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**THE AMERICAN WAY TO CHOOSE ICE CREAM:
A RESPONSE TO ERIC TWISSELMANN
BY ANDY DRAYCOTT**

ABSTRACT

A response is offered to Eric Twisselmann's analysis and critique of social justice pedagogy, highlighting areas of theological agreement. An understanding of justice as *social* is explored through the concept of communication. Education as social communication of intergenerational learning is shaped by concerns for justice. The connection of justice and truth expounded by Twisselmann is critically endorsed, surfacing questions about the importance of choice in his account. How Christians may peaceably suffer as witness in current pedagogical debates is explored in final reflections.

WHY SOCIAL JUSTICE?

It is hard to imagine what justice might mean without it being social, but I suppose the conjunction gains traction over more restricted legal codifications of justice. These more confined notions might be prefixed with criminal or penal, or according to spheres of social action, with civil or military. Justice might be defined according to a broad disciplinary area, giving us economic or philosophical or biblical justice. We might take it that, albeit only certain specialist vocations would require training in these restricted areas, anyone might show an intellectual curiosity. Lawyers and judges must know criminal justice, even if a democratic order supposes that citizens more broadly have an interest in the sweep and direction of action in this domain. Commanders and their soldiers on active service ought to know the requirements of military justice and international law, even if military lawyers and police would exercise the specialist technical knowledge. Still citizens might care to exercise concern over the broad tenets of international law regarding war and its conduct, we should suppose, if only to keep their military representatives accountable to political society. It could be the case that scholars assume they explore their disciplines in ivory towered isolation, exercising little care for ground level practicality. Yet inasmuch as their research participates in the societal conversation about the good, and about right action, society has a right to demand of its leading intellectuals and teachers, or at least of the further deployment of their findings, that justice be a key consideration. That after all is the logic of teaching – it is a public communication of learning across generations for the common good of the society, fostering the task of education. Education supposes and presumes upon society for its logic. The ordering of society around what is true and good for the participation of all is the concern of justice. Education is a significant component of social justice.

How then may social justice be a feature of the educational endeavor? I want to unpack a little further, in response to Eric Twisselmann, the question of what is meant by justice in which society would have an interest. And what part should that interest bear upon the education of children? This, to me, is the driving concern of Twisselmann's article 'Truth, Justice, or the American Way?' My answer draws loosely on the political theology of Oliver O'Donovan (2005) and his explorations of political action as judgment in the context of effective social communication.

AMERICAN (AND) CHRISTIAN CONCERNS FOR JUSTICE

I have indicated why it might be that democratic societies, in particular, ought not leave definitions of justice to specialists and technocrats. We need not exercise too great a fancy to imagine sociopolitical regimes where non-specialist or unauthorized recourse to public reflection on questions of justice might be downright dangerous because viewed as subversive. Having done so, we should recognize in the American way a democratic tradition in which we take comfort. This, in part, is what underlies Twisselmann's concern about what he takes to be the authoritarian hegemony of a certain kind of social justice educational agenda. His concern is a democratic and American one. His concern is not only such, however. His concern is also a deeply Christian one.

AMERICAN DEMOCRACY, THEOLOGY AND JUSTICE

The United States' concern for social justice is important as a civilizational achievement that takes up key biblical and Christian convictions. A fistful of such convictions suffice for display here. Each human is of worth before God and therefore before fellow

humans. That worth constitutes a *prima facie* claim to be a member of society. That is to say that, irrespective of legal niceties that serve the goods of border justice, for example, the physical presence of the human person in a place dignifies that place as the locus of encounter with and mutual human regard from any other human.

Mentioning place recognizes the truth secured in the incarnation that humans are not persons abstractly, as just punctual, transferable bearers of inalienable rights. The uniqueness of the incarnate Son of Man, Jesus of Nazareth, the Christ of Israel, irrefutably grounds humans in their distinct histories and embedded communities. The ensuing ecclesiological discovery is that the saints - those baptized, and so dead to self and alive in Christ - find that '[t]here is neither Jew or Greek, there is neither slave nor free, there is neither male nor female,' (Galatians 3:28) such is their oneness in Christ Jesus. Yet that oneness is diverse as mediated by the ministry of God the Holy Spirit. The body has many members, all of whom are necessary to the building up of the body for the common good. It is oft remarked that the Spirit's emboldening of speech in every member of the community of the church is the prophetic demonstration of democracy-under-God. Lastly, but most significantly, as the Spirit bears God's people to ever-renewed reconciliation, He does so as bearing the church toward the fulfillment of the Kingdom of God in Christ's future return – as still this embodied, emplaced, crucified and risen GodMan. Our understanding of eschatology, of last things, does not halt the social life of the church in pause mode, nor the historical life of societies and nations, but rather, in mission, Christians live as participants in their societies – in their place of belonging. Though they are sometimes welcomed, sometimes persecuted, they are living toward the common goal of history that comes from outside natural and historical progress in the advent of the already redeemed Redeemer, Jesus. This latter confidence keeps humans from holding utopian perfectibility as the attainable goal of their own endeavors. In this theological sense then, Americans are entitled to an American account of justice that is tied to the language and history and culture of this place, all the while recognizing that the Christian voice in this place knows that the true knowledge gleaned from this perspective is always the partial story of human hope and wisdom that will gladly bow and welcome the full revelation of social justice in the coming fullness of the Kingdom of God.

JUSTICE AS COMMUNICATION

I agree with Twisselmann that justice cannot make sense without truth. At best we could have a chaos of social justices, at worse a smorgasbord of constructed individual fiats barked out without any social desire to communicate. These are, however, deeply anti-social visions where humans no longer pretend to be the bearer of claims to communication in society. We are no longer, on this prospect, limited to women being from Venus and men from Mars, but everyone is on their own individual planet in solipsistic intergalactic orbit. A world really no longer exists. But Twisselmann stakes out vital ontologically realist terrain – the world does exist. Christians cannot abide any such counter realist moves with a defeated shrug so long as our mission is empowered by the Spirit of the Son who was given by God in love precisely for the world. Nor can we suppose that education is anything less than an induction of young humans into the manifold ways of communication and therefore social justice in a shared world.

If all this is true theologically, social justice can never be a question of instantiating a state of affairs that is statically just. And this is where I may make Twisselmann nervous. Communication as the medium of human lives lived in society is an always-mobile reality. In the church the Spirit does not work our unity despite our embodied individuality and diversity but rather through it. Just so, in society community is constantly forged in human encounter shaped by the intercommunication of multiple narratives. No individual human chooses his or her own identity, however much their choices may constitute a vital stream of how that identity is lived out. Theologically understood, the multifaceted quality of human identity is a created good, a redeemed affirmation, and also a fallen battle zone. We are sinners, we are made in the image of God – we are socialized into both virtue and vice. The task of social justice cannot be to efface that battle or even, as Twisselmann well observes, to suppose that the “battle of vice and virtue” is just an old fashioned term for what enlightened souls would recognize to be a range of options from which moral judgment should be suspended. As he is rightly concerned, any proposal to indefinitely suspend judgment as an account of justice is really a declaration, even an imposition, of an end-time state of affairs that is statically just so long as procedure is followed. Such end of history accounts ought to be recognized as harbingers of a totalitarian end of human society and true communication. Social justice would effectively degenerate into an encapsulation of each individual in the non-communicative act of never demanding an encounter with any other encapsulated individual. Social justice education would then be anything but social.

What then are we to make of Twisselmann's criticisms of the social justice pedagogy? His reading of justice in the instance of Solomon endorses a view of justice as the continual task of judgment in wisdom occasioned by sin. This task is required not just of

ruling authority but by all in the vicissitudes and serendipities of human communication and miscommunication in society. Even prophecy must be tested, weighed and discerned. As in the case of Solomon and the contest of mothers, as also in cases of prophecy, the testing of the judgments reached lies in the moral life authorized by the judgment. The baby is brought up by its natural mother and not a spiteful death-dealing thief; prophecy is tested as the good is held fast and evil is shunned (1 Thessalonians 5:20-22). So the goal of this social and therefore human and therefore non-static justice could not be any crude goal of equality, but rather one of equity. Equitable treatment rather than equal treatment is analogous rather than strictly mathematical. It calls for moral imagination as displayed by Solomon rather than an actuarial account that might split the baby in two. Such a judgment we would recognize as social impaired. So then what might this look like in education?

THE TASK OF SOCIAL JUSTICE – FROM ICE CREAM TO SEXUALITY

Social justice as a human task is a communicative endeavor. Social justice cannot replicate the judging and making righteous of the human heart that is the reality of regeneration, repentance and faith, justification, and sanctification. Social justice pedagogy then will not be a universal panacea to the world's ills. The gospel remains then the only good news of that scope. This does not mean, however, that recognition of the appropriate limits of social justice pedagogy renders it moot. Rather, in keeping with the humility that truth requires, we can affirm that social justice education is vital for children and young people growing up in society where our communication is fraught with contest and difference.

Let me examine then Twisselmann's chosen example of the ice-cream boycott. Twisselmann supposes that this is an obviously ludicrous example of political correctness gone mad. He uses this example in two parts of his argument. First, he highlights it coupled with another example as an instance of a loose definition of social justice. Twisselmann is distressed about the age-appropriateness of an ethical discussion of ice-cream consumption. At first swipe, he is concerned that definitions of social justice are "active and malleable," to use the phrase he cites. But I have claimed that justice must be active and malleable as a communication tool of society. I would hold that its malleability, as with any material substance, is not infinite but only as appropriate to its corporeal structure, so that I would want to affirm, as above, that the very notion of society for which justice is a good requires common communicative ground. If social justice pedagogy enables students to recognize the context of even mundane decisions as one of communication and negotiation of various goods, even ice cream, it seems an appropriate approach to take. In fact, it may be that age appropriateness is the key differential criterion compared to the use of poetry to promote non-threatening dialogue.

Twisselmann's real problem with the ice cream example is, in the second instance, with its myopic or narrow or even radical definition of social justice. Now I'll confess right now that I read the movie *A Bug's Life* as one, more, trite individualistic, American dream, "I believe I can fly" refutations of anything even vaguely resembling communism, so I am not employing the same hermeneutic lens as the Chicago neighborhood teacher. But then, neither would I want to imply that, undertones or otherwise, there might not be anything to learn from Karl Marx about the modern situation.

If justice is about local judgments that communicate the good and the goods of life among people, why should not the observation that some can afford and some cannot afford the treat of eating ice cream for dessert be worthy of examination? Why should this be described as "ethically second guessing themselves when they enjoy an ice cream cone?" The social justice at issue here is surely not the moral goodness or evil of eating ice cream (as if the fact that it is sold at the campus cafeteria and therefore officially endorsed by the school authorities settles the question). Rather the teacher may be indicating that the attitude that says, "I can afford to buy it and so am free to do so," means, "I never need to ask or care if others are as free as me." And if human freedom were merely a function of my individual resources and maximization of my freedom of choice, we should care about society very little indeed. But if we think that society and the just communication of goods in society is a hallmark of human freedom, then the exercise might serve to make students aware whether or not the purchase of ice cream is merely a function of choice. The student who cannot afford to buy ice cream feels it is unfair that his friend can. That feeling threatens their friendship. Their communication and camaraderie in class or at recess is shaded by this hitherto unacknowledged but long present difference. What happens when the difference is made public in the class is that the eating of ice cream no longer functions as just one of those things that is a matter of free choice. Students learn of each other's desires to participate to the full in the goodness the cafeteria has to offer and recognize that not all have free access. Is the class a failure when the ice cream boycott fails? I would argue not, if it has raised awareness that freedom in society is not determined solely by individual choosing. Only privileged individuals can proceed

through life with a consumer mentality that lives the dream of getting just what you chose. Might the class have allowed the students to see each other not only as consumers of education but as persons with multifaceted lives that translate in this instance into different spending power in the school cafeteria? Might some, thinking more readily of the health of their friendships, now lean toward mutuality and free sharing or occasional gifting of ice cream?

Here I detect an irony in that Twisselmann's implicit defense of consumer freedom here is precisely what he decries in relation to sexuality in the following paragraphs. I do not see this position on freedom of consumption or on bounded public accounts of human sexuality as contradictory because I hold to the same reality beliefs that he does. But I am concerned that his reasoning privileges choice more than I would care to in ways that may become a hostage to fortune in these kinds of social justice debates.

The good of participating in society through communication and judgments toward the common good is secure, as we have noted, in the vital respect of each person as a communicative member. What that member of society feels and thinks is then important for the determination of how any particular judgment is to be communicated. So let us take the instance of sexuality. My judgment on this issue is bound to a critique of human freedom as unfettered freedom of choice such that people suppose they are free only insofar as they may choose to act without encountering communicative judgment. That is, I am free to be who I am as a person only if how I choose to express who I am is not questioned in relation to the good of society. This is a deeply antisocial, individualistic, and consumerist posture akin to the children who need never know or care that a peer cannot afford ice cream. Twisselmann rightly criticizes a relativist version of social justice that effectively dismantles communicative judgment altogether such that any individual's rights to self-expression automatically bars social judgments that might come in material form of provision or not of, for example, transgender bathroom access. Of course, this antisocial logic cannot be sought by Christians resistant to these aberrations of justice. That is, Christians cannot take opposing positions to those with whom they are in disagreement, and so effectively isolate Christian social postures as rights claims to say whatever we should want in retaliatory aggression. Nor can Christians hope or deem it a good thing to adopt a posture of social communication that denies or occludes difference and feelings of hurt established by difference. So sexual attraction, the vitality and importance of non-sexual friendship, and the deeply affirmed psycho-physiological reality of human life that Christians recognize in the incarnate Christ will all be areas that education will address at some stage, again subject to judgments of age appropriateness, but not anti-social veto.

POVERTY, EDUCATION, AND REGAINING SIN

Twisselmann recognizes that determining truth in the fluidity and complexity of life is difficult for the task of judgment. He rightly recognizes in his discussion of justice in relation to poverty that economic inequality is not unjust *per se*. But when he claims that poverty is never in itself a moral evil, I demur. I object because Twisselmann's contrast at this point is not with good but with virtue. This suggests that poverty might be being viewed here as a moral failure of character, as he goes on to point to factors within the control of an individual and the damage of the vice of sloth. But if the "moral" of moral evil pertains only to human actions in society, then poverty is in itself an evil. For poverty is nothing less than an inability to participate in society and its judgments because of the marginalization of communication with all energy bent toward the desperate effort to cling on to survival. This is also why poverty is both an absolute and relative term—absolute in relation to the basic realities of sustaining human life through food, clothing, shelter, and companionship, as also relative in relation to the configurations of society and the demands of participation in a dignified manner. (Companionship stands out as odd in this list and should not be understood as constituting a right to friendship but rather as an absolute recognition that flourishing human life is bound to social solidarity at the core of our identity.) When a person of worth before God is so marginalized by poverty, or race, or sexuality, or religion, or any other marker of difference so as to be ignored, forgotten, or worse—actively oppressed, in social communication in thoughts, words, and material forms—it is a proximate good of education to raise these persons to the attention of society, giving them confidence and voice so that they can be participants in the society. This society is not beholden to their identity accounts as trumps to majority claims, but it is interested in sustaining the nexus of communication that explicitly and perhaps legally, but more mundanely, socially and materially economically, forms judgments that shape the possibilities of a good life toward the peaceable common good of the earthly city. This is not yet the kingdom of God and much that distresses Twisselmann distresses me too. But too much of the social communication around contested claims to justice has forsaken the civility for which a society is constituted. Social justice education may need to recognize that certain claims on its curriculum are deeply anti-social in pursuing an individualistic American dream – whether for the consumption of ice cream or the consumption of marriage. If, as Twisselmann hopes, social justice education may yet hold out the promise of a retrieval of the ideas of sin and evil, I trust that these not be the narrowly individualistic

and asocial versions that, in pointing to the problem of the human heart, fail to see how our hearts are always already intertwined in social desire and imagination.

CONCLUDING REFLECTIONS

A number of questions surface as I follow Twisselmann's trajectory. I do not think we disagree necessarily on the theological goods that are instantiated in a modern pluralistic democracy like that of the United States. If America has lost its way then, for Twisselmann at least, the purportedly neutral pragmatic rights agenda of a post- Dewey, post-modernist identity politics is the detour that leads to the distressing present.

His closing confidence is grounded in grace as the something better than entitlement that Christians can bring to education. God's grace in the gospel does orient us to grasp a better hold on justice in his complex world. Why should grace be contrasted with entitlement? This, lest there be doubt, must certainly be the case soteriologically. The judgment that ultimately counts is the justifying judgment of God met in the person and work of Jesus Christ. Yet precisely because that judgment is a vindicating judgment, the questions of penultimate justice are ours with which to truly grapple. Just so, we need not set grace of salvation against entitlement of creation. It is the grace of God that gives back to us our lives and the historical, cultural, economic, and political contexts into which we are called to missionally join our fellow humans in exposing fear and offering peace. We are entitled to contend for that truth. The peace toward which we aim is penultimate and not utopian. It does not suppose that a social state of affairs still less a political state such as the United States, can ever be the kingdom of God.

At the end of the day, of course, any teaching worthy of the name is social justice education. A pretense otherwise would itself be trading on an anthropology far from biblical that views children as free agents of rational choice and so encourages them to consume their education for what they may individualistically profit from it. This would further suppose that, so long as everyone else is equally mentally free to choose, justice is served. All that is needed for the Christian then to be satisfied is that that freedom be exercised for our moral values (an economic term used advisedly). But truth is not a piece of merchandise that can be bought and sold. It is lived out. My fear is that a logic of choosing the right values feeds a consumer capitalist account of justice without constraint. So educated we find individuals, Christians or not alike, declaring Corban and giving to the market of lifestyle instead of to the priest – but still neglecting parents, widows, orphans, and the poor, as they invest in a worldview of justice that shores up their privilege as choosers on the earth. This is also a justice of sorts, it communicates particular rendition of the American way.

My contention is only this, let us be sure as we look out on the field of education from the vantage of scriptural wisdom, empowered by the Spirit, supported through tradition, and eager for God's future, that we do not mistake the Kingdom for values - conservative or otherwise. The ways in which humans in the United States and beyond navigate the pluriformity of the good in discerning truth and accordingly communicating and distributing that truth spiritually, intellectually, and materially are manifold. Twisselmann does us a favor in alerting us to trends and confusions in some contemporary United States social justice education. Christians in education need great wisdom to know how to bring truth prudentially to bear on their everyday lives and those of their students. Forming citizens who do not throw up their arms at the first claim for truth is vital, but so is recognizing an obligation to enable social communication of difference without fear, microaggression, or violence. If social justice has come to be reduced to articulating minority voices and rights, it may be that these are voices that must be heard. Christians who heed the social justice reality of education may find themselves taking up their crosses in seeking social solidarity toward peaceable common good with those with whom they strongly disagree. Giving up on agreement is a totalitarian gesture of hopelessness that sees no end to history other than what I can fashion according to my view. Christians have a greater hope, and so can pursue their strong disagreements, not as entrenched positions, but as social communication. In this way, Christian teachers and their students who are willing to engage conversations not of their own choosing, as a form of suffering, will witness to greater civil and eschatological hope, grounding their communicative judgments from place to place, year to year



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