

# HAUERWAS, LIBERALISM, AND PUBLIC REASON: TERMS OF ENGAGEMENT?

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## I

### INTRODUCTION

As a theologian, Stanley Hauerwas offers a powerful Christian social critique of our politics, law, and public culture, emphasizing the perceived philosophical shortcomings of liberalism. Although I am neither a Christian theologian nor a student of Christian theology, I recognize that Hauerwas is an important, often penetrating, social critic. Nevertheless, his philosophical account of the alleged shortcomings of liberalism frequently misfires.

Many of Hauerwas's *substantive moral concerns* seem to me quite salutary: he opposes our increasingly warlike foreign policy; he calls attention to the plight of African Americans, the poor, the disabled, and the marginalized and excluded generally, seeking to mobilize people to work on their behalf. He expresses concern with sexual permissiveness, abortion, and the decline of lifelong marital commitment. He seems to me obviously correct in his effort to remind Christians that the example of Jesus and his cross should challenge us to question the rampant materialism, consumerism, and self-concern that characterize our popular culture. While I disagree with some of his specifics—his strict pacifism for example—these substantive criticisms all seem to me constructive contributions to public moral discussion.

However, Hauerwas's concerns with the reigning public moral culture are frequently aligned under a general *philosophical characterization of liberalism*—and liberal law and politics—that seems to me caricatured and unhelpful. The very fact that he uses the shorthand of “liberalism” to describe the dominant culture is decidedly misleading for a number of reasons. To begin with, many historical and cultural forces besides liberalism have influenced American politics and culture.<sup>1</sup> Moreover, the term “liberalism” can be used to

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1. The view associated with Louis Hartz' 1955 work *The Liberal Tradition in America* that America has been shaped by no political traditions other than liberalism has been widely discredited. See generally BARRY ALAN SHAIN, *THE MYTH OF AMERICAN INDIVIDUALISM: THE PROTESTANT ORIGINS OF AMERICAN POLITICAL THOUGHT* (1994); ROGERS SMITH, *CIVIC IDEALS: CONFLICTING VISIONS OF CITIZENSHIP IN U.S. HISTORY* (1997).

cover a range of different and even opposed political positions. Our politics is increasingly libertarian and conservative—or, “classical liberal” if you will—and it drifts ever further from the concern with social justice that has been the hallmark of egalitarian liberalism for decades. Hauerwas ascribes to liberalism a variety of abstract philosophical commitments that have little, or nothing to do with the theory and practice of liberal constitutionalism and politics.<sup>2</sup>

With respect to his substantive moral concerns, Hauerwas writes mainly as an anti-accommodationist Christian—that is, in opposition to Christians accommodating themselves to the dominant culture. He complains that people have misunderstood him as a “theological and political reactionary.”<sup>3</sup> While he obviously is not that, the confusion is understandable, and his jaundiced view of liberalism may well aid the forces of political reaction, as Jeffrey Stout has also suggested.<sup>4</sup> To adequately assess liberalism, and to constructively address the social and political problems that trouble Hauerwas, we need a livelier appreciation than Hauerwas offers of the practical contributions of liberal justice, rights, and constitutional institutions.

As I have said, I am neither a theologian nor a Hauerwas scholar. He writes primarily as a theologian speaking to his fellow Christians about Christianity. I am a political theorist who sympathizes strongly with the liberal political tradition, properly understood. We are both concerned with our shared political project and its justifiability, so that will be my focus here.

## II

### THE LIBERAL CORE AND IDEAL

“Liberalism” is a capacious term: the liberal tradition is complex and multi-stranded, or as Hauerwas himself has described it, “a many-faced and historically ambiguous phenomenon.”<sup>5</sup> There are various reasonable ways of characterizing it. I understand liberalism’s moral core to be the emphasis on the political importance of equal basic individual rights. Persons are understood, in their political capacity, as free and equal, and an urgent political imperative is to secure citizens in their basic interests understood in the language of rights and justice. Basic liberal rights include various personal and political freedoms, including the free exercise of religion, as well as positive entitlements—where

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2. These are all familiar themes from liberalism’s communitarian critics, including Alasdair MacIntyre, Charles Taylor, Michael Sandel and others. Hauerwas is also evidently influenced by radical democratic critics of liberalism, such as Sheldon Wolin, as well as other critics, including William Connolly. Hauerwas may have arrived at his views independently, but he generously cites all of these thinkers in his works. I have argued that liberalism has ample resources to respond to communitarian and civic republican concerns. *See generally* STEPHEN MACEDO, *LIBERAL VIRTUES: CITIZENSHIP, VIRTUE AND COMMUNITY IN LIBERAL CONSTITUTIONALISM* (1990).

3. STANLEY HAUERWAS, *HANNAH’S CHILD* 208 (2010).

4. Jeffrey Stout, *The Spirit of Democracy and the Rhetoric of Excess*, 35 *J. RELIGIOUS ETHICS* 3, 21 (2007).

5. STANLEY HAUERWAS, *A COMMUNITY OF CHARACTER* 77 (1981); *see also* ALASDAIR MACINTYRE, *AGAINST THE SELF-IMAGES OF THE AGE* 281 (1971).

resources permit—to security, subsistence, due process of law, and, in general, effective and popularly accountable government that secures basic common interests.<sup>6</sup> These protections must be secured institutionally, via the rule of law and politically independent courts,<sup>7</sup> constitutional design, regular opportunities to hold public officials accountable, and a generally supportive public or civic culture. Basic rights and liberties are not secure unless rights-consciousness and civic values shape the major institutions and associations of society, including those of civil society—the family, churches, for example—to *some degree*. The liberal agenda so understood has been influential: the demand that legitimate governments must secure citizens in a range of basic rights and that the people must be able to hold their governments accountable has become a global political morality.<sup>8</sup> That seems to me an enormous moral advance, though also a work in progress.

This core of basic normative claims is enhanced by those strains of our political traditions and political philosophy that emphasize that all political power should be accompanied by public reasons.<sup>9</sup> This expectation is continuous with the rule of law's opposition to arbitrary power. In religiously diverse political communities, these traditions would oppose the claim that those who wield political power are accountable only to God or only to the community of true believers. Public reasons are those whose force does not depend upon embracing a particular view of what is true on religious, philosophical, and other matters about which reasonable people disagree; we have to work out the contours of our public morality in political practice (pragmatically, if you wish). In conditions of diversity, public reasons furnish a common court of appeal: standards that are accessible to all reasonable members of the political community. It is best to try and work out our public morality (or public philosophy, or constitutional framework) as a freestanding and independent system of principled claims. There is no guarantee that

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6. For a nice account, see HENRY SHUE, *BASIC RIGHTS: SUBSISTENCE, AFFLUENCE, AND U.S. FOREIGN POLICY* (2d. ed. 1980), especially chapters 1–3.

7. Terms such as “politically independent” can provoke confusion: what I mean is that courts often have some insulation from day-to-day partisan politics as practiced by elected legislatures. However, the decision to create courts and give them power is a political decision, and the power they wield and the decisions they make are political, though hopefully also principled. The virtue of courts when they work reasonably well is the way they exercise power, not that in some deep sense they transcend politics. In some of his writings, Hauerwas seems to think that liberalism rests on a deeper and more problematic distinction between law and politics than is in fact the case (as if it's committed to a pre-legal-realism understanding of law).

8. See CHARLES R. BEITZ, *THE IDEA OF HUMAN RIGHTS 1* (2009). For a sign of the progressive development of these ideas, see *The Responsibility to Protect (R2P): A Primer*, INT'L CRISIS GRP., <http://www.crisisgroup.org/en/publication-type/key-issues/thematic/responsibility-to-protect.aspx/> (last visited Sept. 22, 2012).

9. I would identify this tradition most recently with Rawls and Habermas, but all they have done is give philosophical expression to ideas that have long been part of democratic and constitutional traditions. Judges have long deployed a standard of the “reasonable person” to indicate that a judge's reasoning must be widely publicly accessible if it is to be legitimate. See, e.g., BENJAMIN CARDOZO, *THE NATURE OF THE JUDICIAL PROCESS* 89 (1921). For political debate and practice, see generally E.E. SCHATTSCHEIDER, *THE SEMI-SOVEREIGN PEOPLE* (1975).

justified principles of political morality will be equal in their effects on, or equal in their appeal to, each of the particular religious and philosophical worldviews that citizens espouse.

Public reason is a democratic ideal that should be especially attractive in conditions of diversity. With respect to religion, that means denominational pluralism rather than either sectarianism or secularism, which is one of the reasons the idea has long had appeal in the United States.<sup>10</sup> From early on, many Americans have recognized the value of a distinctive set of public purposes, institutions, and reasons affirmed as “common” in the face of the divisions and differences among the great variety of Christian communities and other religious traditions.<sup>11</sup> The American constitution itself represents and promotes this aspiration to civic commonality in the face of great diversity.

I have mentioned the importance to liberalism of individual rights and other constitutional guarantees as secured by society’s fundamental law—its constitution. Some scholarly critics say that liberalism’s alliance with constitutionalism and rights shows that it denies or displaces politics and difference.<sup>12</sup> But constitutions and specific constitutional guarantees (including rights) are the product of political struggle. Their interpretation, enforcement, and possible amendment animate much of our politics. It is good, for example, that the First Amendment’s speech clause is generally understood to include the right to criticize the government, and that gays are now recognized as having a right to engage in intimate sexual relations without the threat of criminal prosecution. Rights enable and protect diversity and differences, at least within the limits of our civil equality. Moreover, the contours of our rights are subject to constant contestation and reinterpretation. The core of some rights may be largely secure in some places insofar as they are backed by institutional support and a broad social consensus—in all areas of life, some issues get more or less settled—but that only means that controversies have shifted elsewhere.

Law is just a way of organizing some of our politics: the decision to accord some power to judges, for example, is a political decision (and one that has been debated incessantly in American history). The idea that devices such as law, rights, and constitutionalism displace politics is based on a simplistic account of the relationship between activity and constraints in the realm of law and politics. Just as commitments can be enabling in personal life (a point that

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10. I understand that, from some points of view, today’s religious pluralism in America looks like the predominance of secularist values. Insofar as religious Americans embrace the core values of liberal democracy, their choices and preferences seem to me reasonable and humane. Insofar as the concern with “secularism” pertains to excessive materialism, consumerism, self-centeredness, I share the concern; but those aren’t liberal values.

11. I have written about this in the context of the common school movement, which began in the late 1820s and which developed into the system of American public schooling. *See generally* STEPHEN MACEDO, *DIVERSITY AND DISTRUST: CIVIC EDUCATION IN A MULTICULTURAL DEMOCRACY* (2000).

12. *See, e.g.*, BONNIE HONIG, *POLITICAL THEORY AND THE DISPLACEMENT OF POLITICS* (1993); WILLIAM E. CONNOLLY, *THE ETHOS OF PLURALIZATION* (1995); JAMES TULLY, *STRANGE MULTIPLICITY: CONSTITUTIONALISM IN THE AGE OF DIVERSITY* (1995).

Professor Hauerwas makes eloquently) so they are in political life, as well.<sup>13</sup>

Liberalism counts on shaping, to some degree, people's extra-political associations and communities, including families and religious communities. Feminists have made this point very powerfully. The larger point is also a truism in discussions of democratization. If it is insisted, for example, that Shariah is the only source of law, and that claim is interpreted to mean that religious authorities should be empowered to overturn laws and select candidates for office, liberal democracy does not have much chance.

However, it is equally true that liberal rights protect the freedom of associations and particular communities to resist full compliance with liberal and democratic values. The Catholic Church is free to refuse to ordain women, or to marry gays, and it can decide who is and who is not a Catholic in good standing, eligible to receive the sacraments. Hard questions are bound to arise at the boundary between religious free-exercise claims and state efforts to advance important public purposes, including protections against arbitrary forms of discrimination. A unanimous Supreme Court has recently held that federal anti-discrimination laws do not apply to church employees who perform religious duties.<sup>14</sup> Should public funds flow to faith-based adoption agencies that refuse categorically to place children with gay and lesbian couples?

Liberals disagree about the resolution of such hard cases, and there are often no easy formulas for settling them. Competing substantive values need to be weighed, and the crucial issues often concern contested empirical questions: Is there, for example, credible evidence that gay marriage hurts families and children? How many young Muslim women in France who wear hijab are forced to do so against their will? Political communities' constitutional traditions are histories of such debates as they work through the political process and are debated in the legislatures and courts, in newspapers and other media, in churches and union halls, and even in scholarly journals of religion, law, and philosophy. Some liberals will place great emphasis on respecting the autonomy and integrity of churches and faith-based organizations; others will place greater emphasis on combatting discrimination in all associations.

With respect to all of these matters, there is also a fair degree of reasonable variation among different political communities' constitutional and political traditions. Particular formulations of basic rights and guarantees develop around a political community's constitution, written or otherwise. But these formulations also coalesce around the tradition of a given constitution's interpretation and application, as well as the commitments and understandings that effectively govern particular communities with unique histories. It is extremely important that political processes provide for the weighing of

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13. There are many excellent discussions of this theme. *See generally* CHRISTOPHER L. EISGRUBER, *CONSTITUTIONAL SELF-GOVERNMENT* (2001); STEPHEN HOLMES, *PASSIONS AND CONSTRAINTS: ON THE THEORY OF LIBERAL DEMOCRACY* (1995); LAWRENCE G. SAGER, *JUSTICE IN PLAINCLOTHES: A THEORY OF AMERICAN CONSTITUTIONAL PRACTICE* (2004).

14. *See Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 132 S.Ct. 694 (2012).

complaints from adherents to particular religious or ethical ideals when they believe that their commitments or practices are being unnecessarily or unfairly burdened. Any decent ideal of public reasoning must include appropriate venues for listening to and fairly weighing minority religious or ethical complaints that are grounded in people's deepest non-public religious and ethical commitments. In the United States, this has been a primary concern of the courts. This difficult task requires delicate judgments and practical wisdom concerning how to balance public purposes—including the health, welfare, and education of children as future citizens—with parental and religious concerns. American judges and political institutions have often erred, but the commitment to extending special attention to laws that burden the free exercise of religion or discriminate against religious minorities is central to liberal democratic constitutionalism.

Although public reasons and evidence ought ultimately to be authoritative in a liberal democracy when deciding our most important political questions, liberal democratic communities also can benefit enormously from the moral energies and insights of particular religious communities and traditions. When making law or formulating public policies for a religiously diverse community it is not enough to say things like “when Christ disarmed Peter he disarmed all soldiers for all time.”<sup>15</sup> Religious claims of this sort may of course provoke discussions that contribute to public deliberation in important ways. I hope and believe that justice can be discerned and defended on the basis of publicly accessible reasons and evidence, but unjust and murderous policies should be fought with all of the resources at our disposal. While everyone should be free to offer whatever reasons they think fit, and while religious reasons and arguments do often contribute to public deliberation, it remains a basic principle of political morality that those advocating for laws touching on important matters that affect all communities ought to assure themselves that those laws are justified to all on whom they are imposed.

Critics of liberalism often exaggerate the conflicts among religious and liberal values. In fact, a norm of public reason tends to govern our national politics, and as scholars such as Jon A. Shields have shown, that norm is typically espoused even by religious activists on the Christian right.<sup>16</sup>

The recent book by Robert D. Putnam and David E. Campbell, *American Grace*,<sup>17</sup> makes it clear that religious communities contribute to the health of American civic life in a wide variety of ways. Religious Americans are more civically active and trusting of others, and more apt to give their time and money to charities, including secular charities; they express more altruistic values and are “better neighbors,” according to Putnam and Campbell.<sup>18</sup>

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15. HAUERWAS, *supra* note 3, at 273.

16. JON A. SHIELDS, *THE DEMOCRATIC VIRTUES OF THE CHRISTIAN RIGHT* (2009).

17. ROBERT D. PUTNAM & DAVID E. CAMPBELL, *AMERICAN GRACE* (2010).

18. *Id.* at 464, 471. Putnam and Campbell furnish evidence suggesting that the increased civic activity is not the result of increased religiosity in the sense of belief or intensity of belief; rather, what

Putnam and Campbell paint a generally (though not uniformly) positive picture of the contributions of religious communities to the health of American democracy and civic life. It would be natural to conclude on the basis of this evidence that there is a considerable overlap between Christian virtue and the virtues of American constitutional (or liberal) democracy. However, the various civic contributions that Putnam and Campbell describe do not include some of Hauerwas's most distinctive concerns about American popular culture. Hauerwas might say that religion's various contributions to "good citizenship" do not represent or reflect distinctively Christian virtues, at least as Hauerwas understands them.

Liberalism, like Christianity, stands for the equal dignity of all persons. The leading liberal political theorists—the very ones that Hauerwas criticizes, such as Rawls—are principally concerned with reminding the rich what they owe to the poor. This seems to me to resonate rather powerfully with Jesus' mission on earth, reaching out constantly to the less well-off, as he did, and admonishing others do so. "But when you give a banquet, invite the poor, the crippled, the lame, the blind, and you will be blessed."<sup>19</sup>

Liberal commitments give rise to what seem to me attractive civic virtues, and ideals of democratic politics that are worth aspiring to. As Hauerwas acknowledges, it makes sense to speak of "liberal virtues" and, I would add, a liberal political community with distinctive traditions, practices, stories, memories, and sense of history. Any adequate account of the civic virtues of liberal democratic citizens would be quite capacious, and would have to include such virtues as tolerance of reasonable forms of diversity, but also the willingness to act in the face of injustice, sympathy with the less well-off, a capacity to appreciate the point of view of others, and a willingness to support fair terms of social cooperation. A subset of liberal democratic virtues includes qualities associated with civil deliberation: politics should involve reason giving and reason demanding, and we should seek to promote sounder understandings of what justice requires. One can be a good citizen—courageous and effective in opposing injustice in concert with others—without fully appreciating the virtues of civil deliberation. (I return to these matters in the conclusion.)

It is widely recognized that the liberal tradition has its internal divisions, perhaps the greatest one being the divergence of what is referred to as "classical" versus more egalitarian approaches. Classical liberal scholars, such as Friederich A. Hayek and Milton Friedman, allowed for a social safety net, but opposed institutional mechanisms designed to promote social justice and fair equality of opportunity (Hayek famously thought the very idea of "social

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matters are religious social networks, including having friends from church. *Id.* at 471–9. Deeply observant religious people are more generous with their own time and money than their less religious fellows, but they are less supportive of government policies to address the structural causes of poverty. *Id.* at 256. Religious Americans are less tolerant of dissent, and Americans' warmth toward people of other faiths chills with respect to Mormons and especially Muslims. *Id.* at 509.

19. *Luke* 14:13.

justice” was an oxymoron).<sup>20</sup> The more egalitarian and democratic versions of liberalism predominate in today’s academy, but classically liberal political initiatives and ideas have enjoyed a remarkable resurgence in our politics since the rise of Margaret Thatcher and Ronald Reagan, and indeed the “Tea Party.” Egalitarian liberalism as a body of political theory—represented by John Rawls and Ronald Dworkin and others, which tends to be referred to generically as “liberalism”—gives philosophical expression to some of the commitments that profoundly reshaped American politics and culture from the New Deal, to the “Great Society” programs of the 1960s, and into the 1970s, with the development of the welfare state; greater equality for blacks, women, and other minorities (eventually including gays and lesbians); enhanced criminal due process; fairer political representation; and greater personal freedom.<sup>21</sup>

In the era after Thatcher and Reagan, egalitarian liberal ideas have had diminishing influence in politics. Liberals are typically appalled by the vast and growing inequalities of wealth, income, and opportunity in many Western countries, including the United States. They also are dismayed at the profound influence of money in politics and the increased marginalization of the poor. The influence of liberal political principles of fairness and equal citizenship are greater in the academy and educated circles generally, which has led to serious efforts on the part of conservatives to promote their own version of “affirmative action” for free-market and conservative ideas and academics. So it seems to me that academic reflection concerning liberal justice and democracy has improved enormously in the last hundred years, but, over the last thirty years in particular, our practice has in many respects declined.

What I have offered here is a brief and selective reading of history, leaving out much that has been espoused by people who thought of themselves as “liberals” and who were so identified in public. Some “liberals” supported the Vietnam war, especially early on, and no doubt many “liberals” have made a variety of other terrible mistakes. Politics is a sprawling messy business and there is a lot of room to do great damage. Hauerwas’s first published piece, *An Ethical Appraisal of Black Power*, “suggested that the negative reaction of white liberals to black power not only exposed shallow and platitudinous sentiments such as ‘all men are created equal,’ but also robbed white liberals of their attempt to relieve the guilt of being white by identifying with the civil rights struggle.”<sup>22</sup> I admire Hauerwas’s social radicalism and moral courage, and most of all his eagerness to side with the underdog. However, just as he seeks to understand Christianity at its best, I would say that we owe the same treatment to liberalism. Both, after all, are complex traditions of thought and practice informed by high moral aspirations and terrible actual failures.

As Jaroslav Pelikan has argued, the difference between a people’s history

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20. See generally FRIEDERICH A. HAYEK, 2 *LAW, LEGISLATION, AND LIBERTY* (1976).

21. The story is obviously much more complicated than that, and includes earlier (and later) progressive reforms.

22. HAUERWAS, *supra* note 3, at 79.



and its traditions is that the latter includes an element of critical moral judgment.<sup>23</sup> History is the morally checkered record of everything we have done: some good, some bad. Our tradition, on the other hand, is that part of our record that we endorse and wish to carry forward into the future: those of our practices that we honor and wish to live up to, not forgetting our failures, but keeping them in mind so as to try to avoid them in the future. So, while Hauerwas describes liberalism as unrooted in history and tradition (he writes of “the liberal attempt to form a politics and ethics without memory”<sup>24</sup>) we can speak of the liberal tradition in America just as easily as we can of Christian traditions.

### III

#### HAUERWAS, CHRISTIANITY, AND LIBERALISM

Hauerwas sometimes seems to oppose liberalism root and branch. He takes his bearings with respect to liberalism from its critics rather than its defenders, with the result that Hauerwas often portrays liberalism at its worst, rather than its best.<sup>25</sup> It is hazardous and unfair to interpret a tradition of thought based mainly on the claims of its harshest critics, as if taking one’s bearings on Christianity from the late Christopher Hitchens. Yet that is often how Hauerwas treats liberalism. Nevertheless, let us consider here some of the main themes that run through Hauerwas’s positive teachings.

Hauerwas’s central aim seems to be to remind Christians of the distinctiveness and demanding nature of their vocation and way of life, calling upon them to follow Jesus and “be the Church,” the “peaceable kingdom.” Contemporary Christians fail to comprehend distinctively Christian teachings and virtues: they are too much in and of the public world and its culture. The theological expression of this form of engaging with the world by assimilating with it is Protestant liberalism. Hauerwas argues that Christians should instead focus their attention on living within the church as Christians: worshipping together as a community, practicing distinctive Christian virtues, and witnessing to the truths revealed by Jesus’ cross and resurrection.<sup>26</sup> To be a Christian in the modern world, Hauerwas contends, requires a profound “transformation of the self,” and “fidelity to the cross of Christ”; the Christian moral life “is not an achievement easily accomplished by the many, but a demanding task that only a

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23. See JAROLSAV PELIKAN, *THE VINDICATION OF TRADITION* 43–64 (1984).

24. STANLEY HAUERWAS, *PERFORMING THE FAITH: BONHOEFFER AND THE PRACTICE OF NONVIOLENCE* 224 (2004).

25. I greatly admire Sheldon Wolin, for example, and *Politics and Vision*, but his view of liberalism there is deeply one-sided, and he is an unreliable guide to Rawls. I share Jeff Stout’s reservations about “fugitive democracy,” as expressed in *The Spirit of Democracy and the Rhetoric of Excess*. See Stout, *supra* note 4, at 16–19. Hauerwas describes being influenced by MacIntyre as well as Wolin, among other critics of liberalism. See *supra* note 24, at 223–233.

26. See generally STANLEY HAUERWAS, *On Keeping Theological Ethics Theological*, in STANLEY HAUERWAS, *THE HAUERWAS READER* 51, 51–74 (John Berkman & Michael Cartwright eds., 2001).

few master.”<sup>27</sup> Much of Hauerwas’s academic work contends that appreciation of Christianity as a body of moral and practical knowledge of *how we should live* will only follow *actually living the Christian life in church communities*: following the way of Jesus and witnessing to Christian beliefs in one’s life, in the faith that such a life is “with the grain of the universe.”<sup>28</sup> His criticisms of Christian ethics and his reliance on MacIntyre emphasize the rootedness of moral (and spiritual) knowledge in particular practices and traditions, as well as the narratives, stories, and roles that constitute and animate those traditions. These can only be grasped from the inside and appreciated by those who live those lives.

Hauerwas says that modern life is—in a variety of ways that he often lumps under the rubric “liberalism”—hostile to the sort of life marked out for us by Jesus. The values and way of life of “bourgeois liberalism” have colonized and debased the Christian consciousness.<sup>29</sup> American Christians have come to want to be good citizens: to serve in the military, hold public office, and raise their children to be “successful” as this is defined by our popular culture (that is, prosperous, with a good career, individually fulfilled). In many ways this represents the success of our civic culture: religious life has been fundamentally reshaped by basic liberal and democratic values. But “civic aims” such as justice, rights, the public good, economic security, national defense via organized violence, social programs to help the poor, and the improvement of American democracy, even at their best, Hauerwas seems to say, threaten to distract Christians from their central mission. At their worst, as in the case of violence and imperialism, these aims diametrically oppose Christian virtues, Hauerwas contends. In our badly fallen world, the desire to be a “good citizen” often implicates Christians in heinous collective enterprises.

In light of these challenges, Hauerwas calls upon Christians to live as Christians and be constant witnesses to Jesus. They should take their ethical and practical bearings from the ways of Jesus, as realized (or approximated) in the most authentic and faithful Christian churches, not those of the marketplace or the public square. In Hauerwas’s view, no particular denomination has a lock on the truth since his personal search—eloquently recounted—has taken him to faith communities with a variety of denominational affiliations.<sup>30</sup>

If I read Hauerwas correctly, what are *we* (that is, those who believe in *core liberal democratic values and virtues*, roughly as I do, believers or not) to make of all this?

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27. *Id.* at 70; see also STANLEY HAUERWAS, *Jesus and the Social Embodiment of the Peaceable Kingdom*, in THE HAUERWAS READER, *supra* note 26, at 116.

28. See STANLEY HAUERWAS, WITH THE GRAIN OF THE UNIVERSE 16–17, 231 (2001).

29. STANLEY HAUERWAS, *Christianity: It’s Not a Religion, It’s an Adventure*, in THE HAUERWAS READER *supra* note 26, at 522, 528.

30. I have great admiration for the sorts of church communities Hauerwas describes favorably in *Hannah’s Child*. See HAUERWAS, *supra* note 3, at 254.

### A. The Liberal Core and Popular Culture

As an observer of American popular life and politics, there is much truth in many of Hauerwas's complaints. He seems to me an extremely interesting, provocative, and frequently quite penetrating social critic. He has a keen eye for our hypocrisies, self-serving myths, and prejudices. He is right that our public culture is often profoundly and depressingly materialistic, self-centered, individualistic, and enormously self-congratulatory; our foreign policy is far too ready to resort to violence. Christians ought to challenge our dominant materialist popular culture far more than they do, via alternative narratives and radical criticisms that attend to the example of Jesus. But, as Hauerwas points out, religious communities often seem only to rationalize and sanctify the crassest, most self-serving, and least reflective aspects of our culture (the widespread popularity of the prosperity gospel of such figures as Joel Osteen, for example). Hauerwas's challenges to modern bourgeois prejudices are often to the point.

Hauerwas's mode of writing is not that of political analysis or institutional design, and I do not see an alternative political program in those of his writings that I have looked at. His view of Christian ethics seems to involve doing the right thing (as he understands it) and letting the consequences take care of themselves. So, his commitment to pacifism is not defended as part of a political program or plan in the usual sense: we should renounce war in the belief that Jesus did and with faith that, well, our fate is in God's hands . . . ? I'm not sure.<sup>31</sup> In some passages, including in his advocacy of pacifism, apparently even in the face of the Nazi threat, he strikes me as astonishingly utopian, almost apolitical. I also readily concede, however, that Americans, including American Christians, err badly on the side of uncritical patriotism. We would, in fact, be far better off if more Christians refused to serve in the armed forces as currently constituted and deployed, and likewise insisted on adherence to the rules and principles of just war theory as understood in much of the Christian tradition.<sup>32</sup> I applaud Hauerwas's interventions in the wake of the September 11 attacks. He offers a sort of alternative Christian political vision and an invitation to try it out. He does not, so far as I can see, offer anything like a practical political theory, or an argument for his politics addressed to a diverse audience.

It sometimes seems as though politics are peripheral to Hauerwas's central theological and religious concerns, and liberalism winds up being so much collateral damage. Many of his central criticisms of the popular culture would be joined by many liberals. I am perfectly prepared to join some (or many) of Hauerwas's complaints about American public life. The values that increasingly

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31. Jeffrey Stout, who is far more familiar with Hauerwas's voluminous writings than I, calls for greater clarity from Hauerwas with respect to his positive program. See Stout, *supra* note 4, at 18.

32. See generally STANLEY HAUERWAS, *Should War be Eliminated? A Thought Experiment*, in THE HAUERWAS READER, *supra* note 26, at 392, 392–425; see also STANLEY HAUERWAS, *Why Gays (as a Group) are Morally Superior to Christians (as a Group)*, in THE HAUERWAS READER, *supra* note 26, at 519–21.

shape popular culture, for example, are those of the marketplace and consumerism. But these are not the core values of liberalism and democracy, or at least there is no reason why an academic should smush all of these things together. Hauerwas sometimes writes as though the core of “liberalism” is classical liberalism—Adam Smith and John Locke—and even then he exaggerates or oversimplifies their commitments to commercial values. When Hauerwas says that “to conserve economic liberalism is antithetical to the formation of communities capable of caring for one another in the name of the common good,”<sup>33</sup> he sounds a lot to me like a democratic egalitarian liberal like Rawls or Dworkin. In contrast, he also places little emphasis on important features of modern life that are absolutely central to liberal politics. He never adequately grapples with the political problem of profound religious diversity, and he is far more preoccupied by secularism.

#### B. Hauerwas and Economic Liberalism

Hauerwas’s main objects of attack often seem not to be the liberal core as I have described it—fundamental human equality and rights, constitutional institutions, democracy, and the welfare state—but rather, “economic liberalism,” meaning capitalism and bourgeois popular culture, including the sexual permissiveness that came out of the 1960s. “[U]nder the influence of Macpherson I have always assumed my criticisms of liberalism were criticisms of the dominance of capitalist modes of life.”<sup>34</sup> I’m prepared to credit much of Hauerwas’s reading of “bourgeois liberalism.” But this calls for a little discrimination.

I wonder what Hauerwas makes of the fact that Rawls says that a capitalist society, which he refers to as a capitalist welfare state, assuming its best form, cannot be a just society.<sup>35</sup> The fundamental problems Rawls ascribes to a capitalist welfare state can be thought of as problems of culture and virtue. It allows people to heap up and accumulate very unequal amounts of private property, and then hopes that, at the end of the day, they will be willing to redistribute it to the poor so that shares are fair. This is quite unrealistic, says Rawls: it relies too heavily on the supposition that the greatly advantaged will be stably committed to ongoing redistribution. What we need is to prevent wealth and political power from accumulating in the first instance by steep inheritance taxes and an insistence on fair equality of opportunity across generations. That is, everyone must be furnished with the education and resources needed to compete for the best jobs and positions of leadership.

Another important way in which Rawls distances himself from capitalism is in denying that there is any necessary value in continued economic growth: once

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33. HAUERWAS, *supra* note 3, at 269.

34. HAUERWAS, *supra* note 24, at 228.

35. See JOHN RAWLS, JUSTICE AS FAIRNESS: A RESTATEMENT 136–140 (2001) (discussing two options concerning property and social provision that are consistent with liberal justice, namely, democratic socialism and “property owning democracy”).

we have enough stuff for the good life, a “steady state” economy is fine.<sup>36</sup> Rawls is in no way a celebrator of “commercial society” or “economic liberalism.”

Now, this may not be radical enough for Hauerwas, and Hauerwas may be right. But we get nowhere in that discussion by caricaturing the original position or ignoring the profound differences between classical and contemporary liberals.

Even when it comes to the defenders of commercial society, or capitalism, Hauerwas is sometimes unfair. His brief discussion of Adam Smith and his influence in *The Radical Hope*<sup>37</sup> is in some ways interesting and insightful, but extremely one-sided. He has a sharp eye for all that is wrong with bourgeois commercialism, but misses what was, for Smith, the essential saving grace. Smith himself found many aspects of commercial society extremely unattractive. This includes the absolute pivot of economic development—the division of labor—which Smith describes as dehumanizing in its effects.<sup>38</sup> He knew that capitalists were constantly scheming to advantage themselves at the expense of labor, while labor was the source of all value.<sup>39</sup> And he was deeply influenced by Rousseau’s criticisms of private property. One can play with undergraduates a game that consists of reading aloud passages from Smith. Often they guess that the author is Karl Marx, rather than the intellectual father of capitalism. So the question is why, in spite of the many unlovely aspects of commercialism, Smith still thought economic markets were a boon to human welfare and a great moral improvement.

The answer is the lives it makes possible for the poor masses: lives freed of utter poverty and misery. Smith had a Malthusian view. He believed the birthrate would tend to outpace production, thus lowering wages to bare subsistence or worse. Only a constantly growing economy, made possible by progressive economic development, would raise the wages of workers above the barest subsistence. Smith’s most moving passages describe the contrast between ordinary people’s lives in growing economies versus economically “stationary,” or even declining, societies. “It is not uncommon, I have been told, in the Highlands of Scotland for a mother who has borne twenty children not to have two alive . . . . In some places one half the children die before they are four years of age . . . .”<sup>40</sup> China was for him the great example of a “long stationary”

36. See JOHN RAWLS, *LAW OF PEOPLES* 107–08 (1999) (drawing on Mill).

37. STANLEY HAUERWAS, *The Radical Hope in the Annunciation: Why Both Single and Married Christians Welcome Children*, in *THE HAUERWAS READER*, *supra* note 26, at 508–11.

38. Of the workers under a highly developed division of labor Smith says, they “generally become[] as stupid and ignorant as it is possible for a human creature to become . . . . It corrupts even the activity of his body.” ADAM SMITH, *AN INQUIRY INTO THE NATURE AND CAUSES OF THE WEALTH OF NATIONS* 327 (Thomas Nelson ed., 1843).

39. “Masters are always and everywhere in a sort of tacit, but constant and uniform combination, not to raise the wages of labour . . . .” *Id.* at 28. “People of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public, or in some contrivance to raise prices. It is impossible indeed to prevent such meetings, by any law which either could be executed, or would be consistent with liberty and justice.” *Id.* at 54.

40. *Id.* at 33.

economy, the consequence of which was masses of people living in abject poverty. Of Canton, he wrote:

The subsistence which they find there is so scanty that they are eager to fish up the nastiest garbage thrown overboard from any European ship. Any carrion, the carcase of a dead dog or cat, for example, though half putrid and stinking, is as welcome to them as the most wholesome food to the people of other countries. Marriage is encouraged in China, not by the profitableness of children, but by the liberty of destroying them. In all the great towns several are every night exposed in the street, or drowned like puppies in the water. The performance of this horrid office is even said to be the avowed business by which some people earn their subsistence.<sup>41</sup>

So the moral rationale for commercialism was “this improvement in the circumstances of the lower ranks of the people,”<sup>42</sup> and on Smith’s reckoning this was worth the price that had to be paid in terms of commercialism’s offensive and unlovely aspects. Any commentary on Smith and bourgeois commercialism should recognize this underlying deeply humanitarian calculus, which subsequent historians have confirmed.<sup>43</sup> The humanitarianism that lies behind Smith’s program, which seems to me quite Christian in spirit, should not be ignored.

And Smith was not wrong. Over the last thirty years, hundreds of millions of Chinese, Indians, and others have been lifted out of the most dire poverty by those nations’ entry into the world economy. That entry was made possible by various forms of economic liberalization and technological innovation, such as the development of container ships. In East Asia and the Pacific, sixty percent of the population lived on less than a dollar a day in 1980; the figure is now around ten percent. In South Asia the decline has been from around fifty percent to around thirty percent.<sup>44</sup> Never in human history has the basic material well-being of so many improved by so much so quickly. Of course, it is also true that there have been terrible collateral costs. Suicide rates among Indian farmers displaced by development have been awful. The environmental costs may yet destroy human life on our planet. And there are many other downsides. But comfortable middle- and upper-class Americans should not forget how much we take for granted in terms of basic material security as a consequence of the mass well-being and stable institutions that economic wealth have made possible.

In addition, as I have already said, Hauerwas’s analysis of modern life, as with the communitarians, gives too little weight to the fact of diversity with respect to our religious beliefs and convictions. It is this, rather than

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41. *Id.* at 30.

42. *Id.* at 33.

43. See generally JOHN BOSWELL, *THE KINDNESS OF STRANGERS: THE ABANDONMENT OF CHILDREN IN WESTERN EUROPE FROM LATE ANTIQUITY TO THE RENAISSANCE* (1988) (discussing the prevalence of child abandonment and exposure prior to the rise of modern commercial economies).

44. I’ve taken these figures from the web site of the World Resources Institute. I don’t claim they are precise but rather that they are roughly true. See *Population Living on Less Than \$1 Per Day 1981–2004*, WORLD RESOURCES INSTITUTE (July 24, 2008), <http://www.wri.org/chart/population-living-less-than-1-per-day-1981-2004>.

“secularism,” that is the nub of the political problem: the only way to respect people as equals in conditions of diversity is to grant them fundamental rights and an equal political standing that does not depend upon the correctness of their religious convictions.

While I think that Hauerwas ignores, discounts, or distorts important aspects of the liberal political tradition, he certainly is correct that the public, moral, and political cultures of modern commercial democracies leave a lot to be desired. I return to this below, where I urge that we should learn from important aspects of the *Hauerwasian* project.

### C. What Liberalism Isn't

I am going to turn next to what Hauerwas says about liberalism as a philosophical matter in some of the places he discusses it. His criticisms of liberalism are often aimed at aspects of our popular culture—excessive materialism and consumerism for example—that liberals themselves frequently criticize and that stand in the way of realizing liberal ideals of social justice. There may be a price to be paid for securing basic liberal rights, democracy, and a decent standard of living for all: people have a right to lead lives that are excessively consumerist and self-indulgent.<sup>45</sup> But liberalism properly conceived also seeks to check these tendencies by institutionalizing and promoting the values associated with social justice, civic equality, and deliberative democracy. Liberals, in fact, will join Hauerwas in seeking ways to curb the excesses of materialism and consumerism within the limits of justice, equal rights, and democracy.

In addition, Hauerwas advances a number of broad philosophical generalizations about liberal principles and practices that are dubious. Following communitarian critics of liberalism, he argues that modern ethics is increasingly thin and devoid of substance, and Christian ethicists have erred in joining this program.<sup>46</sup> The increasing focus on abstract and universal categories, and the search for rules and solutions to quandaries on the model of law, he argues, has severed ethical reflection from its necessary rootedness in particular living traditions, including those of religious communities. Liberal ethics freed from its “indebtedness to the past” is often merely procedural with the right prior to the good; ethics “as law is often seen as that set of minimum principles needed to secure order between people who share little in common[,] . . . [a] procedural means to settle disputes and resolve problems while leaving our individual ‘preferences’ and desires to our own choice.”<sup>47</sup> Many Christian theologians, he says, went along with these intellectual trends for the sake of

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45. It is hardly an original observation that democracy may not always promote the highest and noblest moral and cultural ideals. Consider, for example, Book VIII of Plato's *The Republic*, as well as Alexis de Tocqueville's *Democracy in America*.

46. Here the influence of communitarian and radical (small “d”) democratic critics of liberalism is especially evident. These include MacIntyre, Wolin, Sandel, Taylor, and others. The specific Christian dimension is, of course, distinctive.

47. HAUERWAS, *supra* note 26, at 72.

speaking to the wider world of non-believers. In doing so, they only succeeded in marginalizing the specifically theological aspects of theological ethics, making themselves—as theologians—irrelevant. Ethicists should be far more open to the insights of specifically theological ethics, argues Hauerwas, and ethics in general should be understood as principally a matter of fostering the virtues.<sup>48</sup> These are practiced in ongoing ethical communities and traditions; little if any guidance is furnished by an abstract philosophical ethics that labors over moral problems. It is hard to credit some of these claims. Academic ethics is a matter of critical inquiry into contending moral theories and practical moral problems. It is not primarily didactic.

So far as political theory is concerned, communitarian critics of liberalism, such as MacIntyre and Michael Sandel, have a tendency to ignore or not adequately appreciate the practical political problems that liberalism as a political program seeks to address. Hauerwas also sometimes identifies the root of our problems in excessively formal and philosophical terms, missing the moral substance. So we are told that liberalism is excessively procedural, it makes the right prior to the good, and ignores the fact that the ethical life must be rooted in the practices and ways of communities and expressed in narratives and traditions.<sup>49</sup> This seems to me quite wrong.<sup>50</sup>

In his book, *Performing the Faith*, Hauerwas makes the strange remark that liberals “attempt to form a politics and ethics without memory. Rawls’s ‘original position’ has seemed to me the perfect metaphor for the presumption that a morally defensible politics is possible without the people who make that politics being virtuous.”<sup>51</sup> However, the “original position” is a thought experiment designed to encourage the better off to put themselves in the shoes of the less well off, and to look at the social structure, and consider its acceptability, from the standpoint of the relatively poor. It is hard to imagine that Hauerwas would object. To the contrary, the concern with the poor that is so evident in Rawls seems altogether Christian in spirit. Hauerwas’s criticisms ought to be addressed at Milton Friedman or Ronald Reagan, not Rawls.

The remarks about memory and virtue seem equally misguided. The only reason to take seriously the thought experiment of the “original position” is in order to take seriously the project of making the social order acceptable to the least well off. It requires, at least if one is socially and economically advantaged, *putting aside self-concern* in one’s capacity as a citizen, and taking seriously the *interests of all of one’s fellow citizens*, especially those at the bottom of society.

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48. See STANLEY HAUERWAS, *How “Christian Ethics” Came to Be*, in THE HAUERWAS READER, *supra* note 26, at 37–50; STANLEY HAUERWAS, *On Keeping Theological Ethics Theological*, in THE HAUERWAS READER, *supra* note 26, at 51–74.

49. HAUERWAS, *supra* note 34, at 229 (“Liberal social orders do not have the means to acknowledge goods in common.”).

50. I argued against these communitarian claims at length in *Liberal Virtues*. Will Kymlicka responded definitively to the point about the right and the good, but unfortunately Sandel seems not to have taken notice. See WILL KYMLICKA, LIBERALISM, COMMUNITY, AND CULTURE 21–43 (1989).

51. HAUERWAS, *supra* note 34, at 224–25.



The willingness to do this depends upon one having the requisite moral motivation, or, if you prefer, virtue. Hauerwas says, more than once, that “[l]istening to the weakest member is the kind of church government that is at the very heart of the Gospel.”<sup>52</sup> Such sentiments suggest a deep if unacknowledged kinship with Rawls’ difference principle. Moreover, the only way in which social justice can gain a grip on a community is if its basic liberal values are embodied in institutions and embraced and deployed by actors at all levels of political life, as well as by those extra-political communities such as churches that engage in moral and political education. In much of his writing Hauerwas seems preoccupied with what he takes to be liberals’ excessive philosophical abstraction while missing the moral substance of their claims.

Hauerwas asserts that “one of the primary intellectual virtues for liberalism is cynicism.”<sup>53</sup> Hauerwas complains that “such a virtue” is “correlative of the demand for autonomy that assumes I must be able to ‘step back’ from my engagements. What I ‘do’ is, therefore, not ‘who I am.’”<sup>54</sup> This seems to me an extremely prejudiced reading of liberalism. Why isn’t it enough to say, with respect to autonomy, that what “I do” does not *exhaust* who I am? For surely people can and do step back, question, and revise their values and projects. Hauerwas has done a fair amount of that himself, and he has written eloquently of the experience. Autonomy requires a particular social context; otherwise, there would be nothing to work with. The point about cynicism seems especially inapt: Locke, J.S. Mill, and Rawls strike me as three of the least cynical thinkers imaginable.

Michael G. Cartwright summarizes Hauerwas’s critique of liberalism in his “Reader’s Guide” at the end of the very useful *Hauerwas Reader*. This brief summary, consistent with what I have read in Hauerwas, highlights what I take to be the core problems of Hauerwas’s views on liberalism. It names liberalism as the “regnant political theory” of contemporary America. It notes that Hauerwas has acknowledged that liberalism has “many faces” and much ambiguity, but these evidently permit a good deal of generalization. Thanks to liberalism Americans assume that “unlike other societies, we are not creatures of history, but that we have the possibility of a new beginning. We are thus able to form our government on the basis of principle rather than the arbitrary elements of tradition.”<sup>55</sup> This is hard to figure out. The revolution and the founding of the constitutional order were a new beginning in politics, though also deeply indebted to the past and inconceivable without the ideas, habits, and institutions that Americans inherited. It is true that Americans have been talking for a long time about having the “power to begin the world over

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52. HAUERWAS, *supra* note 29, at 527.

53. HAUERWAS, *supra* note 24, at 224–5.

54. *Id.*

55. Michael G. Cartwright, *Stanley Hauerwas’s Essays in Theological Ethics: A Reader’s Guide*, in THE HAUERWAS READER, *supra* note 26, at 623, 635 (internal quotations omitted).

again.”<sup>56</sup> Reagan paraphrased that remark of Paine’s to good rhetorical effect, but it would be wrong to take what may be hyperbole for a general philosophical commitment of liberalism. In any event, no political people invoke their “founding fathers” more than Americans. The constitutional tradition has enormous legitimacy in America—too much actually—but that belies the notion that our politics is ahistorical. Finally, the contrast between “principle” and “tradition” seems to me confused: moral principles are needed to do the work of separating the wheat of our tradition from the chaff of our history.<sup>57</sup>

According to Hauerwas, liberalism is mythological and ideological; it hides and diffuses its power in a comforting myth, and thereby effectively tyrannizes its subjects.<sup>58</sup> The liberal myth is that

a people do not need a shared history; all they need is a system of rules that will constitute procedures for resolving disputes as they pursue their various interests. Thus liberalism is a political philosophy committed to the proposition that a social order and corresponding mode of government can be formed on self-interest and consent.<sup>59</sup>

This is a caricature: few liberals base their theories on “self-interest.”

In spite of his hostility to liberal political philosophy, as he understands it, Hauerwas frequently says things that most liberals would fully accept:

[P]olitics depends upon tradition, for politics is nothing else but a community’s internal conversation with itself concerning the various possibilities of understanding and extending its life. In fact, the very discussion necessary to maintain the tradition can be considered an end in itself, since it provides the means for the community to discover the good it holds in common.<sup>60</sup>

Authority and tradition for Hauerwas seem to involve shared judgments formed through conversation; the conversation is ongoing, and through it new members are inducted into the ongoing conversation. “Conversation” suggests unforced and open exchange, on the merits. This all seems exactly right to me, and Hauerwas seems also to recognize that freedom is a “necessary condition for a community to come to a more truthful understanding of itself and the world.”<sup>61</sup> The church serves this freedom by being a “contrast model” for secular politics.<sup>62</sup> This all seems to me quite congruent with liberalism and liberal public reason.

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Liberalism was born in response to the problem of religious diversity, and in efforts to establish toleration and, eventually, equal freedom for all. Liberal

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56. THOMAS PAINE, *Common Sense*, in COLLECTED WRITINGS 52 (Eric Foner ed., 1995).

57. PELIKAN, *supra* note 23, at 76–77.

58. HAUERWAS, *supra* note 29, at 636.

59. HAUERWAS, *supra* note 26, at 78.

60. From Michael Cartwright’s concluding overview of Hauerwas’s work. Cartwright, *supra* note 55, at 637–38 (quoting Stanley Hauerwas).

61. HAUERWAS, *supra* note 5, at 62.

62. *Id.* at 84.

constitutional democracy seeks to insure that everyone enjoys the protections of due process of law; that governments are accountable to the people collectively; and that political power serves the common good, which requires paying special attention to the least well off. Philosophers seek to connect such institutions, practices, and commitments with more abstract philosophical principles, often in order to improve the system's principled consistency. We should try not to forget, however, that liberalism is first and foremost a political program: its principles are meant to inform institutional design, the welfare state, and democratic practices. The connection between liberal political arrangements and very abstract philosophical commitments is often contentious and may be quite tenuous.

#### D. Core, Periphery, and Popular Culture

I have suggested in effect that Hauerwas's principal complaints focus on matters outside the liberal core: on commercial values and popular culture, sexual permissiveness, high rates of abortion, and mass patriotic violence. I have sympathy with these concerns. So what are we to do politically? The question is: Should we work to address these problems within the bounds set by equal rights and democratic institutions, or do they require overriding these liberal democratic guarantees?

Although Hauerwas is neither a conservative nor a neoconservative, Hauerwas echoes their charge that liberalism undermines the sources of the virtues on which it depends.<sup>63</sup> It is true that liberalism undermines older virtues that are at odds with or in tension with liberalism. The traditional patriarchal family and its characteristic "virtues" are undermined by gender equality. Gender equality is at the root of very many of the changes in family relations that are associated with the 1960s. Women demanded control of their reproductive lives and that required access to contraception and abortion. Women's entry into the workplace and the availability of social welfare services for single mothers made divorce a much more plausible option for many women. Hauerwas expresses sympathy with radical feminism, so he may also need to concede that some forms of profound social progress may bring with them what some view as unintended social costs, such as a decline in lifelong marital commitment.

Now, of course, there are many ways—consistent with fundamental liberal democratic commitments to equal rights and opportunities—to address problems associated with family fragility. Much more generous social services and publicly funded child care, as in Europe, can lessen the costs to children of family breakup. And of course, better sex education and easier access to contraceptives could lower the abortion rate. Liberals do not stand in the way of such changes; they endorse them. Classical or free market liberalism, what we call conservatism in America, is often the problem here.

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63. HAUERWAS, *supra* note 24, at 226.

We might, therefore, consider the range of policy responses to various social pathologies concerning the family and childrearing and other matters that are consistent with equal rights. There is much we could do. It is difficult to know whether or to what extent genuine liberal commitments to equal liberty stand in the way of attractive policy responses until we hear some proposals. Vague abstractions about the perceived social costs of certain liberal commitments do not have much traction here.

#### IV CONCLUSION

The practice of liberal public reason, properly understood, is part of the best understanding of the virtues of democratic citizenship in a diverse society. Nevertheless, if Hauerwas-inspired preachers can motivate Christian citizens to oppose unjust wars, to press for greater opportunity for the poor and racial minorities, and generally to work on behalf of a more just or more decent society, more power to them! It is generally far more important to get people to do the right thing than to get them to appreciate the appropriate reasons for doing so.

Public reason opens the possibility—obviously still distant—that citizens who disagree about religion and much else can nevertheless reassure one another that their politics is based on sound moral reasons held in common. Public reason as a democratic ideal requires judgment, flexibility, and a pragmatic openness to alternative argumentative strategies. Public reason must also be a two-way street, open to challenge by arguments from particular communities and groups, including religious communities. Liberal democratic public reason *fails on its own terms* if it silences critical voices or squelches the justice-promoting moral energies of religious and ethical communities.

The virtues of civil deliberation are only a subset of the virtues of democratic citizens, and a rigid insistence on public reason may impede the pursuit of justice.<sup>64</sup> Sometimes other virtues are more important: moral seriousness, the courage and determination to actually confront injustice when the personal costs may be high, sympathy with the downtrodden, a willingness to work with others toward a more just society, and the capacity to articulate and entertain unpopular positions. Hauerwas's writings frequently exhibit such virtues in abundance.

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64. Perhaps this is what many critics of Rawls have in mind. See, e.g., PAUL WEITHMAN, RELIGION AND THE OBLIGATIONS OF CITIZENSHIP 13–35 (2002) (a sometime critic and—more recently—a defender of Rawls).