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Opinion

# Allen Mendenhall: What would Aristotle say about Alabama's 'anti-DEI' legislation?

[Allen Mendenhall](#) | 11.02.24

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Why would an ancient Greek philosopher opining about virtue and the good life offer the most compelling defense of Alabama's controversial, so-called "anti-DEI" legislation (formerly Senate Bill 129, now enshrined in the Alabama Code)?

The answer lies in Aristotle's "Nicomachean Ethics," which speaks with surprising relevance to this statute's central goals.

Aristotle emphasized that moral judgment should be directed primarily at voluntary actions. He posited that moral worth involves willing choices: For an action to be genuinely virtuous, it must be performed knowingly and selected for its own sake.

His test was simple but demanding: True virtue flows from character, which emerges through habitual practice. Fine sentiments count for little unless they march in lockstep with right action. We judge the heart by studying the hands – what people do, not just what they claim to believe.

In contrast, today's DEI initiatives focus on external attributes like race that are immutable and beyond an individual's control, thereby lacking any intent. Without intent, moral virtues or vices cannot be ascribed.

Within the DEI framework, actions are secondary; moral judgment is more concerned with the identity – specifically, the race or ethnicity – of the person acting rather than the nature of the action itself.

We are now entering a period when identity politics has abandoned philosophical nuance in favor of reductive categories of oppressor and oppressed, colonizer and colonized, privileged and marginalized. This shift places political group identity above individual talent, merit, distinctiveness and virtue, emphasizing emotional responses and victimization over reason, discernment and the pursuit of truth.

Equipped with Aristotle's framework of voluntary action and moral judgment, we can better assess leading criticisms of the statute. A trifecta of objections has emerged, namely, the law tramples academic freedom, provokes a faculty exodus, and undoes hard-won social progress.

These grave pronouncements, upon inspection, prove to be more thunder than rain.

Let's start with the allegation about academic freedom. In reality, the statute *protects* the freedom of students, faculty and university staff to embrace their own beliefs without coercion. It prohibits public universities from *mandating* that individuals affirm or adhere to "divisive concepts." It bars these institutions from punishing or discriminating against anyone who declines to sign diversity pledges or expresses dissenting views. It allows professors to affirm their beliefs in divisive concepts as long as they don't force them on students.

The legislation also bars universities from requiring personal disclosures about views on divisive concepts, fostering an environment where people no longer fear ideological inquisitions or pressure to adopt beliefs with which they disagree.

Far from threatening academic freedom, this law *defends* the autonomy of students and faculty. Professors may continue teaching and researching without fear of retribution, while students can form their own views without coercion. In an era of growing censoriousness on campuses, these safeguards facilitate the open exchange of ideas.

One University of Alabama at Birmingham (UAB) professor ironically critiques the law on academic freedom grounds. “I can only imagine what the Sorbonne (university) professors would do if any of the French politicians even dared to mention what books should be used in their courses,” she complains.

*Au contraire!*

This invocation of French academic independence backfires spectacularly. After all, French President Emmanuel Macron – hardly a right-wing figure – has publicly condemned American-imported “woke” ideology and its racial obsessions, finding broad support among French intellectuals for his stance (see [here](#), [here](#), [here](#) and [here](#)).

“If the fight against wokeism has so many backers in France, it may well be because the ideology cuts against the colorblind ethos of France’s Fifth Republic,” *Politico* explains. “Unlike in the United States, where people are commonly asked to self-identify as a given ethnicity, such questions are illegal in France and are seen as a form of racism.”

Far from supporting the UAB professor's argument, the French example more closely aligns with Alabama's position.

*Et voilà!*

Besides these dubious remonstrations about academic freedom is the clamor over a purported flight of professors from Alabama in response to the legislation. This outcry betrays a striking misunderstanding of the academic job landscape.

The decline in tenure-track positions for humanities doctorate-holders is well-documented; many qualified candidates face the stark reality of adjunct work or temporary postdoctoral roles. In this challenging market, the notion that dissatisfied faculty can simply move to greener pastures overlooks the scarcity of alternative opportunities.

The figures underlying these claims of faculty outflows also warrant scrutiny. The American Association of University Professors conducted the survey and has clear ideological leanings (see [here](#) and [here](#)). To present its findings as representative of Alabama's entire academic community overstates its scope and misleads readers by suggesting a broader consensus that doesn't exist.

Finally, the contention that this law somehow reverses hard-won progress on matters of race is precisely backward. In truth, the statute embodies the essence of Martin Luther King Jr.'s inspiring dream: one day, his children and all children will be judged not by their skin color but by their character's content.

The legislation prohibits *taxpayer-funded* instruction promoting racial hierarchies, endorsing racial discrimination, holding that racial identity determines moral character, maintaining that specific races are inherently prejudiced, or requiring racial apologies.

Back to Aristotle.

Astute naysayers may cite his defense of slavery, a position shaped by the norms and conditions of 4th-century B.C. Greece. Yet his philosophy laid the groundwork for future emancipatory movements, even if antebellum polemicists enlisted his name and logic in pro-slavery propaganda. His emphasis on human reason and potential, however, introduced ideas used to dismantle systems of bondage.

Aristotle reminds us that virtue is not bestowed by racial or ethnic taxonomies but cultivated through conscious, intentional action – timeless wisdom that transcends the narrow boundaries of contemporary identity politics. True character develops from individual choices.

Now, go forth and act deliberately.

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