

Prophecy without Contempt: Religious Discourse in the Public Square

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MICHAEL CROMARTIE: Now, we're delighted to have Professor Cathleen Kaveny with us here today. She has a dual appointment in the law school at Boston College and the theological department at Boston College.

So Professor Kaveny, thank you so much for joining us. We're delighted to have you.

DR. CATHLEEN KAVENY: What generated the idea for the book for me -- and this is in the middle chapters -- was actually a particular set of instances around the 2004 election, which was, you know, a very, very heated election among religious believers. You had John Kerry, who was a Catholic, running. You had George W. Bush running. People were very, very agitated about how politically to engage controversial social issues such as abortion, even among people who largely agreed about their moral status.

I noticed that moderate and progressive and moderately conservative Catholics and evangelicals were torn apart about how to approach the election. Each side viewed people who were voting on the other side not as people who were wrong, but acting in good faith but wrong, but instead as people actually working for the destruction of the nation's fundamental values. If they were ignorant, they were culpably ignorant.

My goal was to try to sort out what was at stake in the way we talk to one another about fundamental matters such as abortion and torture. What prevented us from seeing each other's point of view?

Now, obviously, we are a very divided country, and we heard that in our first session yesterday. Donald Trump won among White male older voters and those without college degrees. Hillary Clinton won among women urban voters, more educated voters, Blacks, Hispanics, unmarried women, and younger voters.

Hillary did appeal to the highly educated and coastal elites, but she also appealed to those who see themselves as excluded from society by so-called normal or regular people -- those whose race, religion, immigration status, sexual orientation, or gender identification didn't fit the same Norman Rockwell picture that they felt the rest of America was holding up as normative.

Insults flew back and forth. When Trump announced his candidacy in June 2015, he infamously referred to Mexican immigrants as criminals and rapists. Yet, at the same time, Hillary's campaign was slammed for her remark that many of Trump's supporters belong in a "basket of deplorables."

Note the nature of the insults. They're ad hominem. They're about the person or the group of persons that they're targeting. They're not looking at a particular action. They're directed against the person. They express a type of moral condemnation, too.

Moreover -- and this is what worries me most -- they express a type of *contempt*. To *condemn* is to say that a particular action is wrong. It is to point to a violation of law -- a violation of God's law or human law. To *contemn* -- the verb for contempt -- is to belittle, to see somebody as vile or worthless. The two words sound alike, but they come from actually very different roots.

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The debate, what we're facing right now, seems to be about the fundamental direction of our country, too. It's telling that 70 percent of the electorates said that the composition of the Supreme Court was the most important factor in their vote for president. Trump won these voters 50 to 46 percent. Among those to whom the Court mattered little, Trump lost by 10 percentage points.

I suppose this is where my own work comes in. This is our country. These are all our people. Calls to come together despite our deep divisions are going to be meaningless unless we can learn how to communicate productively about our deep moral disagreements. I'm not calling for a bland niceness that masks a kind of moral indifference. I think we need to be moral realists, and to condemn, to call out, injustice in our society.

But I think we also need to be sensitive to the fact that we have very different senses of exactly what counts as injustice. Citizens rightly call each other to account for violations of our moral and most fundamental commitments as a people. We rightly condemn such violations.

Contempt, however, is a different matter entirely. To treat one's political interlocutors as vile or worthless is to risk undermining their equal status as participants in our political community. It is to treat them, in effect, as unworthy of citizenship, as people who must be pruned almost from our common political endeavor.

The question we have to address, I think, is, “Is there a way to think about how we talk to one another that recognizes the need for condemnation -- we see things that are wrong - but avoids contempt?”

So let's just start with public discourse and prophetic indictment. To understand what

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the role of prophetic indictment is, you first need to kind of think about our normal form of discourse in the public square. In fact, most theorists of religion or moral discourse in the public square focus on what's called deliberative discourse -- the reasons we give to one another: “do this, enact this policy, for this reason, don't do that, don't enact that policy for that reason.”

But I want to open our vista to another aspect of public discourse, what Matthew Arnold gestured to as to the culture of “fire and strength,” which is indebted to the great books of the Hebrew Bible, the Christian Old Testament, and which demands not just knowledge, but obedient conformity to the will of God.

So as I argue at length in my book, the language of fire and strength, the language of prophetic indictment is an important part of American public life. It was brought over, in fact, by the Puritans. The rhetoric of prophetic indictment has been a staple of American public discourse from the time that John Winthrop led a small band of men and women to leave England and found the Massachusetts Bay Colony in 1630. These settlers saw themselves as founding a new Israel in the New World, a religiously inspired polity that would be free of the corruptions of the established Anglican Church and immune to the compromises of the English government with heterodoxy or lax Christianity.

In the early-20th century, a variety of social reformers emerged, most notably those advocating Prohibition, who decried the social evils that they combated in a language that would not be unfamiliar to the great Puritan divine Cotton Mather.

In the '60s, political liberals prophetically denounced racism and the Vietnam War. In more recent years, it has been political conservatives who chastise the country for practices such as abortion and sexual immorality.

So I've talked in very general terms about prophetic indictments. What are they like? Well, first a caveat: as the Biblical scholars have taught us, there are many different

prophetic books in the Bible, and there's no one type of prophetic discourse. What I'm talking about is, in particular, the language of prophetic indictment. What are its characteristics?

The Protestant ethicist James Gustafson has noted three. First, prophetic indictments usually, though not always, address what the prophet perceives to be the root of the religious, moral, or social waywardness.

Second, they employ languages, metaphors, and symbols that are directed to the heart as well as to the head. Gustafson observes that the prophet doesn't usually make it an argument. "He shows, he tells."

Third, prophetic indictments are usually Utopian in nature. Gustafson doesn't use this term technically, but simply to point out something that you will have all seen in your own work in journalism, that social prophets are much better at identifying evils to be condemned than coming up with solutions for those evils. In addition, they're so into the condemnatory mode that they often will turn on each other if they don't like the solution the other is offering to a problem that they all identify in common.

So what are the benefits and risks of prophetic discourse? Well, let me begin with apologies to Michael, who is undergoing this. I don't mean make light of his trial. I think prophetic indictment is a type of moral chemotherapy for the public discourse. It indicts people for violations of the most basic principles of society, things that threaten to take out the entire body politic, in the manner that cancer can take out an entire human body.

It can be a necessary rhetorical tool to combat entrenched social evil in the community, to shake persons out of indifference, to direct scarce resources in a coordinated way towards fundamental issues rather than mere superficially urgent questions. They can serve as a necessary wakeup call, but at the same time, if we're not careful, it can cause more harm than good, just like actual chemotherapy.

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The funny thing is, though -- so that was my first take on all of this -- the jeremiad doesn't have to be such a socially divisive type of rhetoric. This is what confused me. When I learned, from reading Perry Miller or Mark Noll or Nathan Hatch, the great historians of this -- the jeremiads were very popular in Puritan times. They *liked* to read them. Michael Wigglesworth wrote a great poem called “The Day of Doom,” which was a Puritan bestseller. It's not *50 Shades of Grey*, right? It's “The Day of Doom” that is the bestseller.

But what made Puritan society susceptible to treating the jeremiad as a constructive process? Well, first off, they had a common framework for understanding the consequences of the behavior they condemned. The Puritans believed that they were the New Jerusalem stepping into the shoes of ancient Israel. They had a covenant, or a solemn contract, with God, and they had a clear conception of what would count as a breach of that covenant and the consequences of the breach.

The Puritans believed that the community's material prosperity -- wealth, winning military battles, agricultural success -- was all a consequence, and a reward, for complying with the terms of the covenant. Conversely, material misfortune was a sign of God's displeasure and a cause for the community to gather together for a day of repentance.

At the same time, they also believed, because God was paying so much attention to them, that God loved them very much and, in fact, probably loved them most of all. At the end of one of Wigglesworth's barnburners, he reassures the people of God's love for them: “Cheer on, sweet souls, my heart is with you all and shall be with you all maugre Sathan's might. And whereso'ere this body be a thrall, still in New England shall be my delight.” So the message is clear: repent and God will be okay, and God will bless you again, and all will be forgiven.

But we don't live in Puritan New England. We don't have a common framework for understanding conformity or lack of conformity with our basic covenant, which is now

transformed, for most people, into the Constitution. In fact, that's what we're arguing about. What are the tenants of our basic community?

Compared to the Puritans, we have a reverse, and I would go so far as to say perverse, understanding of the relationship between breach and covenant. In Puritan times, the breach of the moral norms threatened the nation's prosperity. So if the nation isn't flourishing, get yourselves morally right with God, and then God will reward you again.

Now, it's reversed. For our politicians, at least, the covenantal terms are to produce material prosperity. If you're the team that produces material prosperity and economic security and military security for the country, then you're rewarded with being able to impose your moral vision on the country. So we've got a flip of breach and penalty.

We've lost the sense as well that God loves the entire community. There is a sense of real America, and the interlopers who threaten its existence. Different people define it differently. I actually think -- and I won't go into why, and you can ask me in the question period -- that this switch of interlopers goes back to the close time period between the French and Indian Wars and the War of Independence. I can explain why later but I want to keep moving.

What are the dangers of prophetic discourse? One, loss of nuance. The language of prophetic indictment is black and white. There's no room for shades of gray in its assessment of situations.

Second, ad hominem nature. An indictment is fundamentally a criminal complaint, a charge that certain persons are breaking a fundamental law of the community. It's extremely difficult, if not impossible, to make those charges without directly attacking the audience the prophet is addressing.

Moreover, like a criminal indictment, there's virtually no room to interpret the audience's

behaviors charitably. You don't hear a prosecutor saying, "I understand you killed four people, but I want to look at things from your perspective." That's not the way indictments work.

Third is a type of dualism. The loss of nuance and the ad hominem nature of prophetic enjoinders conjoin, in my view, to produce a dualistic worldview -- the righteous versus the damned, the good versus the evil, the culture of life versus the culture of death.

Those issuing prophetic indictments identify themselves with a transcendentally correct cause, sometimes God's cause, and those opposing them with the opponents of God. This makes it hard to cooperate on other things. You don't make common cause, for example, with people you consider "minions of the culture of death" (from the abortion debate), or "hateful bigots" (from the gay marriage debate). You can make common cause with people you consider to be mistaken on an issue, but not people you consider to be thoroughly evil.

The fourth problem is a thwarted plan of positive reform. Prophets are essentially negative in function. They don't agree on and don't always think it's important to put forward a way out of the bad situation we're in, which is necessarily going to be incremental and often imperfect.

Fifth problem: dueling prophets and public tune out. Social battles typically include prophets on both sides of the issues, and as our current debates over abortion and same-sex marriage show, each group feeds off the other's energy. At the same time, the ferocity of the battle may encourage the "muddled middle" to stay away from the issues in order to avoid becoming collateral damage.

I argue for substantive constraints on the use of the rhetoric of prophetic indictment based on several models. Before I get into them, I want to say these are self-constraints. I'm not suggesting censorship. I'm not suggesting any other type of imposition. I'm

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saying: Suppose you're considering whether to use deliberative rhetoric or prophetic rhetoric. What might be some helpful considerations to think about before you decide which way to go in framing your point?

I argue for substantive constraints based on several models. Prosecutorial ethics -- we're talking about an indictment after all. Just war theory provides some help. I consider some form of prophetic indictment to be analogous to engaging in a verbal war.

The substantive problem, I think, is very challenging, and I would welcome your insights on this. I think prophetic rhetoric of indictment is best used against behavior that is widely seen to be a violation of the community's basic agreement -- the Constitution or our foundational covenant.

It doesn't work well to protest behavior about whether there is significant contestation about whether the behavior actually counts as a fundamental violation. In fact, the use of prophetic indictment in these contexts may produce backlash and resentment. Nobody wants to be indicted for behavior they don't actually think is against the law. It's one thing to be busted for a speeding ticket when you recognize you have been speeding; it's another thing to be busted for violating a speeding law when there is no speeding law.

So if you look through Scripture, you'll see that there's lots of different prophetic indictment—but they can be roughly divided in two groups. Sometimes the prophet is condemning his own people, and he's calling on them to repent. He laments the sins, he wants them to get right with God because he wants them to flourish.

At other times, however, the prophet is condemning the violations of the enemies of Israel, and then you're talking total desolation, total destruction of Babylon or any of Israel's other enemies. It's one thing to use prophetic indictment against your fellow citizens, but model it on “the oracles against Israel” where you lament the sins. You stand with the people you condemn. Don't model it on “the oracles against the nations” where

you're calling for the total destruction of those people.

Relatedly, prophetic indictment should be tempered by lamentations, the closely related form of Biblical rhetoric. I would love to see people who are upset about the election, organize a day of mourning, a day of lamentation, a day of sorrow, rather than just a day of angry indictment. How would that shift both how we perceive ourselves and how other people see us?

A true prophet of Israel or Judah, forced to condemn the sins of his people, is broken up over those sins, which will bring them nothing but sorrow. A true prophet does not rejoice when the people suffer even the just consequences of their sin.

Finally, I think the best prophetic indictment is tempered and guided by the vision of a reconciled community. You see this in Lincoln's Second Inaugural Address as well as in King's "I Have a Dream" speech.

What are the virtues of prophets, those who want to use prophetic speech in a pluralistic society? We talked about this a little yesterday, too. I think you need a sense of irony.

Irony gives you a different perspective on a situation. It's like, you know, climbing a hill and looking at the beach from the hill and seeing how different houses and different views relate. It gives you a sense that maybe your perspective isn't the only perspective.

And then also, a spirit of humility about one's own grasp of the mind of God, if you are religious, or the demands of our liberal democracy, if you're not. I think it's important to remember here that people who use prophetic rhetoric in the contemporary discourse are not actually Biblical prophets. If you are a Biblical prophetic, if God is talking to you, then God bless you, you have to do what God says. I'm not talking to those people. I'm talking to people who are modeling their speech on those of the Biblical prophets even if they're not biblical prophets.

In the last chapter of my book, I argue that the Book of Jonah is actually a way of ironizing and creating humility for the genre of prophecy. I think that you can see in Lincoln's Second Inaugural a sense of humility about God's plans and judgments that also avoids falling into moral relativism. Lincoln recognizes that slavery is wrong. This is as clear as a bell. At the same time, he's not going to say, "We, the North, bore no responsibility for that practice. You the South are the bad guys only you, the South." We all have to repent our sins as one nation and bind up one another's wounds.

Jonah didn't want to prophesy to the Ninevites because he was afraid they'd repent. He probably wanted them destroyed because they were the enemies of his people. It's not totally clear why, but I think that's one reason why.

God comes out and talks to Jonah, and he says, "You pity the plant." There was a plant that came up in one night and then was destroyed in one night, and Jonah was sad about that. And the Lord said, "You pity the plant for which you did not labor, nor did you make it grow, which came into being in a night and perished in a night. And should I not pity Nineveh, that great city in which there are more than 120,000 persons who do not know their right hand from their left and also much cattle?" I love that line. He's worried about the animals, too. God cares about the animals.

God cares about people that the prophet doesn't even know that God cares about. God has a relationship with Nineveh that's beyond the ken of Jonah and, by implication, the other prophets. God cares about the Ninevites, too.

What was Jonah's answer? The narrator does not say. Yet a medieval Jewish sermon fascinatingly speculates: "At that very moment, Jonah fell flat on his face, saying, 'Direct your word according to the attributes of mercy. As is written, mercy and forgiveness belong to the Lord our God.'" That's what I think we need in our contemporary prophetic discourse.

THE FAITH ANGLE FORUM

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Thank you.

MICHAEL CROMARTIE: Thank you very much. Thank you.

Our respondent, Mark, has written a book called *Why the Democrats are Blue: Secular Liberalism and the Decline of the People's Party*.

Mark Stricherz, thank you for joining us.

MARK STRICHERZ: Well, thanks for having me here. This is a real honor.

Eighteen steps from the top landing of the Lincoln Memorial, Dr. Martin Luther King delivered his “I Have a Dream” speech in August 1963. Walk up those 18 steps, turn to your right to the north side of the chamber, and see a two- or three-story high grave inscription of Lincoln's second inaugural address.

Both speeches are examples of prophetic indictment. We might think of prophetic indictment as for editors or writers, we might think of prophetic indictment as a fire and brimstone speech that comes across the transom or an email in which some kook or activist is going to put God on his side and the devil on the side of the others. But as Dr. Kaveny shows in her book, that's not necessarily the case. Sometimes prophetic indictment is why we got into journalism, why we got into public affairs. It's Lincoln's second inaugural and Martin Luther King's “I Have a Dream” speech.

Many Americans feel the same way. I was looking at the stats for how many people went to Lincoln's memorial in Washington, D.C., and it was 7 million in 2014, according to the National Park Service. That's, not to pick on one publication, seven times more than the amount that subscribed digitally to *The New York Times*. That's a lot of people.

Dr. Kaveny's argument that prophetic indictment is like spiritual chemotherapy that can be done only in extraordinary circumstances has the benefit not only of relevance -- the old is new in many ways -- but it's also sober-minded thinking.

Those factors include probability of success when you're issuing a prophetic indictment, comparative justice, such as factors as whether the person giving the speech has some moral authority. Who is the person denouncing abortion? Is it Mother Theresa, or is it some fringe candidate from Missouri?

What will the losing side do once your side has won? That's a great insight. It's like being in a debate with somebody. You've won. But what is the other person going to do? That's good thinking.

So these are all wise points that activists and journalists would do well to consider, whether it's Rick Santorum running for the GOP presidential nomination in 2012 criticizing America's reliance on artificial birth control or what some other Democratic candidates have endorsed.

But Dr. Kaveny's argument is kind of like an overly big blanket that has more constraints that even she -- as one of the owners of the blanket -- admits.

In the case of Lincoln's second inaugural address and Dr. King's “I Have a Dream” speech, Dr. Kaveny's book slights the importance of the *when*, the *where*, and the *who*, and the audience that may use prophetic indictment. Lincoln could make the second inaugural because he delivered it 41 days before the end of the Civil War.

King made his “I Have a Dream” speech in August 1963 because he was building on a 15-year run of string of successes dealing with Black civil rights: Truman's desegregation of the military in 1948, the Supreme Court's decision of public schools in 1954, and even Congress's passage of the Civil Rights Act in 1957, which created, among other things, the

position of assistant attorney general for civil rights, which would become important later on in the '60s.

As far as the *where* of the speech, that's important, too. Lincoln's Gettysburg Address was in many ways a prophetic indictment. Lincoln couldn't give that prophetic indictment in November 1863 because the civil war was going on.

As far as the *who*, the audiences, Lincoln could make his speech because he was preaching to the choir. He was celebrating his victory in the presidential election of 1865 and was unlikely to face the wrath of Confederate sympathizers. Martin Luther King could make his "I Have a Dream" speech in August 1963 because he, too, was preaching to the choir.

By ignoring these key restraints on prophetic indictment, Dr. Kaveny does not fully explore the possibility of some issues that may be ripe for prophetic indictment in the future.

But there's another issue that I think that Dr. Kaveny does not fully explore or appreciate, and that would be abortion.

She says debates about the possibility that one's life begins at conception rule out the possibility of abortion. Those who support extending legal protection to the unborn could, I think, incorporate the words of prophetic indictment as long as they incorporated, too, words of moral deliberation, which is to say going from premises to conclusions and trying to make an appeal to those who don't necessarily agree with you.

I will speak now as the author of this book that Michael cited, which was really kind of an exploration of 60 years of the Democratic Party's history and some of the key players in changing the party as more a working-class party to more of a middle-class secular party. When you're writing a book like this, there's a lot of research, going through a lot of archives and talking to hundreds of people, you come through lots the books.

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One of the books I came across was the book that Governor Robert Casey put out sometime in the 1990's called *Fight for Life*, and in the book is a speech that he gave in early 1993 in St. Louis. I submit that his speech was, in many ways, a prophetic indictment of abortion.

The major way in which it is not a prophetic indictment was his timing. He had the misfortune of bad timing. It was given in March 1993, nine months after the Supreme Court upheld the core ruling in *Roe v. Wade* and its less well-known, but equally important, twin, *Doe v. Bolton*, the companion case cited on the same day in January 1973. But Governor Casey's 1993 speech was prophetic in its setting. He gave the speech at a special session in a historical courthouse in St. Louis where the original *Dred Scott* trial was held.

Governor Casey's speech then was prophetic in its generosity to opponents. He said many good people who are pro-choice are fine people. This was not a fire and brimstone speech. He cited examples of Lincoln's attitude to slaveholders as a model for pro-lifers. Casey said, "His real greatness -- this is Casey speaking of Lincoln --" was him saying that political reform alone was not enough. Not only did the slave have to be freed, but the slaveholder had to be freed from his moral blindness."

I would add, too, that Governor Casey's speech was a prophetic indictment of *Roe v. Wade* and *Doe v. Bolton*, although he didn't specify that. "American history," Governor Casey said, "has had its dark moments, but only twice has this principle been radically betrayed. Only twice has mortal power, using the authority of the law itself, sought to exclude an entire class of people from their most sacred rights. 136 years ago, human beings were declared a piece of property, could be led off in chains and the conscience sat paralyzed -- the ruling of the Court in *Dred Scott*. The other time was on January 22nd, 1973. An entire class of human beings was excluded from the protection of the state, their fate to be declared a private matter."

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But prophetic indictment, as Governor Casey recognized, was not sufficient. He realized moral deliberation, too, was important for persuading those personally opposed but who find abortion socially acceptable. They don't want to impose their views on others.

It is not arrogant boast but a demographic fact that most Americans share this conviction. Anytime the question is put squarely, ‘Do you oppose abortion on demand?’ more than two out of three Americans answer ‘yes.’”

That question may be a little prejudiced, you might say, but -- and I think this is a more telling point -- perhaps the most telling statistic is that 78 percent of American public oppose 93 percent of abortions that actually occur, except for those in the famous hard cases. Those figures are basically still true today, have not really shifted, as we heard yesterday. So in that fact, I think he had the better argument.

Casey's speech was not perfect, though. He did not have the full moral power of Abraham Lincoln throughout Lincoln's career, especially Lincoln's speech in response to what was basically the pro-choice position of its day, the Kansas-Nebraska Act of 1854. At that time, Lincoln was a devotee of Henry Clay, one of the chief architects of legislation in Congress to restrict the slave power. His opponent was Steven Douglas, one of the authors of the Kansas-Nebraska Act of 1854.

So Casey's speech was not perfect, but it had many of the key qualities that we associate with prophetic indictment, a rich tradition that, I say, has more resonance than the vast majority of the content of Facebook or Twitter, much of what passes on the worldwide web. So Dr. Kaveny did an outstanding job in bringing this tradition to life.

MICHAEL CROMARTIE: Thank you.

You have any initial response to that --

CATHLEEN KAVENY: Just three quick words. First, I just want to emphasize for people who haven't read the book, the book isn't a substantive argument about abortion or torture.

Second, on time and place, that's fascinating. I think I did really, in comparing Lincoln's second inaugural with his Gettysburg Address, really tried to look at the differences in the time and place. I spent a lot of time talking about what it meant to give a speech at a cemetery and the real confusions that were involved in his very ambivalent attitude toward the Constitution at that point. So I agree, and I certainly would like to pay more attention to time and place.

The third thing I would say is it's never the words that win the war. It's the bullets. You had just as fiery speeches in favor of slavery as there were opposing it. We don't read them anymore.

I talk about the relationship between prophets and deliberators, and the tension between prophetic speech and deliberative speech, in the middle two chapters of the book, and how people who are prophetic indictors of a particular practice, be it abortion or torture, really look at the deliberators as lukewarm, lacking moral fiber, and the deliberators look at the prophets as being, well, overwrought: "oh, there you go again," you know, "you're not realistic."

So a lot of what I'm trying to focus on is the way the rhetoric channels the tensions in the society. Mark brought up the point well: can you have a speech that has both prophetic discourse and deliberation? I think you can't, so this might be a real disagreement. I think once you start calling somebody a minion of the culture of death or using some of the words that we heard, people stop hearing the arguments. They just feel and experience and agonize over and resentfully respond to the personal attack.

MICHAEL CROMARTIE: Thank you very much. Sally Quinn.

SALLY QUINN: You started out by talking about the word contempt, meaning "to belittle," meaning "vile worthlessness." You were talking about that we might treat our political interlocutors as vile or unworthy, and you said is there a way to think to avoid contempt.

What I wonder is that when somebody says something that's contemptuous, how do you avoid responding to that without being contemptuous? There were a lot of contemptuous things said in this past election, and so do you just sort of step back and say it's okay? How do you deal with contemptuous statements without being contemptuous?

CATHLEEN KAVENY: If an issue is dividing half the country, if it's a real live moral issue, which I would include, you know, the social issues, you know, pretty much everything that's controversial, contempt isn't an appropriate response.

But contempt is a way of leaving somebody out of the discussion. You're basically saying "you're not worthy to talk to." If I contemn, not condemn, you, I say "you're vile and worthless." Well, how can I be in a community with you? What am I going to try to do? I'm going to try to isolate you. I'm going to try to put you in a "basket of deplorables." I'm going to try to push you somewhere where you have no effect. I'm going to try to contain you.

Now, I do think there are issues in the country that, you know, we can agree belong in that category. But by definition, if you've got 40 percent or 30 percent even of the country taking a different view than you on this, I don't think that's a good way of conducting --

SALLY QUINN: I just wanted to follow up one. Is there anything in this past election that you think reached the level of contempt?

CATHLEEN KAVENY: There are things that I think reached the level of a contempt, myself.

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You know, I mean, you can just put it on the table. You know, a lot of the stuff that Donald Trump said, you know -- those things were just awful. I also was not thrilled with the “basket of deplorables,” honestly. I thought that that was really bad, too.

MARK STRICHERZ: I have to put a plug in for one of Christopher Lasch's greatest chapters in his long, distinguished career, and that's in the *True and Only Heaven*. He wrote a chapter called “The Spiritual Discipline Against Resentment” in which he, Lasch, praised Reinhold Niebuhr for coming up with the idea that resentment only breeds resentment, and that this was part of the tragedy of American history and of political life, and the only way to overcome it, the endless cycle of resentment, was to have a spiritual discipline of your followers and to train them to not, basically, be resentful of your opponents.

MICHAEL CROMARTIE: That's terrific. Thank you. Kirsten Powers.

KIRSTEN POWERS: So wouldn't it be true that there really isn't an issue that would allow you to express contempt if even he wasn't expressing contempt for racism, segregation?

How do you help a secular person think about this? Because I think for some secular people it doesn't really make sense. I think to somebody, you know, who reads the Bible, it makes perfect sense, right? This is pretty clearly laid out on how you're expected to behave.

My final question is are there any examples of people who you think are doing this well in our current cultural that you would suggest are good models for prophetic indictment?

CATHLEEN KAVENY: So I'm going to start with your second question on the secular business. I'm holding up the Puritans, not so much because I'm, you know, “yay, Puritans.” I'm holding them up because they really shaped the tradition of American religious and political discourse.

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And there's a fabulous book by this guy named James Darsey called *The Prophetic Tradition and Radical Rhetoric in America* (NYU Press, 1997). He shows how this tradition has been taken, expanded, and used by people with a wide range of underlying viewpoints. It has been used by socialists, by people like Eugene Debs, and by communist hunters, such as Joseph McCarthy. In short, the rhetoric of prophetic indictment has been secularized and adopted as American rhetoric, although it has its Puritan roots.

Nonetheless, the secularization of prophetic indictment has made its use trickier because in order to use an indictment, you have to have a law against what you're indicting--the indicter needs to specify the law you're violating. In contemporary times, prophets tend to use the Constitution, or sometimes it can be some notion of natural law, or some notion of human equality or basic human rights. But whose understanding of these fundamental laws is authoritative?

A great thing about the Puritans is they had their covenants. They had the Bible, and then they have the other covenants all nicely written down, and you could indict against those. It gets trickier if you don't have that.

The first question --about whether contempt is ever appropriate--I go back and forth on. Maybe it's my Christian commitments coming out. I think treating somebody with contempt -- and I see your point, Sally, and I'm worried about that -- but the idea that any human being made in the image and likeness of God is vile and worthless, in and of themselves, is something that I find very hard to take. So I think I could be persuaded that what you need to do is to talk, to try to educate, to try to get to get somebody to see something in a better way.

Margaret Farley is a theologian who taught at Yale Divinity School, a very prominent ethicist. She deals with breaches of norms, and asks questions such as how do you deal with somebody that's harmed you truly and done a great injustice to you? She has a category called “anticipatory forgiveness.” I mean, it's the sort of thing we academics

come up with, but give us our due.

(Laughter)

CATHLEEN KAVENY: The point of “anticipatory forgiveness” is to say that you try to prepare yourself to forgive that person when the conditions are right. You pray for their repentance. You pray for their reform. You try not to harden your heart in a way that if they truly did repent and reform that you could not find a relationship with them. So I'm sympathetic to that.

And then the third, is there any good mode of prophecy? What controls bad prophecy? Here's my suggestion; this might be the next book, maybe, maybe not. I think that irony and satire control bad prophecy. So when you were in the midst of the horrors of the cultural wars, you know, the big stuff, who controlled all this? You may not like them. John Stewart and Steven Colbert, right? They deflated the big puffy statements. You can't out-argue a prophet. You can't out-prophesize a prophet.

MICHAEL CROMARTIE: Will Saletan, you're next.

WILL SALETAN: So I have a question for each of you. For Dr. Kaveny, can you talk a little bit more about the step that has to proceed it or undergird it, the kinds of -- and I think you were just beginning to hint at this -- are there models in scripture for talking to the people about broadening the definition of us welcoming others in or reestablishing or establishing a common framework as a step toward, or as a premise for, that kind of moral criticism?

To Mark, I feel like I've heard no shortage of Casey-like rhetoric from the pro-life movement in 23 years. So is it not working? Is it not being said correctly? How would you change either what Casey said or expand it, or how would you explain that failure?

MICHAEL CROMARTIE: Okay. Professor, you first.

CATHLEEN KAVENY: Okay. That’s the \$64,000 question. If you’re going to have prophetic indictment, what’s the basis for the indictment? What is the covenant of our community? Is it possible to broaden or expand our notions of covenant?

I think within the Christian framework, we had a really good example of how that type of broadening happened. The Council of Jerusalem said, “Well, you don’t have to convert to Judaism first to become Christian” -- even though there’s plenty in Jesus’s own words that suggest the message was primarily for Jews. So if the goal is to broaden our sense of who is encompassed by God’s covenantal concern within the Christian tradition, there are plenty of places to start.

Within the national tradition, I think you do have some broadening. I think one version was the Mayflower compact or the Winthrop model of Christian charity that the Puritans came over with.

I think another way of imagining our common covenant now is the ideals associated with the Statue of Liberty, as expressed in Emma Lazarus’s poem, “The New Colossus.” She writes: “Give me your tired, your poor, your huddled masses yearning to breathe free.”

MICHAEL CROMARTIE: Okay. Mark?

MARK STRICHERZ: Overturning a Supreme Court decision when half of the population supports the decision is very, very difficult. You’ve got to get your side -- your political party -- marshaled to support it, and you’ve got to elect a president -- not only elect a president, but a president who supports it. This has taken the pro-life movement decades.

There’s comparable cause for Democrats -- gay rights would be another one. It took a

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long time from the Supreme Court's decision on sodomy in 1986, the Georgia decision, up until -- I hope that's not symbolic -- to the Obergefell decision in 2015, that took a long time.

WILL SALETAN: Just a follow-up of mine. Just to take the two issues that you just named -- so one, homosexuality, and the other abortion. As you noted, there's been a change on public opinion about homosexuality. There hasn't been on abortion.

I was presenting my first question as a failure of the pro-life rhetoric because you didn't win. I want to just ask the question, is such a thing as a kind of prophetic discourse or prophetic indictment where you don't win, but you don't lose either? Could you argue that it is worth doing a kind of prophetic indictment to preserve the status quo or at least not to lose the debate the way that the debate on say same-sex marriage has been lost?

MARK STRICHERZ: Yes.

MICHAEL CROMARTIE: Good answer. Okay. So Robert Draper. Over here.

ROBERT DRAPER: Doctor Kaveny, since we are sifting through the wreckage of the 2016 cycle, I'm struck by the interchangeability of the phrase “prophetic indictment” and the word “demagoguery.” Obviously, for demagoguery, a crucial ingredient is a sense of theater.

When I was asking myself during your talk which candidate most represented the kind of tempered version of prophetic indictment that you were describing -- a sense of humility, a sense of ironic detachment -- the closest I could come up with was John Kasich.

John Kasich never stood a chance against Donald Trump. I can't imagine a superior version of Kasich that would have stood a chance against Trump, and I think one of the

main reasons for that is that Trump understood his audience and understood what they wanted, and he delivered that with full force on TV and rallies and on social media.

This leads me to, you know, a pretty unoriginal prophetic indictment, but I think it's a valid one, which is that we've become a nation that has an insatiable hunger for zero sum simplicity and good guys and bad guys. Trump issued that prophetic indictment in a way when he said, "My people love me so much, they'd vote for me if I shot someone on Fifth Avenue."

I'm wondering if, like, short of a unifying catastrophe on the order of a 9/11, how, if at all, can we expect the public to find it within itself to value a more tempered version of prophetic indictment as opposed to a purveyor of opioids and huge ratings?

CATHLEEN KAVENY: That's a tough question. The first thing I want to say in response is -- Part of what we need to do is reintroduce the study of rhetoric into scholarship on public discourse. We would benefit, I think, from considering the points made in Aristotle's work on rhetoric in thinking about how we deal with each other in the public square. I wrote *Prophecy Without Contempt* because I thought we were focusing too much on deliberative rhetoric. But I don't mean to suggest that prophetic rhetoric and deliberative rhetoric exhaust the waterfront. I think Donald Trump is doing something very different than prophetic rhetoric. I think he is engaged -- and I have to think about this more -- in almost an epideictic rhetoric, the rhetoric of praise and blame.

Aristotle's not really that interested in it. It's usually more the rhetoric of praise of the great person at ceremonial events. Trump's using the rhetoric of blame. That's different from prophetic rhetoric.

How do we avoid an overuse of prophetic rhetoric? Well, I think we have to first pay attention to the fact we're doing it. It's almost like we're addicts, in a way, and the first think you have to do to get over an addiction is admit you've got a problem. I think the

first thing we need to do is pay attention to the way we're talking about all of these things.

MICHAEL CROMARTIE: Okay. Tom, you're up next.

TOM GJELTEN: I'm curious about whether there's a kind of an inverse question, which is whether you would say that people -- those people who were inclined to support Trump might have been drawn to a religious tradition that embodied a lot of prophetic discourse.

You did not say specifically that evangelical Christianity is characterized by prophetic discourse, but you talked about the importance of dualism, and I just see a lot of dualism in evangelical Christianity with the notion of saved versus unsaved, the idea of redemption really involving a kind of a before and after moment, born again. I'm curious whether, you know, that particular religious tradition might be especially appealing to people who sort of are drawn also to a kind of a prophetic discourse.

CATHLEEN KAVENY: I think it's more than that. The Puritans are one of the progenitors of the evangelical tradition, and you could argue that Puritanism had both a very highly intellectualized, you know, theology that came through Ramus that included, you know, a very elaborate way of reading Scripture, a way of reading a covenant.

Plus, it had it this emphasis on, you know, heart and feeling. But sure, there's a great attraction to prophetic indictment. I think that with Trump voters, you know, evangelicals and Catholics, there are two key things to keep in mind. One, I think some of them saw him as Cyrus of Persia--as an instrument of God. They weren't saying he was a holy messenger of God, they believed he was an instrument of God, used by God to carry out the divine plan.

Second, I think there's an ethics of voting that's at stake. You know, one of the things we haven't talked about is what do we do, from a moral perspective, when we vote? How should you conceive our responsibilities when you're voting? Does voting for a candidate

mean that you are signing on to a whole package of what he or she stands for or does?

Some people think that's the case. But others think that voting is making the best of a highly imperfect situation. So there were clearly religious people who reasoned "Trump is the person who's going to cause the least amount of harm to this country, particularly to the things I care about because of the way he's going to approach appointments to the Supreme Court and because he's going to break the shackles of political correctness. We can clean up the mess later," I think that that's sufficient to explain why somebody with that worldview voted for Trump.

MICHAEL CROMARTIE: Okay. You want to respond to that?

MARK STRICHERZ: Yeah. Dualism sometimes is necessary in prophetic indictment. In the Peoria speech that Lincoln gave in 1854, he said, "The Negro is a man or is not a man." He can't be both. There's no room for some sophistication. It's either one or the other.

In the Lincoln-Douglas debates, Lincoln makes that point, too. I mean, he accuses of Douglas of saying there is no right to do wrong.

MICHAEL CROMARTIE: That's very helpful. Thank you, Mark.

MICHAEL CROMARTIE: Jamie, you're up next.

JAMIE WEINSTEIN: Three short questions on this topic. Do you see in some ways that those who engage in prophetic indictment throughout American history, serve almost as third parties have served in many ways, that they raise an issue that needs to be raised in kind of moral terms, and once that issue becomes mainstream or addressed, those figures, as third parties often do, fade away?

My second question is, is it intentionally in the African-American religious community, prophetic indictment, is that kind of something that is taught in a way that might not be taught in other areas, being that the two figures that I can think of, in the modern day, do come from a religious African-American tradition?

Finally, you discuss Abraham Lincoln as someone who has engaged in prophetic indictment. But I do wonder, wouldn't it be more someone like William Lloyd Garrison who would be actually the person in the kind of abolitionist movement who's engaging in prophetic indictment with contempt for the other side, who doesn't really want to reconcile?

CATHLEEN KAVENY: Okay. Part of the trouble is a lot of prophets are never satisfied with the practical results of the reform they seek, in part because they're holding themselves and a country to such a high standard.

So it would be interesting to look at. I think the question that needs to be asked that hasn't been written about is "how are arguments settled?" Nobody writes about that. How do we decide on it? When is an argument over? What counts as ending an argument?

So that would be connected to, I think, your first question, is do they fade away or does nobody pay any attention to them anymore because they're considered cranks at this point? I don't know.

Second question: with respect to Cornel West and Alan Keyes, I think that that's a very good point. But part of their eloquence is attributable to the fact that the Black church tradition is so thoroughly immersed in Scripture. What the Puritans had and that the Black churches still have is a very rich way of reading Scripture. For the Puritans, it was a method. The Black churches do have, and have maintained, a very rich way of interrelating the Old Testament and the New Testament, of easily drawing by memory on

whole biblical passages.

To go back to the question of persuasion, I think what we need to ask is what actually works. For example, I quote William Lloyd Garrison a great deal in the book. He is a textbook example of prophetic rhetoric He's fiery. He's unequivocally condemnatory.

Part of the question I'm asking, though, was that the really helpful way of discussing the issue, or did that turn people off? I suspect that Lincoln's speech marks a standard that is more useful for us today than Garrison's fiery condemnation. Because who does fiery condemnation convince? What won the Civil War wasn't Garrison's words. It was the bullets.

MICHAEL CROMARTIE: That's her next book.

Okay. E.J., and then Graeme and Grant.

E.J. DIONNE: Thank you, Mark and Cathy.

One of my favorite statements in politics ever was Norman Thomas, the great American socialist. When people started burning the American flag in the '60s, Thomas said, "No, no. We need public symbolic washings of the American flag, reverent washings of the American flag," which sends a signal we don't hate our country. We love our country, but it needs to be cleansed. It needs to be improved.

This was inherent in what you said, what Michael Walzer has written about. Is there any moral reason, or practical reason, to prefer indictments that are embedded in the society that hold the society to its best standards versus indictments of the whole society itself, including its standards? And there are times and places, and that goes to the last question, which is Trump. Pete was very instructive about, you know, "I'd vote for Satan rather than Hillary Clinton." Many Clinton supporters believe they did vote for a Satan

over Hillary Clinton.

I say that because one of the other distinctions you make is prophetic witness versus practical deliberation, and there really is a real debate, I think, going on between people who are anti-Trump about what the appropriate response to the next year or four years is. There are some people who say, "Well, there are ways. We have obligations to work with him," et cetera, et cetera, versus those -- and I confess I'm more in that camp at the moment unless you morally persuade me that I am completely wrong -- you know, which is that prophetic witness may be what is required.

How are we supposed to think about this question? That's the one I'm sort of putting my friend on the spot on it to help us, some of us, sort this out.

CATHLEEN KAVENY: All right, washing the American flag versus burning it -- I think that that's great and that that goes back, actually, to the distinction I was trying to draw between "the oracles against Israel," where you call for the reform and cleansing of your country rather than its destruction. I've got a chapter in the book where I talk about the controversy over Jeremiah Wright, where he said "God damn America," and people got all upset, you know. You remember all of that?

Well, if you go back and read the transcript, the full transcript, it was an interview with Bill Moyers. He was basically saying, "God damn America for its sins. It's got to reform. It's got to repent. I love the country. I'm not calling for its destruction like Babylon. I'm calling for its repentance and reform like Israel and Judah."

What do you do to Trump and to think about Trump? Prophetic witness, practical deliberation? I think we need other forms of rhetoric. I think that this doesn't exhaust everything. I think we need a communal ceremony of lamentation, of sorrow. That was brought up.

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I think we also need to think about other categories. Abraham, Joshua Heschel he follows Aristotle in distinguishing between ethos, pathos, and logos, as a way of identifying where the power of a speaker comes from.

Obama's power as speaker comes from logos. He's cerebral. He's serene. He's like Mr. Spock in Star Trek. He's just so brilliant and calm. He's got a little bit of ethos, too, in his palpable moral rectitude.

But what we didn't have out of the mouths of either Clinton or Obama, I think, was pathos – “I feel.” What Trump somehow communicated was that he felt people's pain, not just that he understood it intellectually. He got it. He didn't need the knowledge of differential policy analysis because he had the truer knowledge in his heart. Many people believed that.

MICHAEL CROMARTIE: Graeme Wood and then Grant Wacker.

GRAEME WOOD: Thank you very much for your presentation. There was a book a few years ago that I really enjoyed called *The Honor Code* by Anthony Appiah, which seemed to touch on some of these subjects.

But it discussed the relationship between honor on one hand and specific engagement on difficult questions for moral reasoning and looking at topics like the Atlantic slave trade, dueling, foot binding in China. It was pointing out that the moral reasoning definitely did precede the kind of social decision to stop these practices -- that is, for hundreds of years, people recognized that dueling was a morally bad thing to do.

But while it was considered an honorable practice, even though people understood it was immoral, it was something that was essentially encouraged by society. So the way that he conceived -- and the same thing with foot binding -- in a 10- to 20-year period, it went from being something that everybody reasoned to the point of believing it was a bad thing

to do but, at the beginning of the 20 years, was something that would cause people to -- you would not want to marry someone who didn't have bound feet to being mortified of the possibility 20 years later of marrying someone who had bound feet.

So I bring this up because the way that he conceives of honor seems to have some characteristics of contempt -- that is, being dishonored by the presence of someone who advocates one of these things, a very, kind of, pariah attitude or shunning, things that you've mentioned in the context of contempt.

So I wonder if you might have any comments on a distinction to be made between this honor discourse and then the discourse of contempt that you don't like.

CATHLEEN KAVENY: I think that that's a great set of questions to explore. I think it's a little more complicated in an American society so that, you know, if you've got a hierarchical society where you know where you are and how much honor you deserve by what rung on the society you are -- the sumptuary laws of Europe were in part designed for this purpose. We don't have sumptuary laws like that anymore.

So part of what we have to figure out is how to reconcile equality and difference. We're a country of people who are, in some sense, egalitarian, at least in our politics. We all have a vote. But we have a lot of different kinds of class stratification, and working out the sense of resentment that people have entails critically examining the effects these various ways of stratifying society. Upper middle class, middle class, lower middle class, working class. What do those terms mean? What are the connotations they express, and how are those connotations consonant, with the notion that we're somehow all equal?

What do you do if you're a country that has class but also says class doesn't matter? That's the additional problem we're facing, I think, here, when thinking about how contempt operates in political context.

MICHAEL CROMARTIE: Excellent. Thank you for that. Okay. Grant Wacker.

Okay. Two quick questions, but first a comment that Graeme's words about honor trigger -- very thoughtful words -- and that is the role of blasphemy.

When does speech cross the line into blasphemy? It has a lot of ramifications about how it's punished and how it's prevented, and blasphemy is defined differently in different communities.

But here are my two questions. The first is we've talked a great deal, or almost exclusively, about the speaker. I'm curious if you could ruminate some on the audience and in what way an audience constitutes speeches, either irrational discourse or prophetic discourse. I'll leave it at that.

Then the second question is the difference between what, for lack of a better word, might be called intrinsic quality versus effectiveness. Here, I think of the famous line attributed to Mother Theresa that "God calls us not to be effective, but to be faithful," and how that kind of distinction might apply here in which prophetic discourse, one hopes, achieves its ends but has its intrinsic power, whether or not it actually wins ascent.

CATHLEEN KAVENY: Those are great questions, and they're hard questions.

It's one thing to use this rhetoric as a means of persuasion. It's another thing to do it in a stump speech to energize everybody that already agrees with you.

I think there's some truth to that, especially in the contemporary era, which is characterized by the "siloeing" of our discourse so that, many speakers only address their own people, those who already agree with them. Such an audience will find the prophetic rhetoric not as off-putting as the people who are its ostensible targets.

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The problem with that objection is that it really distorts the purpose of prophetic rhetoric. Prophetic rhetoric, at least the oracles against Israel, really was meant to call an audience, the audience, to consider its own flaws and failings, not to contemplate the flaws and failings of all those people, those other people, that aren't in the room.

I think that there's another additional twist here that's causing some of the breakdown. On the tension between the intrinsic truth quality of the statement versus its rhetorical effectiveness, we might recall the old question from Tertullian: “What does Athens have to do with Jerusalem?”

You could say, “Well, the tradition calls for us to proclaim the truth no matter what, no matter if everything falls; if we're faithless, that's the worst thing,” but there is another tradition in the broader Christian thought that comes more from Athens than from Jerusalem that says, “Well, part of what we need to do is to work out how the community should be organized and promote the common good, given the limited circumstances that we have. Incremental improvement and the use of prudence, which is practical wisdom, is also part of the divine plan—it can be illuminated by grace.”

A real question is this: Does faithfulness require standing up and saying, “This what I believe, I can do no else,” or does faithfulness also permit what so many of you do, what so many good politicians do, which is working in the community for incremental improvement? That's the question.

MICHAEL CROMARTIE: Okay. Daniel, you're up next.

DANIEL LIPPMAN: My question was you mentioned that the pro-life movement had waited, you know, decades for a time to overturn *Roe v. Wade*, and we might be approaching that moment again soon. Is there a risk for the pro-life movement, and also the Republican Party, that it's almost like you might get what you want, but then undermine the movement long-term if the majority of Americans who kind of like the

status quo, when that status quo is disrupted, then it could backfire on both the Republican Party and also pro-life conservatives?

MARK STRICHERZ: Overturning Roe is kind of like what happened with Obamacare, that it was pushed through but it did not have public acceptance. Yes, in the immediate aftermath, pro-life politicians would be defeated, especially in marginal districts. But long term, the issue would go back to the states, so it would much more of a state issue, and then there would be much of a variance for public opinion because, right now, there's no real moral restrictions that pro-lifers can put through without the Supreme Court coming in and knocking them down. If there's examples to the contrary, I'd like to hear them.

The Supreme Court's decision this year on the regulating at abortion clinics, that was what pro-lifers most wanted to take and had public acceptance, as shown in states like Virginia, and the Supreme Court said, "You can't do that."

So I think long term, I think that that shows that our abortion regime or abortion laws would be more similar to that of other countries rather than this mostly one-size-fits-all standard that we have.

DANIEL LIPPMAN: But wouldn't you also expect that, you know, the moment that there was a pro-choice majority on the Supreme Court again, that you would just basically flip-flop constantly or they would put back into effect Roe.

MARK STRICHERZ: Right. Well, that's outside my expertise about what -- on the precedence about overturning and -- I don't know -- under turning or re-putting it back. I'm not sure there's an issue like that. If there's one, I can't think of it, where you're constantly putting it back and forth. I mean, it's a fair point, yeah. The American public is divided.

MICHAEL CROMARTIE: Professor Kaveny, do you want to add anything?

CATHLEEN KAVENY: Well, I have written substantively and normatively on abortion in my first book called *Law's Virtues: Fostering Autonomy and Solidarity in American Society*. So I'm just going to put that hat on for a second.

I was working out of, a Thomistic account of the nature, purpose, and limits of law not because it was St. Thomas who offered the account, but I thought it actually made sense in today's world. One of the things he says is good law has to be according to the custom of the country. It can't be too harsh, or you'll get a backlash. It also has to have a certain stability to it, or too much flip-flopping will undermine the rule of law, per se.

Go back and read the opinion in *Planned Parenthood v. Casey*, which was the opinion that stopped the expansive line of abortion rights but didn't go so far as to overturn Roe. It reaffirmed Roe but cabined it in a bit, giving pro-life legislators more room to operate. It basically said well, we don't want to overturn Roe, because Roe is settled law. Many people depend upon it, and we need to preserve the integrity of the legal system.

So one of the fundamental jurisprudential questions we rarely talk about is how an act of law has to operate in a very real context, under very real constraints. It is not like an act of magic. I think the failure to grapple with the limits of law is a big flaw in the pro-life movement.

You know, it's not like "I don't like this, I'm going to make a law against it law." It's not like we're in *Bewitched* land where you snap your fingers and it's gone. A law has to operate against a whole culture, and one of the things you need to take into account in order to make sound law is how it's going to be received and responded to and how it's going to affect the whole ecosystem of law.

I would love to see the pro-life movement talk more about what counts as good law in this broader sense, not just looking at whether the particular law under consideration is

just or unjust in the abstract. Just and practicability are both criteria, even in Thomas's understanding of what good law is.

MICHAEL CROMARTIE: Okay. Elizabeth Dias and then Bill Galston.

ELIZABETH DIAS: As I've been listening to you all talk about prophetic discourse, I am also wondering about the role of the media, not just, you know, the speaker and the audience, but specifically the role of the reporter versus the columnist. I'm a reporter, so I'm selfishly asking that question.

I'd love to hear any reflections that you have, putting this moment as we think about where the country is in terms of prophetic indictments being thrown around, et cetera. Any historical context to help reflect on this moment for the role of reporters would be helpful.

This is a bit open-ended, but I'd love to hear you reflect on what's running through your mind as you have more historical background on maybe where the media has been with these things and where we are now.

CATHLEEN KAVENY: I have not done a lot of work on the ethics of media. The only thing I would say is it sometimes gets frustrating for those of us in academia. It does seem as if the media quotes the more extreme voices, that when you turn on the television and you see the people representing the views in contention, it's usually someone taking a very strong prophetic -- to put it charitably -- but honestly -- not so charitably -- almost deranged, angle on a particular point of view.

The people who have been doing the slow, careful work on these issues trying to balance various factors, they're too boring for television or for columns or for that sort of work.

So it would be nice if you talked to the boring people once in a while because they might

actually help calm things down.

(Laughter)

CATHLEEN KAVENY: I've got a list I'll give you.

MICHAEL CROMARTIE: But to follow up on Elizabeth's point, do you have any examples -- maybe somebody in the room do -- of writers who, in their editorializing, were so prophetic from their position as a columnist that they moved the audience to change their mind about a social issue?

MARK STRICHERZ: I think someone like David Brooks does that, challenges people, people in New York and people who don't read, you know, a Christian's writing.

But I would just echo that, what you said, and completely agree. I think all the incentives are perverse. If you want to sell books, if you want to get tweets, page views, buzz, ratings, it is to be salacious and provocative and controversial.

So it almost becomes a systemic problem, and if you choose, as an individual, to use responsible rhetoric, it's almost like unilateral disarmament in this business.

WILLIAM GALSTON: Well, that apparently explains my reception as a columnist.

MICHAEL CROMARTIE: Well, and on that point, we call now the prophet, Bill Galston.

WILLIAM GALSTON: A couple of preliminary brief remarks and then my question. Maybe the first one's a question.

What happens if the pathos that an orator is channeling is dangerous? That is to say, what if the pathos is not, “I feel your pain,” but, rather, “I feel your anger and resentment

and am prepared to give practical voice to it?" In other words, there are some passions and emotions that are politically and humanly dangerous. Is the public discourse enriched by the forceful public expression of those sentiments?

WILLIAM GALSTON: I think we also need a sidebar, and maybe even a session in the future, on dueling notions of forgiveness.

CATHLEEN KAVENY: Dueling notions of what?

WILLIAM GALSTON: Forgiveness.

CATHLEEN KAVENY: Okay.

WILLIAM GALSTON: When I heard the people who survived the shooting in, I think it was, the Charleston church, you know, immediately forgiving the shooter, I said to myself, "There's something wrong with this," and, you know, I think that repentance proceeds forgiveness. And I -- but this is --

MICHAEL CROMARTIE: That's a Christian notion, by the way.

WILLIAM GALSTON: And the whole question of what's forgivable and what isn't, I think, is a very complex one.

And by the way, regarding an act as unforgivable does not mean exiling the perpetrator from the moral community. Go back and watch *Judgment at Nuremberg*. Those acts were unforgivable, but the perpetrators were treated as members of the human community nonetheless and rightly so, you know. If they'd simply been shot without a trial, you know, it would have been a different matter.

Okay. Here is my response to your account of prophecy. It seems to me that there are two ways in which prophecy can fail.

Way number one -- and you know, the Hebrew Bible is suffused with this -- is prophets who believe that collective disasters are a function of individual sin. There's a straight path from that deeply implausible way of thinking to Pat Robertson's invocation of the path of the hurricane as punishment for, you know, as punishment for the sins of abortion and homosexuality.

CATHLEEN KAVENY: Yes.

WILLIAM GALSTON: That's crazy prophecy, in my judgment, without any credibility. That's not the right way to approach an earthquake, with all due respect to Cotton Mather.

So that's one way the prophecy fails when you're sort of analytically and humanly crazy.

The other way it fails is, as you say, Utopianism without a constructive alternative. But this gets to the point that I want to make, and that is that neither Martin Luther King's "I Have a Dream" speech, nor Abraham Lincoln's second inaugural, can be characterized as Utopian critique without an alternative program. In fact, Abraham Lincoln announced the alternative program at the end of the second inaugural, and if he'd lived, you know, we might be a better country. Martin Luther King's prophetic discourse was embedded in a march, you know, for jobs and freedom. That's what it was called, as I recall, and it's no accident that the speech led very directly to the enactment of specific legislation.

So good prophecy is in the service of a concrete alternative to an inadequate status quo.

CATHLEEN KAVENY: Okay. What happens if the pathos is dangerous -- "I feel your anger

and resentment.” I completely agree that there can be dangerous sentiments that people are feeling.

Then the question comes in -- and I think you've talked about this very, very insightfully - - well, what do you do with it? Is it better that we tamp it down and we don't deal with it? Do we just, you know, push those sentiments back down in people?

So what do you do if a whole part of the country has this sort of feeling of anger and resentment? How you address the problem?

The economy is better now than it's been in a long time in some sense and slightly better for that group of people. That hasn't helped.

So what's the root of the problem? I don't know whether the answer is not talk about it or talk about it, and maybe we need to talk about that.

The Jewish notion of forgiveness and repentance, I think, is a big theological thing there, and you've just got to go straight to the theology on this. You know, if you're an orthodox Christian, you believe that Jesus died for the sins of humanity and the forgiveness came first, and the repentance and reform was enabled by the grace that came from Jesus' life and death. Repentance and reform came second.

What the people in the Black church did, you know, is astonishing and admirable. It's amazing, but it makes sense as a notion of forgiveness that operates within the Christian theological tradition. I also suspect there are some human resonances to that view of forgiveness. Sometimes, people find it in their hearts to repent when the person they have wronged says “I forgive you” first. The forgiveness enables you to admit that you did something wrong. You can drop the defenses because you know the relationship being sustained by the offer of forgiveness.

ABRIDGED TRANSCRIPT

“Prophecy Without Contempt: Religious Discourse in the Public Square”

Dr. Cathleen Kaveny and Mark Stricherz ♦ December 2016

That’s really what the offer of forgiveness from God to humanity is in the Christian tradition. It’s an offer of a continued relationship, despite the sin, and when human beings can’t do it, God’s going to step in and maintain the relationship on our behalf.

I think I’d love to see a session forgiveness. Jeffrey Murphy and Jean Hampton’s book, *On Forgiveness and Mercy* (1990) is a great place to start, but there’s a lot of other good stuff, too.

MARK STRICHERZ: I agree with Bill -- I don’t know if I agree with the idea that it’s Christian. It seems like it’s a more recent Christian adaptation or introduction because when Pope John Paul II was shot, he met with his would-be assassin, but I don’t recall John Paul II saying well, “I forgive you for what you did” before he met with him. It was when he met with him. I’m sure the shooter said he was sorry for what he did. But it was not this anticipatory idea of forgiveness that applies not only to the example of --

CATHLEEN KAVENY: I think he did. I think he said that he forgave him early, before his attacker apologized.

Anticipatory forgiveness doesn’t mean there is no sense of justice. It means that you’re disposing yourself to reopening the relationship at the right time. So that’s what it means. You’d have to look into her technical analysis of this.

Collective disaster. I agree prophecy goes awry under those circumstances. Remember that prophetic indictment is based on a covenant, and a covenant operates like a contract.

So if you do these things you are required to do by the contract, you get what you’re entitled to. The reverse is also true. If you breach the contract with God, God punishes you. So how do you escape the logic of this framework? There’s some really wonderful stuff in Perry Miller’s *The New England Mind: From Colony to Province*. Taking the threat

of a smallpox epidemic as an example, he shows us how this covenantal cause-and-effect relationship could begin to break down. Cotton Mather warily advised his flock to try the new vaccinations against the disease.

Well, if you start telling people to go get vaccinations, rather than pray that the small pox epidemic doesn't take over, you're actually kind of undermining this idea that God's rewards and punishments are based on your fidelity to the covenant. You're suggesting that the epidemic can be fought with other means at least as effective as prayer and repentance.

Lincoln and Martin Luther King and Utopianism -- let me make it clear, I don't think utopianism is a characteristic of good prophetic discourse. I should have made that clearer. I think it's a tendency toward which much bad and mediocre prophetic discourse tends to run. So you're entirely right. I'm sorry I wasn't clear.

MICHAEL CROMARTIE: Ken Woodward, we're almost out of time, so we're going to have to be concise.

KENNETH WOODWARD: Okay. Two things, and maybe this a program for the future. But one, you didn't talk about liberation theology. Was that good prophetic discourse?

The other one really is for Grant Wacker. I mean, here we got Billy Graham. Billy Graham played a prophetic role. He spoke prophetically. He spoke prophetically to the audience in front of him and then also on television. But it seemed to me that this became ritualized -- that is to say, expected -- and was, therefore, blunted in some way because that's what Billy Graham does. That's the way he speaks. We go to listen to it. It becomes a kind of entertainment and the fruition of our expectations. So I'm wondering in what sense that was effective prophetic discourse.

MICHAEL CROMARTIE: Okay. I want to ask her to hold her answer, and we'll get Pete's intervention.

PETER WEHNER: Thanks. Yeah, Cathleen, you talked earlier in your remarks about creating humility in the genre of prophecy, which interested me. But if you could unpack that a little bit, do you think of it in terms of prophesy with less certitude, or are you talking about it prophesy turning within? So what do you mean by that? The virtue of humility is one that intrigues me.

The second is if either or both of you have thoughts on this idea of prophetic witness being more powerful coming from within the tribe than outside. It just strikes me that liberals become prophetic when conservatives are in power, and conservatives become prophetic when liberals are in power.

But just from a utilitarian and efficacy standpoint, it's a lot stronger if one is prophetic within the tribe that one is associated with.

Otherwise, it's not perceived as a prophetic witness. It's perceived as a partisan witness or a partisan attack. But I wonder what you think about that and if there are examples you could dial in on.

CATHLEEN KAVENY: Okay. Liberation theology, is it prophetic? Well, obviously, it's prophetic in some sense. It's social condemnations are rooted in the two big violations of the covenant identified in the Hebrew Bible/Old Testament -- idolatry, where you see mainly in Hosea; and lack of care for the poor, which you see very much in Isaiah. So to the extent the liberation theologians are calling attention to great social injustices in their community, I think that it is clearly prophetic discourse.

Questions about the status of liberation theology can be asked. I think some of them, you know, at least in Catholic circles, had to do with whether or not they were tying

themselves too closely to a secular ideology -- namely a kind of a communist vision of the country -- versus, you know, really rooting themselves in the theological tradition.

Your point about humility is also important. I see the humility as something that we need to bring in to contemporary prophetic discourse, and as something we can authentically root in these texts I'm talking about. So I write this on Page 391 of the book about Lincoln's Second Inaugural Address:

"Yet the Second Inaugural Address takes an additional and striking step: It carves out a space for prophetic humility. Lincoln notes that both sides of the war 'pray to the same God' and 'invoke His aid against the other.' Calling the situation 'fundamental and astounding,' he emphasizes the lack of correlation between the prophetic word and the subsequent result. Neither party 'expected' or 'anticipated' the war's duration. Each 'looked for an easier triumph.'" Lincoln creates distance between the prophets of I sides and the divine will: 'The prayers of both could not be answered; that of neither has been answered fully. The Almighty has his own purposes.'"

We sometimes think that prophets see themselves as being messengers of God and even delivering that message like Verizon, you know, 100 percent accurately. Yet Lincoln recognizes that he's a limited messenger of God and he does not fully understand the full plan of God.

The same point can be made with the Book of Jonah. Jonah doesn't know why God's sending him to Nineveh; he doesn't want to go. If you read his reluctance in the whole context of the Biblical tradition, you know that Nineveh is associated with Assyria, the country that ends up destroying Israel, and was itself destroyed by the Babylonian Empire in the seventh century B.C.

So where is God in all of that? I think what the Book of Jonah is trying to tell us is that God is still there, and that even God's prophets don't necessarily understand the whole

picture

And then was there one more question?

PETER WEHNER: Speaking within the tribe.

CATHLEEN KAVENY: Oh, yes. I think it's a lot easier for those who want to practice prophetic indictment in the public square to use “the oracles against the nations” as their model. It’s tempting to say: “Condemn those awful people who need to be destroyed.”

But that's really not the main point of the prophetic books of the Bible, and I don't think it's effective. It's just—let’s be honest--more fun. It really is, you know. It's just a lot more fun and more satisfying to condemn those evil others than to turn the condemnation on yourself.

MICHAEL CROMARTIE: Thank you. So please join in me in thanking our speakers for this session.

♦ END ♦

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