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January 6, 2013: On Taking Nihilism Seriously

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Title: On Taking Nihilism Seriously

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1/6/2013—I apologize to my readers for not blogging the past week, but I have been hard at work on the talk I delivered yesterday to a program sponsored by Lumen Christi and the Law Professor Christian Fellowship. I very much appreciate the warm reception I received, although the impression was that my talk was bleak. I'm publishing the entire talk in the next few days here on the blog.

I am here representing, in Zachary Calo's phrase, the world as such in its response to the draft statement on law, politics and government authored by Evangelical and Catholic lawyers and legal academics.

I am not really a representative of the world as such if that world is supposed to be entirely separate from religion. Judaism and Christianity are my traditions too, but I no longer belong to them.

I'm going to make five points. 1. The situation of all of us today is much worse than the draft describes. 2. The nature of our plight today is not as the draft says, relativism, which would merely be a clash of truths, but nihilism, which is far more fundamental. 3. Nihilism is just as much a crisis for the world as for the Church. Nihilism is common to us, whether we think of ourselves as religious believers or as dedicated to Reason. 4. nihilism cannot be defeated, for it is the destiny of the West. 5 But nihilism can be responded to, though not by invoking long-dead Christendom, as the draft does.

I have to begin with what the draft asserts and suggests about law. Humans in the world are dependent on another realm, which might be termed the realm of the spirit. That ideal realm, denominated variously in the draft as reason, the common good, the divinely given moral order, justice, higher law and natural law, is what is "enduring truth." To be authentic, law must be in accord with this higher realm. There is a name for this outlook. That name is metaphysics, in this case Christian metaphysics.

The implication of the draft is that the human world today is in danger of forgetting its true situation of dependence on this ideal realm, and indeed has already begun to forget it, with serious consequences involving spiritual malaise, material conflict and political tyranny. In other words, the world is a mess because it doesn't know what you in this room know.

The draft contrasts Aquinas' understanding of law as an ordinance of reason for the common good with "modern positivist theories of law." (page 15). Indeed, the document sets forth this contrast in "defiance" of the modern view. Thus, the draft is an attempt at faithful Christian witness against the modern rejection of metaphysics, which the draft criticizes as "the 'tyranny of relativism' that attempts to elevate human autonomy at the expense of truth." (page 3).

--1. Our situation is much worse than the draft supposes. The draft is satisfied. The Church thinks it is ok, but the world is bad. At least the Church is better off than the world. At the same time, the world is satisfied. The world thinks it is ok, but the world thinks the Church is bad. The world is at least superior to the Church.

-- The truth is, in Martin Heidegger's phrase, the darkening of world and Church. The truth is human inauthenticity everywhere. Where is human flourishing today? In ever renewing churches? They are emptying out. In motivated and energetic students. They just want a job. I have the sense that we are stuck and at the end of possibility? That humanity has been reduced to material resource. That man struggles for unlimited exploitation of the Earth. That our political system is broken. If you attended the socio-economic program at AALA yesterday, you heard that the financial crisis was caused by evil men stealing. Nor is this just the elites. Divorce has steadied only because so few bother to marry. And in my lifetime, gambling has gone from vice to a necessity of public finance.

2. That darkening of the world is not relativism, but nihilism—a world in which there is no inherent meaning except that which is asserted as an act of will. An ideology. That is why as the draft implies (p3) that law today is reduced to a “means of social control”—there is no greater truth for law to serve.

--falsely labeling the darkening of the world as relativism sets up a competition between the truth of Christianity and the truth of the world—is that a Christian stance? Not when there is a center for astronomy at the Vatican. Not when the Sh'ma and the Incarnation teach us that God is one with the world.

--nor did the legal positivists like HLA Hart deny that truth and goodness are binding on all human beings. They did not. The draft is mistaken.

--Today, as Art Leff wrote in a famous poem back in 1979 everything is up for grabs —nothing is binding. That is nihilism, not relativism.