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## 'The Ways of Judgment': Part 3—Imperfectibility (with Susannah Black)

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### Alastair Roberts

Susannah Black (Plough, Breaking Ground) joins me for the third part of our discussion through Oliver O'Donovan's 'The Ways of Judgment'. If you are interested in following along, I highly recommend that you purchase a copy of the book here: <https://amzn.to/2ZeXFXW>.

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### Transcript

Hello and welcome back to the third of our discussions of The Ways of Judgment by Oliver O'Donovan. This is chapter two of the book, Imperfectibility, and joining me again to discuss it is Susannah Black of Plough and Breaking Ground, who has all sorts of thoughts on this book that I'm going to try and get out of her through my questions. We're going to jump straight into the discussion with the issue of a realistic and idealistic idea of judgment.

So when we talk about judgment, there is this problem of relating the coercive aspect and the discerning aspect. Do you want to explain a bit more about that, Susannah? Sure. He divides those two into thinking about the coercive aspect of judgment, which is the action of the king or the executive or the police, and the discerning aspect, which is the action of the judge.

His big question is to what degree those two can be unified, I think, or at least that's one of his big questions. When they're unified, it seems to me that his vision is essentially there's little use for coercion because the word of judgment is so persuasive that it acts as its own internal coercer of the person who is being persuaded. And so there isn't crime, or if there is crime, the criminal voluntarily gives himself up and accuses himself accurately and repents.

So he's looking at two different ways of understanding what the relationship between those two things is. And he describes them as the idealist and the realist vision of the relationship of those two powers of rulership or politics or judgment. Does that sound about right to you, Alistair? Yes, I think so.

His description of what he calls the first stirrings of this is of realism, particularly the coercive act as the voiceless complement to an otherwise impotent word, as he calls it. He describes that in Marsilius. When we're talking about this sort of thing, much of it comes down to the question of what does the act of judgment consist in? Can it go all the way into, as it were, rational force? So he presents the example of Eusebius of Caesarea, the way that he presents Constantine's military victories as the triumph of rationality.

That's a pretty grand way of thinking about them. And it presents the force that comes with military strength as something that is in continuity with the act of judgment. On the other hand, you have someone like John Wycliffe of Oxford in the 14th century, who thinks of judgment primarily as contemplative.

And then the judge, having this contemplative judgment, can then have the king as his complement, who will actually carry it out with some sort of coercion. But ideally, this contemplative judgment is an alternative to coercive judgment and government. And that you wouldn't necessarily need any coercion in, well, certainly, obviously, in the unfallen state, you wouldn't need any coercion.

But his sort of realist understanding is that you shouldn't really expect to be able to operate without coercion in the world as it is. And that coercion always signifies a kind of a failure, in a way. Does that, is that what you think? This is like one of the things that I couldn't quite figure out.

Does he consider coercion to be a kind of failure of reason or a kind of fit? This is not how it ought to be. It ought to be the case that we are all persuaded by the reasonableness of good laws that match the natural law. That's certainly how he's characterizing the idealist tradition.

So he says, coercion, according to the idealist tradition, is not essential to judgment. It is an ancillary for a less than ideal world, an accident that befalls the act of judgment. So in an ideal world, we'll just have the force of the truth itself.

That will be enough to affect what the law speaks of. So, I mean, the question that I have is that how we can act ideally in a non-ideal world, like we could act sort of with, hypothetically, we could act very well in a non-ideal world. And sometimes that acting well does involve coercion.

And to fail to coerce would be to fail to act well. And that seems to me to be something that he doesn't, I'm not sure where that lands for him. I don't think he's dismissing that element of coercion.

It's more the way that he's characterizing these two different traditions. So on the one hand, you have the idealist, an extreme idealist, and someone like Eusebius, and his understanding of war in the name of Christ as being an act of reason. Then on the other hand, you have Augustine who sees the act of war as something that may be necessary in a fallen world, but it's something that can only be weighed with tears.

And then the sort of even further down the road of that, I guess, scale would be Niebuhr, who basically completely divorces the use of force from the use of reason. And he says that, yeah, you sometimes have to fight the Nazis, but it's basically evil. And you're fighting, or at least it's like, it's not, it is not good.

It's not virtuous to fight. And that seems to me to be a sort of hyper-Augustinianism in a way. I think what he's concerned with in these first few pages is just to set up that problematic.

So he talks at the very end of page 15 as follows, the realist critique of idealism is that it fails to acknowledge the brutal rupture implied in the transition from speech to action. The idealist critique of realism is that it allows too little distinction between rational force and irrational violence. Right.

And that would be the idealist critique of Niebuhrianism, that it thinks Niebuhrianism or this Augustinianism is a kind of like, it doesn't see the difference between force and violence. It thinks that all force is violence. But in fact, some force can be not a violation, can be a restoration of something that was violated, for example, or prevention of violation.

Yes, there's not a direct symmetry between the person who takes the life of another in murder and the state that takes that person, that murderer's life, the death penalty. And there's certainly, I mean, to an even more, to a greater extent, there's definitely not a mirror image in, you know, somebody who tries to hurt a child and somebody who punches that person out to prevent them from doing so. Yes, we can maybe think of some of these things in the context of, for instance, the way that you teach a child, there has to be some sort of coercion exercised when you're raising a child on occasions.

The child is not going to listen to everything that you say. There are certain occasions

where you have to intervene to break up a fight, to stop a tantrum, to stop the child from running into the street, whatever it is. And that act of coercion, how do we see that relative to the act of judgment? Is there a way in which that act can be rational? Not just a question of can it be justified, but can it be seen as rational? Is it just a falling away from the ideal or could it be thought of differently as a step towards the ideal? I mean, if you're asking me, I think I would tend to think of it as a step towards the ideal in the sense that if you're, you know, we are in, practical reason is deciding what to do in the situations that we're in, you know, as we love the good, as we sort of live as human beings.

And to be passive in the face of, you know, a kid who's about to run out into the street or a kid who is throwing a tantrum in the middle of the store. And to just, so take the example of the kid who's running out into the middle of the street to let the kid do that is not in any way more morally elevated than to grab the kid back. And it's not a failure of reason.

It is a successful operation of reason that carries over into the physical action of grabbing the kid. It seems to me in almost precisely the same way that like it's a successful operation of reason that carries over into the physical world to feed a hungry person. Like you don't just persuade a hungry person to feel fed, you actually physically give them food that you made and worked for.

And it seems to me that grabbing a kid back from getting run over by a car is a kind of similar expression in the physical world of reason precisely. And when we think about actions more generally, we undertake actions with reason. And there are occasions when we're not at that stage in our development where we can act with reason.

And so reasons must be provided from without, whether by instruction requiring obedience, or whether sometimes by coercion, where a reasonable course of action that we're resisting, or that we're unaware of, we have to be forced into that in some way. Now, the question of how to see that I think, can be viewed from both perspectives. I think it's reasonable to express that sort of coercion on occasions, but certainly not ideal to be subject to that sort of coercion.

The ideal presumably is that we would be able to direct ourselves from within ourselves, having been instructed from without, but we take that instruction, and we are internally persuaded, and those reasons for action are not imposed upon us from without, but are those that we apply from within. So it seems to me that there is something here about the disjunction between the ideal, and the actual reality that needs to be taken account of. I think that's right, but I also think that, well, I mean, it's interesting to me to sort of think about like what Jesus was like as a toddler, in the sense that, to what degree is this a question of sin and fallenness, and to what degree is this a question of development? And I don't know the answer to that, but it is one of those things that comes up, like did

Jesus have tantrums? Maybe not, but I think he probably did run into the street, because he wasn't, you know, you're not as like, even as the best-willed toddler in the world, you're just not as aware of your surroundings.

And so I do think there needs to be a distinction that we at least hypothetically make between a developmental stage and fallenness, and then within fallenness, I mean the growth in virtue of fallen people, this is kind of a much larger question, and I'm kind of like going off into the stratosphere here, but like it, I do wonder often about like what the growth in virtue of unfallen people is like, and whether that's even a thing that we can think about, but he's not speculative in that way in this chapter. I mean if we were to get speculative, because he doesn't, and it certainly seems that there could be such growth in the same way as a child's inability to act according to reason is not just a result of sinful rejection of reason, but also a result of their immaturity, the fact that they have not yet attained the level of reason by which they would even be able to reject anything sinfully. They're not of the age of respect.

And I mean there is the whole, there is whatever that line is in the Gospel of Luke, where it says that Jesus grew in, he came back, it's right after he was teaching in the temple, right, Luke 2.40, the child continued to grow and become strong, increasing in wisdom, and the grace of God was upon him. So like the idea of increasing in wisdom, with wisdom being a kind of the ability of reason and of love of the good to work through, for you to be able to appropriate that and to make decisions based on it, is something that even Jesus grows in, which I feel like is at least a little bit of a pointer towards an answer there. So we can see reason operative in the parent who grabs their child back, or the parent who disciplines their child for some act of disobedience that is of a more willful and sinful kind, but that reason is occasioned by a dearth of reason elsewhere, and in an ideal world the word of the parent could be taken in by the child, would suffice to actually direct them towards the good.

But in the world, I mean again in the world that we're in, a lack of that, a lack of setting boundaries, even physical boundaries, is even perceived by children, I think, as a lack of love, even if they don't immediately perceive it that way. Certainly in retrospect, you're aware of your parents even giving you timeouts or whatever, as a sort of a structure of reality pushing the world, the external world, the moral world, and the social world, pushing back against you in a way that feels good, it feels better than just having your own will. It certainly seems to be the case where kids often will push the boundaries and they don't necessarily want those boundaries to give way.

They may in the short term, but in the longer term it doesn't necessarily make them happier. Knowledge that there is a secure boundary there that will resist all their pressure that they're throwing against it, yeah, is somewhat reassuring. Yeah, extremely I would say.

So moving on a bit, he talks about the way in which that act of judgment that would maybe come down to the contemplative aspect, how does truth correspond to the object concerning which we're judging? And there he talks about the adequacy theory of language or definition of language, that language has to be adequate to something, however we're going to define that term. There needs to be some specific correspondence between or adequacy between the two, not a straightforward correspondence, as people will often talk about as an alternative theory. And then the way in which an action of language comes from that, did you have any thoughts on that particular aspect of his discussion? This was another one that I really struggled to wrap my mind around.

I mean, he seems to be sort of using this as a way to springboard into talking about the kind of imperfection of a given law in a given society. But I mean, he makes the claim that objects are not known to us apart from our reference to them through language, which I feel like this is one of these, I don't know, contemporary philosophy commonplaces that I'm not sure that I agree with. And he seems to be talking about the way that you can, like we need to be able to describe actions correctly, in order to be able to judge them.

Like if you're describing an act as murder, that word has to correspond to the moral reality. But I'm not sure that I understand why he's saying that we wouldn't be able to perceive the moral reality outside of the description. Is that, am I at all getting this right? What do you think? Well, one of the things he's trying to get at, I think, is the way in which you can point at something, you can say this or that with language.

But there is something about the description and moving into an act of discrimination that's really important. And it's that discrimination where you declare what kind of action something is. So you declare that something is an act of murder.

And now there are many different things that might have the character of murder. It's not the same sort of judgment as you have when you say this or that. It's not the same sort of identifying term.

It's rather saying that this belongs with a certain class or category of actions. It's an action of this particular type or kind. And that is a necessary aspect of the process of judgment.

And judgment also in that far broader sense of arriving at an understanding of something. So, I mean, the way that I can kind of get my teeth into this is by thinking about, imagining a situation where, say, for example, a woman is abused. And she is abused for many years.

And finally, she is pretty sure that her husband is going to hurt her again. And she kills him. And part of what one asks is, do you call that murder? Or do you call it

manslaughter? And obviously, depending on the particular circumstances under which that happened, you would call it something different.

And he's saying that it's possible to get that wrong. And we should aim to get it right. And that aiming at that, getting it right, getting the description of the action right, is part of judgment going well.

Is that what you think he's getting at? Yes, he does distinguish between description and discrimination. So, there would be a lengthy process of discrimination where we're trying to get the very specific shape of the action in our sites and to narrow it down. So, you'd be describing every single aspect of the case and the mental states, perhaps, of the people going into it, their motivations, the ways in which things were or were not premeditated, thinking about the different witnesses, all these sorts of things to try and get a very clear notion of the shape of the action.

And then, at that point, a discrimination must be made. And that discrimination is not so much a process of deliberation and description, it's an act that is taken that divides between things. So, it will say, this person is a criminal, that act was a criminal act.

And in that description, there is a judgment being declared that is an act being performed. It goes beyond the mere act of description. The description is preparatory for that.

Right. And this gets back to sort of his, the question of like how well we can do that, or what it means that we're doing that, or how provisional that is, gets back to the question that he throws out at the beginning of the chapter, which I think is kind of framing all the rest of it, which is, can the human word affect what it signifies? Are we given to renew the life of human communities by a word of truth? Or is this an unattainable ideal from which we have to fall back on the messiness and compromise of politics? And so, that discrimination, that moment of like actually saying this was a murder, or this was a manslaughter, is potentially that moment when the community is renewed by a word of truth, I think. And part of what he's getting at here is the importance of the closure that that act of discrimination brings.

It's a making up of the mind, a closing of the case, as it were. So, with that closing of the case, there is a settled determination of what kind of action that was. That action is not up for being reconsidered, and its character constantly revised and re-evaluated.

It has been determined to be of a particular kind, and as a result, that action has a closed character that is a fitting object of judgment. Which I think... He contrasts this with the idea of an action that was always up for revision. It would never be completely closed.

There would always be a way of re-litigating the situation. It would always be shifting,

even in our rear view mirror, long back, it would be changing its character following later revisions or reconsiderations. And that action could never be closed, it could never be a true object of judgment.

Right. And he says that that sort of perpetual shifting and lack of closure is characteristic of totalitarian societies. And I was trying to think of why that would be.

And I think it has to do with the fact that when you've done something that might lead you to be under judgment of the state or the government, you're potentially under the power of the government. And once that judgment has been made one way or another, you're either under the power of the government in a different way or you are completely released. And you're not perpetually under this potential... You're not sort of like perpetually under the thumb of being brought back in for, let's just do another round of questioning.

It's not just double jeopardy, it's this sort of perpetual jeopardy. Yeah. If some new faction of the government gets into power, what was lawful one day becomes unlawful.

And your action, even though it was performed several years ago, has changed in its character as a result of the new decisions of the government. And so you might be brought in for questioning, you might be sent to Siberia, whatever it is, even though that action seemed closed, even though it was legal according to the laws of the time, as new laws are put into place within that totalitarian government, that action which seems closed is actually open. Yeah.

This seems different to me than, for example, DNA testing revealing someone to be innocent. That's not a similar reopening of the can of worms that you thought was closed, because it's not on the basis of a new interpretation, or a new version, a new kind of guilt or innocence. It's just on the basis of a change in fact.

Yeah, it's not that constant revisability that you have within totalitarian society. What does sort of, this is a bit difficult to talk about, what does seem to me to be a little bit closer to that kind of infinite revisability is the kind of changing standards of wokeness of various kinds that we sort of seem to be undergoing. And I think there are some, it's not that all changing standards are bad.

I think we can get towards, it was objectively a worse and less correct state of society when people thought that, when white people thought that Black people were natural slaves, or were less human or something like that. And so that change is good. But something like, I feel like the changing grounds on which we judge someone to be not sexist, or the changing grounds on which we judge someone to be not oppressive towards others on sexual matters, that seems to me to be closer to this perpetual revisability.



I mean a good example of this is the retrospective cancellations of people who were merely acting according to things that were the absolute norm for their time, and wouldn't have been seen as objectionable in the slightest. Even a few years ago, we can look back and people can be cancelled for something that they said five years ago, when it was just about everyone was saying the same sort of thing. Yeah, and I think it's a complicated question because you know, I do think that there is such a thing as kind of unjust customs as well as unjust laws.

And we can sort of retroactively say, wow, Jim Crow was an unjust custom. We can rightly judge people, I think, for participating in something that was very normal. Although I think one ought to be a little bit more, you know, gentler than, like, you're kind of a worse person if you invent Jim Crow whole cloth in a basically non-racist society.

But so I do think, I do want to like, hold on to the idea of like objective morality and customs as well as laws that can correspond to it more or less, as they, you know, correspond more or less to the truth about human beings. But at the same time, you know, there is a sort of, we should probably look at what everyone else was doing before we decide that this person is now apprehensible. Probably gets us into some of the area that he talks about in the importance of contextualization.

So a judgment involves a true description and that implies some sort of what he calls reflexive contextualization. So he gives the example here of the woman caught in adultery in John chapter eight. So the woman caught in adultery is, she has genuinely been caught in No one disputes that fact.

She has been, she's guilty in that respect, but she is spared. Not because she is not guilty, not because Jesus opposes the law, but because were that judgment to be exercised by that particular group of people, justice would not have been done. Partly because, so there's two different ways to understand this and I'm not really, that's obviously one of them.

And it's kind of like saying that when a judgment is hypocritical, it's not a real judgment. Like it can tell the truth about the moral reality, but it doesn't tell the complete truth because part of that truth is the truth about the judge as well as the judgee. But he also seems to be talking in the same section about a kind of a relativism, a good kind of relativism.

That's not just that, but also something like, that I guess I associate a little bit more with Aristotle or St. Thomas, which is, we need the right law. The right law is the right law for that society. And it's kind of like what that society can take.

So for example, St. Thomas will argue that it's, it would be wrong to outlaw prostitution because it's too embedded in the civilization of Paris of his time. Is that also kind of what

he's getting at or am I importing that from other stuff? I think that's part of what he's getting at. And I think it also relates to a number of other questions such as the relationship between judgment and efficacy.

If efficacy is a condition of good judgment, then if there's no real way of effectively enforcing a law, then it is going to be a bad law. It will bring disrespect upon the law itself. It will be seen that the law is not able to affect its judgments.

And so even if the thing is wrong, even if it's morally to be condemned in such a society, it would not be right to, to have a law against it. Even though in a society which did have the means, ideally you would be able to judge it. You want to move towards a point where you would be able to have laws against it that were effective.

There is always that question of effectiveness of law. If law is not effective, then even if the law is morally right, it's, there's something deficient in it and it is not a good law. It almost isn't a law.

It's, it, so he's very, again, he's just very anti-prophetic. He's not a fan of a prophet. And I'm trying to, the way, the flavor of his not being a fan of prophets, or at least not in this context, has to do, I think, with his sense that rulers and judges need to not abandon their people.

Like you are given to rule and judge this people and you can't leave them behind in your quest for moral purity. And. The sort of reformation without tearing for any approach.

Yeah, exactly. And that, that is something that he just sort of viscerally repudiates because the point is to, I mean, the point of judgment, the point of politics is to draw the people being ruled towards the good. And if you're not doing that effectively, even if your laws are absolutely perfect and you yourself are speaking the absolute moral truth, then you're not being a good ruler.

You might be being a good, you know, ideologue. Another good example of this that he gives from the gospels is the law that Moses gave for divorce. Jesus says that it was given for the hardness of their hearts.

But Jesus does not say that it was a bad law. It was the right. And he goes on to say, we should not take him to mean that the mosaic law was from a moral point of view, a second best law.

This regulative arrangement rather was the right way to condemn divorce because it told the truth about the Israelites hardness of heart. Right. And I, again, I just there, there's part of me that pushes back against this.

I mean, I'm very drawn to the idea of not doing the reformation without tearing for anyone. So the idea of we're, we're committed to doing good for this community and to

not leaving anyone behind or leaving as few as few people as possible behind. And therefore, we don't cancel people.

We keep talking to them. We don't, you know, go, go off maybe to lighten and then to new England, just for example recording this on black Friday, the day after Thanksgiving, leaving everyone else behind to form our perfect community. But at the same time, I'm really what he's, when he gets down to specifics, he actually talks about two different laws.

He talks about the law of eugenic permitting eugenic murder in the Netherlands. And then he talks about decriminalization of suicide. And he sort of seems to be saying that the decriminalization of suicide is actually a good thing.

And I'm not really sure that I agree with that. And, and like, it is objectively true that suicide is wrong. And to make a law, even though it's kind of nicer to decriminalize it does seem to me to be, he seems to me to be sort of potentially at least downplaying the role of the law as a teacher.

Because if you keep accommodating a lot to the people that you're trying to rule, you will eventually kind of, you'll let them have their head, and you should not let them have their head. He does highlight the fact that the law continues to disapprove of suicide. Most especially in the way that it remains a serious offense to counsel someone to assist a suicide.

It's true. It also, the other sort of question that this section brought up for me was, what would he say about Creon? So he talks about, he talks, well, this is sort of like getting into the next bit, which I'm not sure if you want to go to yet, but he talks about once a law has been or once a decision has been made, once a judgment has been passed, the community then takes that decision, that judgment as a new pattern for its life. And you kind of leave behind the iffiness that you might have felt before that.

And this seems to be, to me, to be a pro-Creon stance, or at least potentially pro-Creon stance, in the sense that you could read Creon as in Sophocles' *Antigone*, the king of Thebes, who, after Antigone disobeyed, or against the law, buried her brother who was in a rebellion against against the king, declared her action to be basically subversion or insurrection against the state, and had her condemned to death. And there's this very famous kind of back and forth between them in the play where she says, you've passed this law against me burying my brother, but your law doesn't match the natural law. The natural law is that I ought to bury my brother as close to full honors as I can.

And you can make whatever law you want, but the gods don't recognize that. And it's the basis of that kind of argument is the same kind of argument that, for example, Martin Luther King makes when he says that an unjust law is no law at all. And I just feel as though, as much as I want to allow for a kind of decisionist moment and a kind of the

community being bound by the judgment of the king or by the judgment of the judge, I still want there to be able to be civil disobedience, essentially.

Do you think that you would allow for civil disobedience? I think you would. I think the question though is, well, part of it is just getting at the nature of judgment itself. I think the other question is getting at some of the perfectionism of law that I mean, a good example of this is let's get back to the example of Moses and the law concerning divorce in a sinful fallen society.

There will be divorce and divorce will be necessary because of abuse and abandonment and other things like that. It's not something that you can just wish away. It's part of the reality of a sinful world.

Now, Jesus can talk about the fact that divorce is not God's original intention, that what God has joined together, let no man separate, et cetera. But how is the law going to deal with a situation where many people are in such a condition, where divorce may be necessary and the appropriate thing to do in certain situations, and where people who are divorced might consider them to be themselves to be beyond the reach of God's grace? That I think is where the question of imperfectibility really starts to quite a bit more. And I think that's why this position is important.

Yeah. The other aspect of I think what he's saying here has to do again with the idea of conscience as a thing that we do together. He talks about the necessary, basically we only legislate morality is what he says.

There's everything that we legislate about is something that we morally debate about. And I think he would probably say that if you're not morally debating about something, you shouldn't be legislating it because at least in some way, you shouldn't be legislating it because it's sort of like legislating that everyone should like vanilla ice cream. But he also wants to say that one function of legislation is to draw the whole community to have the same moral attitude towards a particular act.

And so again, he wants people to be drawn towards the truth together. And one of his bad outcomes is for everyone to be in these independent little conscience bubbles where they may be absolutely perfect in their own eyes, and even might hypothetically be more accurately perceiving the good. But they're so hermetically sealed that they're not able to actually be a community or actually have conscience in the sense of knowing together what the good is.

And that seems to me to be something that he's trying very hard to prevent. Reminds me of some hookers remarks about certain the more radical Puritans. I just really this is a very anti Puritan podcast so far.

Well, the radical Puritans. Well, the radicals were the ones who actually went to New

England. Just pointing out.

Making no comment. I still had a wonderful Thanksgiving. The part that he then goes on to talk about this kind of one of my favorite parts because he's talking about, he starts to talk about vigilantism.

And I thought that his discussion of vigilantism was just incredibly useful and incredibly helpful. And it is a little bit sad that as well as coming down kind of pro kreon, he comes down anti Batman. It just it makes me a little bit sad.

I think he's right. But you know, is there justice for Gotham? Is there justice for Gotham? I mean, but you could well, all right, we're not going to go into a complete Marvel Cinematic Universe discussion, I suppose. Although we could.

It's not Marvel. It's not? Is it DC? It's DC. Man.

I'm really shocked at myself. So he in his discussion of Batman, he doesn't actually discuss Batman, but he implicitly does. He starts talking about the distinction between private and public vengeance and ends up talking about why it's the case that private vengeance.

It's the thing that he kind of he's not a moral absolutist in a lot of ways. He is kind of like squishy in various ways, or you could like accuse him of being squishy. But he comes very close to saying, I think that taking private vengeance, being a vigilante is like the one thing you can't do, because it's completely nonpolitical act, I think is what he would argue.

And he kind of admits that public vengeance is always going to be a little bit unsatisfying, even if you get, you know, even if, say, your parents were killed in a dark alley in Gotham at night when you were coming out of the opera when you were seven. And somehow, you know, whoever the predecessor to police commissioner Gordon was actually caught the person who did it and executed them. There's still going to be like a part of you that wishes you could have done it yourself, kind of, I think he's implying, although there's also the part of you that doesn't want to have to do private vengeance, because there's a way in which it's not satisfying unless the criminal is kind of publicly accused and brought to justice.

But either way, he's kind of saying that, like, there's a messiness here, but that messiness must never be solved by taking private vengeance. On page 24, he writes, what then is private vengeance? It is something more than the merely malicious desire to inflict retaliatory injury. It is a desire for reckoning, a need to bring the private sense of injury into the public space for vindication.

There is a private desire for public vengeance, which becomes a private desire for private vengeance only when the desire for public reckoning is frustrated, unsatisfied or

despaired of. Right, there's always a kind of, there is a despair involved in any kind of vigilantism. There's a sort of stepping outside of the society and thinking that you need to be the one to take care of yourself.

He doesn't talk about superhero genres, but he talks about the kind of detective genre or private eye genre that has people sort of stepping out of despairing of public justice and stepping into the role of vigilante, and it basically always ends in disaster. This is also, I mean, in a different sort of way, this is also the plot of most Westerns, or a lot of Westerns, although it's a different, it's a little bit different there because Westerns take place in a situation where there isn't, you know, a hypothesized situation where there isn't civilization yet, basically. So it's not quite the same despair of the society that you live in.

It's an attempt to kind of establish a new society. The Western at the dawn of the law and the superhero movie at its twilight. Exactly.

It might be interesting thinking about this in the context of the desire to get vengeance online, where there is a sort of context, social context, from which some sort of recognition is desired. So someone has done something wrong, and so you out them on social media, and you hope that social media, the large number of the mass will come together and they'll join you in this condemnation of this person. But it's a complicated situation because it's not actually a public act in the same way.

It's a mass act, but it doesn't have that character of a public act that you'd have in the courts, for instance. Yeah, it has the character of mob justice and particularly the character of mob justice that responds to demagoguery, I think. you know, and it's always, it's the same kind of temptation, because you feel as though that you can get around the back of potentially corrupt or slow acting or annoying systems and go direct and appeal directly to people's consciences.

But appealing to people's consciences in this context, unless you're doing it in a very, very considered way that I'm not sure social media renders people kind of disposed towards, ends up basically just meaning you're able to appeal to people's mob instincts based on your ability to deploy various powerful kinds of rhetoric. And that doesn't really seem actually to be something that leads towards justice, in part because there's no attempt at investigation of the facts, usually. It's just, it's accusation is kind of as good as a determination of guilt.

Talks about part of the duty of politics here, though. It belongs to the art of politics to persuade those who nurse grievances that judgment can provide the satisfaction they desire. Institutions of judgment are in principle at the service of the aggrieved, whose cause has an indefeasible claim upon the public interest.

Now, it would seem on the one hand, there can be the inappropriate action of those who

do feel aggrieved, who can seek that sort of justice from the justice of the mob or the mass on social media. But on the other hand, there is the duty of properly public institutions to present themselves as favorable means of obtaining true justice. And where that has broken down, other sources of recourse will seem far more attractive.

So it seems that there should be at least some reflection upon the failure of more appropriate means. Although I think in the case of social, a lot at least of social media accusations, those appropriate means are generally less usually, you know, the court system and more usually a face-to-face conversation. So, or a confrontation within a community that will allow whatever, you know, if somebody has done something wrong or somebody has, you know, even used hate speech in a real way, like actual hate speech, as opposed to kind of frivolously, a frivolous accusation of hate speech.

It seems like the institution that social media mobs are replacing is more likely to be almost just like a conversation, a face-to-face conversation. It might also be interesting to reflect upon the theological aspects of this, because he does gesture towards those when he talks about the inner logic of grievance. The fact that that grievance looks for something more than just political judgment, the political judgment will never be enough by itself.

There's always a sense there needs to be some cosmic reckoning, as he calls it. And there it makes me think of Romans 12 and 13, the idea of give place to vengeance. That's vengeance is mine.

I will repay, says the Lord. And pouring coals of fire upon a person's head. And then later on, the person who bears the sword is God's minister of vengeance, that he has that particular duty committed to him.

So the vengeance is offered on some level, but it's always limited. Ultimately, that vengeance has to be looked to from God himself, and not just looked to, but expected that God will right wrongs. God will judge, and he will judge justly.

Yeah, but he will also judge in a way so as to bring as many people as possible together in reconciliation. And so there is this kind of desire for cosmic reckoning, which is like, you can't say that it's bad in a way. He talks about the blood of Abel crying out from the ground.

And even the smallest act of injustice, in some sense, he says, demands the destruction of the universe. Like, any injustice is essentially infinite. But there are other goods than justice that, you know, for example, the goods of solidarity and the goods of the relationships that we have with each other.

And it seems to me that this is kind of where he is implicitly, I forget if he does this, explicitly, but this is where he brings in the cross. Like, this is where he brings in Christ's

crucifixion as the basis on which we can, God can delay his justice, and we can delay our own justice, our own seeking of vengeance. Because all of those infinitely unfair things, all those infinitely awful instances of injustice have been, in fact, atoned for.

Which does leave the question of the extent to which a belief in, if not all the way down a Christian understanding of the death of Christ, but at least some sort of cosmic agent of justice in some deity, absent such a belief, is the precondition for eschewing, in a consistent way, vengeance. Is that lost? I mean, I think it's got to be. And there's also a way in which original sin as a doctrine is something that pushes back against our desire for cosmic justice.

Because our desire for cosmic justice, if we are being realistic about ourselves, you know, if we're being Solzhenitsyn-y, the line between good and evil runs through every human heart, that desire for cosmic justice would lead to our own annihilation. And so, and there are goods that are, like justice is an element of the good. But, you know, our existence is also good.

And the existence of our extremely unjust and imperfect fellow creatures is also a good. And the existence of the relationship between us is also a good, even though none of us are good entirely. And drawing together all those goods into the biggest good possible is, you know, the purpose of the plan of salvation, I would think.

Talks about, towards the end, about the danger of public judgment succumbing to immodest pretensions. The danger of thinking that everything can be set right by the proper exercise of public judgment. And it seems to me that that can be a particularly acute danger within our day and age, where people are looking for something from public judgment that it simply cannot offer.

And so, as a result, it's pushing it in the direction of immodest practice, or rejecting proper means of public judgment, and seeking that more cosmic justice from the crowd, or from some other means. Yeah. I mean, I do think that it is to a certain degree correct to see some versions of wokeness as a kind of puritanical movement in that sense.

This is Reformation without tearing for anybody. And the problem with that is that it cuts you off. One problem with that, other than that you might be in fact wrong in your perceptions about what's right, is that it cuts you off from your fellow men, and your fellow women.

That cutting off itself should be, I think, a kind of clue that something has gone wrong here. That whatever it is that you're trying to, the common good that you're trying to create, with these good instincts towards justice, and with these good instincts towards the improvement of society, if it ceases to be a common good, and if it becomes sort of a drive towards purity that excludes most people, or leads to kind of radical breakups of families, or friend groups, or rejection of one's own history on a kind of totalized basis,



rather than the kind of well, like measured judgment, okay, maybe we can take down these Confederate statues. You're losing the common aspect of common good.

Yes, that seems right. He gets into some of the constraints in just the limits of practicability relating to the act of judgment. He lists three of these, that not everything known can be publicly expressed or certified.

The second being that judgment has only certain modes of expression open to it, and the third that it lacks final authority. And you mentioned already the statement of Solzhenitsyn that there is this line between good and evil, and it runs down the middle of the human heart. It's something that none of us can draw this absolute clear line between good and evil that places us firmly on one side of it, that being the good side.

And that desire for absolute justice can never be consistently followed through without some degree of hypocrisy, unless we're going to understand it in the context of some economy of redemption or forgiveness. I actually think that if we're sort of thinking about this in terms of current like woke politics dynamics, it's half the time it's not the case that people who are trying to draw that sharp line are putting themselves on the good guy's side of it. I think at least half the time they're putting themselves on the bad guy's side of it, and trying to make atonement on that basis.

And I just I think that that's kind of part of the dynamic that's going on here. And I think that if people are trying to apply odonovan or trying to understand what the dynamic how that political dynamic is playing out, I don't think it's necessarily, I think self-accusation is at least as important as accusing others. Yes, guilt is a tremendously powerful political and social force within our day and age, in large part because of the immodest pretensions of human justice in the absence of a clear sense of divine justice.

So if you don't have any sort of final divine justice, what fills that gap? And what actually addresses the human hunger for vengeance, for some sort of recompense for profound injustice? Or for absolution and the sort of sense of the sense of oneself as existentially guilty, which in historical Christian terms has been seen as like a part of conversion. You know, it's not bad to kind of perceive yourself as existentially guilty before a just God and have that kind of drive you into his arms. It kind of does seem to be bad to perceive yourself as existentially guilty and not have anywhere to go with that.

And that sense of not having anywhere to go with it, I mean, people can talk about paying their debt to society, but because of the nature of the limits of human justice, that can never be a satisfactory response to it. You can never feel that you've truly paid your debt to society. That debt is certainly the sort of cosmic debt that you have in terms of this more cosmic vision of justice, will always be immeasurably more than you could ever pay.

And so there will be a sort of self-annihilating judgment or this judgment that will

undermine the very basis of the self. The self will fall into a sort of self-destructive cycle of guilt with no easy way out because there is no way in which you can easily say, okay, I've done my bit. I've atoned for my sin.

It's okay now. The slate is clean. And there's always a limitation in how much human justice can actually provide that absolution.

Yeah. And as a sort of utilitarian argument for the doctrine of the atonement, which is a terrible thing to do, but I do that just experientially. There's this kind of thing that happens sometimes in Christian conversion where you get so hung up on the existential guilt part that you end up wallowing in it and you don't kind of notice the actual concrete things that you're screwing up on and could be doing substantially better at.

So, I do think that in terms of healing society or living with each other better, the parallel is, I don't know if this is a legitimate parallel, but the kind of like, a lot of times it seems like a kind of Robin D'Angelo style critique of whiteness is something that gets in the way of actually changing actual circumstances to make it possible for people of all races to be better friends with each other or for injustices that are still experienced by African Americans to be substantially improved. There's always that danger that our work becomes one of driven by the desire for atoning for ourselves rather than actually a true work of charity and in an act of attempted self-atonement, the reference point is always yourself. You're always trying to do that action to have some effect upon yourself and you can be actually quite unmindful of the way that that action relates to the other person because your preoccupation is actually dealing with your own guilt.

It's only when that existential guilt has been dealt with that you are actually able to be free to consider the other person truly and be unpreoccupied with your own status. Right, to look outside yourself, to use windows instead of mirrors. Did you have any further thoughts on where some of these ideas might take us or how they might be useful in the context of particular debates or situations that we face today? One of the things that I found myself wondering as I was reading this is where he would land on the kind of I guess question of integralism versus liberalism or what is the role of the state or of government in drawing us towards the common good and indeed the highest good.

And I don't think that he's, I think he's not straightforwardly either a kind of quasi-integralist or a liberal, although he has characteristics of both. The modesty of what human judgments can do do seem to me, that seems to me to be sort of more liberal flavored. And he's worried about, you know, what the bad that can come if you're trying to be utopian.

Both in a kind of puritanical sense and in a in the sense of the that kind of politics doesn't really embrace everyone. It's just for the special few. And also in a, although he doesn't talk about that much in this chapter, in the sense of real oppression.

So in those ways, he seems to me that he would be sort of, I guess you could call it like a David Frenchist. But in his vision of what of the nature of law itself and its kind of solemn and semi-sacred role in potentially drawing people as a whole, as a whole society, as well as individuals, towards a more accurate perception of justice and of the common good and experience of that. He seems to be more of, I guess you would call it an Amorist, sort of a although I think as in someone who had a group, Sora Bumari in the debate between him and David French, that was sort of preoccupied us all a year and a half ago.

Us all being? Us all being like a very small number of people, mostly in Manhattan and DC. So I think that he is, he's both. And he one of the reasons that I like him is that he does seem to me to be realistic and idealistic at once.

That is a good note to end on. Thank you very much for listening to the conversation. We look forward to being back to discuss the third chapter of the book later on.

If you have any thoughts or questions that you'd like for us to address within one of these podcast discussions, please leave them in the comments. And until the next time, God bless and thank you for listening.