

## ON PRIVATE JUSTICE

*December 16, 2024*

For eighty years, Superman's motto was "Truth, Justice, and the American Way!" In 2020, at the apogee of unchallenged Left power, it changed to "Truth, Justice, and a Better Tomorrow!" In the fantasy world of comics, only one clause mutated. But in the real world, all three clauses have been transformed into their opposite. Truth has become lies, all-encompassing lies in the service of Left power. And justice has become not blind, impartial justice, but instead a tool directed towards Left ideological ends, the supposed "better tomorrow" with which we are threatened. Thus we must ask ourselves—when public justice fails to be just, at what point does private justice in response become acceptable, or even desirable?

In a disuniting polity such as ours, understanding private justice is crucial. This is because fragmenting societies inevitably face the rise of private justice, despite that unchecked private justice is always a nightmare condition for a society. Private justice, a complex matter, has major analytical overlaps with two topics I have discussed before: so-called cancellation, private action taken to ruin a person economically or socially for ideological transgressions; and rebellion, armed action aimed at overthrowing a sovereign. Therefore, this article can be viewed as the completion of a trilogy, with thought given to the philosophical, moral, and practical aspects of these matters.

The genesis of my thoughts on this matter arose from the recent murder of the CEO of United Health, Brian Thompson. Whether true or not, the common belief is that he was assassinated (the term used for a political murder) because of his position as head of an insurance company notorious for unjustly denying health care coverage. Surprising many, a large number of people, mostly on the Left, but also on the Right or with no politics at all, celebrated this murder as exemplary and moral. Why exactly Thompson died is of no consequence for today's discussion, however. I would not have thought a great deal about this topic, except that the following evening, on X, I said that while I don't "generally approve" of murdering people, and that I was not commenting on Thompson's death, private justice was required in today's America. More precisely, that "It's good and salutary if the very many guilty

among our elites start to live in fear of expedited, unanswerable, and unexpected punishment for their sins.”

Frankly, I thought this was an obvious and unexceptional statement, a throwaway. Few would deny, in these days of George Soros, Jeffrey Epstein and his “clients,” Anthony Fauci, P. Diddy, CERN satanic worship, Bill Gates, Mark Milley, Lindsey Graham, Alejandro Mayorkas, George W. Bush, and Nancy Pelosi, that there are very many guilty among our elites who have entirely escaped punishment for their sins through the public justice system, although the nature and degree of his evil, and of his culpability, for any given individual might be debated. Nonetheless, my comments raised the hackles of some. Still, they probably wouldn’t have gotten all that much traction or notice, just a thousand or so “likes” from my usual loyal followers, except that Bari Weiss retweeted my excellent tweet, with the one-word caption “Disgusting.”

Weiss is a member, perhaps at this moment the most prominent, of the loose grouping of left-wing intellectuals sometimes known as the Intellectual Dark Web, whose main desire and function is to slightly slow down the Left so that it does not outrun its own success, while ensuring that the Right is unable to gain any power, and if it does, to make sure we don’t use that power to any effect whatsoever, most especially that we not roll back any Left gains. Her prime political aim, deriving from that she maintains a “wife,” is to ensure ironclad socio-legal protection and forced approbation for sexual perversion. Thus, she prioritizes above all else one of the two philosophical pillars of the Left—emancipation from any limits society might place on what a man or woman desires to do at any given moment. To be sure, she’s not very bright, as shown by her humiliation on the Joe Rogan Show a few weeks ago when she used the word “toady” without having any idea of its meaning. Weiss has never accomplished or done anything; she’s a young journalist, a low form of human existence, whose only claim to fame is spending her entire career involving herself in various controversies. But she is well-known. My post thus received quite a number of incoherent comments (mostly assuming I am left-wing, oddly), and enjoyed a brief further life online, also being mentioned by Weiss in her daily newsletter, where she preaches to her acolytes the gospel of reasonable leftism. Then, in the manner of all internet brouhahas, my thoughts disappeared back into the void.

But these minor events occasioned me to think more deeply. It seems to me that the matters raised in my post, which was a kernel expression of an entire tangle of philosophical considerations related to private justice, demand a complete explication. For as with Superman's motto, so much that was once clear and simple has been distorted by widespread mendacity, combined with total ignorance of moral and political philosophy.

My typical procedure is to list out arguments made by my opponents, using their best-expressed form (what is sometimes called "steelmaning"), and then to discuss and demolish those arguments. Here, that is impossible, because no arguments are made by my opponents. Instead, there is incoherent pearl-clutching, consisting mostly of mewling that any favorable mention of private justice, deliberately undefined, is very, very bad. No coherent reason is ever specified. Instead, the conclusion is chanted without reasoning. Underlying this worthless stew is, as far as I can tell, the visceral feeling that any action which might involve violence, and undoubtedly private justice may sometimes involve violence, is inherently illegitimate.

Some of this conclusory belief has ideological underpinnings—given that the Left has most of the power in modern America, including controlling the administration of all public justice, any suggestion of possible illegitimacy or inadequacy within public justice tends to erode Left power, and therefore cannot be allowed. A good deal of this conclusory belief is not ideological, however. Some of it springs from the modern hyper-feminization of political thought—deprecation of the male way of efficiently solving otherwise-irresolvable disputes through conflict and direct action, and the substitution of longhouse matriarchal-led drawn-out coercion and emotional blackmail to smother disputes while ensuring one disputant's desired solution is adopted without open conflict. Some of it is simply fear combined with magical thinking—if we do not desire violence, and we mandate that it is forbidden to speak or think of it, violence will stay far from our door, while we Netflix and chill. Some of it is virtue signaling, usually by gatekeepers on the Right struggling to maintain their social position by signaling, like an abused monkey at the bottom of the hierarchy, that they are no threat to anyone in power. (A good example of this latter is a Substack attack on me by one Erick Erickson, an obese former Fox talking head

who now grifts as a part-time Never Trumper and full-time catamite to the Left.)

Still, we should try to steelman the position that private justice is illegitimate, and if that cannot be done, to steelman the undesirability of private justice. Maybe we can construct arguments where none have been made. First, however, we need to understand what private justice is.

When we think of private justice, what usually comes first to mind is vigilantes, something embedded deep in the American consciousness both from history and from movies such as Charles Bronson's *Death Wish* or Clint Eastwood's *Unforgiven*. The Oxford English Dictionary defines "vigilantism" as "the principles or activities of vigilantes or vigilance committees." A "vigilante" is "a member of a vigilance committee." A "vigilance committee" is "a self-appointed committee for the maintenance of justice and order in an imperfectly organized community." And while the word "vigilante" is made a pejorative in the modern era, it was not originally such, nor does the OED label it pejorative.

The key phrase in the definition is "self-appointed," meaning without legal authority. At its core, private justice is justice administered by either a private individual, or by a more-or-less organized group of private individuals, outside of (and often in opposition to) the justice system of a given society, one formed according to law, which is public justice. As the OED implies, such private justice has usually been administered by groups. This is for obvious reasons. Men find it easier to take difficult or risky actions when supported, physically and morally, by other men. A group also can better replicate public justice; every sensible person knows that the actions of one man always risk bad judgment, imperfect thought, personal animus, or monomania, all of which can easily lead to injustice rather than justice. Nor is private justice hasty mob justice, where decision-making is distorted by the madness of crowds; it is considered action.

Every society, no matter how ancient or informally structured, from cavemen clans to globalized nation states, has a public justice system. The starting point, the ultimate reason for, a justice system is to avoid what inevitably arises without a system of justice administered by a higher authority than the individual—the vendetta or blood feud, the personal seeking of vengeance for wrongs done. Since Cain killed Abel, and God forbade that Cain be punished by vendetta, every society has

recognized that the blood feud is tremendously destructive of public order, and therefore creates rules to either limit or prohibit that destruction.

The Code of Hammurabi explicitly prohibited blood feuds and other forms of what modern law sometimes calls “self-help,” whether arising from violence done by one man to another, or by other perceived injustices, such as theft or fraud. It instead substituted the *lex talionis*, also found in the Old Testament, an eye for an eye, administered by the community as a whole, or by its elders and chiefs. Sometimes, as among the Vikings, other penalties were used to modify or eliminate the *lex talionis*—in their case, the *wergild*, monetary compensation on a scale set by the severity of offense, with responsibility imposed not only on the guilty party, but on his kin, all of whom would otherwise be subject to violence under a system of blood feud. All these systems can be very effective. But whenever a society lacks an adequately strong public justice system, usually a society without any central authority and thus one that always strongly feels the pull of anarchy, the blood feud automatically becomes the default process, because the nature of man is that he seeks vengeance for wrongs done to him.

Other ancient societies did not use the *lex talionis*, or not in its pure form. The Romans, for example, did not use it—but nor did they have a system of central public justice, instead relying (though this is a simplification) on private prosecution of wrongs, judged by some higher authority. In the West, the *lex talionis* has been strongly disfavored, because in the New Testament, Christ voided it as a religious command, and also explicitly forbade all private vengeance, while explicitly endorsing the public administration of justice by the secular ruler, including implicitly punishments such as capital punishment. A Christian may therefore never engage in private justice for the purposes of vengeance. This does not answer the question of whether private justice can be undertaken by a Christian, however, where public justice is absent, or fails through perversion or other defect. This distinction is today confused, and deliberately so, in the usual manner of non-Christians and pseudo-Christians hijacking Christian terminology for their own ends.

We should be clear that private justice is not limited to physical violence. Quite the contrary—most private justice does not involve violence, lethal or otherwise. For example, shunning and shaming are

just as ancient as the blood feud; such was the Mark of Cain. But they also fully exist in all modern societies, notably today in our own society as “cancellation” by the Left of those who do not comply with their demands. The ancient Greeks often used exile (“ostracism” comes from the *ostrakon*, shards of pottery using which a vote was taken whether to exile a man from the community). In the modern world, such exile is not physical, rather more abstract, but no less real. Commonly, given that most people are not self-sufficient, it is financial—the loss of a job, and often the inability to obtain new employment in the same industry, or literally being cut off from the financial system, as Marc Andreessen recently revealed has happened to many men in Silicon Valley who were deemed not adequately compliant with the Left. Totally aside from politics, however, every social group always has some kind of equivalent—Christian churches, for example, use excommunication, which is also a form of private justice (though our focus today is on private justice as a response to the failure of public justice, rather than internal group administration of private justice).

Despite the best efforts of most societies, every society has breakdowns in which private justice returns to the fore, usually in circumstances of weak central authority combined with extreme division inside the society. All these breakdowns damage a society, because they erode the bonds of trust and stability necessary for a healthy society, and they are often indicative of an even larger breakdown to come. The most famous American example is the blood feud of the Hatfields and McCoys, but a consistent theme in Western tales, for example, is the struggle to limit private justice and to permanently install a system of public justice. In the run-up to the Civil War, in Bleeding Kansas, ideologues such as John Brown murdered men as private justice, and the resulting widespread approval of his actions in the North accelerated the slide to war. In the chaos of Germany after World War I, right-wing groups such as the Organisation Consul set up systems of private justice, murdering men and fatally destabilizing attempts to rebuild civil society.

These are negative examples, where the costs exceeded the benefits. But our own history provides many positive examples of private justice. For most of American history the Boston Tea Party, private violence against those violating no law, was celebrated. Tarring and feathering during the colonial period (which was, contrary to myth, not usually

injurious, rather humiliating, to the unlucky recipient), a frequently-administered method of enforcing community standards, is another example. Eventually, this colonial private justice morphed into rebellion, which is why there is an America at all, whose 250th anniversary we are fortunately soon to celebrate under President Trump, instead of under a national administration which hates the very idea of America.

In between, American history also provides many ambiguous instances of private justice, such as the strongly-encouraged or coerced exile of loyalists to the British Crown after the Revolutionary War. Or Western posses, vigilance committees, pursuing and hanging horse thieves, who may or may not have been guilty, but whose deaths certainly reduced horse thievery, at a time when losing one's horse could be fatal. And in the modern world, an example of positive private justice can be jury nullification. In the English common law tradition, although it is a complex topic and often denied to be legitimate by those who control the public justice system, juries may ignore the law to achieve a result viewed as just by the jurors (although as we will discuss, in practice this jury private justice today is more often negative).

Classic fiction also provides many examples of private justice being offered as salutary lessons to both young and old. Robin Hood is the best example, but such examples can be multiplied—take Walter Scott's *Rob Roy*. And in the twilight gloam between fiction and history, many men have been rightly lionized for private justice, such as William Tell, who cloaked in darkness slew the magistrate who had threatened his son and himself, thereby, though he did not so intend, sparking the successful rebellion against Austrian rule of Switzerland.

Only the poorly informed, deliberately obtuse, or malignant can maintain that private justice is always seen as the wrong course by the mass of mankind. We must necessarily conclude that some private justice is undeniably just, in the original, Aristotelian sense of giving each his due. (We need not consider stupid alternative modernist definitions of justice, such as those promulgated by the odious John Rawls for the sole purpose of advancing Left political goals.) Private justice can indeed be justice in a range of circumstances, which can be abstracted to two general conditions. First, when the public justice system is wholly or partially absent, and justice must be done to prevent anarchy. Second, when public justice exists, but is corrupted or perverted. Thus, what

we are discussing today is not vengeance. Rather, we are talking about what can be legitimate responses to the denial of actual justice.

But first, before we decide when and under what circumstances private justice is legitimate, what constitutes a failure of public justice? We should here distinguish between the civil justice system and the criminal justice system. Both are aspects of public justice, but differ in forms, principles, and their modes of failure. (A contract dispute is a prototypical example of civil law, but anything not criminal is civil. And here I focus primarily on the American system; other nations have similar but distinct systems.) Leaving aside actual absence, which is not the case anywhere in America today, both civil justice and criminal justice in an extant public justice system may fail either directly, through perverted administration of the system, or indirectly, what we can call structurally—as the result of defects inherent to the system.

Taking the second first, a civil system may fail when the system of law is itself structured such that justice cannot be obtained, in practice, by a citizen to address a civil wrong. For example, it is a failure of public justice when health insurance coverage is denied by insurers, if the cause of such denial is that the insurer cannot be forced to issue coverage it is obligated to issue, because insurers have taken advantage of complexity and ambiguity that insurers themselves have written into the law. Such structural examples of the failure of civil public justice are legion in America today, because the complexity and overreach of the law combined with the grossly excessive power of both corporate interests, Theodore Roosevelt's "malefactors of great wealth," and Left ideological interests, allows distortions of public justice to multiply uncorrected and uncorrectable.

A criminal justice system may also fail structurally. The claim is often made that the criminal justice system is structurally racially biased against black people. This is false, as shown by that no mechanism for or actual examples of this supposed failure are ever identified. But it is true that our criminal justice system is structurally biased against defendants, and especially against any defendant who is not wealthy. This is most true in the federal system (there are both state and federal systems of criminal justice, independent of each other and theoretically both sovereign within their domains), where the infinite resources of the federal government, combined with grossly broad and excessively



vague laws, and outlandishly punitive possible sentences (a very modern problem, which I have discussed elsewhere), allow coercive plea-bargain demands to be made by federal prosecutors, preventing defendants, except in rare instances, from actually having their case decided by a jury of their peers.

There are in-between cases, failures of public justice that are combinations of structural failures and deliberate (or simply allowed) perversions. The most notable one today is that juries are no longer composed of peers, as demanded for a thousand years under English law (a key portion of the Magna Carta in 1215), men of similar background and disposition to those on trial. Rather, they are usually entirely composed of the lower orders of society, who cannot escape from the burden of jury service by cleverly pleading hardship of one type or another, and of those with a political ax to grind. Thus, in many instances, especially in politically-freighted cases, it is impossible to obtain a jury of one's peers, because the entire possible pool of jurors is either incapable or inherently biased. For example, in Washington, D.C., where many important political cases are tried, nearly 100% of the possible jury pool is either Left, members of an uneducated and low-intelligence underclass, or both, and all jurors are also subject to intense social pressure to advance the interests of both of those groups. No D.C. jury can be regarded as a neutral arbiter, as jurors must be for actual justice to exist in a jury decision. (The same is true for D.C. judges, only more so.) All politically-related court decisions that occur in any such jurisdiction, which includes all or nearly all urban areas, should be regarded as private justice masquerading as public justice—for the failure mode of public justice today is not usually arbitrariness, but private justice being administered in the shadows. That is, the supposed public justice system is perverted to advance the illegitimate personal aims, typically political retribution, of those who are entrusted with administering public justice.

Public justice can directly fail through perversion at very many points in both the civil and criminal systems. A crime may simply be ignored by prosecutors, or a civil claim may be dismissed as non-actionable on spurious grounds. An action that is not a crime may be treated as a crime, or a civil action not a wrong allowed to advance through the civil justice system, imposing massive unrecoverable costs on a party. (An example

of this latter is Jack Phillips, the Masterpiece Cakeshop owner in Denver, who for a decade has been systematically ruined by civil claims brought by those, governmental and non-governmental, who seek political gain through terrorizing their opponents by using the public justice system.) A crime may be treated as more significant than it is normally treated, either in the charges brought or the resources devoted to prosecuting the crime. A judge (who in the American system has tremendous and often not-reviewable discretion) may tilt the playing field at trial to favor one party, or he may interpret the law in a false manner. A judge may issue an unjust verdict or judgment, either not according to law or not in keeping with general practice. Or a judge may simply be careless or incompetent, and no higher authority intervene to remove him. Examples can be multiplied nearly infinitely, but you get the idea. Most of these failures involve deliberate differential treatment of individuals for reasons that are not regarded as legitimate within the actual code of justice of a society—that is, they are extra-legal private justice.

Failure of public justice has occurred at times in every society. But in modernity it most often results from ideology gripping those who are entrusted with administering public justice. To take an example that seems not terribly relevant to today, but is: Roland Freisler, who for most of World War II was chief judge of the “People’s Court” in National Socialist Germany. He attended the 1942 Wannsee Conference and was a through-and-through National Socialist ideologue, in a country that had for a very long time prided itself on a superb system of public justice, which became ideologically distorted beginning in the 1920s. Freisler copied Soviet Communist methods of the administration of public justice (in fact, he attended late-1930s show trials in Russia) in order to execute the political claims and demands of Adolf Hitler.

In modern America, the public justice system has similarly broken down to a significant degree, if not yet quite to the degree of National Socialist Germany or Soviet Russia. Some of this is because of the excessive power of non-political interest groups and the corruption inherent in disparities of monetary power, but mostly it is due to Left ideology, which has almost wholly consumed the legal profession at all levels. As a direct result, today’s America offers innumerable examples of failures of public justice which are private justice masquerading as public justice.

Let's examine a specific such failure of public justice, in the criminal arena—the response of the United States Department of “Justice” to those who protested at the United States Capitol on January 6, 2021. Every single aspect of the Regime’s response to this event demonstrates the breakdown of public justice and its perversion into private justice. The Electoral Justice Protest was an unexceptional protest (other than being the only Right protest in America in many decades), though many, through lies, selective and edited photography, social pressure, and constant propaganda, have bizarrely come to believe it special, or even an “insurrection.” There was no violence by the protestors, other than some pushing and shoving, and all of that was initiated by Regime agents firing tear gas and flashbangs into crowds of peaceful protestors. No modern Left political protest, including the enormously destructive Floyd Riots, causing billions of dollars of damage and resulting in the deaths of dozens, and including many protests that disrupted actions inside Congress (such as against Brett Kavanaugh’s confirmation), has ever received any punishment at all, or any government resources directed at identifying participants, much less prosecuting them. By contrast, the Regime’s response to the Electoral Justice Protest has been what they proudly announce is by far the largest criminal investigation and process in American history. Thus, *ab initio*, we see the total perversion of public justice, which demands impartiality in all aspects of its administration (symbolized by the blindfold worn by Lady Justice, a common allegorical presentation of justice).

Downstream of investigation, every aspect of the Regime’s response has also been a perversion of public justice. More than a thousand men and women have been convicted of bogus crimes using laws never used before against any protestor and not in any way aimed at such protests (and when the Supreme Court struck down the use of the law most often used for this purpose, prosecutors simply switched to using other laws equally illegitimately). Violence, dawn SWAT raids at family homes, has been continuously used to seize persons alleged to have committed minor crimes, in order to terrorize both those individuals and the broader populace, when the normal procedure for any such minor crimes (when they are real crimes) is to negotiate a surrender. Corrupt Washington, D.C. juries have universally convicted anyone who dares to go to trial, while D.C. judges indistinguishable from Freisler

have savagely sentenced men and women with ludicrous penalties, as they shriek and spew hatred at the defendants, with every aspect of “trials” totally disconnected from reality and from normal practice. Prosecutors have not only used laws themselves wholly illegitimately, but have manipulated the system by methods such as demanding ludicrous “terrorism enhancements” for peaceful protestors. Regime media has hidden and lied about all these facts. Many books could be written about this unprecedented travesty of justice.

All of this is directed at one goal and one goal only—to maintain crumbling Left hegemony through terror, through instilling fear in anyone who dares challenge Left actions such as the theft of the 2020 presidential election. Such terror through the perversion of justice is hardly a new thing in the history of the past hundred years, but it is a new thing in America, and a more illegitimate form of public justice cannot be imagined. True, the Regime has not killed anyone directly in this process, although several men have committed suicide, whose blood is on the hands of men such as Matthew Graves, the chief prosecutor of the heroes of the Electoral Justice Protest, a disgusting Freisler-esque man who should be put on trial himself and spend the rest of his life in solitary confinement. Nonetheless, these perversions are catastrophic for the Republic, as bad as murder, because they strike at the sinews of America, and threaten to unleash ideological blood feud, or even civil war, across the land. For these sins, every single person, and I mean every single person, involved in these persecutions deserves severe punishment through an actual public justice system, and the need for this should never be forgotten. Whether any of these punishments should be administered by private justice, however, is a question to which we will return.

Another shining example of the failure of public justice and its replacement by private justice is the recent trial of Daniel Penny, a white man who was put on trial for defending fellow passengers from attack by a psychotic black habitual criminal in a New York subway car. It is not to the contrary that Penny, surprisingly, was partially acquitted. (The most serious charge against him was actually dismissed by a compliant judge at the demand of Dafna Yoran, the white ideologically-driven lesbian prosecutor, and her master, the black ethnonarcissist Alvin Bragg. This dismissal was itself a perversion of public justice, because

it was unprecedentedly done during jury deliberations in order to try to illegitimately obtain a conviction on a lesser count, which would have automatically been dismissed had the jury refused to convict on the more serious count, as appeared likely.) Even aside from the trial, the very fact that Penny was arrested, much less brought to trial, simply because he was white and not compliant with Left demands that anarcho-tyranny reign, is itself a gross failure of public justice through its replacement as private justice, as was the way innumerable procedural matters were handled at trial in an attempt to tilt the playing field in favor of conviction.

We can adduce many other notable recent instances of the failure of public justice. Thousands of men and women today rot in prison as a result—Derek Chauvin, for example, and multiple pro-life protestors (whose acts would be praised as civil disobedience if they served the Left). Others have escaped imprisonment against the odds, such as Kyle Rittenhouse. Very many other instances of blatant failures of public justice fly below the radar, however, often tied to violations of the de facto modern American core public justice principle that any and all anti-white violence, whether individually-focused, or group-focused such as the Floyd Riots, can never be punished, only attempts at defense against it.

None of this is any surprise. Whenever and wherever it obtains any power, the Left has always celebrated private justice, nakedly wielded or masked as public justice, as long as it is done in the service of Left ends. They have even invented a name to honor their perversions of public justice—“restorative justice.” Leaders on the Left today openly and continuously encourage private justice against their political enemies. Huge numbers of people on the American Left openly cheered the recent attempts to assassinate Donald Trump, for example, and even more cheered the unprecedented persecution of Trump using the public justice system in the four years between his two terms of office. Anyone who says that public justice exists today in America, in anything but fragmented form, is a liar or a moron. The only question is what the legitimate response is to this state of affairs.

Aside from petitioning the sovereign, which is usually the first approach of those who have been failed by public justice, another possible response short of private justice is disobeying an unjust law, or violating another law in protest against and to bring the sovereign's and

the mass's attention to an unjust law, what is in modern times called civil disobedience. Civil disobedience was lionized in America for decades, as a result of its perceived success during the 1950s and 1960s in ending racially discriminatory laws. Civil disobedience, however, only works when the sovereign wholly or partially desires the changes at which those breaking the law are aiming, and it only ever works in Western Christian countries with some level of mass demotic influence over the sovereign. It never works anywhere else; the British tolerance of and response to Mahatma Gandhi's civil disobedience, for example, only succeeded for this reason. No modern Western society today ever permits civil disobedience except in direct service of Left, Regime-approved ends. Thus, when today Americans peacefully protest against abortion, they receive long prison sentences imposed by cackling judges, such as Washington, D.C. judge Colleen Kollar-Kotelly. Over the long term, therefore, civil disobedience will always be replaced by private justice, and ultimately rebellion, because it is too weak a reed to by itself actually force the restoration of justice.

We return, therefore, to the subject of my post on X: whether private justice should be used to combat the private justice already being everywhere used against Americans who refuse to bend the knee to Left hegemony. We can look at private justice on a moral level, and on a practical level, though often those two intertwine. We can reject out of hand the idea that private justice can never be justified; all the history of mankind proves the opposite. But delineating in the abstract when it can be justified, and when not, is not an easy task.

It is black letter Christian doctrine in all Christian traditions that an immoral law is no law at all. This implies that when public justice fails, and public justice forbids private justice, its dictates no longer must be obeyed. At the same time, Christian traditions rarely overtly embrace private justice, but they do sometimes. A recent excellent Substack article related to the topic of private justice, by Librarian of Celaeno, notes that the Code of Justinian, a secular code but informed by and keen to advance the Christianity to which the emperors had converted, contains the following section:

3.27.1. Emperors Valentinian, Theodosius and Arcadius to the Provincials. We grant everyone the right to resist a soldier or a person

in private station who enters fields as a nocturnal plunderer, or besets frequented roads with intentions of robbery, and who is worthy to be subjected to immediate punishment pursuant to such permission and to receive the death and incur the danger which he himself threatened. For it is better to forestall, rather than to punish the deed. We therefore grant you permission to avenge yourself and make an act which is too late to be punished in court subject to this edict. Let no one spare a soldier when he becomes a robber and should be opposed by weapons. Given July 1 (391). C. Th. 9.14.2.

As to specifically Christian analysis, writing seven hundred years later, by contrast, Saint Thomas Aquinas seems to reject private justice. (I have not found anything in the earlier Fathers of the Church that analyzes private justice.) In *Secunda Secundae*, Question 64, Article III, he addresses “Whether it is lawful for a private individual to kill a man who has sinned?” He answers in the negative, concluding that “It is lawful for any private individual to do anything for the common good, provided it harm nobody; but if it be harmful to some other, it cannot be done, except by virtue of the judgment of the person to whom it pertains to decide what is to be taken from the parts for the welfare of the whole.” Aquinas’s reasoning is that, despite Old Testament injunctions for private individuals to execute sinners, this is only acceptable if ordered by the sovereign (God Himself in the Old Testament examples), as in modern capital punishment. “The care of the common good is entrusted to persons of rank having public authority; wherefore they alone, and not private individuals, can lawfully put evildoers to death.”

Aquinas says nothing of private justice other than execution for sin, but leaving that aside, his reasoning depends on the existence of public authority—that is, on the functioning of public justice. Thus, his reasoning does not forbid private justice in circumstances of the failure of public justice. His endorsement of rebellion in defined circumstances (which I have analyzed in detail elsewhere), however, strongly suggests that he would endorse private justice in those circumstances. For, after all, private justice can be seen as a form of rebellion, not aimed at overthrowing the sovereign entirely, but aimed rather at overthrowing a portion of the sovereign’s authority. Along similar lines, the Reformed

doctrine of the lesser magistrate undeniably implies that private justice is permissible in certain circumstances.

As I have shown, private justice, used as a tool of the Left to accomplish its ends without legal authority, is all around us. The question is whether we, normal Americans who simply desire right order, should choose private justice as the vehicle to restore that right order, to restore a properly-operating system of public justice. In the circumstances in which we find ourselves, rejecting private justice entirely is for fools. After all, as it is said, if you look around the poker table, and you don't know who the sucker is, the sucker is you. Anyone who simply accepts the perversion of public justice ubiquitous in America today is not holding himself to some imagined higher standard, but failing in his duty as a citizen. Therefore, we must evaluate when is it good and proper that "the very many guilty among our elites start to live in fear of expedited, unanswerable, and unexpected punishment for their sins."

Do I like the idea of private justice becoming a widespread tool to fight Left evil? Not really, even though potentially all decent Americans would benefit. And yes, any evils resulting are wholly the fault of the Left. Still, we should bear in mind that evil methods may never be used to accomplish good ends. But private justice is not of itself evil.

What are the considerations that should guide our decision whether to, and if answered in the affirmative, how to, appeal to private justice? We should acknowledge that today, where the problem is not anarchy, the entire lack of public justice, but rather its failure, the only legitimate aim of private justice is to re-establish right order. We should also acknowledge that private justice with the aim of violently entirely overthrowing the system is actually rebellion (this was the goal of much of the Left in the 1960s and 1970s, something I recently discussed in the context of Bryan Burrough's *Days of Rage*, ultimately made unnecessary by their triumph in seizing the reins of power). Rebellion is its own thing; it is not, I think, arguable that rebellion is an appropriate response to the innumerable sins of American elites today, if for no other reason than a new era may have dawned with the ascension of Trump, and of others who follow in his wake, such as J. D. Vance. Rebellion when there is an alternative that is less costly is always impermissible, and we have not reached the point of no alternative (although we very well might have had Kamala Harris "won" the recent election—but as C. S.



Lewis said in *The Chronicles of Narnia*, “no one is ever told what would have happened.”).

Another limitation on private justice is that not all goals that are legitimate for a public justice system are legitimate ends for private justice, in the circumstances in which we find ourselves. Although retribution is one possible aim of public justice, this aim must be absent in almost all cases of private justice, because it is nearly impossible for private justice aimed solely at retribution to distinguish itself from vengeance. Put another way, the aims of private justice must almost always be narrower than those of public justice, because private justice is a dangerous tool. Private justice can be collective self-defense, true, but it can also become a weapon to gain unjust advantage, most of all when it aims to achieve more than right order.

Restoring right order is, if viewed abstractly, an exercise in game theory, where the only winning game, one that can result in equilibrium, is “tit for tat,” or more technically, equivalent retaliation. This deters guilty actors out to gain at the expense of others, and can create a stable situation in which no actor can gain by perverting the system. The goal is the Nash equilibrium, where no player can improve his situation by switching his strategy. A proper public justice system does this, but as we have seen, we lack a proper public justice system.

Equivalent retaliation embodies the key principle of proportionality. The effect of private justice must be to signal to the guilty, those hewing at the root of our society, that they will benefit more from changing their behavior than by continuing their behavior. Striking the balance is difficult, because proportionate does not mean equal, but equivalent—that is, both adequate to change behavior and yet not excessively out of relation to offense. Playground bullies, for example, should get a beatdown more significant than their own actions, and beating a bully in response to mere threats is entirely appropriate, but maiming a bully is not proportionate. Private justice that is not proportionate tends toward disequilibrium, not equilibrium.

It is useful to import the analysis of rebellion from the *Catechism* of the Roman Catholic Church to glean some additional principles. All other means of ending perversions of public justice must have been impractical or ineffective. There must be serious prospects of success; only private justice that has a reasonable expectation of restoring right

order can be legitimate. An administrator of private justice must consider the effect, both positive and negative, on those not directly involved in either the failure of public justice or the private justice executed in response. Private justice must not produce evils and disorders worse than the evil to be eliminated.

Innocents may not be harmed by private justice, only those responsible for the failure of public justice. Actions harming innocents, even if done in order to call attention to actual injustice, are mere terrorism, always forbidden on moral grounds. Theodore Kaczynski was an interesting thinker who was very insightful and prescient, but in no way can his actions be justified. True, terrorism (a much-abused word, thanks mostly to the execrable George W. Bush) is sometimes claimed as a form of private justice. As it is falsely said, one man's terrorist is another man's freedom fighter. Such relativism should have no place among those who seek right order. Certainly, however, otherwise legitimate private justice which sends a clear message to uninvolved guilty actors is to be desired; this is not terrorism.

Except in extreme conditions of total anarchy, where the entire community may face death if justice is not restored, private justice can never involve murder. Murder may actually be proportionate, but the costs (temporal risks, but we should also not ignore the judgment of Christ) of endorsing killing in private justice outweigh any possible benefit. Murder is final and cannot be undone; distorted judgment is extremely likely; and the risk is very high of a terminal spiral which creates, rather than alleviates, instability in a public justice system.

Aside from these abstract principles, all should recognize and remember that private justice today which is designed to push back against Left injustice is extremely risky. Any man or men who choose the route of private justice cannot expect that the sovereign will approve their actions, at least at first. Instead, they can expect an extreme reaction, because the sovereign knows that any private justice lies along the continuum to rebellion. It is not happenstance that widespread private justice often results in rebellion, as it did in 1770s America. Thus, I do not recommend that Soros, or Graves, or Yoran, or Bragg, all of whom are certainly directly and personally responsible for perversions of public justice never before seen in America, be beaten up in a dark alley. In fact, I strongly counsel against such action, if for no other reason that the

terror Regime in which they hold power is very able to, and will spare no resources to, punish anyone who dares to threaten them.

A key objection, often heard on the Right, is that private justice cannot be controlled. This is always a risk, but the claim itself is false. Many historical examples exist of narrowly limited meting out of private justice, and if private justice begins to succeed in its aims, the sovereign may act to limit descent into anarchy by repairing a failed system of public justice. Private justice very often succeeds spectacularly at changing behavior, because it rapidly changes the incentives under which guilty evil men operate. To pretend this is not true is to adopt what may be a superior moral position (see the life of Moses the Black, a famous reformed bandit and hieromonk in fourth century Egypt), but not one that is desirable in society as a whole, for as Edmund Burke did not say, but might as well have, "The only thing necessary for the triumph of evil is for good men to do nothing." If everyone is Moses the Black, the roaring lions will always be wholly successful in their quest to devour, and this cannot be permitted.

Finally, I was going to offer a variety of real-world examples of how private justice might operate in 2025 America, based on my framework of operative principles. But I don't think I will, because any such examples are too likely to be distorted by men of ill-will. You will be disappointed, perhaps, that I don't tell you which, if any, of our guilty elites should be subject to private justice, or what form that private justice should take. But my goal here is to provide clarity of thought, not an instruction manual for the administration of specific instances of private justice. Yes, we have reached the point where, as Rudyard Kipling predicted would happen, "all men are paid for existing, and no man must pay for his sins," and America's future flourishing depends on correcting the balance. How that will be done depends in large part on whether public justice can be restored without private justice, and that in turn depends on whether the change in the political Zeitgeist that everyone can feel since November 5, the so-called vibe shift, will lead to that restoration through other channels. For once, I do not feel the urge to predict which way America will go.