

# BOISI CENTER INTERVIEWS



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**VINCENT LLOYD** is an associate professor of theology and religious studies at Villanova University. He is the author of several books, most recently *Black Natural Law* (2016). He came to the Boisi Center to discuss his book and the black natural law tradition. Before his talk, he spoke with Boisi Center interim director **Erik Owens** and graduate research assistant **Thomas Fraatz**.

**OWENS:** Could you distinguish for us between conventional ideas of natural law, both in the academy and the wider world, and then what you're calling "black natural law," given such a rich account in your new book?

**LLOYD:** One of the things that I noticed living in Atlanta, where there is all this Martin Luther King, Jr. memorialization, was that King talks about natural law and uses various terms like God's law and higher law, but it's not often represented. There's usually just minimal religious language, if any, in these memorials of King.

Yet what King was speaking about seemed quite different from the way that natural law gets invoked—particularly in highly charged partisan politics. King seemed to be referring to something that he was using to further social justice, something that is discerned collectively in community organizing and in political struggle. He referred to something that grows out of a three-dimensional conception of human nature, not just as essentially rational, but also as having these capacities for emotion and imagination that are also ways in which the divine is imaged in the human.

I was interested in thinking about whether King might be part of a longer tradition of African American political leaders who are not just invoking the language

of God's law, but actually developing and growing a theory of natural law that might have lessons to teach more broadly for those thinking about natural law.

**FRAATZ:** How have the conceptions of black natural law changed in the 50 years



since King's death and the successes and failures of the civil rights movement?

**LLOYD:** The story that I tell, which is perhaps overdramatic or melodramatic, is that there was once a robust tradition that existed for 100 years, from the mid-19th century to the mid-20th century. That tradition collapses for a variety of reasons, one of which is the end of segregation. The collapse of the tradition causes the black community to fall apart, once what bound it together goes away. Intellectuals and elites in the black community are

now able to be trained and work at historically white institutions or surround themselves with white friends on the golf course. That results in certain fragments of what was once this robust natural law tradition still surviving, but only in a fragmentary form, detached from the rest of the richness of the tradition.

I would argue that some fragments are picked up by those like Clarence Thomas, Alan Keyes, and others, who focus on the reason side of human nature and forget the essential indiscernibility of human nature. Others focus on the emotion side, again forgetting about the essential indiscernibility of human nature. This latter group includes James Baldwin, Audre Lorde, and bell hooks, who focus on the emotion side and reach normative conclusions based on that. Still others just pick up on the style or a few words here and there. Jesse Jackson, Barack Obama, and maybe even Rev. Dr. William Barber pick up on certain fragments of that black natural law tradition and forget about the intellectual machinery that was always implicit in that tradition.

**OWENS:** One of the core elements that you write about is the experiential nature of understanding in black natural law, as opposed to what you're presenting as a more abstracted notion of natural law from other contexts. Could you say a bit about what that experience entails?

In particular, I was intrigued by your description of the subjects in your book as performing natural law as opposed to discerning it or articulating it.

**LLOYD:** I'm interested in thinking about natural law not just as a set of propositions to be affirmed or denied or as a pathway through reasoning to get to such propositions. Rather natural law is more of a holistic process of discernment examining the ways of the world that distort our orientation to the good, the true, and the beautiful and practices in the world that help to right that orientation. That orientation allows us to see that the laws on the books are not ultimate, and that there is something beyond them, that we can, through this process of discernment, move in the direction of better, more just laws.

For example, Frederick Douglass, who was one of the most famed orators of his day—many accounts show his listeners being dramatically moved by hearing him speak. I wanted to take seriously the moral effect of that rhetoric. It's not just mere rhetoric, but rather a set of ideas and forms of persuasion that work together to help listeners and a community see the limitations of social norms and laws and think about what alternatives might be possible.

**OWENS:** One of the fundamental claims of natural law theory is that it's universal. It describes a moral reality that exists outside of our particular experience. Yet your articulation of it is challenging—that in some way by reaching to the particular. Can you speak to that a little bit?

**LLOYD:** I'm interested in the moral implications of negative theology. While there are many fascinating ways that theologians try and speak about God, they are always getting God wrong because God can never be expressed rightly in human languages or with human concepts. When we move to moral theology, this point can seem stifling. How can we know how to act if all we can know about God is in the negative?

One of the ways that I wanted to address that, using the specific example of African American thought, is to think about the way that human nature is universal, and that what is universal about it is the way that it is ineffable. It images God. God cannot be rightly expressed in human languages or concepts, so there's something about the human that cannot rightly be expressed in human languages or concepts. It's out of that universal aspect of the human that we can discern critical and normative conclusions through collective processes of discernment.

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## “What happens when we embrace the epistemic privilege of the oppressed? What happens when we think about blacks as being in an especially vulnerable position in the U.S. context in the 21st century?”

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**OWENS:** What then is the upshot for the well-established regime of describing human rights in these documents that we Americans both cite, lean on, and frequently ignore? Should we abandon that process? Are these useful fantasies? Or is it something that speaks to our inability to articulate things directly by failing over and over again to try?

**LLOYD:** One of the things that I try to do in the book is to not be too critical or neg-

ative. I look at the thinkers who are part of this tradition and how there are some straightforward conclusions. Laws that rely on implicit distinctions about human nature, particularly the nature of blacks, are no laws at all.

I also explicate the way that thinkers in this tradition consider this more three-dimensional view of human nature—the capacities for reason, emotion, imagination, and others—as deserving of a context for flourishing. *Prima facie*, laws on the books that are limiting the capacity for the flourishing of human emotion, imagination, and reason are problematic.

Of course analysis has to happen in acknowledging the complexity of the world and legal regimes, but this is a moment in which justice beyond the law inflects the way that we think about the law. It is a moment where a normative basis for human rights can be at least partially discerned. Guaranteeing capacities for reason, emotion, and imagination can be a basis for human rights discourse, even though there are all these qualifications about acknowledging complexity and varieties of context.

**OWENS:** At the end of the book you attempt to gently critique fellow travelers that you describe as black scholars working in the pragmatist tradition, as well as folks working with a cultural studies approach. You appear to bemoan the loss of normativity in their spirit, which of course is fine with many of them.

Do you feel like there's space to be in this conversation between the primarily critical mode and the primarily constructive mode? You're working in that space here, but how hopeful are you that others will join you?

**LLOYD:** Particularly because the academy and the younger generations in the academy are responsive to things happening in the world, specifically with regard to race, they are reclaiming a normative idiom and a robustly political idiom that has been dormant for some time.

One of the things that I'm excited about here at Boston College is this symposium on anti-blackness and Christian ethics that's happening tomorrow. It will gather a variety of religious studies and theology scholars who are trying to reclaim this normative idiom. The symposium will think about how the resources of Christian and other traditions can be brought to organizing around the Movement for Black Lives, and how the organizing can inflect religious discourses.

The hold of pragmatist and cultural studies scholars allergic to normativity—or having their own limited sense of what can be said in a normative idiom—is loosening as the context on the ground is changing and as younger generations of scholars are coming of age.

**OWENS:** I'm sure you have already experienced some pushback on your account of a more traditional or conventional understanding of natural law theory as being perhaps overtaken by conservatives or being stridently rationalist or non-interpretive. I wonder how you have responded to that pushback, because obviously that's a part of your thinking on this.

**LLOYD:** One of the challenges of writing about natural law is that the term is used in so many ways, by so many different people. What becomes the target of my critique is particularly this sort of politicized usage of natural law in the public sphere. For example, take the way natural law is discussed around Clarence Thomas's nomination. He's associated with natural law, and there's this public discussion in the U.S. What does that mean? How scary is that? What should we do about that? Does that disqualify him from serving on the Supreme Court?

I'm particularly interested in offering a counterpoint to that partisan political discussion in a way that does more than just pluralize or complicate natural law traditions. There has been great work here and elsewhere thinking about the varieties of natural law. It can be useful



in feminist or ethical inquiry, and the Catholic natural law tradition is rich and complex and a source for retrieving many different moral resources.

What I want to focus on first is the question: What happens when we embrace the epistemic privilege of the oppressed? What happens when we think about blacks as being in an especially vulnerable position in the U.S. context in the 21st century? It seems like there's something to learn from the styles of moral inquiry that can be found among blacks, but also more generally from the way that natural law ought to be what binds together grassroots, anti-racist organizing, and ideology critique.

Sometimes the pluralization of natural law conversations still focuses on the level of ideas and practical wisdom and discernment. All of which are important, but we could look at organizing on the ground as the place where you learn about natural law just as much as rational reflection in the ivory tower.

**FRAATZ:** You just spoke about the privileging of black experiences, precisely because black people are at the bottom of the 21st century stack of power. It struck me as having many resonances with kenosis and this idea of Christ as a self-emptying figure. I'm wondering if you could talk a little bit about the black

experience and what it might mean to embrace the lack of power when we're adopting a theory of natural law.

**LLOYD:** That's a great question and one that others have thought through probably more thoroughly than I have. When I'm interested in epistemic privilege of the oppressed, I'm probably less diving into the systematics questions than thinking in both Catholic and secular ethical terms. On the one hand, you have Catholic traditions of the privilege of the oppressed and learning from those and biblical traditions of Jesus identifying with the least of these.

There is also the secular philosophical or theoretical way of thinking about how the experience of being on the bottom rung attunes those on the bottom rung to the ways that they're being screwed over: "The boss is getting money and I'm not getting money." "The corporation is doing better than I am, even though I'm doing the hard work." This sort of awareness that comes about from the position of oppression is really a moral resource that I think ought to be tapped more—and that probably does have something to do with kenosis.

**OWENS:** How do you see this moral coherence in the black tradition as persisting through this era? Others have described a fragmentation of every other

moral tradition meaningful to the Western culture?

**LLOYD:** That's an interesting way of putting it, which speaks to this privilege of the oppressed, when segregation or apartheid force a community to cling together, and when the Church is one of the few institutions that allows for that community to hold itself together. The Church has a moral vision to which it is committed in various ways, in different forms, in different denominations. In this way, the religious or religious ethical idiom can remain central and that tradition can be sustained more. I'll have to think more about that question. It's a nice one.

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