

A STRANGE DISTINCTION: RELIGION AND CIVIC LIFE SINCE
MARTIN LUTHER KING JR.

A Dissertation
Submitted to
the Temple University Graduate Board

in Partial Fulfillment
of the Requirements for the Degree
DOCTOR OF PHILOSOPHY

by
Charles Brian McAdams
May, 2010

Examining Committee Members:

John C. Raines, Advisory Chair, Religion

Rebecca T. Alpert, Religion

Aryeh Botwinick, Political Science

Jon Pahl, External Member, Lutheran Theological Seminary at Philadelphia

©
by
Charles Brian McAdams
2010
All Rights Reserved

ABSTRACT

Title: a Strange Distinction: Religion and Civic Life since Martin Luther King Jr.

Candidate's Name: Charles Brian McAdams

Degree: Doctor of Philosophy

Temple University, 2010

Doctoral Advisory Committee Chair: John C. Raines

Martin Luther King Jr. is an American civil saint whose his life and work blended religion into his civic engagement. Yet prominent political theorists and religious ethicists writing since the Civil Rights Movement fail to make a place for King's type of activism. Drawing heavily upon King's "Letter from Birmingham City Jail," this dissertation problematizes the work of several religious and political thinkers by contrasting their theoretical work with King's life and work.

John Rawls is the most influential post-Civil Rights Movement liberal and his theoretical work draws a stark line between religion and politics. Rawls assumes that this division is necessary for the preservation of democracy and he demands that religious people re-frame their political ideas using nonreligious language. This dissertation shows that Rawls's work would effectively exclude King even though King's movement resulted in a massive expansion of democracy. It turns next to Stephen L. Carter's criticism of such exclusion of religious in the name of democracy and Richard Rorty defense of it.

It is hard to overestimate the influence of Stanley Hauerwas on American religious ethics in the era since Martin Luther King. This dissertation also shows that Hauerwas presumes that Rawls is right, that democracy requires religious language be translated in to nonreligious language. Hauerwas is simply unwilling to sacrifice fidelity

for the sake of democracy. Christians, he suggests, should opt out of civic life rather than translate their ideas.

Finally, this dissertation shows that Jeffrey Stout's pragmatism as outlined in his book *Democracy and Tradition* is a vast improvement over Rawls, Rorty and Hauerwas. Stout engages each of those thinkers while remembering the witness of Martin Luther King Jr. Despite his significant improvement, Stout still maintains, though in a weakened form, a distinction between sacred life and secular life. King, in "Letter from Birmingham City Jail," called this "a strange distinction." This dissertation argues for further opening up democratic discourse to a wider variety of religious voices.

TABLE OF CONTENTS

	Page
ABSTRACT.....	iii
DEDICATION.....	vii
CHAPTER	
1. INTRODUCTION.....	1
King’s “Letter from Birmingham City Jail”.....	2
King Used Religious Reasons in the Public Sphere.....	4
King Also Used Nonreligious Reasons.....	10
King Remained Mindful of the Electoral Implications of His Actions.....	12
Four Related Conversations.....	17
The First Amendment.....	18
Civil Religion.....	24
Theories of Secularization.....	30
Historiography of Martin Luther King Jr.....	39
Methodology.....	42
2. LIBERALISM IN THE ERA AFTER KING.....	45
A Brief History of the Social Contract.....	47
John Rawls’s <i>A Theory of Justice</i>	49
John Rawls’s Two Principles of Justice.....	52
<i>A Theory of Justice</i> , Martin Luther King Jr. and Civil Disobedience.....	55
Robert Franklin’s Kingian Critique of <i>A Theory of Justice</i>	63
John Rawls’s <i>Political Liberalism</i>	65
Public Reason.....	73
John Rawls’s “The Idea of Public Reason Revisited”.....	81
3. IS RELIGION DANGEROUS TO DEMOCRACY?.....	88
Stephen L. Carter’s <i>The Culture of Disbelief</i>	88
Stephen L. Carter’s <i>The Dissent of the Governed</i>	103
Richard Rorty’s Response.....	105
Overview of Rorty’s Work.....	106
Rorty’s First Response, “Religion as Conversation-stopper”.....	108
Rorty’s Second Response, “Religion in the Public Square”.....	116
Conclusions.....	128
4. IS DEMOCRACY DANGEROUS TO RELIGION?.....	132
<i>Resident Aliens</i> and Stanley Hauerwas’s Ecclesiology.....	132
Christendom and Constantinianism.....	136
Anti-Translation and Pro-Particularity.....	138
The Sixties.....	143
Hauerwas and Democracy.....	144
Hauerwas on Rauschenbusch and Niebuhr.....	146

Hauerwas and Martin Luther King Jr.....	153
Martin Luther King Jr. and Reinhold Niebuhr.....	158
King and Hauerwas on Translating.....	160
Liberalism and Translation.....	161
Gloria Albrecht’s Critique of Hauerwas.....	162
The Universal Hauerwas.....	163
The Authoritarian Hauerwas.....	167
The Nonviolently Violent Hauerwas.....	170
5. <i>DEMOCRACY AND TRADITION</i> AND CONCLUSION.....	177
Jeffrey Stout and Secularization.....	178
Jeffrey Stout and Rawls.....	180
Jeffrey Stout and Rorty.....	184
Jeffrey Stout and Hauerwas.....	190
Stanley Hauerwas’s Response to <i>Democracy and Tradition</i>	192
An Open Public Sphere.....	197
BIBLIOGRAPHY.....	201

DEDICATION

This dissertation is dedicated to Angie, Grace and Davidson and
is written in gratitude for the witness of Martin Luther King Jr.

CHAPTER 1 INTRODUCTION

In "Letter from Birmingham City Jail," Martin Luther King Jr. laments that

in the midst of blatant injustices inflicted upon the Negro, I have watched white churches stand on the sideline and merely mouth pious irrelevancies and sanctimonious trivialities. In the midst of a mighty struggle to rid our nation of racial and economic injustice, I have heard so many ministers say, "those are social issues with which the gospel has no real concern," and I have watched so many church commit themselves to a completely otherworldly religion which makes a strange distinction between body and soul, the sacred and the secular.¹

This was not the first time that King had challenged the legitimacy of the division between "the sacred and the secular." Before the Civil Rights Movement catapulted him to fame, King preached a Fourth-of-July sermon in Dexter Avenue Baptist Church in Montgomery. In it he declared:

if our religion is to be real and genuine in our lives it must be experienced as a dynamic force. Religion must be effective in the political world, the economic world, and indeed in the whole social situation. Religion should flow through the stream of the whole {of}² life. The easy going dicotomy [sic] between the sacred and the secular, the god of religion and the god of life, the god of Sunday and the god of Monday has wrought havoc in the portals of religion.³

1. Martin Luther King, Jr., "Letter From Birmingham City Jail" in *A Testament of Hope*, ed. James M. Washington (New York: HarperCollins Publishers, 1991), 299.

2. The King Papers Project uses brackets to indicate Dr. King's handwritten additions to his printed text.

3. Martin Luther King Jr., "'A Religion of Doing' Sermon at Dexter Avenue Baptist Church," in *The Papers of Martin Luther King, Jr.* Vol. VI. Ed. by Clayborne Carson (Berkeley, CA: University of California Press, 2007), 172.

Martin Luther King distrusted the validity of dividing the world into those things which are religious and those things which are secular.

Yet in the era since King's assassination, this strange distinction has become essential to the political theory of scholars thinking about the role of religion in civic life. Foremost are the theorizations of John Rawls and Richard Rorty. Each of the two assert that democracy depends upon a stark division between the sacred and the secular. Stanley Hauerwas shares the assumption that democracy needs the division, but he is unwilling to set aside his faith for the preservation of democracy. These three important theorists all wrote their major works in the era since the Civil Rights Movement and all draw different conclusions than did Martin Luther King Jr. Furthermore, Jeffrey Stout's recent and impressive *Democracy and Tradition* engages these same people with the same question. In conversation with Jeffrey Stout, I will explore how to account for this difference. It is hard to imagine that anyone would suggest that King was an obstruction to democracy. In fact the "Letter from Birmingham City Jail," while violating the exclusion of religion from political matters, spurred the second largest expansion of democracy in American history. The Letter is a laudable example of democratic engagement, but one that would be outside of the fold of the theorizations of Rawls, Rorty and Hauerwas.

King's "Letter from Birmingham City Jail"

After the success of the Montgomery Bus Boycott, King moved back to

Atlanta, became the assistant minister at his father's church and formed the Southern Christian Leadership Conference (SCLC) as a vehicle for his activism. King saw his activism as tied to his religion. The SCLC became involved in the effort to integrate the city of Albany, Georgia, in 1961. The authorities in Albany responded with relative restraint, preventing the camera-ready spectacles that marked other events in the Civil Rights Movement. The city also secured a court order forbidding the protests.

The leadership of the Albany campaign, including Martin Luther King Jr., faced a dilemma. They were confident that the injunction would not stand up on appeal, but they worried about breaking the court's order because they had been telling southerners not to break the Supreme Court's orders regarding integration. They knew that the appeal would take time, and they feared that the Movement would lose momentum during the delay. In the end, they decided to risk the former. Unfortunately, their fears were realized; the momentum died and the Albany campaign failed to make any major changes.

King and the Civil Rights Movement took the lessons of Albany to heart during the next campaign in Birmingham. When the City of Birmingham, following Albany's lead, secured an injunction against the marches, King decided to violate the injunction. King had previously violated laws, but this was the first time he had consciously violated a court order. It was during his incarceration that he wrote "Letter from Birmingham City Jail." While King's "I Have A Dream" speech is better known, the letter lays out his political philosophy and shows his

understanding of the role of religion in public life. Therefore, I will pull out of “Letter from Birmingham City Jail” King's use of religious justifications for his actions. These will problematize Rawls and Rorty. Next, I will draw out those parts of the letter where King abandons his religious reasons. These will problematize Stanley Hauerwas's theorization. Lastly I will show King’s focus on the voting aspect of democracy. The Letter is a model of reason giving in the service of democracy, but while he gives reasons in the Letter, they are in the furtherance of his ultimate goal of securing electoral victories, in particular overcoming a certain pending Dixiecrat filibuster of civil rights legislation. King used reason giving, such as the Letter, to serve his ultimate goal, securing electoral success. I will return to this in the fifth chapter when I discuss Jeffrey Stout.

King Used Religious Reasons in the Public Sphere

King repeatedly turns to religious reasons to justify his actions. Early in the letter, King explains his presence in Birmingham, challenging the oft-repeated condemnation of “outside agitators” causing problems. First, he explains why he is not an outside agitator by citing all of his institutional connections to Birmingham. Then he turns to religious reasons for his actions. He explains, “I am in Birmingham because injustice is here.” Immediately, he likened himself to Amos, Hosea, Isaiah and Micah, prophets in the Hebrew Bible. He explained that they regularly traveled to other places to counter injustice. It is noteworthy how

central religion is for King's understanding of justice. He sees injustice and explains that his response was like that of important religious figures.

He continued, linking his work to central religious icons:

Just as the Apostle Paul left his little village of Tarsus and carried the gospel of Jesus Christ to practically every hamlet and city of the Greco-Roman world, I too am compelled to carry the gospel of freedom beyond my particular hometown. Like Paul, I must constantly respond to the Macedonian call for aid.⁴

Removing the books of the Bible attributed to Amos, Hosea, Isaiah, Micah and Paul would eviscerate the Bible, which is to say that King positioned himself as following some of the most important figures in the Christian scriptures. King justifies his presence and gives reasons for his actions in terms that were explicitly religious even explicitly Christian.

He countered an argument that was not particularly religious ("you have no business here") and with specific references to religious scriptures. He also cited a twentieth century Christian theologian to justify putting pressure on the government, explaining, "Individuals may see the moral light and voluntarily give up their unjust posture; but as Reinhold Niebuhr has reminded us, groups are more immoral than individuals."⁵

Likewise, King's justification for civil disobedience is particularly informative in his answer to the hypothetical question, "How can you advocate breaking some laws and

4. King, "Letter From Birmingham City Jail," 290.

5. Ibid., 292.

obeying others?”⁶ He explains that “there are two types of laws: there are just and there are unjust laws.”⁷ He continues by appealing to one of Christianity’s most prominent theologians: “I would agree with Saint Augustine that ‘An unjust law is no law at all.’”⁸

His next paragraph opens with two rhetorical questions, “Now what is the difference between the two? How does one determine when a law is just or unjust?”⁹ In answering that King asks people to weigh the law theologically. He asserts, “A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law.”¹⁰ Turning to another important Christian theologian, King continued, “To put it in the terms of Saint Thomas Aquinas, an unjust law is a human law that is not rooted in eternal law and natural law.”¹¹

King’s use of morality as a category for evaluating the law was a particularly religious understanding of morality. For example, he presumes that human beings have a soul when he asserted:

Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a false sense of superiority, and the segregated a false sense of inferiority. To use the words of Martin Buber, the great Jewish philosopher,

6. Ibid., 293.

7. Ibid. Emphasis in original.

8. Ibid.

9. Ibid.

10. Ibid.

11. Ibid.

segregation substitutes an "I-it" relationship for the "I-thou" relationship, and ends up relegating persons to the status of things.¹²

For King, laws may be moral or immoral and one can determine which is which by comparing them to God's law. He further asserted that immoral laws harm people's souls. After invoking all these religious justifications, King goes even further when he concludes, "so segregation is not only political, economically and sociologically unsound, but it is morally wrong and *sinful*."¹³ King recognizes that there are non-religious reasons for opposing segregation, but he seeks to go further. He chooses to evaluate the law in terms of whether it is sinful or not. Furthermore, King does not use "sinful" in some nonreligious sense. He turns to a Christian theologian to explain what he means by sinful:

Paul Tillich has said that sin is separation. Isn't segregation an existential expression of man's tragic separation, an expression of his awful estrangement, his terrible sinfulness? So I can urge men to disobey segregation ordinances because [sic] they are morally wrong.¹⁴

In his defense of civil disobedience King returned to his faith:

Of course, there is nothing new about this kind of civil disobedience. It was seen sublimely in the refusal of Shadrach, Meshach and Abednego to obey the laws of Nebuchadnezzar because a higher moral law was involved. It was practiced superbly by the early Christians who were willing to face hungry lions and the excruciating pain of chopping blocks before submitting to certain unjust laws of the Roman Empire.¹⁵

12. Ibid.

13. Ibid. Emphasis added.

14. Ibid., 293-4.

15. Ibid., 294.

What is important to note here is that King's reasons for his public actions are rooted in his faith. The claim, "civil disobedience must be okay because three guys in a very old story did it," may not be very persuasive. However, this reasoning might be compelling for pious Christians and Jews who see Shadrach, Meshach and Abednego as exemplars for their resistance to Nebuchadnezzar, a story recorded in their scriptures.

When answering the charge that "our actions, even though peaceful, must be condemned because they precipitate violence,"¹⁶ King asks, "isn't this like condemning Jesus because his unique God-consciousness and never-ceasing devotion to his will precipitated the evil act of crucifixion?"¹⁷ While non-Christians may join King in thinking crucifixion is torturous and inhuman, they would likely reject King's claim that Jesus has a "unique God-consciousness."

King made similar moves in rejecting the assumption that being called an "extremist" is a criticism. He asserted:

But as I continued to think about the matter I gradually gained a bit of satisfaction from being called an extremist. Was not Jesus an extremist for love—"love your enemies, bless them that curse you, pray for them that despitefully use you." Was not Amos an extremist for justice—"Let justice roll down like the waters and righteousness like a mighty stream." Was not Paul an extremist for the gospel of Jesus Christ—"I bear in my body the marks of the Lord Jesus."¹⁸

King's next two examples are from outside the Bible but are still references to religious

16. Ibid., 295.

17. Ibid., 295-6.

18. Ibid., 297.

people. “Was not Martin Luther an extremist—‘Here I stand; I can do none other so help me God.’ Was not John Bunyan an extremist—‘I will stay in jail to the end of my days before I make a butchery of my conscience.’”¹⁹

That these last two might also be regarded as justifications from secular sources strengthens the case that there does not have to be a strict separation between religious reasons and secular reasons. That I am not sure if these two examples are religious complicates Rawls’s and Rorty’s attempts to segregate religious arguments and supports Talal Asad’s argument that ridding public discourse of religious reasoning first demands that we define what a religious reason is. Trying to define religion inherently leads one into a conversation forbidden by the original desire to remove religious reasoning.²⁰

After leading his reader to accept that “extremist” is not inherently a negative term, King says, “so the question is not whether we will be extremist but what kind of extremist will we be.”²¹ For his answer, King goes yet again to the Bible, saying:

In that dramatic scene on Calvary’s hill, three men were crucified. We must not forget that all three were crucified for the same crime—the crime of extremism. Two were extremists for immorality, and thusly fell below their environment. The other, Jesus Christ, was an extremist for love, truth and goodness, and thereby rose above his environment.²²

Clearly, King was not worried about using religious reasoning in the public sphere.

19. Ibid.

20. I will return to Asad’s argument below.

21. King, “Letter,” 298.

22. Ibid.

King Also Used Nonreligious Reasons

In justifying his presence in Birmingham he also explained, “I am cognizant of the interrelatedness of all communities and states. . . . Injustice anywhere is a threat to justice everywhere.”²³ For King, injustice cross boundaries. One cannot simply ignore injustice or assert that injustice is inconsequential. Mutual interest is unavoidable, human existence is interwoven. One cannot disentangle this tapestry. I will show that King’s attention to human interrelatedness is an important contrast to Stanley Hauerwas’s ecclesiology.

After King asked his reader to evaluate laws based upon religious criteria and theological categories like “sinful,” he turns to some nonreligious ways of distinguishing just and unjust laws: “an unjust law is a code that the majority inflicts on a minority that is not binding on itself. This is difference made legal. On the other hand a just law is a code that a majority compels on itself. This is sameness made legal.”²⁴ He continues, “an unjust law is a code inflicted on a minority which that minority had no part in enacting or creating because they did not have the unhampered right to vote.”²⁵ One need not be Christian or even religious to accept or use these criteria. When King enters the public square, though he is a Christian, he is willing to justify his actions in the idiom of his culture. In fact, at this point, his description of just and unjust laws stands apart from religion. As I will show in chapter four this should be a complication for Hauerwas.

Just as King uses religious and nonreligious language to describe the difference

23. Ibid., 290.

24. Ibid., 294.

25. Ibid.

between just and unjust laws, he does the same in his justification of civil disobedience.

For example, he asserts, “To a degree academic freedom is a reality today because

Socrates practiced civil disobedience.”²⁶ Furthermore, he explains:

We can never forget that everything Hitler did in Germany was “legal” and that everything the Hungarian freedom fighters did in Hungary was “illegal,” it was illegal to aid and comfort a Jew in Hitler’s Germany. But I am sure that if I had lived in Germany during that time I would have aided and comforted my Jewish brother even though it was illegal. If I lived in a Communist country today where certain principles dear to the Christian faith are suppressed, I believe I would openly advocate disobeying these anti-religious laws.²⁷

Even though these examples mention religion, one need not be religious to praise resistance to Hitler. As noted above, King gave religious reasons for his actions, but he also translated his reasons into reasons that are not particularly religious.

When answering the charge that “our actions, even though peaceful, must be condemned because they precipitate violence,”²⁸ King returns to Socrates, asking, “isn't this like condemning Socrates because his unswerving commitment to truth and his philosophical delvings precipitated the misguided popular mind to make him drink the hemlock?”²⁹

Finally, in answering the charge of being an extremist, King respond, “was not Abraham Lincoln an extremist—‘This nation cannot survive half slave and half free.’

26. Ibid., 294.

27. Ibid., 294-5.

28. Ibid., 295.

29. Ibid., 295.

Was not Thomas Jefferson an extremist—‘We hold these truths to be self-evident, that all men are created equal.’”³⁰ King explains himself with justifications that non-Christians can likely understand and accept.

King Remained Mindful of the Electoral Implications of His Actions

King's call, that “now is the time to make real the promise of democracy, and transform our pending national elegy into a creative psalm of brotherhood”³¹ marks King as “pro-democracy” but doesn't tell us much about his understanding of the nature of democracy. However at other points in “Letter from Birmingham City Jail,” he shows that voting was key in his understanding of democracy.

King explained that activists in Birmingham twice delayed the protests until after elections “so that the demonstrations could not be used to cloud the issues.”³² He continued, “We too wanted to see Mr. Connor defeated.”³³ King knew that regardless of the validity of his justifications, democracy is rooted in voting and elections. For King, democracy, at its core, is about people casting votes to decide who will hold power.

In his treatment of just versus unjust laws, King condemns the segregation statutes in Alabama precisely because they are undemocratic. For King, they are undemocratic because African-Americans could not vote. In “Letter from Birmingham City Jail” he

30. Ibid., 297-8.

31. Ibid., 296

32. Ibid., 291.

33. Ibid.

explains:

An unjust law is a code inflicted on a minority which that minority had no part in enacting or creating because they did not have the unhampered *right to vote*. Who can say that the legislature of Alabama which set up the segregation laws was democratically *elected*? Throughout the state of Alabama all types of conniving methods are used to prevent Negroes from becoming registered *voters* and there are some counties without a single Negro registered to *vote* despite the fact that the Negro constitutes a majority of the population. *Can any law set up in such a state be considered democratically structured.*³⁴

For King a democracy is a function of voting. To assure a democratic outcome, one must assure that people are able to vote. Reason giving, such as that which King did in the Letter, furthers his interest of securing votes.

I will show that “Letter from Birmingham City Jail” serves to falsify the theoretical positions of several of my interlocutors – Rawls, Rorty and Hauerwas in particular. Each wrote in the era after the Civil Rights Movement and most of their writing was done after King had been effectively elevated to a civic saint. Rawls, Rorty and Hauerwas do not make a place for King. The first two demand that religious people agree to ignore their faith in civic life for the sake of democracy. Hauerwas is willing to sacrifice democracy for theological purity. King’s “Letter from Birmingham City Jail,” serves as an example that this is a false choice. King is deeply religious and yet he contributes to expanded democracy. Likewise, King is devoted to democracy without abandoning his faith. In light of King, the worries of Rawls, Rorty and Hauerwas seem misplaced.

34. Ibid., 294. Emphasis added.

King's Letter was a profoundly political document. He knew that if his movement was going to succeed, he had to secure sixty votes in the United States Senate to overcome a Dixiecrat filibuster. He was successful in doing so by virtue of his appeals to religion. The Letter is an example of King rejecting the strange distinction while avoiding the scenarios that Rawls, Rorty and Hauerwas feared. King justified his actions with an eye toward shifting the electoral power. He gave these reasons with the hope of securing votes, the votes he needed for his side to win.

The year after King wrote "Letter from Birmingham City Jail," the United States Senate took up civil rights legislation. Richard Russell led a filibuster by southern senators to prevent a vote on the bill. Of civil rights legislation in the United States Senate, Russell told the members of the Georgia General Assembly, "I pledge to you that I will oppose them to the limit of my endurance and to the extent of my ability."³⁵ One of Russell's strategies was to dismiss the arguments of civil rights activists on the ground that religion should not be involved in political matters. For example, Russell explained:

I know that great pressures have been brought to bear on Senators by both political parties and by the President of the United States to vote for this bill. State chairmen and other officials of both parties have been calling and telegraphing Senators since the day when this proposed legislation came before the Senate. The leaders of the great labor organizations also have brought pressure and have threatened disapproval of Senators who vote against the bill.

I have observed with profound sorrow the role that many religious leaders have played in urging passage of the bill, because I cannot make their activities jibe with my concept of the proper

35. Richard Russell, Speech to the "Georgia General Assembly 8 February 1960" in *Voice of Georgia: Speeches of Richard B. Russell, 1928-1969*, eds. Calvin McLeod Logue & Dwight L. Freshley (Macon, GA: Mercer University Press, 1997), 352.

place of religious leaders in our national life. During the course of the debate, we have seen cardinals, bishops, elders, stated clerks, common preachers, priests, and rabbis come to Washington to press for the passage of this bill. They have sought to make its passage a great moral issue. But I am at a loss to understand why they are 200 years late in discovering that the right of domination over private property is a great moral issue. If it is a great moral issue today, it was a great moral issue on the day of the ratification of the Constitution of the United States. Of course, this is not, and cannot be a moral question; however it may be considered, it is a political question.

Day after day, men of the cloth have been standing on the mall and urging a favorable vote on the bill. They have encouraged and prompted thousands of good citizens to sign petitions supporting the bill—but all without the knowledge of the effect of what they were demanding of the representatives in the Congress of the United States.

This is the second time in my lifetime an effort has been made by the clergy to make a moral question of a political issue. The other was prohibition. We know something of the results of that.³⁶

Russell tried to argue against the civil rights bill based on property rights. I will leave addressing the validity of that argument to others. Instead, I want to focus on his division between the political and the moral. According to Russell, the civil rights bill was not about morality but rather about politics, in contrast to King for whom this was a strange distinction. Russell accepted and used a binary opposition: moral versus political. Religious leaders deal with moral issues; United States senators deal with political issues. Russell warned that confusing or conflating these separate spheres is dangerous. “We know something of the results” of allowing religious leaders to speak to political issues he admonished. The spokesperson for segregation asserted that people should remember the “proper place of religious leaders in our national life.” Religious leaders should not be

36. The Congressional Record—Senate, June 10, 1964, p. 13309.

holding vigils on the mall or lobbying members of Congress. One presumes they should focus on spiritual matters or even pastoral care; but certainly not political matters.

Martin Luther King Jr. explicitly rejected that argument. He specifically disagreed with Russell and called for more clergy activism in civil life. In a conversation before the Rabbinical Assembly in 1968, King explained the need for religious involvement in passing an anti-poverty bill by reminding his listeners of the efforts to pass the earlier civil rights legislation:

We got enough people moving—we got rabbis moving, we got priests moving, we got Protestant clergymen moving, and they were going around Washington and they were staying on top of it, they were lobbying, they were saying to [Senator] Dirksen and others that this must be done.

Finally, the Congress changed altogether. One day when Senator Russell saw that the civil rights bill would be passed and that the Southern wing could not defeat it, he said, “We could have blocked this thing if these preachers hadn’t stayed around Washington so much.”

Now the time has come for preachers and everybody else to get to Washington and get this very recalcitrant Congress to see that it must do something and it must do it soon.³⁷

King expanded democracy while rejecting the strange distinction that Rawls, Rorty and Hauerwas later presume is necessary for the maintenance of democracy. This dissertation explores this dynamic.

I argue that enforcing this strange distinction is not necessary for the preservation of democracy and doing so even hampers the openness of the democratic discourse. King’s “Letter from Birmingham City Jail” is a model.

37. Martin Luther King, Jr., “Conversation with Martin Luther King” in *A Testament of Hope*, ed. James M. Washington (New York: HarperCollins Publishers, 1991), 674.

Some of his reasons were religious, others were not, but he led a great expansion of democracy. Restricting religious arguments from the democratic discourse does not protect the discourse. I argue not only will welcoming religious argument into the conversation assuage the fears of people like Hauerwas, it will also strengthen and expand the discourse. The discourse will be more welcoming, more sincere, more robust and more fluid.

Four Related Conversations

There are four important fields of study which have prepared the way for this study. First, this study is placed in a milieu in which many people use the language of the United States Constitution to inform the relationships between civic conversations, on the one hand; and religious people and organizations, on the other. After briefly addressing several of the major United States Supreme Court cases on the religious liberty clause, I will suggest that we should think of those cases as opening up the country to a robust and diverse religious landscape. A second commonly used frame is the debate surrounding the concept of Civil Religion. How King's life and work relates to and uses Civil Religion will expose some diversity of assumptions regarding Civil Religion.

Recent challenges to the secularization thesis also fertilizes the ground from which this study grows. Talal Asad alongside Janet Jakobsen and Ann Pellegrini have challenged long held assumptions regarding the secularization of civic life. This study agrees with their conclusions. Finally, this work

complements a thorough historiography about the Civil Rights Movement generally and about Martin Luther King Jr. specifically.

The First Amendment

Although the Constitution does not use the phrase, the “separation of church and state” has become the lens which many people use to examine the role of religion in civic life. The portion of the First Amendment that deals with religion has two clauses: the establishment clause and the free exercise clause. The former limits the government’s ability to aid religion, the latter seeks to protect religion from governmental interference. Cases involving the establishment clause tend to invoke the language of separation, while the latter are often framed in terms of freedom. I contend that the separation motif is used too simplistically and too profligately. In fact the phrase is often used like a cudgel aimed at religious actors engaged in civic life. When people have religiously informed policy positions, they are said to be in violation of the separation of church and state. In truth, the Constitution has no jurisdiction over the actions of religious people qua religious people but only over governmental actors.

The first words of the First Amendment demand that “Congress shall make no law respecting an establishment of religion.”³⁸ This clause rules out official government religions as well government funding of religious activities. The United States Supreme Court in *Everson v. Board of Education* explained,

38. United States Constitution, First Amendment.

famously, that because of the establishment clause:

Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa.³⁹

While the language of separation is absent from this paragraph, clearly the sentiment is there.

The Court's standard for reviewing these establishment clause cases has remained relatively stable for the last several decades, since *Lemon v. Kurtzman*⁴⁰ in 1971. While the establishment clause certainly prevents government funding of religion, clearly religious organizations benefit from government actions. For example, it is not a violation of the establishment clause for the government-funded fire department to extinguish a fire in a church building even though doing so is an obvious benefit to the church. In *Lemon*, the Court set out a three prong test for determining which governmental actions are violations of the establishment clause and which are not. First, the government's action must have a secular purpose; second, the government's action's "principal or primary

39. *Everson v. Board of Education*, 330 U.S. 1 (1947).

40. *Lemon v. Kurtzman*, 403 U.S. 602 (1971).

effect must be one that neither advances nor inhibits religion;”⁴¹ and third, the action must not excessively entangle government and religion.⁴² As such, a governmental action that benefits religion can still be constitutional if it meets each prong of the test. The Court often uses the establishment clause to strike down laws that mandate or allow prayer⁴³ or Bible reading in public schools.⁴⁴ It is also central to cases involving religious use of government facilities, cases where governmental actors post the Ten Commandments,⁴⁵ and cases disputing the exhibition of holiday displays on governmental property.⁴⁶

The second phrase in the First Amendment is the free exercise clause, which demands that “Congress shall make no law . . . prohibiting the free exercise”⁴⁷ of religion. At its base, this protects religion from government interference. The legal standard for this clause has been in flux for the last several years. Before 1990, there was some stability around the standards set in *Sherbert v. Verner*⁴⁸ and *Wisconsin v. Yoder*.⁴⁹ Together, these two cases outlined the conditions under which a government could

41. Ibid.

42. Ibid.

43. *Engel v. Vitale*, 370 U.S. 421 (1962).

44. *Abington Township School District v. Schempp* 374 U.S. 203 (1963).

45. See for example, *McCreary County, Kentucky, et al., Petitioners v. American Civil Liberties Union of Kentucky et al.* 545 U.S. 844 (2005).

46. *Lynch v. Donnelly*, 465 U.S. 668 (1984).

47. United States Constitution, First Amendment.

48. *Sherbert v. Verner*, 374 U.S. 398 (1963).

49. *Wisconsin v. Yoder*, 406 U.S. 205 (1972).

regulate religious activities: that standard is called strict scrutiny. Under strict scrutiny in order to secure an accommodation under the free exercise clause, an adherent must show that his or her actions are in accordance with a sincerely held religious belief, and that some government action has caused a “substantial infringement” of their religious practice.

Under *Yoder* and *Sherbert*, an adherent who shows a sincerely held religious belief which is substantially inhibited by some government action is entitled to an accommodation unless the government can prove that there is a compelling state interest at stake and that it used the least-restrictive means necessary to achieve that compelling state interest.

In *Employment Division v. Smith*,⁵⁰ the United States Supreme Court radically lowered the adherent’s rights to receive an accommodation and thereby increased the government’s ability to restrict religious practices. In the aftermath of this widely criticized opinion, Congress passed and President Bill Clinton signed the Religious Freedom Restoration Act (RFRA) which reestablished the standard under *Yoder* and *Sherbert*. Nevertheless, the Supreme Court in deciding *City of Boerne v. Flores*⁵¹ ruled that Congress overstepped its bounds in imposing RFRA on the states, and so the Court overturned RFRA as unconstitutional when applied to the states. RFRA remains valid federal law, but as a statute as opposed to a constitutional right, it can be modified or abandoned relatively easily.

50. *Employment Division v. Smith*, 494 U.S. 872 (1990).

51. *City of Boerne v. Flores*, 521 U.S. 507 (1997).

The two religion clauses of the First Amendment expressly restrict the Congress (“Congress shall make no law....,”) in its role as lawmaker for the nation. But the First Amendment is not limited to merely actions by the legislature. For example, it is well-established law that the restrictions of the First Amendment also apply to the executive branch.⁵²

In its original formulation, the Constitution regulated only the national government, allowing the various states to have laws that, if adopted by the national government, would have violated the establishment or free exercise clauses. The major change came after the Civil War with the Fourteenth Amendment that demanded:

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.⁵³

In 1947, the Supreme Court in *Everson v. Board of Education* “formally incorporated the First Amendment disestablishment clause into the Fourteenth Amendment due process

52. The famous case regarding the Pentagon Papers is relevant as it involved the executive branch and the judicial branch. See: *New York Times Co. v. United States*, 403 U.S. 713 (1971). The executive branch asked the judicial branch to prevent the *New York Times* and the *Washington Post* from publishing secret governmental documents. The Court refused to allow the executive branch to infringe upon the First Amendment’s demand, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or *abridging the freedom of speech*, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” United States Constitution, First Amendment, emphasis added.

53. United States Constitution, Fourteenth Amendment, Section 1.

clause and applied it to the states.”⁵⁴

Both clauses restrict government action rather than actions by religious people or organizations. While the scope of the clauses has expanded, the purpose of the Constitution remains to regulate government action not the actions of religious citizens or religious organizations. Furthermore, both clauses seek to protect rather than restrict religious thought, action and belief. This is obvious in the free exercise clause. But even the establishment clause seeks to maximize religious freedom. Refusing to allow government support of religion serves to protect those religious people and organizations who are outside of the religious mainstream.

Using the constitutional separation of church and state as a means to protect democracy from religion is fallacious on multiple levels. First, though weakest, the Constitution does not use the phrase separation of church and state. The framers of the Constitution simply chose not to use that phrase, versions of which date back at least to Martin Luther.⁵⁵ Thomas Jefferson used similar language contemporaneously with the founding of the United States but it is not in the U.S. Constitution.⁵⁶ Second, and more strongly, the Constitution does not restrict religious actors, but rather restricts the government. Third, what is in the Constitution is not intended to restrict religion, but to maximize its freedom. Both clauses work to protect the freedom of religious

54. John Witte, *Religion and the American Constitutional Experiment: Essential Rights and Liberties* (Boulder, CO: Westview Press, 2000), 114.

55. *Ibid.*, 48.

56. See Witte, 48-50 and 57ff.

organizations and people to act and believe according to their own consciences. As such, using the Constitution to restrict religious actors in the public sphere is misguided. The two clauses work together to protect a wide variety of religious voices. This is consistent with an understanding of the rest of the First Amendment, that it is designed to assure a wide variety of ideas and voices on important matters.

Civil Religion

Robert Bellah's 1967 article, "Civil Religion in America" sparked a scholarly conversation that continues to dominate many debates about religion in public life. In his essay, Bellah posited:

While some have argued that Christianity is the national faith, and others that church and synagogue celebrate only the generalized religion of "the American Way of Life," few have realized that there actually exists alongside of and rather clearly differentiated from the churches an elaborate and well-institutionalized civil religion in America.⁵⁷

The idea of a civil religion is found as far back as Jean Jacques Rousseau in *The Social Contract*. Rousseau explained, "At first men had not kings save the gods and no government save theocracy."⁵⁸ In this circumstance, devotion to God is the same thing as devotion to the state. Rousseau contends that the founding of Christianity changed this

57. This is from Robert Bellah's essay which he made available online at http://www.robertbellah.com/articles_5.htm. Last checked May 27, 2009. It originally appeared in *Daedalus, Journal of the American Academy of Arts and Sciences* Vol. 96, No. 1, (Winter 1967): 1-21.

58. Jean Jacques Rousseau, *The Social Contract* (London: J.M. Dent & Sons LTD, 1938), 113.

because “Jesus came to earth to set up a spiritual kingdom, which, by separating the theological from the political system, made the State no longer one.”⁵⁹ Rousseau worries that this is a danger to the sovereign because “no State has ever been founded without a religious basis, and . . . that the law of Christianity at bottom does more harm by weakening than good by strengthening the constitution of the State.”⁶⁰ As there is no society in which every member is a faithful Christian, then there must be a manner of assuring order other than appealing to Christian ideals.⁶¹ Furthermore, the Christian commitment to peacefulness undermines the ability of the sovereign to respond to disorder.⁶² Rousseau worries that civil society demands coercion greater than what is allowed under the Christian commandment to love one another.⁶³

Therefore, Rousseau proposed that the sovereign establish a civil religion:

The dogmas of civil religion ought to be few, simple, and exactly worded, without explanation or commentary. The existence of a mighty, intelligent and beneficent Divinity, possessed of foresight and providence, the life to come, the happiness of the just, the punishment of the wicked, the sanctity of the social contract and the laws: these are its positive dogmas. Its negative dogmas I confine to one, intolerance.⁶⁴

Bellah, in his definition of civil religion, discussed religious references used in

59. Ibid., 115.

60. Ibid., 117.

61. Ibid., 119.

62. Ibid., 119-20.

63. Ibid., 121.

64. Ibid.

several important presidential inaugural addresses. He opens with Kennedy's inaugural address, before turning to some historic precedents. Bellah acknowledges that Jean Jacques Rousseau first coined the term Civil Religion and outlined "the simple dogmas of the civil religion: the existence of God, the life to come, the reward of virtue and the punishment of vice, and the exclusion of religious intolerance. All other religious opinions are outside the cognizance of the state and may be freely held by citizens."⁶⁵

These doctrines, Bellah argues, are similar to American Civil Religion. There are, of course, some important differences between Bellah's civil religion and Rousseau's. For example Rousseau argued,

[The Sovereign] can banish from the State whoever who does not believe [the dogmas of the civil faith that the sovereign established], it can banish him, not for impiety, but as an anti-social being, incapable of truly loving the laws and justice, and of sacrificing, at need, his life to his duty. If any one, after publicly recognizing these same dogmas, behaves as if he did not believe them, let him be punished by death.⁶⁶

Looking over the history of the United States, Bellah suggested that Civil Religion evolves in times of great national crisis. The revolutionary war, the civil war and the war in Vietnam are his most important examples.

Finally, he concluded:

American civil religion is not the worship of the American nation but an understanding of the American experience in the light of ultimate and universal reality, the reorganization entailed by such a new situation need not disrupt the American civil religion's continuity. A world civil religion could be accepted as a fulfillment and not as a denial of American civil

65. Bellah, "Civil Religion in America."

66. Rousseau, *The Social Contract*, 121.

religion. Indeed, such an outcome has been the eschatological hope of American civil religion from the beginning. To deny such an outcome would be to deny the meaning of America itself.⁶⁷

Bellah recognized that some might condemn this level or type of overt religiosity in political leaders. He explained:

Considering the separation of church and state, how is a president justified in using the word “God” at all? The answer is that the separation of church and state has not denied the political realm a religious dimension. Although matters of personal religious belief, worship, and association are considered to be strictly private affairs, there are, at the same time, certain common elements of religious orientation that the great majority of Americans share. These have played a crucial role in the development of American institutions and still provide a religious dimension for the whole fabric of American life, including the political sphere.⁶⁸

And furthermore:

Though much is selectively derived from Christianity, this religion is clearly not itself Christianity. For one thing, neither Washington nor Adams nor Jefferson mentions Christ in his inaugural address; nor do any of the subsequent presidents, although not one of them fails to mention God.⁶⁹

Bellah contends that America has an assumed God and an assumed theology, one that is similar to Christianity but not explicitly Christian. When presidents invoke God, they are speaking about this civil religion’s God and working within this civil religion’s theology.

It is safe to say that Bellah’s essay created a stir. A decade after his essay, Bellah reflected upon the reaction to it, saying, “I published an essay I have never been allowed

67. Bellah, “Civil Religion in America.”

68. Ibid.

69. Ibid.

to forget. . . . My suggestion has roused passionate opposition as well as widespread acceptance.”⁷⁰ He then cites some of the disagreements:

Some of my opponents say there is no such thing; I have invented something that does not exist. Some say there is such a thing but there ought not to be. Some say there is such a thing but it should be called by another name, “public piety,” for example, rather than civil religion.⁷¹

I think it safe to say that in the subsequent thirty years, the dispute has not subsided.

For example, Marcela Cristi, in her book *From Civil to Political Religion*, guides her readers through this curious division between how Rousseau and Bellah understand civil religion. Bellah fails to mention that according to Rousseau the state should enforce the civil religion. Bellah suggests that civil religion is not so much enforced as it simply reflects a widely accepted set of doctrines. Cristi, helpfully, brings Emile Durkheim into the conversation. Her critique is that the term “civil religion” has two distinguishable uses, one following Rousseau and the other following Durkheim, who said, “Religion is first and foremost a system of ideas by means of which individuals imagine the society of which they are members.”⁷² According to Cristi, Durkheim-like civil religion develops organically, from the bottom up, due to human’s need “to profess their faith

70. Robert N. Bellah, “Religion and the Legitimation of the American Republic” in *The Robert Bellah Reader*, eds. Robert N. Bellah and Steven M. Tipton (Durham and London: Duke University Press, 2006), 246.

71. *Ibid.*, 246.

72. Emile Durkheim, *The Elementary Forms of Religious Life*, translated by Karen E. Fields (New York: The Free Press, 1995), 227.

collectively.”⁷³ As such, she concludes, “Civil religion à la Rousseau implies a conscious, rational manipulation of the myths of the nation for political aims. In contrast civil religion à la Durkheim does not require direct enforcement by external agencies of social control.”⁷⁴

Rousseau proposed a Civil Religion to be imposed by rulers because he thought Christianity was a poor foundation from which to demand obedience. Rousseau’s Civil Religion mandates adherence or banishment. Rousseau argues this is necessary for the sovereign to assure the common good. While Bellah mentions in passing that the term “civil religion” was coined by Rousseau and that Rousseau proposed some basic Civil Religious doctrines, Bellah follows, the unmentioned, Durkheim model. Nor does Bellah articulate the differences between the two thinkers. Cristi then problematizes “Bellah’s notion of a well-established American civil religion that expresses the religious self-definition of the American people as a whole.”⁷⁵ Civil religion in its Durkheim/Bellah-like sense contends that Civil Religion does so. Civil Religion in the Rousseau-like sense of the term does not.

Cristi’s model of two types of Civil Religion is helpful in positioning King’s work in general, and the “Letter from Birmingham City Jail” specifically, in relation to Civil Religion. There is some continuity between King’s Letter and Rousseau’s articulation of

73. Marcela Cristi, *From Civil to Political Religion: The Intersection of Culture, Religion and Politics* (Waterloo, Ontario; Wilfrid Laurier University Press, 2001), 32.

74. *Ibid.*, 230.

75. *Ibid.*, 241.

Civil Religion. For example, Rousseau's demand that the Civil Religion not be intolerant can stand broadly with King's goals in Civil Rights Movement. Nevertheless, mostly King's Letter seems to fall outside of the confines of Civil Religion as understood in Rousseau-like manner. Most significantly, the Letter is a defense of violating the law in contrast to Rousseau's Civil Religion which demands respect for "the sanctity of . . . the laws."⁷⁶ Rousseau sees Civil Religion as a method for consolidating power in the hands of the sovereign. King's letter was a religious justification for doing the opposite.

In contrast, King's letter stands as an exemplar of Civil Religion using the Durkheim/Bellah-version of the term. King's words do not undergird the power of the government but they seemed to ring true to the religious self-understanding of the American people. The Letter was effective because King's words evoked American Civil Religion. While Bellah does not mention the Civil Rights Movement, the Civil Rights Movement does seem to be consistent with the types of crises that Bellah suggested called forth the doctrines of American Civil Religion. In fact, clearly King has since been civilly beatified as a religious leader. The letter is one of King's best examples of his engagement with and transformation of Civil Religion. The letter's persuasive strength points to King's ability to engage Bellah/Durkheim-like Civil Religion.

Theories of Secularization

In the sixties, Harvey Cox announced to the world what sociologists had been asserting for decades: the world was secularizing. In the words of Cox, this secularization

76. Rousseau, *The Social Contract*, 121.

is “the loosing of the world from religious and quasi-religious understandings of itself, the dispelling of all closed world-views, the breaking of all supernatural myths and sacred symbols.”⁷⁷ The hope for a return to religion is misplaced, Cox contends, because “secularization implies a historical process, almost certainly irresistible.”⁷⁸ He explains the result of this process using the past tense: “Religion has been privatized.”⁷⁹ Cox popularized already well-regarded sociological assumptions that a side effect of modernization was the inevitable secularization of life.

The assumption that society is secularizing is shared by most of the major figures in sociology. For example, Max Weber famously wondered why capitalism developed in particular circumstances. He contended that it is the rationality of Protestantism that incubated the virtues necessary for the rise of capitalism. His most famous statement on the matter was in *The Protestant Ethic and the Spirit of Capitalism*,⁸⁰ but his detailed examination comes in *The Sociology of Religion*.⁸¹ Weber’s believes that religious movements have evolved, through a series of dichotomous archetypes. For Weber, Protestantism was the tradition that evolved through the various possible choices in a

77. Harvey Cox, *The Secular City* (New York: The Macmillan Company, 1965), 1-2.

78. *Ibid.*, 18.

79. *Ibid.*, 2.

80. Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, translated by Talcott Parsons (New York: Routledge, 1992).

81. Max Weber, *The Sociology of Religion*, translated by Ephraim Fischhoff (Boston: The Beacon Press, 1991).

manner that most nurtured capitalism. Oft forgotten is that Weber was not praising capitalism. In fact, he was worried about capitalism freed of religious strictures. His warning during the last century now sounds eerily prescient:

This order is now bound to the technical and economic conditions of machine production which to-day determine the lives of all the individuals who are born into this mechanism, not only those directly concerned with economic acquisition, with irresistible force. Perhaps it will so determine them until the last ton of fossilized coal is burnt.⁸²

Yet Weber's critique is not just about the environmental consequences of dependence upon fossil fuels. He declares:

But victorious capitalism, since it rests on mechanical foundations, needs its [religious asceticism's] support no longer. The rosy blush of its laughing heir, the Enlightenment, seems also to be irretrievably fading, and the idea of duty in one's calling prowls about in our lives like a ghost of dead religious beliefs.⁸³

For Weber, rationalism grew out of but supplanted religion.

Peter Berger, in *The Sacred Canopy: Elements of a Sociological Theory of Religion*, asserted that "the original 'carrier' of secularization is the modern economic process, that is, the dynamic of industrial capitalism."⁸⁴ Even other carriers, like the "mass media or the influences of a heterogeneous mass of tourists brought in by modern means of transportation,"⁸⁵ are themselves caused by the capitalist revolution. For Berger,

82. Weber, *The Protestant Ethic and the Spirit of Capitalism*, 181.

83. *Ibid.*, 182.

84. Peter Berger, *The Sacred Canopy: Elements of a Sociological Theory of Religion* (New York; Anchor Books, 1990), 109.

85. *Ibid.*, 109.

religion, in the past, provided the structure for society. But now, rationality, in particular capitalism, is replacing religion in explaining how the world works. Society no longer looks to religion to explain and order the world. It now looks to rationality and the market.

Berger joins Weber in tracing the advent of rationality from the fog of religiosity to the ascendancy of capitalism growing out of Protestantism. While Weber worried about this change more than Berger, both see secularity as growing out of religion and slowly replacing religion as a means of giving meaning to life and establishing social legitimacy.

José Casanova challenged such canonical assumptions about secularization. He contends that what passed in an unexamined manner as one thesis, in fact, is three theses. He asserts that the first thesis is that secularization is marked by greater differentiation within society:

The core and central thesis of the theory of secularization is the conceptualization of the process of societal modernization as a process of functional differentiation and emancipation of the secular spheres—primarily the state, the economy, and science—from the religious sphere and the concomitant differentiation and specialization of religions within its own newly found religious sphere.⁸⁶

This thesis suggests that religion will have a role in society, just as the state and the market do. However, that role will become more distinct than it has been in the past, just

86. José Casanova, *Public Religions in the Modern World* (Chicago: The University of Chicago Press, 1994), 19.

as the roles of state and market have become more distinct.⁸⁷ Furthermore, he concludes that this version of secularization “remains the valid core of the theory of secularization.”⁸⁸ He rejects the validity the other two secularization theses: that secularization implies a religious decline and a move toward a privatization of religion.

He begins by asserting that “religion in the 1980s ‘went public.’”⁸⁹ He contends that “mass media, social scientists, professional politicians, and the ‘public at large’—suddenly began to pay attention to religion.”⁹⁰ Furthermore, this “unexpected public interest derived from the fact that religion, leaving its assigned place in the private sphere, had thrust itself into the public arena of moral and political contestation.”⁹¹ He suggests that the Iranian Revolution in 1979, Solidarity in Poland, Liberation Theology in Latin America and the increased prominence of “Protestant fundamentalism” in America,⁹² combined to refocus attention upon religion and, in particular, public religion. This, he concludes, is not the repudiation of secularization, but simply the deprivatization of religion.

Casanova’s theorization is a vast improvement over the unexamined unitary secularization theses that had come before. Sadly, he virtually ignores the U.S. Civil

87. Ibid., 19-20.

88. Ibid., 212.

89. Ibid., 3.

90. Ibid.

91. Ibid.

92. Ibid.

Rights Movement as a public religious movement that predated the 1980s. Certainly, this challenges his assumption that religion “thrust itself into the public arena” in the 1980s. Nevertheless, in a more limited sense, his first point could still stand: in the 1980s “mass media, social scientists, professional politicians, and the ‘public at large’—suddenly began to pay attention to religion.” It is not that religion “thrust itself into the public arena,” but rather that its presence had been ignored or dismissed, by the “mass media, social scientists, professional politicians, and the ‘public at large’” before then. What changed was not religious involvement in public life but the response to that involvement.

Furthermore, Casanova fails to take into account some liberationist interpretations of secularization. Beverly Wildung Harrison and Martin Luther King Jr. tell similar stories of secularization. They each argue that secularization is a result of the church’s failure to attend to matters of social justice. Harrison points out a movement from sacred to secular among early feminists after the church failed to support their movement to secure voting rights for women.⁹³

Martin Luther King Jr. told a similar story about the advent of secularization. He also suggested that secularization was the result of the church's failure to oppose oppression. In an interview with *Playboy* he explains:

My personal disillusionment with the church began when I was thrust into the leadership of the bus protest in Montgomery. I was confident that the white ministers, priests and rabbis of the South would prove strong allies in our just cause. But some became open

93. Beverly Wildung Harrison, “The Early Feminists and the Clergy” in *Making the Connections*, ed. Carol S. Robb (Boston: Beacon Press, 1985) 193-205.

adversaries, some cautiously shrank from the issue, and others hid behind silence.⁹⁴

He continues,

Unless the early sacrificial spirit [of the early church] is recaptured, I am very much afraid that today's Christian church will lose its authenticity, forfeit the loyalty of millions, and we will see the Christian church dismissed as a social club with no meaning or effectiveness for our time, as a form without substance, as salt without savor.⁹⁵

Ironically, assuming King and Harrison are right, the direction of the rejection has shifted. King and Harrison presume social justice activists are seeking, but failing to get, the support of religious people and organizations. Now when religious leaders or people seek to support efforts for social justice, non-religious activists often view the religious people and organizations suspiciously.

Talal Asad, Janet Jakobsen and Ann Pellegrini all seek to show that what others assert is descriptive of secularization is really prescriptive. Talal Asad contends that “neither the supporters nor the critics of the secularization thesis pay enough attention to the concept of ‘the secular,’ which emerged historically in a particular way and was assigned specific practical tasks.”⁹⁶ Certainly Asad is right in reminding his readers that the idea of secularity has Christian roots. The idea of dividing the world up into the binary categories of religious and not-religious grew out of Christianity. One might go so

94. Martin Luther King, Jr., “*Playboy* Interview,” in *A Testament of Hope*, ed. James M. Washington, (New York: HarperCollins Publishers, 1991), 346..

95. *Ibid.*

96. Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford, CA: Stanford University Press, 2003), 183.

far as to say that secularity is Christian. While Asad is right that this history has been under-emphasized, it has not been completely ignored. For example, Harvey Cox spoke of this history in *The Secular City*.⁹⁷ However, when reading Cox this history sounds rather triumphalistic, whereas Asad's uses this history to challenge the universality of secularization.

Asad argues that "if the secularization thesis no longer carries the conviction it once did, this is because the categories of 'politics' and 'religion' turn out to implicate each other more profoundly than we thought."⁹⁸ The process of determining which topics are religious and which are secular causes a violation of very separation that secularization tries to establish.

Janet Jakobsen and Ann Pellegrini are also less sanguine than Casanova about the ability to redeem the secularization thesis. In their anthology *Secularisms*, they explain, "Our concern in *Secularisms* is to question not just the specific aspects of the secularization narrative but to undo the religion-secularism binary itself."⁹⁹ Furthermore, they argue that the dominate discourse on secularity is derived from and indebted to Protestantism. They explain that their,

volume thus sets out to critique the concept of secularism in this specifically Protestant form. We focus on Protestantism not to the exclusion of other possibilities, but because this dominant narrative

97. Cox, *The Secular City*, 17.

98. Asad, *Formations of the Secular*, 200.

99. Janet R. Jakobsen and Ann Pellegrini, "Introduction" to *Secularisms*, ed. Janet R. Jakobsen and Ann Pellegrini (Durham and London: Duke University Press, 2008), 10.

forms the collective imagination of what the supposedly universal secularism is, thereby constraining imagination of what other possibilities might be.¹⁰⁰

Their book is full of chapters examining non-Protestant traditions, thereby problematizing the assumption that Protestant secularism is universalizable. My tack is slightly different. They seek to show that secularism, as it is typically constructed, is not universal but Protestant. I do not challenge this claim. Rather, I argue that even in the limited context of Protestantism, the secularization thesis fails. My interlocutors in the first three chapters are either Protestant (Stephen Carter is an Episcopalian, Stanley Hauerwas is a United Methodist, and Gloria Albrecht is a member of the Presbyterian clergy) or presume the validity of the secularization thesis (John Rawls and Richard Rorty) that Jakobsen and Pellegrini show to be Protestant. Martin Luther King Jr. was, of course, a Protestant (Baptist) minister. Jeffrey Stout's book *Democracy and Tradition* is the foremost contribution to the conversation that involves, Rawls, Rorty, and Hauerwas. Additionally, Stout speaks openly of King's influence on his thinking. While Jakobsen and Pellegrini critique the secularization thesis from outside, I am doing so from the inside. They say the secularization thesis should not be universalized, I say it is problematic in its own particularity.

My argument works in concert with Jakobsen and Pellegrini's analysis of the impact of the secularization thesis. They argue that under the secularization thesis "liberal advocates of religion, for example, are left with the choice of either

100. Ibid., 3.

siding with secularists, who deny the import of religion to public life, or with conservative Christians, who admit religion to public life but deny the import of liberal values to religion.”¹⁰¹ Their work challenges that false choice, as does mine.

Historiography of Martin Luther King Jr.

This project deals quite extensively with the Civil Rights Movement, but I will not be uncovering heretofore unknown facts about King’s life. I am not writing a biography or historiography about King or the Civil Rights Movement. There is already a robust set of biographies about King and histories of the Civil Rights Movement.

In the forty years since his death, academics have concentrated mostly on examining King’s influences: Walter Rauschenbusch, Reinhold Niebuhr, Gandhi, the black church, et cetera. A rigorous academic conversation on King’s influences began about the time of King’s assassination. In the spring and summer of 1968, John W. Rathbun¹⁰² and Mohan Lal Sharma¹⁰³ each published articles on King’s influences. In 1989, David Garrow’s multi-volume collection of works

101. Ibid., 11

102. John W. Rathbun, “Martin Luther King: The Theology of Social Action” *American Quarterly* Vol. 20, No. 1. (Spring, 1968): 38-53.

103. Mohan Lal Sharma, “Martin Luther King: Modern America’s Greatest Theologian of Social Action” *Journal of Negro History* Vol. 53 No. 3 (July 1968): 257-262.

about King included Ira Zepp's 1971 dissertation *The Social Vision of Martin Luther King, Jr.* Garrow and Zepp used Zepp's unrevised dissertation. In the 1989 introduction, Zepp agrees with critics who say his dissertation did not take seriously enough African-American influences on King's life. The original offers the following as King's major influences: Liberalism, the Social Gospel, the Nonviolence movement, Christian Realism, and Personalism.¹⁰⁴

Edward L. Moore's Ph.D. dissertation "Billy Graham and Martin Luther King, Jr.: An Inquiry into White and Black Revivalistic Traditions"¹⁰⁵ stands out as one of the first works to look at non-white influences other than Gandhi. Cornel West pushed for greater recognition of the impact of the Black Church on King's life, in an essay that appeared in Peter Albert and Ronald Hoffman's *We Shall Overcome: Martin Luther King, Jr. and the Black Freedom Struggle*. West charts his version of "the four principle intellectual and existential sources . . . that informed King's thought."¹⁰⁶ West drops some of the aforementioned philosophical traditions suggesting instead that King's major influences were the black church, prophetic liberal Christianity, prophetic Gandhism, and prophetic

104. Ira G., Zepp, Jr., *The Social Vision of Martin Luther King, Jr.* (Brooklyn, NY; Carlson Publishing Company, 1989)

105. Edward L. Moore, "Billy Graham and Martin Luther King, Jr.: An Inquiry into White and Black Revivalistic Traditions" Ph.D. diss., Vanderbilt University, Nashville, Tennessee (May 1979).

106. Cornel West, "The Religious Foundations of the Thought of Martin Luther King, Jr." in *We Shall Overcome: Martin Luther King, Jr. and the Black Freedom Struggle*, ed. Peter J. Albert and Ronald Hoffman, (New York: Da Capo Press, 1993), 113ff.

American civil religion. King's influences have been a topic of ongoing debate. This debate is important but rather than discussing his influences I will be talking about his influence, or more accurately its lack, on questions about the role of religion in civic life.

Taylor Branch's biography of King is encyclopedic in scope, stretching for almost three thousand pages across three volumes. The first, *Parting the Waters: America in the King Years, 1954-63*,¹⁰⁷ won the Pulitzer Prize. Branch explores the minutia of events during the Civil Rights Movement. The books are truly impressive for their scope and detail. Branch documents the events of the movement and how they influenced each other. The books are the high note of the extensive historiography of the Civil Rights Movement and King. But there are two important differences between my work and his.

First, the story in his books ends in 1968, which is where my story begins. He is documenting the events of the Civil Rights Movement; I am documenting how those events have been employed or ignored in the era since the end of the movement. Second, while I value the expansive and exhaustive nature of Branch's books, such a thorough set of facts is unnecessary for my project. When discussing "Letter from Birmingham City Jail," for example, Branch tells how King's assistant Wyatt Walker had to take over typing the letter when Walker's

107. Taylor Branch, *Parting the Waters: America in the King Years 1954-63* (New York: Simon & Schuster Inc., 1989).

secretary literally fell asleep at the typewriter one night.¹⁰⁸ Such anecdotes mark Branch's account of King's movement. While I am glad that such stories have been memorialized, I am more concerned with how people have responded to the Letter than with how King smuggled it to his attorney in his shirt. Additionally, my argument does not depend upon my interlocutors having read Branch's work. My criticism is not that they did not know every detail of the Civil Rights Movement, but that they did not take seriously even the most well-known and accessible parts of the Movement. The "Letter from Birmingham City Jail" is well-known, even if Branch's anecdotes are not.

Methodology

Methodologically, in the next chapter I discuss John Rawls, the most prominent proponent of liberalism since Martin Luther King Jr. He demands a mandatory¹⁰⁹ exclusion of religious language from civic life. I will start with his book *A Theory of Justice* and move next to his book *Political Liberalism* before ending with his essay "The Idea of Public Reason Revisited." I will show how his thoughts on religion in democracy evolved over time and at each point contrast what he said with what Martin Luther King Jr. had said and done.

As I will detail in chapter two, John Rawls argued that for the survival of

108. Branch, *Parting the Waters*, 744.

109. He does not argue this is mandatory in the sense of being a legal requirement but rather it is a moral requirement.

democracy, citizens should be required to give reasons to one another for their political positions. Furthermore, not just any reason is sufficient. At least on important matters citizens must offer only those reasons drawn from premises that everyone can accept as valid. Rawls proposes public reasoning to facilitate this communication. Public reason is the reasoning that everyone shares. He contends that there are lots of types of reasoning that are forbidden in a context that requires public reasoning. However, religious reasoning is the most regular target. Since we cannot presume that others share our religious commitments, Rawls says that democracy demands that we not give religious reasons for our beliefs and actions. Rawls argues that this exclusion of religion from required reason giving even follows a citizen to the voting booth. I will contrast his theorization with Martin Luther King Jr.'s practices.

In chapter three, I will turn to Stephen L. Carter and Richard Rorty. Carter challenges Rawls-like rejections of religious justifications. That chapter will explore Carter and Rorty's different answers to the question: "Is religion a threat to democracy?" Using his books *The Culture of Disbelief* and *The Dissent of the Governed*, I will begin with Stephen L. Carter's objections that theorizations such as Rawls's trivialize faith because the exclusion of religion effectively says that on the most important matters in life we should not think about our faith. Rorty responds by defending Rawls's mandatory exclusion of religion. Carter, in his writing takes seriously the witness of Martin Luther King Jr., Rorty openly admits this his theorization would come at the price of people like King, but Rorty fears

that Carter's position is dangerous to democracy.

In chapter four, I move to Stanley Hauerwas's assumption that Carter and Rorty are having the wrong conversation. The question is not whether religion is dangerous for democracy but whether democracy is dangerous for religion. Given that we owe each other justifications using nonreligious reasons, Hauerwas worries that this requires Christians to compromise their fidelity to their faith. As with Rawls in chapter two and Rorty in chapter three, I will suggest that King's life and work should serve as an important corrective in Hauerwas's theory.

Finally, in chapter five, I will move to Jeffrey Stout who, in conversation with Rawls, Rorty and Hauerwas, also seeks to expand the field of types of reasons that can meet the reason giving requirement. Stout takes seriously the life and work of Martin Luther King Jr. while articulating the relationship between the sacred and the secular. Stout's attention to King makes his work a vast improvement over the others.

In the era since Martin Luther King Jr.'s death, major thinkers have sought to strengthen the division between religion and civic life. Rawls, Rorty and Hauerwas are particularly important theoreticians who argue that this division is essential for the preservation of democracy. However, King regularly violated their division and deemed it a "strange distinction."

CHAPTER 2
LIBERALISM IN THE ERA AFTER KING

Martin Luther King Jr., in an important essay in *Christian Century's* series “How My Mind Has Changed,” asserted that he had “been raised in a rather strict fundamentalist tradition.”¹¹⁰ He credits liberalism for pulling him out of his “dogmatic slumber.”¹¹¹ So much so that when he entered seminary he said he,

was a thoroughgoing liberal. Liberalism provided me with an intellectual satisfaction that I could never find in fundamentalism. I became so enamored of the insights of liberalism that I almost fell into the trap of accepting uncritically everything that came under its name. I was absolutely convinced of the natural goodness of man and the natural power of human reason.¹¹²

However, in seminary he encountered Reinhold Niebuhr’s writings which “made me aware of the complexity of human motives and the reality of sin on every level of man’s existence.”¹¹³

Upon reading Niebuhr, King began questioning liberalism’s hopefulness. “Liberalism failed to see that reason by itself is nothing more than an instrument to justify man’s defensive ways of thinking. Reason, devoid of purifying power of faith [sic], can

110. Martin Luther King, Jr., “Pilgrimage to Nonviolence” in *A Testament of Hope*, ed. James M. Washington (New York: HarperCollins Publishers, 1991), 35.

111. Ibid.

112. Ibid.

113. Ibid., 35-6. In chapter three I will return to this important point. Hauerwas, while seeking to find an alternative to liberalism, is particularly harsh on Reinhold Niebuhr. This is a curious contrast to King who finds an alternative to liberalism in Niebuhr.

never free itself from distortions and rationalizations.”¹¹⁴ Despite this questioning, King continued to appreciate some of liberalism’s contributions, such as its contribution to biblical scholarship.¹¹⁵ Likewise, the social gospel became a major influence in his work. As he explains, “Rauschenbusch’s *Christianity and the Social Crisis*. . . . left an indelible imprint on my thinking.”¹¹⁶

While King claims liberalism as an important influence in his life, he maintained a critical eye toward the movement. He explains, “An adequate understanding of man is found neither in the thesis of liberalism nor in the antithesis of neo-orthodoxy, but in a synthesis which reconciles the truths of both.”¹¹⁷ Certainly before 1968 when King was killed, scholars had spoken of a movement called postmodernism. (The Oxford English Dictionary reports that the word existed as far back as 1914.¹¹⁸) Nevertheless, few would argue that postmodernism was robust during King’s life. Nevertheless, King claims many who are regarded as precursors of postmodernism as influences: “During the past decade I also gained a new appreciation for the philosophy of existentialism. My first contact with this philosophy came through my reading of Kierkegaard and Nietzsche. Later I turned to

114. Ibid., 36.

115. Ibid.

116. Ibid., 37.

117. Ibid., 36.

118. *Oxford English Dictionary* Online, Oxford University Press, 2007, accessed November 13, 2007.

a study of Jaspers, Heidegger and Sartre.”¹¹⁹ King was attracted to neo-orthodoxy and nascent postmodern thought, both of which were critical of liberalism.

While liberalism has been under siege in the decades since the Civil Rights Movement, John Rawls remained its most steadfast defender. Rising to prominence directly after the Civil Rights Movement, Rawls became the major advocate of liberalism in the last half of the twentieth century.¹²⁰ Rawls’s first major work, *A Theory of Justice*, does not deal substantially with religion in civic life, but sets the stage for his later work, *Political Liberalism*, which does. Yet even then Rawls rarely mentions Martin Luther King Jr. and despite his protests to the contrary, Rawls’s theorizing stands in contrast to much of King’s most important work.¹²¹

A Brief History of the Social Contract

Using a social contract to legitimize political authority dates back at least to the seventeenth century with Thomas Hobbes in *Leviathan*. Hobbes imagined a primordial existence for humanity, one without any civic authority.¹²² He famously asserted that in

119. Ibid., 36.

120. Liberalism here means the philosophical movement rooted in the Enlightenment, rather than the more popular sense of the word.

121. When Rawls does mention King it is often in footnotes. For example, John Rawls, *A Theory of Justice*, Revised Edition (Cambridge, MA: Harvard University Press, 1999), 320 n19; and John Rawls, *Political Liberalism* Expanded Edition. (New York: Columbia University Press, 2005), 247 n36 and 250 n39.

122. Thomas Hobbes, *Leviathan*, ed. Michael Oakeshott (Oxford: Basil Blackwell, 1960), 82.

this state of nature humanity was in a war “of every man, against every man.”¹²³ Life was “solitary, poor, nasty, brutish, and short.”¹²⁴ Therefore, people agreed to accept a governing authority to improve these living conditions. Hobbes argues that the state of nature is so bad, and the forces causing those conditions so strong, that a hereditary monarchy is the only possible authority with enough strength to have any hope of imposing order.

John Locke’s *Second Treatise on Government* responds to Hobbes and invokes a social contract also. In Locke’s work, the state of nature is more pleasant than it was as Hobbes envisioned it. But more importantly, Locke argued that a hereditary monarchy cannot solve the problems of the state of nature:

Absolute monarchs are but men; and if government is to be the remedy of those evils, which necessarily follow from men’s being judges in their own cases, and the state of nature is therefore not to be endured, I desire to know what kind of government that is, and how much better it is than the state of nature, where one man, commanding a multitude, has the liberty to be judge in his own case, and may do to all his subjects whatever he pleases, without the least liberty to any one to question or controul those who execute his pleasure and in whatsoever he doth, whether led by reason, mistake or passion, must be submitted to. Much better it is in the state of nature, wherein men are not bound to submit to the unjust will of another. And if he that judges, judges amiss in his own, or any other case, he is answerable for it to the rest of mankind.¹²⁵

A monarchy cannot assure civility because the monarch is not a disinterested judge.

123. Ibid., 82.

124. Ibid.

125. *The Second Treatise of Civil Government*, Sec. 13
<http://www.constitution.org/jl/2ndtreat.txt>. Last checked, May 16, 2009.

Instead, Locke wants a government that is accountable to all the people, a representative democracy. This type of government can protect a person's right to "preserve his property, that is, his life, liberty and estate, against the injuries and attempts of other men."¹²⁶

Jean Jacques Rousseau in writing *The Social Contract* nearly a century later, presumed an even more appealing state of nature. For Rousseau, the state of nature was an almost Edenic existence, which ever-increasing human interactions made unsustainable. As such, the social contract is a necessary evil when the state of nature is no longer possible. Reflecting Rousseau's greater optimism about the nature of humanity, he was even more comfortable putting power directly in the hands of the people than was Locke, who sought checks and balances on power.

John Rawls's *A Theory of Justice*

If Hobbes, Locke and Rousseau are the most prominent intellectual originators of the social contract, then Rawls is its most prominent innovator. In the last half of the twentieth century John Rawls revived and revised the idea of the social contract. In *A Theory of Justice* Rawls explicates his "main idea of justice as fairness, a theory of justice that generalizes and carries to a higher level of abstraction the traditional conception of the social contract."¹²⁷ Instead of the state of nature (as found in Hobbes, Locke and Rousseau) Rawls theorizes a more abstract starting point he calls, "the original

126. Ibid., Sec. 87.

127. Rawls, *A Theory of Justice*, 3.

position.”¹²⁸ Locke suggested that the state of nature could have existed and, in fact, he argued that one could still have lived in the state of nature in the frontier of America. One could take vacant land and, by applying his or her own labor, own it.¹²⁹ For Rawls the original position could not have ever actually existed, it is solely a thought experiment.

While in this imaginary original position, people get to “decide in advance how they are to regulate their claims against one another and what is to be the foundation charter of their society.”¹³⁰ In the original position, we determine the rules and procedures that will guide society and human interactions. In order to assure fairness, we decide on these rules before we need to use them.

Furthermore, Rawls proposes that in that original position we imagine ourselves behind a “veil of ignorance.” He explains:

Among the essential features of this situation is that no one knows his place in society, his class position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance. This ensures that no one is advantaged or disadvantaged in the choice of principles by the

128. Ibid., 15.

129. *The Second Treatise of Government*, Sec. 36: “And the same measure may be allowed still without prejudice to any body, as full as the world seems: for supposing a man, or family, in the state they were at first peopling of the world by the children of Adam, or Noah; let him plant in some inland, vacant places of America, we shall find that the possessions he could make himself, upon the measures we have given, would not be very large, nor, even to this day, prejudice the rest of mankind, or give them reason to complain.” This obviously ignores the fact that people already lived on the so called “vacant” lands.

130. Rawls, *A Theory of Justice*, 10.

outcome of natural chance or the contingency of social circumstances. Since all are similarly situated and no one is able to design principles to favor his particular condition, the principles of justice are the result of fair agreement or bargain.¹³¹

In order to assure fairness, we must determine the rules before we play the game (original position) and before we know which rules will benefit us most in the game (veil of ignorance.) Thus positioned, we will select those rules which are the most fair to everyone.

Rawls also wants people in the original position to act rationally in their own self-interest:

One feature of justice as fairness is to think of the parties in the initial situation as rational and mutually disinterested. This does not mean that the parties are egoists, that is, individuals with only certain kinds of interests, say in wealth, prestige, and domination. But they are conceived as not taking an interest in one another's interests.¹³²

As we do not know what those interests actually are, our self-interest leads us to assure as fair a playing field as possible. Regarding religion, he explains that in the original position we know that our "spiritual aims may be opposed, in the way that the aims of those different religions may be opposed"¹³³ so we should, behind the veil of ignorance, want to maximize religious freedom by minimizing religious domination.

Rawls suggests that for people in the original position disinterestedness and self-interest come together. Rational people will find that their self-interest involves assuring

131. Ibid., 11.

132. Ibid., 12.

133. Ibid.

fairness for all people. Rawls's goal is to articulate the rules of justice without regard to religion, race, class, sex, et cetera. Therefore, properly positioned, people can articulate principles of justice that will guide the development of a structure that assures a fair society.

Despite Rawls's confidence in this scheme, it does not necessarily convince those scholars who study the life and work of Martin Luther King Jr. For example, Robert Franklin asserts that there is, a tragic flaw in Rawls's work: "The descriptive power of Rawls's project is severely compromised by fault of its limited attention to the host of factors (local culture, race, gender) which largely determine a person or group's conception of the social good and fair distribution thereof."¹³⁴ Since Rawls seeks to eliminate these factors, if Franklin's critique is right, then Rawls's work is not merely compromised, but undermined.

John Rawls's Two Principles of Justice

Rawls argues that by formulating the social contract as he has, he can articulate rules for creating a just society. He suggests "two principles of justice that I believe would be agreed to in the original position"¹³⁵ and would establish a fair and, therefore, a just society.

First: each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar

134. Robert Michael Franklin, "In Pursuit of a Just Society: Martin Luther King, Jr., and John Rawls," *The Journal of Religious Ethics*, Vol. 18 No. 2 (Fall 1990) 59.

135. Rawls, *A Theory of Justice*, 52.

scheme of liberties for others.

Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all.¹³⁶

Rawls believes that “the first requires equality in the assignment of basic rights and duties, while the second holds that social and economic inequalities, for example, inequality of wealth or authority, are just only if they result in compensating benefits for everyone, and in particular for the least advantaged members of society.”¹³⁷

Rawls contends that in the original position people would want a society that maximizes individual freedom. Furthermore, as one is unsure what his or her life circumstances will be, one's self-interest is to create as much opportunity as possible for everyone. Generally, no one person should be advantaged over another person. Rawls allows that there are instances where inequalities can benefit everyone, that a rising tide might lift all boats, albeit unequally. As such, he permits inequalities that benefit all people (but some more than others) if, and only if, all people have equal opportunity to be among those who most benefit from the inequalities. Rawls suggests that, “these principles are to regulate all further agreements; they specify the kinds of social cooperation that can be entered into and the forms of government that can be established.”¹³⁸ He admits that these principles, as articulated, are “extremely vague”¹³⁹

136. Ibid., 53.

137. Ibid., 13.

138. Ibid., 10.

139. Ibid., 54.

and a large portion of his first book is devoted to explicating these two principles.

In terms of practical implications of the two principles, Rawls contends

A just constitution sets up a form of rivalry for political office and authority. By presenting conceptions of the public good and policies designated to promote social ends, rival parties seek the citizens' approval in accordance with just procedural rules against a background of freedom of thought and assembly in which the fair value of political liberty is assured. The principle of participation compels those in authority to be responsive to the felt interests of the electorate.¹⁴⁰

Rawls argued that using the thought experiment of rational people in the original position behind the veil of ignorance he offered an universally accepted legitimation of democratic government. He believed that he found a universal ground for determining principles of justice useful for establishing a democratic constitution.

Rawls suggests that key to universal acceptance is, "The concept of right is prior to the concept of the good."¹⁴¹ Rawls uses this important phrase, taken from Kant, to challenge utilitarianism and, as I will detail while discussing *Political Liberalism*, to challenge religiously based political engagement. Regarding utilitarianism, Rawls writes that it uses people as a means to an end: "The principle of utility presumably requires some who are less fortunate to accept even lower life prospects for the sake of others."¹⁴² Utilitarianism's "greatest good for the greatest number" demands that we seek a "good." According to Rawls, if it is a good we are seeking, then that good may supercede peoples'

140. Ibid., 199.

141. Ibid., 28

142. Ibid.,157.

rights. However, by putting the right ahead of the good, we can establish inviolate rules (rights) and guarantee those rights allow people to seek out their own good. Rawls fears that prioritizing the good, a necessary component of utilitarianism, allows for the violation of individual rights. This critique stands alongside his concern that there is no consensus as to what is “the good.” As such, Rawls seeks out a basis for justice that does not presume an understanding of “the good.”

A Theory of Justice, Martin Luther King Jr. and Civil Disobedience

There is much to commend in *A Theory of Justice*, and much that Martin Luther King Jr. would probably like. Robert Franklin believes, “King anticipated Rawls’s selection, if not the serial ordering, of the two principles of justice, and the evaluative perspective of his difference principle.”¹⁴³ The two principles can provide a strong basis for social justice, and Martin Luther King Jr. would have been quite comfortable with them and with the idea of justice as fairness. Nevertheless, Martin Luther King Jr. appears in the index of *A Theory of Justice* only one time. In a footnote in his discussion of civil disobedience, Rawls explains:

It should be noted that [Bedau’s] definition [of civil disobedience] is narrower than the meaning suggested by Thoreau’s essay, as I

143. Franklin, “In Pursuit of a Just Society,” 60. The difference principle is Rawls’s second principle: that “Social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices open to all.” Later in the same essay Franklin asserts, “King’s position on the moral obligation of society to take special measures to uplift oppressed persons certainly anticipates Rawls’s second principle of justice, which seeks to link the fate of the disadvantaged to the rising prospects of the privileged class.” p. 64.

note in the next section. A statement of similar view can be found in Martin Luther King's "Letter from Birmingham City Jail."¹⁴⁴

Otherwise, *A Theory of Justice* is silent on King. While today, King "has become a symbol of virtuous citizenship by which the public behavior of U.S. officials and citizens is now measured and judged,"¹⁴⁵ King had not yet reached that level of iconic status in 1971 – when *A Theory of Justice* was first published. As such, perhaps one can excuse King's absence from this book about justice more easily than his absence from later discussions about justice.

But let us look more closely at what Rawls says about civil disobedience and how it contrasts that with King's actions and justifications. Rawls allows for a limited use of civil disobedience and establishes three rules for when one might justly engage in civil disobedience. Rawls's commitment to following laws (at least in a context of near justice)¹⁴⁶ means that civil disobedience is rarely appropriate. He explains that "there is a presumption in favor of restricting civil disobedience to serious infringements of the first principles of justice, the principle of equal liberty, and to blatant violations of the second part of the second principle, the principle of fair equality of opportunity."¹⁴⁷ Clearly restricting the right to vote to only white people would meet this standard. However, in the Birmingham campaign King's civil disobedience was not about voting rights. The

144. Rawls, *A Theory of Justice*, 320, n19.

145. Franklin, "In Pursuit of a Just Society," 57.

146. Rawls, *A Theory of Justice*, 319.

147. *Ibid.*, 326.

protestors in Birmingham had four demands. First was “the desegregation of the lunch counters, rest rooms, fitting rooms and drinking fountains in variety and department stores.”¹⁴⁸ This demand is the hardest to fit with Rawls’s first rule.

The second of the protesters’ demands was, “the upgrading and hiring of Negroes on a nondiscriminatory basis throughout the business and industrial community of Birmingham,”¹⁴⁹ which almost certainly meets the second prong of Rawls’s first rule. King could likely have shoe-horned the third demand, “dropping of all charges against jailed demonstrators,”¹⁵⁰ into Rawls’s first restriction. Finally, the fourth demand, “The creation of a biracial committee to work out a timetable for desegregation in other areas of Birmingham life”¹⁵¹ including the school system, can fit with Rawls’s first justificatory criterium.

In retrospect, few could deny that the protesters had met Rawls’s second demand, that “the normal appeals to the political majority have already been made in good faith and that they have failed.”¹⁵² But the “Letter from Birmingham City Jail” was written in response to an open letter from Birmingham clergy who did not dispute the legitimacy of the protesters’ cause. Rather, they concluded, “When rights are consistently denied, a cause should be pressed in the courts and in negotiations among local leaders, and not in

148. Martin Luther King, Jr. *Why We Can’t Wait* (New York: Mentor, 1964), 102.

149. King, *Why We Can’t Wait*, 102-3.

150. *Ibid.*, 103.

151. *Ibid.*

152. Rawls, *A Theory of Justice*, 327.

the streets. We appeal to both our white and Negro citizenry to observe the principles of law and order and common sense.”¹⁵³ This sentiment is quite consonant with Rawls’s second demand. King’s response to the clergy in his “Letter from Birmingham City Jail” was to defend the protesters against the claim that they failed to meet what would become Rawls’s second rule. King asserted that the city leaders in Birmingham “consistently refused to engage in good-faith negotiation.”¹⁵⁴

Rawls’s third rule is “rather complicated,”¹⁵⁵ but it is similar to Kant’s categorical imperative. In essence, Rawls wants those who have met the first two rules to ask, “What if everyone who is similarly positioned also decided to be civilly disobedient?” If the results of all similarly positioned people being civilly disobedient would not result in a “breakdown in the respect for the rule of law,”¹⁵⁶ then one may engage in civil disobedience. As if answering this concern, King, in one of the most poignant passages in his “Letter from Birmingham City Jail,” explained the urgency of the protest and the severity of the conditions when he wrote:

We have waited for more than 340 years for our constitutional and God-given rights. The nations of Asia and Africa are moving with jet like speed toward gaining political independence, but we still creep at horse-and-buggy pace toward

153. From the website of the King Paper Project at Stanford University. <http://www.stanford.edu/group/King/frequentdocs/clergy.pdf>. Last checked May 18, 2009.

154. King, *Why We Can’t Wait*, 78.

155. Rawls, *A Theory of Justice*, 328.

156. Ibid. This raises the question: “Is ‘respect for the rule of law’ a good taking priority over the right?”

gaining a cup of coffee at a lunch counter. Perhaps it is easy for those who have never felt the stinging darts of segregation to say, “Wait.” But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate-filled policemen curse, kick and even kill your black brothers and sisters; when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty in the midst of an affluent society; when you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six-year-old daughter why she can’t go to the public amusement park that has just been advertised on television, and see tears welling up in her eyes when she is told that Funtown is closed to colored children, and see ominous clouds of inferiority beginning to form in her little mental sky, and see her beginning to distort her personality by developing an unconscious bitterness toward white people; when you have to concoct an answer for a five-year-old son who is asking: “Daddy, why do white people treat colored people so mean?”; when you take a cross-county drive and find it necessary to sleep night after night in the uncomfortable corners of your automobile because no motel will accept you; when you are humiliated day in and day out by nagging signs reading “white” and “colored”; when your first name becomes “nigger,” your middle name becomes “boy” (however old you are) and your last name becomes “John,” and your wife and mother are never given the respected title “Mrs.”; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tiptoe stance, never quite knowing what to expect next, and are plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of “nobodiness”—then you will understand why we find it difficult to wait. There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into the abyss of despair. I hope, sirs, you can understand our legitimate and unavoidable impatience.¹⁵⁷

While the Birmingham campaign seems to come close to, but does not completely, meet all of Rawls’s (not-yet articulated) demands, Rawls offers advice to those who might participate in civil disobedience. He asks them to determine, even if it is justified,

157. King, *Why We Can’t Wait*, 81-2.

whether the action is “wise or prudent.”¹⁵⁸ Rawls explains, “Since civil disobedience is a mode of address taking place in the public forum,¹⁵⁹ care must be taken to see that it is understood. Thus the exercise of the right to civil disobedience should, like any other right, be rationally framed to advance one’s ends or the ends of those one wishes to assist. The theory of justice has nothing specific to say about these practical considerations.”¹⁶⁰

158. Rawls, *A Theory of Justice*, 330.

159. The thinkers I encounter in this work use different terms to describe the “space” where people exchange ideas. John Rawls calls it the public forum. Stephen Carter, following Richard John Neuhaus, calls it the public square. Rorty does the same, perhaps because he was responding to Carter. I think both of these are useful terms and I will follow their lead when discussing the ideas of these thinkers. For example, when discussing Rawls’s work, such as here, I will call it the public forum, because that is what he called it. When discussing Carter’s and Rorty’s work in the next chapter I will call it the public square, corresponding to what they call it.

Nevertheless, I dislike that Rawls divides and subdivides the public forum. In particular I disagree with his suggestion that there is a background culture differentiated from the public forum (I will discuss these divisions below in this chapter.) As such, “public forum” implies too much structure for what I propose. I argue for a place where conversations are fluid, shifting and even discordantly cacophonous.

The term “public square” does not have that weakness. Conversations in the public square are often quite fluid. People enter and leave, people start up their own separate conversations, ideas flow from one to the other. There is a great variety of topics and the importance of those topics can rise and fall. However, the idea of a public square risks being construed too concretely. A public square, taken too literally, allows for the use of “free speech zones”—cynical tools to restrict freedom rather than expand it. Free exchange of ideas is acceptable in only one place, the square—the “free speech zone.” Using the term metaphorically prevents the cynical use of “free speech zones.” Carter and Rorty both use the term as a metaphor.

Nevertheless, I wish to be clear that I am not suggesting that the public square is a concrete fenced in space where a free exchange of ideas is welcome and on the other side it is not. As such, when left to my own devices, I will follow Jürgen Habermas who calls it the public sphere. [See for example: Jürgen Habermas, “Religion in the Public Sphere” *European Journal of Philosophy*, Vol. 14 No. 1, (2006): 1-25.] I hope this term implies a context that is less controlled than the public forum and less concrete than the public square.

160. Rawls, *A Theory of Justice*, 330.

Though Rawls seems to distance himself from this discussion, it foreshadows his argument in *Political Liberalism*.

The content of the conversation in the public forum is Rawls's central concern in *Political Liberalism*. *A Theory of Justice* says that freedoms such as speech, assembly and thought are necessary for democracy and are subsumed in the first principle of justice, as the public forum is necessary for rational governance.¹⁶¹

Furthermore, Rawls asserts, "if the public forum is to be free and open to all, and in continuous session, everyone should be able to make use of it."¹⁶² For Rawls, civil disobedience is one of the ways of participating in that public forum. He explains that "civil disobedience is a public act. Not only is it addressed to public principles, it is done in public. . . . One may compare it to public speech, and being a form of address, and expression of profound and conscientious political conviction, it takes place in the public forum."¹⁶³

Additionally, Rawls says, "it should also be noted that civil disobedience is a political act not only in the sense that it is addressed to the majority that hold political power, but also because it is an act guided and justified by political principles, that is, by the principles of justice which regulate the constitution and social institutions generally."¹⁶⁴ Therefore Rawls thinks that one needs to take care when giving reasons for

161. *Ibid.*, 197.

162. *Ibid.*, 197-8.

163. *Ibid.*, 321.

164. *Ibid.*

participating in civil disobedience :

In justifying civil disobedience *one does not appeal to principles of personal morality or to religious doctrines*, though these may coincide with and support one's claims; and it goes without saying that civil disobedience cannot be grounded solely on group or self-interest. *Instead one invokes the commonly shared conception of justice that underlies the political order.*¹⁶⁵

However, the "Letter from Birmingham City Jail" justifies the protesters' civil disobedience in profoundly religious ways, in contrast to Rawls's restriction against the use of religious justifications for civil disobedience. Despite his contention that the public forum must be "free and open to all," Rawls imposes restrictions on religion in the public forum.

A Theory of Justice is virtually silent on religion. The index lacks entries for religion, God, faith or church.¹⁶⁶ Early in the work, as mentioned above, Rawls explains that in the original position, we should presume that our religious "aims may be opposed,"¹⁶⁷ which leads people to assure a guarantee of religious freedom. That and the conversation about religious support for civil disobedience are the only instances where he addresses religion directly.

Returning to Casanova's contention, that "religion in the 1980s 'went public.'"¹⁶⁸

165. Ibid. Emphasis added.

166. In an interview in *Commonweal*, Bernard Prusak asked Rawls about this. Rawls conceded that religion was virtually absent from *A Theory of Justice*. See "Commonweal Interview with John Rawls" in *John Rawls: Collected Papers*, ed. Samuel Freeman (Cambridge, MA: Harvard University Press, 1999), 616.

167. Rawls, *A Theory of Justice*, 12.

168. José Casanova, *Public Religions*, 3.

may help explain why *A Theory of Justice*, published a decade earlier, did not address religion in any substantive manner. Nevertheless, this merely indicts Rawls, alongside Casanova, for failing to recognize the Civil Rights Movement as a profoundly religious campaign. The plea of ignorance is precarious given Rawls's mention of King's philosophy of civil disobedience and even while discussing religion that context Rawls did not acknowledge that King was religious. Nonetheless, King's justification for civil disobedience is rooted in his religion. Rather than a philosophy of civil disobedience, the letter, at points, reads more like a theology of civil disobedience. Tellingly, "Letter from Birmingham City Jail" is even more discordant with Rawls's thought as expressed in *Political Liberalism* than in *A Theory of Justice*.

Robert Franklin's Kingian Critique of *A Theory of Justice*

Nevertheless, when looking at *A Theory of Justice*, King's life and work and Rawls's theorization have some common ground. For example, Franklin writes, "King would support the import of this first principle precisely because it is intended to respect the dignity and sacredness of all persons, and to protect individual liberty and human rights from the whims of the majority population."¹⁶⁹ Both seek a ground to eliminate injustice, both praise democracy, both are concerned about the unjust distribution of resources. But, as Robert Franklin shows, there is some room between their ideas:

Whereas Rawls identifies his task as that of pursuing clarity about principles of justice and the conditions under which they are apprehended, King calls all persons to the task of creating a

169. Franklin, "In Pursuit of a Just Society," 72.

radically new society in which reconciliation, mercy and love are among the public norms ordering the society. King called for a revolution of values and radical restructuring of social institutions. Rawls would seem to be content with much of the status quo, including radical economic inequities if only the arrangement can be made tolerable for the least advantaged persons. Rawls's principles of justice would be satisfied if the ruling elite would adopt the role of benevolent neighbor or Good Samaritan. King called persons beyond obedience to the minimalist claims of the rules of procedural justice, to the more audacious adventure of trying to become loving persons.¹⁷⁰

Franklin argues that King would find Rawls's liberalism, as articulated in *A Theory of Justice*, too optimistic. Franklin asserted that "King apprehended the futility of focusing exclusively on power or procedural justice as means to achieving the ideal society."¹⁷¹ As such, King would contend that "the concept of love must be introduced into moral philosophical conversation if the radical problem of social evil is to be answered adequately."¹⁷² This difference is quite critical because it means King would disagree with Rawls's decision to put the right before the good.

In a similar vein, Franklin argues that King would dislike how *A Theory of Justice* "prohibits any compromise of liberty for the sake of maximizing the non-moral good. The serial ordering prevents bargaining between the two principles (e.g., foregoing certain political rights in order to maximize economic and social gains.)"¹⁷³ In other words, "King might argue that liberty must always be held in creative tension with the

170. Ibid., 69.

171. Ibid., 70.

172. Ibid.

173. Ibid., 73.

common good.”¹⁷⁴

For the most part I think Franklin’s critique of Rawls from King’s perspective is good, but he overreaches slightly when he explains, “King became more intolerant of, and impatient with, the gross economic inequities permitted under capitalism. Despite the humane features of Rawls’s proposal, King would challenge him to reject the legitimacy of the yawning chasm separating the economic haves and have-nots.”¹⁷⁵ I am not sure Rawls would accept “the gross economic inequities permitted under capitalism.” Rawls only allows a gap between the rich and the poor if it is in poor people’s interest. In other words, both King and Rawls saw their work as helping the poor.

John Rawls’s *Political Liberalism*

Two decades after publishing *A Theory of Justice*, Rawls further developed his thoughts in *Political Liberalism*. He explained that *A Theory of Justice* made “no distinction . . . between moral and political philosophy”¹⁷⁶ and that *Political Liberalism* had a more modest goal. For Rawls, “political liberalism, rather than referring to its political conception of justice as true, refers to it as reasonable instead.”¹⁷⁷ Additionally, “it indicates the more limited point of view of the political conception as articulating

174. Ibid., 72.

175. Ibid.

176. Rawls, *Political Liberalism*, xv.

177. Ibid., xx.

political and not all values.”¹⁷⁸

Rawls tries to answer what he thinks “the problem of political liberalism is: How is it possible that there may exist over time a stable and just society of free and equal citizens profoundly divided by reasonable religious, philosophical, and moral doctrines?”¹⁷⁹ He contends that his scheme, the original position and the veil of ignorance, can provide common epistemological grounds for democratic cooperation among people with a wide variety of moral commitments. Instead of creating a ground for moral unity, he merely hoped for a way to work together democratically despite moral diversity.

In an interview in *Commonweal*, Bernard Prusak mentioned to Rawls:

In *A Theory of Justice*, religion is not mentioned in the index. But in your recent work, *Political Liberalism* and “The Idea of Public Reason Revisited” . . . religion has become, if not the central theme, at least a major focus.¹⁸⁰

Rawls explained this change, saying, “I think the basic explanation is that I’m concerned about the survival, historically, of constitutional democracy.”¹⁸¹ For Rawls, religion is a threat to democracy.

The context of *Political Liberalism* was quite different than that of *A Theory of Justice*. While *A Theory of Justice* predated the religious “resurgence” of the 1980s, by

178. Ibid. The goal in *A Theory of Justice* was “to identify the deep, pervasive values held by . . . rational persons in general.”

179. Rawls, *Political Liberalism*, xxv.

180. Rawls, “*Commonweal* Interview,” 616.

181. Ibid.

the time he was writing *Political Liberalism*, Rawls could not have failed to see the resurgence. Each of Casanova's examples, the Iranian Revolution, Solidarity in Poland, Latin American liberation theology and the development of an American white evangelical voting block had already made their marks on the world. Perhaps these changes instigated the more modest goal in *Political Liberalism*. But, as per John Rawls, it was religion's threat to democracy that made him focus more on religion in his later work.

However, these were not the only contextual change between the two books. When Rawls was writing the first book, Martin Luther King Jr. had not yet been civically beatified. But, by the time Rawls released *Political Liberalism*, America had unquestionably placed King in the pantheon of its heroes. And yet, as I will show, *Political Liberalism* is even more problematic than *A Theory of Justice* when examined through the lens of King's legacy.

Rawls hoped to theorize a place for democracy in a diverse society. He reminds his readers that "political power is always coercive power backed by the government's use of sanctions, for government alone has the authority to use force in upholding its laws."¹⁸² Governance is, at root, coercive. Rawls, in *Political Liberalism*, seeks to formulate a process whereby diverse people with widely variant commitments can agree to be under the coercive rule of law.

In *Political Liberalism* Rawls seeks to find what he calls an "overlapping

182. Rawls, *Political Liberalism*, 136.

consensus”¹⁸³ that can serve as the basis for agreement among diverse people. Since the commitments among the diverse members of a society are at points unreconcilable, Rawls proposes that on important matters in the public forum people should try to use only “public reason.”¹⁸⁴ He argues that all people reason but that public reasoning is a specific type of reasoning. He explains:

there are the nonpublic reasons of churches and universities and of many other associations in civil society. In aristocratic and autocratic regimes, when the good of society is considered, this is done not by the public, if it exists at all, but by the rulers, whoever that may be. Public reason is characteristic of a democratic people: it is the reason of its citizens, of those sharing the status of equal citizenship. The subject of their reason is the good of the public: what the political conception of justice requires of society’s basic structure of institutions, and of the purposes and ends they are to serve.¹⁸⁵

Using public reason is essential because, as “equal citizens,” people in a democracy “exercise final political and coercive power over one another in enacting law and in amending their constitution.”¹⁸⁶ Rawls explains that because government is coercive, for people to be willing to submit to a government’s laws, citizens can demand reasons for the laws. Furthermore, citizens deserve to have those reasons expressed in a language and on premises that all accept as valid. The citizens who have to abide by the rules should be able to understand the reasons for those laws apart from other citizens’ other

183. Ibid., 133-172.

184. Rawls, *Political Liberalism*, 212 and following.

185. Ibid., 213

186. Ibid., 214

commitments. Public reason then is the epistemology among the citizens. It is those reasons that are shared by all citizens. It is the lowest common denominator for political discourse.¹⁸⁷

Religious believers may have any number of religious opinions regarding a matter of public life, for example: whether to legalize the use of marijuana for sick patients. Some may oppose it because the Bible says people's bodies are God's temple.¹⁸⁸ Others may support it because of biblical demands for compassion toward the sick.¹⁸⁹ Rawls would argue that neither of these are acceptable arguments in the public forum because they are nonpublic. A public reason is one that all parties accept as a valid criterion. "We should oppose expansive availability of addictive substances," might be acceptable as a public reason. As might, "people should be free to treat their bodies as they wish, so much as it does not affect other people." In Rawls's scheme, those whose position on medical marijuana is based on their reading of the Bible should put those reasons aside in the public forum and use only the reasons that comport with public reason.

Rawls contrasts public reasons with other types of reasons that may be quite acceptable in other venues. "There are many nonpublic reasons and but one public reason," writes Rawls. "Among the nonpublic reasons are those of associations of all

187. Rorty uses precisely this term to describe and defend Rawls in "Religion as Conversation-stopper," *Philosophy and Social Hope* (London: Penguin Books, 1999), 170.

188. 1 Corinthians 3:16 says, "Do you not know that you are God's temple and that God's Spirit dwells in you?" New Revised Standard Version (NRSV.)

189. For example Matthew 25:31-46.

kinds: churches and universities, scientific societies and professional groups.”¹⁹⁰ These groups can use reasoning internally that would not pass muster in Rawls’s formulation of the public forum. For example, religious organizations and people can discuss medical marijuana using nonpublic reasons so far as they are not taking part in the public forum. Rawls contends that nonpublic reasoning is perfectly fine in venues other than the public forum. But in a democracy,

our exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all citizens may reasonably be expected to endorse in light of the principles and ideas acceptable to them as reasonable and rational. This is the liberal principle of *legitimacy*. And since the exercise of political power itself must be *legitimate*, the ideal of citizenship imposes a moral, not a legal, duty—the duty of civility—to be able to explain to one another on those fundamental questions how the principles and policies they advocate and vote for can be supported by the political values of public reason.¹⁹¹

When governmental action imposes upon people’s lives, those people should be able to demand reasons for the imposition. Furthermore, if those people are to accept the legitimacy of that governmental action, then those reasons should not be grounded in authorities they do not accept. Public reason is reasoning shared by the citizens in the constitutional democracy.

Rawls demands that citizens must use only public reason when settling “such fundamental questions as: who has the right to vote, or what religions are to be tolerated, or who is to be assured fair equality of opportunity, or to hold property. These and similar

190. Rawls, *Political Liberalism*, 220.

191. *Ibid.*, 217. Emphasis added.

questions are the special subject of public reason.”¹⁹² In *Political Liberalism*, Rawls allows that not every conversation in the public forum must use public reason. Rather he wants to make the strongest case first: “If we should not honor the limits of public reason here, it would seem we need not honor them anywhere. Should they hold here, we can then proceed to other cases. Still I grant it is usually highly desirable to settle political questions by invoking the values of public reason.”¹⁹³ He is right that if one need not use public reason in the most important issues, then one need not use it in matters of lesser import. I take the position that Martin Luther King Jr. did not use public reasoning regarding even the most important issues. Furthermore, I argue that even in cases of “fundamental questions” we should not expect people to restrict themselves to “public reason.” I contend for a democratic discourse that has a transparency which the demand for public reason clouds.

Rawls contrasts public reason with comprehensive doctrines, which include religion and political systems such as utilitarianism.¹⁹⁴ While he generally forbids comprehensive doctrines from the public forum, he does imagine a circumstance in which they are not only acceptable but also salutary. Given a contentious disagreement in the public forum, one party might fear that another is using public reasoning as ploy to undermine constitutional rule. In order to reassure their interlocutors, both parties might take time to explain how their comprehensive doctrines, in fact, support constitutional

192. Ibid., 214.

193. Ibid., 215.

194. Ibid., 13.

rule.¹⁹⁵ In later writing, Rawls welcomes this “declaration” as it “strengthens the ties of civil friendship.”¹⁹⁶

While Rawls allows that we might not use public reason exclusively, the list of places it is required is quite expansive. For example, it “does hold for citizens when they engage in political advocacy in the public forum, and thus for members of political parties and for candidates in their campaigns and for other groups who support them.”¹⁹⁷ For Rawls, the requirement to use public reason extends even to places often thought to be private: voting booths. Rawls contends, “It holds equally for how citizens are to vote in elections when constitutional essentials and matters of basic justice are at stake. Thus, the ideal of public reason not only governs the public discourse of elections insofar as the issues involve those fundamental questions, but also how citizens are to cast their vote on these questions.”¹⁹⁸

While it is tempting to attack Rawls for limiting citizens’ actions behind the curtain in the voting booth, I challenge his premise.¹⁹⁹ I am willing to accept that if we require elected officials use public reason, we must require voters to do so in the voting booth also. As Rawls says, otherwise, “public discourse runs the risks of being

195. Ibid., 248-9.

196. Ibid., 465.

197. Ibid., 215.

198. Ibid.

199. Rawls and I agree on this out of our contention that members of the legislature are accountable to voters.

hypocritical: citizens talk before one another one way and vote another.”²⁰⁰ My issue with Rawls is the requirement more generally, a requirement that would have excluded King’s life and work. I think the requirement itself is problematic, even undemocratic. I would not require exclusive use of public reason even in the most public forums.

Public Reason

For Rawls, religious reasoning is nonpublic which he distinguishes from private.²⁰¹ He explains that, “these reasons are social, and certainly not private.”²⁰² Rawls’s use of the term nonpublic is an important contrast with Rorty’s demand that religion be private.

Rawls also allows that public reason is mandatory only in those societies that are basically just. He cites the Abolitionists’ efforts to end slavery in the United States using religious reasoning. “In this case,” Rawls explains, “the nonpublic reason of certain Christian Churches supported the clear conclusion of public reason. The same is true of the Civil Rights Movement led by Martin Luther King, Jr., except that King could appeal—as the abolitionists could not—to the political values expressed in the Constitution correctly understood.”²⁰³ Therefore the Abolitionists, and perhaps King, are

200. Rawls, *Political Liberalism*, 215.

201. *Ibid.*, 220.

202. *Ibid.* He does not believe there is such a thing as private reasoning since reasoning only occurs interactively. See n. 7 on the same page.

203. Rawls, *Political Liberalism*, 249-250. Rawls’s footnote cites King use of religious reasoning in his “Letter from Birmingham City Jail” and other writing, but

off the hook for their use of religious rhetoric. In essence, Rawls says, King's religious reasoning must have been acceptable because we approve of his conclusions; or, more fairly, his reasoning was okay because the society was unjust and he sought a more just society.

The Civil Rights Movement is the important test case regarding the role of religion in public life precisely because it presents a challenge, the events of the Civil Rights Movement expose the weakness of Rawls's argument. Given the importance of the Civil Rights Movement, Rawls attempts to leave the door to the public forum open a crack to allow King and the Abolitionists in. Unfortunately for Rawls, if he is successful in cracking open the door a little, it flings open wide allowing much that he want to keep out to enter also.

As noted above, Rawls allowed, begrudgingly, that on some issues people may use nonpublic reason, if one is in a situation of injustice. Said another way, if you are trying to make the world more just you may use religion; if you are trying to make it less just, you may not. This begs the question, if we know for sure who is advocating for justice and who is advocating for injustice, why let anyone try to make the world less just? Since we do not have grounds for determining with certainty who is advocating for

concludes, "Yet they are expressed in general terms: and they fully support constitutional values and accord with public reason." 250 n39. Note Rawls's use of the word "correctly" above. The Constitution at the time of the Civil War did not have the Thirteenth Amendment forbidding slavery, but it did have explicit instructions that presumed slavery, like the three-fifth compromise. Before the Civil War, the correct (most accurate) understanding of the Constitution allowed slavery. It seems that Rawls is using a definition of "correct" other than "most accurate." If so, he seems to be violating the concept of the right before the good. Which is to say, who gets to determine the correct understanding of the Constitution?

justice, Rawls's exception is quite problematic. Allowing King and the Abolitionists to use nonpublic reasoning because they were trying to make the world more just means that the only people restricted to public reasoning are those who are seeking to make it less just

. Decades after the Civil Rights Movement, American society has rendered its verdict: King was seeking justice and segregationist Senator Richard Russell was seeking injustice. Rawls and I concur with the overwhelming majority of the population on that verdict. And Russell's willingness to use only public reason on the floor of the Senate was therefore fitting using Rawls's formulation. However, Russell called for the civil rights activists to abandon the use of religious reasoning. Importantly, he and King appeared to agree that had the Civil Rights Movement had restricted itself to public reason, then what we now call injustice might have triumphed.

In hindsight we declare that Russell was seeking injustice. But his words were framed in the language of justice. While it is certainly possible, even quite likely, that those words were disingenuous, public reason actually demands disingenuousness. Religious people cannot be fully honest publicly about their commitments; rather, they are to use public reason.

In his later article "The Idea of Public Reason Revisited," Rawls suggests that the "debate in 1784-1785 between Patrick Henry and James Madison over the establishment of the Anglican Church in Virginia and involving religion in the schools was argued almost entirely by reference to political values alone."²⁰⁴ Rawls suggests this as a model,

204. Rawls, *Political Liberalism*, 474.

but I contend it points out exactly what is wrong with his system: it endorses or even demands disingenuousness. According to Rawls, “Henry did not seem to argue for Christian knowledge as good in itself but rather as an effective way to achieve basic political values, namely, the good and peaceable conduct of citizens.”²⁰⁵ While we have no way of knowing Henry’s intentions, it seems incomprehensible that no part of his support came from people devoted to the idea of “Christian knowledge as good in itself.” That these people had to hide their true motives behind the banner of public reason does not worry Rawls. So long as the public reasoning used is not a complete fabrication of one’s position, it need not be a totally accurate description of his or her position. One’s comprehensive doctrines are not a problem, so long as the public reasons given do not acknowledge them.

Richard Russell asserted, albeit likely disingenuously, that he was seeking justice. Of his fellow Southern senators seeking to stop the civil rights bills he insisted, “Our southern group is sadly lacking in numbers but we strive to overcome this deficiency by our determination. We are likewise sustained by the knowledge that *our cause is just*.”²⁰⁶ Using the language of basic justice he says he will defend an owner’s right to be sovereign over his or her property.

The public debate during the 1960s was not about whether our country should be racist, but about whether efforts to end racism were more important than other matters of

205. Ibid., 475.

206. Richard Russell, Speech to the “Georgia General Assembly,” 350. Emphasis added.

justice. That these other matters of justice were merely a public front for racism does not bypass Rawls's problem as public reason, at points, mandates dishonesty.

During the era of the Civil Rights Movement, the definition of justice was contested. Rawls's assertion of "justice as fairness" is one voice in the debate, not an overarching arbiter for it. Instead of King and Russell each trying to be more in line with Rawls; King, Rawls and Russell are each offering contending definitions of justice. Even so, Rawls indicates that King can fit under his definition of justice and Russell cannot. Russell might argue that he does and King does not. Speaking in Georgia, Russell explained:

Time and again, I was shocked to hear persons in high authority not only condone but urge the breaking of established laws because someone had decide that they were either immoral or personally repugnant.²⁰⁷

Truthfully, Russell's use of public reasoning strengthens the claim that Russell fits better under Rawls's theorization than King. Yet, if Rawls's efforts are to have any meaning, society should not need to check with Rawls each time there is a dispute over what is justice. For Rawls's exception to work, all the parties need to have a shared understanding of what is just. This understanding seems most absent precisely when it is most critical. That the vast majority of Americans may agree in hindsight is not particularly helpful in the midst of a dispute. All sides in an argument believe that their side is seeking justice. And since one can use nonpublic reasoning when seeking justice,

207. Richard Russell, Speech to "Coosa Valley Area Planning and Development Commission 15 July 1964" in *Voice of Georgia: Speeches of Richard B. Russell, 1928-1969*, eds Calvin McLeod Logue & Dwight L. Freshley (Macon, GA: Mercer University Press, 1997), 357.

then the occasions where one must use public reason are actually quite rare.

Senator Russell said he sought a more just society and yet he opposed King. Upon what ground do we solve this dispute? Is King acceptable because African-Americans did not have access to the ballot box? Apparently, the denial of the right to vote is sufficiently unjust to allow advocates to stray from the confines of public reason. But Rawls's demand for only public reason in the voting booth will disenfranchise some religious people who think their religion is acceptable in the privacy of the polling place. As such Rawls's demand for public reason creates an injustice, which undermines the very purpose of public reason.

Rawls's problems do not end there. In the Birmingham campaign, the protesters' most prominent demand regarded segregation on private property not some unjust state action. While today most people agree that this is a matter of justice, the answer is less obvious than with segregated public school systems or the disenfranchisement of African-Americans. (Though all laws are susceptible to rejection as unjust if African-Americans, or any group, are denied access to the ballot box.)

More important were King's actions which led to his arrest. He was not arrested for sitting-in at a lunch counter. He was arrested for violating a court order that forbade him from marching without a permit. The distinction, while seemingly minor, is significant. King could have appealed that court order. He did appeal a similar order during the Albany campaign, and the delay destroyed that campaign. Learning from his experience in Albany, he decided not to go that route again; so he violated the order. While the order may have been unjust, there was a procedure to appeal that order to the

United States Supreme Court, the very court that King was citing when calling for an end to segregation. Which is to say, King could have appealed to a court he thought was legitimate. However, in the end, King judged the content of the court order against an ideal good, rather than judging the process against an ideal system. In Birmingham, King accepted the priority of the good over the right. Had he followed Rawls's guidelines King would have argued using public reason. But King rejected that route, choosing instead to use nonpublic reason. King, using nonpublic reasons, asserted that people may violate court orders that they deem unjust.

In summary, there are significant obstacles to expanding Rawls's scheme to accept King's (and the Abolitionists') nonpublic reasons by explaining that they were in the context of injustice while seeking justice. But there is another possible route for Rawls to include such religious rhetoric in the public forum. Rawls's position on religion reasons in public life softened slightly over time. In the introduction to the paperback edition of *Political Liberalism* he declares,

I now believe, and hereby I revise VI:8, [the chapter, "The Limits of Public Reason"] that [religious reasons] may be introduced in public reason at any time, provided that in due course public reasons, given by a reasonable political conception, are presented sufficient to support whatever the comprehensive doctrines are introduced to support. I refer to this as the proviso.²⁰⁸

Stout says this proviso in Rawls's thought allows for the use of religion rhetoric by activists in the Civil Rights Movement and abolition movement.²⁰⁹ However, Rawls's

208. Rawls, *Political Liberalism*, xlix-l.

209. Jeffrey Stout, *Democracy and Tradition* (Princeton: Princeton University Press, 2004), 69.

justification of these instances of religious reasoning does not depend solely upon the proviso, but rather: “The Abolitionists’ and King’s doctrines were held to belong to public reason because they were invoked in an unjust political society, and their conclusions of justice were in accord with the constitutional values of a liberal regime.”²¹⁰ Nevertheless, Rawls’s thought did evolve allowing some religion as a stand-in.

I agree wholeheartedly with Stout when he argues that treating religious reason in the public forum as “IOUs” is:

slightly more plausible than the original, simply because it is less restrictive. It makes a bit more room for such instances of exemplary democratic reasoning as the religiously based oratory of the Abolitionists and Martin Luther King, Jr.²¹¹

And Stout continues, “I see it as a strong count against Rawls’s current position that these particular speakers will barely squeak by on his criteria, if they manage to do so at all.”²¹²

Rather Stout asserts, “The speeches of King and Lincoln represent high accomplishments in our public political culture. They are paradigms of discursive excellence.”²¹³ In truth, while the proviso is a bit “less restrictive,” it is only marginally so. If opponents of those who are using nonpublic reasoning can demand payment of the IOU at any moment, one wonders how much room the proviso actually provides. Rawls asserts, “I do not know whether the Abolitionists and King ever fulfilled the proviso. But whether they did nor

210. Rawls, *Political Liberalism*, 1. (As in the lower case letter “L” not the number “1.”)

211. Stout, *Democracy and Tradition*, 69.

212. *Ibid.*

213. *Ibid.*, 70.

not, they could have. And had they known of the idea of public reason and shared its ideal, they would have.”²¹⁴

Returning to Russell’s critique of the Civil Rights Movement from the Senate floor, it seems Russell immediately called in King’s IOU. King rejected it, saying, “now the time has come for preachers and every body else to get to Washington and get this very recalcitrant Congress to see that it must do something and it must do it soon.”²¹⁵ When King’s opponent demanded public reasons, King instead upped the ante calling for more of what Rawls would deem nonpublic reason in the public forum.

John Rawls’s “The Idea of Public Reason Revisited”

By 1997 Rawls was returning to the idea of public reason. He had planned to write another book on the topic before he died. His 1997 article “The Idea of Public Reason Revisited” outlines the major changes he hoped to make to his ideas. This time, his opening paragraph addresses religion. He explains that public reasoning is necessary precisely because “a basic feature of democracy is the fact of reasonable pluralism—the fact that a plurality of conflicting reasonable comprehensive doctrines, religious, philosophical, and moral, is the normal result of its culture of free institutions.”²¹⁶ As such, public reason is what people can use to communicate about important matters of mutual interest. He proposes clarifying a three-fold subdivision of the public forum in

214. Rawls, *Political Liberalism*, 1 (lower-case letter “L”) n27.

215. Martin Luther King, Jr., “Conversation with Martin Luther King,” 674.

216. Rawls, *Political Liberalism*, 441.

addition to “the background culture.”²¹⁷ He allows that public reason is not required in the background culture, but he maintains that it is mandatory for each of the other groups. As a representative democracy “we say that ideally citizens are to think of themselves as *if they were legislators* and ask themselves what statutes, supported by what reasons satisfying the criterion of reciprocity, they would think it most reasonable to enact.”²¹⁸ So the voter in the voting booth should, ideally, consider herself or himself as part of the public forum and therefore included under the second subcategories in the public forum.

Rawls deals with religion more directly than before in this essay. While advocating for religious people to use public reason, he asks, “How is it possible for those holding religious doctrines, some based on religious authority, for example, the Church or the Bible, to hold at the same time a reasonable political conception that supports a reasonable constitutional democratic regime?”²¹⁹ He demands that religious people “give up forever the hope of changing the constitution so as to establish our religion’s hegemony.”²²⁰ In this, he makes a radical leap. Rawls moves from religious people being honest about their faith in the public forum to their establishing of a theocracy. He seems to suggest, if religious people fail to use public reason then they are going to try to change

217. Rawls, *Political Liberalism*, 443. The divisions are 1) judges, particularly in Supreme Court opinions, 2) “government officials,” and 3) “the discourse of candidates for public office and their campaign managers, especially in their public oratory, party platforms, and political statements.” It is this last piece that includes the life and work of Martin Luther King Jr.

218. Rawls, *Political Liberalism*, 444-5.

219. *Ibid.*, 458.

220. *Ibid.*, 460.

the Constitution to establish their own religion. On a merely theoretical level, in order for Rawls's ideas to work we must presume that hiding one's religious commitments and reasoning somehow prevents theocracy.

Beyond that issue, Rawls should have paid closer attention to the life and work of Martin Luther King Jr. King used religious justifications and religious argumentation in the public forum. He made political statements based on his faith. He made demands of elected officials that grew out of his religion. His opponents demanded that he not use religious language and he refused. Yet he led the country, not to theocracy, but to one of the greatest expansions of democracy in U.S. history.

Rawls tries to shoehorn King (and the Abolitionists) into public reason. In his last essay he blends his two previous attempts to include King: the proviso and the but-King-was-for-Justice explanation. Admitting that he does "not know whether the Abolitionists and King thought of themselves as fulfilling the purposes of the proviso"²²¹ Rawls decides that they met it by virtue of their goals. While King continued using religious arguments, even in the face of his opponents objections, Rawls accepts King's religious arguments as public reasoning because Rawls thinks what King sought was good. In his efforts to make room for King's obvious use of nonpublic reasoning in the public forum, Rawls effectively has to abandon the priority of the right over the good.

Rawls says that the use of public reason is essential to the separation of church and state. Rawls is somewhat unclear whether he means the philosophical concept of religion and government having different spheres of influence or the constitutional

221. Ibid., 464 n.54.

provisions in the First Amendment often called the “separation of church and state.”

Either way, his argument is overly simplistic in asserting that the separation of church and state “protects religion from the state and the state from religion.”²²² I think it is likely that he was referring to the First Amendment since later in the same paragraph he specifically invokes the amendment. If so, as I say in the introduction, Rawls misunderstands the nature of the Constitution. For there to be a Constitutional violation, there must be a governmental action. The constitution restricts the government, designating and circumscribing the limited acceptable areas for governmental action. The constitutional provision in the First Amendment cannot protect “the state from religion” because the First Amendment does not regulate the actions of religious people. A religious group or person using the government as an instrument of religion is unconstitutional only because of the government action involved.

Alternatively Rawls might have been using the phrase “separation of church and state” in a non-legal, philosophical sense. While this is more cogent, albeit less likely, his argument should still be more nuanced. As Witte argues, there were multiple constituencies who supported the concept of a separation of church from state.²²³ For one

222. Ibid., 476.

223. Witte charts out four views of the relationship between religion and the state, he calls these: Puritan, Evangelical, Enlightenment and Republican views. Each were important influences blending together to develop American’s multifaceted understanding of the relationship of religion and government. John Witte, *Religion and the Constitutional Experiment: Essential Rights and Liberties* (Boulder, CO: Westview Press, 2000). The book explores the interaction between these groups but he explores this in the most rarified way in his second chapter, pp. 23-36. He also contends (on page 152) that it was particularly the Enlightenment and Evangelical views that embraced the separation motif most fully.

such group, the separation of church and state served, in part, to protect the state from the church.²²⁴ Still Rawls's categorical assertion is a bit broad and overly simplistic. First, the theme of separation alone is woefully insufficient to encompass the entirety of American traditions regarding the relationship of religion and government. Second, there are many who contend that the separation motif is primarily intended to assure religious freedom rather than to protect the state from religion. As Witte explains:

In the founders' view, the disestablishment clause [the closest the Constitution comes to the "separation" motif] was designed to complement the free exercise clause in the protection of religious liberty. The free exercise clause outlawed government *proscriptions* of religion—actions that unduly burdened the conscious, restricted religious expression, discriminated against religion, or invaded the autonomy of churches and other religious bodies. The disestablishment clause outlawed government *prescriptions* of religion—actions that unduly coerced the conscience, mandated forms of religious expression, discriminated in favor of religion, or improperly allied the state with churches or other religious bodies. Both the free exercise clause and the disestablishment clauses thereby provided complimentary protections to the first principles of the American experiment—liberty of conscience, freedom of religious expression, equality of plural faiths before the law, and separation of church and state.²²⁵

Finally, in his restatement, Rawls continues to emphasize his demand that citizens use public reason even in the "privacy" of the voting booth. "From the point of view of

224. Enlightenment formulations of the separationist doctrine emphasized the need to protect politics and the state from the intrusions of religion and the church. Evangelical formulations emphasized the need to protect religion and the church from the intrusions of politics and the state. Witte, *Religion and the Constitutional Experiment*, 153.

225. Witte, *Religion and the Constitutional Experiment*, 182. Emphasis in original.

public reason, citizens must vote for the ordering of political values they sincerely think most reasonable.”²²⁶ It is still incumbent on citizens to use only public reasoning when voting.

While throughout his writing Rawls uses phrases like, “public reason. . . . governs,”²²⁷ he goes to great lengths to ensure that public reason should not be enforced by law: “I stress that the limits of public reason are not, clearly, the limits of law or statute.”²²⁸ Rawls wants people to avoid nonpublic reasons out of courtesy rather than under threat of punishment or disenfranchisement. He wants to *persuade* citizens to use public reason rather than to coerce it.

He returns to this point in “The Idea of Public Reason Revisited,” saying the duty to use only public reason “like other political rights and duties, is an intrinsically moral duty. I emphasize that it is not a legal duty, for in that case it would be incompatible with freedom of speech.”²²⁹ Indeed, he is right.

However, subsuming freedom of religion under freedom of speech is problematic. Rawls maintains that freedom of speech is a necessary component of a robust public forum, but he also tries to protect the public forum from the dangers of religion. It is better, I contend, to assume that freedom of religion (alongside freedom of expression, et cetera) is a critical component of the public forum. Rawls effectively says, well, I guess

226. Rawls, *Political Liberalism*, 479.

227. *Ibid.*, 215.

228. *Ibid.*, 253.

229. *Ibid.*, 445.

we will have to put up with a bit of religion in order to have the necessary freedom of speech. I argue that accepting the voices of religious people and institutions benefits the public forum just as guarantee of freedom of speech.

CHAPTER 3 IS RELIGION DANGEROUS TO DEMOCRACY?

Stephen Carter rejects Rawls's fear of religion in the public square. He worries instead, in *The Culture of Disbelief*, that liberalism's misguided fear of religious voices in the public square pressures religious believers to compartmentalize their faith and that this trivializes their religion. Furthermore, Carter argues that this compartmentalization and trivialization is wrong because religion is a boon rather than a danger to democracy. He argues for a more inclusive public square—one that more easily tolerates religious people. In this chapter I will layout Carter's argument, starting with *The Culture of Disbelief* and then moving briefly to his *The Dissent of the Governed*. Then I will engage Richard Rorty's two vigorous defenses of Rawls-like liberalism, which responded specifically to Carter's *The Culture of Disbelief*.

Stephen L. Carter's *The Culture of Disbelief*

Carter, in the opening of his *The Culture of Disbelief*, acknowledged the balancing act that Rawls was attempting between religious freedom and protecting democratic governance:

Contemporary American politics faces few greater dilemmas than deciding how to deal with the resurgence²³⁰ of religious belief. On the one hand, American ideology cherishes religion, as it does all matters of private conscience, which is why we justly celebrate a

230. Though he uses word resurgence here Carter is mindful of the religious nature of the Civil Rights Movement. (See for example pp. 9-10, 48-9, 60, et cetera.)

strong tradition against state interference with private religious choice. At the same time, many political leaders, commentators, scholars, and voters are coming to view any religious element in public moral discourse as a tool of the radical right for reshaping American society.²³¹

Carter is right that liberalism is silent about private religious belief. I expect that religious people could fully depend upon the most secular liberals to defend the right to private religious belief. As noted in chapter two, Rawls also posits a category he call nonpublic, which is different than private. Rawls suggests that many religious rationales are nonpublic. For example, the Quaker use of consensus decision-making, versus the Baptist use of majority rule, or the Roman Catholic hierarchy are all not public reasoning of the type Rawls proposes for democratic discourse, but neither are they really private. Rawls fully allows for nonpublic reason in nonpublic circumstances. For example, each of these Christian traditions is free to use its own polity for its own internal issues, even if these issues are not resolved strictly in private. Carter argues that even within this scenario Rawls's demand for pubic reason is problematic for religious people.

In part, Carter's book is a response to fears that religion is dangerous to the public forum. In contrast to Rawls, who rarely speaks about Martin Luther King Jr. and the Civil Rights Movement, Carter takes them quite seriously. Furthermore, he notes that proposed efforts to protect democracy from the religious right would have impeded King's work:

The contemporary concern about the use of religious rhetoric to promote policy was not always a cultural norm, even in recent history. The civil rights movement provides only the most obvious example, for its leading public rhetoriticians were unapologetic about the open invocation of religious imagery. Consider the

231. Carter, *The Culture of Disbelief*, 3.

Reverend Martin Luther King, Jr.'s renowned 'God is Marching On' speech in Montgomery, Alabama, in which he called for 'march[ing]²³² on ballot boxes, until we send to our city councils, state legislatures, and the United States Congress men who will not fear to do justice, love mercy, and walk humbly with their god'—a biblical injunction (Micah 6:8) that sounds very much like the rhetoric of the religious right today deemed so alarming.²³³

Carter argues that when liberals like Rawls attempt to remove or control religion in public life they inhibit people like Martin Luther King Jr.

Carter argues that liberalism demands that religious people compartmentalize their lives. In one hand are the matters that are the most central and essential to guiding their lives. In the other hand are the most important issues facing our society. Religious adherents must segregate their religion from important issues. They are told that the most important commitments in their lives are trivial. So when thinking about important issues these religious people must pretend as if the most important commitments in their lives do not exist. Carter explains:

The point is that the proposed rules to govern discourse in the public square are constructed in a way that requires some members of society to remake themselves before they are allowed to press policy arguments. To suppose that this remaking is desirable, to say nothing of possible, reinforces the vision of religion as an arbitrary and essentially unimportant factor in the makeup of one's personality, as easily shrugged off as a favorite color when, for example, one is called upon to evaluate the views of a politician who never wears it.²³⁴

Rawls argues that he wants all people with a "comprehensive doctrine" to

232. Bracketed portion in Carter.

233. Carter, *The Culture of Disbelief*, 48.

234. *Ibid.*, 56.

compartmentalize, but it is the “irrationality” of religion that draws his strongest ire. Comprehensive doctrines that are not religious are presumed to be rational. For example, laissez-faire capitalists who trust the market can best allocate resources need not reframe this for public consumption, because Rawls’s theory presumes this is public reason. Compare this to the Christian who supports imposing a national minimum income after reading the book of Amos in the Bible.²³⁵ Both are comprehensive doctrines, but because the former is rational it need not be adapted, whereas because the latter is irrational it must be.

Second, as Carter points out,²³⁶ the further one’s religious practices are from the mainstream, the more he or she is burdened under Rawls’s scheme. For example, Christian students at public schools whose belief mandates they not attend school on December 25th will have no problem. In contrast Jewish students often encounter classes or even tests scheduled on Yom Kippur.²³⁷ A Christian typically need not do anything to be free to observe Christmas, but a Jew might have to resort to litigation to secure an accommodation for Yom Kippur. This problem is worse for those further from the mainstream, like a Muslim woman who must show her face on her driver’s licence

235. I think this example is particularly important given King’s love of the book of Amos and his commitment to a “guaranteed income.” See Martin Luther King, Jr. *Where Do We Go From Here: Chaos or Community* (Toronto: Bantam Books, 1968), 190ff.

236. Carter, *The Culture of Disbelief*, 26-33.

237. *Ibid.*, 13.

picture²³⁸ or a Jehovah's Witness who refuses a blood transfusion for his or her child.²³⁹

Under Rawls's supposed neutrality, religious people are burdened more than nonreligious people and those whose religion is further from the mainstream are burdened even more severely. Perhaps Carter's best example comes from *Employment Division v. Smith*.²⁴⁰ The plaintiffs were fired for smoking peyote during a religious ritual and then were denied unemployment benefits. They argued that although using peyote was illegal they should have been allowed to use it as part of their religious practices. The Supreme Court disagreed. In contrast, it is hard to even imagine the police in a dry county arresting a priest for serving sacramental wine during the Eucharist—wine that is often given to minors.²⁴¹

Third, as Aryeh Botwinick argues, Rawls is not neutral about neutrality. In fact, he is an advocate for neutrality. Rawls tries to articulate hypothetical circumstances in which people can be neutral about the nature of good, but in the end this means that Rawls is proposing neutrality as a good. As such, he is unsuccessful in making the right a priority over the good.²⁴² In other words, Rawls attempted to avoid naming one good by taking a

238. Dana Canedy, "Lifting Veil for Photo ID Goes Too Far, Driver Says" *The New York Times*, June 27, 2002, Thursday, Section A; Column 5; National Desk; 16.

239. Carter, *The Culture of Disbelief*, 13-14.

240. *Employment Division v. Smith*, 494 U.S. 872 (1990).

241. Carter, *The Culture of Disbelief*, 127-9. As Carter says, this would never happen because Christians have enough political might to assure an exemption. To Carter, this demonstrates that what passes as neutral is actually beneficial to the majority.

242. Aryeh Botwinick, *Postmodernism and Democratic Theory* (Philadelphia: Temple University Press, 1993) 36ff.

position of neutrality, and yet this very neutrality becomes a good. Being neutral about comprehensive doctrines fails because it is not neutral; it advocates for neutrality. Additionally, “neutrality” benefits those whose comprehensive doctrines seem most rational.

Finally, Carter argues, compartmentalization effectively trivializes religion and treats it like a hobby. He declares, “The consistent message of modern American society is that whenever the demands of one’s religion conflict with what one has to do to get ahead, one is expected to ignore the religious demands and act . . . well . . . *rationally*.”²⁴³ For example, religious faith is fine unless it means that you miss a test or shun a medically necessary cure. This compartmentalization says religion is only acceptable when it comes to trivial issues. When it comes to things that matter, like education or health or voting, one should not take religion seriously. It is dangerous for people to take the demands of their religion seriously causing them to violate liberalism’s demand for rationality in the public forum. As such, the hope for democracy is that people will treat their religion as a hobby. Carter explains, “There are, we are taught by our opinion leaders, religious matters and important matters, and disaster arises when we confuse the two.”²⁴⁴

Carter’s finds examples of this thinking in the ranks of social commentators, but also among governmental actors including Supreme Court justices. In introducing what he sees as the problem he draws his readers’ attention to the Supreme Court case, *Estate*

243. Carter, *The Culture of Disbelief*, 13. Emphasis and ellipses in original.

244. *Ibid.*, 8.

of *Thornton et al. v. Caldor, Inc.*²⁴⁵ Carter quoted from Justice O’Conner’s concurring opinion with Justice Marshall that presupposed workers will view Sabbath observation as a ploy to avoid work rather than a command from God.²⁴⁶ This assumption is also in the majority opinion. For example, Justice Burger, speaking for the Court, explained, a law that protects employees when they cannot work because of the Sabbath “arms Sabbath observers with an absolute and unqualified right not to work on whatever day they designate as their Sabbath.”²⁴⁷ Note here that Sabbath observation is a weapon, it “arms” them, and can be wielded willy-nilly on, “whatever day they designate as their Sabbath.” There is no acknowledgment that for untold numbers of people for thousands of years Sabbath observation was no mere gambit for more time to watch the big game but rather a holy event often involving personal sacrifice. In fact in the case at hand Justice Burger acknowledges that the plaintiff was willing to accept a pay cut and move into another job in the company in order to keep his Sabbath observation.²⁴⁸ Carter’s commentary is right when he observes:

If the sabbath day is just another day off, then religious choice is essentially arbitrary and unimportant; so if one sabbath day is inconvenient, the religiously devout employee can just choose

245. *Estate of Thornton et al. v. Caldor, Inc.*, 472 U.S. 703 (1985).

246. O’Connor’s concurrent opinion states: “All employees, regardless of their religious orientation, would value the benefit which the statute bestows on Sabbath observers - the right to select the day of the week in which to refrain from labor.” *Thornton v. Caldor*, 711. Carter’s initial analysis is in *The Culture of Disbelief*, 5-6.

247. *Thornton v. Caldor*, 709.

248. *Ibid.*, 706.

another.²⁴⁹

Out of fear that religious people might game the system, the Court struck down the law that protected workers' right to observe their Sabbath without punishment.

According to Carter, American society presumes,

If [your religion's demands] are inconvenient, give them up! If you can't remarry because you have the wrong religious belief, well, hey, believe something else! If you can't take your exam because of a Holy Day, get a new Holy Day! If the government decides to destroy your sacred lands, just make some other lands sacred! If you must go to work on your sabbath, it's no big deal! It's just a day off! Pick a different one! If you can't have a blood transfusion because you think God forbids it, no problem! Get a new God! And through all of this trivializing rhetoric runs the subtle but unmistakable message: pray if you like, worship if you must, but whatever you do, do not on any account take your religion seriously.²⁵⁰

Carter's book is trying to counter the assumption "that religion is like building model airplanes, just another hobby: something quiet, something private, something trivial – and not really a fit activity for intelligent, public-spirited adults."²⁵¹

Carter contends that liberalism throws the baby out with the bath water. While trying to protect democracy, liberalism sacrifices movements such King's:

Liberal philosophy's distaste for explicit religious arguments in the public square cannot accommodate the openly and unashamedly religious rhetoric of the nonviolent civil rights movement of the 1950s and 1960s. To be sure, liberalism has had no trouble subsuming the *goals* of the movement under the umbrella of the secular argument. But justifying the results, after the fact, as a

249. Carter, *Culture of Disbelief*, 6.

250. *Ibid.*, 14-15.

251. *Ibid.*, 22

matter of liberal dialogue does not alter the plain historical truth that the movement itself represented a massive infusion of religious rhetoric into the public square.²⁵²

Carter continues, “Indeed, there is little about the civil rights movement, other than the vital distinction in the ends that it sought, that make it very different from the right-wing religious movements of the present day.”²⁵³

Lewis Baldwin agrees with Carter that the ends make the difference. But for Baldwin, that difference is operative. While Carter seeks to show the connectedness of King and the religious right, Baldwin asserted that the difference in ends is sufficient to distinguish King from the religious right:

Religious and political conservatives in the 1980s sought to politically implement [sic] moral visions that conflicted with King’s beloved community ideal—with his dream of a totally integrated society based on love, mutual acceptance and interpersonal living, and shared power.²⁵⁴

In the end, Carter does believe that the distinction between the ends is sufficient to clear King from criticisms aimed at the religious right.

Too often, our rhetoric treats the religious impulse to public action as presumptively wicked—indeed, as necessarily oppressive. But this is historically bizarre. Every time people whose vision of God’s will moves them to oppose abortion rights are excoriated for purportedly trying to impose their religious views on others, equal calumny is implicitly heaped upon the mass protest wing of the

252. Ibid., 227. Emphasis in original.

253. Ibid., 228-9.

254. Lewis V. Baldwin, “On the Relation of the Christian State: The Development of a Kingian Ethic” in Lewis V. Baldwin, et. al., *The Legacy of Martin Luther King, Jr.: The Boundaries of Law, Politics and Religion* (Notre Dame, IN: University of Notre Dame Press, 2002), 104.

civil rights movement, which was openly and unashamedly religious in its appeals.²⁵⁵

One of Carter's points is that critics of the religious right do not focus enough on the difference between the religious right's goals of the goals of the Civil Rights Movement. In fact Carter thinks the proponents of liberalism, including Rawls, focus on the religious motivations rather than the ends pursued. I think the answer is not to find a way to exclude the religious right, but to let them in. Otherwise, we risk making the public square a private club—a hazardous conversion as a thriving democracy depends upon a thriving public square.

Carter suggests that the respectful and effective way to counter religiously motivated proposals is not to attack the religious motivation but the proposals. He uses two helpful examples, the first from Islam and the second from Christianity:

To do battle against the death sentence for Salman Rushdie—to battle against the Ayatollah—one should properly fight against official censorship and intimidation, not against religion. We err when we presume that religious motives are likely to be illiberal, and we compound the error when we insist that the devout should keep their religious ideas—whether good or bad—to themselves. We do no credit to the ideal of religious freedom when we talk as though religious belief is something of which public spirited adults should be ashamed.²⁵⁶

Carter suggests that condemning the death sentence because it is religiously motivated misses the point and, in fact, is a distraction from the important matters of, “official censorship and intimidation.” In contrast however, “for some critics the facts that the

255. Carter, *The Culture of Disbelief*, 9-10.

256. *Ibid.*, 10.

Ayatollah was a religious leader and that the ‘crime’ was a religious one lends the sentence a particular monstrousness.”²⁵⁷ In provocative language, he continues, those critics seem to presume that:

writers who are murdered for their ideas are choosy about the motivations of their murderers, and that those whose writings led to their executions under say, Stalin, thanked their lucky stars at the last instant of their lives that Communism was at least godless.²⁵⁸

For Carter, focusing on the religious nature of the events is a distraction, a red herring, which draws attention away from the substance of the issues.

Much later in the book he returns to the issue with another example. At the Republican National Convention in 1992, Patrick Buchanan explained, “There is a religious war going on in this country. It is a cultural war, as critical to the kind of nation we shall be as the Cold War itself. For this war is for the soul of America”²⁵⁹ Buchanan also described the terms of this cultural war, saying Bill Clinton wanted to “impose . . . abortion on demand, a litmus test for the Supreme Court, homosexual rights, discrimination against religious schools, women in combat units.”²⁶⁰ Carter, reflecting on this speech, says, “What was wrong with the 1992 Republican Convention was *not* the effort to link the name of God to secular political ends. What was wrong was the choice

257. Ibid.

258. Ibid.

259. <http://www.americanrhetoric.com/speeches/patrickbuchanan1992rnc.htm>, last checked January 11, 2010.

260. Ibid.

of secular ends to which the name of God was linked.”²⁶¹ In other words, pro-choice people should condemn Buchanan for his anti-choice stance, not the fact that he is religious; supporters of gay rights should condemn Buchanan for bigotry, not for the fact that he is religious.

There are four overlapping reasons why one should address the substance of claims rather than the motivation. One, it focuses the debate on the issues at hand. (Would discrimination against gay and lesbian people been any more tolerable if justified secularly?) Two, it treats the opponent with respect. In Carter’s terms, it does not trivialize religious belief and avoids attacking the proponent’s religion. Three, it advances the dialogue constructively. The dialogue becomes about matters of public policy rather than about the proponent’s faith. Four, it opens the public forum more widely. Rather than closing the door to religious citizens, it opens the door to them. It brings them into civil life rather than shutting them out.

Carter asserts that liberalism that works to exclude religion impairs, not just religious people, but also democracy. He explains,

Liberal political theory so far has been unable to make this [criticizing ideas rather than motivations] move. Rather than envisioning a public square in which all are welcome, the contemporary liberal philosophers insist on finding a set of conversational rules that require the individual whose religious tradition make demands on his or her moral conscience to reformulate that conscience—to destroy a vital aspect of itself—in order to gain the right to participate in the dialogue alongside other citizens.²⁶²

261. Carter, *The Culture of Disbelief*, 229. Emphasis in original.

262. *Ibid.*

As such, religious people must ignore the most important parts of their lives when they enter the public square. For Carter this might itself be a fatal flaw, but there is more. Those sacrifices religious people are made to a pay also weakens democracy. Carter continues, saying:

Religions are in effect independent centers of power, with bona fide claims on the allegiance of their members, claims that exist alongside, are not identical to, and will sometimes trump the claims to obedience that the state makes. A religion speaks to its members in a voice different from that of the state, and when the voice moves the faithful to action, a religion may act as a counterweight to the authority of the state.²⁶³

Carter asserts that religious participation in civic life is much like a free press. It is a check on the government. It holds the government accountable. It is precisely because religious devotion is not in the idiom of public reason that makes it particularly valuable.

Invoking Tocqueville, Carter contends that religions strengthen democracy in two ways:

First, they can serve as the sources of moral understanding without which any majoritarian system can deteriorate into simple tyranny, second they can mediate between the citizens and the apparatus of government, providing an independent voice.²⁶⁴

I contend that Rawls's scheme makes a viable claim to do the former, given a broad understanding of "moral." But even if Carter intends a more narrow understanding of "moral" (as in religious), I do not fear that democracy will "deteriorate into simple tyranny" without it. Carter himself admits that other institutions can "can mediate

263. Ibid., 35.

264. Ibid., 36.

between the citizens and the apparatus of government, providing an independent voice;” nevertheless, I join Carter in valuing these institutions because there cannot be too many of them. It is their existence that knits together a community. More of these “intermediate institutions”²⁶⁵ make the community stronger. Carter explains that such structures are valuable because

religions that command the devotion of their members actually promote freedom and reduce the likelihood of tyranny by splitting the allegiance of citizens and pressing on their members points of view that are often radically different from the preferences of the state.²⁶⁶

Carter is effectively suggesting a type of separation of devotions that helps to balance dedication to the state. Furthermore, Carter concludes:

The very aspect of religions that many of their critics fear most—that the religiously devout, in the name of their faith, take positions that differ from approved state policy—is one of their strengths.²⁶⁷

Religion provides a venue for dissent and an alternative vision for people. Because religious people start at a different places they are likely to come to a different solution. Carter contends that this is what makes religion valuable to democracy. Religion reminds us that what is, may not be what should be. Religious organizations can be a prophetic communities which critiquing the government. That religious groups are independent from the government provides them with a level of protection and, therefore, freedom.

265. Ibid., 37.

266. Ibid.

267. Ibid.

While Rawls is fearful of a diversity of commitments among citizens in a democracy Carter thinks that the diversity of commitments assure a diverse set of options in the public square. In other words, “There is nothing wrong, and much right, when a religion refuses to accommodate itself to the policies of the state.”²⁶⁸ Carter contends that Rawls’s fear that a diversity of beliefs will weaken democracy is unfounded. While it can weaken the perceived authority of the state, Carter argues that vociferous debate is good for democracy and that democracy is strengthened when the state must answer to its citizens.

As he often does, Carter again turned to Martin Luther King Jr. as an example:

When Martin Luther King, Jr., declared in his “Letter from Birmingham City Jail” that a “just law is a man-made code that squares with the moral law or the law of God,” he was not bandying words; he was stating a bedrock commitment to the authority of God as *superior* to the authority of the state, a commitment on which much of the civil rights movement explicitly and enthusiastically rested.²⁶⁹

This superiority of faith did not threaten democracy, it strengthened it. Of course, Carter was not the first to make such claims. Robert Franklin in 1990 asserted, “Secular moral philosophers who attend to King’s life and thought may discover or be reminded that public debate in pursuit of the just society need not ignore or minimize the public role of religion.”²⁷⁰

268. Ibid., 37-38.

269. Ibid., 38.

270. Franklin, “In Pursuit of a Just Society,” 59.

Stephen L. Carter's *The Dissent of the Governed*

In his next book, *The Dissent of the Governed*, Carter takes his warning even further. While *The Culture of Disbelief* warns that the exclusion of religion means that democracy is missing an important voice in the public square, *The Dissent of the Governed* asserts that the exclusion of religion from public life threatens the very legitimacy of democracy. Drawing upon the Declaration of Independence's claim that government depends upon the consent of the governed, Carter contends that a government maintains its legitimacy by handling dissent. In contrast, Rawls asserts that legitimacy depends upon a shared, albeit contrived, epistemology. Carter's formulation that legitimacy depends upon those in the minority believing in the fairness of the process. Carter asserts that in order to do so, people must believe that their interests are taken seriously. As such, the exclusion of religion from public life threatens the legitimacy of democracy. Religion is valuable as a voice of dissent; if that dissent is ignored (as George III ignored the dissent of the American colonists,) democracy risks pushing those religious people toward disaffection rather than dissent. Effectively:

liberal opposition to religious activism in politics is another cause of citizen alienation from government, for many deeply religious citizens do not understand how a nation can call itself democratic when they are accepted in politics only if they are willing to leave behind that aspect of their lives that provides meaning and hope. Indeed, the insistence that the faithful remake themselves before they can come to the bar of politics might seem to be a classic example of the rejection of the "repeated Petitions" of the citizenry.²⁷¹

271. Stephen L. Carter, *The Dissent of the Governed*, (Cambridge, MA: Harvard University Press, 1998), 30.

Carter advocates for religious people to be free to enter the public square, but says that nonreligious people may not critique the values of religious people.²⁷² In Carter's example, the Roman Catholic Church is immune from secular feminist critiques of an all male priesthood. He explains:

We make a habit of referring to such religions as Catholicism and Orthodox Judaism as relegating women to "inferior" position because they cannot be clergy. . . . But criticisms of this kind miss the point of the religions as alternative sources of meaning for their adherents: the truth is that outsiders have no standpoint from which to judge what counts as a "superior" or "inferior" position or, indeed, whether the words have any meaning within the faith community.²⁷³

I disagree. Consider an analogous example: Might a non-Catholic liberation theologian have an interest in whom the Council of Cardinals selects to be pope? Pope Benedict XVI, before he became pope, was a leader in opposing liberation theology.²⁷⁴ A poor, but non-Catholic person in Latin America might then be an ally of the Roman Catholic liberation theologians and might be worried about the selection of Benedict XVI. If the Catholic Church wishes immunity from criticism, it must be certain that its actions do not affect our hypothetical poor, non-Catholic person in Latin America. To the extent that the

272. Carter, *The Culture of Disbelief*, 40.

273. Ibid.

274. See for example: "Instruction on Certain Aspects of the 'Theology of Liberation'" http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19840806_theology-liberation_en.html, last checked January 11, 2010; and "Instruction on Christian Freedom and Liberation" and http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19860322_freedom-liberation_en.html, last checked, January 11, 2010.

Pope seeks to restrict the Catholic allies of poor people, poor people have the right to be critical of those actions.

This also shows that Carter still presumes, as does Rawls, that debate requires a shared epistemology. According to Carter, because non-Roman Catholic people do not share the epistemology of the Roman Catholic Church, they may not criticize the Roman Catholic Church. Since secular feminists do not share the epistemology of the Roman Catholic Church, they cannot critique the Church. Just as I reject Rawls's desire for a shared epistemology in my second chapter, I reject Carter's here. Furthermore, I am concerned that in this formulation religion is valued not in and of itself but because it is beneficial to democracy.

Richard Rorty's Response

Upon first reading Carter, I suspected he was using a strawperson constructed by carefully blending examples of bad actors and bad acts by people with good intentions. I suspected that it was a caricature; the features were there but he had exaggerated them to the point of inaccuracy. No serious thinker, I told myself, would be as heavy-handed as Carter suggested in his caricature of his opponents. I presumed that the responses from those he criticized would be on the order of, Carter overstated his case or Carter's worked is flawed because he noted only the examples that fit his theories, ignoring the counterexamples. I was then surprised to read Richard Rorty's response, which was remarkably defensive. It says in essence, why does Carter have such an issue with what I believe? In Rorty's words, "Carter puts in question what, to atheists like me, seems the

happy, Jeffersonian compromise that the Enlightenment reached with the religious.”²⁷⁵

Rorty responded to Carter twice, the second he said was more modest. The first “Religion as Conversation-stopper” appeared initially in *Common Knowledge* in 1994, the year after Carter’s *The Culture of Disbelief*. Rorty included it in his book *Philosophy and Social Hope* in 1999. The second response, “Religion in the Public Square: A Reconsideration,” ran in the *Journal of Religious Ethics* in 2003.

Overview of Rorty’s Work

In Rorty’s most influential work, *Philosophy and the Mirror of Nature*, he suggests that we should allow “the subordination of truth to edification.”²⁷⁶ He contends the goal of describing the world accurately is futile, but describing the world such that people can live together well is possible. He explains:

The aim of the book is to undermine the reader’s confidence in ‘the mind’ as something about which one should have a ‘philosophical’ view, in ‘knowledge’ as something about which there ought to be a ‘theory’ and which has ‘foundations,’ and in ‘philosophy’ as it has been conceived since Kant.²⁷⁷

If knowing what is true is impossible, the goal of philosophy should be to help people live together.

He praises philosophers’ who seek “to edify—to help their readers, or society as a

275. Richard Rorty, “Religion as Conversation-stopper,” *Philosophy and Social Hope* (London: Penguin Books, 1999), 169.

276. Richard Rorty, *Philosophy and the Mirror of Nature* (Princeton: Princeton University Press, 1980), 373.

277. *Ibid.*, 7.

whole, break free from outworn vocabularies and attitudes, rather than to provide ‘grounding’ for the institutions and customs of the present.”²⁷⁸ How do we recognize what is “outworn?” Rorty contends that “philosophy aims at continuing a conversation rather than at discovering truth.”²⁷⁹ Therefore we should abandon “vocabularies and attitudes” that fail to continue our conversations.

There are two salient points I wish to raise here. Being “outworn,” for Rorty, is permanent. Once a vocabulary or concept has become “outworn” it is irredeemable. As such, philosophy is progressing, not necessarily toward a *telos*, and not following some metanarrative, but it is joining humanity in a process of evolution. Philosophy is best when it is “the search for adjustments.”²⁸⁰ The goal might not be clear, or even exist, but there is a movement forward.

If “philosophy aims at continuing a conversation,” then the worst thing one can do is end that conversation—or, at least, end that conversation when it is possible to continue it. So he is using strong words when he calls religion a “conversation stopper.” It is perhaps the gravity of the charge that provokes such a doctrinaire response from such a deeply influential and important pragmatist as Rorty.

278. *Ibid.*, 11-12.

279. *Ibid.*, 373.

280. Richard Rorty, “Ethics Without Principles,” *Philosophy and Social Hope* (London; Penguin Books, 1999), 72.

Rorty's First Response, "Religion as Conversation-stopper"

Immediately on the heels of Carter's award-winning book, Rorty wrote a response in which he contended that, rather than being unjustly excluded, religion is dangerous and needs to be cut back even further. Rorty sees "the secularization of public life as the Enlightenment's central achievement,"²⁸¹ and his essay is a thoroughgoing apology for that part of the Enlightenment project. It is important to note that when Rorty says secularization, he is not meaning a process by which people come to depend less on religion and more on reason. Rather than believers finding religion obsolete or archaic and abandoning it, Rorty wants to evict religion and guard the public square from this dangerous and powerful deluder. His essay is sprinkled with language of enforcement, protection and guarding. For Rorty, secularization is not a process whereby people realize that religion is no longer an effective tool, instead religion is a dangerously powerful tool. Therefore, we must be vigilant lest Carter's book endanger democracy.²⁸²

In a telling sentence, Rorty challenged:

We atheists, doing our best to enforce Jefferson's compromise, think it bad enough that we cannot run for public office without being disingenuous about our disbelief in God; despite the compromise, no uncloseted atheist is likely to get elected anywhere in the country.²⁸³

This is a fascinating passage precisely for its honesty. First, note his use of the word

281. Rorty, "Religion as Conversation-stopper," 168.

282. This may sound like hyperbole, but the essay often uses militant language such as enforcement and danger.

283. Rorty, "Religion as Conversation-stopper," 169.

“enforce.” It is as if he is saying, we had an agreement and now I am going to hold you to your end of it. There is, for Rorty, a contract that religious people have breeched. He and his colleagues are victims of betrayal and now they are going to *force* the other side to fulfill its obligation. There is a remarkable militancy here. Religion, for Rorty, is dangerous, not obsolete. Second, his position regarding the Jeffersonian compromise is remarkably similar to Antonin Scalia’s approach to Constitutional interpretation. For both, the founding fathers established rules and our job is to abide by those rules. Third, I think he was imprecise with his language in a way that hides and distracts from his legitimate complaint. Technically, there is nothing preventing an atheist from *running* for office. In fact the Constitution commands that:

Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but *no religious Test shall ever be required as a Qualification* to any Office or public Trust under the United States.²⁸⁴

For the first part of Rorty’s complaint (that atheists cannot run for public office) to hold water, he would need to show a violation of this constitutional mandate.

Rorty’s complaint is more accurately *and more powerfully* stated in his last phrase, that an atheist could not *win* an election in the United States. I join Rorty in wishing that an atheist could win, but the remedy to that problem is very different than if an atheist could not run. The solution to not being able to run (if it were true) would involve structural/constitutional changes. The solution to not being able to win (which is

284. United States Constitution, Article 6. Emphasis added.

true and is a pernicious problem) would be a more robust public forum—one that welcomes religious belief alongside atheism, agnosticism, et cetera. Sadly, Rorty prescribes exactly the opposite course of action, one that calcifies and needlessly strengthens the barriers between religious people and nonreligious people and one says that theism and atheism are incompatible.

Finally, we return to the disingenuousness motif. While, Rawls accepted the need for a general disingenuousness, Carter searched for a place where disingenuousness could be rejected. He wanted a liberalism that can accept faith in the public square. Rorty denies that possibility. Instead, he demands that religious people disingenuously use the language of pro-Enlightenment thinkers in hopes that the pro-Enlightenment thinkers don't have to be disingenuous. While for Rawls disingenuousness is acceptable, for Rorty it is bad. Rorty's solution is to shift this undesirable behavior to religious people. As he does other places, he accepts that what Carter says as accurate but rejects that it is a problem.

Rorty also objects to the fact that only religions reasons are deemed worthy of conscientious objector status in the military. I wholeheartedly agree that this should change. However, his proposed change would be worse:

Such facts suggest to us that the claims of religion need, if anything, to be pushed back still further, and that religious believers have no business asking for more public respect than they now receive.²⁸⁵

Rorty's legitimate complaint is that religious people get something atheists also deserve.

285. Rorty, "Religion as Conversation-stopper," 169.

Unfortunately, his solution is to deny it to both. A more generous solution is to grant to nonreligious conscientious objectors the same protections already given to religious ones. In all honesty, the fact that Rorty did not see that himself makes the essay start sounding like an anti-religious screed.

Rorty endorses Carter's description of legal and political processes as "guard[ing] the public square."²⁸⁶ But he suggests that "Carter's inference from privatization to trivialization is invalid unless supplemented with the premise that the nonpolitical is always trivial."²⁸⁷ Rorty then draws a parallel between poetry as private and non-trivial, to religion as private and non-trivial. However, this argument is fallacious. Certainly there is poetry that is private and important just as there is religiousness that is private and important.

His analogy breaks down because poetry can be very public, and, when it is, no one tries to force it to remain private. For example, there was not, to my knowledge, a single complaint that Barack Obama invited a poet, Elizabeth Alexander, to read her poetry at the inauguration. While both maybe private, poetry is free to be public as well. Carter's argument is that religion is *forced* to be private. Poetry and religion are simply not as analogous as Rorty wants.

Importantly, Rorty agrees with Carter's description of liberalism's need to exclude religion. Rorty asserts that Carter gave "a good description both of the least

286. Ibid., 170. Note the implication that religion is not just "outworn" but it is quite dangerous.

287. Ibid.

common denominator positions of Rawls and Habermas, the two most prominent social thinkers of the present day, and of the secularizing message of the Enlightenment.”²⁸⁸

Rorty continues, “[Carter] is quite right to say that ‘all these efforts to limit the conversation to premises held in common would exclude religion from the mix.’ But he thinks that such exclusion is unjust.”²⁸⁹

Rorty likes the exclusion, saying it “is at the heart of the Jeffersonian compromise.”²⁹⁰ Finally, Rorty ominously warns that, “contemporary liberal philosophers think that we shall not be able to keep a democratic political community unless the religious believers remain willing to trade privatization for a guarantee of religious liberty.”²⁹¹ Nevertheless, it is here where Rorty’s silence on the Civil Rights Movement, a religious movement leading to a massive expansion of democracy, is most deafening. Carter’s *The Culture of Disbelief* is shot through with references to Martin Luther King Jr. and the Civil Rights Movement, but Rorty’s first response to the book never mentions them. As such, his purported concern for the protection of democracy from “religious believers” is undermined by reality. Surely Senator Russell’s secular arguments were more dangerous to democracy than King’s religious arguments which catalyzed one of the

288. Rorty, “Religion as Conversation-stopper,” 170.

289. Ibid.

290. Ibid.

291. Ibid., 170-1.

two²⁹² largest expansions of democracy in American history.

For Rorty, religion should be private, not just for the sake of democracy, but because religion is down right shameful. Rorty cites Carter's complaint that

one good way to end a conversation—or start an argument—is to tell a group of well-educated professionals that you hold a political position (preferably a controversial one, such as being against abortion or pornography) because it is required by your understanding of God's will. In the unlikely event that anyone hangs around to talk with you about it, the chances are that you will be challenged on the ground that you are intent on imposing your religious beliefs on other people.²⁹³

Rorty explains that talking about one's faith in such a public manner is like announcing, "Reading pornography is about the only pleasure I get out of life these day."²⁹⁴ For Rorty, talking about one's religion in public should be on par with talking about one's consumption of pornography.

When Rorty says religion should be private (note the contrast with Rawls's term nonpublic), he means a very extreme version of private. This kind of private is not just private as in not a part of the government (private property or a private college.) Rather, it is private in the sense of things people do when no one can see them. People who attend private colleges need not be ashamed to talk about that in public, but Rorty suggests that those who are privately religious should be. In this light, Rorty's purported concern with

292. Along with women's suffrage, a movement that also had some religious roots.

293. Carter, *Culture of Disbelief*, 23. Rorty quotes part of this passage in Rorty, "Religion as Conversation-stopper," 171.

294. Rorty, "Religion as Conversation-stopper," 171.

protecting religious liberty sounds almost condescending and likely rings hollow in the ears of those who think their religious faith quite decent.

Rorty allows that Carter has pointed out a double standard in that people “scream ‘keep religion out of politics!’ when the clergy say that abortion is against God’s will while nodding approvingly when they say gaybashing is”²⁹⁵ Rorty would prefer to have neither, while Carter wants to make room for both. Likewise, given Rorty’s pragmatic approach, he is willing to agree with Carter that Enlightenment-inspired philosophy has no more claim on being essentially truth than does religion. He commends Carter for pointing that out.²⁹⁶ For Rorty, the value of the Enlightenment is not that it provides a rational means of finding truth but rather that it provides a serviceable means for human society to exist. He explains that the Enlightenment was not about finding a way to perceive truth but rather a way for people to talk with each other. Carter’s book, Rorty worries, threatens to undo that project. Rorty defends those who

see the secularization of public life as the Enlightenment’s central achievement, and see our job as the same as our predecessors’: getting our fellow citizens to rely less on tradition, and to be more willing to experiment with new customs and institutions.²⁹⁷

As such, for Rorty, the value in Rawls’s work is solely in its ability to “gain assent from people who retain radically diverse ideas about the point and meaning of human

295. Ibid., 171-2.

296. Ibid., 172.

297. Ibid., 168.

life.”²⁹⁸ So, while Carter contends that this procedure makes undue demands on religious people, Rorty says that these demands are nothing more than “‘dropping reference to the source of the premises of the arguments’, and that this omission seems a small price to pay for religious liberty.”²⁹⁹ Carter suggests criticizing a religious person’s policy proposals not her or his religious motivation. Rorty wants the religious person to stop acknowledging the motivation.

In the end, Rorty concludes that Carter is right, that religion is precisely like a hobby and that Carter has not explained why “a speaker’s depth of spirituality is more relevant to her participation in public debate than her hobby or hair color.”³⁰⁰ Rather than challenging Carter’s book as overgeneralizing or making a strawperson, Rorty effectively said, guilty as charged. But does not agree that the act is a crime. In fact he says everyone should do with religion precisely what Carter accuses me of doing.

For Rorty, “the main reason religion needs to be privatized is that, in political discussion with those outside the relevant religious community, it is a conversation-stopper.”³⁰¹ Rorty fears invoking God prevents people from reaching agreement. While Rorty does not think epistemology establishes grounds for determining truth, he joins Rawls in hoping for a shared epistemology. How, Rorty worries, are civilized people to carry on a conversation without an shared epistemology, a shared

298. Ibid., 173.

299. Ibid.

300. Ibid., 174.

301. Rorty, “Religion as Conversation-stopper,” 171.

ground for conversation? I do not think that a conversation needs a shared epistemology, but rather that differences in epistemology are themselves topics for debate. As such, Rorty's response to Carter is an example of what Rorty worries cannot happen.

Rorty's Second Response, "Religion in the Public Square"

Rorty published his initial response directly on the heels of Carter's book, and Rorty republished that response several years later. By 2003 he agreed that "my response to Carter was hasty and insufficiently thoughtful" and "so I will offer a chastened, and more cautious, restatement of my anti-clerical views."³⁰²

Rorty's explains:

I want to start back-pedaling by making a distinction between congregations of religious believers ministered to by pastors and what I shall be calling "ecclesiastical organizations"—organizations that accredit pastors and claim to offer authoritative guidance to believers. Only the latter are the target of secularists like myself. Our anti-clericalism is aimed at the Catholic bishops, the Mormon General Authorities, the televangelists, and all the other religious professionals who devote themselves not to pastoral care but to promulgating orthodoxy and acquiring economic and political clout.³⁰³

There is much that is telling in this passage. First, the binary oppositions: ministers and ecclesiastical organizations, ministering and offering guidance, pastoral care and promulgating orthodoxy. One wonders what Rorty might make of Dom Helder Camara's famous call to religious action: "I feed the poor, I'm called a saint. I ask why the poor

302. Rorty, "Religion in the Public Square," 141.

303. Ibid.

have no food, I'm called a communist." Rorty seems to be suggesting that religious people can feed the poor but cannot say why the poor have no food? The former is ministry, the latter is promulgating orthodoxy. The former is acceptable, the latter is forbidden.

Furthermore, Rorty's syntax and word choice expose his assumptions about religious believers. He dislikes ecclesiastical organizations, which "claim to offer authoritative guidance." The inclusion of the word "claim" is telling. It suggests that what follows "to offer authoritative guidance" is false. Perhaps he is suggesting that religious believers do not accept that the guidance is authoritative, or perhaps it is that the organizations are offering something more sinister in the guise of guidance. The latter suggests that religious believers are benighted lemmings in need of Rorty's sagacity. If so, then Rorty becomes the bishop of secularity who is promulgating his own orthodoxy, a position which conflicts with Rorty's project. In the former case, Rorty's position is internally conflicted, if the followers do not accept that guidance as authoritative, it simply is not authoritative. For Roman Catholics who do not follow the Vatican's guidance about birth control, the guidance is not authoritative. For Roman Catholics who do follow the directive, the Vatican does offer authoritative guidance.

Additionally, his criticism of ecclesiastical organizations compared to parish ministries presumes that ecclesiastical organizations simply impose dictates rather than providing a venue to explore complex and pressing matters. Often on important matters there is great internal dissent within ecclesiastical organizations. Within these organizations there are conversations of the variety that Rorty suggests religious

organizations squelch. Furthermore, these organizations often use some version of a democratic process to determine their positions. The Southern Baptist Convention is a representative democracy. Churches vote to send delegates to the convention, those delegates debate and vote, and the majority carries the day. Even in the least obvious example, the Roman Catholic Church, which seems quite autocratic, the cardinals elect the leadership of the church. While the cardinals are not elected democratically but selected by previous popes, this process for selecting leadership is no different than how many nonprofit organizations select their leadership—including how many universities do. Rorty does not explain how he squares this internal democratic process with his sense that religion is a threat to democratic processes. Ecclesiastical organizations are not monolithic. There are internal conversations of the type that Rorty wishes to encourage and, furthermore, the processes for making decisions are not as nefarious nor as dictatorial as Rorty implies.

Finally he condemns religious leaders who “devote themselves not to pastoral care but to . . . acquiring economic and political clout.”³⁰⁴ While this is phrased in a quite sinister manner, Rorty does not explain how this temptation to acquire “economic and political clout” is more problematic among religious professionals than it is among university professors, elected officials, the professional leadership of secular and sectarian political organizations, CEOs, labor unions, chambers of commerce, or even philosophers. In fact, religious organizations have long been a check on avarice and hubris—two of Christianity’s seven deadly sins.

304. Ibid.

Rorty asserts:

Ecclesiastical organizations typically maintain their existence by deliberately creating ill-will toward people who belong to other such organizations, and toward people whose behavior they

presume to call immoral. They thereby create unnecessary human misery.³⁰⁵

Rorty's blanket condemnation of ecclesiastical organizations cannot help but include King's Southern Christian Leadership Conference. (I will return to this point in more detail below.) I also want to address Rorty's concern that ecclesiastical organization "presume to call [some behaviors] immoral." This is consistent with Rorty's contention that there is no sure and solid ground upon which to make claims of truth. Nevertheless, I wonder if the consequence of that should be humbler truth claims rather than none. Calling certain behavior immoral may not appear humble, but I suggest the Civil Rights Movement's tactics were often quite humble demonstration of the evils of Jim Crow laws.

Martin Luther King Jr. included in *Why We Can't Wait* a list of the "ten commandments" that those protesting in Birmingham vowed to obey. While it does not use the word humble, it reminds people that the movement seeks "justice and reconciliation—not victory."³⁰⁶ It demands that people "WALK and TALK in the manner

305. Ibid., 141-2.

306. Martin Luther King, Jr. *Why We Can't Wait* (New York: Mentor, 1964), 64. This vow was by no means a secular commitment. The first section demands that activists "MEDITATE daily on the teachings and life of Jesus." See page 63. Emphasis in original.

of love, for God is love,”³⁰⁷ and be willing to “SACRIFICE personal wishes”³⁰⁸ for the freedom of all. These do not have the sound of arrogance, although King does deem certain things immoral. In the “Letter from Birmingham City Jail” he calls “racial injustice” immoral. But he uses even stronger language, declaring the “system of segregation” to be evil. While the word “evil” generally sounds quite strong, I contend it is too weak when used to describe the Holocaust, slavery or lynching. Strong language is fitting to describe such horrific events. Yet we ought be humble in our use of such strong language, since using it willy-nilly weakens its ability to describe the truly horrific and asserting it too confidently ignores all of those who did so in ways we now think erroneous. I suggest that we should use it cautiously rather than not at all.

Nevertheless, Rorty’s desire for no ecclesiastical organizations would eliminate the SCLC and his rejection of the use of the word “immoral” would require major revisions of King’s “Letter from Birmingham City Jail.” In fairness to Rorty, he acknowledges that this is true. He explains:

We grant that ecclesiastical organizations have sometimes been on the right side, but we think that the occasional Gustavo Gutierrez or Martin Luther King does not compensate for the ubiquitous Joseph Ratzingers and Jerry Falwells. History suggests to us that such organizations will always, on balance, do more harm than good.³⁰⁹

Rorty effectively admits that his proposal would have destroyed the Civil Rights

307. Ibid., 64 Emphasis in original.

308. Ibid. Emphasis in original.

309. Rorty, “Religion in the Public Square,” 142. Rorty’s essay predates Ratzinger’s elevation to pope.

Movement, but he is willing to pay that price in order to silence Ratzinger and Falwell.

Rorty asserts that he hopes for a continued decline in the importance of religion—perhaps to the point of non-existence.³¹⁰ I do not object if Rorty tries to convince more people to join him in “rely[ing] less on tradition, and [being] more willing to experiment with new customs and institutions.”³¹¹ In my view, Rorty is welcome to continue proselytizing to the gospel of atheist pragmatism. I do not foreclose the possibility that he is right, but neither do I think it safe to assume that he is the last word on what is right.

In the end, Rorty hopes that, “the only role left for religious belief will be to help individuals find meaning in their lives, and to serve as a help to individuals in their times of trouble.”³¹² His use of “individual” twice in the sentence is telling—acceptable religion is not communal or corporate.

What I object to is when Rorty takes his hopes and transforms them into demands. For example, he explains, “Religion will, in this secularist utopia, be pruned back to the parish level.”³¹³ Twice in the essay he suggests “pruning back” religion.³¹⁴ Religion is like an out of control plant that needs to be cut back. His metaphor suggests that something (pruning) needs to be done *to* religion. This is quite different from assuming religion will

310. Ibid., 142.

311. Rorty, “Religion as Conversation-stopper,” 168.

312. Rorty, “Religion in the Public Square,” 142.

313. Ibid.

314. Ibid., 148.

become unnecessary.

Rorty objects to “putting political convictions in religious terms” because doing so, “gives aid and comfort to ecclesiastical organizations.”³¹⁵ I assume that it was with a rye smile that Rorty evoked the United States Constitution’s definition of treason.³¹⁶ Nevertheless, he is implying that using religious arguments is treasonous and that ecclesiastical organizations are the enemies of “democratic governments.”³¹⁷ As that charge is quite strong for an oblique indictment, I presume that this was a bit of irony.

The other reason he objects to such religious language is that, “leftist politics . . . is strengthened just insofar as belief in a providential deity who will provide pie in the sky is weakened.”³¹⁸ Of course, this ignores 1) that leftist politics of the sort that he wants, are often the result of the religious actions he seeks to limit, and 2) that not all religion is based on “pie in the sky.” In fact, his own grandfather, Walter Rauschenbusch, was the most prominent leader of the social gospel movement which influenced many twentieth century Christian thinkers to reject pie-in-the-sky theology.

In Rauschenbusch’s first major work (nearly a century before Rorty’s second response to Carter) he explains:

The other-worldliness of Christian desire is strangely diminished.

315. Ibid., 142.

316. “Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, *giving them Aid and Comfort.*” Emphasis added. Article 3, Section 3.

317. Rorty, “Religion in the Public Square,” 141.

318. Rorty, “Religion as Conversation-stopper,” 142.

We all believe in immortality, but we are not weary of this world. The longing to die and go to heaven is not regarded as a test of spiritual life as it used to be. . . . To us salvation means victory over sin rather than escape from hell. This change of attitude dignifies the present life. It is not, then, too paltry for earnest effort. *The hope of personal salvation after death no longer monopolizes*

*the Christian hope. There is now room beside it for the social hope.*³¹⁹

Martin Luther King Jr., likewise condemned pie-in-the-sky theology,

God has commanded us to be concerned about the slums down here, and his children who can't eat three meals a day. It's alright to talk about the new Jerusalem, but one day, God's preacher must talk about the New York, the new Atlanta, the new Philadelphia, the new Los Angeles, the new Memphis, Tennessee.³²⁰

Of course, given King's professed indebtedness to the social gospel, his rejection of a theology of a "pie in the sky" is not really surprising. What is surprising is Rorty's failure to see that many in Christianity share his distaste with such a theology. Rorty, in his indictment, does not really distinguish those religions that are focused on the here-after from those focused on the here-and-now.

Problematically for Rorty, while his indictment does distinguish private from public religion, the one he indicts (public) is the more likely to reject a theology of a "providential deity who will provide pie in the sky." Said more clearly, he rejected religious parties who pay attention to the material over the heavenly, when he

319. Walter Rauschenbusch, *Christianity and the Social Crisis*, ed. Robert D. Cross (London: The MacMillan Company, 1907), 203-4. Emphasis added.

320. Martin Luther King, Jr. "I See the Promised Land" in *A Testament of Hope*, ed. James M. Washington (New York: HarperCollins Publishers, 1991), 282.

condemned, “religious professionals who devote themselves not to pastoral care but to promulgating orthodoxy and acquiring economic and political clout.”³²¹ Religious organizations that are not focused on “pie in the sky” risk incurring the wrath of Rorty for leaving their circumscribed, privatized sphere that includes only matters of “pastoral care.”³²²

Again, Rorty’s word choice is telling. Instead of saying, “leftist politics becomes stronger as religion becomes weaker,” he suggests that “weakening” is something that should be done to religion. This is consistent with his first essay responding to Carter. While he lightened his critique somewhat by allowing a role for religion in individual life, he still thinks religion is too powerful and needs to be weakened.

Fortunately, Rorty does not see a role for legislation or judicial action in this pruning or weakening of religion. Twice in the essay he avers that the law should not harm religion.³²³ The role of public pressure upon religious actors is more complex. He explains that on the one hand,

the fact that Psalm 72 belongs to a set of scriptures claimed by various ecclesiastical organizations which I regard as politically dangerous is not a good reason to hinder Wolterstorff from citing this Psalm, any more than the fact that many people regard Mill’s utilitarianism as morally dangerous is a good reason to stop me from citing *On Liberty*. Neither law nor custom should stop either of us from bringing our favorite texts with us into the public

321. Rorty, “Religion in the Public Square,” 141.

322. Ibid.

323. Ibid., 143 and 147.

square.³²⁴

On the other hand, he explains that when a person quotes the Bible in such a way as to impede gay rights Rorty is more willing to allow for negative social pressure:

I cannot help feeling that, though law should not forbid someone from citing such texts in support of a political position, custom *should* forbid it. Citing such passages should be deemed not just in bad taste, but as heartlessly cruel, as reckless persecution, as incitement to violence. Religious people who claim a right to express their homophobia in public because it is a result of their religious convictions should, I think, be ashamed of themselves, and should be made to feel ashamed.³²⁵

Rorty's use of passive voice impedes a full response. It is unclear who Rorty presumes will do the "deeming" or the "making." He is insistent that it is not the government. I agree with him that heterosexism is shameful and that those who employ such tactics should be ashamed. I certainly hope that those people who spit at protestors during the Civil Rights Movement are now ashamed. I am concerned about Rorty suggestion that people "should be made to feel ashamed." Rorty adds that, "people who quote Leviticus 18:22 with approval should be shunned and despised."³²⁶ Again, his passive voice hides who should be taking this action, but presumptively, it is those who have been enlightened who do the shunning and despising.

There is some important continuity between King's goals and Rorty's:

324. Ibid., 143.

325. Ibid.

326. Ibid.

both would think that some public utterances or actions are shameful.

Nevertheless, the Civil Rights Movement provides a helpful contrast. How different do Rorty's words sound from King's: "In your struggle for justice, let your oppressor know that you are not attempting to defeat or humiliate him."³²⁷

Also consider the message the leadership of the Montgomery Improvement Association, including King, gave to African-Americans upon the integration of the buses: "Remember that this is not a victory for Negroes alone, but for all Montgomery and the South. Do not boast! Do not brag!"³²⁸ When speaking at a mass meeting after the Court decreed that Montgomery must have integrated buses, King urged:

We cannot be satisfied with a court "victory" over our white brothers. We must respond to the decision with an understanding of those who have oppressed us and with an appreciation of the new adjustments that the court order poses for them. We must be able to face up honestly to our own shortcomings. We must act in such a way as to make possible a coming together of white people and colored people on the basis of a real harmony of interests and understanding. We seek an integration based on mutual respect.³²⁹

There is a chasm between King's desire for mutual respect with his opponents and Rorty's desire to shun and despise his, even though the protestors in Montgomery won an

327. Martin Luther King, Jr., "The Most Durable Power" in *A Testament of Hope*, ed. James M. Washington (New York: HarperCollins Publishers, 1991), 10.

328. "Integrated Bus Suggestions" in *The Papers of Martin Luther King, Jr.*, Vol III. Ed. by Clayborne Carson (Berkeley, CA: University of California Press, 1997), 482.

329. Martin Luther King, Jr., "Statement on Ending the Bus Boycott" in *The Papers of Martin Luther King, Jr.* Vol III. Ed. by Clayborne Carson (Berkeley, CA: University of California Press, 1997), 487.

overwhelming victory. The protestors demands were initially far less than the complete integration of the buses. The Montgomery Improvement Association had originally proposed three steps: First, more courteous bus drivers, who refrain from “name calling, abusive language and threats.”³³⁰ Second, segregated seating that did not demand that African-Americans give up their seats. They proposed that African-American “passengers will begin seating from the rear of the bus toward the front and white passengers from the front toward the rear, until all the seats are taken. Once seated, no passenger will be compelled to relinquish”³³¹ that seat. Finally, that “Negro bus drivers be employed on the bus lines serving predominately Negro areas.”³³² Clearly, the complete integration of the buses was an overwhelming victory. Nevertheless, King and the other leaders of the movement did not seek to embarrass or shun or despise.

Though he does not think it should be imposed by force of law, what Rorty desires is:

pretty close to doing what Carter and Wolterstorff think should not be done: excluding certain appeals to religious conviction from the public square. So it would be nice if I could appeal to a principle which differentiated between citing Psalm 72 in favor of government-financed health insurance and citing Leviticus 18:22 in opposition to changes in the law that would make life in the U.S. more bearable for gays and lesbians. But I do not have one. I wholeheartedly believe that religious people should trim their

330. “Martin Luther King, Jr., “To the Montgomery Public” in *The Papers of Martin Luther King, Jr.* Vol III. Ed. by Clayborne Carson (Berkeley, CA: University of California Press, 1997), 91.

331. *Ibid.*, 91.

332. *Ibid.*, 92.

utterances to suit my utilitarian views.³³³

He hopes that a disagreement in the utilitarian calculus accounts for the differences of opinion about the propriety of religious authorities in the public square. He asserts that the disagreement is over “how much harm is being done in our own day by ecclesiastical organizations.”³³⁴ I contend that Rorty is partially correct. I think he is too willing to sacrifice the Civil Rights Movement and liberation theology in order strike a blow to other ecclesiastical organizations. As he does his utilitarian balancing act which leads him to sacrifice the Civil Rights Movement, I think he miscalculates the harm done by Jim Crow, literacy tests and the White Citizens’ Councils, not to mention the Ku Klux Klan.

He over-idealizes his secularist utopia. The elimination of religion will not be as salutary as Rorty suggests. He argues that “there is nothing like a sense of banding together against a group that one has heard described as an object of divine disapproval and of justified disgust to encourage and excuse sadistic violence.”³³⁵ I presume Rorty believes that religion is more operative than the “justified disgust.” He presumes that removing religion from the “disapproval and justified disgust” will prevent the sadist violence.

Conclusions

Rorty concludes his second essay by explaining the differences between that and

333. Rorty, “Religion in the Public Square,” 143-4.

334. Ibid., 144.

335. Ibid., 146.

the first. Of his first response, he writes:

Instead of saying that religion was a conversation-stopper, I should have simply said that citizens of a democracy should try to put off invoking conversation-stoppers as long as possible. We should do our best to keep the conversation going without citing unarguable first principles, either philosophical or religious. If we are sometimes driven to such citation, we should see ourselves as having failed, not having triumphed.³³⁶

Religion, or at least some types, ends a conversation prematurely “when somebody says, ‘Don’t ask me for reasons. I don’t have any. It is a matter of faith.’”³³⁷ He continues in the next paragraph, “This kind of reply is not confined to the religious”³³⁸ and acknowledges that he would have to use such a reply if he had to defend his devotion to utilitarianism.³³⁹ This self-awareness is an important start, but he does not go far enough. His demand to “keep the conversation going without citing unarguable first principles” is an attempt to shut down some parts of the conversation. He fails to see the irony of his doctrinaire demand that people not appeal to doctrine. He contends that “philosophy aims at continuing a conversation rather than at discovering truth,”³⁴⁰ but he also claims that the truth is that religion stops or impedes conversation. What I am suggesting is that Rorty’s fear of religion exposes his violation of his own premises. Furthermore, I think it is Rorty who is trying to stop a conversation. He does not like the conversation, so he demands

336. Rorty, “Religion in the Public Square,” 148-9.

337. *Ibid.*, 148

338. *Ibid.*

339. *Ibid.*

340. Rorty, *Philosophy and the Mirror of Nature*, 373.

that everyone shame those who continue having the conversation. In doing so, he joins the conversation he thinks should not be happening.³⁴¹ He ignores that conversations existed long before the invention of liberalism and that those who reject liberalism have continued having conversations. Religion is simply not a conversation stopper. It might be a conversation we do not like but the conversation does not stop. As such, Rorty sets himself up as the arbiter of what is a good conversation or a bad conversation. Rorty wants to eliminate the latter. This effort is profoundly undemocratic for a person who argues that “citizens of a democracy should try to put off invoking conversation-stoppers as long as possible.”³⁴²

Clearly, Rorty’s second response to Carter does not solve the problems with the first. I commend his honesty about being willing to sacrifice the Civil Rights Movement upon the alter of his anti-clericalism, but it is precisely the anti-clericalism that is the problem. Rorty’s hatred of religious authority so controls his response that he does not see the implications of his positions. He admits that he was willing to sacrifice one of the great movements to expand democracy in order to protect democracy.

Rorty was no loose cannon; he is one of the most respected American thinkers of the last half of the twentieth century. He held faculty positions at some of the nation’s most respected universities: Princeton, the University of Virginia and Stanford. Jeffrey Stout called him “the most important contemporary pragmatist.”³⁴³ The entry about him in

341. Asad, *Formations of the Secular*, 200.

342. Rorty, “Religion in the Public Square,” 148.

343. Stout, *Democracy and Tradition*, 64.

the *Routledge Encyclopedia of Philosophy* declares him “a leading US philosopher and public intellectual.”³⁴⁴ Rorty is a major thinker who rightly deserves accolades for much of his work. Nonetheless, his second, more thoughtful response to Carter is still woefully inadequate. Its attack on religion as undemocratic fails to take seriously the anti-democratic implications of his prescriptions.

344. Michael David Rohr “Rorty, Richard McKay” in *Routledge Encyclopedia of Philosophy* Vol 8. Edward Craig, General Editor (London and New York: Routledge, 1998), 352.

CHAPTER 4 IS DEMOCRACY DANGEROUS TO RELIGION?

Stanley Hauerwas thinks that Stephen Carter and Richard Rorty are asking the wrong question when they debate whether religion is dangerous to democracy. He questions whether democracy is good for Christianity. In this chapter, I will examine Stanley Hauerwas's work on religious ethics, particularly his approach to religion and civic life, then turn to Gloria Albrecht's liberationist criticism of Hauerwas.

Resident Aliens and Stanley Hauerwas's Ecclesiology

Throughout their immensely popular book, *Resident Aliens*, Stanley Hauerwas and Will Willimon assert that the church is shaking off a dangerous "Constantinian" legacy and argue that the church should be a colony of resident aliens amidst a foreign culture. In their desire to be a colony, they do not acknowledge colonization as an economic arrangement whereby Christians from Europe controlled and exploited the human and natural resources of much of the world. The only hint that their metaphor has an oppressive history is when they explain that it "implies that God's people settle in, stake out a claim, build fences, and guard their turf."³⁴⁵ They explain that "the world" is so hostile to Christians that such an approach could be understandable, yet they call for an

345. Stanley Hauerwas and William H. Willimon, *Resident Aliens* (Nashville, TN: Abingdon Press, 1989), 51.

understanding of the word “colony” as “a people on the move.”³⁴⁶ In this new definition a colony is:

God’s means of a major offensive against the world, for the world. An army succeeds, not through trench warfare but through movement, penetration, tactics.³⁴⁷

They write that this model of the church “is an adventure with many unknowns, internal arguments over which turn to take in the road, conversations along the way, visits to strange places, introductions and farewells and much looking back and taking stock.”³⁴⁸

They call for a revision of what it means to be the church, saying:

All that we have heard said of the old is thrown up for grabs, demands to be reexamined, and pushed back to square one. Square one is that colony made up of those who are special, different, alien, and distinctive only in the sense that they have heard Jesus say “Follow me,” and have come forth to be part of a new people, a colony formed by hearing his invitation and saying yes.³⁴⁹

They further explain that following Jesus puts one “at odds with the world. This makes necessary the demanding business of being the colony of God’s righteousness in a world that refuses to acknowledge God as sovereign.”³⁵⁰ Continuing the same theme, they explain that the “church was called to be a colony, an alternative community, a sign, a signal to the world that Christ had made possible a way of life together unlike anything

346. Ibid.

347. Ibid.

348. Ibid., 52.

349. Ibid., 92.

350. Ibid., 94.

the world has seen.”³⁵¹

In these descriptions, the marks of the church, if you will, are: differentness, alienness, distinctiveness, oddness and alternativeness from the world. The Christian colony is separate from the world, but Hauerwas and Willimon go to great lengths to avoid the implication that their colony is withdrawing. Instead Christians are pushed out. The church that they desire “has no interest in withdrawing from the world, but it is not surprised when its witness evokes hostility from the world.”³⁵² Hauerwas does allow for some withdraw from the world under what he suggests are limited circumstances:

I maintain that Christians must withdraw their support from a “civil republicanism” only when that form (as well as any other form) of government and society resorts to violence in order to maintain internal order and external security. At that point and that point alone Christians must withhold involvement with the state. Such an admission, however, hardly commits me to a sectarian stance, unless one assumes, as some do, that every function of the state depends on its penchant for violence.³⁵³

While this implies that not every action of the state depends upon violence, I think it safe to say that coercion is a form of violence. Therefore every state action is on one level coercive if for no other reason than tax collection is coercive. Even those who would willingly pay taxes out of civic responsibility still know that failure to do so *can* result in arrest by armed law enforcement officers. Furthermore, the voluntary taxpayer benefits

351. Ibid., 132.

352. Ibid., 46-7.

353. Stanley Hauerwas, “Why the ‘Sectarian Temptation’ Is a Misrepresentation: A Response to James Gustafson,” in *The Hauerwas Reader*, eds. John Berkman and Michael Cartwright (Durham and London: Duke University Press, 2001), 105.

from services, including lower taxes, secured via the coercion of his or her neighbors. As such actions by the government are funded through coercion—violence. Hauerwas’s attempt to limit Christian withdraw from the state to time when the state uses violence is ineffectual.

Furthermore, even if one could support the state without participating in violence, I contend that it is impossible to actually “withhold involvement with the state.” As King reminds us, the world is too interdependent to make this possible. “We are tied together in the single garment of destiny, caught in an inescapable network of mutuality. And whatever affects one directly affects all indirectly,”³⁵⁴ King said. A poor farmer in Asia whose field is occupied by U.S. military forces (or even his or her own country’s forces armed with weapons provided by the United States) cannot withhold his or her involvement from the United States government. Withdrawing from civil society is impossible. Hauerwas should pay more attention to Rousseau’s *Social Contract*, which presumes that human existence mandates human interactions. If not Rousseau, then to King:

We are made to live together because of the interrelated structure of reality. Did you ever stop to think that you can’t leave for your job in the morning without being dependent on most of the world? You get up in the morning and go to the bathroom and reach over for the sponge, and that’s handed to you by a Pacific islander. You reach for a bar of soap, and that’s given to you at the hands of a Frenchman. And then you go into the kitchen to drink your coffee for the morning, and that’s poured into your cup by a South American. And maybe you want tea: that’s poured into your cup by

354. Martin Luther King, Jr., “Remaining Awake Through a Great Revolution” in *A Testament of Hope*, ed. James M. Washington (New York: HarperCollins Publishers, 1991), 269.

a Chinese. Or maybe you're desirous of having cocoa for breakfast, and that's poured into your cup by a West African. And then you reach over for your toast, and that's given to you at the hand of an English-speaking farmer, not to mention the baker. And before you finish eating breakfast in the morning, you've depended on more than half of the world. This is the way our universe is structured, this is its interrelatedness quality. We aren't going to have peace on earth until we recognize this basic fact of the interrelated structure of all reality.³⁵⁵

The globalization of human interaction King described here in 1967 has only become more evident. King knew that Hauerwas simply could not return to a state of nature with his fellow Christians and live without interaction with non-Christians. For example, my choice to either drive or walk to my destination in Philadelphia affects the air in Hauerwas's office in Durham, North Carolina. Simply put, the actions of Christians affect non-Christians and visa-versa. Therefore, Hauerwas's attempt to limit his call for withdrawal runs into problems.

Even if his attempt to minimize the need for Christian withdraw from society were plausible the theme of separation runs throughout *Resident Aliens*. Hauerwas and Willimon regularly define their colony over against the world. The sacred church and the secular world are, for Hauerwas, opposites. King's believes that this is "a strange distinction."

Christendom and Constantinianism

The church as colony is placed in contrast to Christendom, which Hauerwas says

355. Martin Luther King, Jr., "A Christmas Sermon for Peace" in *A Testament of Hope*, ed. James M. Washington (New York: HarperCollins Publishers, 1991), 254.

was the relationship between the church and the government from Constantine until the last half of the twentieth century. Hauerwas contends that since Constantine the church has been too focused on serving the world or, more specifically during the modern era, serving the state. In the Constantinian period, some 1,650 years, the church existed in a “Christian society.” Being a good Christian and being a good citizen were one and the same.³⁵⁶ Hauerwas and Willimon think of their colony is a challenge to the “Constantinian” church.

Hauerwas contends that Constantine’s conversion to Christianity hampered the church’s ability to maintain its distinctiveness and its authenticity. Being a Christian became too easy, demanding neither sacrifice nor loyalty.³⁵⁷ This ease decreased the need for faith: “Prior to the time of Constantine, Christian belief in God’s rule of the world was a matter of faith. However, with Constantine the idea that providence is no longer an object of faith for God’s governance of the world was now thought to be empirically evident.”³⁵⁸ This shift, Hauerwas contends, has been bad for the church. He thinks this era began in 313 when Constantine made Christianity licit, and Christianity started losing its unique voice in the world. For Hauerwas, the major problem during the “Constantinian” era of the church was that the church saw itself as a servant of society. The church sought to use its position of power to make the world a better place rather than showing the

356. Hauerwas and Willimon, *Resident Aliens*, 16.

357. Stanley Hauerwas “A Christian Critique of Christian America,” in *The Hauerwas Reader*, eds. John Berkman and Michael Cartwright (Durham and London: Duke University Press, 2001), 474.

358. *Ibid.*, 475.

world a better place—heaven.

Resident Aliens explains that in order to maintain its relevance, the Constantinian church compromised with its culture. The church abandoned Christianity's particularities in order to make itself more palatable for society. Christianity began translating its ideas into the language of its culture. As a result, Christianity became more reasonable, but less authentic.

In acting as if the church's ethics were something that makes sense to every thinking, sensitive, caring American despite his or her faith or lack of it, the church is underestimating the *peculiarity* of Christian ethics.³⁵⁹

It is this distaste for translation and a concurrent desire for more peculiarity that drives much of Hauerwas's theology.

Anti-Translation and Pro-Particularity

Hauerwas and Willimon believe after translating its ideas into the language of its culture, all that remained of the church was a “dull exponent of conventional secular political ideas with a vaguely religious tint.”³⁶⁰ Furthermore, by attempting to make itself palatable to society, the church actually made itself obsolete.

Activist Christians who talk so much about justice promote a notion of justice that envisions a society in which faith in God is rendered quite unnecessary, since everybody already believes in peace and justice even when everybody does not believe in God.³⁶¹

359. Hauerwas and Willimon, *Resident Aliens*, 71. Emphasis in original.

360. *Ibid.*, 38.

361. *Ibid.*, 37.

Hauerwas and Willimon ask, if everyone could come to the same answer without Christianity, what does Christianity bring to the table? Therefore, in making the church public, Christianity has “underwritten the moral presuppositions that destroy the church.”³⁶²

However, certainly not everyone would be appalled by that turn of events. (In fact one can imagine Rorty celebrating the destruction of ecclesiastical organizations.) Even a Christian theologian might worry that Hauerwas and Willimon have idolized the church. Given Hauerwas and Willimon’s concern to prevent the destruction of the church, presumptively Christians should support the continued existence of the institution. The survival of the institutional church trumps “activist Christians” who are led to speak of peace and justice in a non-particular manner.

Finally, Hauerwas and Willimon rail against the Constantinian church’s practice of translating its ideas into the language of its culture. Paul Tillich, they say, was a major influence on the Constantinian church because he “could *translate* our archaic, inherited thought forms in to modern ones.”³⁶³ This translation was necessary because modernity “had provoked a crisis in thought, an intellectual dilemma so great that Christian thought must be *translated* in order to become intelligible to modern people.”³⁶⁴ The next page of *Resident Aliens* condemns such translation:

Everything must be *translated* into existentialism in order to be

362. Ibid., 32.

363. Hauerwas and Willimon, *Resident Aliens*, 20. Emphasis added.

364. Ibid., Emphasis added.

believed. Today, when existentialism has fallen out of fashion, the modern theologian is more likely to *translate* everything into Whiteheadian process theology, the latest psychoanalytic account or Marxist analysis in order to make it believable.

We have come to see that this project, though well intentioned, is misguided. . . . By the very act of our modern theological attempts at *translation*, we have unconsciously distorted the gospel.³⁶⁵

This translation is, for Hauerwas and Willimon, the major error of the Constantinian church.

Hauerwas and Willimon held up for ridicule the phrase “peace with justice” because it involved too much translation:

A few years ago the National Council of Churches proclaimed one week in October “Peace with Justice Week.” To help celebrate our one week for peace with justice, the council sent member congregations a Peace with Justice poster. The poster depicted a globe, a world, held aloft by a group of different-colored human hands. The Greeks had Atlas, the Arabs a turtle, we more modern people have disposed of such inadequate cosmologies. We have the multicolored hands of the National Council of Churches to uphold the world for Peace with Justice. In the corner of the poster . . . was a dove, a dove of peace, presumably.³⁶⁶

Apparently this poster falls afoul of Hauerwas and Willimon’s command not to translate.

They wonder:

Does not the Bible teach that war and injustice arise precisely at the moment we cease testifying that our world is in God’s hands and therefore set out to take matters in our hands? Why cannot the National Council of Churches proclaim that to the world? The council cannot preach that on its posters because the council, like most American Christians, assumes that the key to our political effectiveness lies in *translating* our political assertions into terms

365. Ibid., 21. Emphasis added.

366. Ibid., 36.

that can be embraced by any thinking, sensitive, modern (though disbelieving), average American.³⁶⁷

I cannot help but wonder why Hauerwas and Willimon assumed the dove is a cultural symbol rather than the dove that Noah released after the destruction of the world or the particularly Christian symbol for the Holy Spirit found in Matthew 3:16.³⁶⁸ Furthermore, why do they ignore the very first few sentences of their Bible where God gave the earth to humankind and ordering the first people to take matters into their own hands? In short, I am not sure the poster involved all that much translating. Certainly Hauerwas and Willimon believed it did they believed that such translation is harmful to the Christian church. Hauerwas similarly presumes that when Christians speak of justice, they are translating Christianity's message into the language of its culture. If so, the Bible often fails to be true to Christianity. For example, Martin Luther King Jr. often quotes the book of Amos: "But let justice roll down like waters, and righteousness like an ever-flowing stream."³⁶⁹

The church's translation of Christianity into its culture's idiom is so pernicious, according to Hauerwas and Willimon, that it even destroyed the church's ability to oppose Hitler:

Barth was horrified that his church lacked the theological resources to stand against Hitler. It was theological liberals, those who had

367. Ibid., 37. Emphasis added.

368. Matthew 3:16 says, "And when Jesus had been baptized, just as he came up from the water, suddenly the heavens were opened to him and he saw the Spirit of God descending like a dove and alighting on him." (NRSV)

369. Amos 5:25 (NRSV). This is only the most obvious example.

spent their theological careers *translating* the faith into terms that could be understood by modern people and used in the creation of modern civilization, who were unable to say no. Some, like Emanuel Hirsch, even said yes to Hitler.³⁷⁰

Hauerwas repeats his claim that translation impeded Christian resistance to Hitler in other places. For example, in his essay, “Remembering as a Moral Task: The Challenge of the Holocaust,” Hauerwas explains:

Only by recovering the particularity of Christian convictions and their correlative ethical implications can we gain a perspective by which the Holocaust can be seen as a perversion of the Gospel and gain a better sense of how Christians should relate to this world.³⁷¹

He continues,

It is my contention that the church lost the means to challenge the Nazis exactly to the extent it tried to base its “ethics” on grounds other than those made possible by the faithful life of Jesus of Nazareth.³⁷²

Hauerwas wants the church to use its own particular language rather than that of its culture, and he thinks that when the church is committed to its own epistemology it will have the resources to better resist the state’s malevolent schemes. Throughout this entire process, however, Hauerwas assumes that it is the church that is doing the translating and that the church can stop the process. I think it safe to say that the state can learn to use the language of the church as well, thereby rendering Hauerwas’s solution ineffectual.

370. Hauerwas and Willimon, *Resident Aliens*, 25. Emphasis added.

371. Stanley Hauerwas, “Remembering as a Moral Task: The Challenge fo the Holocaust” in *The Hauerwas Reader*, eds. John Berkman and Michael Cartwright (Durham and London: Duke University Press, 2001), 332-3.

372. *Ibid.*, 333.

The Sixties

Hauerwas and Willimon contend that things changed in the 1960s opening a window for the church to reject continued translation and re-embrace the particularity that marked the church's existence before Constantine. *Resident Aliens*, opens explaining: "Sometime between 1960 and 1980, an old, inadequately conceived world ended, and a fresh, new world began."³⁷³ They laud this change an opportunity to reject the long-standing but eventually self-defeating assumptions of Christendom. For Hauerwas and Willimon, the events of the 1960s that weakened the influence of the church allow for a revival of authentic Christianity.

Yet, as they describe the important changes in the sixties, they give virtually no attention to the Civil Rights Movement. For example, none of the following terms appear in the index: race, racism, Martin Luther King Jr., Black Power, segregation, oppression, the Ku Klux Klan, White Citizen Council, Jim Crow, the Civil Rights Movement, or Southern Christian Leadership Conference.

Moreover, the first example in the book is a theater in South Carolina opening on a Sunday in 1963, but the book fails to mention the "Letter from Birmingham City Jail," the March on Washington, or King's "I have a dream" speech, all of which also occurred that same year. So, while Hauerwas and Willimon claim that the sixties were an important time of transition in the church, particularly as the church defined its relationship to its culture, the Civil Rights Movement is apparently not central to that change. But the Civil Rights Movement did have something to say about the church's

373. Hauerwas and Willimon, *Resident Aliens*, 15.

relationship with its culture. This lack of attention to the Civil Rights Movement becomes starker and more problematic the deeper one gets into Hauerwas's thought.

Hauerwas and Democracy

Stephen Carter goes to great lengths to explain, "how [churches] serve democracy,"³⁷⁴ an argument that Hauerwas would find unpersuasive at best. But there are some places where Hauerwas and Carter likely see eye to eye. Carter contends that Christians, at least mainstream Christians, do not need religious liberty guarantees because Christians hold so much power that the law does not impede their religious practices. Hauerwas is saddened that,

Christians have been so concerned with supporting the social and legal institutions that sustain freedom of religion, we have failed to notice that we are no longer a people who make it interesting for a society to acknowledge our freedom.³⁷⁵

Hauerwas believes that Christians who are faithful to their convictions will require the protections that religious liberty guarantees—but they are not, so they do not. Carter and Hauerwas both assert a Christian cultural hegemony.

There is also common ground shared by Hauerwas and Rorty. Rorty worries, "When I am told by Stout that opponents of humility such as Hauerwas, MacIntyre and Milbank are now favored over Rauschenbusch and Niebuhr by students in Protestant

374. Stephen L. Carter, *The Culture of Disbelief*, 39.

375. Stanley Hauerwas, *After Christendom?* (Nashville, TN: Abingdon Press, 1991), 70-1.

seminaries, I fear for the republic.”³⁷⁶ Despite Rorty’s fear of Hauerwas, Hauerwas’s desire for the church to be a colony of heaven and Rorty’s desire to see religion out of the public square are not mutually exclusive. Both are concerned about the influence of people like Jerry Falwell³⁷⁷ and both think that democracy demands a secularized public sphere, albeit one that Rorty embraces and Hauerwas rejects.

Hauerwas asks,

Does that mean I do not support “democracy?” I have to confess I have not got the slightest idea, since I do not know what it means to call this society ‘democratic.’ Indeed, one of the troubling aspects about such a question is the assumption that how Christians answer it might matter. Such an opportunity of choices assumes that we are or should be rulers.³⁷⁸

But Hauerwas’s logical leap is flawed. Consider, for example, when social commentators ask Muslims in America whether Islam supports democracy. Does that indicate that those commentators think Muslims should rule America? It is, in fact, that Christians in America are citizens (despite Hauerwas’s attempt to get Christians in America to reject a claim of American citizenship) that motivates the question.

Rorty wants Christians to leave their faith outside of the public square. He fears that democracy cannot stand if faith enters the public square. Hauerwas fears that

376. Richard Rorty, “Religion in the Public Square: A Reconsideration,” *Journal of Religious Ethics* 31, no. 1 (2003): 148.

377. See, for example, Rorty, “Religion in the Public Square,” 142 and Hauerwas and Willimon, *Resident Aliens*, 32.

378. Stanley Hauerwas, “The Democratic Policing of Christianity” *Dispatches From the Front: Theological Engagements with the Secular* (Durham and London: Duke University Press, 1994), 105.

authentic Christianity cannot survive the process either. In the end, Hauerwas and Rorty sing in concert: Rorty wants faith out of the public square and Hauerwas is willing to leave. Sadly, these similarities come with a price, as Hauerwas also fails to embrace Martin Luther King Jr. and Rorty and Hauerwas both presume that democratic cooperation demands a shared epistemology. As such, Hauerwas mourns that “Christians have learned to police their convictions in the name of sustaining such social orders [as democratic social processes.]”³⁷⁹

Instead of expressing an opinion about democracy, Hauerwas explains that he “would like Christians to recapture the posture of the peasant. The peasant does not seek to become the master, but rather she wants to know how to survive under the power of the master.”³⁸⁰ Sadly, Hauerwas’s failure to take King’s legacy seriously is telling. King would say that Jim Crow justice kept African-Americans in the south in a state of peasanhood. As such, to King, “recapturing the posture of the peasant” is demanding full inclusion and full participation in democracy rather than living in a subservient and segregated relationship with the rest of society.

Hauerwas on Rauschenbusch and Niebuhr

When telling the story of Christian ethics in America, particularly as it relates to democracy, Hauerwas reliably mentions Walter Rauschenbusch and Reinhold Niebuhr. He says the assumptions made by these two important thinkers led to the crisis in

379. Hauerwas, “The Democratic Policing of Christianity,” 93

380. *Ibid.*, 105.

ecclesiology and Christian ethics. According to Hauerwas, Walter Rauschenbusch and Reinhold Niebuhr are the two most important recent figures in “a long history of Protestant Christians [who assumed] that Christianity means democracy.”³⁸¹ Their legacy is the problem Hauerwas wishes to solve.

Without question, Rauschenbusch was the most prominent social gospeler. The social gospel was a product of nineteenth-century liberalism applied to Christianity. Furthermore, Rauschenbusch was committed to democracy. Rauschenbusch contrasted cooperatives with capitalism, asserting that the former is democratic and will therefore help usher in the reign of God.

Here I think, we have the difference between saved and unsaved organizations. The one [cooperative] is under the law of Christ, the other [capitalist] under the law of mammon. The one is democratic and the other autocratic. Whenever capitalism has invaded a country or industry, there has been a speeding up in labor and in the production of wealth, but always with a trail of human misery, discontent, bitterness, and demoralization. When co-operation has invaded a country there has been increased thrift, education, and neighborly feelings, and there has been no trail of concomitant evil and no cries of protest.³⁸²

Rauschenbusch certainly thought that the church should be engaged in society and civil government. In fact, he contends that a state could be and should be “under the law of Christ and is to that extent a saved community.”³⁸³

Rauschenbusch and the social gospel turned American Christianity’s attention

381. Ibid., 93.

382. Walter Rauschenbusch, *A Theology for the Social Gospel* (New York: Abington Press, 1917), 113.

383. Ibid.

back to the suffering of people in this world. He wanted Christianity to focus on improving the conditions of poor people. He further contended that liberalism, through human social evolution, the tools of the social sciences, the use of democracy, et cetera, would bring humanity closer to the Kingdom of God.

Hauerwas dislikes when the church sees improving the world as its mission and he worries that Christians are too devoted to democracy. Nevertheless, there was much in Rauschenbusch for Hauerwas to appreciate. For example, Hauerwas explains, “There is no clear line in Rauschenbusch between his theology and his ethics. His whole task was to deny the separation of theology and ethics.”³⁸⁴ What bothers Hauerwas is Rauschenbusch’s concern about improving “the world” and his devotion to democracy. Hauerwas worries that “Rauschenbusch’s account of the relation, or perhaps better, identification of Christianity and democracy appears naive, idealistic, even dangerous.”³⁸⁵ More significantly, Hauerwas is concerned about Rauschenbusch’s successors:

The irony is that the very society—democratic—that Rauschenbusch desired made his account of Christianity and the church unintelligible. He assumed that there was a significant relation between Christian belief in the kingdom of God and his social vision. That assumption would become increasingly problematic.³⁸⁶

In particular, Hauerwas thinks the next step in this dangerous pattern is Reinhold

384. Stanley Hauerwas, “Walter Rauschenbusch and the Saving of America,” *A Better Hope: Resources for a Church Confronting Capitalism, Democracy, and Postmodernity* (Grand Rapids, Michigan: Brazos Press, 2000), 95.

385. Hauerwas, “The Democratic Policing of Christianity,” 97.

386. Hauerwas “Walter Rauschenbusch and the Saving of America,” 107.

Niebuhr. Hauerwas regularly singles Niebuhr out as an example of the problem Hauerwas wishes to eliminate.

Niebuhr deemed Rauschenbusch overly optimistic and, therefore, sought to describe a more realistic Christian theology, especially as it related to pacifism and Christian involvement in civic life. In particular, Niebuhr accepts, “the important fact . . . is that men do seem to possess, among other moral resources, a sense of obligation toward the good, however they may define it.”³⁸⁷ But Niebuhr rejects Rauschenbusch’s optimistic assessment of democracy explaining that “even a nation composed of individuals who possessed the highest degree of religious goodwill would be less than loving in its relation to other nations.”³⁸⁸ Central to Niebuhr’s thought is that individuals might be altruistic but groups of people are not, even when those groups are made up of altruistic individuals. Niebuhr’s pessimism about corporate virtue extends to democracy. Niebuhr rejected the assumption that democracy is connected to the progress of civilization toward some better existence because “the love commandment is . . . no simple historical possibility.”³⁸⁹ Since love as a corporate ethic is impossible in an earthly existence, Niebuhr seeks justice as an “approximation of brotherhood.”³⁹⁰ It is not some inherent goodness in democracy that makes Niebuhr value it, but rather it is that

387. Reinhold Niebuhr, *Moral Man and Immoral Society* (Louisville, KY: Westminster John Knox Press, 2001), 38.

388. *Ibid.*, 75.

389. Reinhold Niebuhr, *Nature and Destiny of Man: A Christian Interpretation, Volume II, Human Destiny* (New York: Charles Scribner’s Sons, 1964), 247.

390. *Ibid.*, 252.

sometimes democracy can restrict the evil of corporate humanity.

Likewise, he explains that democracy is not purely non-coercive because the “democratic method of resolving social conflict, which some romanticists hail as a triumph of the ethical over the coercive factor, is really much more coercive than it at first seems.”³⁹¹ Humanity in groups is less virtuous than individuals, so government’s goal must be to resist evil or injustice. This resistance is inherently coercive. For Niebuhr, democracy is merely functional whereas in the social gospel democracy can become an extension of God’s plan.

Given that Niebuhr weakens Rauschenbusch’s devotion to democracy one might assume that Hauerwas would like the change. However, Hauerwas believes that Niebuhr moved the wrong way, rejecting the best parts of Rauschenbusch and accepting the worst. Hauerwas says of Niebuhr, “Like Rauschenbusch he simply assumes that liberal social orders, with their commitment to freedom of the individual and equality, are normative for Christian presumptions about social relations.”³⁹²

It is Niebuhr’s desire to be realistic that bothers Hauerwas. Realism, Hauerwas contends, sacrifices Christianity’s message. How realistic is it to believe that a person died and then came back to life three days later? Christianity is premised on irrationality. Therefore, Niebuhr’s contention that “a rational ethic aims at justice, and a religious ethic makes love the ideal”³⁹³ is precisely the problem. When Christians seek the first they

391. Niebuhr, *Moral Man*, 4.

392. Hauerwas, “The Democratic Policing of Christianity,” 102.

393. Niebuhr, *Moral Man*, 57.

sacrifice the latter.

Niebuhr's justification for democracy is likewise problematic for Hauerwas. Niebuhr presumes that human society demands coercion. (Democracy is simply the most justifiable and easily controlled form of coercion.) Niebuhr contends that Christians can and should accept the coercion implicit in democracy. Niebuhr thinks the enormity of evil in the world demands a response that has a realistic chance of countering such evil. That the response is coercive is a sacrifice Christians must make in order to sustain society. Hauerwas believes, "Niebuhr's justification of democracy is but a form of Constantianism in a liberal key."³⁹⁴ Hauerwas thinks that, in the end, Niebuhr is less concerned with the truth of Jesus' words in Luke 6 demanding that his followers' response to evil should be love³⁹⁵ than he is with maintaining a functional society.

For Hauerwas and Willimon, Niebuhr sacrificed fidelity to Christ's command for the ability to be effective. Hauerwas and Willimon dislike Niebuhr's devotion to the

394. Hauerwas, "The Democratic Policing of Christianity," 104.

395. Luke 6:27b-36, (NRSV):

Love your enemies, do good to those who hate you, bless those who curse you, pray for those who abuse you. If anyone strikes you on the cheek, offer the other also; and from anyone who takes away your coat do not withhold even your shirt. Give to everyone who begs from you; and if anyone takes away your goods, do not ask for them again. Do to others as you would have them do to you.

'If you love those who love you, what credit is that to you? For even sinners love those who love them. If you do good to those who do good to you, what credit is that to you? For even sinners do the same. If you lend to those from whom you hope to receive, what credit is that to you? Even sinners lend to sinners, to receive as much again. But love your enemies, do good, and lend, expecting nothing in return. Your reward will be great, and you will be children of the Most High; for he is kind to the ungrateful and the wicked. Be merciful, just as your Father is merciful.

“public church”³⁹⁶ because it accepts that the church should seek justice rather than love as an ethic. It should “work for justice, which, Niebuhr said, is a kind of embodied realistic, socially applicable form of Jesus’ simpler, more individual love. Fortunately, justice is something good to work for, because” even modernists “do believe in justice.”³⁹⁷ But, in the end, Hauerwas and Willimon are deeply critical of Niebuhr’s position, explaining “Unfortunately, such theological reasoning is yet another example of the sort of theological rationalization so typical of the post-Constantinian church”³⁹⁸

The story of twentieth century political theology as Hauerwas repeatedly tells it is missing an important step. Walter Rauschenbusch’s social gospel had too much faith in rationality and democracy and Niebuhr’s response magnified that error. This magnification is particularly strong given Niebuhr’s influence.³⁹⁹ Hauerwas asserts that he offers a corrective to Niebuhr’s dangerously misguided political theology, but missing from this story is liberation theology and Martin Luther King Jr. Hauerwas wants to believe that his theology is consistent with King’s but King counts Rauschenbusch and Niebuhr as central influences. At those points where King disavows Rauschenbusch, King cites Niebuhr’s corrective. King built his work on the foundation of Rauschenbusch and Niebuhr. How does Hauerwas maintain his fidelity to King when Hauerwas seeks to destroy the influence of Rauschenbusch and Niebuhr?

396. Hauerwas and Willimon, *Resident Aliens*, 31.

397. *Ibid.*, 76.

398. *Ibid.*, 76.

399. *Ibid.*, 32.

Hauerwas and Martin Luther King Jr.

Stanley Hauerwas explains that from 1969, when he was a student, until 1995, he did not address “the continuing struggle of African-Americans in this country.”⁴⁰⁰ Sadly, that window includes most of his career, including *Resident Aliens*. Tautologically, Hauerwas explained that he “refrained from pontificating on ‘race’ because I feared that that is what it would be—pontification.”⁴⁰¹ Hauerwas acknowledges that racism’s roots runs deep and removing that weed is difficult.⁴⁰² Therefore, he says that “using” Martin Luther King Jr. “to advance my own understanding of ‘Christian Ethics’ seemed wrong.”⁴⁰³ The problem is that racism can thrive amidst silence just as it can hide amidst “pontification.”

Hauerwas wants to claim King, declaring that “King, as far as I am concerned, is a model of . . . activism for Christians.”⁴⁰⁴ Hauerwas reasserted that Martin Luther King Jr. is an exemplar for Christians in his essay “The Church’s One Foundation Is Jesus Christ Her Lord or In a World without Foundations All We Have Is the Church.”⁴⁰⁵

400. Stanley Hauerwas, “Remembering Martin Luther King Jr. Remembering,” *Wilderness Wanderings* (Boulder, CO: Westview Press, 1997), 225.

401. Ibid.

402. Ibid.

403. Ibid.

404. Ibid., 232.

405. Stanley Hauerwas, “The Church’s One Foundation Is Jesus Christ Her Lord or In a World Without Foundations All We Have Is the Church.” *In Good Company: The Church as Polis* (Notre Dame and London: University of Notre Dame Press, 1995), 48.

Nevertheless, this mention of King among a list of other twentieth century Christian icons (Dorothy Day, Dietrich Bonhoeffer, Clarence Jordan, et cetera) is the only mention of King in a book that purports to be about the role of the church in politics.⁴⁰⁶ Again, a survey of his index is helpful in showing some holes in Hauerwas's theorization. He indexes "sin" nine times but does not mention race or racism, sex, gender or sexism. The book is silent on the Civil Rights Movement, but it discusses "justice" ten times. Hauerwas sees the church's focus on securing justice as dangerously Constantinian. Hauerwas wants to claim King without the distraction of even mentioning race or racism. Fittingly, he is silent on the Civil Rights Movement as its goal (justice) has become Hauerwas's anathema. Hauerwas is willing to sacrifice the Civil Rights Movement in the furtherance of his ideology. Hauerwas seems to want the cache of King's legacy while at the same time rejecting King's goals.

Certainly there are some places in which King and Hauerwas are in harmony, I will show that these notes of harmony are fleeting coincidences in two songs that are mostly discordant. For example, in the "Letter from Birmingham City Jail" King praises the early Christians who were under "the conviction that they were 'a colony of heaven,' and had to obey God rather than man."⁴⁰⁷ James Moffatt translated Philippians 3:20 as "we are a colony of heaven."⁴⁰⁸

406. Hauerwas, "Introduction," *In Good Company*, 6.

407. King, "Letter from Birmingham City Jail," 300.

408. Philippians 3:20 in *The New Testament: A New Translation*. Translated by James Moffatt (New York: Hodder and Stroughton, 1913) 248. The NRSV reads "our citizenship is in heaven."

King and Hauerwas both call upon this language, which appears to strengthen Hauerwas's claim that King is an exemplar of the kind of action Hauerwas wants—but one should continue reading the rest of that paragraph in the “Letter from Birmingham City Jail.” King praises the early church (using the language of a colony of heaven) because it “brought an end to such ancient evils as infanticide and gladiatorial contest.”⁴⁰⁹ But, it was Constantine who finally ended the “gladiatorial contests.”⁴¹⁰ King's colony of heaven is profoundly Constantinian, as opposed to being an example of Hauerwas's colony of heaven and the antidote to sixteen hundred years of Constantinian influence.

Likewise Hauerwas and King are both pacifists, but there is important room between Hauerwas pacifism and King's. King explained,

I am no doctrinaire pacifist. I have tried to embrace a realistic pacifism. Moreover, I see the pacifist position not as sinless but as the lesser evil in the circumstance. Therefore I do not claim to be free from the moral dilemmas that the Christian nonpacifist confronts.⁴¹¹

This realism is infused with Niebuhr, whose influence King claimed earlier in the essay. For example, Niebuhr contends that all social actions involve coercion;⁴¹² therefore, a purely pacifist position is impossible. Niebuhr declared, “The fact that the coercive factor in society is both necessary and dangerous seriously complicates the whole task of

409. King, “Letter,” 300.

410. Gregory T. Armstrong, “Church and State Relations: The Changes Wrought by Constantine” *Journal of Bible and Religion* Vol. 32 No. 1 (Jan, 1964): 5.

411. King, “Pilgrimage to Nonviolence,” 39.

412. Niebuhr, *Moral Man and Immoral Society* , 6.

securing both peace and justice.”⁴¹³ The influence of Niebuhr distinguishes King from Hauerwas; King’s paragraph continues, “But I am convinced that the church cannot remain silent while mankind faces the threat of being plunged into the abyss of nuclear annihilation.”⁴¹⁴

In contrast, Hauerwas and Willimon said in *Resident Aliens*:

We do not argue that the bomb is the worst thing humanity can do to itself. We have already done the worst thing we could do when we hung God’s son on a cross. We do not argue that we must do something about the bomb or else we shall obliterate our civilization because God has already obliterated our civilization in the life, teaching, death, and resurrection of Jesus.⁴¹⁵

What Hauerwas and Willimon condemn is awfully similar to King’s starkly worded warning, “The choice today is no longer between violence and nonviolence. It is either nonviolence or nonexistence.”⁴¹⁶

Ultimately King saw that separation from the world is impossible. Hauerwas worries that Constantinianism weakens the church. King knew that a nuclear holocaust would destroy the church. The interconnectedness of humanity, combined with humanity’s ability either to use nuclear weapons or to destroy of our shared habitat incrementally makes a threat to the world and a threat to the church one in the same. The church simply cannot exist without its world.

413. Ibid., 20.

414. King, “Pilgrimage to Nonviolence,” 39-40.

415. Hauerwas and Willimon, *Resident Aliens*, 89.

416. King, “Pilgrimage to Nonviolence,” 39.

However, more telling than King and Hauerwas's assessments of the threat of nuclear war was their prescription for action. In particular, should Christians reach out and cooperate with non-Christian people and groups even if it requires translation, or should Christians stand apart from "the world" and maintain the theological purity of their prophetic denouncement of nuclear escalation? Hauerwas thinks the latter is the better Christian answer. King's essay "Showdown for Nonviolence" asserted that nonviolence, in order to be successful, must reach out to non-Christians:

We welcome help from all civil rights organizations. There must be a diversified approach to the problem, and I think both the NAACP and the Urban League play a significant role. I also feel that CORE and SNCC have played very significant roles.⁴¹⁷

When more directly addressing the threat of nuclear war, King, in his sermon "Remaining Awake Through a Great Revolution," asserted:

It is no longer a choice my friends between violence and nonviolence. It is either nonviolence or nonexistence, and the alternative to disarmament, the alternative to a greater suspension of nuclear tests, the alternative to strengthening the United Nations and thereby disarming the whole world may well be a civilization plunged into the abyss of annihilation, and our earthly habitat would be transformed into an inferno that even the mind of Dante could not imagine.⁴¹⁸

King desperately appealed to anyone who would listen that the threat of nuclear war was so grave that Christians must find allies in the world in efforts disarm the world. This stands in sharp contrast to Hauerwas and Willimon who dismiss such efforts:

417. Martin Luther King, Jr. "Showdown for Nonviolence," in *A Testament of Hope*, ed. James M. Washington (New York: HarperCollins Publishers, 1991), 70.

418. King, Martin Luther, Jr. "Remaining Awake Through a Great Revolution," 276.

If we are going to live in a world of the bomb, say Constantini-ans, we Christians must be willing to suppress our peculiarities, join hand with whoever will join hands with us, and work for peace and justice.⁴¹⁹

Instead they call for the church to stand outside of such cooperation, risk being called tribal if necessary, and condemn the nuclear escalation from an exclusively Christian perspective. I do not suggest that one response is more effective or appropriate than the other; but merely that these are two different assessments of the threat, two different models of Christian action and two different approaches to interacting with the world.

Martin Luther King Jr. and Reinhold Niebuhr

King and Hauerwas both addressed the legacy of Reinhold Niebuhr and that may be the key to unlock the relationship between King and Hauerwas's Christian colony. As noted above, Hauerwas condemns Niebuhr as a major advocate of the error of the Constantinian church. King, in contrast, said that Niebuhr is "a prime influence upon his life."⁴²⁰

King first read *Moral Man & Immoral Society* while in seminary, and Niebuhr's writings became central to King's life and work. In 1960 King published "Pilgrimage to Nonviolence" in *The Christian Century*'s series "How

419. Hauerwas and Willmon, *Resident Aliens*, 42.

420. Branch, *Parting the Waters*, 87.

My Mind Has Changed.”⁴²¹ As noted in chapter two, King said that during seminary, “I was a thoroughgoing liberal.”⁴²² But, he continued, my

readings of the works of Reinhold Niebuhr made me aware of the complexity of human motives and the reality of sin on every level of man’s existence. Moreover, I came to recognize the complexity of man’s social involvement and the glaring reality of collective evil. I came to feel that liberalism had been all too sentimental concerning human nature and that it leaned toward a false idealism.⁴²³

Additionally, King in the “Letter from Birmingham City Jail” accepted and cited Niebuhr’s reasoning:

History is the long and tragic story of the fact that privileged groups seldom give up their privileges voluntarily. Individuals may see the moral light and voluntarily give up their unjust posture; but as Reinhold Niebuhr has reminded us, groups are more immoral than individuals.⁴²⁴

Furthermore, as Taylor Branch noted, King “invoked Niebuhr in every one of his major books, always with a sketch of *Moral Man and Immoral Society*.”⁴²⁵

After the Civil Rights Movement, parts of *Moral Man and Immoral Society* sound profoundly prophetic. Consider, for example, Niebuhr’s prescription for challenging Jim Crow, which was written decades before the Civil Rights Movement:

421. See editorial note by James M. Washington in “Pilgrimage to Nonviolence,” 35.

422. King, “Pilgrimage to Nonviolence,” 35.

423. *Ibid.*, 35-6.

424. King, “Letter From Birmingham City Jail,” 292.

425. Branch, *Parting the Waters*, 87.

Boycotts against banks which discriminate against Negroes in granting credit, against stores which refuse to employ Negroes while serving Negro trade, and against public service corporations which practice racial discrimination, would undoubtedly be crowned with some measure of success.⁴²⁶

King also quoted this passage in *Where Do We Go From Here*.⁴²⁷

King and Hauerwas on Translating

King regularly translated Christian idioms into the language of his wider culture. For example, when describing the “sacredness of human personality,”⁴²⁸ King begins with the language of the church saying, “our Hebraic-Christian tradition refers to this inherent dignity of man in the Biblical term *the image of God*.”⁴²⁹ But he goes on to translate, saying, “this idea of the dignity and worth of human personality is expressed eloquently and unequivocally [sic] in the Declaration of Independence. ‘All men,’ it says ‘are created equal.’”⁴³⁰ King continued translating *imago dei*, explaining it in terms of Frederick Douglass, Martin Buber and Immanuel Kant. In five paragraphs King took a particularly religious idea and translated it into a language that non-Christians or even

426. Niebuhr, *Moral Man and Immoral Society*, 254.

427. Martin Luther King, Jr., *Where Do We Go From Here* included in *A Testament of Hope*, ed. James M. Washington (New York: HarperCollins Publishers, 1991), 602.

428. Martin Luther King, Jr., “The Ethical Demands for Integration,” in *A Testament of Hope*, ed. James M. Washington (New York; Harper Collins Publishing, 1991), 118. Emphasis in original.

429. *Ibid.*, 118-9. Emphasis in original.

430. *Ibid.*, 119.

nonreligious people can adopt.

King, likewise, translated Christian ideas in the “Letter from Birmingham City Jail.” When King defended his civil disobedience, he appealed to the particularities of his religious tradition. He wrote, “A just law is a man-made code that squares with the moral law or the law of God,”⁴³¹ and he gives an example of civil disobedience from the Biblical story of “Shadrack, Meshack and Abednego.”⁴³² But he also explains his actions using Socrates. Scandalously, for Hauerwas, King describes a generic form a justice devoid of any particularly Christian meaning. Consider the example I cited in chapter one, King explained that “an unjust law is a code that the majority inflicts on a minority that is not binding on itself. This is difference made legal. On the other hand a just law is a code that a majority compels on itself. This is sameness made legal.”⁴³³ In these two examples, and in innumerable others, King took deeply religious ideas and translated these ideas, making them believable to people who did not share the particularities of his faith. Part of what made Martin Luther King Jr. so effective was his mastery of this type of translation.

Liberalism and Translation

In claiming that Hauerwas is too afraid of translation, I am holding up Martin Luther King Jr. as a model. One might rightly ask how I square that with my claim in chapters two and three that political philosophers who demand that religious people

431. King, “Letter,” 293.

432. Ibid., 294.

433. Ibid., 295.

translate their ideas into secular language run afoul of King's life and work. I seem to be playing both sides of the street. But my critique of Rawls and Rorty on the one hand and Hauerwas on the other are really quite similar because each of these thinkers make the same fallacious assumption. Each assumes that conversations in the public sphere, in order to save democracy, require epistemological conformity. Rawls and Rorty want to find and embrace the epistemology, Hauerwas wants to reject it even at the cost of abandoning democracy.

I want to abandon the assumption that the public sphere requires epistemic or linguistic conformity. The public sphere thrives when ideas clash, including ideas about what is the best language and the best epistemology to use when discussing issues in the public sphere. The problem is the assumption (shared by Rawls, Rorty and Hauerwas) that there is but one acceptable language. The fact that King uses multiple idioms is exactly my point. Sometimes he refuses to translate, rejecting Rawls and Rorty but doing what Hauerwas desires. At other points he does translate, which Hauerwas would condemn but Rawls and Rorty would demand. King challenges the shared contentions of Rawls, Rorty and Hauerwas.

Gloria Albrecht's Critique of Hauerwas

I want to focus my critique of Hauerwas in conversation with Gloria Albrecht's liberationist critique of Hauerwas. I think this is a useful step because I share Albrecht's concern that Hauerwas does not focus enough on oppression. She also helps articulate religious ethics amidst postmodern challenges to liberalism. I contend that there is much

that is both accurate and important in Albrecht's liberationist response to Hauerwas, although she overreaches in a manner that hampers the effectiveness of the rest of her critique.

Albrecht has four overlapping issues with Hauerwas. First, he speaks as if what he says is universally true; second, his approach is authoritarian; third, he uses nonviolence to hide the violence implicit in his work; and fourth, his work is woefully lacking in awareness of liberationist themes, for example, his lack of attention to Martin Luther King Jr. and the Civil Rights Movement. I argue that if not for the last issue the others would be minimized if not outright eliminated. Therefore, I argue that from a Kingian perspective that Albrecht should have focused on how Hauerwas's work leaves few resources to resist oppression. This is the root problem. The focus on other secondary issues distracts from this critical problem.

The Universal Hauerwas

Albrecht argues that Hauerwas starts from particular circumstances and tries to universalize his conclusions, at least to all Christians.⁴³⁴ In contrast, Albrecht readily admits that her circumstances are particular. Problematically, Albrecht claims that she does not universalize. Furthermore, Albrecht contends that oppression finds root in Hauerwas's works because he universalizes particularity. I agree with Albrecht's

434. Gloria Albrecht, *The Character of our Communities*, (Nashville, TN: Abingdon Press, 1995), 104ff. While Hauerwas would agree that his circumstances are particular in that he is Christian, Albrecht is suggesting that Hauerwas speaks from a particular context even within Christianity. Furthermore, he does so as if he speaks for all Christians.

assessment of Hauerwas, but I contend that Albrecht also speaks universally.

For example, consider the following passage where she acknowledges some continuities with Hauerwas:

There are important areas of convergence between Hauerwas's ethics of character and the feminist ethics of liberation which I use. . . . Our methodologies agree that humans are socially constructed; that all human knowledge is historically situated; and that the character of the communities which shape us is a central concern for doing Christian ethics. We share a critique of liberal theory with its image of the isolated, individual rational self who freely selects this belief or that value from the marketplace of rootless ideas. We agree that there is no separation of public and private spheres; we each take seriously the public nature of "private" morality (sexuality, marriage, and procreation). And we will both find the church in the U.S. captive to unfaithful ideologies.⁴³⁵

Note how often Albrecht uses universalizing terms: "humans *are* socially constructed," "*all* human knowledge is historically situated," and "there is *no* separation of public and private spheres." This problem is even more clear on the next page when she explains that she wants

to bring to bear in Christian ethics an analysis of the social, economic, and political power of dominant groups to name as "true" their own historically located assumptions and perspectives. I will argue that this analysis needs to be applied to any claim about Christian ethics, including my own.⁴³⁶

She wants to interrogate truth claims, including her own. This sounds wonderfully self-reflective, but she needs to go a step further. Upon what grounds does she establish the claim that we should interrogate truth claims. In her attempt to avoid universalizing she

435. Albrecht, *The Character of our Communities*, 25.

436. *Ibid.*, 26.

universalizes the demand not to universalize. Her concern about Hauerwas is not that he speaks from a particular experience, but that he speaks universally about that experience. From her particular experience she condemns universalizing, but in doing so she exposes *her* universalized assumptions.

Lest I put the cart before the horse, let me turn to the substance of Albrecht's book. Albrecht seeks to expose the unstated universalities in Hauerwas. Effectively, when he says "we," he means only a certain group of "we." She asserts that he is popular in certain circles precisely because his universal "we" is actually a specific "we": it is really "we powerful people." So far as this goes, I completely agree. Hauerwas ignores those who disagree with his ideology, including Martin Luther King Jr. Albrecht explains, while "asserting a universal gospel of salvation, by self-definition Hauerwas reveals that he is speaking to the needs arising from the social position and experiences and fears of white middle- and upper-class American males."⁴³⁷ Furthermore, she contends that "when [Hauerwas] uses the term 'Christian'" he means those Christians who are "white middle- and upper-class, with some power and possessions, who fear the other who reveals to them their limits of power and knowledge, and who fear the violence in themselves toward these others."⁴³⁸

Albrecht is right to point out that Hauerwas's theology fails to embrace Christian movements of liberation. I share that concern, but Albrecht takes her critique a step too far. For me, Hauerwas fails to describe the truth accurately; for Albrecht, Hauerwas fails

437. Ibid., 110.

438. Ibid., 115.

because he *tried* to describe the truth accurately. Albrecht thinks Hauerwas's task misguided, I think the task is noble even if his conclusion is wrong.

Furthermore, Albrecht argues that Hauerwas's devotion to nonviolence is corrupted by his advocacy for universalizable truth. Appealing to the authority of "Kwok Pui-lan, a Chinese Christian,"⁴³⁹ Albrecht reports:

Kwok argues that this oneness of truth produces the crusading spirit in which absolute truth provides not only the answers for all people but deigns to define for them the questions as well. It is this hierarchical model of truth, she warns, that leads to the coercion of all others into one sameness and homogeneity; the universalizing of the One.⁴⁴⁰

Albrecht wants her reader to move from Hauerwas's assumption that there is one truth to the idea that assuming one truth leads to violence. Others make similar claims, for example, Regina M. Schwartz argues that monotheism leads to violence.⁴⁴¹ Yet in each case, the rejection of universality is done universally. Said more clearly, Albrecht's claim that "absolute truth...leads to the coercion of all others" is universal and absolute.

On a similar theme, Albrecht explains that "while purporting to eschew violence, Hauerwas legitimates the cause of the violent experiences related by Kwok Pui-lan and other non-Western Christians, the violent imposition of the one absolute truth."⁴⁴²

439. *Ibid.*, 104.

440. *Ibid.*, 105. I cannot help but ask, if it is absolutely true that "oneness of truth produces the crusading spirit in which absolute truth provides not only the answers for all people but deigns to define for them the questions as well."

441. Regina M. Schwartz, *The Curse of Cain: The Violent Legacy of Monotheism* (Chicago and London: The University of Chicago Press, 1997).

442. Albrecht, *The Character of our Communities*, 107.

Albrecht believes that claiming to know the truth produces a marginalized “other,” those who do not recognize your version of truth. Albrecht concludes that this is dangerous and leads to violence. However, she does not acknowledge that she is making a claim to have the truth.

I am not saying this as an argument *ad hominem tu quoque*. The problem is not that Albrecht does the same thing that Hauerwas does. If that is my goal I do not exonerate Hauerwas so much as I also indict Albrecht and myself. What I am suggesting is that the move toward universalizing is not as grave as Albrecht indicates. We see in King that liberation themes can be a part of a universalized narrative:

An just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of Saint Thomas Aquinas, an unjust law is a human law that is not rooted in eternal law and natural law.⁴⁴³

Therefore, what is really problematic in Hauerwas is that what he universalizes supports oppression.

The Authoritarian Hauerwas

Albrecht’s second criticism of Hauerwas is that his universal structure produces a dangerous, authoritarian religion. Albrecht quotes Dorothee Soelle: “The cardinal virtue of authoritarian religion is obedience; the cardinal sin is resistance.”⁴⁴⁴ Albrecht then

443. King “Letter form Birmingham City Jail,” 293.

444. Quoted in Albrecht p. 116. Dorothe Soelle *The Window of the Vulnerable: A Political Spirituality* (Minneapolis: Fortress Press, 1990), 87.

echoes Soelle, admonishing that, “authoritarian religion tends to function to support the dominant in society.”⁴⁴⁵ Her argument echoes Rorty:

Ecclesiastical organizations typically maintain their existence by deliberately creating ill-will toward people who belong to other such organizations, and toward people whose behavior they presume to call immoral. They thereby create unnecessary human misery.⁴⁴⁶

Unfortunately, Albrecht offers no more evidence than Rorty did. So, let me turn to Soelle:

Authoritarian religiosity functions to affirm the society and stabilize its dominant tendencies. Within authoritarian religion, emancipatory willingness to change and critical transcendence of what is are rejected, even and especially when they are religiously founded: God’s justice and love are less important than God’s power.⁴⁴⁷

Certainly there are authoritarian religions that do exactly as Soelle and Albrecht say.

However this claim runs into problems in the context of the Civil Rights Movement. I contend that presuming an authoritarian God can embolden resistance.

Consider King’s last sermon, delivered mere hours before his assassination. After recounting ongoing threats to his life, King concluded:

I got into Memphis. And some began to say the threats, or talk about the threats that were out. What would happen to me from some of our sick white brothers? Well, I don’t know what will happen now. Because I’ve been to the mountaintop. And I don’t mind. Like anybody, I would like to live a long life. Longevity has its place. But I’m not concerned about that now. I just want to do God’s will. And he has allowed me to go up to the mountain. And

445. Albrecht, 116.

446. Richard Rorty, “Religion in the Public Square: A Reconsideration,” *Journal of Religious Ethics* 31, no. 1 (2003): 141-2.

447. Soelle, 87.

I've looked over. And I've seen the promised land. I may not get there with you. But I want you to know tonight, that we, as a people will get to the promised land. And I'm happy tonight. I'm not worried about anything. I'm not fearing any man. Mine eyes have seen the glory of the coming of the Lord.⁴⁴⁸

The next day, he was shot and killed. It was his confidence in God's sovereignty that gave King the courage to stand for justice. Obedience to God,⁴⁴⁹ "I just want to do God's will," emboldened resistance⁴⁵⁰ to an oppressive and violent temporal power.

Martin Luther King Jr.'s claims of truth were quite authoritarian, in that they demanded obedience. For example:

One day we will have to stand before the God of history and we will talk in terms of the things we've done. Yes, we will be able to say we build gargantuan bridges to span the seas, we build gigantic buildings to kiss the skies. Yes, we made submarines to penetrate oceanic depths. We brought into being many other things with our scientific and technological power.

It seems that I can hear the God of history saying, "That was not enough! But I was hungry and yet fed me not. I was naked and ye clothed me not. I was devoid of a decent sanitary house to live in, and you provided no shelter for me. And consequently, you cannot enter the kingdom of greatness. If ye do it unto the least of these, my brethren, ye do it unto me." That's the question facing America today.⁴⁵¹

Nevertheless this passage, which demands specific behaviors in order to "enter the kingdom of greatness," does not "tends to function to support the dominant in society."

Albrecht and I agree that Hauerwas's theology supports the status quo. In fact,

448. King, "I See the Promised Land," 286.

449. Which Soelle said is "the cardinal virtue of authoritarian religion."

450. Which Soelle said is "the cardinal sin."

451. King, "Remaining Awake," 275.

after she asserts that “authoritarian religion tends to function to support the dominant in society,” she condemns the “religion of the dominant”⁴⁵² as undermining efforts for liberation. Nevertheless, it is wrong to suggest that only the religion of the dominant can be authoritarian. When writing the “Letter from Birmingham City Jail,” King’s theology was often quite authoritarian, King believed that God commanded certain actions, for example willfully violating unjust laws. In other words, for King, God commanded breaking laws that “function to support the dominant in society.”

This is to say Soelle’s (and Albrecht’s) contention that a theology with an authoritative God lends support to the “dominant in society” is problematic in light of the Civil Rights Movement. In fact, the religion of the oppressed can reach for God not to serve as “an opium of the people”⁴⁵³ but rather because God offers a “Preferential Option for the Poor.”⁴⁵⁴ The problem with Hauerwas’s theology is not simply that it is authoritarian but that it authorizes an acceptance of the status quo.

The Nonviolently Violent Hauerwas

Just as Albrecht’s critique of Hauerwas’s universality and authoritarian theology stem from the fact that he fails to take liberation seriously as a goal for the church, so

452. Albrecht, 116.

453. Karl Marx, “Critique of Hegel’s Philosophy of the Right” in *Marx On Religion*, ed. John Raines (Philadelphia: Temple University Press, 2002), 171.

454. Gustavo Gutierrez, “Liberation and the Poor: The Puebla Perspective” in *Third World Liberation Theologies: A Reader*, ed. Deane William Fenn (Maryknoll, NY: Orbis Books, 1986) 22ff.

does her critique of Hauerwas's commitment to nonviolence. I suspect Albrecht would agree that nonviolence in the context of a commitment to justice for the oppressed is less problematic than Hauerwas's demand that the church be nonviolent while at the same time rejecting justice for the poor as a valid goal for the church. Albrecht repeatedly points out that what Hauerwas proposes and what Martin Luther King Jr. did are quite different.⁴⁵⁵ Albrecht also acknowledges the important contributions of Oscar Romero and Jean Donovan.⁴⁵⁶

Albrecht contrasts nonviolence as a method for achieving justice with Hauerwas's pacifism. As Albrecht notes:

When differences caused by class, sexual orientation, race, and gender are ignored, Hauerwas's gospel of nonresistance functions to contribute to the violence experienced by the marginalized and those suffering the very real pain of political and economic exploitation.⁴⁵⁷

Nonviolence that does not counter injustice serves to hide and enable the more pernicious violence. As King in "Letter from Birmingham City Jail," says:

I had hoped that the white moderate would understand that the present tension of the South is merely a necessary phase of the transition from an obnoxious negative peace, where the Negro passively accepted his unjust plight, to a substance-filled positive peace, where all men will respect the dignity and worth of human personality. Actually, we who engage in nonviolent direct action are not the creators of tension. We merely bring to the surface the

455. Albrecht, *The Character of our Communities*, 118 and 121.

456. *Ibid.*, 118. Albrecht reminds her readers that Donovan was "one of the four American Roman Catholic women raped and murdered in El Salvador." Romero was the martyred liberationist Archbishop of San Salvador.

457. Albrecht, *The Character of our Communities*, 137.

hidden tension that is already alive. We bring it out in the open where it can be seen and dealt with. Like a boil that can never be cured as long as it is covered up but must be opened with all its pus-flowing ugliness to the natural medicines of air and light, injustice must likewise be exposed, with all of the tension its exposing creates, to the light of human conscience and the air of national opinion before it can be cured.⁴⁵⁸

Albrecht is right to condemn Hauerwas in the way King condemned a “negative peace.”

However, I wish for a bit more nuance when Albrecht explains that “by placing his gospel in its social location, Hauerwas’s version of Christian nonviolence and nonresistance is revealed as a defense of social privilege, power and control.”⁴⁵⁹ I am less concerned about Hauerwas’s privilege than his failure to counter injustice. King’s letter was written to privileged clergy people to persuade them to speak out boldly against injustice and King commends those “noble souls from the ranks of organized religion . . . [who] joined us as active partners in the struggle for freedom.”⁴⁶⁰ For King, it less about social location where ideas are produced than it is about what ideas are produced in that social location.

Albrecht makes a similar claim when she explains:

Only from the view of those denied adequate education, housing, healthcare, employment, and nutrition due to the color of their skin, or their gender, or their residence in a nation of the two-thirds world or an abandoned center city of the U.S., can such a socially located gospel of nonviolence and nonresistance be exposed as violent.⁴⁶¹

458. King, “Letter from Birmingham City Jail,” 295.

459. Albrecht, *The Character of our Communities*, 108.

460. King, “Letter from Birmingham City Jail,” 300.

461. Albrecht, *The Character of our Communities*, 117.

I share Albrecht's contention that just treatment of the oppressed is a central test of an ethical system's fidelity to Christian faith. Likewise, I share her contention that Hauerwas failed this important test. Nevertheless, I am concerned that she essentializes oppressed people as the arbiters, or at least seers, of truth. This is not to say that the oppressed need guidance from the enlightened, but I am concerned about Albrecht's implicit claim that the privileged cannot see the violence, "Only from the view [of the oppressed]" can violence be exposed. I assert that privilege allows the powerful *to choose to avoid* seeing, but that is quite different from saying that they *cannot* see. Albrecht's implies that privileged people are blinded to injustice, while I claim that they are willfully choosing not to see. Albrecht's position lets the privileged off the hook, but I think they remain culpable.

Again, this is where close attention to the Civil Rights Movement is particularly helpful. King used nonviolence to point out the violence inherent in the system so that privileged people could not help but see it. King contends that one of the effects of nonviolence is that

it is the only way to reestablish the broken community. It is the method which seeks to implement the just law by appealing to the conscience of the great decent majority who through blindness, fear, pride, or irrationality have *allowed* their conscience to sleep.⁴⁶²

Furthermore, King contended that failing to use nonviolence allowed privileged people to continue to avoid noticing the violence perpetrated against "those denied adequate

462. Martin Luther King, Jr., "The Rising Tide of Racial Consciousness," in *A Testament of Hope*, ed. James M. Washington (New York: HarperCollins Publishers, 1991), 148-9. Emphasis added.

education, housing, healthcare, employment, and nutrition due to the color of their skin, or their gender, or their residence in a nation of the two-thirds world or an abandoned center city of the U.S.”

In an article published days after his assassination, King explained:

Riots tend to intensify the fears of the white majority while relieving its guilt, and so open the door to greater repressions. We’ve seen no changes in Watts, no structural changes have taken place as a result of the riots. We are trying to find an alternative that *will force people to confront the issues.*”⁴⁶³

King does not accept that social location determines what we can see. If we presume that social location is determinative nonviolence does nothing to end the oppression and is a cruel endorsement of continued violence against the weak. In truth, Albrecht’s claim that oppression can only be seen from the margins undergirds the status quo just as surely as Hauerwas’s rejection of an ethic of justice while requiring nonviolence.

King contends that there is decency without regard to social location. We now come full circle to the issue of universality. King, like Hauerwas, repeatedly contends that nonviolence is divinely commanded or at least commanded by Christian morality:

We know that in our struggle in America and in our specific struggle here in Montgomery, violence will not only be impractical but also immoral. We are outnumbered; we do not have access to the instruments of violence. Even more than that, not only is violence impractical, but it is *immoral.*⁴⁶⁴

He asserted that nonviolence “is nothing more and nothing less than Christianity in

463. King, “Showdown for Nonviolence,” 68. Emphasis added.

464. “Martin Luther King, Jr., “Walk for Freedom,” in *A Testament of Hope*, ed. James M. Washington (New York: HarperCollins Publishers, 1991), 83. Emphasis in original.

action. It seems to me to be the Christian way of life in solving problems in human relations.”⁴⁶⁵ Similarly, King said,

nonviolence in the truest sense is not a strategy that one uses simply because it is expedient at the moment; nonviolence is ultimately a way of life that men live by *because of the sheer morality of its claim*.⁴⁶⁶

For King, nonviolence was not just pragmatic but it is the response that Christian theology demands of its adherents. It is this rationale that is consistent with Hauerwas but problematic for Albrecht and her concern that Hauerwas’s work universalizes in the name of God.

Perhaps Albrecht hopes that King’s position as an oppressed African-American allows her argument to stand. If so then King’s words in the voice of a white male would have been a problem. This approach risks essentializing the virtue of the oppressed. Furthermore, King’s critics often accused him of doing precisely what Albrecht accuses Hauerwas of doing, hiding the outrage of the black community.⁴⁶⁷

King’s approach was profoundly authoritative and universalizing:

If one is in search of a better job, it does not help to burn down the factory. If one needs more adequate education, shooting

465. Martin Luther King, Jr., “The Current Crisis in Race Relations,” in *A Testament of Hope*, ed. James M. Washington (New York: HarperCollins Publishers, 1991), 86.

466. Martin Luther King, Jr., “An Experiment in Love,” in *A Testament of Hope*, ed. James M. Washington (New York: HarperCollins Publishers, 1991), 17. Emphasis added.

467. Stokely Carmichael, “What We Want,” in *Civil Rights Since 1787: A Reader on the Black Struggle*, ed. Jonathan Birnbaum and Clarence Taylor (New York: New York University Press, 2000), 612.

the principal will not help, or if housing is the goal, only building and construction will produce that end. To destroy anything, person or property, can't bring us closer to the goal which we seek.⁴⁶⁸

King's efforts exposed violence rather than hiding it: "The nonviolent strategy has been to dramatize the evils of our society in such a way that pressure is brought to bear against those evils by the forces of good will in the community and change is produced."⁴⁶⁹

Albrecht got it almost right. She saw correctly that Hauerwas ignored oppression. But suggesting that only the oppressed can see the evils of oppression let's Hauerwas off the hook. Hauerwas is wrong because he *should* have attended to oppression but did not.

468. Martin Luther King, Jr., "Nonviolence: The Only Road to Freedom" in *A Testament of Hope*, ed. James M. Washington (New York: HarperCollins Publishers, 1991), 58. Note that even the title is authoritative and universalizing.

469. *Ibid.*

CHAPTER 5
DEMOCRACY AND TRADITION AND CONCLUSION

There is much to praise in Jeffrey Stout's *Democracy and Tradition*. He pays much closer attention to the life and work of Martin Luther King Jr. than Rawls, Rorty and Hauerwas do, and this is part of the reason I think his theorization is such an improvement over theirs. Stout explained:

In my days of adolescent sublime, Martin Luther King, Jr., was the hero of my humanitarian cause, and Jesus was one of the three personifications of my loving divinity. Nowadays things have become more complicated because I have come to know more about these figures of virtue than their hagiographers and publicists wanted me to know. Now that I am less innocent of the complexities, I am no less moved by love and justice, no less cognizant of the place such traits have in a virtuous character, and no less able to put these concepts to work discursively than I used to be. King and Jesus remain persons of ethical interest, as before. I still spend much of my time thinking about them. Love and justice remain virtues, as well; but now the relation between the persons and the virtues is more complicated. It requires a different, less doctrinal, more improvisational kind of explication. To the extent that King and Jesus exemplify virtues in my imaginative life, they now do so imperfectly and defensibly.⁴⁷⁰

Stout takes King seriously and as a result he makes much more theoretical space for people like King. Nevertheless, he too maintains the strange distinction though in a *much* weakened form. I propose that eliminating the already profoundly weakened distinction, thereby allowing even greater openness.

470. Stout, *Democracy and Tradition*, 173.

Jeffrey Stout and Secularization

Stout rejects Rorty and Rawls's most extreme efforts to remove religion from public discourse. He explains that Rorty "has claimed that reasoning from religious premises to political conclusions is nowadays either imprudent, improper or both. The late John Rawls, the most distinguished political philosopher of our time, at first defended a similar restrictive view."⁴⁷¹ While Stout is critical of their rejection of religious reasoning in political matters, I contend that his loosening of the bonds on religion leaves the bonds too restrictive. Though he makes more room for people of faith like Martin Luther King Jr., he also desires some restraint when he argues, "Clearly, there are circumstances in which it would be imprudent or disrespectful for someone to reason solely from religious premises when defending a political proposal."⁴⁷²

Stout asserts that "reasoning from religious premises to political conclusions can imply disrespect for those who do not accept those premises. For example, such reasoning can be calculated to convey the undemocratic message that one must accept a particular set of religious premises to participate in political debate at all."⁴⁷³ At first glance, this seems to be the mirror image of Carter's argument that one's religious inclinations should not determine your welcome in the public square, but there are critical differences. When Carter argues that proponents of mandatory secularity say that religion should not be in the public square, the target of his complaint are quite obviously ideas like those proposed

471. *Ibid.*, 64.

472. *Ibid.*

473. *Ibid.*, 65.

by Rawls and Rorty. One wonders who are the proponents in Stout's mind. His use of the passive voice hides who doing the calculating and the religious reasoning. Is he referring to activists or thinkers who want a public sphere where only one particular religion is acceptable? The actual mirror image of Carter's complaint is a demand that everyone use religious reasons in order to participate in the public square. However, just as religious people are not harmed by hearing secular reasons, I do not see how a nonreligious person is harmed by hearing religious reasons. He or she need not credit those arguments as valid, need not be persuaded by them and need not respond in kind. This is likewise true of people who encounter religious reasoning which differs from their own religious commitments.

Stout continues, "Such a message is now often reserved for atheists and Muslims, but Jews and Catholics can still occasionally sense it in the air."⁴⁷⁴ While he delineates the targets of this invidious reasoning, he does not give examples of the reasoning. Certainly we must condemn efforts to exclude people because of their faith. Nevertheless, a political party opening its nominating convention with a very sectarian prayer or a candidate citing Christian scriptures to support his or her policy positions might be disrespectful and unwise, but it is not strictly undemocratic. I do not doubt that there are laws that unjustly target people because of their faith and we should oppose those laws forcefully. However, that was *not* Stout's indictment. He contended that some, "reasoning from religious premises to political conclusions" targeted people. To the contrary, if candidates are inclined to formulate policy positions by reading the Bible, atheists might

474. Ibid., 65.

very well want to know that and vote for the other candidates on election day.

Let me be clear about my complaint. I am not suggesting that anti-atheist, anti-Muslim, anti-Catholic or anti-Semitic rhetoric is laudable or even excusable; what I am suggesting is that the public sphere can only exist with the free flow of ideas. Restricting that flow harms the forum while not preventing the problem. The answer to disrespectful or divisive discourse is respectful and unifying discourse.

Jeffrey Stout and Rawls

After pointing out that one problem with Rawls's theorization is its restrictions on political engagement like that of Martin Luther King Jr.⁴⁷⁵ Stout says, "it is hard to credit any theory that treats" the words of King and Abraham Lincoln "as placeholders for reasons to be named later."⁴⁷⁶ Stout contends that this shoehorning of King and Lincoln into Rawls's wider paradigm exposes the need for a major revision.

Stout declares that "Rawls has overestimated what can be resolved in terms of the imagined common basis of justifiable principles, and has done so because at this one point in constructing his theory he has drastically underestimated the range of things that cooperative individuals can reject."⁴⁷⁷ This passage requires a bit of unpacking. It is easier to start from the second contention and work backward. Stout contends that Rawls mistakenly assumes that socially cooperative people—those people who, in good faith,

475. *Ibid.*, 69.

476. *Ibid.*, 70.

477. *Ibid.*

engage in civic discourse—will inherently reject the use of private reason, including religious reasoning, in public discourse. But Stout asserts that it is wrong to label those who use religious reasons as unreasonable or even socially uncooperative. Stout is right. Otherwise we must conclude that Martin Luther King Jr. was either not religious or not socially cooperative?

If socially cooperative people do not necessarily reject religious reasoning, then the remainder of Rawls's project is compromised. If the people in the conversation cannot agree to follow Rawls's rules, then it is almost silly to propose what those rules could have resolved. As Stout explains, "The irony here is that the contractarian interpretation of the idea of public reason is itself something that epistemologically and morally responsible citizens would be entitled, on the basis of their own collateral beliefs, to reject."⁴⁷⁸ In effect, this returns to Botwinick's objection: Rawls is insufficiently self-reflective. Just as he is not neutral about neutrality, his inability to justify his rules weakens the ability of those rules to provide a justification for reaching decisions in public discourse.

Stout uses Rawls as a jumping off point for his own theorization. He cites Rawls's *Commonweal* interview in which Rawls worries that the rejection of public reason will lead to a return to religious warfare.⁴⁷⁹ Rawls explains that he wants religious people to "give arguments that all reasonable citizens might agree to."⁴⁸⁰ Rawls then asks

478. Ibid., 75.

479. Rawls, "Commonweal Interview with John Rawls," 620.

480. Stout is quoting Rawls, "Commonweal Interview with John Rawls," 620.

rhetorically, “Again, what is the alternative?”⁴⁸¹ Stout responds, “Let us see whether we can find one.”⁴⁸² I will return to Stout’s proposals in more detail later, but suffice it to say that he does in fact think there is one. Consistent with his pragmatic approach Stout thinks “a person can be a reasonable (socially cooperative) citizen without believing in or appealing to a free-standing conception of justice.”⁴⁸³ In fact, Stout uses his engagement with Stanley Hauerwas as an example of the kind of alternative conversation that Rawls does not think can exist.⁴⁸⁴ As Stout explains:

I will offer [Hauerwas] reasons for embracing the democratic struggle for justice, reasons that ought to carry weight from his point of view . . . They are reasons rooted in *his* theological commitments, which, needless to say, are not universally shared. I intend the exercise as a demonstration of respectful, sincere, nonmanipulative, immanent criticism.⁴⁸⁵

Stout and Hauerwas do not have a shared epistemology and neither of them are Rawlsians. Nevertheless, Stout shows that he and Hauerwas can have a reasonable, socially cooperative conversation that does not rely on Rawlsian public reason.

Stout worries that those he calls traditionalists (Hauerwas, MacIntyre and Milbank) “have largely displaced Reinhold Niebuhr, Paul Tillich, and the liberation theologians as intellectual authorities in the seminaries, divinity schools, and church-

481. Stout, *Democracy and Tradition*, 72.

482. *Ibid.*

483. *Ibid.*

484. *Ibid.*, 76-7.

485. *Ibid.*

affiliated colleges of the wealthier democracies.”⁴⁸⁶ Therefore, many future preachers and religious leaders are ignorant of those thinkers and are being influenced by the idea that “liberal democracy is hypocritical”⁴⁸⁷ and anti-religious. Furthermore, they are learning that religious people should “condemn freedom and the democratic struggle for justice as ‘bad ideas’ for the church.”⁴⁸⁸ Finally, Stout worries that “over the next several decades this message will be preached in countless sermons throughout the heartland of the nation.”⁴⁸⁹

Stout explains that the ignorance is unfortunately two sided:

The more thoroughly Rawlsian our law schools and ethics centers become, the more radically Hauerwasian the theological schools become. Because most of the Rawlsians do not read theology or pay scholarly attention to the religious life of the people,⁴⁹⁰ they have no idea what contractarian liberalism has come to mean outside the fields of legal and political theory.⁴⁹¹

Rawlsian liberals do not engage religion and religious traditionalists reject liberalism. By showing the possibility of engaging these traditionalists on their own terms without using Rawlsian public reason, Stout attempts to bridge this chasm.

486. Ibid., 75.

487. Ibid., 76

488. Ibid.

489. Ibid.

490. Stout does not offer evidence of this assessment but I think he is right. If he is, then the fact that Rawlsians do not take religion or theology seriously exposes the fact that Rawlsianism does not provide space for robust religion.

491. Stout, *Democracy and Tradition*, 75-6.

Jeffrey Stout and Rorty

Stout uses his engagement with Hauerwas to critique Rorty as well as Rawls. In *Democracy and Tradition*, Stout skips over Carter and turns directly to Rorty's critique of Carter. In contrast to Rawls's "moralistic"⁴⁹² tone, Stout explains that, "Richard Rorty's argument for restraint in 'Religion as Conversation-Stopper' is pragmatic. He claims that the public expression of religious premises is likely to bring a potentially productive democratic conversation grinding to a halt."⁴⁹³ Stout goes part of the way with Rorty, asserting that some religious arguments reflect at least "bad taste or imprudence on the part of a speaker."⁴⁹⁴ This is much more moderate than Rorty's desired renunciation and expulsion of religion from the public square. Therefore, Stout does not share Rorty's desire to drive religion from the public sphere, but, he explains,

The reason that relying on religious premises is often imprudent when debating matters of public policy is not, however, that it violates a compromise supposedly reached between 'the Enlightenment' and 'the religious.' It is rather that, in a setting as religiously divided as ours is, one is unlikely to win support for one's political proposals on most issues simply by appealing to religious considerations.⁴⁹⁵

I agree with a narrow read of this passage. It is likely true that often such arguments are ineffectual. But there are three unmentioned problems. First, how does Stout move from ineffectiveness to "bad taste." I am willing to agree that it can be ineffectual, but is

492. Ibid., 85.

493. Ibid.

494. Ibid., 86.

495. Ibid.

ineffectualness always distasteful?

Second, Stout presumes that winning a political battle is the operative goal for participants in the public sphere. While this is often the case, it need not be. Many Christians contend that their responsibility is to speak faithfully even if they sacrifice effectiveness.⁴⁹⁶ Finally, it presumes that people's epistemological commitments are permanent. If the epistemological commitments of all discussion partners are static and if both sides only use reasoning based on their own religious commitments, then there is no possibility of finding agreement. I think, instead, that those commitments are often dynamic, that people's religious and epistemological commitments can shift. It seems unassailably true that many people, Jeffrey Stout⁴⁹⁷ and myself included, have changed their minds on matters of faith at some point. The public sphere does not just allow people to refine their political commitments but their religious or other epistemological commitments as well.

Stout's next paragraph offers a little room on the last point when he explains:

it is possible to assert a premise that is religious in content and stand ready to demonstrate one's entitlement to it. Many people are prepared to argue at great length in support of their religious claims. So we need to distinguish between discursive problems that arise because premises are not widely shared and those that arise

496. Some Christians assert: "God calls us to be faithful—not successful." I have seen this phrase many places, including in an article published by the director of training of Billy Graham's organization. See http://www.billygraham.org/DMag_article.asp?ArticleID=526. Last checked, January 28, 2010. The author, Gary Cobb, also cites Ezekiel 2:7, which has God demanding of Ezekiel "You shall speak my words to them, whether they hear or refuse to hear; for they are a rebellious house." (NRSV)

497. Stout, *Democracy and Tradition*, 173

because the people who avow such premises are not prepared to argue for them.⁴⁹⁸

There is more space in Stout's public sphere for those religious people who are prepared to explicate their commitments publicly, but those people do appear to be compelled to give account for their beliefs. Nevertheless, he worries about religious premises in the public sphere because

it should be clear how this common sort of discursive move tends to put a crimp in the exchange of reasons. If, at a critical point in an argument, one avows a cognitive commitment without claiming entitlement to that commitment, and then refuses to give additional reasons for accepting the claim in question, then the exchange of ideas has indeed come grinding to a halt.⁴⁹⁹

What is less clear are the consequences of the halt. As per Rawls and Rorty, they are a grave threat to democracy. For Stout too, religious premises without justification are worrisome because, "democratic norms are initially implicit in what we do when we demand reasons for some actions."⁵⁰⁰ Therefore Stout says he seeks to resolve "the internal tensions in Rawls's political liberalism by discarding this notion of a freestanding conception of justice and his loaded account of reasonableness, while retaining the idea that we owe reasons to one another when we take stands on important political questions."⁵⁰¹

He retains the requirement to give reasons, and only certain types of

498. Ibid., 87.

499. Ibid.

500. Ibid., 12.

501. Ibid., 184.

reasons, but he contends that pluralism will effectively end the use of religious language for those reasons.

What makes a form of discourse secularized, according to my account, is not the tendency of the people participating in it to relinquish their religious beliefs or to refrain from employing them as reasons. The mark of secularization, as I use the term, is rather the fact that participants in a given discursive practice are not in a position to take for granted that their interlocutors are making the same religious assumptions they are. This is the sense in which public discourse in modern democracies tend to be secularized.⁵⁰²

Secularization is less a tool to keep the dangerous religious adherents in line, rather it works pragmatically as a gift offered to religious adherents. Rather than seeking to limit religious involvement in the public sphere, this version of secularization seeks to make the public sphere more accessible for religious adherents. Stout explains:

The discursive practice in question is secularized, according to my theory, precisely because many of the individuals participating in it do have religious commitments that function as presuppositions in some of their own deliberations and pronouncements.⁵⁰³

This is a vast improvement over Rawls and Rorty. Nevertheless some secularization of political discourse remains necessary given the assumption that reason giving is mandatory. If we are obligated to explain our beliefs to each other then some religious language is problematic because “there is one sort of religion premise that does have the tendency to stop a conversation, at least momentarily—namely, faith-claims.”⁵⁰⁴ Stout worries that using faith-claims in civic life can lead to the exclamation, “Don’t ask

502. Ibid., 97.

503. Ibid., 99.

504. Ibid., 86.

my for reasons. I don't have any."⁵⁰⁵

In fairness to Stout he acknowledges that "a claim can be religious without being a faith-claim," and that there can be faith-claims apart from religion.⁵⁰⁶ Finally, he suggests that as political decisions often require action before one has all of the desired facts, such faith-claims are inevitable.⁵⁰⁷ Nevertheless when religious adherents make faith-claims they are hampering democracy. Therefore, adherents must try to avoid faith-claims. While Stout decreases significantly the types of religious language that he thinks are dangerous for democracy, religious adherents must still guard their language for the sake of democracy.

Stout saw that Martin Luther King Jr. is a problem for Rawls. Furthermore, Stout saw that King is "not the exception that proves the rule," but is just one example among many. Stout reminded his reader of other American religious actors whose Rawls's theorization would exclude: "The Abolitionists did not restrain themselves in [the way Rawls demands]. Abraham Lincoln did not. Martin Luther King, Jr., did not. Dorothy Day did not. Rosemary Radford Ruether does not. Wendell Berry does not."⁵⁰⁸

In responding to Rawls, Stout asserts that:

when proposing a political policy one should do one's best to supply reasons for it that people occupying other points of view

505. Ibid., 87.

506. Ibid. Though clearly his framing of the conversation presumes that religious faith-claims are the major target of his argument.

507. Ibid.

508. Ibid., 84-85.

could reasonably accept. I wholeheartedly embrace this ideal when it is phrased in this (relatively weak) way.⁵⁰⁹

Stout agrees that we are under an obligation to offer reasons, and we should try to offer reasons in a way that the other person can accept. Religious reasons are often difficult for both sides to accept. Therefore, “reasoning from religious premises to political conclusions”⁵¹⁰ can even be “undemocratic.”⁵¹¹

To his credit Stout does not presume that all religious reasons are undemocratic, but some are. Stout demands reasons and says that some reasons are not good enough, or at least are detrimental. Stout’s theorization is a vast improvement over that of Rawls and Rorty, but it is still slightly problematic. If Rawls and Rorty treat religious adherents as dangerous enemies of democracy, Stout treats them as second-class citizens. Stout envisions secularization, not as a tool to exclude religious people, but rather as a tool to facilitate their inclusion. Nevertheless, religious adherents and their reasons remain a problem to be solved.

Stout proposes that there is a way for religious adherents to be more easily tolerated in a democracy: If they will use secularized language. Stout suggests that secular language is a gift for religious people in the public sphere and that some religious language is undemocratic. Stout can accept certain kinds of religious language, the kinds that do not “put a crimp” in the conversation. Furthermore, he is willing to offer religious

509. Ibid., 65.

510. Ibid.

511. Ibid.

people secularization as a way of adapting to this need to avoid crimping the conversation. His formulation is a vast improvement over that of Rawls and Rorty because he opened the gate that restricted religious people from the public sphere much wider than Rawls and Rorty did. I wish he had removed the gate altogether. Not only do I not worry that this open public sphere will not endanger democracy, I do not think the public sphere truly exists unless it is open. The discourse, which Rawls, Rorty, Stout and I all believe is necessary in a democracy is less restrained and therefore more robust in my formulation.

Jeffrey Stout and Hauerwas

Stout asserts that the problem in Hauerwas's work is the dangerous combination of John Howard Yoder's ecclesiology and Alasdair MacIntyre antiliberalism. Stout points out that even after accepting Yoder's ecclesiology, Hauerwas was quite comfortable discussing the church seeking justice. It was later when Hauerwas mixed that with MacIntyre that Hauerwas went astray. Stout asserted that when Hauerwas rejects justice as a goal for the church, Hauerwas

does not support this contention by appealing to Yoder; indeed, he would have trouble doing so, for I see no evidence that Yoder argues this way. Instead, Hauerwas appeals to arguments from MacIntyre as warrant for criticisms of Rawls.⁵¹²

Stout, generously, wonders if Hauerwas might be referring only to a concept of justice as defined outside of Christianity. Nevertheless, Stout rightly concludes, "what seems clear,

512. Ibid., 149.

however, is that the ‘language of justice’ now dropped almost completely out of Hauerwas’s thinking.”⁵¹³

Stout sees a lot of potential in Hauerwas’s theorization. Hauerwas’s devotion to pacifism, if joined with justice as a legitimate goal for Christians would make Hauerwas a much-needed voice. As Stout explains his voice is particularly important in discussions American foreign policy and militarism:⁵¹⁴

If Hauerwas were to stop thrashing his liberal straw man, rediscover the language of justice, and put that language to use in prophetic works of social criticism, his reviewers would surely stop charging him with sectarianism. And much good would ensue. He is as well positioned as any intellectual to pose the challenge of the twenty-first century to American Christians.⁵¹⁵

Stout, like Albrecht, is right that Hauerwas’s commitment to pacifism apart from a robust engagement in justice undermines the value of that commitment to pacifism. Pacifism divorced from seeking justice is particularly dangerous and it furthers oppression.

Stout then asks Hauerwas to give up MacIntyre’s antiliberalism and embrace democracy, not in devotion to Rawls or other liberals but because

reducing the gospel to democracy and reducing it to ecclesiology are hardly the only alternatives. Christians have every reason to concern themselves with the integrity of the church and with the question of what way of life it is meant to exemplify. Yet they are also, as Hauerwas once pointed out, members of families, unions, professions, colleges, ethnic groups, and nations. They are all active consumers, and many hold positions of influence in corporate and government bureaucracies. Christian ethics had

513. Ibid..

514. Ibid., 160.

515. Ibid.

traditionally taken all these roles as falling within its scope, and made it its business to evaluate existing social arrangements in light of stringent standards of justice and love. In doing so, it has entered into conversations and alliances with groups outside of the church. In the modern era, the conversations have often been about democracy.⁵¹⁶

In effect, Stout calls for Hauerwas to embrace democracy and justice out of his own tradition rather than for Rawls's reasons. I agree that Hauerwas could embrace these commitments. However, I also think that Stout's assertion that some types of religious reasons are undemocratic presents a barrier to this step, albeit a much less formidable barrier than the one proposed by Rawls and defended by Rorty.

Stanley Hauerwas's Response to *Democracy and Tradition*

Compared to Rawls and Rorty, there is no doubt that Stout's theorization produced far fewer restrictions against religious people in the public square. This kinder and gentler approach was rewarded in Hauerwas's response to *Democracy and Tradition*.⁵¹⁷ At points in the response, Hauerwas drops his typically defensive, even aggressive, writing style and replaces it with a friendly, welcoming tone. In the response, Hauerwas asks,

Why should I, therefore, be so enthusiastic about a book [*Democracy and Tradition*] that is so critical of me? The reason is very simple, Jeff Stout thinks theology matters. That he does so is not only a great gift to me, but to all Christians. That he has taken

516. Ibid., 158.

517. His response is in the postscript to his book, *Performing the Faith*. Stanley Hauerwas, "Postscript: A Response to Jeff Stout's *Democracy and Tradition*," *Performing the Faith* (Grand Rapids, MI: Brazos Press, 2004), 215-241.

the time to read my work—to take what I say seriously, to criticize what I have said—is an act of charity I gratefully accept.⁵¹⁸

The change in Hauerwas’s response is not merely stylistic. He seems more willing to engage in a scholarly conversation with intellectual opponents than previously. For example he opens his response saying,

Stout has made a fresh conversation possible between those who support democratic aspirations and those, like myself, who have worried that the justifications often given for liberal democracies render strong Christian convictions politically irrelevant and imply that such convictions have no purchase on the way things are. In *Democracy and Tradition* Stout distances himself from Rawls and Rorty, who (each for different reasons but with the same effect) deny that religious convictions can play a role in democratic deliberations. As such I hope Stout’s new book will inaugurate the kind of discussion that is so desperately needed in America.⁵¹⁹

This speaks directly to the validity of Stout’s approach. Though I am sure that Hauerwas would argue his position has not changed, it is obvious that Stout’s approach helped Hauerwas move away from his most extreme assertions. For example, in his response to *Democracy and Tradition*, Hauerwas wrote, “The call for the church to be the church is meant as a reminder that *the church is in the world to serve the world*.”⁵²⁰ In contrast, *Resident Aliens* charged, “alas, our greatest tragedies occurred because *the church was all too willing to serve the world*.”⁵²¹ I commend Hauerwas’s changed perspective. Furthermore, it suggests that Stout’s loosening the bonds on religious discourse was

518. Ibid., 217.

519. Ibid., 215.

520. Ibid., 231. Emphasis added.

521. Hauerwas and Willimon, *Resident Aliens*, 43. Emphasis added.

fruitful. Both sides have thereby softened their entrenched positions.

There is still, however, work to be done. At points, Hauerwas returns to his earlier ways. For example, Hauerwas explains:

My criticism of liberalism is not even directed at liberals. (But one of the confusing issues is that prominent “liberals”—e.g., John Locke, Ralph Waldo Emerson, and Reinhold Niebuhr—have claimed to be Christians or at least associated with Christianity.) Indeed I think liberals are doing about the best they can with what they have. My ire is not against liberalism, but against Christians who have confused Christianity with liberalism.⁵²²

The binary opposition between Christian and liberal seems fraught with danger, and Hauerwas’s antipathy toward Niebuhr again reveals the weaknesses in Hauerwas’s theorization.

Hauerwas acts as if Niebuhr is nothing if not a liberal;⁵²³ but, as I noted above, it was Niebuhr’s critique of liberalism that helped King reject liberalism. Furthermore, while there is some question whether Niebuhr is a liberal, he is more certainly a Christian than he is a liberal. Hauerwas’s binary opposition puts Niebuhr outside of the realm of Christianity even if Niebuhr may have “claimed to be” a Christian. Niebuhr was an ordained minister, who before becoming a professor at a Christian seminary, served as the pastor of a Christian church. While one might dispute the definitions of both liberal and Christian and one might argue that the relationship between the two is complex, Niebuhr is more certainly the latter than the former.

522. Hauerwas, “Postscript: A Response to Jeff Stout’s *Democracy and Tradition*,” 232.

523. He also assumes that liberalism is monolithic and its definition is not contentious. These assumptions are shaky, to say the least.

In the end, Hauerwas maintains his resistance toward full Christian participation in civil society. Hauerwas reminds his readers that Stout believes that “modern rights-talk should”⁵²⁴ reject begging. Hauerwas thinks this is,

the locus of the most profound disagreement between what I think Christians believe and what Stout wants. Christians think we are creatures that beg. Prayer is the activity that most defines who we are. Through prayer we learn the patience to take the time to beg, to beg to the One alone who is the worthy subject of such prayer. Through prayer Christians learn how to beg from each other. Christians therefore, can never be at peace with a politics or economic arrangements built on the assumption that we are fundamentally not beggars.⁵²⁵

Hauerwas wants Christians to stand outside of the process of decision making; he wants Christians to choose powerlessness—begging. Instead of having power, they simply hope for generosity. Christians must not demand rights, instead they should be beggars asking for a handout.⁵²⁶

King specifically instructed African-Americans to demand their rights although some accused him of begging. For example, in criticizing King’s Birmingham campaign, Elijah Muhammad declared, “The police and his dogs were sicked upon the whole group of beggars.”⁵²⁷ He continued in the next paragraph, “We are falling on our knees praying

524. Hauerwas, “Postscript: A Response to Jeff Stout’s *Democracy and Tradition*,” 240-1.

525. *Ibid.*, 241.

526. *Ibid.*, 240-1.

527. Elijah Muhammad, “We Must Have Justice,” in *Civil Rights Since 1787: A Reader on the Black Struggle*, ed. Jonathan Birnbaum and Clarence Taylor (New York: New York University Press, 2000), 588.

to a merciless enemy, begging and pleading with blood and tears streaming down our body.”⁵²⁸ Given Hauerwas’s contention that “King, as far as I am concerned, is a model of . . . activism for Christians,”⁵²⁹ we should expect King to agree with Muhammad’s description of the Civil Right Movement’s activists as beggars. Of course, we know that King rejected begging and explained that he sought to help African-Americans gain real power so they can stop having to beg from white people. In an article in the *New York Times Magazine*, King laid out the steps that the African-American community needed to take to establish real power. He asserted, “We will have to learn to refuse crumbs from the big-city machines and steadfastly demand a fair share of the loaf.”⁵³⁰

Even given Stout’s movement toward Hauerwas, and even given Hauerwas reciprocation, Hauerwas still wants Christians to remain on the periphery of civic life. I disagree with Hauerwas’s assessment of what Christianity demands of Christians; but, I think his movement toward Stout is instructive. As Stout backed away from the extreme positions of Rawls and Rorty, Hauerwas made tentative movements toward moderating his own extreme positions. I want Stout to go further and I believe that doing so will also be rewarded by Hauerwas further dropping his objections.

Stout’s maintenance of the “strange distinction,” even in a much weakened form continues to give Hauerwas justification for distrusting those who say they are inviting

528. Ibid.

529. Hauerwas, Stanleying “Remember Martin Luther King Jr. Remembering,” *Wilderness Wanderings* (Boulder, CO: Westview Press, 1997), 232.

530. Martin Luther King, Jr., “Black Power Defined,” in *A Testament of Hope*, ed. James M. Washington (New York: HarperCollins Publishers, 1991), 309.

him into the public sphere. Opening the public sphere to whatever language the speaker wants to use will remove Hauerwas's concern that his religious language is unacceptable.

Importantly for Hauerwas, he no longer would feel forced to translate Christian ideas into other acceptable language, because any language would be perfectly acceptable. Once inside the public sphere, Hauerwas would be free to use theological language if he so desired or switch to secularized language in the interest of greater effectiveness. In his response to *Democracy and Tradition*, Hauerwas declares, "Christians are called to endure, not win."⁵³¹ Fortunately, in my theorization, there is no reason why Hauerwas must be effective if theological purity is more important to him.

An Open Public Sphere

Stout wondered if he could enact the kind of conversation that Rawls thought would be impossible. I think Stout did and we are the better for it. I wonder if we can make a discursive space that is open to Hauerwas as he currently is. In truth, I think a commitment to democracy demands the openness I propose.

Stout continues to accept the premise that some religious reasons are detrimental to democracy. However, democracy presumes people weigh decisions using their own reasons, not those of Rawls, Rorty or even Stout. I return to: how do we make sense of King's justifications in "Letter from Birmingham City Jail?" He used reasons that were nonpublic though Rawls disapproves of doing so. King gave reasons that were private though Rorty disapproves of doing so. King gave reasons that were Constantinian though

531. Hauerwas, "Postscript: *A Response*," 217.

Hauerwas disapproves of doing so.

An open public sphere means that he can give whatever reasons he wants. This is not to say that words are meaningless. They are important because they change minds. King gave reasons with the goal of changing people's minds and ultimately people's votes. This is a central act in a democracy. But when envisioned this way, political actors, be they religious people or not, do not have to check their reasons by Rawls, Rorty, or Hauerwas. Nor must they check with Stout to assure that they are not faith-claims. All reasons are welcome, but as Stout said, not all reasons will be effectual. King's reason giving, his "Letter from Birmingham City Jail," was an attempt to persuade people to vote in a specifically way. The conversation was not the end in and of itself, neither is the reason giving. Rather, for King, they served the interest in assuring electoral success. If the conversation is not the end, then faith-claims are less inherently problematic. Stout comes very close to this position. I think embracing it would result in a more welcoming, more transparent, more robust, more honest and more welcoming public sphere. Removing restrictions, no matter how minor,⁵³² creates a public sphere that is truly public. A truly open public square will expand the voices included in the conversation and will produce a more robust, less restrained discourse.

However, in this model of a public sphere, where religious reasons are welcome alongside nonreligious reasons, religious people cannot control what they will hear in the public sphere. As such Carter is wrong to suggest that people outside a given tradition

532. Arguably if it is only minor restrictions, then there is even less cost to abandoning them.

cannot criticize the internal decisions of that tradition. For example, he dismisses condemnations of sexism from outside a religion. As I noted above, he explains:

Criticisms of this kind miss the point of religions as alternative sources of meaning for their adherents: the truth is that outsiders have no standpoint from which to judge what counts as a ‘superior’ or ‘inferior’ position or indeed, whether the words have any meaning within the faith.⁵³³

Religion that engages in social criticism of others will receive criticism itself. If religious people want to speak in the public sphere, the price is knowing that others might very well respond. Though neither group is obligated to follow the suggestions of the other, while speaking in the public sphere people will likely encounter contrary ideas.

If the Roman Catholic Church decides to speak out “in defense of life,” it is free to do so. And in the public sphere it may try to convince others that it is right. It may even seek to convince others that its epistemology is right. But it cannot then silence others who criticize its practices using an epistemology that differs from the Roman Catholic Church.

We need not have epistemological conformity in the public sphere. In fact one in the public sphere may contend for a specific epistemology over against another. Said another way, epistemology is a topic of conversation in the public sphere rather than the rules which guide the conversation. If the public sphere exists to enable us to convince each other, then certainly we should be open to being convinced by other’s epistemology also. Robust debates, even including debates about epistemology, strengthen the public

533. Stephen L. Carter, *The Culture of Disbelief* (New York: Basic Books, 1993), 40

sphere. My proposed fully open public sphere⁵³⁴ might be cacophonous and chaotic at times, but also more welcoming and more honest.

534. In truth I think this a redundancy as a closed public sphere is an oxymoron. Nevertheless I stay with the language as so many seek to place restrictions on the conversation.

BIBLIOGRAPHY

- Abington Township School District v. Schempp* 374 U.S. 203 (1963).
- Albrecht, Gloria. *The Character of our Communities*. Nashville, TN: Abingdon Press, 1995.
- Armstrong, Gregory T. "Church and State Relations: The Changes Wrought by Constantine." *Journal of Bible and Religion* 32 no. 1 (January, 1964): 1-7.
- Asad, Talal. *Formations of the Secular: Christianity, Islam, Modernity*. Stanford, CA: Stanford University Press, 2003.
- Baldwin, Lewis V. "On the Relation of the Christian to the State: The Development of a Kingian Ethic." In *The Legacy of Martin Luther King, Jr.*, edited by Lewis V. Baldwin, 77-123. Norte Dame, IN: University of Notre Dame Press, 2002.
- Bellah, Robert. "Civil Religion in America" http://www.robertbellah.com/articles_5.htm, last checked May 27, 2009. It was originally in *Dædalus, Journal of the American Academy of Arts and Sciences* 96, no. 1 (Winter, 1967): 1-21.
- . "Religion and the Legitimation of the American Republic." In *The Robert Bellah Reader*, edited by Robert N. Bellah and Steven M. Tipton, 246-264. Durham and London: Duke University Press, 2006.
- Berger, Peter. *The Sacred Canopy: Elements of a Sociological Theory of Religion*. New York; Anchor Books, 1990.
- Botwinick, Aryeh. *Postmodernism and Democratic Theory*. Philadelphia: Temple University Press, 1993.
- Branch, Taylor. *Parting the Waters: America in the King Years 1954-63*. New York: Simon & Schuster Inc., 1989.
- Buchanan, Patrick J. "Address to the Republican National Convention" <http://www.americanrhetoric.com/speeches/patrickbuchanan1992rnc.htm>, last checked January 11, 2010.
- Canedy, Dana. "Lifting Veil for Photo ID Goes Too Far, Driver Says." *The New York Times*. 27 June 2002.
- Carmichael, Stokely. "What We Want." In *Civil Rights Since 1787: A Reader on the*

- Black Struggle*, edited by Jonathan Birnbaum and Clarence Taylor, 611-614. New York: New York University Press, 2000.
- Carter, Stephen L. *The Dissent of the Governed*. Cambridge, MA: Harvard University Press, 1998.
- . *The Culture of Disbelief* (New York: Basic Books, 1993).
- Casanova, José. *Public Religions in the Modern World*. Chicago: The University of Chicago Press, 1994.
- City of Boerne v. Flores*, 521 U.S. 507 (1997).
- Cobb, Gary. "Delivering God's Message"
http://www.billygraham.org/DMag_article.asp?ArticleID=526 last checked January 28, 2010.
- "Commonweal Interview with John Rawls." In *John Rawls: Collected Papers*, edited by Samuel Freeman, 616-622. Cambridge, MA: Harvard University Press, 1999.
- Congressional Record—Senate, The. June 10, 1964. p. 13309.
- Cox, Harvey. *The Secular City*. New York: The Macmillan Company, 1965.
- Cristi, Marcela. *From Civil to Political Religion: The Intersection of Culture, Religion and Politics*. Waterloo, Ontario; Wilfrid Laurier University Press, 2001.
- "The Declaration of Sentiments" of Seneca Falls Convention.
<http://www.usconstitution.net/sentiments.html>. Last checked, January 13, 2010.
- Durkheim, Emile. *The Elementary Forms of Religious Life*. Translated by Karen E. Fields. New York: The Free Press, 1995.
- Elshtain, Jean Bethke. "Christian Contrarian." *Time*, 17 Sep. 2001, 76.
- Employment Division v. Smith*, 494 U.S. 872 (1990).
- Engel v. Vitale*, 370 U.S. 421 (1962).
- Estate of Thornton et al. v. Caldor, Inc.*, 472 U.S. 703 (1985).
- Everson v. Board of Education*, 330 U.S. 1 (1947).

- Franklin, Robert Michael. "In Pursuit of a Just Society: Martin Luther King, Jr., and John Rawls." *The Journal of Religious Ethics* 18, no. 2 (Fall 1990): 57-77.
- Habermas, Jürgen. "Religion in the Public Sphere." *European Journal of Philosophy* 14, no. 1 (2006): 1-25.
- Harrison, Beverly Wildung. "The Early Feminists and the Clergy." In *Making the Connections*, edited by Carol S. Robb, 193-205. Boston: Beacon Press, 1985.
- Hauerwas, Stanley. "A Christian Critique of Christian America." in *The Hauerwas Reader*, edited by John Berkman and Michael Cartwright, 459-480. Durham and London: Duke University Press, 2001.
- . *After Christendom?* Nashville, TN: Abingdon Press, 1991.
- . *In Good Company: The Church as Polis*. Notre Dame and London: University of Notre Dame Press, 1995.
- . "Postscript: A Response to Jeff Stout's Democracy and Tradition," 215-241. *Performing the Faith*. Grand Rapids, MI: Brazos Press, 2004.
- . "Remembering as a Moral Task: The Challenge fo the Holocaust." in *The Hauerwas Reader*, edited by John Berkman and Michael Cartwright, 327-347. Durham and London: Duke University Press, 2001.
- . "Remembering Martin Luther King Jr. Remembering," 225-237. *Wilderness Wanderings*. Boulder, CO: Westview Press, 1997.
- . "The Church's One Foundation Is Jesus Christ Her Lord or In a World Without Foundations All We Have Is the Church," 33-49. *In Good Company: The Church as Polis*. Notre Dame and London: University of Notre Dame Press, 1995.
- . "The Democratic Policing of Christianity," 91-106. *Dispatches From the Front: Theological Engagements with the Secular*. Durham and London: Duke University Press, 1994.
- . "Walter Rauschenbusch and the Saving of America," 71-107. *A Better Hope: Resources for a Church Confronting Capitalism, Democracy, and Postmodernity*. Grand Rapids, Michigan: Brazos Press, 2000.
- . "Why the 'Sectarian Temptation, Is a Misrepresentation: A Response to James Gustafson." in *The Hauerwas Reader*, edited by John Berkman and Michael Cartwright, 90-110. Durham and London: Duke University Press, 2001.

- Hauerwas, Stanley, and William H. Willimon. *Resident Aliens*. Nashville, TN: Abingdon Press, 1989.
- Hobbes, Thomas. *Leviathan*. Edited by Michael Oakeshott. Oxford: Basil Blackwell, 1960.
- “Integrated Bus Suggestions.” In *The Papers of Martin Luther King, Jr.*, vol III, edited by Clayborne Carson, 481-483. Berkeley, CA: University of California Press, 1997.
- “Instruction on Certain Aspects of the ‘Theology of Liberation’”
http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19840806_theology-liberation_en.html, last checked January 11, 2010.
- “Instruction on Christian Freedom and Liberation” and
http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19860322_freedom-liberation_en.html, last checked, January 11, 2010.
- Jakobsen, Janet R., and Ann Pellegrini. “Introduction: Times Like These.” In *Secularisms*, edited by Janet R. Jakobsen and Ann Pellegrini, 1-35. Durham and London: Duke University Press, 2008.
- King, Martin Luther, Jr. "A Christmas Sermon for Peace." In *A Testament of Hope*, edited by James M. Washington, 253-258. New York: HarperCollins Publishers, 1991.
- . “A Religion of Doing’ Sermon at Dexter Avenue Baptist Church.” In *The Papers of Martin Luther King, Jr.*, vol. VI, edited by Clayborne Carson, 170-174. Berkeley, CA: University of California Press, 2007.
- . “A Time to Break Silence.” In *A Testament of Hope*, edited by James M. Washington, 231-244. New York: HarperCollins Publishers, 1991.
- . “An Experiment in Love.” In *A Testament of Hope*, edited by James M. Washington, 15-20. New York: HarperCollins Publishers, 1991.
- . “Black Power Defined.” In *A Testament of Hope*, edited by James M. Washington, 303-312. New York: HarperCollins Publishers, 1991.
- . "Conversation with Martin Luther King." In *A Testament of Hope*, edited by James M. Washington, 657-679. New York: HarperCollins Publishers, 1991.
- . “The Ethical Demands for Integration.” In *A Testament of Hope*, edited by James M. Washington, 117-125. New York: HarperCollins Publishers, 1991.

- "I See the Promised Land." In *A Testament of Hope*, edited by James M. Washington, 279-286. New York: HarperCollins Publishers, 1991.
- "Letter From Birmingham City Jail." In *A Testament of Hope*, edited by James M. Washington, 289-302. New York: HarperCollins Publishers, 1991.
- "Nonviolence: The Only Road to Freedom." In *A Testament of Hope*, edited by James M. Washington, 54-61. New York: HarperCollins Publishers, 1991.
- "Pilgrimage to Nonviolence." In *A Testament of Hope*, edited by James M. Washington, 35-40. New York: HarperCollins Publishers, 1991.
- "Playboy Interview." In *A Testament of Hope*, edited by James M. Washington, 340-377. New York: HarperCollins Publishers, 1991.
- "Remaining Awake Through a Great Revolution." In *A Testament of Hope*, edited by James M. Washington, 268-278. New York: HarperCollins Publishers, 1991.
- "Showdown for Nonviolence." In *A Testament of Hope*, edited by James M. Washington, 64-72. New York: HarperCollins Publishers, 1991.
- "Statement on Ending the Bus Boycott." In *The Papers of Martin Luther King, Jr.*, vol III, edited by Clayborne Carson, 485-487. Berkeley, CA: University of California Press, 1997.
- "The Current Crisis in Race Relations." In *A Testament of Hope*, edited by James M. Washington, 85-90. New York: HarperCollins Publishers, 1991.
- "The Most Durable Power." In *A Testament of Hope*, edited by James M. Washington, 10-11. New York: HarperCollins Publishers, 1991.
- "The Rising Tide of Racial Consciousness." In *A Testament of Hope*, edited by James M. Washington, 145-151. New York: HarperCollins Publishers, 1991.
- "To the Montgomery Public." In *The Papers of Martin Luther King, Jr.*, vol III, edited by Clayborne Carson, 89-93. Berkeley, CA: University of California Press, 1997.
- "Walk for Freedom." In *A Testament of Hope*, edited by James M. Washington, 82-84. New York: HarperCollins Publishers, 1991.
- *Where Do We Go From Here: Chaos or Community*. Toronto: Bantam Books, 1968.
- *Why We Can't Wait*. New York: Mentor, 1964.

- Gutierrez, Gustavo. "Liberation and the Poor: The Puebla Perspective." In *Third World Liberation Theologies: A Reader*, edited by Deane William Fero, 22-63. Maryknoll, NY: Orbis Books, 1986.
- Lemon v. Kurtzman*, 403 U.S. 602 (1971).
- Locke, John. *The Second Treatise of Civil Government*.
<http://www.constitution.org/jl/2ndtreat.txt>, last checked, May 16, 2009.
- Lynch v. Donnelly*, 465 U.S. 668 (1984).
- Marx, Karl. "Critique of Hegel's Philosophy of the Right" In *Marx On Religion*, edited by John Raines, 170-181. Philadelphia: Temple University Press, 2002.
- McCreary County, Kentucky, et al., Petitioners v. American Civil Liberties Union of Kentucky et al.* 545 U.S. 844 (2005).
- Moore, Edward L. "Billy Graham and Martin Luther King, Jr.: An Inquiry into White and Black Revivalistic Traditions." Ph.D. diss. Vanderbilt University, Nashville, Tennessee (May 1979).
- Muhammad, Elijah. "We Must Have Justice." In *Civil Rights Since 1787: A Reader on the Black Struggle*, edited by Jonathan Birnbaum and Clarence Taylor, 587-588. New York: New York University Press, 2000.
- New York Times Co. v. United States*, 403 U.S. 713 (1971).
- Niebuhr, Reinhold. *Moral Man and Immoral Society*. Louisville, KY: Westminster John Knox Press, 2001.
- . *Nature and Destiny of Man: A Christian Interpretation, Volume II, Human Destiny*. New York: Charles Scribner's Sons, 1964.
- Oxford English Dictionary Online*, Oxford University Press, 2007.
- "Poem earns modest praise." *Grand Rapid Press*. January 21, 2009.
- Rathbun, John W. "Martin Luther King: The Theology of Social Action." *American Quarterly* 20, no. 1 (Spring, 1968) 38-53.
- Rauschenbush, Walter. *A Theology for the Social Gospel*. New York; The MacMillan Company, 1922.

- . *Christianity and the Social Crisis*. Edited by Robert D. Cross. London: The MacMillan Company, 1907.
- Rawls, John. *A Theory of Justice*, Revised Edition. Cambridge, MA: Harvard University Press, 1999.
- . “Commonweal Interview with John Rawls.” In *John Rawls: Collected Papers*, edited by Samuel Freeman, 616-622. Cambridge, MA: Harvard University Press, 1999.
- . *Political Liberalism*, Expanded Edition. New York: Columbia University Press, 2005.
- Rohr, Michael David. “Rorty, Richard McKay.” In *Routledge Encyclopedia of Philosophy*. Vol 8, Edited by Edward Craig, 352-356. London and New York: Routledge, 1998.
- Rorty, Richard. “Ethics Without Principles.” *Philosophy and Social Hope*, 72-90. London; Penguin Books, 1999.
- . *Philosophy and the Mirror of Nature*. Princeton: Princeton University Press, 1980.
- . “Religion as Conversation-stopper.” *Philosophy and Social Hope*, 168-174. London: Penguin Books, 1999.
- . “Religion in the Public Square: A Reconsideration.” *Journal of Religious Ethics* 31, no. 1 (2003): 141-149.
- Rousseau, Jean Jacques. *The Social Contract*. London: J.M. Dent & Sons LTD, 1938.
- Russell, Richard. Speech to “Coosa Valley Area Planning and Development Commission 15 July 1964.” In *Voice of Georgia: Speeches of Richard B. Russell, 1928-1969*, edited by Calvin McLeod Logue & Dwight L. Freshley, 354-358. Macon, GA: Mercer University Press, 1997.
- . Speech to the “Georgia General Assembly 8 February 1960.” In *Voice of Georgia: Speeches of Richard B. Russell, 1928-1969*, edited by Calvin McLeod Logue & Dwight L. Freshley, 348-353. Macon, GA: Mercer University Press, 1997.
- Schwartz, Regina M. *The Curse of Cain: The Violent Legacy of Monotheism*. Chicago and London: The University of Chicago Press, 1997.
- Sharma, Mohan Lal “Martin Luther King: Modern America's Greatest Theologian of Social Action.” *Journal of Negro History* 53 no. 3 (July 1968): 257-262.

- Sherbert v. Verner*, 374 U.S. 398 (1963).
- Soelle, Dorothe. *The Window of the Vulnerable: A Political Spirituality*. Minneapolis: Fortress Press, 1990.
- “Statement by Alabama Clergymen”
<http://www.stanford.edu/group/King/frequentdocs/clergy.pdf>, last checked May 18, 2009.
- Stout, Jeffrey. *Democracy and Tradition*. Princeton: Princeton University Press, 2004.
- Weber, Max. *The Protestant Ethic and the Spirit of Capitalism*. Translated by Talcott Parsons. New York: Routledge, 1992.
- . *The Sociology of Religion*. Translated by Ephraim Fischhoff. Boston: The Beacon Press, 1991.
- West, Cornel. “The Religious Foundations of the Thought of Martin Luther King, Jr.” In *We Shall Overcome: Martin Luther King, Jr. and the Black Freedom Struggle*, edited by Albert, Peter J. and Ronald Hoffman, 113-129. New York: Da Capo Press, 1993.
- Wisconsin v. Yoder*, 406 U.S. 205 (1972).
- Witte, John. *Religion and the American Constitutional Experiment: Essential Rights and Liberties*. Boulder Colorado: Westview Press, 2000.
- United States Constitution, Article 3, Section 3.
- United States Constitution, Article 6. Emphasis added.
- United States Constitution, Fifth Amendment.
- United States Constitution, First Amendment.
- United States Constitution, Fourteenth Amendment, Section 1.
- Zepp, Ira G., Jr. *The Social Vision of Martin Luther King, Jr.* Brooklyn, NY: Carlson Publishing Company, 1989.