social justice’.²³

To recall what Bari Weiss said earlier in this introduction, left liberalism is being subsumed by the ideology that we have called Wokesheivism. We hope this volume of *The Western Australian Jurist* is useful to those who value liberty, including those on the free left.

V AN OVERVIEW OF THIS VOLUME

This volume of *The Western Australian Jurist* is split into three sections. The first section deals with the topic of Wokesheivism. The second section contains general articles. The third section contains a book review.

Here is an overview of the chapters in the first section:

- Professor James Allan remarks that he is spoiled for choice when writing about Wokesheivism. However, he settles on discussing the High Court of Australia’s decision in *Love v The Commonwealth*,²⁴ which he describes as ‘wokeness on steroids’. (We note that since Professor Allan wrote his chapter, the Coalition government under Prime Minister Scott Morrison sought to overturn *Love*. However, the new Labor government under Prime Minister Anthony Albanese

²² See the discussion in Joshua Forrester, Lorraine Finlay and Augusto Zimmermann, *No Offence Intended: Why 18C is Wrong* (Connor Court, 2016) 232-238.

²³ Pluckrose and Lindsay (n 63) 128-131.

²⁴ [2020] HCA 3; (2020) 270 CLR 152 (‘*Love*’).

dropped the case.)²⁵

- Dr Kevin Donnelly AM covers the impact of Critical Theory and cancel culture on higher education. Moves to ‘decolonise’ the curriculum have undermined the search for wisdom and truth that once characterised a liberal education. Fortunately, Dr Donnelly notes signs of resistance to this trend.
- Professor Anthony Gray examines the use of postmodern CRT to justify restrictions on freedom of speech. Noting that all sides of politics should support freedom of speech (but are not doing so), he calls for strong speech to defend it.
- Peter Kurti argues that Critical Theory significantly influences public discourse in Australia, and that it threatens liberal traditions of tolerance and liberty. He examines the flaws in Critical Theory, and provides principles to guide responses to critics who condemn Australia as systemically racist, misogynistic, homophobic, and colonial.
- Michael McMahon traces the intellectual origins of ‘Cancel Culture’, noting the influence of Sigmund Freud, Friedrich Nietzsche, Karl Marx, Antonio Gramsci, Michel Foucault and the Frankfurt School. He uses the concept of ‘vision’ to determine what drives Critical Theory and Cancel Culture, and evaluates the latter’s effects on society.
- Alex Millard and John Steenhof examine the influence of Critical Theory on certain Australian vilification laws. They argue that these laws are strongly connected to core principles of Critical

²⁵ Paul Karp, ‘Labor drops Coalition bid to overturn high court ruling that Indigenous Australians can’t be aliens’, *The Guardian* (Web Article, 28 July 2022).

Theory. However, these principles are antithetical to a healthy democracy and a free exchange of ideas. Hence, vilification laws risk suppressing debate and eroding Australian democracy.

- Professor Gabriël Moens AM discusses two interrelated aspects of Wokesheivism, the Black Lives Matter ('BLM') Movement and CRT, in the context of the destruction of monuments and statues. He notes that the BLM Movement aims to eradicate endemic racism, and that CRT argues that non-white people experience systemic discrimination. However, both the BLM Movement and CRT reintroduce race as a defining characteristic to divide society.
- Professor Steven Samson considers the state of Western civilization in light of the decline of its Christian faith. Now that cultural revolutionaries have come to claim Western civilization, whether it endures depends on the mettle of those who inherited it.
- Professor Augusto Zimmermann²⁶ examines the influence of Marx on Adolf Hitler and the Nazis. He argues that Marxism prepares the ideological mindset for state-sanctioned extermination of people on a massive scale. He notes the obvious similarities between Marxist class-warfare that destroys people because of social class, and Nazi race-warfare that destroys people because of ethnicity.

Here is an overview of the chapters in the second section:

- Andrew Kulikovsky examines the assumptions and claims supporting legislation banning 'conversion therapy' in certain Australian jurisdictions. He argues that these assumptions and claims are without foundation, and those supporting such bans

²⁶ Please excuse us for referring to ourselves in the third person when describing our respective contributions to this volume.

have become increasingly intolerant and authoritarian.

- Professor Robert P George addresses questions of natural law, the natural law theory of human dignity and of human rights, the role that ideas and beliefs about God and the divine will play in natural rights, and whether natural law theories are fundamentally concerned with rules or with virtues. He also addresses distinctions between new natural law theory and other natural law theories, and between new natural law theory and utilitarian and Kantian theories.
- Laurie Stewart compares four major worldviews and their impact on laws regarding the treatment of women. These worldviews are Islam, Hinduism, Atheism, and Christianity. She argues that Christianity is the only worldview that offers the best hope for recognising the value, dignity, worth and equality of women.

In the book review section, Joshua Forrester returns to the subject of Wokeshevism by reviewing *Cynical Theories: How Activist Scholarship Made Everything about Race, Gender, and Identity – and Why This Harms Everyone*, and *Counter Wokecraft: A Field Manual for Combatting the Woke in the University and Beyond*.

VI LOOKING AHEAD

The topic for the next volume of *The Western Australian Jurist* is, simply, *Against Tyranny*. Exploring this topic may well provide an opportunity to revisit the topic of this volume, as well as that of the last volume (*Fundamental Rights in the Age of Covid-19*).

As we said earlier, the legal academy has a role to play in combatting Wokeshevism. We hope this volume of *The Western Australian Jurist* will help identify issues with it as well as ways to combat it peaceably. As Forrester notes in his book review, this fight ‘will take place in workplaces, classrooms, boardrooms, bureaucracies, and in all forms of media, arts, and entertainment.’ Our opponents are determined, but they are far from unbeatable. Let’s get to work.