



Culture wars : the influence of religion in public life according to Richard John Neuhaus
by David Karl Weber

A thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts in History
Montana State University

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Abstract:

Historical analysis of the relationship of the Christian religion to general culture identifies the recurring (not constant) theme of the culture war. A culture war is that social conflict over the ideas and understandings that intend to shape and define a given culture. Accepting the understanding that contemporary America is embroiled in a culture war, this study investigates the descriptions, analysis and proposals of a principal religious author in America today, Richard John Neuhaus. The first chapter is a necessary prolegomena to this intellectual historical project as it addresses certain current academic notions that philosophically challenge the validity of such a project. The second chapter surveys salient features of the contemporary culture war. The third chapter discusses Neuhaus' tripartite division of the public square and his understanding of society being shaped within the tension due to the legitimate exercise of each of these public realms. The fourth chapter is an overview of the historical genealogy of this notion of tension, focusing on the thought of St. Augustine and Martin Luther. In the fifth chapter these understandings of the culture war are applied to the issue of abortion, for the sake of understanding the conflict and addressing possible solutions. Insofar as the contemporary American culture war is far from being a fiat accompli, historical conclusions are elusive. Therefore, as the historical denouement of this culture war remains ambiguous, Neuhaus proposes ways that publicly potent religion may exercise constructive influence in the civil community.

CULTURE WARS: THE INFLUENCE OF RELIGION
IN PUBLIC LIFE ACCORDING
TO RICHARD JOHN NEUHAUS

by

David Karl Weber

A thesis submitted in partial fulfillment
of the requirements for the degree

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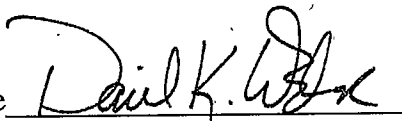
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ABSTRACT

Historical analysis of the relationship of the Christian religion to general culture identifies the recurring (not constant) theme of the culture war. A culture war is that social conflict over the ideas and understandings that intend to shape and define a given culture. Accepting the understanding that contemporary America is embroiled in a culture war, this study investigates the descriptions, analysis and proposals of a principal religious author in America today, Richard John Neuhaus. The first chapter is a necessary prolegomena to this intellectual historical project as it addresses certain current academic notions that philosophically challenge the validity of such a project. The second chapter surveys salient features of the contemporary culture war. The third chapter discusses Neuhaus' tripartite division of the public square and his understanding of society being shaped within the tension due to the legitimate exercise of each of these public realms. The fourth chapter is an overview of the historical genealogy of this notion of tension, focusing on the thought of St. Augustine and Martin Luther. In the fifth chapter these understandings of the culture war are applied to the issue of abortion, for the sake of understanding the conflict and addressing possible solutions. Insofar as the contemporary American culture war is far from being a *fiat accompli*, historical conclusions are elusive. Therefore, as the historical denouement of this culture war remains ambiguous, Neuhaus proposes ways that publicly potent religion may exercise constructive influence in the civil community.

CHAPTER 1

IDEAS AND CONSEQUENCES

The notion of the *Kulturkampf* or culture war is a recurring theme in contemporary descriptions of religion's influence upon public life. It is, of course, not a war fought with bullets, rockets or missiles¹ but a war of ideas; a "struggle to define the America."² Richard John Neuhaus, a central religious character in the present *Kulturkampf*, fondly and frequently refers to Richard Weaver's maxim that "Ideas have consequences."³ This seemingly prosaic and harmless observation, a first principle for any intellectual history project,⁴ has been recently challenged and rejected by some very influential intellectual forces. To this rejection this introduction is addressed.

Presently, there appears to be no dominate consensus that governs the purposes of

¹"It may not be with bullets," he (Weyrich) was once quoted by Viguerie as saying, "and it may not be with rockets and missiles, but it is a war nevertheless. It is a war of ideology, it's a war of ideas, and it's a war about our way of life. And it has to be fought with the same intensity, I think, and dedication as you would fight a shooting war." E.J. Dionne, *Why Americans Hate Politics*, (New York: Simon & Schuster, 1991), p. 229.

²James Davidson Hunter, *Culture Wars: The Struggle To Define America*, (New York: Basic Books, 1991).

³For Neuhaus, moral accountability is a consequent of historical accounts as he writes, "The way to crimes against humanity was prepared by peculiar ways of thinking about humanity... 'Ideas have consequences.' The Holocaust was, in largest part, the consequence of ideas about human nature, human rights, the imperatives of history and scientific progress, the character of law, the bonds and obligations of political community." Richard John Neuhaus, "The Way They Were, The Way We Are: Bioethics and the Holocaust," *First Things* 1 (March 1990): pp. 31-37.

⁴Gilbert points out that one of the pitfalls of identifying one's work as "intellectual history" is that the term does not itself have an extended genealogy. He states that the term "intellectual history" is unrecognized by the *Oxford English Dictionary*, is given no entry in the *Cambridge Modern History*, and has no verbal equivalent in Italian, Germany or French. Nonetheless, the topics and concerns of intellectual history are liberally dispersed throughout a vast variety of historical inquiry. Felix Gilbert, *Intellectual History: Its Aims and Methods*, (New York: W.W. Norton Company, 1972), pp. 141-142.

or the possibilities for intellectual history.⁵ Gone are the days when historiographies like Philip Melanchthon's tidy bifurcation of history into *historia ecclesiastica* and *historia ethnica*⁶ or the Encyclopedists' notion of progress would serve to organize vast amounts of historical data and matrix centuries of historical discussion. Even after Positivism had reduced history to an anti-metaphysical phenomenological study and Marxist materialism had all but reduced the phenomena to the economics of class struggle, there was an epistemological optimism concerning the knowable "relation between thought and action."⁷ This optimism accepted the accessibility of historical data, the fixed quality of texts, and the hope of discovering objective connections between ideas and events. It is an optimism based on presuppositions that are no longer universally, perhaps not even widely accepted in the academic community.⁸

⁵MacIntyre says that the medieval lecturer spoke to that consensus formed by an acceptance of authoritative texts and the "Encyclopaedist" of the eighteenth--nineteenth century were able to speak "*ex cathedra*" where "the audience came to hear and to learn from authoritative encyclopedic pronouncements..." But in the contemporary situation of "radical disagreements," MacIntyre sees the lecture, or in this case the theses as "an episode in a narrative of conflicts... between condemning parties... it is always a moment of engagement in conflict." Further commenting on the difference of the present to the past, MacIntyre notes that "The lectures...were to convey real knowledge of a kind 'which lies at the root of all well-being.' A summons to the hearing of such a lecture is very different from a summons to participate in a conflict over what the reality of knowledge consists in, *if anything*." Alisdar MacIntyre, *Three Rival Versions of Moral Enquiry*, (Notre Dame: University of Notre Dame Press, 1990), pp. 32-33

⁶Gilbert, *Intellectual History*, p. 146.

⁷Furthermore, Gilbert cites as an example the works of Max Weber and Ernst Troeltsch which investigated the "relation of religious thought to social and economic activities..." and the common area of study of the influence of ideas upon politics. Felix Gilbert, *Intellectual History: Its Aims and Methods*, pp. 141-158.

⁸MacIntyre states that "...this history, being one of decline and fall, is informed by standards. It is not an evaluatively neutral chronicle. The form of the narrative, the division into stages, presuppose standards of achievement and failure, of order and disorder." The problem is that such notions of fixed standards have given way to "emotivism" which is "the doctrine that all evaluative judgments and more specifically all moral judgments are nothing but expressions of preference, expressions of attitude or feeling..." Alisdar MacIntyre, *After Virtue*, (Notre Dame: University of Notre Dame Press, 1984), pp. 3 & 11.

This study presupposes that historical ideas are knowable in some objective sense and their connection to the phenomenological world of events can be established, in some objective,⁹ though not exhaustive, sense.¹⁰ It is to assert that as the historian gives an account of the past, he or she can achieve what Notre Dame philosopher, Alisdair MacIntyre terms "accountability."¹¹

According to MacIntyre, the two modes of accountability in Western thought are "dialectic" and "confession."¹² In a Christian liturgical form the penitent confesses to have sinned against God in "thought, word and deed." This kind of religious confessional

⁹Both the religious and conservative roots of this assumption are nicely voiced by Frank Meyer as he writes, "Conservatism assumes the existence of an objective moral order based upon ontological foundations. Whether or not individual conservatives hold theistic views--and a large majority of them do--this outlook is derived from a theistic tradition. The essential point, however, is that the conservative looks at political and social questions with the assumption that there are objective standards for human conduct and criteria for the judgment of theories and institutions, which it is the duty of human beings to understand as thoroughly as they are able and to which it is their duty to approximate their actions." Frank Meyer et al., *Left, Right, and Center: Essays on Liberalism and Conservatism in the United States*, (Chicago: Rand McNally & Co., 1965), p. 6

¹⁰"...historians are not content with the simple discovery of past facts: they aspire... not only to say what happened, but also to show why it happened. History is not just a plain record of past events, but what I shall call later a 'significant' record - an account in which events are connected together. And the question immediately arises what their being connected implies about the nature of historical thinking." W.H. Walsh, *Philosophy of History*, (New York: Harper and Row, 1967), p. 18

¹¹Alisdair MacIntyre, *Three Rival Versions of Moral Enquiry*, (Notre Dame: University of Notre Dame Press, 1990) p. 201f.

¹²*Ibid.*, "To be accountable in and for enquiry is to be open to having to give an account of what one has either said or done, and then to having to amplify, explain, defend, and, if necessary, either modify or abandon that account, and in this latter case to begin the work of supplying a new one. Socrates, Plato and Aristotle invented and perfected a dialectical mode of accountability, the Bible and Augustine a confessional mode." Furthermore, MacIntyre states that for such accountability to be a plausible category of human reflection, Greek philosophy and Christian theology share agreement on three preconditions of existence; an account of extended historical identity, the reality and centrality of the moral community, and a sense of teleological unity. (p. 196-197) Differences at these three points arise in making a defense for the integrity of intellectual history versus the critique from Deconstructionism/Genealogy.

accountability is possible because of a belief in objective,¹³ open to reflection and knowable connections between past thoughts, words and deeds. Such accountability depends upon a sense of personal identity rooted in the belief in historical continuity, i.e., "I am...one and the same person throughout this bodily life...." Secondly, "I am responsible to a moral code and community." Thirdly, "My life is understood as a teleologically ordered unity." Therefore, thoughts, words and deeds impact one's whole life, are subject to community judgments and are conjoined in that kind of continuity that becomes a meaningful narrative.¹⁴ Likewise, historical accountability, as with confessional accountability, must be centered in an equally optimistic epistemology about the accessibility of discernable connections between thoughts/ideas, words/texts and deeds/events.

In the present historical scene, deconstructionism's¹⁵ "denial of the possibility of

¹³The term "objective" should not be construed as an assertion of impartiality. Walsh writes, "Impartial history, so far from being an ideal, is a downright impossibility... the concept of historical objectivity is radically different from that of scientific objectivity." Walsh goes on to assert that while the historian is a factor in the historical project, bias and "tendentious work" is still distinguishable from principled historical inquiry. Walsh, *Philosophy of History*, p. 22.

¹⁴MacIntyre, *Three Rival Versions*, p. 196-197. See also C.S. Lewis, *The Discarded Image*, (New York: Cambridge University Press, 1978) Lewis suggests that the main feature of a historiography amenable to Christian presuppositions is that "... all history in the last resort must be held by Christians to be a story with a divine plot." p. 176.

¹⁵D'Souza defines deconstructionism as follows. "Inspired by Jacques Derrida and Paul de Man, deconstructionists hold that all literature is empty of meaning...that literary reality is an illusion, that fact dissolves into fiction, that literal meaning cannot be divorced from metaphorical meaning." Furthermore, D'Souza quotes the University of Chicago's Edward Shils who charges that deconstructionism is but a renewed manifestation of sophistry which leads to the absurd situation of academicians denial that truth is preferable to falsehood. Dinesh D'Souza, *Illiberal Education*, (New York: Vintage Books, 1992), p. 178-179. Similarly MacIntyre points out that Nietzsche's "preference for the sophists," over Socrates, Plato and Aristotle fits with the deconstructionists "perspectivism" and the "repudiation of the distinction between the real and the apparent..." *Three Rival Versions* p. 66-67.

objective knowing" and its tendency to "discredit the enterprise of history,"¹⁶ are the greatest challenge to the notion of objective historical accountability. This cursory treatment of deconstructionism purposefully uses secondary and critical literature from active participants in the present *Kulturkampf*. The purpose is not to give a fair and unbiased account of deconstructionism which deconstructionism decrees is an impossibility anyway. Rather, it is to exhibit how this deconstructionism is perceived and criticized as an attack upon basic historical and intellectual assumptions. Dinesh D'Souza, concerned about the impact of deconstructionism on higher education, ties deconstructionism's low view of language to the spurning of objectivity. He states,

"Focusing on the distance between word and subject - 'signifier' and 'signified' - Derrida and de Man demonstrate that literary reality is an illusion, that fact dissolves into fiction, that literal meaning cannot be divorced from metaphorical meaning... by reducing all truth to the level of opinion they spurn the legitimacy of any distinctions between truth and error..."¹⁷

Discussing different senses of objectivity, W.H. Walsh writes that historical objectivity "is radically different from that of scientific objectivity..." because the notion of an impartial disinterested historian is "a downright impossibility."¹⁸ Though historical objectivity is not about mathematical certainty, Walsh hints at historical accountability in stating that "every reputable historian acknowledges the need for some sort of objectivity and impartiality in his work..." In arguing for accountability, Walsh argues

¹⁶In a review of David Lehman's, *Signs of the Times: DeConstruction and the Fall of Paul De Man*, Ben Meyer records Derrida's summary of deconstructionism. Two of these anti-historical ten commandments are, "The author is dead," and "History is bunk." Furthermore, Meyer shows that deconstructionism is a "denial of the possibility of objective knowing" and a tendency to "discredit the enterprise of history." Ben Meyer, *First Things* 22 (April 92): pp. 52-54.

¹⁷D'Souza, *Illiberal Education*, p. 179.

¹⁸Walsh, *History*, p. 22.

from the consequences of non-accountability when he asserts that one defining task of the historian is to "distinguishes history from propaganda, and [to] condemn those writers who allow all their feelings and personal preconceptions to affect their reconstruction of the past as bad workmen who do not know their job."¹⁹ MacIntyre echoes this theme of the effects of the loss of objectivity by referencing back to Kant's moral philosophy:

"...emotivism entails the obliteration of any genuine distinction between manipulative and non-manipulative social relations... For Kant... the difference between a human relationship uninformed by morality and one so informed is precisely the difference between one in which each person treats the other primarily as a means to his or her ends and one in which each treats the other as an end."²⁰

Deconstructionism poses certain dangers in jettisoning the idea of accountability, not the least of which is the problem of history collapsing into propaganda. D'Souza, asserting that deconstructionism undermines liberal education, asks, "If education cannot teach us to separate truth from falsehood, beauty from vulgarity, and right from wrong, then what can it teach us worth knowing?"²¹ In a somewhat different analysis, MacIntyre sees the crippling effect of genealogy upon education because of its view of language and texts. Without "any notion of the truth" and without a version of accountability that can determine what is and what merely seems to be, texts are open to "indefinite multiplicity of interpretative possibilities..." The result is the collapsing of fact into fiction.²²

¹⁹Walsh, *History*, p. 21.

²⁰MacIntyre, *After Virtue* p. 22.

²¹D'Souza, *Illiberal Education*, p. 179.

²²MacIntyre, *Three Rival Versions*, p. 205.

The collapsing of fact into fiction or history into propaganda is not merely a dangerous possibility, but a historical reality as manifest in the oft-cited instance of Paul De Man. The 1 December 1987 issue of the *New York Times* revealed that De Man collaborated with the Nazi's in writing propaganda articles, and in one case a bitterly anti-semitic piece in *Le Soir*. Ben Meyer notes that as deconstruction theory and practice demolishes notions of accountability, it is "... a theory calculated to wipe out the themes of guilt and confession..."²³ Showing how Deconstructionist theory related to De Man's life, David Lehman observes, it "is almost made to order for a worldview holding that language is 'an unreliable process of knowledge production.' In other words, the worldview was made to order for the life."²⁴

Though MacIntyre graciously assents that genealogy is still giving an account of itself, and therefore may still be a viable intellectual movement, its repudiation of accountability remains troubling for reasons that are valid regardless of De Man's past. He observes that deconstructionism's use of language presuppose the very conditions of accountability (for others but not for itself), which actually and covertly presupposes "...the very kind of metaphysical thesis which it is the central aim of genealogy to discredit."²⁵ MacIntyre asks, "Is the genealogist not self-indulgently engaged in exempting his or her utterances from the treatment to which everyone else is subjected?"

Deconstructionism's rejection of categorical thinking, "a rejection designed to lay

²³Ben Meyer, *First Things* 22, p. 52.

²⁴Ibid., p. 53.

²⁵MacIntyre, *Three Rival Versions*, pp. 205-206.

bare the multiplicity of differences unorganizable in terms of categories, species, and identity,"²⁶ is shameless about the internal inconsistency as it employs its own categories of judgments upon others.²⁷ Ben Meyer states, "One may propose the internally consistent statement: 'We cannot know what is really and truly so.' But look what happens when we make thematic the act of proposing this theme: 'I am telling you what is really and truly so, when I say that we cannot know what is really and truly so.' Here the speaker performatively affirms what he thematically denies." Meyer again exposes the irony of deconstructionists' denial of accountability *vis a vis* their disdain for the notion of correct interpretations of texts, while expecting their readers to grasp the "intended meaning" of their works and their complaints "...when readers failed to oblige..."²⁸

If "ideas have consequences," then the history of ideas will at once set out to give an accurate account of ideas and consequences and hold the ideas accountable for the consequences they have produced. This thesis is concerned with both the idea and the historical manifestations of the *Kulturkampf*. It therefore, cannot avoid navigating through the dangerous shoals of moral issues and the clash of rival versions of right and wrong. While MacIntyre's analysis of our present "emotive" milieu is insightful if not incisive, he is not at all hopeful about the possibilities of political or moral consensus

²⁶Ibid., p. 208.

²⁷Meyer explains the shamelessness, "When one is confronted with the evidence of self-reversal, dismissal is the only alternative to retraction. The skeptics of antiquity were a more decent lot. They had only to speak, and there was Aristotle, convicting them of doublethink and reducing them to silence. Deconstruction had the (ultimately bad) luck of learning from Nietzsche and Heidegger to dismiss compelling argument with a cool flick of the wrist." Meyer, *First Things*, April 1992, p. 54.

²⁸Ibid., p. 55.

growing out of a culture that lives "after virtue." This project hopes that he is wrong, as it intends to give an account for the still- unfolding thoughts/ideas, words/texts and deeds/events of religion's impact upon public life.

CHAPTER 2

INTRODUCING THE CULTURE WAR

The term *Kulturkampf* was coined by eminent scientist and liberal statesman Dr. Rudolf Virchow to describe the cultural division that resulted from Bismarck's miscalculated heavy-handed treatment of Roman Catholics in his effort to unify Germany into a nation-state.²⁹ He would, undoubtedly, be surprised at the mileage his word has returned in descriptions of contemporary American culture and most widely employed by cultural conservatives, including many Roman Catholics.

According to historian Margaret Anderson, The *Kulturkampf* was "a conglomerate of events, policies, public attitudes, and propaganda forays spread over a long period," designed by Bismarck and supported by the liberals³⁰ as part of a plan to achieve German national political unity.³¹ Bismarck and the liberals in government perceived the Roman Catholic church as a threat to German unity and "tried by coercive measures to reduce, if not extirpate, the influence of Catholicism." According to Neuhaus, Bismarck "correctly believed that Catholicism placed a check upon his aspirations to

²⁹Otto Pflanze, *The Period of Consolidation*, vol. 2 of *Bismarck and the Development of Germany*, 3 vols. (Princeton: Princeton University Press, 1990), p. 205.

³⁰"For this generation of German liberals the struggle with the Catholic Church actually was a fight for the spread of a modern culture," Hajo Holborn, *A History of Modern Germany*, (New York: Alfred A. Knopf, 1969) p. 262.

³¹Margaret Anderson, *Windthorst: A Political Biography*, (Oxford: Clarendon Press, 1981), p. 142. Also: "They, (liberals)...considered the formation of the Zentrum a provocation, an affront to their vision of a Germany that had overcome the selfish divisions of the past." pp. 145-146.

create a strong and cohesive state."³² This reading of the *Kulturkampf* is reinforced by Anderson, who observed that Bismarck, along with other "state builders" from Henry VIII and Peter the Great to Richelieu and Cavour..." tried "to suppress or suborn the one significant remaining power--the institutional Church--that might contest their new state's unlimited sovereignty."³³ Otto Pflanze pointedly identifies the *Kulturkampf* "...to be a liberal...undertaking, a struggle of realists for the omnipotent state and of materialists against all Christianity..."³⁴ Judged by these assessments, the German *Kulturkampf* was a civil war carried on by other means.

While there are many important historical differences that make the *Kulturkampf* of the nineteenth century distinct from the present culture struggle, the term "culture war," continues to be employed in descriptions of American public life. Neuhaus comments, "It is no exaggeration to say that our society is embroiled in a *Kulturkampf*, a war over the meaning of American culture."³⁵ In a speech before the 1992 Republican National Convention, Patrick Buchanan gave a variation on the culture war theme when he asserted that this war is, at bottom, a religious war. It is a war, not necessarily of religion against the state, but religion against a cultural elite.³⁶ While Buchanan's

³²Richard John Neuhaus, *America Against Itself*, (Notre Dame, University of Notre Dame Press, 1992), p. xi.

³³Margaret Anderson, *Windthorst*, p. 143.

³⁴Otto Pflanze, *The Period of Consolidation*, p. 180.

³⁵Neuhaus, *America Against Itself*, p. 14.

³⁶Neuhaus supports this version of the culture war as he writes, "Gallup and cooperating research agencies in Europe have done cross-cultural surveys of... 'religiousness' in various countries. Among the nations of the world...India is the most pervasively religious society. Very close to India is the United States. At the very bottom of the list is the most thoroughly secularized society, Sweden. Peter Berger... has drawn from these findings a memorable apothegm: 'America is a nation of Indians ruled by an elite of Swedes.'" Neuhaus, *America Against*

speech was intended to be a call to arms rather than invitation to serious debate, he did name some of the critical flash-point public issues (abortion, gay rights, funding for the arts, multiculturalism and so forth) that define the "meaning of American culture."³⁷

The culture war was taken up in the 9 December 1991 issue of *Time*, which described the conflict as a cultural "backlash... a long time coming, but now... here with a vengeance." It is a conflict begun in the courtroom, now carried into the classroom,³⁸ and fought over such pivotal issues as free speech. Berkeley law professor Phillip Johnson, sums up a common frustration with the contemporary and "strange definition of free speech and religious liberty" that allows Angela Davis to address a high school graduation with the most rabid, dogmatic Communism, but proscribes a Rabbi's prayer at a similar graduation as a violation of the Constitution.³⁹ These and other battles are concerned with the legitimacy of the views that are allowed to inform public life. According to James Hunter's, *Culture Wars: A Struggle to Define America*, they are fought in the "institutional structures [in which] cultural conflict becomes crystallized," i.e., family, education, the popular media, law, and electoral politics.⁴⁰

Itself, p. xi.

³⁷Hunter, *Culture Wars*, p. xi.

³⁸Hunter notes also that education was a central battle ground in the German *Kulturkampf* because battles over "the moral character of the nation" will involve the institutions of education that are responsible for passing on this character to future generations. *Ibid.*, p. xii.

³⁹Nancy Gibbs, "America's Holy War," *Time*, 9 December 1991 p. 61f.

⁴⁰Hunter, *Culture Wars*, p. 174.

Neuhaus' assertion that "...our society is embroiled in a *Kulturkampf*,"⁴¹ means that this is a battle about ideas and whether religious ideas have a legitimate place in the culture shaping debates of the public square.⁴² Admittedly, to acknowledge that this culture war is a religious war is justifiably unsettling for a number of reasons.⁴³

Neuhaus writes,

To those who cherish the democratic process, the model of politics as warfare cannot help but seem threatening....When it is the Lord's battle you are fighting, politics takes on an aura of deadly earnestness. [F]anaticism is contagious.... Nothing so sharply hones the edge as the frictions of religious passion. Pascal said it more than three centuries ago: 'Men never do evil so completely and cheerfully as when they do it from religious conviction.' Little wonder that more societies have tried to keep religion at once removed from the public square. History throws up too many instances in which the perfervid mix of religion and politics has destroyed the possibilities of civil discourse. That happened during the wars of religion in the seventeenth-century Europe, and the memory of that devastation was a major factor in shaping the secularist doctrines of the eighteenth-century Enlightenment. When politics is conflicted by putatively divine revelations, there is little room for reasonable argument and compromise.⁴⁴

Making a similar point, historian Jerry Muller argues that modern liberalism's open society began as a response to these religious wars, "as men judged that the cost of

⁴¹Neuhaus, *America Against Itself*, p. 14.

⁴²"What is relatively new is the naked public square. The naked public square is the result of political doctrine and practice that would exclude religion and religious grounded values from the conduct of public business. The doctrine is that America is a secular society. It finds dogmatic expression in the ideology of secularism. I will argue that doctrine is demonstrably false and the dogma exceedingly dangerous." Richard John Neuhaus, *The Naked Public Square*, (Grand Rapids: William B. Eerdmans Publishing Company, 1984), p. viii.

⁴³Rehearsing some of the more cacophonous calls to alarm against the influence of Christianity in public life, Neuhaus asserts that collapsing religious intention into theocratic designs upon the American public square is a distortion of the reality. If pluralism is to be real pluralism, it will have to take into account that "the American people have always been determinedly, some would say incorrigibly, religious." Richard John Neuhaus, *Commentary*, May 1985, pp.41-46.

⁴⁴*Ibid.*, p. 8.

imposing a unified vision of the common good was too high,"⁴⁵ they sought a basis, other than religious orthodoxy, by which a society could be unified.

Those who suppose that religion is essentially a private affair,⁴⁶ the public influence of religious thought and the infusion of religious vocabulary into public discourse is met with uneasiness, confusion or even suspicion. T.S. Eliot, in *Murder in the Cathedral*, understood how "publicly potent religion"⁴⁷ could be perceived as detrimental to political unity because it threatens those occupying seats of power:

The moment that Becket, at the King's insistence, had been made Archbishop, he resigned the office Chancellor, he became more priestly than the priests, he ostentatiously and offensively adopted an ascetic manner of life, he affirmed immediately that there was a higher order than that which our King, and he as the King's servant, had for so many years striven to establish; and that-- God

⁴⁵"The hot and cold wars of religion that marked the early modern period were the turning point on the road to political liberalism, for as men judged that the cost of imposing a unified vision of the common good was too high, they sought to define a more restricted core of politically imposed obligations upon which men of differing ultimate commitments might agree, and hence live together without murdering or otherwise oppressing one another in the name of salvation." Jerry Z. Muller, "Minding Our Manners and Morals," *First Things* 2 (April 90): p. 28.

⁴⁶Alfred North Whitehead writes that religion is "...what a man does with his solitude." William James states that "Religion... shall mean for us the feelings, acts, and experiences of individual men in their solitude." (Quoted in) Neuhaus, "Can Atheists Be Good Citizens?" *First Things* 15 (August/September 1991): p. 16. Writing specifically about fundamentalism, though the observation applies to a variety of politically active religious groups, Neuhaus states that "By asserting the public nature of its truth claims...fundamentalism serves notice that it is not content to confine itself to the privatized sphere of religion." Neuhaus, *The Naked Public Square*, p. 19. Neuhaus locates this uneasiness toward religious influence in the fear of any authoritarian tradition. He writes, "This argument emphasizes that identifiably American thought s built on foundations...(with an) accent on the individual, the role of reason, limited government, historical progress, tolerance, and the free market of ideas. They are generally cool toward the notion of authoritative tradition, especially religious tradition, and tend to favor the privatization of the big questions about the meaning of life and death." Neuhaus, *America Against Itself*, p. 11. Yet, he asserts, religion has always informed public life. He writes, "What is relatively new is the naked public square. The naked public square is the result of political doctrine and practice that would exclude religion and religious grounded values from the conduct of public business. The doctrine is that America is a secular society. If finds dogmatic expression in the ideology of secularism. I will argue that doctrine is demonstrably false and the dogma exceedingly dangerous." Neuhaus, *The Naked Public Square*, p. viii.

⁴⁷Neuhaus writes, "If the myths of secularism are collapsing, and if there is a resurgence of publicly potent religion, we need to look for unprecedented ways of relating politics and religion.... The question is whether we can devise forms for that interaction which can revive rather than destroy the liberal democracy that is required by a society that would be pluralistic and free." Neuhaus, *America Against Itself*, p. 9.

knows why --the two orders were incompatible.... While the late Archbishop was Chancellor, no one, under the King, did more to weld the country together, to give it the unity, the stability, order, tranquillity, and justice that it so badly needed. From the moment he became Archbishop, he completely reversed his polity; he showed himself to be utterly indifferent to the fate of the country...⁴⁸

These concerns notwithstanding, America is engaged in a culture war. And, insofar as this is a war over "competing moral visions,"⁴⁹ a struggle to define America, it will engage the most deeply held convictions concerning the meaning of human existence, which means that religion's participation is inevitable. For Neuhaus, moral terms such as "common good" and "ought," will in a democratic society, be largely informed by religion. Consequently, such "popular religion...is a force that cannot be ignored indefinitely. It is a force that should not be ignored at all."⁵⁰

While it is important to recognize the problems that the clash of ideas may present, it is even more important to seek out the possibilities, promises and potential that such a public debate may offer for the prospects of "a more perfect union" in a just and free society. This study is about the influence of religion in American public life. It is specifically a study of the proposals and projects of Richard John Neuhaus, who believes that the ongoing American democratic experiment in ordered liberty is not only tolerant of the public influence of religiously grounded ideas, but is also sustained by the rationalities and view of reality created by religiously grounded morality. This study

⁴⁸T.S. Eliot, *Murder in the Cathedral*, (New York: Harcourt, Brace & World, Inc., 1963), pp. 81-83.

⁴⁹Neuhaus points out the stakes of the *Kulturkampf* as some call for the wholesale abandonment of "the vital center" as students at Stanford University chanted "Hey, Hey, Ho, Ho, Western Culture Got To Go" while being cheered on and joined by student, faculty and societal leaders. It may be that the debate about how we ought to live in this culture has become a war over whether the culture ought to exist at all. Neuhaus, "Audacious Unoriginality," *First Things* 1 (March 1990): pp. 68-69.

⁵⁰Neuhaus, *America Against Itself*, p. 41.

examines problems and the possibilities that the culture war offers American society.

In the following chapter, we deal with Neuhaus' definition of public, which becomes a foundational feature in his proposals for the place that religion plays in the *res publica*. The next chapter establishes the historical genealogy of Neuhaus' idea of the importance of cultural tensions and limitations. Following this, the issue of abortion, arguably the most divisive issue in American public life, will serve as the case study of how "competing moral visions" carry on in a culture war. The conclusion follows.

CHAPTER 3

DEFINING THE PUBLIC SQUARE

Neuhaus' 1984 book, *The Naked Public Square* defines the major skirmish of the culture war, simply put, "Who, in a liberal democracy, can legitimately inform and shape American public life?" He defines the naked public square as the result of a novel "political doctrine and practice that would exclude religion and religiously grounded values from the conduct of public business," under the cultural hermeneutic that "America is a secular society."⁵¹

Antecedent to this concern over legitimate access to the public square is Neuhaus' concern for a proper definition of "public." He writes, "Public debate, in any society, is basically about three clusters of questions: the political, the economic, and the cultural..."⁵² The notion of *kingdom*, a domain where regnant ideas rule the order of business conducted within the limits of that domain, is suggestive of Neuhaus' approach to defining the *res publica*. Each of the three spheres or domains possesses a regnant rationality that at once legitimizes and limits its particular jurisdiction and the jurisdiction of the other spheres. The alternative to this tripartite division of the public square is what Neuhaus calls monism.⁵³ Monism is the encroachment upon or the "absorption

⁵¹Neuhaus, *The Naked Public Square*, p. viii.

⁵²Richard John Neuhaus, *Commentary*, September 1990, p. 47.

⁵³Neuhaus quotes Claes Ryn who gives a litany of monistic movements: "Much currently fashionable political theory has a pronounced reductionistic tendency. Human nature is pressed into schemes of explanation which fail to do justice to the complexity and richness of life... Marxists would have us treat human motives solely in terms of economics, the Freudians in terms of sexuality, and those in the tradition of Machiavelli and Hobbes in terms

of" one sphere upon the other two domains with the imposition of an alien rationality.⁵⁴ This effects the usurpation of the other realms' regnant rationalities and the subversion of their proper functions. This anti-monistic version of the public realm stands in contrast to the dominate contemporary version of public which is the "perverse formula that public = government = secular."⁵⁵ By way of example, Neuhaus' critique of Marxism is that it tended toward economic monism; reducing every social problem and cure to economic factors.⁵⁶ He writes, "The economic is important... but it is not all-

of the self-centered pursuit of power...these themes emerge, not from an openness to all aspects of experience, but from a selective and undue concentration on particular elements of life which are also prematurely defined." *Religion and Society Report*, February 1986, p. 4. Also, quoting John Courtney Murray: "The cardinal assertion is a thorough-going monism, political, social, juridical, religious: there is only one Sovereign, one society, one law, one faith. And the cardinal denial is of the Christian dualism of powers, societies, and laws-- spiritual and temporal, divine and human. Upon this denial follows the absorption of the church in the community, the absorption of the community in the state, the absorption of the state in the party, and the assertion that the party-state is the supreme spiritual and moral, as well as political authority and reality. It has its own absolutely autonomous ideological substance and its own absolutely independent purpose: it is the ultimate bearer of human destiny. Outside of this One Sovereign there is nothing. Or rather, what presumes to stand outside is 'the enemy.'" Neuhaus, *The Naked Public Square*, p. 85.

⁵⁴Neuhaus defines the religious monism as the desire for "a smooth coherence, a neat fit between Biblical proclamation and political implementation." The secular monistic version is the desire for the "smooth line of reasoning by which public life can be ordered without interference from other realms, other worlds, other authorities, other visions of what it means to be human." Richard John Neuhaus, "The Ambiguities of 'Christian America,'" *Concordia Journal*, July 1991, pp. 285-295.

⁵⁵Richard John Neuhaus, *Doing Well and Doing Good: The Challenge To The ChristianCapitalist*, (New York: Doubleday, 1992) p. 274.

⁵⁶"The unsatisfactory state of the way things were was attributed to 'capitalism.' It seemed necessary to many to have a 'systemic analysis' of what was wrong with the world. It was not sufficient to observe that the seven deadly sins - pride, covetousness, lust, envy, gluttony, anger and sloth - were pretty much ubiquitous throughout human history no matter how society was organized....Marxism... provided an explanation. The root cause was economic and it was summed up in one word - capitalism." Neuhaus, *Doing Well and Doing Good*, p.47 "...under the influence of Marxist thought, people became accustomed to describing entire social orders as 'capitalist' or 'socialist.' Contra Marx, however, those terms refer not to the entirety of a social order but only to the economic dimension of it." *Ibid.*, p. 49. This monism is not only confined to Marxism as Neuhaus' quotation of *Centesimus Annus* states, "It (capitalism) seeks to defeat Marxism on the level of pure materialism by showing how a free-market society can achieve a greater satisfaction of material human needs than Communism, while equally excluding spiritual values. In reality, while on the one hand it is true that this social model shows the failure of Marxism to contribute to a humane and better society, on the other hand; insofar as it denies an autonomous existence and value to morality, law, culture and religion, it agrees with Marxism in the sense that it totally reduces man to the sphere

important. The dimension we call political...is at least as important, and the cultural is more important than both."⁵⁷

Resistance against monism is for Neuhaus a matter of sustaining a tension between the spheres. This means that it is, at once, necessary to make "distinctions--not, be it noted, separations,"⁵⁸ between the spheres while also attending to the "complicated ways" that the economic, cultural and political spheres "overlap and interact."⁵⁹ While the primary intention of this chapter is to define the regnant rationalities of each sphere, we shall here and in later chapters consider the overlap of the domains.

Politics and the Rationality of Power

In his recent book, *America Against Itself*, Neuhaus identifies the aim of politics as "...the getting and keeping of power...the capacity to persuade or compel others to do what you want."⁶⁰ This view of politics as the exercise of power necessitates the tripartite division of public life because Neuhaus' notion of public order is a combination of coercive enforcement of the enforceable and free obedience to the unenforceable. And

man to the sphere of economics and the satisfaction of material needs.'" Ibid., p. 52.

⁵⁷Ibid., p. 49.

⁵⁸Ibid., p. 49. Also Neuhaus writes that "...this complicated interaction between the economic, the political, and the cultural... requires constant attention..." In calling this form of social organization "*democratic capitalism*" envisions the three spheres of activity with each "subjected to the robust and often raucous debate that is appropriate in a democratic polity." Ibid., p. 59.

⁵⁹Ibid., p. 49.

⁶⁰Neuhaus, *America Against Itself*, p. 15. Hunter expands on this definition: "The struggle for power (which is the essence of politics) is in large part a struggle between competing truth claims, claims which are by their very nature 'religious' in character if not in content." Hunter, *Culture Wars*, p. 58.

when he says that "civilization depends upon obedience to the unenforceable,"⁶¹ he means to say that the fate of the *civitas* cannot be collapsed into the function of politics.⁶² Indeed, as the preponderance of political activity is taken up with the exercise of coercive power, Neuhaus observes that the rationality of politics will be characterized by mendacity and imperiousness.⁶³

By mendacity, Neuhaus means that in the strategy of gaining and keeping power, duplicity and deception are often employed if not mandated. By way of casting light on the plausibility structure that understands how the political serves the common good while employing lies, Neuhaus employs the metaphor of the game.⁶⁴ He observes that in a game, the quarterback is "under no obligation to signal his plays... On the contrary, his purpose is to conceal and, if possible, mislead."⁶⁵ In the logic of football, misleading and concealing are part of the game and do not lead to cynicism or condone a cheating that would undermine the "moral universe" of the football game. Because political deception is implicit in the logic of power and therefore accepted, it also necessitates that

⁶¹Neuhaus, *America Against Itself*, p. 171.

⁶²Ibid., p. 173.

⁶³One is reminded of the cynical description of one politician who would "...double-cross that bridge when he comes to it." (Source unknown)

⁶⁴The ambiguity is in how politics, characterized by mendacity and imperiousness, can also be a moral enterprise. Rather than giving a full blown rehearsal of Niebuhr's thought, Neuhaus employs the metaphor of the game, (perhaps in contrast to Churchill's "Politics is not a game. It is an earnest business.") The similarity between the plausibility structures of the game and politics is supported in George Will's, *Men At Work: The Craft of Baseball* where he states that Baseball is "a small universe of rule-regulated behavior" which, "In the compressed time of a baseball game or season enacts the natural trajectory of human experience." George F. Will, *Men At Work: The Craft of Baseball*, (New York: Macmillan Publishing Company, 1990), p. 323.

⁶⁵Neuhaus, *America Against Itself*, p. 16.

limits be placed upon the realm of the political, even as behavior acceptable in a football game is limited to the boundaries of the stadium and to the duration of the game. Thus the designation "political game" is instructive.

Along these lines, one might consider the politically brilliant move by Caiaphas, the high priest who presided at the trial of Jesus. There he convincingly covered the deviousness of his strategy to execute Jesus with the prophetic and pious one-liner, "It is better that one man should die for the nation than that the nation die for one man." (John 11:50) Though, history has not judged Caiaphas kindly for his attempt to cover political opportunism with the veneer of prophetic respectability, his understanding of the connection of mendacity to the will to power is beyond reproach.

Imperiousness, on the other hand, has none of the cheery, game-like qualities of mendacity. Political imperiousness is, for Neuhaus, the insatiable appetite for power and control. The trick, as we shall see, is to arrive at a rationale of , defined by lies and domination, that sustains a sense of moral legitimacy and service to the common good. A pluralistic public square is defined by the clash of conflicting ideas and their representative rival parties struggle over whose version of the common good will gain political hegemony.⁶⁶ Neuhaus does not conclude that these features de-legitimize , nor does he suggest that the political project must collapse under the weight of cynicism.⁶⁷

⁶⁶Ibid., p. 16. Neuhaus also writes, "So far we have been assuming a measure of moral integrity on the part of all the actors involved. That is not a safe assumption. Not only must politicians conceal, mislead, and tailor the truth so that it becomes a *useful* truth, but they must also work with those to whom right and truth have little meaning." Ibid., p. 17.

⁶⁷Luther, at least in this quote, appears to question the possibility of mendacity and legitimacy: "...there is no more harmful vice upon earth than lying and being untruthful, which disrupts all communion among men. First of all, lying and untruthfulness drive hearts apart. Once the hearts are apart, the hands also go apart. If the hands are apart, what can be done or accomplished? When merchants do not keep faith with one another, then the market

Rather, recognizing that politics operates according to the internal logic of power which necessitates coercion, the corollaries of mendacity and imperiousness must be accepted as significant features of this domain. The acceptance of this vision of power and its corollaries is the first step in recovering a philosophy of politics that carves out legitimate social space where the exercise of coercion serves the common weal⁶⁸ while being careful to limit the exercise of politics in public life.

Interestingly, if not paradoxically, Neuhaus' lower estimation of politics as an exercise of power draws upon the philosophic achievement of Friedrich Nietzsche's deconstruction of moral language. Neuhaus writes, "There is much to be said for the claim that Nietzsche's time has come round at last, for he prophetically saw the self-deceiving absurdity of continuing to speak about the good and the true after the death of the transcendent referents which alone make sense of such language."⁶⁹ Further bolstering this position, MacIntyre argues in *After Virtue* that "it was Nietzsche's historic

crashes. If husband and wife are not faithful to each other, then the wife runs out of the back door and the husband out of the front... If a mayor, prince, or king does not maintain faithful leadership, then the city must perish; land and people must be destroyed... *For where fidelity and faith cease, there government must also come to an end.* (Italics mine) Martin Luther, *Selected Psalms*, vol. 13 of *Luther's Works*, edited by Jaroslav Pelikan, (St. Louis: Concordia Publishing Company, 1956), p. 218.

⁶⁸This notion of politics, which Neuhaus calls "the modesty of political" represents a significant change in Neuhaus' thought. In an article series in *Christian Century* called "How My Mind Has Changed," Neuhaus mentions his one time disagreement with Martin Luther's doctrine of *Two Kingdoms*, "because it denied redemptive significance to politics." In accepting the "self-denying ordinance" of the two kingdoms vis a vis "the redemptive significance" of politics, Neuhaus sees that politics freed from such unreal expectation can get on with its real duty in its service to the common good. Richard John Neuhaus, "Religion and Public Life: The Continuing Conversation," *The Christian Century*, 11 July 90, pp. 669-673.

⁶⁹Neuhaus, *America Against Itself* p. 38. Neuhaus quotes G. P. Grant's *English-Speaking Justice*, "Nietzsche's writings may be singled out as a Rubicon, because... he laid down with incomparable lucidity that which is now publicly open: what is given about the whole in technological science cannot be thought together with what is given us concerning justice and truth, reverence and beauty, from our tradition... Nietzsche's greatest ridicule is reserved for those who want to maintain a content of "justice" and "truth" and "goodness" out of the corpse that they helped to make a corpse." Ibid., p. 182.

achievement to understand more clearly than any other philosopher...that what purported to be appeals to objectivity were in fact expressions of subjective will," which is fundamentally a will to power.⁷⁰ Understanding the attraction of government to this will to power, MacIntyre states that "in our culture we know of no organized movement towards power which is not bureaucratic..."⁷¹ Concluding in fittingly aphoristic form, he sums up the internal logic of power, stating: "All power tends to coopt and absolute power coopts absolutely."⁷²

Politics, defined by the imperious will to power and its attendant mendacious disguises, would seem to diminish the importance of the political. One wonders if "legitimate politics" is not an oxymoron. Anticipating this, Neuhaus writes, "In speaking about politics and mendacity...the point here is merely to second Reinhold Niebuhr's magisterially detailed analysis of politics as an enterprise of inherent moral ambiguity." Further on, Neuhaus states that his view of politics is shared by "morally reflective" politicians who "know something of the mendacity of the political" and therefore accept "the necessity of maintaining the limits of the political."⁷³

The tyrannical legacies of Robespierre, Hitler, Stalin and Mao are historical icons and admonishments against the collapse of the *res publica* into the political, ostensibly

⁷⁰MacIntyre, *After Virtue*, p. 113.

⁷¹Ibid., p. 107.

⁷²Neuhaus, *America Against Itself*, p. 107.

⁷³Ibid., p. 17.

to expedite monistic political solutions.⁷⁴ The formal principle of this political monism is Mussolini's description of totalitarianism: "Everything within the state, nothing against the state, nothing outside the state."⁷⁵ Admittedly anecdotal, the principle reached its lowest verbalization in Judge Roland Freisler's condemnation to death of a Nazi resistance member with the sentence, "He is a 'non-political man'--hence no man at all!"⁷⁶

The threat when public=political is that a society's common life becomes fully subsumed under the regnant rationality of power,⁷⁷ and its negative corollaries. For Neuhaus, this collapse of the public into the political leans toward an Orwellian monistic society whose coherence depends upon "New Speak" mendacity and *Animal Farm*-esque displacement of freedom with coercion.⁷⁸ The alternative to monism is a public life

⁷⁴Neuhaus, *Doing Well and Doing Good*, p. 280. Neuhaus' contention with monism isn't merely a quibbling over political theory but a debate as to how "The monistic dream has, in the course of history and most especially in this most lethal of centuries, produced rivers of blood and mountains of corpses." Ibid. p. 263. Also, C.S. Lewis observes, "Useful," and "necessity" was always "the tyrant's plea." C.S. Lewis, *God in the Dock: Essays on Theology and Ethics*, ed. Walter Hooper (Grand Rapids: Eerdmens Publishing Company, 1970) p. 300.

⁷⁵Neuhaus writes, "The constituting premise of totalitarianism is that there is only one society and it is embodied in the ruling party. There may be purely private 'societies,' but they are not public, they are not civil, they are not permitted to influence the *civitas*, which is the sphere that in totalitarian theory belongs exclusively to the party state." Neuhaus, *Doing Well and Doing Good*, p. 244.

⁷⁶David Novak, "Germans Against Hitler: The Witness of the White Rose, *First Things* 2 (April 1990): p. 41.

⁷⁷Neuhaus sees that this identification of public with government is "as the Marxists used to say, 'no accident.'" He writes, "...according to this theory, the knowledge class is enthusiastic about the expansion of government, notably through universities and government agencies in which they serve as *experts*. ...and the obvious way to do that is to expand the sphere of government programs and funding. Needless to say, this course is pursued in service of the 'public good' - it having been decided that 'public' means 'governmental.'" Neuhaus, *Doing Well and Doing Good*, p. 34.

⁷⁸Neuhaus, *The Naked Public Square*, p. 254-255.

which is created in the context of dialectical tension that effects the debunking of the "pretensions of the political."⁷⁹ Taking conspicuous etymological liberties with the term pretension, the pretentiousness of the political is that monistic assertion that rationalities of politics should operate prior (*pre-*) to the dialectical *tension* implicit in the tripartite definition of public. Therefore Neuhaus asserts that when politics is "reduced" or limited⁸⁰ by the legitimate exercise of economic and cultural rationalities, then "politics is elevated." That is, its limitation insures that it remains a "moral enterprise" which is *a* (rather than *the*) force for good in the deliberation of the question of how society orders its life in reference to the good.⁸¹ As politics is further defined by its dialectical tension resulting from the division of the public square, the discussion turns to the economic and cultural spheres and the limitations implicit in this structure of the public square.

⁷⁹The debunking, Neuhaus asserts is the task of transcendent religion: "Religion intends transcendence. That is, it points beyond this world to realities utterly beyond the reality of ordinary, everyday life.... In pointing to the wholly other, religion *ipso facto* relativizes, puts in its proper place, all the realities of this world, including all institutions. This proper place, of course, is an inferior place - mundane, profane, penultimate. Religion, in other words, refuses to take with ultimate seriousness the solemn dramas of the social world: In the Biblical wording, God laughs at them - and the believer, by God's grace, is enabled to share in this laughter, even while he is still in this world, in anticipation of the final redemption which will be of the nature of comically comic relief." Neuhaus, *Religion and Society Report*, Volume 5 #1, p. 1. (Also see *First Things*, (March 1990) pp. 65-66.)

⁸⁰Neuhaus, *America Against Itself*, p. 25. Neuhaus sees in the monism that results from the collapse of the rationality of love into the rationality of justice, under the auspices of politics that "The greatest crimes against humanity have been perpetrated in the name of the politics of communal cohesion- e.g., Stalin, Hitler, Mao, and all too many petty imitators. It is not only the monsters of history, however, who promoted the political monism that results from the confusion and conflation of justice and love." *Ibid.*, p. 173.

⁸¹*Ibid.*, p. 20.

Freedom, Justice and Economics

Neuhaus' *Doing Well and Doing Good*⁸² is an effort to "...think theologically *about* the free society, and about the free economy that such a society requires."⁸³ His is an ambitious project to provide a plausible rationality for the notion that "...there is not a necessary opposition between doing well and doing good, between taking care of business and taking care of one another."⁸⁴

The task is recognized as difficult for three reasons. First, economics is a "very big subject...a reality so immense,"⁸⁵ that any discussion will isolate or ignore other aspects of economics. Neuhaus' argument focuses on the "soft factors" of economics (such as the consequence of religious ideas upon economics⁸⁶) and all but ignores "hard" factors of investments and interest rates; the things many would consider the vital data.⁸⁷ Secondly, as economics is widely perceived to be beholden to dynamics in opposition or

⁸²*Doing Well and Doing Good* is also a conversation with and an evaluation of Pope John Paul II's economics encyclical, *Centesimus Annus* which is itself a conversation with and analysis of Pope Leo XIII's encyclical, *Rerum Novarum*. While this adds historical depth to the discussion that there are times when John Paul's and Neuhaus' thoughts are indistinguishable.

⁸³Neuhaus, *Doing Well and Doing Good*, p. 17.

⁸⁴*Ibid.*, p. 2.

⁸⁵*Ibid.*, pp. 19-21.

⁸⁶*Ibid.*, p. 282.

⁸⁷"In conventionally distorted views of reality, something like the economic influence of the Church is thought to be a 'soft' factor, while, say, a change in the interest rates by the Federal Reserve Board is taken to be a 'hard' factor. It is further assumed that hard factors have more impact than soft. This is almost certainly a great mistake." *Ibid.*, p. 200.

indifferent to moral and religious truths,⁸⁸ his task of connecting the doing well with the doing good must overcome considerable sentiment to the contrary.⁸⁹ Thirdly, such attempts to apply theology to economics have been characterized by a monism implicit in the phrase "theology of economics," which offers decrees as the final word sanctioned by the Ultimate Authority rather than propositions for further conversation.

Contrary to a "theology of economics, *Doing Well and Doing Good* is "an invitation to think theologically *about* the free society, and about the free economy that such a society requires."⁹⁰ It is a moral/theological account of the regnant rationality of economics, i.e., "self-interest rightly understood,"⁹¹ which aims at making a plausible case for the assertion that doing well and doing good are not only not in opposition to each other but need each other. Therefore, in determining the rationality of the economic sphere, we will first define the *self* of "self-interest," then define the *right* in "rightly understood."

Before self-interest can be rightly understood, the self must be rightly understood.

Neuhaus writes of Pope John Paul II's encyclical *Centesimus Annus* that "its subject matter is the human condition and why that condition requires the free society and the

⁸⁸Ibid., p. 20. Neuhaus also writes, "At the heart of the sphere we call culture is the moral and the spiritual. And so, precisely because our subject is economic freedom, this is also a book about democracy and the moral truths by which freedom is - or can be- ordered to justice." Ibid., p. 2.

⁸⁹Neuhaus writes of being interviewed on the radio, "...the host began with this: 'You write in favor of the free market. How can you morally justify greed, selfishness, and the exploitation of the poor by the rich?' At first we thought she was just being provocative, but it turned out that she appeared to be genuinely puzzled." Neuhaus, "Capitalists With A Bad Conscience," *First Things* 30 (February 1993): p. 66.

⁹⁰Neuhaus, *Doing Well and Doing Good*, p. 17.

⁹¹Ibid., p. 162.

free economy."⁹² After the revolution of 1989 and the collapse of the Soviet Empire, one is tempted to say "of course" to the notion that freedom is a precondition of the civil and just society. Yet, for Neuhaus, the rejection of freedom by Dostoyevsky's character the Grand Inquisitor stands as a poignant reminder of the continued need for a rationality for freedom. Neuhaus writes, "The Grand Inquisitor... had a keen appreciation of humanity's limited appetite for freedom. He was correct in having little doubt that his banishment of Jesus, who talked so recklessly about freedom, would have been supported by democratic referendum."⁹³ John Paul, having lived most of his life under an imperious political regime, would not readily accept freedom as a given. Thus Neuhaus contends that "the ideas of freedom need to be thought through and given fresh expression with each generation, and never more so than now."⁹⁴ Not content to let the notion of freedom remain etherial, Neuhaus understands that a critical embodiment of freedom (though it, by no means, exhausts the discussion of freedom), is economic and the discussion of the free-market economy. That is, a definition of the self turns out to be "a moral account for freedom" that is wrapped up with questions of economics.⁹⁵

One problem for this moral account is that the meaning of self-interest has been collapsed into the vice of selfishness. This miscalculation, contends Neuhaus, "disregards human nature" by ignoring the reality that "to act in self-interest, especially

⁹²Ibid., p. 10.

⁹³Neuhaus, *The Naked Public Square*, p. 30.

⁹⁴Neuhaus, *Doing Well and Doing Good*, p. 5.

⁹⁵Neuhaus writes, "The free society... is not the obvious or taken-for-granted way of ordering public life... At Gettysburg, Lincoln reflected on the Civil War as a great testing of whether this nation or any nation so conceived and so dedicated can long endure." *Doing Well and Doing Good*, p. 3.

when self-interest includes the interests of one's family and others for whom one is most immediately responsible...is not to be condemned as selfishness and pitted against the common good." The fundamental moral failure of communism/socialism/Marxism, identified in *Centesimus*, was "anthropological in nature." Rather than seeing "the subjectivity of society,"⁹⁶ writes John Paul, the individual was reduced to an element in the social organism that renders him "an object of anonymous social planning," that in turn deprives him "of his freedom and, therefore, of his human dignity."⁹⁷ Neuhaus points out that "while John Paul is highly critical of individualism, he is a champion of the individual as a moral agent,"⁹⁸ and the requisite freedom to exercise that moral agency.

Centesimus is such an important contribution to the conversation about human nature, economics and freedom because John Paul, as Pole and as Pope is keenly aware of the problems that the abuses of freedom have caused the working class. Yet the iatrogenic Socialist solutions that Leo XIII foresaw in *Rerum Novarum* and that John Paul experienced, have been falsified by the 1989 collapse of Communism, "... the chief alternative to the free society." Neuhaus states, "...it seems that the democracies have been vindicated with a suddenness and lucidity that almost nobody expected."⁹⁹

⁹⁶The phrase was coined by John Paul in which he means that society, made up of individual human beings is bound to uncertainty and unpredictability. The mistake of socialism was to think that "society" or "economy" followed the same internal logic as the objectivity of the hard sciences thinking that "the good of the individual can be realized without reference to his free choice." *Ibid.*, p. 55.

⁹⁷*Ibid.*, p. 151.

⁹⁸*Ibid.*, p. 151.

⁹⁹*Ibid.*, p. 2.

The point of this observation that needs to be stressed is that *Centesimus*' acceptance of the free-market is done with full awareness and full sympathy to those affected by the abuse of freedom. Because freedom is so central to this definition of the self, the free-market "is the economic order appropriate to humanity in all its ambiguity...endowed with reason, virtue, and grace...also wounded by sin and inclined to evil."¹⁰⁰ This assertion would claim that once freedom is accepted as the condition fitting the dignity of man, one must be prepared to accept the probability of the abuses of freedom and deal with these abuses in ways that do not assault the internal logic of the free self. Neuhaus states, "Freedom cannot remain real if the possibility for evil is not open."¹⁰¹

This version of the self and economic freedom must be held in tension by the imperatives of justice implicit in the phrase "rightly understood." Democratic acceptance of freedom can only be sustained by a plausible and culturally available rationality that supports the belief that the common good will not be overrun by the freedom of some exercised over others. Bentham understood that the abridgment of freedom was true of both tyranny and anarchy, and that people will always choose tyranny's abridgment of freedom over anarchy. Neuhaus' rationality for freedom and justice is grounded in what Michael Novak calls "order unplanned."¹⁰² John Paul II is quoted in support of this

¹⁰⁰Ibid., pp. 58-59.

¹⁰¹Ibid., p. 57.

¹⁰²Novak writes, "In terms of its formal principle, the liberal common good is 'order unplanned... This liberal notion of the common good differs from the older one in that it does not assume that the social ordering of the common good must be the result of the conscious intentions, aims, and purposes of an organizing center, usually the state, and that the ordering must be uniform.... that the common good of modern liberal societies is dynamic, open, pluralistic, and serendipitous, appropriate to free persons who reflect and choose in close interdependence with other human beings." Robert Benne, "Liberalism and Catholicism," *First Things* 1 (March 1990): p. 55.

hope, as he writes, "Where society is so organized as to reduce arbitrarily or even suppress the sphere in which freedom is legitimately exercised, the result is that the life of society becomes progressively disorganized and goes into decline."¹⁰³ Whatever threat freedom poses, the answer is not the subtraction of freedom but the addition of justice.

While it would be all too easy to become bogged down in MacIntyre's argument about *Whose Justice? Which Rationality?*,¹⁰⁴ it is sufficient to note that Neuhaus is conscious of MacIntyre's central thesis.¹⁰⁵ This thesis is that "justice" is a tradition-dependent term that must be defined and supported by the rationality of a particular tradition. When Neuhaus (or John Paul) speaks of "right" or "justice," it is understood in terms of the Western theological tradition. Consequently, the "rightly understood" will be informed not from a study of economics but of a moral tradition. Whatever else this concept means for Neuhaus, it certainly means a rejection of the Marxian version of justice.

The importance of the revolution of 1989 cannot be overstated for both Neuhaus and John Paul. In defining what the "rightly understood" means, it becomes important to scrutinize "the ideas that gave birth to the wrong."¹⁰⁶ Whatever else might be said about the perceptions of those who embraced Marxism as the way to a just society,

¹⁰³Neuhaus, *Doing Well and Doing Good*, p. 115.

¹⁰⁴Alisdar MacIntyre, *Whose Justice? Which Rationality?*, (Norte Dame: University of Notre Dame Press, 1984) Also, Richard John Neuhaus, "Traditions of Inquiry," Review of *Whose Justice? Which Rationality?*, in *Commentary*, June 1988, pp. 64-68.

¹⁰⁵Richard John Neuhaus, "Traditions of Inquiry," *Commentary*, June 1988, pp. 64-68.

¹⁰⁶Neuhaus, *Doing Well and Doing Good*, p. 149.

Neuhaus concludes that injustice was inevitable due to its flawed definition of the self and negative notions of self-interest. Although this false definition of the self is discernable in both dialectical materialism and crass capitalistic consumerism, Neuhaus quotes Anthony Daniels who identifies what made the Marxist version so powerfully appealing:

Why should the philosophy of a man who died a century ago, whose prophecies have been confounded, and whose followers have caused some of the greatest catastrophes in history, remain the single most important intellectual influence in the world today, more important by far than that of men of more profound insight? Marxism answers several needs. It has its arcana, which persuade believers that they have penetrated to secrets veiled from others, who are possessed of false consciousness. It appeals to the strongest of all political passions, hatred, and justifies it. It provides a highly intellectualized rationalization of a discreditable but almost universal and ineradicable emotion: envy. It forever puts the blame elsewhere, making self-examination unnecessary and self-knowledge impossible. It explains everything. Finally, it persuades believers that they have a special destiny in the world. For disgruntled intellectuals, nothing could be more gratifying. The end of Marxism is definitely not nigh.¹⁰⁷

What history has revealed is a wholesale rejection of Marxism's way of producing the just society and a nearly universal determination that it was a system designed for injustice, structurally, functionally, and philosophically. While this reading leaves "capitalism" as the last contender still standing, this does not necessitate that it is the way of true justice. Quoting John Paul II, Neuhaus recognizes that there is capitalism and there is capitalism. He writes:

It [capitalism] seeks to defeat Marxism on the level of pure materialism by showing how a free-market society can achieve a greater satisfaction of material human needs than Communism, while equally excluding spiritual values. In reality, while on the one hand it is true that this social model shows the failure of Marxism to contribute to a humane and better society, on the other hand,

¹⁰⁷Ibid., p. 22. Also, John Maynard Keynes wrote, "Marxian Socialism must always remain a portent to the historians of opinion - how a doctrine so illogical and so dull can have exercised so powerful and enduring an influence over the minds of men, and through them, the events of history." Ibid., p. 48.

insofar as it denies an autonomous existence and value to morality, law, culture and religion, it agrees with Marxism in the sense that it totally reduces man to the sphere of economics and the satisfaction of material needs.¹⁰⁸

Neuhaus defines self-interest wrongly understood, drawing upon *Centesimus*, "Human freedom that is detached from truth is human freedom detached from duty to others. 'The essence of freedom then becomes self-love carried to the point of contempt for God and neighbor, a self-love that leads to an unbridled affirmation of self-interest and that refuses to be limited by any demand of justice.'"¹⁰⁹

The response to these two versions of the "wrongly understood" is to provide a single rationality for doing well and doing good. Neuhaus draws upon Harvard professor Samuel P. Huntington's studies showing the close relationship between free-market economics, democracy and a socially potent Christianity. Huntington's predictions about democracy's "third wave" in the modern world are based upon an acceptance of the conclusion that the first two waves of democracy exhibit "a necessary and integral connection between Protestantism and democracy." Concerning this "third wave," Huntington says, "the future of the third wave...thus depends on the extent to which Western Christianity expands into societies where it is now weak or absent and on the extent to which democracy takes root in societies that are not predominantly Christian."¹¹⁰

¹⁰⁸Ibid., p. 52.

¹⁰⁹Ibid., p. 281.

¹¹⁰Ibid., p. 10. For Neuhaus, the events of 1989, especially in Poland, attest, "beyond reasonable dispute" the social potency of the Church. Neuhaus further writes, "People in Central and Eastern Europe are astonished and incredulous when told that many in the West credit Mikhail Gorbachev with the collapse of Communism... But the uprising in Poland and elsewhere is universally attributed to the influence of John Paul II... The scant attention paid the religion factor in most Western analyses of the dramatic developments in Eastern Europe reflects a deep-seated

While there are many facets to this religious influence,¹¹¹ what Christianity brings to free-market economics is a moral tradition that sanctions the freedom to "take care of business" and supplies the moral imperatives to "take care of each other"¹¹² by "working for justice and for the curbing of injustice."¹¹³ That is to say, the same moral tradition undergirding the version of human dignity that demands the corollary of freedom also condemns the status quo when "...many, many people do not have enough to live in a manner appropriate to the dignity of children of God." The solution, true to the rationalities of freedom and the imperatives of justice, is not the redistribution of wealth but the exercise of a readiness to accept the "potential of the poor" based upon their inclusion into the circle of exchange that produces wealth.¹¹⁴

secular prejudice that assures a continuing clash between elite perceptions of reality and the cultural forces that shape our world." Ibid., p. 12.

¹¹¹One such example of conclusions that John Paul draws in thinking Christianly about societies after 1989 is whether "'capitalism should be the goal of the countries now making efforts to rebuild their economy and society?' His responds, 'It depends on what is meant by capitalism. 'If by "capitalism" is meant an economic system that recognizes the fundamental and positive role of business, the market, private property, and the resulting responsibility for the means of production, as well as free human creativity in the economic sector, then the answer is certainly in the affirmative...'" Ibid., p. 56.

¹¹²Neuhaus notes that the modern Western world is in a state of crisis when it comes to giving compelling moral accounts and convincing moral imperatives. In view of the success of the Nietzschean deconstruction of the moral project of the French Enlightenment, the moral relativism among the American cultural elite, and the apparent inability of philosophers like John Dewey, John Rawls or Richard Rorty to provide the *demos* with a *vulgar*, that is an accessible and compelling moral argument for freedom, the West suffers from a moral vacuum for the very freedom it enjoys and to which the world's nations look. It is in the estimation of Neuhaus, because of this vacuum and "the way the world is turning out," that makes *Centesimus* such an important religiously grounded and "emphatically public" account for freedom and democracy. Ibid., p. 5.

¹¹³Ibid., p. 61. Also "Human freedom that is detached from truth is human freedom detached from duty to others. 'The essence of freedom then becomes self-love carried to the point of contempt for God and neighbor, a self-love that leads to an unbridled affirmation of self-interest and that refuses to be limited by any demand of justice.'" Ibid., p. 281.

¹¹⁴Ibid., p. 157. Paul Johnson adds, "Historically, economic liberalism rested on the belief that man's insatiable appetites, formerly condemned as a source of social instability and personal unhappiness, could drive the economic machine - just as man's insatiable curiosity drove the scientific project - and thus ensure a never-ending expansion

Such a vision depends upon a moral tradition that holds in tension the dignity and fallenness of the "self" in "self-interest" while also advocating the "rightly understood" demands of freedom and the imperatives of justice. But, writes Neuhaus, "the market has no morality of its own; it simply reflects the morality and immorality of those who participate in it."¹¹⁵

This analysis brings us to the very unsatisfying conclusion of the discussion of economics' place in the public square that is characteristic of the open-endedness of "order unplanned." So that the political debate about *ought* in "how ought we order our lives together?" does not deteriorate into "might makes right;" so that economics might understand the *right* in "rightly understood" that keeps it from disintegration into "self-interest--selfishly understood;" each must be informed by a morality that neither possess. It is derived from the sphere of culture, to which we turn our attention.

Culture, Community and Conversation

While the war of ideas that is the *Kulturkampf* engages both the political and economic spheres, Neuhaus sees the "religio-cultural" battles as the most critical to the whole *civitas*.¹¹⁶ Culture is "inseparably intertwined" with the moral *ought* of the political and the moral *rightly* of the economic. Both politics and economics rely upon the sphere of culture to supply the public, democratic moral articulation of how freedom

expansion of productive forces." Paul Johnson, "The Capitalism & Morality Debate," *First Things* 2, (March 1990): p. 19.

¹¹⁵Neuhaus, *Doing Well and Doing Good*, p. 59.

¹¹⁶Neuhaus, *First Things*, March 1990, p. 65.

is ordered to justice.¹¹⁷ It is the realm of culture that supplies the moral legitimization and places the limits upon the political and economic spheres. It is in the realm of culture where persons find meaning so that the status quo of society might be engaged by the imperatives of how society ought to be.¹¹⁸ "Culture is," writes Neuhaus, "among other things, the available ideas by which people understand themselves and try to make sense of their lives."¹¹⁹

Neuhaus observes that John Paul II, keenly aware of the problem of statist usurpation of the public square, "...consistently distinguishes between the society and the state."¹²⁰ He reminds the reader that not every resource for dealing with public problems is controlled and doled out by the state. In this vision of public life, there is an emphatic resistance to the notion that the state is always best suited for dealing with the problems that arise. It is possible, then, to conceive of a good citizen, active in the realm of society, who is politically oblivious.¹²¹ Thus, writes Neuhaus "the factors conducive to living a life of productive citizenship probably have more to do with culture than with public policy."¹²² This notion of culture reflects the truth of Samuel L. Johnson's observation, "How small, of all that human hearts endure, [T]hat part which

¹¹⁷Ibid., p. 2.

¹¹⁸Neuhaus, *The Naked Public Square*, p. 258.

¹¹⁹Neuhaus, *Doing Well and Doing Good*, p. 12. (See, *America Against Itself*, p. 93.)

¹²⁰Neuhaus, *Doing Well and Doing Good*, p. 243.

¹²¹Neuhaus writes, "We the people," is not the state... and so they declare themselves to be a society deciding to form "a more perfect union... In other words, the political order is the creature and the servant of the civil society." *Doing Well and Doing Good*, p. 243.

¹²²Neuhaus, *America Against Itself*, p. 93.

laws or kings can cause or cure."¹²³

Given the available options for the ordering of our public lives, it is not tautological to say that the civil society depends upon the civility of the citizenry. Rejecting an order centered in statist regulation or libertarianism, an account for the way of "order unplanned" is needed. This version of the public square states as its goal an ever-expansive "field of action" for freedom.¹²⁴ Acknowledging that there exists competing versions of freedom, Neuhaus states that "the ideas of freedom need to be thought through and given fresh expression with each generation... Otherwise, the Constitution's guarantees of freedom become, as James Madison said, nothing more than parchment barriers against tyranny."¹²⁵ While this assertion of the centrality of freedom might speak to the notion of the unplanned, there still must be a rationality for the expectation of order that arises out of this freedom in the realm of culture.

As the civil society is ordered by that civility that is "obedience to the unenforceable," culture aims to shape what lies "within man's heart."¹²⁶ Culture is concerned with the cultivation of those convictions about "...what is right and what is wrong...what is decent and what is obscene;"¹²⁷ what Tocqueville called the "habits of

¹²³Neuhaus, "Notes on the Culture Wars," *First Things* 9 (January 1991): p. 59.

¹²⁴Neuhaus, *The Catholic Moment*, (New York: Harper & Row, 1987), p. 166.

¹²⁵Neuhaus, *Doing Well and Doing Good*, p. 5.

¹²⁶Neuhaus quotes John Paul, *Doing Well and Doing Good*, p. 138.

¹²⁷Neuhaus, *America Against Itself*, p. 228.

the heart."¹²⁸ For Neuhaus, the hope of such internalized order depends upon the possibilities of an intentional public conversation between the various communities that make up this pluralistic culture, chiefly about the question of how we ought order our lives together.¹²⁹

The alternatives to this vibrant interaction, in a culture as pluralistic as America's, is either "the domination of a putatively universal account of the good, to be imposed by the allegedly enlightened and disinterested few...[or] nihilism, which is simply to deny that an account of the good is possible..."¹³⁰ Rejecting either of these possibilities, the hope for the civil society, premised upon fundamental commitments to the most expansive definition of the freedom of speech and assembly,¹³¹ is fostering the vibrant conversation.

The notion of conversation is a paradigmatic metaphor for the civil order centered in John Paul's "subjectivity of society." Avoiding the tendency to reify or objectify society, the subjectivity of society recognizes that culture is comprised of individuals

¹²⁸Neuhaus considers these habits as an important source of social stability especially when in the midst of a culture war. He writes "This is our situation...if considered only in terms of how ideas operate in our elite culture....Fortunately, there are still institutions, laws, traditions, and what Tocqueville called 'habits of the heart' that succeed, some of the time, in holding us back from the abyss in actual life. But all of these are perilously weak if they cannot be defended by public argument that lays claim to being the *truth* of the matter." Ibid., p. 182.

¹²⁹Neuhaus writes, "It is in the nature of a theory of democratic justice that it should offer truths that can be held by the people who are the democracy. Otherwise it is not very democratic. Democracy cannot be morally legitimated by ideas that are not understood or accepted by the people." *Doing Well and Doing Good*, p. 5.

¹³⁰Neuhaus, *America Against Itself*, pp. 188-189.

¹³¹Neuhaus writes, "The key presupposition here is that society is prior to the state--prior in both time and dignity. Agreeing with Tocqueville, John Paul declares that 'the right of association is a natural right of the human being, which therefore precedes his or her incorporation into political society.' He cites Leo XIII, who wrote that 'the state is bound to protect natural right,s not to destroy them; and if it forbids its citizens to form associations, it contradicts the very principle of its own existence." *Doing Well and Doing Good*, p. 242.

having communal obligations to families and myriad other communities that Burke described as "the little platoon we belong to in society."¹³² "It is not that 'Society' does this or that," writes Neuhaus, "but that the *acting subjects who constitute society* rightly order their lives together."¹³³ As Neuhaus describes both subjects and society so as to sustain a tension that resists the twin monisms of objectified society and individualistic nihilism. On the one hand, the monism of coercive order is resisted by maintaining the premise that society is made up of subjects whose behavior cannot be scientifically predicted and who will not remain ordered by totalitarian coercion. Nihilism, on the other hand, is resisted by the assertion that subjects in conversation necessarily are social and desire a commonweal. Civility then is premised upon a belief (for many, a religious belief), that the differences that divide real subjects, when attended to by freedom of speech and association, will coalesce into a civil order. At its most primitive and rarified level, this civil order may only be the determination not to allow the culture war to deteriorate into civil war.¹³⁴ Though a seemingly small agreement, it too is premised upon that less than certain expectation the rival moral versions engaged

¹³²Ibid., p. 240.

¹³³Ibid., p. 176.

¹³⁴Neuhaus writes "In the greater testing of the nineteenth century, the dispute over slavery, civil discourse gave way to civil war. Under pressures of no less moment than slavery, it is not entirely alarmist to think that could happen again. There is certainly very little publicly articulate moral consensus in America today." *America Against Itself*, p. 47. But, Neuhaus states, "The threat of anarchy and civil war in such vibrant interaction is reduced...by commonalities of human nature, of overlapping languages, of shared experience, of tested institutions, of constitutional order, and of capacity for reason. By all these factors the threat is reduced, but not eliminated....what are the alternatives to a vibrantly pluralistic public rendering of accounts of the good?... The first is the domination of a putatively universal account of the good, to be imposed by the allegedly enlightened and disinterested few...The second possibility is nihilism, which is simply to deny that an account of the good is possible..." *Doing Well and Doing Good*, pp. 188-189.

in the civil conversation, arrive at significant (but never complete), common cause.¹³⁵ Beyond mere continuance of this conversation (the basic prerequisite of civility), Neuhaus identifies other necessary elements for the advancement of the culture-shaping conversation.

Neuhaus' *Doing Well and Doing Good* is an invitation to enter a conversation-in-progress that he is carrying on with *Centesimus Annus* which is John Paul's conversation-in-progress with Leo XIII's encyclical, *Rerum Novarum*.¹³⁶ John Paul's "honoring" of *Rerum* is no perfunctory good-will gesture to the safely dead. Rather, this encyclical suggests an expansive view of inclusiveness, albeit an inclusiveness that has little currency in the contemporary marketplace of ideas. The inclusion of tradition, as Neuhaus sees it, is essential to resisting the "imperiousness of the present," because it allows the dead to have their say in what G.K. Chesterton termed "the democracy of the dead."¹³⁷ Again, although this kind of inclusivity is not quite what the term means in the common parlance, it remains an important element in forming this expansive view

¹³⁵Neuhaus' assertions about the hopeful consequences of the civil conversation that sustain the rejection of civil war or force are problematic when one ponders how civility fares when say, a Saddam Hussein is one of the arbiters in the conversation. It is noted that Neuhaus was in support of military intervention in Kuwait and admonished other religious leaders for their less than principled pacifism. *First Things*, April 1991, p. 62. While the restrictions of time and space make it difficult to say everything at once, the reader should note that Neuhaus' discussion of civil discourse takes place within the greater construct of civil society and its limits upon the coercive and authoritarian. Limits, we note, under which Hussein was not subjected and therefore immaterial to the U.S. response to Iraq's aggression.

¹³⁶*Rerum Novarum* (The New Things), Leo XIII's 1891 encyclical "that initiated modern Catholic social teaching." Ibid., p. 31. In spite of it being "scathing" in its denunciation of the sins of capitalism, and emphasized redistribution rather than production and wealth creation, John Paul II could honor the hundredth year of the encyclical with his own new look at the "new things" (post 1989) which included a new look at free market economics.

¹³⁷Neuhaus, *Doing Well and Doing Good*, p. 89.

of inclusion.

John Paul states that his intention is to take seriously *Rerum*'s invitation "...to look around at the 'new things' which surround us" and in which we find ourselves embroiled, very different from the "new things" which characterized the final decade of the last century."¹³⁸ Yet, while standing under the authority of an encyclical, the conversation John Paul carries on with *Rerum* is hardly a tribute to monistic unanimity. Indeed, Neuhaus says that this conversation strikes a tenuous balance where it is possible to "...propose without the loss of authority - devising a tension between "infallible" and "just another opinion."¹³⁹ It is this tension that adds needed depth to the contemporary understanding of inclusivity. If civility means inclusion, then it must include a way that competing moral visions, whose differences really matter, are able to carry on a conversation about their shared lives without abandoning those particularities and differences. Therefore, inclusiveness must mean a rejection of self-defeating "facile relativism,"¹⁴⁰ and it must be a readiness to acknowledge that the real competing ideas are engaged in this culture war. But these realities are held in tension by that stubborn resolve and hope that the deepest differences do not destroy the possibility of civil discourse.

For Neuhaus, the commitment to the civil conversation is necessitated by the ambiguity that Christians understand to be part and parcel of the fallen world and is

¹³⁸Ibid., p. 38.

¹³⁹Ibid., p. 75.

¹⁴⁰Richard John Neuhaus, *The Catholic Moment: The Paradox of the Church in the Postmodern World*, (New York: Harper and Row, Publishers, 1987), p. 167.

sanctioned by Divine command. That is, Neuhaus sees that the commitment to an inclusive definition of civil discourse is first founded upon two pivotal tensions created by the fallen world and advanced by two virtues commanded by God. The first tension is between the changing world of historical reality and the absolute demands of revealed truth. Thus, in terms of *Centesimus vis a vis Rerum*, John Paul and Leo agree that revealed truth demands that Christians work for ordering their society to the imperatives of freedom and justice.¹⁴¹

The difference of one hundred years of history is not inconsequential. On the one hand, history reveals that Leo, with remarkable prescience, saw the "simple and radical solution"¹⁴² of socialism and judged that it "would prove worse than the sickness."¹⁴³ This assertion is heartily seconded by John Paul in his rejection of the "secular religion of utopianism."¹⁴⁴ Yet, John Paul makes it quite clear that Leo was wrong in his wholesale rejection of capitalism as a force for good. If *Centesimus* is anything, it is a testimony to the possibilities for good that John Paul sees in the exercise of self-interest

¹⁴¹Neuhaus, *Doing Well and Doing Good*, p. 68.

¹⁴²Ibid., p. 41.

¹⁴³Ibid., p. 187. Furthermore, William F. Buckley, quotes "longstanding socialist, Robert Heilbroner who wrote, "Capitalism has been as unmistakable a success as socialism has been a failure. Here is the part that's hard to swallow. It has been the Friedmans, Hayeks, von Miseses who have maintained that capitalism would flourish and that socialism would develop incurable ailments. All three have regarded capitalism as the 'natural' system of free men; all have maintained that left to its own devices capitalism would achieve material growth more successfully than any other system. From [my samplings] I draw the following discomforting generalizations: The farther to the right one looks, the more prescient has been the historical foresight; the farther to the left, the less so." *National Review*, 1 February 1993, p. 70.

¹⁴⁴Neuhaus, *Doing Well and Doing Good*, p. 41. Also "... we are called to the more everyday and demanding work of establishing social orders that are in accord with 'the defense of the human person and the safeguarding of human dignity'. This does not...mean building heaven on earth." Ibid., p. 60

rightly understood. The second tension is created by the eschatological understanding of the now and not yet. That is to say, when Christians pray, "Thy Kingdom come," they mean--or should mean--that the full disclosure of God's reign comes when He wills it." Neuhaus writes, "If that eschatological factor is forgotten, if the church is taken to be a presently enforceable model, then the church itself becomes a source of tyranny."¹⁴⁵

Recognizing that the church lives in the tension of historical exigency and eschatological certainty, the conversation must reflect the virtues of tolerance and humility. Neuhaus writes, "We are to trust that God is indeed at work in history, but we are to be skeptical of unseemly claims to certitude in discerning precisely what he is up to."¹⁴⁶ The Christian brief for inclusivity, then, is a tension that grows out of the concern to have the freedom to assert a divisive truth, if need be, while recognizing that this asserted truth demands tolerance and humility relative to those who hold competing versions of the good. Neuhaus writes, "We may not like it, but our society is engaged in a *Kulturkampf*, a war over values, symbols, and truths by which we ought to order our life together. Behaving in as civil a manner as we can muster, we will just have to see the conflict through."¹⁴⁷ The conversation demands a rejection of coercion and a commitment to inclusiveness and tolerance in view of the pluralistic nature of the

¹⁴⁵Neuhaus, *America Against Itself* p. 173.

¹⁴⁶Ibid., p. 136.

¹⁴⁷Neuhaus writes "Pluralism requires such engagement in differences within the bond of civility." Why because part of the truth that has one contend for truth also demands love and care and duty toward the neighbor... that is we are not to kill but help and be of service. *Doing Well and Doing Good*, p. 281.

communities engaged in the civil discourse.¹⁴⁸ Madison's observation that religion armed with "legislative authority" possesses a troubling "career of intolerance"¹⁴⁹ ought not be dismissed. For the community that is the church, there is the ongoing necessity to present a rationality for its "reverence for democratic dissent"¹⁵⁰ in the realm of civil culture. For Neuhaus, a significant symbol of this commitment to the civil society happened in 1978 when "Pope John Paul I refused to be crowned with the papal tiara, the vestigial symbol of the claim to temporal power."¹⁵¹ Neuhaus records that the practice was repeated by John Paul II and states that "so must all the churches set aside their tiaras, not even keeping them in the closet but destroying them altogether," so that the fears of the church's ambition to power may be "put to rest."¹⁵²

Suspicion is understandable, since the church that gave the world the Inquisition should now be seeking to "expand freedom's field of action" and act as "freedom's shield."¹⁵³ Revisiting *A Memorial and Remonstrance*, Madison sums up the suspicion

¹⁴⁸Understanding the limited need for various forms of social coercion, asserts Perry, makes the case that most forms of coercion designed to revise the beliefs of a rival should be rejected because it is morally wrong and pragmatically, it engenders a resistance that subverts the initial intention that precipitated the use of coercion. Michael Perry, *Love and Power: The Role of Religion and Morality in American Politics*, (New York: Oxford University Press, 1991), p.128f.

¹⁴⁹James Madison, "A Memorial and Remonstrance," *Religious Issues In American History*, ed. Edwin Scott Gaustad, (New York: Harper & Row, 1968), p. 72.

¹⁵⁰Neuhaus, *The Naked Public Square* p. 260.

¹⁵¹*Ibid.*, p. 260.

¹⁵²*Ibid.*, p. 260. In a series of theses on the public influence of the church, Neuhaus observes that the temptation to the will to power is presented "in terms of doing great good," and therefore must be, all the more, identified and resisted. Richard John Neuhaus, "To Serve the Lord of All: Law, Gospel, and Social Responsibility," (Unpublished paper delivered at St. Olaf College, June 1990), p. 12.

¹⁵³Neuhaus, *The Catholic Moment*, p. 166.

as he writes, "What influence in fact have ecclesiastical establishments had on Civil Society?...[I]n no instance have they been seen the guardians of the liberties of the people."¹⁵⁴

Aware that there is much historical evidence supporting this sentiment, Neuhaus still asserts that "...the Catholic Church has become the most vigorous, sophisticated, and effective institutional proponent of religious liberty in the world."¹⁵⁵ John Paul's commitment to the free-market is extended to the marketplace of ideas in order that people might enter the conversation about meaning and truth. This goal demands the medieval formulation that "error has no rights," for a renewed commitment to the most expansive boundaries of freedom for both the religious orthodoxed and the atheist.¹⁵⁶ And if this support of freedom is a new commitment for the Roman Church, it is importantly informed by the revolution of 1989. In *Centesimus*' reading,¹⁵⁷ the revolution was a triumph of the ideas that give rise to a free society¹⁵⁸ over the ideas

¹⁵⁴Madison, "A Memorial and Remonstrance," p. 76.

¹⁵⁵Neuhaus, *Doing Well and Doing Good* p. 279. Also given the horror stories from American universities of abridgments of free speech rights under the rubric of political correctness (see D'Souza, *Illiberal Education*, pp. 141-147), it may well be that the assertion of the church as guardian of freedom may hold up to the public scrutiny necessary for the conversation of culture to carry on.

¹⁵⁶Neuhaus, *The Catholic Moment*, p. 167.

¹⁵⁷Granted, that this reading of the events of 1989 is not the only reading. After the collapse of Communism, Neuhaus observes that people in Central and Eastern Europe were puzzled over credit accorded to Gorbachev instead of to John Paul. He writes, "The scant attention paid the religion factor in most Western analyses of the dramatic developments in Eastern Europe reflects a deep-seated secular prejudice..." Neuhaus, *Doing Well and Doing Good*, p. 12.

¹⁵⁸*Ibid.*, p. 2.

that gave rise to tyranny.¹⁵⁹ That the revolution was essentially bloodless is no less a testimony to the importance of being a part of that conversation where such ideas are present.

The commitment to freedom that embraces the "reverence for dissent" means a rejection of the will to power and the use of coercive measures. It does not mean, however, that religion, as an example, is without social influence. On the contrary, if indeed "ideas have consequences," then the public articulation of ideas is of the highest importance. Herein lie several ironies of *Centesimus* as a model of the kind of conversation necessary for a civil society. It is presented, on one level, as a "public" proposal which invites people "to engage the arguments proposed in Catholic social teaching" in order to apply the rigors of public investigation, correctives and the right to dissent.¹⁶⁰ Neuhaus writes that while "*Centesimus* is not shy about advancing explicitly Christian truth claims," John Paul is arguing from an understanding of the human condition and arguing to conclusions about "why that condition requires the free society..."¹⁶¹

¹⁵⁹"John Paul urges, we must look to the ideas that gave birth to the wrong. The poison was in the seed of the idea called socialism...The problems of the working class were indeed severe, but John Paul says that Leo recognized that the 'simple and radical solution' proposed by socialism would result in a 'remedy that would prove worse than the sickness.'" Ibid., p. 149.

¹⁶⁰While Neuhaus readily acknowledges that very few actually read encyclicals, that does not distract from the importance of *Centesimus*' arguments which "... are emphatically *public* arguments in both substance and implication... *Centesimus* is not shy about advancing explicitly Christian truth claims, but it's subject matter is the human condition and why that condition requires the free society and the free economy." *Doing Well and Doing Good*, pp. 9-10. Also Neuhaus writes, "While the Pope is not leading an academic seminar, neither is he speaking to a sect. His argument is a *public* argument, directed to 'people of goodwill' who participate in several worlds of discourse." Ibid., p. 99.

¹⁶¹Ibid., p. 10.

Centesimus' attention given to *Rerum Novarum*, especially in light of the events of 1989, suggests John Paul's high estimation of the socio-economic analysis that supported Leo's rejection of socialism. What is remarkable is that Leo anticipated the horrors and rejection of Socialism even when, a hundred years ago, this very socialism was as "Irving Howe...declared...the name of our dream." When considering the solutions proposed by socialism, Leo saw it not so much as the name of the dream as the name of the idol. With that understanding that "ideas have consequences," *Rerum's* predication of evil to what was widely trusted as the way of great good, stands as an emblem of the importance of religious analysis in the culture shaping conversation. Thus John Paul, in recognizing the importance of accountability and its dependence upon basic liberties, supports those conditions of liberty even when they are subject to abuse. Therefore, while accepting with high praise Leo's analysis of socialism, he declines to accept Leo's rejection of capitalism because of this high estimation of liberty.

Liberty then, is a pivotal operative notion in discerning and shaping culture. As the heart of culture has to do with those moral truths whereby we order our lives together,¹⁶² freedom of speech and freedom of assembly are necessary in order to insulate this conversation from social coercion and political pressures, "which can only lead to the conformism that is the opposite of freedom."¹⁶³ Neuhaus, quoting *The*

¹⁶² Neuhaus states, "I begin with a bias...religion is the heart of culture, culture is the form of religion, and politics is the function of culture... Religion, the binding beliefs of a people, is, generally speaking, the dominate factor in how they order their life together." Richard John Neuhaus, "The Post-Secular Task of the Churches," *Christianity and Politics: Catholic and Protestant Perspectives*, edited by Carol Friedley Griffith, (Washington, D.C.: Ethics and Public Policy Center, 1981), p. 1.

¹⁶³ Neuhaus, *The Catholic Moment*, p. 166.

Imitation of Christ, writes, "No man ruleth safely but he that is ruled willingly." It is this conversation where such a free social order becomes possible. Culture is shaped by conversation and manifests conversational characteristics as "order unplanned." A conversation that is scripted is not a conversation; a culture that is commanded rather than conversed into existence ceases to be a culture. There are those who worry about what they will say if engaged in a conversation and those who worry about facing an unplanned future. Nonetheless, if Neuhaus is correct, both conversations and culture are best when they are open-ended, which is to say, free.

We conclude this chapter without considering the importance of community in the realm of culture. For Neuhaus, the moral discourse is unanchored apart from the moral communities that shape the public conversation. This neglect should not be interpreted as dismissive of the importance of the community, but as anticipatory of Chapter Five where it is discussed in the context of abortion. Finally, we end with the observation that even as the nations once ruled by Communism are finding their way to freedom, the political left and right in the West, caught between notions of political correctness and the rise of para-military organizations, show signs of uneasiness with the idea of freedom. Such uneasiness necessitates, as Neuhaus asserts, that each generation "be able to give a moral account of freedom...[so] to convince us that our way of ordering our life together is worthy of moral commitment."¹⁶⁴

¹⁶⁴Neuhaus, *Doing Well and Doing Good*, p. 3.

CHAPTER 4

THE GENEALOGY OF TENSION

As manifested in Neuhaus' tripartite division of the public square, he holds a high estimation of tension for restraining the monistic will to power. A less conspicuous tension in Neuhaus' thought is the two-fold criteria judging public moral accounts essential for both politics and economics. Too briefly stated, moral accounts must be *at once* plausible in the conversation among the cultural elite and democratically accessible in that conversation whereby the populace is reflective about the "sacred canopy" that gives legitimacy to the social order.¹⁶⁵ When evaluated by this tension-centered criteria, Neuhaus considers various secular moral accounts inadequate, for among other reasons, being inaccessible to the populace.¹⁶⁶

Contrariwise, Augustine and Luther are of pivotal importance as the genealogical foundation for Neuhaus' idea of tension and as paradigm examples of the discourse which impacts the conversation elites and popular culture. Therefore, this chapter surveys the two socially potent religious/moral concepts of Augustine's two cities and Luther's two

¹⁶⁵Berger speaks of the conversation whereby the individual understands and accepts the legitimacy of the demands of culture and his or her significance within the culture. In almost all accounts, this conversation will have a clearly identifiable religious orientation. Peter Berger, *The Sacred Canopy: Elements of a Sociological Theory of Religion*, (Garden City, N.Y.: Anchor Books, 1969), p. 16.

¹⁶⁶"In this century, eminent Americans have proposed various ways of thinking through again the ideas that can sustain a free society... The list of worthies who have produced conceptual schemes of similar purpose [Dewey, Lippmann, Rawls, Rorty] can be readily extended. [A]mong the problems with all those efforts is that they had little resonance with the democracy that they were intended to serve. They produced interesting ideas for debate among mainly academic elites... *Democracy cannot be morally legitimated by ideas that are not understood or accepted by the people.* (Italics mine) Neuhaus, *Doing Well and Doing Good*, p. 5. For a more aggressive critique of secular based approach to public morality see "Joshing Richard Rorty," *First Things* 5 (December 1990): p. 71.

kingdoms. It is understood that the political configuration and cultural circumstances of fifth century Imperial Rome and sixteenth century German are obviously very different and the two cities and two kingdoms are disparate notions. Nevertheless the *transhistorical* theme of the importance of tension emerges in both Augustine and Luther as each gives his account of religion's participation in the struggle to define culture.

One important recurring tension recognized in the Christian community is that of being *in the world but not of the world*.¹⁶⁷ The church lives in tension between the identity as a culture distinct and counter to the dominate culture and, compelled by obligations of love, as a contributing member of the general culture. It lives under the historical conditions of the "now," while being drawn to an eschatological denouement in the "not yet." The tension is objectified in both the discourses and functions of the church in the world and the church removed from the world. In the *cultus*¹⁶⁸ (the liturgical/sacramental life), the church philosophically and ceremonially withdraws from the culture into its own counter-culture where the discourse is largely transcendent.

In tension with this withdrawal, the church and individual Christians are involved in intentional engagement of the dominate culture in the apologetic/polemic discourse with those propositions that would shape public life. For Neuhaus, the importance of

¹⁶⁷Glenn Tinder alludes to this tension as he writes, "It is the paradox of the prophetic stance that we can live as good citizens in the world only if we are able to live, in faith, hope, and love, as what we inescapably are - strangers in the world." Glenn Tinder, *The Political Meaning of Christianity*, (San Francisco: Harper, 1989) p. 98.

¹⁶⁸This division is marked out by the distinctive discourses of the public apologetic and evangelism and the private preaching, liturgy and sacraments. While there is a distinction, the overlap often times blurs the borders so as to make the separation unrecognizable. So the exercise of the *cultus* has had public impact, as for example, the social implications of excommunication, and the *cultus* is never fully insulated from dominate milue.

tension to restrain the "monistic hunger" is the shared genius of both Augustine and Luther: "Twenty-five years ago I criticized the Lutheran 'two kingdoms' concept because it denied redemptive significance to . Now I embrace it as one of the best ways, if not the best way, of avoiding the perilous confusion and the fatal conflation of the City of God and the City of Man..."¹⁶⁹

The City of God

The sack of Rome, "the Eternal City," in 410 by Alaric and the Goths fueled the already hotly debated question of that culture war, "who or what was responsible for this defeat?"¹⁷⁰ Christianity's rise from the status of an outlawed, subversive religion to a formidable social force was blamed for having "sapped the strength"¹⁷¹ of the empire by introducing a religion that rejected the very "paganism" that, though not widely "believed,"¹⁷² served to give an order to the society and a sense of metaphysical grounding to the social ethic.¹⁷³

In this context, Augustine sets out to refute those "who blame Christ for the

¹⁶⁹Neuhaus, *The Christian Century*, 11 July 1990, p. 671.

¹⁷⁰Henry Chadwick, *Augustine*, (Oxford: Oxford University Press, 1986), pp. 96-97.

¹⁷¹Vernon Bourke, *The City of God* (New York:Image Books, 1960) Introduction, p. 8.

¹⁷²"...most of the aristocrats and rich landowners, with peasants on their estates, remained conservative, attached to polytheistic cult. No that the intellectuals believed the old myths. The gods adored in the temples had long been mocked in the theatres and more politely demolished in lecture-rooms. But the rites were received ways of keeping unseen powers propitious." Chadwick, *Augustine*, p. 96.

¹⁷³Augustine, *The City of God*, Bk.3/Ch.4, p. 81.

calamities that befell the city,"¹⁷⁴ and furnish a philosophical rationale for Christianity's future participation in the ordering of public life.¹⁷⁵ It is noteworthy that historian Henry Chadwick says that Augustine's choice of titles--*The City of God*--signaled that this work was a counter-proposal to the *Republic* of Plato, "with whom parts of the work were a running combat."¹⁷⁶ Significantly, contrary to Plato's monistic ideal of public life, the *City of God* is pluralistic, attentive to historical circumstances and unwilling to grant ascendancy to the political bond.¹⁷⁷

For Augustine, every version of reality is also a subversion of rival theories.¹⁷⁸ The detailed attention that Augustine accords to rival philosophical ideals indicated that he saw his project as not only theological but also historical. That is to say, while the city of God was defined as an eschatological ideal, it was also necessarily defined by its temporal conflict with the city of man. For Augustine, the great drama of history, its "comprehensive meaning" and *Telos*, was "the conflict between the two cities."¹⁷⁹ And

¹⁷⁴Ibid., Bk.1, p.41.

¹⁷⁵"But first I must set forth,...the kind of philosophical efforts men have made in their search for happiness amid the sorrows of this mortal life. My purpose is, first, to point out the difference between their hollow aspirations and the holy assurances which God has given us; second, to make clear what is meant by the true beatitude which he will grant....I shall appeal not only to divine Revelation but to such natural reasoning as will appeal to those who do not share our faith." Ibid., Bk.19/Ch.1, p. 427.

¹⁷⁶Chadwick, *Augustine*, p. 97.

¹⁷⁷Robert Nisbet, *The Social Philosophers: Community and Conflict in Western Thought*, (Washington Square Press, New York, 1982) p. 3.

¹⁷⁸"All human history and culture may be viewed as the interplay of the competing values of these two loves and of these two cities." Bourke, Introduction to *The City of God*, p. 10.

¹⁷⁹Samuel E. Stumpf, *Philosophy: History and Problems* (New York: McGraw-Hill, 1971) p.156. "Thus in the torrential stream of human history, two currents meet and mix: the current of evil which flows from Adam and that of good which comes from God." *The City of God*, Bk.22/Ch.24, p. 523.

so long as history endured, the tension between the cities of God and man would remain the defining characteristic of public life. Thus, *The City of God*, in stark contradistinction to the political monism of Plato's *Republic*,¹⁸⁰ sets forth a theory of public life with realistic expectations of forming a commonwealth while embracing the historical reality of pluralistic tensions.

Augustine's understanding of the pluralistic public square and acceptance of the tensions implicit in pluralism are documented in Books 1-5. There he answers the polytheists' claim that the ancient gods were an adequate base for the proper ordering Roman life.¹⁸¹ This assertion was his first step in refuting the criticism that Christianity was responsible for the defeat of Rome. Drawing upon the principal Pagan writers, Augustine charged that the capricious,¹⁸² indecent and inconsistent gods¹⁸³ legitimized the very chaos¹⁸⁴ and vice¹⁸⁵ that were chiefly responsible for weakening the social structures of Rome: "Their argument against Christianity set out to show that it [the Christian faith] was not the pristine tradition. Augustine set out to show, from unimpeachable authority, just how uninspiring and embarrassing the pristine stuff

¹⁸⁰ Neuhaus writes that "One of the most important contributions of religious folk is to challenge the imperiousness of the political, along with all its pomp and pretensions and divisive labels. At least religious folk *should* so challenge the imperiousness of the political." Neuhaus, *America Against Itself*, p. 14.

¹⁸¹ Chadwick, *Augustine*, p. 96.

¹⁸² Augustine, *The City of God*, Bk.3/Ch.3, p. 80.

¹⁸³ Ibid., Bk.2/Ch.29, p. 77.

¹⁸⁴ Ibid., Bk.5/Ch.11, p. 110.

¹⁸⁵ Ibid., Bk.2/Ch.4, p. 69.

was."¹⁸⁶

In Books 6-10, Augustine's conversant familiarity with Platonic philosophy, his acknowledged sympathies for platonic principles¹⁸⁷ and his study of common texts became the basis for the conversation about the common weal. As an illustration, Augustine makes extensive use of the Porphyry (an antagonist of Christianity) to exhibit a close unity of Platonism with Christianity. Finally, in Books 11-22, he considers the convergence and divergence of the two cities. Returning to the paradigm tension of *in the world but not of the world*, we will first give attention to the distinctions Augustine develops between the two cities, then examine how the two cities coexist in a commonwealth.

Though the human race was once unified through its origin in the first man, Adam, it is now divided into two peoples, represented by a variety of metaphors: Jerusalem versus Babylon;¹⁸⁸ peace versus chaos;¹⁸⁹ Cain versus Abel;¹⁹⁰ the flesh versus the spirit;¹⁹¹ and Christ versus the Devil. Yet, one should not mistake this litany for the assumption that this division is without ambiguity.¹⁹² The two societies occupy the same geographical space, national identity, human nature and historical exigencies. They

¹⁸⁶Chadwick, *Augustine*, p. 98.

¹⁸⁷*Ibid.*, p. 98.

¹⁸⁸Augustine, *The City of God*, Bk.19/Ch.11, p. 451.

¹⁸⁹*Ibid.*, Bk.18/Ch.41, p. 411.

¹⁹⁰*Ibid.*, Bk.15/Ch.1, p. 324.

¹⁹¹*Ibid.*, Bk.14/Ch.1, p. 295.

¹⁹²*Ibid.*, Bk.1/Ch.35 p. 63.

share a mutual longing for civil peace, fear of chaos and convergent notions concerning virtue and the good life. The ambiguity is intensified because there are those in the city of man who are on the way to the city of God and heretics in the city of God. Further exacerbating the ambiguity is that all men are fallen creatures, human reason and intelligence are "indeed slender..."¹⁹³, the "perception of the truth," is badly damaged,¹⁹⁴ humanity is vulnerable to "diabolical deception," and an "overwhelming ignorance...makes us such easy victims of the devil's deceit."¹⁹⁵ Nevertheless, Augustine believes in the possibility of a commonweal without considering the differences of people with indifference or denying the obvious ambiguity that attends this monumental project in pluralism.

For Augustine, this ambiguity is both real and temporary. While it may be impossible to distinguish the city of God in history, history is moving toward an eschatological clarification that informs Augustine's teleology. There is much at stake in this notion. Teleology places the particulars of history into the context of "eternal causes," which produces a "feeling for history."¹⁹⁶ History, then, is the clay of the Divine Potter who gives it form and shape.¹⁹⁷ Without teleology, man lives in complete ignorance of eternal causes, which leaves him without direction and vulnerable to the

¹⁹³Ibid., Bk.19/Ch.18 p. 466.

¹⁹⁴Ibid., Bk.19/Ch.4, p. 438.

¹⁹⁵Ibid., Bk.19/Ch.9, p. 449.

¹⁹⁶Chadwick, *Augustine*, p. 106.

¹⁹⁷Augustine, *The City of God*, Bk.12/Ch.26, pp. 264-265. "He (God) left no part of this creation without its appropriate peace (order)...How, then, can anyone believe that it was the will of God to exempt from the laws of His providence the rise and fall of political societies?" Bk.5/Ch.11, p. 111.

immediate forces of political expedience and utility.¹⁹⁸ The eschatological clarity holds the temporary ambiguity in a state of tension that preserves the human understanding from the perplexity that would paralyze human efforts to order the temporal existence. The paradox is that Augustine asserts that the teleological understanding of the division of the human race is considered essential for the immediate forging of common cause. This is because, in the ordering of the pluralistic *civitas*, choices are made between rival versions of justice. Thus, it is imperative that each version state its vision in terms of its ultimate manifestation in order to inspire acceptance, but mostly as a means to be held accountable by rival versions.

The public order is ultimately judged as good or bad relative to its approximation of what is known of the eternal forms and whether it helps humanity toward the ultimate good and away from the ultimate evil.¹⁹⁹ The task for the city of God in participating in the ordering of public life is to move the public order to approximate more closely the teleological form. This task is accomplished in dealing with the tensions of pluralism, historical exigencies and the ambiguity caused by the defective human condition.

A critical assumption for Augustine was that the ordering of the *civitas* depended upon an antecedent debate over the constitution of the "good life." This pre-political debate, in Neuhaus' terms, is an essential exercise in the rationality of culture.

¹⁹⁸Ibid., Bk.6/Ch.12, p. 134.

¹⁹⁹The two ultimate issues that arise in the temporal ordering question are of justice and peace. As a matter of temporal life they are imperfect approximations of the eternal ideals of justice and peace. Yet, while they are imperfect they are not unimportant. On the contrary the project of public ordering is always the "unremitting struggling to effect this internal order, (ie justice) and is far from finished." Augustine, *The City of God*, Bk.19/Ch.4 p. 439.

Challenging the Cynic philosophers' doubt of the possibility of ultimate knowledge, Augustine argues that the pattern of the good life cannot be derived from study of temporal and corporeal pleasures and virtues.²⁰⁰ Because the study of earth and man furnishes no cogent account of the good, but rather a variety of competing versions of the "good life," Augustine concludes that such a search "is in vain."²⁰¹ As an example of such inconsistency, Augustine chides the Stoics' commendation of suicide as a necessary option in their version of the good life: "Happy life, indeed, which employs death's aid to end it! If such a life is happy, then I say, live it!"²⁰²

In an ever disintegrating social circumstance, Augustine concluded that the order of society was depended less upon enforceable law as upon obedience to unenforceable virtue; a virtue that was possible, "only when men believe in God." Arguing philosophically rather than from history for this presupposition, Augustine makes the point that hope and purpose are necessary prerequisites for the virtue which sustains obedience to the unenforceable. Observing the ever-increasing threat of anarchy Augustine posited the necessity of eschatological hope because humanity must endure "so many grievous ills,"²⁰³ and the necessity of teleological ordered imperatives that offer a cogent account of the good, even in the midst of these "grievous ills." On the one hand, Augustine was out to discredit the Cynics epistemological despair about the

²⁰⁰Augustine, *The City of God*, Bk.19/Ch.2, p. 432.

²⁰¹Ibid., Bk.19/Ch.4, p. 437.

²⁰²Ibid., Bk.19/Ch.4, pp. 441-422.

²⁰³Ibid., Bk.19/Ch.4. p. 442.

possibility of discerning virtue, and the Stoic cultural despair generated by their inability to give a rationale against the practice of suicide.²⁰⁴ Augustine saw that if the arguments of either the Cynics or Stoics proved culturally compelling, virtue would lose its necessary ultimate grounding leaving as the only available philosophic option, the Epicurean dedication to the bodily pleasures.²⁰⁵ This, he believed, was not a sustainable option for the ordering of the temporal city of man.

Belief in God and its connection to civil order is a theme recapitulated by others. James Madison states that "before any man can be considered a member of Civil Society, he must be considered a subject of the Governor of the Universe."²⁰⁶ Solzhenitsen, asserting the social impact of the loss of transcendence stated, "godlessness [is] the first step to the Gulag."²⁰⁷ Glenn Tinder, in *The Atlantic Monthly* asks, "Can we be good without God?" He states that politics, which has become entirely secular, cannot help but be demoralized. Thence, "politics loses its moral structure and purpose, and turns into an affair of group interest and personal ambition."²⁰⁸ In this context where the church, once removed from the world, now brings to the public square a sufficient and

²⁰⁴ Augustine chides the Stoic philosophers for teaching others that the good life was anchored in the temporal-corporeal world (which the Stoics recognized as filled with evil and sorrow), they also instructed others in the merits and necessity of suicide. "How can anyone be so blind as not to see," writes Augustine, "that if life is happy it should not be shunned.. Life, then, is the happy life in the midst of evils which drive a man to escape from life?" Ibid., Bk.19/Ch.4, p. 440-441.

²⁰⁵ c.f., 1 Corinthians 15, Augustine, *The City of God*, Bk.14/Ch.1, p. 295.

²⁰⁶ Madison, "A Memorial and Remonstrance," p. 73.

²⁰⁷ M.D. Aeschliman, "Solzhenitsyn and Modern Literature," *First Things* 5 (September 1990): pp. 49-54.

²⁰⁸ Glenn Tinder, "Can We Be Good Without God?" *Atlantic Monthly*, Dec. 1989 pp. 69-85. Also see Neuhaus, "Can Atheists Be Good Citizens?" *First Things* 15 (August/September 1991): pp. 17-21.

compelling rationality for the virtue and hope necessary for the ordering of society.

As Augustine speaks of the importance of justice, and the necessity of belief in God for justice, we might assume that the notion of pluralism is not a pivotal consideration.

Indeed, he seems to be flirting with his own version of monism as he writes:

If a commonwealth is the weal of the people, and if there is no people save one bound together by mutual recognition of rights, and if there are no rights where there is no justice, it follows beyond question that where there is no justice, there is no commonwealth... Justice is the virtue which accords to each and every man what is his due. What, then, shall we say of a man's 'justice' when he takes himself away from the true God and hands himself over to dirty demons?²⁰⁹

For Augustine, the civil society depends upon the establishment of justice but, he concludes, "...what fragment of justice can there be in a man who is not subject to God?"²¹⁰ These passages in isolation indicate that Augustine never shakes loose of Plato's monism but merely replaces the ascendancy of the political bond with the moral/religious bond. Yet, this categorical rejection of both a secular and pagan foundation for public order is held in tension by considerations of historical exigencies and appreciation for ambiguity. *The City of God*, far from being an assertion that the church was the only voice in the public square, is an account for the church to move out from the *cultus* into an aggressive confrontation with rival ideas which is a manifestation of its conditional dedication to the common weal.

²⁰⁹ Augustine, *The City of God*, Bk.19/Ch.21, p. 469.

²¹⁰ Augustine, *The City of God*, Bk.19/Ch.21, p. 470. Furthermore he states, "Where justice is wanting, in the sense that the civil community does not take its orders from the one supreme God... where neither the individuals nor the whole community, 'the people' live by that faith which works through that charity which loves God as He should be loved and one's neighbor as oneself - where this kind of justice is lacking, I maintain, there does not exist 'a multitude bound together by a mutual recognition of rights and a mutual co-operation for the common good.' This being so, there is no proper 'people' ...nor a commonwealth. For, where there is no 'people', there is no 'people's' weal. Ibid., p. 478.

Because the separation of the two cities is an eschatological event,²¹¹ the fusion of the two cities into the civil society is possible and necessary. The possibility of this fusion is rooted in the belief that, while every human is flawed, the deprivation has not fully destroyed all that is virtuous in "human nature."²¹² One surviving virtue is that humans are social creatures,²¹³ which allows for the possibility of "a harmonious social existence."²¹⁴ Drawing upon polyphonic music to illuminate the plausibility structure of pluralism, Augustine points to the harmony produced by the "modulation of tones that are very dissimilar," to suggest the same possibility for unity in a pluralistic society. Augustine's commitment to pluralism, minimally as an historical reality, moved him to search for a non-monistic basis for the unification of society, "fashioned into a concordant whole by the consent of very diverse elements..."²¹⁵ For whatever were the differences between the two cities, mortal life was similar enough so that common cause between the two cities was both possible and desirable, though by no means automatic.²¹⁶

²¹¹"On earth, these two cities are linked and fused together, only to be separated at the Last Judgment." Ibid., Bk.1/Ch.35, p. 64.

²¹²Ibid., Bk.22/Ch.24; p. 524.

²¹³Ibid., Bk.19/Ch.3, p. 436. Also "By the very laws of his (man's) nature, he seems, so to speak, forced into fellowship and, as far as in him lies, into peace with every man." Bk.19/Ch.12, p. 454.

²¹⁴ R.A. Markus, *Saeculum: History and Society in the Theology of St. Augustine* (Cambridge: Cambridge University Press, 1970) p. 200.

²¹⁵Augustine, *The City of God*, Bk.2/Ch.21, p. 72.

²¹⁶Augustine further elaborates when he writes: "So long, then, as the heavenly City is wayfaring on earth, she invites citizens from all nations and all tongues, and unites them into a single pilgrim band. She takes not issue with that diversity of customs, laws, and traditions whereby human peace is sought and maintained. Instead of nullifying or tearing down, she preserves and appropriates whatever in the diversities of divers races is aimed at one and the same objective of human peace, provided only that they do not stand in the way of the faith and worship of the one

The notion of potentiality is an important philosophical ingredient in sustaining Augustine's faith in a pluralistic commonwealth. Robert Nisbet states that for Augustine, "All history, through the successive ages and epochs...is but the unfolding of potentiality, the manifestation of the divinely created latency."²¹⁷ Potentiality is important to a theological account for the practice of tolerance: "God foresaw the fall...yet He left man's free choice unchecked because He also foresaw to what good He would turn man's evil."²¹⁸ The acceptance of this divinely sanctioned freedom is grounded in the assertion that because God is the God of history, there is something purposeful about the present and there is always the possibility of woe being turned to weal.²¹⁹ Though Augustine was not writing an apologetic aimed at convincing his rivals to accept this faith assumption, this observation offers important insight, for those in the city of God, into the theological roots of tolerance.

Augustine is tireless in his labor to discover philosophic foundations for the common life as illustrated in his concern for peace and justice. The desire for the peace which on earth is "the harmonious correspondence of conduct and conviction...the well-ordered life and health of the living whole," is nearly universally desired.²²⁰ This desire for political and personal peace is founded on the universal recognition that chaos, particularly manifest in pain and suffering, forever threatens such peace. Especially

supreme and true God. Ibid., Bk.19/Ch.17 pp. 464-465.

²¹⁷Nisbet, *The Social Philosophers*, p. 91-92.

²¹⁸Augustine, *The City of God*, Bk.22/Ch.1, p. 508.

²¹⁹Ibid., Bk.1/Ch.35, p. 63.

²²⁰Ibid., Bk.19/Ch.13, p. 456.

troubling for the account of order that the city of God brings to the public square is that "in the daily round of life, God's gifts and man's brutalities often times fall indifferently and indiscriminately to the lot of both good and bad."²²¹

This is troubling because if the world is at bottom, capricious and haphazard, then the possibility for justice, which is prerequisite for civic peace, is philosophically undermined. Augustine was thus compelled to offer a theodicy for suffering: "The good are scourged with the wicked...because both love an earthly life," and need to be reminded that the true end is to be found outside of temporal existence in eternal life.²²² Explaining further, because "every individual springs from a condemned stock and...must be first cankered and carnal..."²²³ suffering encourages "seeking more ardently after that heavenly peace which is to be unshakable and unending."²²⁴ This is not cited because Augustine's argument is necessarily compelling. Rather, it exhibits that the plausibility of Augustine's brief for civic peace required the theological referent to offer a way of dealing with the possibility of the socially disintegrating problem of evil. While acknowledging the "pilgrim status of the city of God and asserting the certainty of its final exodus from Babylon, Augustine was committed to the "peace of Babylon," which makes the two cities cooperative neighbors."²²⁵

²²¹Ibid., Bk.2/Ch.2, p. 67.

²²²Ibid., Bk.1/Ch.9, p. 48.

²²³Ibid., Bk.15/Ch.1, p. 324.

²²⁴Ibid., Bk.19/Ch.10, p. 450.

²²⁵Ibid., Bk.19/Ch.26, p. 480. (c.f., Bk.5/Ch.19, p. 114).

The success of this public peace which is "the calm that comes from order,"²²⁶ depends upon the broad practice of virtue and the establishment of just laws. In order to forge this consensus about virtue and law, it is paradoxical that Augustine, who doubted the possibility of virtue without belief in the Christian God, argues his case by drawing upon virtuous pagans. In writing against the public indecency of the theaters, Augustine reasons from both Revelation and from the writings of the pagan Scipio, who wrote that the Republic could not survive a situation where, "while walls were standing, yet morals were collapsing."²²⁷

Furthermore, he acknowledges a debt to those philosophers who "did get a glimpse of the truth amid the fog of their own fallacies," such as God's creation of the world, the excellence of virtue, patriotism, friendship, good works and "other things pertaining to morality."²²⁸ Augustine understands the close etymological and functional usages of discrimination and discernment. Thus, he the critical faculty that discriminates and demarcates the divide between rival systems of meaning is the same faculty that discerns the agreement necessary for common cause.²²⁹ Chadwick, noting Augustine's use of Cicero, writes:

Cicero...saw that any coherent society must have a system of law, and would be held together by bonds of mutual interest and interdependence. Yet, Roman history had never ceased to be a catalogue of aggressive conquests. How could a polytheistic society be one in which justice could prevail? 'Take away justice,

²²⁶Ibid., Bk.19/Ch.13, p. 456.

²²⁷Ibid., Bk.1/Ch.33, p. 62.

²²⁸Ibid., Bk.18/Ch.41, p. 412.

²²⁹Graeme Hunter, "The Case for Discrimination," *First Things* 32 (April 1993): p. 33.

and what are governments but brigandage on a grand scale?²³⁰

By the light of the same theological system that declared a final eschatological divergence, Augustine also discerns the convergence of the two cities that made civil peace and the possibility of the common weal a humanly attainable goal.

Although humanity's virtue was damaged by the fall, Augustine contended that fallen man was still able to perceive and aspire for a civic justice that could be attained if humanity would only "pay the price of toil and trouble," and work within the twin resources of law and education.²³¹ Given these resources, Augustine saw that even a broad cultural referent for praise and blame could be again forged as it once was in Rome's achievements. Writing lyrically of Rome's better days:

...there have been discovered and perfected, by the natural genius of man, innumerable arts and skills which minister not only to the necessities of life but also to human enjoyment. And even in those arts where the purposes may seem superfluous, perilous and pernicious, there is exercised an acuteness of intelligence of so high an order that it reveals how richly endowed our human nature is. For, it has the power of inventing, learning and applying all such arts.²³²

What most impeded this kind of civil order and peace was the confusion of the city of man's conflicting and contradictory moral authorities. The problem in the "ungodly city" is that it has, "without the smallest degree of critical discrimination, taken all these scrapping ideas from here, there, and everywhere, clutching them in pell-mell, confusion

²³⁰Chadwick, *Augustine*, p. 99. Also "Like Plato and Aristotle, Augustine did not see the business of politics as divorced from all ethical issues, even though he did not think the secular world capable of establishing a truly just society." Ibid., p. 104. (c.f., Augustine, *The City of God*, Bk.19/Ch.14, p. 460).

²³¹Augustine, *The City of God*, Bk.22/Ch.22, p. 520.

²³²Ibid., Bk.22/Ch.24, p. 526.

to her bosom..." Though Augustine agrees with certain of the philosophers' points, he criticizes their indiscriminate teaching of truth and untruth "with equal license." "No wonder," he complains, "that this earthly city has been given the symbolic name of Babylon, for Babylon means confusion."²³³ Augustine's ambivalence toward the possibility of justice in the earthly city is because of the tension under which temporal life existed. While asserting that without a theologically anchored ethic, there could be "no mutual recognition of rights,"²³⁴ still, Augustine never abandoned the effort to forge a public peace built on a shared sense of justice, fueled by the hope that within the tension such a peace might emerge.

While much of *The City of God* is concerned with understanding the torment that attended the fall of Rome, there is throughout a haunting hope. For Augustine, history was far too surprising to settle into the serenity of a cultural despair that abandons the public debate over the ordering of the public square. Near the end of the book, he muses, "What is really hard to believe, for anyone who stops to think, is the way the world came to believe. The fishermen whom Christ sent with the nets of faith into the sea of the world were men unschooled in the liberal arts and utterly untrained as far as education goes, men with no skill in the use of language, armed with no weapons of debate, plumed with no rhetorical power. Yet, the catch this handful of fishermen took was enormous and marvelous."²³⁵ Encouraged by the surprising success of the spread

²³³Ibid., Bk.18/Ch.41 p. 411.

²³⁴Ibid., Bk.19/Ch.21 p. 470.

²³⁵Ibid., Bk.22/Ch.4 p. 510.

of Christianity, Augustine remained hopeful of the possibility for temporal good when the church lived faithfully in the tension of *being in the world* but not *of the world*.

Augustine's careful engagement of the competing philosophic ideas suggests a confidence in public potency of the Christian faith. The resources the city of God brought to the city of man were its tradition of justice, a transcendent account of hope and peace and the conviction that history was purposeful. While such things have little political currency and do not create massive social movements, the enduring impact that *The City of God* has had, suggests that they are necessary components of the civil society. "True peace and true justice lie beyond this world as it is and will be; and belong to a higher order of God's purpose. Admittedly, the number of citizens whose lives are touched by grace is no more than a very substantial minority, but that minority can be of crucial importance."²³⁶ Keenly aware of the metaphors of leaven and salt, Augustine recognized that the public potency of the church was by no means proportional to its numeric size or contingent upon acceptance in the halls of power.

While there is much in the text of *The City of God* and the context of the failing empire that would lead one to despair, Augustine's work was "to attack fatalism..." and to assure the people that "they could have a say in what was going to happen next."²³⁷ Neuhaus, in the conclusions of his *America Against Itself*, appropriately captures the spirit in which Augustine offered his work, as he writes, "Then again, it really may be too late. There is no sure answer to that, except to say with Eliot, 'For us, there is only

²³⁶Chadwick, *Augustine*, p. 102.

²³⁷*Ibid.*, p. 101.

the trying. The rest is not our business.'"²³⁸

Luther's Two Kingdoms

From Columbus to Copernicus, the cultures of Europe in the fifteenth and sixteenth centuries were forced to redefine the order of their shared lives. In the context of this culture war, the paradigmatic tension of the Church *in the world but not of the world* would shape Luther's notion of two kingdoms. While Augustine's argument aims to influence the philosophical marketplace in the context of the immanent collapse of Roman civilization, Luther's two kingdoms theory is largely directed at the practices and theory of the political realm. While Augustine argues that the church was a legitimate force for good in society, Luther argues against a religious monism that tends to usurp the legitimate functions of the secular realm. Luther writes in the preface to Psalm 82:

Once upon a time popes, bishops, priests, and monks had such authority that, with their little letters of excommunication, they could force and drive kings and princes wherever they wished, without resistance or defense. In fact, kings and princes could not ruffle a hair of any monk or priest, no matter how insignificant the maggot was. They had to put up with it when a rude jackass in the pulpit vilified a king and a prince and made fun of them as his wanton will suggested. That was called preaching, and no one dared to utter a peep against it. The secular rulers were completely subject to these clerical giants and tyrants; and these dissolute, rude fellows walked all over them. So mighty was the rule of the single cannon, *Si quis suadente!* ["If anyone, at the instigation of the devil, incurs the guilt of laying violent hands upon a cleric or a monk, let him lie under the bond of the anathema."] Besides, it was not understood or taught what temporal authority was, or how great was the distinction between it and spiritual government.²³⁹

Recognizing that Luther's two kingdoms is a complex of related ideas his treatment

²³⁸Neuhaus, *America Against Itself*, p. 190.

²³⁹Luther, *Selected Psalms*, vol. 13, p. 42.

at times reflects a intricately nuanced understanding of the definition and function of the two realms, while, at other times there is reflected Luther's typical indifference to systematic exactness. So as not to get bogged down in this most important debate over definitions and functions of realms, this discussion is delimited to questions related to the legitimization of government (being the institutional embodiment of the earthly kingdom) and the place of religion or the church (the institutional embodiment of spiritual kingdom), in legitimate governance. Consequently there is a conspicuous absence of the important discussions in Luther of the two realms as the clash between God vs. Satan and good vs. evil.

Luther's frequent use, in Psalms 82 and 101, of the term *regiment* (translated above as "government" and elsewhere in Luther as "kingdom," "realm," "estate," etc.), alerts us to Luther's appreciation for the defining of boundaries or domains in determining the importance of both legitimate government and religion's influence in such government.²⁴⁰ Outlining the domain of secular authority, he writes that "the secular government [is] subordinate and subject to reason, because it is to have no jurisdiction over the welfare of souls or things of eternal value but only over physical and temporal goods..."²⁴¹ While one would expect Luther to adopt a social theory that limited the power of the papacy, this theory also legitimized the political authority of rulers who were hostile to the Reformation and were plotting against his life.

Luther's notion of two divinely sanctioned kingdoms operating according to different

²⁴⁰Ibid., p. 147. (c.f., footnote # 4).

²⁴¹Ibid., p. 198.

rationalities, hints at Neuhaus' tripartite division of the public square. Specifically, there is in Luther the understanding that *public* is not to be collapsed into the political, and that the political realm not only legitimately regulates public life, but also is limited by the other legitimate public estates. For Luther, it was the spiritual kingdom that provided limits to the temporal or political realm. Legitimacy is mostly concerned with *jurisdiction*. This concerns the defining of the internal rationality (*juris*) of each realm and determining where that realm exercises legitimate judgments (*diction*). This confusion of jurisdictions was illustrated in a letter (14 April 1525), written during the peasants' rebellion, from Frederick the Wise to Duke John. In the letter he wrote, "If it is God's will that the common man shall rule, then so be it. But if it is not His divine will and [the revolt] has not been undertaken to glorify Him, things will soon be taken care of." Oberman observes that "such passive submission to Providence runs counter to Luther's beliefs. His harsh tracts concerning the peasants not only condemned the bloodshed caused by the peasant hordes; they also censured the princes for acting casually and irresponsibly. Trusting in God's control over the course of history and in His judgment is, after all, a matter of faith; it does not relieve sovereigns of their obligation to fulfill their duties and to render loyal service to the world to the very end, short as their time on earth may be."²⁴²

The distinction of realms is for Luther a direct corollary to the theological revelation that began the Reformation. He writes that the Gospel "makes a plain distinction between the temporal and spiritual estates and teaches besides, that the temporal estate is an

²⁴²Heiko Oberman, *Luther, Man Between God and the Devil*, (New Haven: Yale University Press, 1982), p. 18.

ordinance of God which everyone ought to obey and honor."²⁴³ Brecht notes the tension in Luther's explanation to Melanchthon about the theological basis of political power. On the one hand, Luther asserts that the power of the state "is not derived from the gospel... [and] its characteristic use of force...is essentially different from the gospel." Yet, on the other hand, political power is legitimized by the gospel. Brecht points out that at the time of the letter, Luther "did not reach a definitive conclusion of the problem at that time."²⁴⁴

The connection between Luther's theological distinction between law and gospel and his social theory of two kingdoms share both the dyadic structure as well as the importance of tension.²⁴⁵ Luther's theological discovery effected a kind of Copernican revolution as it replaced scholastic explanations of God's righteousness, the theological equivalents of *epicycles*, with the formula of justification by grace through faith.²⁴⁶ As the church dealt with the different usages of God's righteousness in Scripture and the connection between judgments of the law and the promise of the Gospel, burdensome scholastic systems were constructed to make sense of these theological truths. Luther's enlightenment came when he discovered that not only was righteousness a heteronomous

²⁴³Luther, *Selected Psalms*, vol. 13, p. 42.

²⁴⁴Martin Brecht, *Martin Luther: Shaping and Defining the Reformation 1521-1532* (Minneapolis: Fortress Press, 1990) p. 115.

²⁴⁵Won Yong Ji, "The Significance of Tentatio in Luther's Spirituality," *Concordia Journal*, (April 1989), p. 181.

²⁴⁶Oberman observes, "Luther's discovery was not only new, it was unheard-of; it rent the very fabric of Christian ethics. Reward and merit, so long undisputed as the basic motivation for all human action, were robbed of their efficacy. Good works, which Church doctrine maintained as indispensable, were deprived of their basis in Scripture. This turnaround touched on more than individual faith and righteousness; the totality of life was affected and thus had to be reconsidered." Oberman, *Luther, Man Between God and the Devil*, p. 154.

standard of behavioral perfection, but also a gift imparted by God's grace.²⁴⁷ These two kinds of righteousness, though sharing the same word, operated according to two different, though not unconnected, rationalities.

A corollary to this discovery was the theological duty to distinguish between the two kinds of righteousness.²⁴⁸ Illustrating this distinction, Luther writes, "Even if a monkey wore royal apparel, it would still remain a monkey."²⁴⁹ The point is that a monkey in human dress, trained to perform human deeds, remains ontologically a monkey. Likewise, while the righteousness of the law might exercise jurisdiction over behavioral changes, it could not effect the ontological righteousness of the Gospel.

Extrapolating from the two forms of righteousness, Luther determined that there were two ways of looking at government and social order. "The spiritual government or authority should direct the people vertically toward God that they may do right and be saved; just so the secular government should direct the people horizontally toward one another, seeing to it that body, property, honor, wife, child, house, home, and all

²⁴⁷ "I hated the expression 'righteousness of God,' for through the tradition and practice of all the doctors I had been taught to understand it philosophically, as the so-called 'formal'--or, to use another word, 'active'--righteousness through which God is just and punishes sinners and the unjust... I was very displeased with God...Must god add suffering to suffering even through the Gospel and also threaten us with His righteousness and His wrath through the Gospel too?...I pondered incessantly, day and night, until I gave heed to the context of the words, namely: 'For [in the Gospel] is the righteousness of God revealed, as it is written: "The just shall live by faith."' Then I began to understand the righteousness of God as a righteousness of God by which a just man lives as by a gift of God, that means by faith. I realized that it was to be understood this way: the righteousness of God is revealed through the Gospel, namely the so-called 'passive' righteousness we receive, through which God justifies us by faith through grace and mercy...Now I felt as if I had been born again: the gates had been opened and I had entered Paradise itself." Oberman, *Luther, Man Between God and the Devil*, p. 165.

²⁴⁸ "When these two topics, the law and the Gospel, are separated this way, both will remain within their limits..." Martin Luther, *Lectures on Galatians: Chapters 1-4*, vol. 26 of *Luther's Works*, edited by Jaroslav Pelikan, (St. Louis: Concordia Publishing House, 1963), p. 117.

²⁴⁹ Luther, *Selected Psalms*, vol. 13, p. 159.

manner of goods remain in peace and security and are blessed on earth."²⁵⁰ As with righteousness, the two governments, though not unconnected, exercise ascendancy in different domains and govern toward different ends. Thus, one finds frequent warnings against confusing the spiritual and secular realms. For example, in distinguishing the possible usages of the terms *mercy* and *justice* in Psalm 101, Luther warns that the theological usage should not be confused with the mercy and justice "which a prince practices toward his servants."²⁵¹ In the secular sense, mercy is a reward for virtue, and justice the punishment for guilt; in the spiritual sense, mercy and justice have to do with God's pardon of the guilty. Luther states that if a ruler were so foolish to govern by the spiritual usage of mercy and justice, society would disintegrate into chaos as the rule of law would give way to anarchy and "all discipline and honor will come to an end."²⁵²

The proper distinction of the two realms is not only politically expedient, it is theologically mandated. "The devil never stops cooking and brewing these two kingdoms into each other...the secular leaders always want to be Christ's masters and teach Him how He should run His church and spiritual government. Similarly, the false clerics and schismatic spirits always want...to teach people how to organize the secular

²⁵⁰Ibid., p. 197.

²⁵¹Ibid., p. 152.

²⁵²Ibid., p. 152. Also, An example of this is Luther's treatment of the peasant's demands. Luther writes, "If anyone says that I am being uncharitable and unmerciful about this, my reply is: **This is not a question of mercy.**" When the rebellion was riding high, Luther observed, "No one spoke of mercy then. Everything was 'rights'; nothing was said of mercy, it was nothing... Now that the peasants are beaten, and the stone that they threw at heaven is falling back on their own heads, no one is to say anything of rights, but to speak only of mercy." Martin Luther, "An Open Letter on the Harsh Book Against The Peasants: 1525," *Christian in Society: III*, vol. 46 of *Luther's Works*, edited by Jaroslav Pelikan, (St. Louis: Concordia Publishing House, 1963), pp. 66-67.

government."²⁵³ For Luther, the monistic public square was the Devil's work aimed to destroy legitimate governance and order.²⁵⁴ It is little wonder that much of Luther's social writings are concerned with this proper distinction between the two realms.

Luther's theological and social thought is best understood as being forged in the crucible of tension between two opposing tendencies. Surveying some of these polarities--law/gospel, saint/sinner, God/Devil, left/right hand of God, sacred/secular, mercy/justice--we see that Luther resisted the simplicity of monistic explanations. The cost for such an approach was vulnerability to misinterpretation and misunderstanding. Thus Luther struggled to illuminate the plausibility structures that made sense of this approach by appealing to metaphor. One example was the Saxon coat of arms appropriated to illustrate the tensions at work in defining the jurisdiction of the sword. The coat of arms was divided in two, the top half being black and the bottom half, white. Blazoned on this backdrop were two upright red swords with handles in the white (below) and tips in the black, which symbolize that the power of the sword was in tension between clemency (white) and severity (black). "Worldly authority must outwardly rise up and restrain evil, but inwardly it must have a fine, gentle, mild, Christian, lovely spirit; moreover, it must be wise and prudent so that it knows how to temper and moderate its severity in a way that is meet and right."²⁵⁵ "Thus,"

²⁵³Luther, *Selected Psalms*, vol. 13, p. 194,

²⁵⁴"...Luther increasingly stresses the political consequences of curial power politics... The prince of darkness will not content himself with the collapse of the Church, he wants to rule the world as well, so that...he can destroy God's creation and produce chaos again." Heiko Oberman, *Luther, Man Between God and the Devil*, p. 72.

²⁵⁵Brecht, *Martin Luther*, p. 115.

summarizes Brecht, "there are two realms, or ways in which God rules: The spiritual realm justifies men before God, the temporal realm keeps evil in check and preserves peace."²⁵⁶

Luther's idea of the relationship of the spiritual to the secular realm is necessarily characterized by tension rather than by tidiness. Oberman observes that Luther had no intention "to leave governments and societies an unalterable plan for all times...a 'Handbook of Public Life.'" His advice was not that of a "theocrat who wants to make the world finally and forever comply with the laws of God, [but] survival ethics in dangerous times." In the midst of medieval utopian hopes "...that society would be transformed through an angel-pope or peace-emperor," Luther offers a nonlegalistic way of dealing with the defining of culture that was "adaptable to the changing plights of mankind."²⁵⁷

It was the bloody and socially costly Peasants' Revolt of 1525 that forced Luther's ideas from the realm of theory into the heart of historical events and decisions. It was in this time that either Luther's notion of the two kingdoms would crumble under the weight of ambiguity or it would emerge as an important understanding of the public square. One version of the peasants' rebellion, originating with Erasmus,²⁵⁸ asserts that Luther by "...his pseudo-prophetic sense of calling and his impatient attitude toward

²⁵⁶Ibid., p. 116.

²⁵⁷Oberman, *Luther, Man Between God and the Devil*, p. 80.

²⁵⁸Heiko A. Oberman, *The Dawn of the Reformation*, (Edinburgh: T. & T. Clark LTD, 1986), pp. 165-170.

Church and Pope could not but evoke *tumultus*, social unrest and subversive action..."²⁵⁹ Robert Nisbet, sympathetic to this version writes, "The line from the Lutheran revolt to later, secular-political revolutions...is clear, continuous, and vital." For Nisbet, Luther's preoccupation with "individual faith and conscience," his onslaught against the Church's authority and his theological assertion of equality of status in Christ betrayed him as a "*nihilistic*" revolutionary.²⁶⁰

Luther expected this kind of propaganda. Oberman writes that even as "early as 1521, when the first rumors about armed mobs reached Wittenberg, Luther forecasts that he and his interpretation of the Gospel will be held responsible for the revolutionary freedom movements."²⁶¹ Rejecting that the revolt was the logical conclusion of the gospel,²⁶² Luther charged that the uprising was caused by the conflation of the spiritual and secular realms that had undermined the legitimacy of government in the minds of the peasants. Luther charged that the political realm fostered the de-legitimizing of authority because of the "ambitious desire to rule,"²⁶³ and that religious authority squandered its legitimacy by "...mingling the secular and the spiritual realms..." for dictatorial and

²⁵⁹Oberman, *Luther, Man Between God and the Devil*, p. 161.

²⁶⁰Nisbet, *The Social Philosophers*, p. 112.

²⁶¹Oberman, *Luther, Man Between God and the Devil*, p. 161.

²⁶²Luther writes, "...some of you are beginning to blame this affair on the gospel and say that it is the fruit of my teaching...You...must bear witness that I have taught with all quietness, have striven earnestly against rebellion, and have energetically encouraged and exhorted people to obey and respect even you wild and dictatorial tyrants. This rebellion cannot be coming from me." Martin Luther, "Against the Robbing and Murdering Hordes of Peasants: 1525," *Christian in Society*, trans. Robert C. Schultz, vol.46 of *Luther's Works*, edited by Jaroslav Pelikan, (St. Louis: Concordia Publishing House, 1963), p. 20.

²⁶³Luther, *Selected Psalms*, vol. 13, p. 196.

dominating designs. Luther named the imperiousness of this political idolatry writing, "such people want to be God themselves, and not to serve Him or to remain subordinate to Him."²⁶⁴

In Luther's political analysis, he warns against the disintegrating effects of the monism of tyranny.²⁶⁵ He states that the precious legitimacy of political authority was being trifled away by the abuse of power in wanton displays of wastefulness, luxury and extravagant spending.²⁶⁶ Luther warns that if the authorities continued in the usurpation of the liberty of the peasants through increased taxes, encroachment on the common pasture land, coercion of religious allegiance and by laws against the freedom of expression,²⁶⁷ their legitimacy would be spent and they would be forced to rule or be ruled "by force and destruction."²⁶⁸

To complete the picture, Luther's counsel to the peasants, more pastoral than political, approaches the question of legitimacy from a different angle. While acknowledging that according to the Word of God and natural law some of the peasants' demands against the rulers were "fair and just,"²⁶⁹ Luther refuses to grant validity to doubts about the legitimacy of the princes' rule. "Now that they have become free from the compulsion of the pope and from his manifold deception, they think they are also

²⁶⁴Ibid., p. 196.

²⁶⁵Luther, "Against the Robbing and Murdering Hordes of Peasants," vol. 46, p. 21.

²⁶⁶Ibid., p. 23.

²⁶⁷Ibid., p. 22. (c.f., Oberman, *The Dawn of the Reformation*, p. 158).

²⁶⁸Ibid., p. 20.

²⁶⁹Ibid., p. 22.

completely emancipated, and free from all obedience and service to God. They would also like to be free from all secular law and order, and the devil fills them up with spiritual and temporal rebellion against both God and men."²⁷⁰ Therefore, on the basis of the same Scriptural authority by which he judges against the princes, Luther warns the peasants that "*All who take the sword will perish by the sword*" [Matt. 26:52].²⁷¹

Luther's rejection of the revolutionary option reveals a deep seated faith in the possibilities for civil society. Thus, it is hard to imagine a scenario in which Luther would justify a culture war turning into a civil war. Civil society must accept that no matter how deep the disagreements are or how often injustice is incurred, its participants must be determined not to kill each other. Consequently, when all attempts at peace failed and the peasants' initiated their violent revolt, Luther advises the princes, on the authority of Scripture, that it was their duty to take up the sword and dispatch the rebellion without "patience or mercy."²⁷²

Luther's faith in the possibilities of civil society is, by no means, clear. In Nisbet's reading of the peasant war, Luther's advice to put down the conflagration "ruthlessly and bloodily" betrays a tendency to keep order through "hard civil rule." Rather than accepting the two kingdoms as a way of checking political rule with the tension of a publicly potent spiritual realm, Nisbet asserts that Luther was responsible for creating the

²⁷⁰Luther, *Selected Psalms*, vol. 13, p. 190.

²⁷¹Luther, "Against the Robbing and Murdering Hordes of Peasants," vol. 46, p. 20.

²⁷²*Ibid.*, p. 53.

"secular autonomous state...and the political habit of mind."²⁷³ Once political power is unaccountable to the politically (rather than publicly) potent Catholic Church, it becomes untethered in its imperious quest for power.²⁷⁴ In arguing against this interpretation, we are reminded of Neuhaus' assessment of the "'two kingdoms' concept... as one of the best ways of avoiding the perilous confusion and the fatal conflation of the City of God and the City of Man..."²⁷⁵

Luther's rejection of radical solutions is reflected in his preference for the proto-Burkeian notion of "betterment" over "reformation" in speaking of improvement of society by human efforts.²⁷⁶ The idea of betterment is both hopeful and modest. As faith awaits the cataclysmic destruction of the world, Luther's goal of social reform was "...to better the world to such an extent that it can survive until the moment when God will put a final end to our chaos."²⁷⁷ This modest notion of betterment in contrast to utopian and radical solutions is consistent with Luther's concept of the spiritual kingdom's antipodal stance in relationship to the temporal order. It is to assert that in the midst of that tension, in the acceptance of the checks and limits implicit in this structure, society resists chaos and may hope to be more just and free.

In Luther's scheme, the disparate constitutions of the spiritual and temporal realms

²⁷³Nisbet, *The Social Philosophers*, p. 115-116.

²⁷⁴*Ibid.*, p. 116.

²⁷⁵Neuhaus, *The Christian Century*, 11 July 1990, pp. 669-673.

²⁷⁶Oberman, *Luther, Man Between God and the Devil*, p. 79.

²⁷⁷*Ibid.*, p. 80.

are such that "neither one is sufficient in the world without the other."²⁷⁸ "If anyone attempted to rule the world by the gospel and to abolish all temporal law and sword...he would be loosing...the savage wild beasts..."²⁷⁹ The spiritual kingdom cannot keep order in society because it governs by the logic of the gospel, which knows no place for coercion or force of power. Luther sees that this necessary tension was subverted in several ways. When he concludes that the stewards of the gospel usurp the power of the sword, he advises the secular princes to reclaim their rightful jurisdiction over papal authorities.²⁸⁰ Contrariwise, when Luther perceives that the rulers were negligent in their use of force²⁸¹ or when questions arose concerning a Christian magistrate's duty to both adhere to the "commandments of the Sermon on the Mount" and keep civil order through force, Luther was adamant. He states that if the ruler "does not fulfill the duties of his office by punishing some and protecting others, he commits as great a sin before God as when someone who has not been given the sword commits murder."²⁸² Elsewhere, in recognizing the enticement of power, Luther insightfully writes, "Sometimes it seems to me that the government and jurists may well be in need of a

²⁷⁸Luther, "Temporal Authority," vol. 45, p. 92.

²⁷⁹Ibid., p. 91.

²⁸⁰"To begin at the top, the pope, the bishops, and the entire papacy ought to look after the Gospel and after souls. But they have this lazy rascal in their system; and so they must rule in worldly affairs instead, wage war, and seek after temporal wealth, which, in their shrewdness, they are happy to do. Again, secular monarchs ought to look after their administration; but instead of that they must stand in church, listen to Mass, and be altogether spiritual. Thus even now they are dabbling in matters of the Gospel and, following the pope's example, are forbidding what God has commanded, as, for instance, both kinds in the Sacrament, Christian freedom, and marriage." Luther, *Selected Psalms*, vol. 13, p. 174f.

²⁸¹Luther, "Robbing and Murdering Hordes," vol. 46, p. 53.

²⁸²Brecht, *Martin Luther*, p. 117.

Luther, but I am worried that they might get a Munzer."²⁸³ In other words, even if he were able to do good by immediate access to the force of power, the possibility of great damage by the confusion of the two realms and the corruption of power was much too risky.²⁸⁴

As the secular realm places limits upon the exercise of the spiritual kingdom, the spiritual kingdom, even more so, limits the jurisdiction of the secular realm. While Luther asserts that the secular realm could rule justly, by sound reason, the legitimacy of secular rule is derived from the spiritual realm. That is, while the secular realm legitimately exercises the power of the sword and rules by the force of law, the moral justification for this legitimate duty can not be established by force. Moral legitimacy comes only from the realm whose jurisdiction legitimately deals with morality. Luther sees the church as a socially potent force limiting the imperious tendencies of the political realm. When the secular authorities overstepped the limits of their jurisdiction, as, for example, by banning his books or in "fleecing the poor,"²⁸⁵ Luther considers it his duty to challenge such presumptuousness: "I shall have to resist them, at least with words."²⁸⁶

The phrase "at least with words" should not be construed as a diminution of the social potency of persuasion. We are reminded of John Paul's stance in *Centesimus*

²⁸³Luther, *Selected Psalms*, vol. 13, p. 217.

²⁸⁴Brecht writes, "...he [Luther] stated once more that preachers are not to take up the temporal sword, but must, if need be, suffer persecution for the sake of their preaching." Brecht, *Martin Luther*, p. 116.

²⁸⁵Luther, "Temporal Authority," vol. 45, p. 84.

²⁸⁶*Ibid.*, p. 84.

Annus that the strength of religious influence is not symbolized by the tiara but by the encyclical, because "the Church imposes nothing; she only proposes."²⁸⁷ The importance of the church's proposing brings us to one of the delightful paradoxes in Luther's public philosophy. While he adamantly asserts the legitimacy of the secular realm, he is never hesitant to use the power of the word to raise questions about the legitimacy of those rulers who abused their power. Luther effectively reminds the rulers that their authority was conditional, limited and under judgment. Luther's view of secular government and politics is forged in the tension between the two poles of legitimate use and abuse of power. On the one hand Luther sees that the genealogy of politics had an unbroken connection to Pontus Pilate,²⁸⁸ who, when faced with the incarnate reality of the spiritual kingdom, subjected it to capital punishment. Commenting on Psalm 2, he writes, "If kings and princes follow nature and the highest wisdom, they must all become God's enemies and persecute His Word..."²⁸⁹ Thus, there is an unremitting need for the spiritual kingdom to keep the secular kingdom in that tension which counters this internal logic.

As an example of how secular rule is held in tension by divine judgment, Luther writes, "For God the Almighty has made our rulers mad; they actually think they can do--and order their subjects to do--whatever they please. And the subjects make the mistake

²⁸⁷Neuhaus, *Doing Well and Doing Good*, p. 115.

²⁸⁸Luther, "Temporal Authority," vol. 45, p. 88.

²⁸⁹Luther, *Selected Psalms*, vol. 13, p. 167.

of believing that they, in turn, are bound to obey their rulers in everything."²⁹⁰

Neuhaus takes up this theme of religion's questioning the moral legitimacy of coercive power, stating, "One of the most important contributions of religious folk is to challenge the imperiousness of the political, along with all its pomp and pretensions and divisive labels."²⁹¹

From both the writings and example of Luther, it is arguable that a legitimate political function of the church is to challenge the pretensions of the political, albeit according to the rationality of culture. This is not in order to undermine the legitimacy of the political but to remain mindful of the limits of the jurisdiction of power for the betterment of society. For Luther, whatever else might be alluring about power, the potential for evil demanded that it be confined to its legitimate jurisdiction lest the legitimacy of the sword vanish and society fall into anarchy. Luther did not equivocate on what he meant by the limits of the secular government. In his commentary on Psalm 101 he writes of the "serious conceit, which can do harm and is common at the court, such as the powerful, rich, and big people are able to practice."²⁹² In the same Psalm he comments that "The offices of princes and officials are divine and right, but those who are in them and use them are usually of the devil."²⁹³ And in one of his most

²⁹⁰Luther, "Temporal Authority," vol. 45, p. 83.

²⁹¹Neuhaus, *America Against Itself*, p. 14.

²⁹²Luther, *Selected Psalms*, vol. 13, p. 209.

²⁹³*Ibid.*, p. 212. Also Luther saw that the very structure of government was internally frustrated by the necessity to trust and the actuality that such trust opened up the probability of abuse. Luther writes, "He who is to govern must trust people; otherwise what would he do in his government? But he who trusts certainly deceived, as the Germans say: 'Trustwell rode the horse away.'" p. 206. Brecht recognized a similar internal flaw as the princes, who needed power to legitimately exercise their duty, would use the power for privilege and surround

scathing pieces, Luther speaks about the political mendacity, that, under the masquerade of moral legitimacy, exploits the office for selfish gain. He writes,

"Indeed they are liars and murderers sevenfold... Afterwards they want the lies to be regarded as truth and the truth to be regarded as lies...their first murder is killing the people; the second is looking upon such murder as a preservation and creation of life and thus also as service to God. They deem it right not to grant life to any heretics (by their definition), and they are in duty bound not to grant it to them. Anyone who looks upon such murders as murders and wickedness they condemn, insisting that all this be looked upon solely as a good deed and a preservation of life."²⁹⁴

The wisdom of Luther's use of betterment over reformation is the rejection of utopian revolutionary options, because they necessitate the exercise of raw and unhindered political power. If society was to achieve improvement in justice, freedom and opportunity, it would move slowly, with the two kingdoms in dynamic tension, both limiting and allowing each to operate in its legitimate jurisdiction. While it is unlikely that Luther would have imagined anything like representative democracy keeping order and allowing freedom, he was aware of the dangers of central and coercive government control. Using a metaphor of health and illness, Luther casts light on the limits of coercive laws and the importance of free obedience to the unenforceable:

Whatever is done with nature's power succeeds very smoothly without any law; in fact, it overrides all the laws. But if nature is missing and things must be done according to laws, that amounts to mere beggary and patchwork, and no more is achieved than is inherent in diseased nature. It is as if I set up a general rule that for a meal one should eat two rolls and drink a small glass of wine. If a healthy person comes to the table, he may well consume four or six rolls

themselves with "sycophants." Brecht, *Martin Luther*, p. 118.

²⁹⁴Ibid., p. 187. Luther also writes "Yet this is, and continues to be, the practice at courts of kings, and princes as well as in lesser ranks: If things are prospering in the very best manner, then they undertake everything presumptuously, justifying their action on the ground that they are in the right. But some do much worse, justifying their actions on the ground that they have much wealth and power." Ibid., p. 151.

and drink a decanter or two of wine; thus he requires more than the law stipulates. But if a sick person comes to the table, he will eat half a roll and drink three spoonfuls of wine. Thus he will observe no more of such a law than his sick condition permits, or he will die if he has to observe this law.²⁹⁵

Luther goes on to observe that the sickness of the world requires the "patch and darn" of laws, so that "men are not to become wild beasts," but he does not suggest that this muddling through and attention to the illness in society is to be mistaken as the best or healthiest things in life. He chides the great state theoreticians (Cicero, Demosthenes, Brutus, et al.) who, for all their wise and sincere plans sang the "wretched lament: 'I did not plan it this way.'"²⁹⁶ Surveying Luther's instruction to individual Christians on the exercise of charity, the importance of education,²⁹⁷ and the churches maintenance of the community chest,²⁹⁸ there is much activity that is done for the common good that is neither precipitated or sustained by political coercion. While the limited exercise of the coercive sword serves the common good by constraining the outburst of evil, Luther states that contrary to "mad reason, in its shrewdness, and all the worldly-wise do not know at all, that a community is God's creature and His ordinance."²⁹⁹

²⁹⁵Ibid., p. 164.

²⁹⁶Ibid., p. 165.

²⁹⁷Martin Luther, "A Sermon on Keeping Children in School," trans. Charles C. Schultz, *Christian in Society*, vol. 46 of *Luther's Works*, (St. Louis: Concordia Publishing House, 1967), pp. 207f.

²⁹⁸Martin Luther, "Ordinance of a Common Chest," trans. Walter I. Brandt, *Christian in Society II*, vol. 45 of *Luther's Works*, (St. Louis: Concordia Publishing House, 1967), pp. 159f.

²⁹⁹Luther, *Selected Psalms*, vol. 13, p. 46.

In this limited sense,³⁰⁰ Luther saw the two realms, not as antithetical but working together on different fronts for the common good. The spiritual realm asks, "To what extent the temporal authority should be obeyed," in order to support the legitimate jurisdiction of the temporal authority. Luther writes, "...after the Gospel or the ministry, there is on earth...no finer possession than a ruler who makes and preserves just laws."³⁰¹ This explains the tension in the interpretation of Luther concerning the peasant uprising. It may well be that the insurrection of the peasants was a manifestation of the *law of unintended consequences* encouraged by Luther's writing about the abuses of the princes and the justice of many of the peasants' claims.³⁰² For Luther, proper response to political injustice was not anarchy but restoration of legitimate use of the sword by the remedial re-establishment of the proper limits of its jurisdiction. Thus, when social chaos threatened life and property, Luther as religious leader, instructed the princes to act with dispatch and without pain of conscience in quelling the uprising, for this was their legitimate duty. Furthermore, and perhaps more significant, was Luther's view, articulated by Neuhaus, that civilization was sustained by obedience to the unenforceable.³⁰³ Neuhaus writes:

A utopian impulse, one that takes both religious and secular forms, tempts us to think that law and laws can do more than they are able. The most perfect laws most exactly enforced cannot create the good society or the good life. The

³⁰⁰Concerning limits Luther writes that the authorities ought to "Pay attention to that which is yours and do what you have been commanded to do..." But they are often found "Having much to do where nothing has been commanded, and leaving things undone where much has been commanded." Ibid., p. 174.

³⁰¹Ibid., p. 54.

³⁰²Nisbet, *The Social Philosophers*, pp. 113-114.

³⁰³Neuhaus, *America Against Itself*, p. 171.

things that make for goodness lie, for the most part, outside the realm of law and laws. Laws are necessary expedients...At the same time, it is love that impels us to frame laws that come to the rescue. But the society ordered by law is necessarily... a *Gesellschaft* rather than a *Gemeinschaft*.³⁰⁴

Luther believed that the inner discipline and virtue taught in the Christian faith were far more important to the peaceful ordering of society than was obedience sustained by fear and coercion. Addressing the temporal powers, he calls their attention to the righteous man, who "of his own accord does all and more than the law demands."³⁰⁵ While one is not sure how much trust Luther placed in unenforced social order, under the conditions of betterment, he holds forth the real (rather than utopian), possibility that a culture could be so cultivated toward the end of greater internal discipline and less coercive restriction. To employ terms from a previous discussion, the notion of "order unplanned," arising out of obedience to the unenforceable had the potential, for Luther, to emerge as a socially potent vision of the ordering of society. Luther did not leave "an unalterable plan for all times and all centuries...or a binding program of Christian politics,"³⁰⁶ because each age and each society necessarily is compelled to struggle with the tension between form and freedom in society.

While it would be anachronistic to make Luther out to be the proto-democrat, he makes an important contribution to the ongoing conversation about social order when he is received as a man living between the tension of the medieval giving way to modern times. This helps us better understand and make use of one of the most interesting

³⁰⁴Ibid., pp. 172-173.

³⁰⁵Luther, "Temporal Authority," vol. 45, p. 89.

³⁰⁶Oberman, *Luther, Man Between God and the Devil*, p. 79.

paradoxes in Luther. While he manifested all the medieval fears of order giving way to chaos, he did not cease writing and speaking even though it precipitated and fueled social unrest. Recognizing that his words were wrongly employed to legitimize anarchy and insurrection, Luther continued to level attacks on the abuses of both the papacy and princes. For whatever fears Luther had about social chaos, he somehow drew the conclusion that his immediately destabilizing exercise of free speech served to cultivate the long term stability of society.

The tension of polarities which Luther was wont to consider everything from theology to society by, informed the relationship of the church to the political realm. When anarchic movements arose due to the wide-spread delegitimization of government, Luther neither sided with the status quo nor the insurrection. Instead he sought a third way between the two tensions that led him to remind the peasants of the legitimacy of government and to remind the rulers of the limits of government. Some readings of the historical record suggests that the ambiguity of these social tensions was manifestly dangerous. Peasants listened in on the conversation Luther had with rulers and assumed that religion legitimized their overthrow of temporal authority. Secular rulers who listened in on his conversation with the peasants appropriated religion as the guardian of the status quo. Both parties sought to shape the public square in the realm of political coercion and power while Luther saw religion speaking to the rationality of politics from another estate or rationality.

Luther thus outlines a publicly potent Christianity by limiting the legitimate Christian response: "[Christians] see that the world at large, and particularly their own

government, is being so poorly managed that they feel like jumping in and taking over. But this is wrong. No one should suppose that God wants to have us govern and rule this way with the law and punishment of the world."³⁰⁷ In Luther's view, a publicly potent Christianity would exercise cultural authority in the exercise of free speech. Due to some troubling inconsistencies in Luther's theory of free speech, we may be better informed by observing his practice.³⁰⁸ Martin Brecht records one instance where Luther took issue with Duke George of Saxony, where he "...referred to George as a 'bladder,' who 'challenges heaven with his big paunch,' who 'has renounced the gospel,' who 'devours Christ just as a wolf eats a gnat,' and the like."³⁰⁹ This, we note, comes from the same pen of one who wrote that "God Himself has ordained and established this secular realm and its distinctions."³¹⁰ In another place Luther explains his political function writing, "just as women are reluctant to hear someone call them whores when that is just what they are, so kings and lords are reluctant...to hear someone rebuke them and punish them as the unrighteous and wicked ones, because such a thing strikes too close to home."³¹¹

In Luther's view, a publicly potent Christianity is one that, at times speaks in the priestly discourse, instructing consciences to submit to the ruling authorities. At other

³⁰⁷Martin Luther, *The Sermon On The Mount*, trans. Jaroslav Pelikan, volume 21 of *Luther's Works*, (St. Louis: Concordia Publishing House, 1956), p. 108.

³⁰⁸On one hand, Luther states that "one cannot be compelled to believe," fondly quoting the adage "in the free city of Rome there must be free tongues." Luther, *Selected Psalms*, vol. 13, p. 202. Yet, he instructs a just government to "maintain the pure doctrine and divine ordinance." Ibid. p. 193.

³⁰⁹Brecht, *Martin Luther*, pp. 108-109.

³¹⁰Luther, *Sermon on the Mount*, vol. 21 p. 109.

³¹¹Luther, *Selected Psalms*, vol. 13, p. 221.

times, the church's public discourse is prophetic, declaring its highest allegiance to God over the imperious demands of the state. Paradoxically, but not surprisingly, Luther's ideal of the church is that it is most politically potent when it is least political. When the church discharges its priestly and prophetic functions and holds the *iustitia coram hominibus* accountable to the *iustitia coram Deo*,³¹² the church is most publicly potent. In the faithful discharge of this religious duty, enduring whatever threats to social instability it would cause, Luther believed that somehow a free and just social order would emerge from the tension. Because he believed that the legitimacy of government was established by divine fiat and community was the creation of divine grace, society therefore, could not only tolerate truth, it would only achieve betterment by the potent proclamation of this truth in tension with other legitimate authorities.

³¹² Luther writes, "Now, if a preacher in his official capacity says to kings and princes and to all the world, 'Thank and fear God, and keep His commandments,' he is not meddling in the affairs of secular government..."Ibid., p. 195.

CHAPTER 5

ABORTION AND THE CIVIL COMMUNITY

When crisis threatened the civil order, the religious influence of both Augustine and Luther upon public life was formidable. As dissimilar as the historical particularities were for Augustine and Luther, neither envisioned the theological enterprise to be that of providing a grand, utopian solution to the crisis. Instead, each gave theological accounts that first interpreted the meaning of the crisis and second offered steps for incremental amelioration. Although Augustine's two cities and Luther's two kingdoms are not consistently parallel, we noted that they are significantly similar in the conscious acceptance of tension as the normal climate for public discourse. Furthermore, both understood that religiously grounded ideas would necessarily be potent participants in this debate with other legitimate (though limited) public authorities. Explicit in Augustine and implicit in Luther's practice was the faith assumption that out of this engagement of ideas and in the attendant tension between the two cities/kingdoms, order rather than chaos would emerge.

For Neuhaus, as abortion is the key issue of the culture war, it is necessary for religiously grounded ideas to enter the public debate with an prophetic/predicating account of the moral and social consequences of abortion and proposals for amelioration. These considerations are offered fully cognoscente of the possibility that abortion may be the kind of crisis where the polarization of sides renders civil discussion "an exercise

in futility."³¹³ Yet, so long as there remains civil discourse, the orthodox community must exercise that determination³¹⁴ to shape culture by entrance into the spirited engagement with the rival ideas.³¹⁵

Furthermore, because abortion is linked with a host of other contentious social issues³¹⁶ from human sexuality to the use of fetal tissue for medical experimentation,³¹⁷ regardless of the possibility of futility, the civil dialogue must be pursued with "relentless urgency."³¹⁸ For Neuhaus, the urgency of the abortion controversy is that, like slavery³¹⁹ and civil rights,³²⁰ it is an issue that promises to

³¹³Neuhaus, *America Against Itself*, p. 121.

³¹⁴Of the church's responsibility Neuhaus states, "We understand that we are not going to get things together in a satisfactory manner until God has gotten things together in terms of history's completion and vindication of the coming of the kingdom... To put it differently, Lutherans have a strength in that we can engage in the public spheres of responsibility with a sense of divine imperative but without illusions." Neuhaus, "The Ambiguities of 'Christian America,'" p. 288.

³¹⁵In a review of Leon Kass', *Toward a More Natural Science: Biology and Human Affairs*, Neuhaus sees a model for cultural shaping conversation. He writes that Kass', understanding the dangers of cultural nihilism taken an "approach throughout is that of reasoned, even humble, inquiry into the awful things that happen when we abandon our sense of awe. Kass is not screaming but he is urgently inviting our attention to the fact that the water is getting very hot." Richard John Neuhaus, "The Sense of Awe," *Commentary*, August 1985, pp. 62-64.

³¹⁶Thus Christopher Lasch writes about one front of the culture war, "whether by inherent logic or by historical accident, almost every controverted question in bioethics is entangled with the question of abortion." Neuhaus, "The Way They Were, The Way We Are: Bioethics and the Holocaust," *First Things* 1, (March 1990) p. 34. Also writes Neuhaus, "In American public life today, abortion law is the single most fevered and volatile question that inescapably joins religion and politics... No other dispute so clearly and painfully illustrates the problematic of the naked public square." *The Naked Public Square*, p. 27.

³¹⁷Neuhaus says, "Nowhere today is the battle line between the two Americas drawn so sharply as over the issue of abortion. We have noted that the abortion conflict is about ever so much more than abortion. It is about human sexuality, marriage, family, parenthood, and the 'taboos' that have been thought necessary to civilized existence. It is also about euthanasia, 'assisted suicide,' genetic engineering, the farming and harvesting of fetuses for medical experimentation, and related developments." Neuhaus, *America Against Itself*, p. 141.

³¹⁸*Ibid.*, p. 121.

³¹⁹"As many others have noted, the failure of *Roe v. Wade* to be ratified by public consensus invokes the memory of the Dred Scott decision." Neuhaus, *The Naked Public Square*, p. 26. Also, "It is reminiscent of what became the polarization between political parties over slavery in the last century, and that analogy carries intimations

define, for generations to come, what the American experiment in ordered liberty means.

Accenting the importance of the ongoing redefining of what is meant by liberty, Neuhaus writes, "Six months after Gettysburg... Lincoln again addressed the question of liberty. 'The shepherd drives the wolf from the sheep's throat, for which the sheep thanks the shepherd as his liberator, while the wolf denounces him for the same act...Plainly the sheep and the wolf are not agreed upon a definition of liberty.'³²¹ Lincoln's imagery aptly describes the moral divisions that Hunter calls "the different moral universes,"³²² within American culture that have converged at the abortion conflict. By these various systems and according to their internal logic, not only is liberty being redefined, but also who are sheep and who the wolf. Laurence Tribe, firmly prochoice, voices this concern for liberty: "One of the most important of these broad provisions, contained in the Fourteenth Amendment, reads: 'No State shall...deprive any person of life, liberty, or property, without due process of law.' It is the guarantee of

of a *Kulturkampf* that could become very nasty indeed." Neuhaus, *America Against Itself*, p. 167. Also, "...the American people will confront again the question that Lincoln posed at Gettysburg: whether a nation conceived in liberty and dedicated to human equality can long endure. In this generation, the issue pressing the question on our consciences is the issue of abortion." "A New American Compact: Caring About Women, Caring For the Unborn, *First Things* 27, (November 1992) p. 43.

³²⁰The connection between the early civil rights movement and many of the antiabortion side is, by no means, evident yet, as with Neuhaus and others, it is not unusual. Helping to understand the events and logic that led him to this Neuhaus writes that, "in the early 1960's, I declared that I hoped always to be religiously orthodox, culturally conservative, politically liberal, and economically pragmatic...the main change over the years has been in what people mean by politically liberal."⁵⁶ From this credo, Neuhaus' aim for 'The Movement' was "racial justice and world peace," and was "personified in Dr. King."⁵⁷ By 1967, after writing an antiabortion piece in *Commonweal*, a stance he considered consistent with the goals of the civil rights movement, it was made clear to him that the article was heresy. He writes, "I was increasingly aware that I had left The Movement or, what seemed more likely, that The Movement had left me." Neuhaus, *America Against Itself*, p. 61.

³²¹*Ibid.*, p. 129.

³²²James D. Hunter, "Abortion: What Americans Really Think About It," *First Things* 24 (June/July 1992): p. 20.

'liberty' contained in the due process clause, sometimes also called the liberty clause, of the Fourteenth Amendment that provides protection of our rights from infringement by the state governments. And the word 'liberty' simply is not self-defining."³²³

Echoing the defining nature of this controversy, an antiabortion advertisement in the *New York Times* posed to the readership the questions, in view of abortion, "What kind of people are we?" and "What kind of people will we be?"³²⁴ Once more invoking the image of America's struggle with slavery, the ad declared, "...the American people will confront again the question that Lincoln posed at Gettysburg: whether a nation conceived in liberty and dedicated to human equality can long endure. In this generation, the issue pressing the question on our consciences is the issue of abortion."³²⁵

As this study is concerned with the social thought of Neuhaus, this discussion concerns the assumptions, logic and goals of his prolife³²⁶ views and his proposals for engaging the public discussion with these views. Neuhaus stakes out his prolife position with four assertions. First, it means that he personally leans "more one way than the other--much more." Second, he believes that "something ominous has happened when a society routinely accepts that mothers kill their children."³²⁷ Third, there is the realistic

³²³Laurence H. Tribe, *Abortion: The Clash of Absolutes*, (New York: W. W. Norton & Company, 1990) p. 83.

³²⁴"A New American Compact," *First Things*, November 1992, p. 45.

³²⁵*Ibid.*, p. 43.

³²⁶After giving careful consideration to the available labels, Neuhaus settles on the preferred names each side chooses to call itself; "prolife" and "prochoice." Here out the terms will appear without quotation marks. Neuhaus, *America Against Itself*, p. 122.

³²⁷Acknowledging the implications of this assertion, he states his understanding of the debate over whether the fetus is a child." *Ibid.*, p. 125.

understanding that "there will always be abortions, probably many abortions," which demands commitment to encouraging "alternatives to abortion." Finally, "however the abortion controversy turns out, it will not be satisfactory to the more zealous proponents of either side."³²⁸

The importance of a clear articulation of his prolife position and the aggressive public engagement of competing views grows out of Neuhaus' conviction "that prolife and prochoice proponents have much to discuss."³²⁹ The possibility for both a peaceful and pluralistic nation depends upon the engagement of real disagreement (rather than mere confusion) over the "different accounts of the good by which we might order our life together."³³⁰ Furthermore, policy that is forged, indifferent to the deepest and divisive differences among citizens, *ipso facto* replaces public consensus with the force of law which is hardly a stable social peace. Arguably, the present culture war was precipitated by the Supreme Court's replacement of a relatively stable public consensus with the judicial fiat of *Roe v. Wade*.³³¹ Though this public "clash of absolutes" runs the risk of disagreement and the intensification of attendant passions, "the alternative," says Neuhaus, "is to despair of public discourse altogether." This alternative, he concludes, "is a risk that democracy--and civilized human beings, for that matter--cannot

³²⁸Ibid., pp. 124-125.

³²⁹Ibid., p. 124.

³³⁰Ibid., p. 187.

³³¹Neuhaus, *The Naked Public Square*, p. 27. Tribe writes, "Professor Glendon has argued that the *Roe* decision interrupted an evolutionary process within state legislatures...[she] has argued that in such a circumstance, abortion would continue to be freely available--through legislation--during the first trimester of pregnancy. But the history of abortion law reform in the United States seriously undermines this claim." Tribe, *The Clash of Absolutes*, p. 49.

afford to take."³³²

The clarity and forcefulness with which Neuhaus establishes his prolife position is not to build an unassailable fortress from which to eliminate the enemy. Rather, it is a gesture of the commitment to the reality that "we are going to have to live together in this society for the duration," believing that out of the tension caused by deep cultural divisions, the commonweal might still be attained. The faith assumption is that however destabilizing confrontation is to a culture, the commonweal is best served, in the long run, by such civil confrontation. There is an implicit trust that the engagement of ideas is in reality a sign of "robust democratic pluralism," rather than "a formula for anarchy."³³³ To rehearse an earlier discussion (Chapter 1), Western thought has regularly embraced the necessity of accountability through confession and dialectic. Neuhaus asserts that the clear articulation of the prolife position stands against the world for the sake of the world, forcing what had the appearance of a monologue among the cultural elite into what has become a raucous dialogue fraught with both dangers and possibilities.³³⁴

But this is to get ahead of the argument. The chapter proceeds with a brief overview of abortion in the context of the broader *Kulturkampf*. The remainder examines the abortion controversy from Neuhaus' position as an advocator of the prolife position

³³²Neuhaus, *America Against Itself*, p. 124.

³³³*Ibid.*, p. 187.

³³⁴Tribe does not think so highly of the democratic dialogue: "Criticism of the decision [*Roe*], and particularly of its result, has let to a revolution in constitutional law that may have profound consequences for all Americans, a revolution touching full range of our rights. It has already led to a radical transformation in the role of the American judiciary." Tribe, *The Clash of Absolutes*, p. 79.

actively involved in the struggle to define this culture in view of the controversy.

The Genealogy of the Culture War

To understand the centrality of abortion in this culture war, it must be contextualized by the antecedent history. According to Hunter, the present cultural disruption loosely follows along the lines identified by Italian social philosopher Antonio Gramsci, who stated that in times of dramatic social change, cultural division among the knowledge class falls along traditional and progressive lines.³³⁵ Recognizing that the old cultural agreements no longer hold, progressive and "orthodox" [Hunter's designation] forces began to struggle for the cultural domination of each interpretation of the past and agenda for the future.³³⁶

The consensus of the past, fashioned between the various European peoples was shaped by a connection to Protestantism in one of its various forms³³⁷ and nurtured by Protestant morality taught in public schools through such works as *McGuffey's Reader*. It was a consensus that held until the 1830s, when it was challenged by the Catholic and Jewish immigrations.³³⁸ Once more, a new and broader cultural "Judeo-Christian" consensus was established, largely informed by "the suppositions of a biblical theism."³³⁹ Yet even as the cultural consensus formed by the "Judeo-Christian"

³³⁵Hunter, *Culture Wars*, p. 61.

³³⁶*Ibid.*, p. 63.

³³⁷*Ibid.*, p. 68.

³³⁸*Ibid.*, p. 69.

³³⁹*Ibid.*, p. 71.

tradition exercised cultural domination, there were growing hints at the beginning of the twentieth century of a convulsive cultural realignment due to the expanding influence of secularism.³⁴⁰ The litany of historical manifestations of this conflict includes the debate over origins; growing labor and women's movements, the Americanization of Roman Catholicism, biblical historical criticism, liberalizing of sexual mores, and various conflicts between capitalism and socialism. For Hunter, the thematic unity of these diverse points of conflict was the ever-present question on what side of progress one was allied.³⁴¹

Progress, it had been thought among the cultural elite, was synonymous with secularism. It was assumed that the advance of knowledge would, by philosophic or historical necessity, spell the retreat of religious influence.³⁴² This assumption among the elite became popularly confirmed in the aftermath of the 1925 *Scopes* trial widely considered to be the event that marked the replacement of biblical cosmology with secular naturalism.³⁴³ It was the historical event that marked the retreat of orthodox forces, particularly fundamentalists, from the main institutions of cultural formation and

³⁴⁰*Ibid.*, pp. 78f.

³⁴¹Hunter quotes antifundamentalist, Maynard Shipley: "The church is the Rock of Ages blocking the road to enlightenment. We must make our schools safe from theocracy." *Ibid.*, p. 141.

³⁴²Alasdair MacIntyre states, "The available facts of human history, collected over the widest areas, are carefully coordinated and grouped together, in the hope of ultimately evolving the laws of progress, moral and material, which underlie them, and which will help to connect and interpret the whole movement of the race"... in which the *Britannica* would ...have displaced the Bible by offering a more comprehensive overview...The *Encyclopedia* would have displaced the Bible as the canonical book, or set of books, of the culture." MacIntyre, *Three Rival Versions*, p. 19.

³⁴³Hunter states, "One might point to the infamous *Scopes* trial of 1926, *sic* which pitted the legitimacy of teaching evolutionism against creationism as conflicting theories of human origins, as the start of it all." Hunter, *Culture Wars*, p. 197.

adumbrated the advent of secularism's cultural domination.³⁴⁴ One assessment of Darwin could, after *Scopes*, equally apply to Darwinism: "Then, with a suddenness only less surprising than its completeness, the end came; the fountains of this great deep were broken up by the power of one man, and never in the history of thought has a change been effected of a comparable order or magnitude."³⁴⁵

According to Garry Wills, the genealogy of this culture war makes sense of the linkage of disparate social phenomena such as the battle over origins and abortion. Writing of the judiciary's decisions in the 1960 & 1970s favoring Darwinism, (among other decisions), he observes that fundamentalists were confirmed in their "suspicions that the highest court in the land was engaged in a *Kulturkampf* against established mores." This juridical climate was not, for many, merely a battle over curriculum or rival theories of origins but over versions of the good. Wills writes that the Warren court was so acquiescent to progressive social ideas that "even some liberals feared the Court would destroy its own influence by getting too far ahead of society's consensus on matters like abortion."³⁴⁶ Wills' juxtaposition of these two social phenomena recognizes a thematic convergence of Darwinism and abortion in terms of the cultural implications of secularism.³⁴⁷ This thematic convergence is distinguished from either

³⁴⁴Ibid., p. 139.

³⁴⁵R.E.D. Clark, *Darwin: Before and After*, (Exeter: Paternoster Press, 1966), p. 87

³⁴⁶Garry Wills, *Under God: Religion and American Politics*, (New York: Simon and Schuster, 1990), p. 117.

³⁴⁷Mark Noll, noted American historian, writes, "In sum, since 1960 creationism has done more than any other issue, except abortion, to inflame the cultural warfare in American public life." Mark Noll, "Ignorant Armies," *First Things* 32, (April 1993) p. 46.

historical necessity linking Darwinism with abortion, both of which have been argued with only partial success.³⁴⁸ Nevertheless, the force of this convergence ought not be overlooked.

Phillip Johnson, professor of law at the University of California, Berkeley, in an article on the social implications of the philosophical system of naturalism, argues for a link of abortion and evolution, insofar as evolution proved to be an instrument of cultural domination by the debunking of "...objective standards of morality."³⁴⁹ William Provine, professor of the history of science at Cornell University, in his rebuttle, agrees with Johnson only on the cultural and moral implications of Darwinism: "Darwin knew that he was committing cultural murder. He understood immediately that if natural selection explained adaptations, and evolution by descent were true, then the argument from design was dead and all that went with it, namely the existence of a personal god, free will, life after death, immutable moral laws, and ultimate meaning in life."³⁵⁰ Author and biologist Michael Denton also agrees, writing that "the entire scientific ethos and philosophy of modern western man is based to a large extent upon the central claim of Darwinian theory that humanity was not born by the creative intentions of a deity but by a completely mindless trial and error selection of random molecular patterns. The cultural importance of evolution is immeasurable, forming as it does the centrepiece...of

³⁴⁸Nat Hentoff, well known for his civil libertarian views argues that a prolife stance follows from his own political leftist and secular world-view. Nat Hentoff, "The Prochoice Bigots," *The Human Life Review*, (Vol. XIX, No. 1) pp. 17-22.

³⁴⁹Phillip Johnson, "Evolution as Dogma: The Establishment of Naturalism," *First Things* 6, (October 1990) pp. 20 & 22.

³⁵⁰*Ibid.*, p. 23.

the naturalistic view of the world...the agnostic and skeptical outlook of the twentieth century."³⁵¹

The moral implications of secularism, uncertain to the orthodox forces in 1925, later were widely perceived as manifested in the genocidal policies of the "godless" Nazi³⁵² and Marxist³⁵³ regimes. "The case can be made," asserts Neuhaus, "that the great social and political devastations of our century have been perpetrated by regimes of militant secularism, notably those of Hitler, Stalin and Mao."³⁵⁴ Harold Brown, in an article on the euthanasia movement in and before Hitler's rise to power, gives impressive documentation of influential literature of the time that invoked Darwin's name as justification for euthanasia policy.³⁵⁵

The point here is not to argue the historical worthiness of this connection between secularism and genocide but to note that the connection powerfully shaped the orthodox judgment of modernism and progressive ideas. Thus, the question for the orthodox was

³⁵¹Michael Denton, *Evolution: Theory in Crisis*, (Bethesda: Adler & Adler, 1986), pp. 358-359.

³⁵²Admittedly, there is wide disagreement on the Christian church's relationship to Nazism, William Allan's study of the town of Thalburg indicates the antireligious intentions of Hitler. He writes, "During the years after 1935 Nazism showed its true intentions on the question of religion. Aergeyz began a drive with the ultimate goal of making Thalburg the first town in Germany to be completely without church members." William Sheridan Allen, *The Nazi Seizure of Power*, (New York: New Viewpoints, 1973), p. 272.

³⁵³Neuhaus discusses the problems and merits of this linkage of communism with totalitarian inhumanities. *The Naked Public Square*, pp. 82f. Maurice Clavel states, "Marx's atheism, or rather his complete, existential hatred of God, is not just one factor or an accident or a result of his communism, but is rather its source and objective; yes its final cause. It is from God, from God himself above all else, at every point, and after all else, that Marx wants to liberate us." Marcel Neusch, *The Sources of Modern Atheism*, (New York: Paulist Press, 1977), p. 57.

³⁵⁴Neuhaus, *The Naked Public Square*, p. 8.

³⁵⁵Harold O.J. Brown, "Euthanasia: Lessons from Nazism, *The Human Life Review*, (Vol. XIII, No.2) pp. 88-99. Kurt Marquart, in an unpublished thesis quotes Edward Simon writing in the *Jewish Press* in 1983 who states, "I don't claim that Darwin and his theory of evolution brought on the holocaust; but I cannot deny that the theory of evolution, and the atheism it engendered, let to the moral climate that made a holocaust possible."

where this tendency toward inhumanity would assert itself in America's version of secularism. For many, *Roe v. Wade* answered the question.³⁵⁶

Roe v. Wade: The Heart of the Culture War

As *Scopes* marks the retreat of orthodox forces, *Roe v. Wade* marks a return to the public square with a potency no one expected.³⁵⁷ Garry Wills documents the political importance of this return, noting that candidate Ronald Reagan, who recognized orthodox *resentiment*, gained the important backing of evangelicals by declaring his own suspicions about Darwinism and his opposition to *Roe v. Wade*.³⁵⁸ In a conversation with Neuhaus, a *Moral Majority* executive, surprised that the *New York Times* and Harvard would note their influence, whimsically said, "It rather lowered our estimation of the *New York Times* and Harvard."³⁵⁹ Further expressing surprise at the potency of prolife politics, Neuhaus observes, "One may doubt whether ever in American history a major social movement has been able to sustain itself, and even bid fair to prevail, against the almost unanimous opposition of what are taken to be the controlling institutions of

³⁵⁶Luker writes, "For people who are not pro-life supporters, the logic that links abortion to the genocidal policies of the Third Reich...may seem baffling. But to pro-life people...abortion *in principle* defines all embryos as 'nonpersons' or as persons who lack equal rights." Kristin Luker, *Abortion And The Politics of Motherhood*, (Berkeley: University of California Press, 1984), p. 155.

³⁵⁷Luker records that "more of the people we interviewed joined the prolife movement in 1973 than in any other year, before or since; and almost without exception, they reported that they became mobilized to the cause on the very day the decision was handed down." 137 Luker further notes that these new recruits to the prolife cause "had never been actively concerned with political issues" until *Roe*. *Ibid.*, pp. 138-139.

³⁵⁸Wills, *Under God*, pp. 120-121.

³⁵⁹Neuhaus, (Taped lecture delivered at Concordia Theological Seminary, St. Louis, MO.: Date unknown.)

that is what seems to have happened with the prolife movement."³⁶⁰

Although the genealogy of the culture war is inclusive of many important issues and events, it is abortion that discloses, with the greatest clarity, the division in society over the "fundamentally different conceptions of moral authority, over different ideas and beliefs about truth, the good, obligation to one another, and the nature of community."³⁶¹ It is, as Hunter observes, a battle between competing moral visions, "*two fundamentally different cultural systems*," each with its own "constellation of values, interests and assumptions."³⁶² For Neuhaus, the divided moral vision is captured by Robin Toner's linguistic differentiation between the progressive vision of "rights and laws" and the orthodox vision of divinely sanctioned "rights and wrongs." The question remains, whether the pluralism of competing moral universes can give rise to a common society.

The political struggle for power, says Hunter, "is in large part a struggle between competing truth claims...which are by their very nature 'religious' in character." What he means by "religious" is derived from a later distinction he makes between substantive religion defined by "*what it is*," and functional religion defined by "*what it does*."³⁶³

³⁶⁰Neuhaus, *America Against Itself*, p. 129. Neuhaus writes, "Prochoice proponents are deeply disappointed that *Roe*, which was supposed to have settled the abortion question by judicial fiat, turns out to have settled little or nothing... The prolife proponents...whom the prestige media have for sixteen years tended to treat as marginal troublemakers, are buoyed by what they view as the stunning achievement of having defied and prevailed against the American establishment." Richard John Neuhaus, "After *Roe v. Wade*," review of *Science and the Unborn: Choosing Human Futures*, by Clifford Grobstein, *Commentary*, May 1989, pp. 60-63

³⁶¹Hunter, *Culture Wars*, p. 49.

³⁶²*Ibid.*, p. 128.

³⁶³*Ibid.*, p. 255.

Using religion in the functional sense, Hunter asserts that the politics of the culture war is an expression of competing truth claims about the way the world really is and how it makes sense of the meaning of "ought" in the political question, "How ought we order our life together?"³⁶⁴ The dual social purpose of functional religion is at times to "justify institutional arrangements," and thus legitimize the status quo. And at other times, functional religion operates in the prophetic mode, "delegitimizing the status quo and calling for the establishment of a new social order."³⁶⁵

By extrapolating from the previous discussion of the importance of tension in limiting and defining the spheres of public life, the competing systems of meaning and social vision in the exercise of rival functional religions, offers the most hopeful possibilities for socially redemptive conflict. This hope is that as the orthodox and progressive systems seek both to legitimize themselves and delegitimize the competition, the articulation of purpose and vision may identify points of convergence, the possibility of conversion and, modestly, a better understanding of the enemy. Said another way, if indeed ideas have consequences, then the open and civil (if not also raucous and heated), debate over ideas and consequences hopefully aspires for that common cause in which Augustine offered his *City of God*. The ongoing debate between Harvard's Laurence Tribe and Mary Ann Glendon serves as a precedent for this possibility.

Tribe, in his *Abortion: The Clash of Absolutes*, states the hope that "if we examine critically both the pro-choice and the pro-life arguments, we may discover areas in which

³⁶⁴Ibid., pp. 57-58.

³⁶⁵Ibid., p. 256.

the two sides can find common ground and, of course, some areas in which they cannot."³⁶⁶ Although offering the promising possibility for compromise, Neuhaus comments that Tribe is actually providing a legal or constitutional account for the legitimacy of *Roe*, aptly caught by the title of one review of Tribe's book, "The Sound of One Absolute Clapping."³⁶⁷

To say that Tribe's account of the moral/legal legitimacy of *Roe* fails to make significant advances in the area of compromise is not to say that it is without merit. Minimally, Tribe succeeds in another stated goal, to offer "a window into the way the 'other side' sees things..."³⁶⁸ Furthermore, he articulates functional religion's purpose of legitimizing the institutional arrangement of *Roe* against the rival functional religion's intention to delegitimize abortion on demand. He writes, "People have undertaken to criticize *Roe*, in every aspect and from every angle, as *illegitimate* judicial activism, and the sheer volume of the attack seems to have lent it legitimacy."³⁶⁹

Neuhaus accounts that such questioning of the legitimacy of *Roe*, was offered by professor of jurisprudence at University of California, John Noonan, who considered *Roe* to be "an audacious experiment without precedent in the law of any Western nation."³⁷⁰

Leo Pfeffer, one sympathetic to the Supreme Court's decision, counters that "the nine

³⁶⁶Tribe, *The Clash of Absolutes*, p. 7.

³⁶⁷Neuhaus, *America Against Itself*, p. 122.

³⁶⁸*Ibid.*, p. 9.

³⁶⁹*Ibid.*, p. 79.

³⁷⁰Neuhaus, *The Naked Public Square*, p. 26.

judges on the Supreme Court, being immune to political reprisal since they serve for life, may be performing a significant though quite controversial function; they may be compelling the people to accept what the judges think is good for them but which they would not accept from elected legislators."³⁷¹ Tribe, in agreement, adds that the work of the Supreme Court in *Roe* was consistent with the founders' vision of a branch of government protected from the perils of unlimited government.³⁷² In Tribe's reading, *Roe* is in a category of constitutional rights with "one's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights" that are not subject to vote, referendum or legislative agreement.³⁷³

In this account of the legitimacy of *Roe*, Tribe attains what John Courtney Murray called "the great and rare achievement" of disagreement as opposed to the confusion that is often passed off as disagreement.³⁷⁴ The voice of disagreement is Mary Ann Glendon, author of the influential work, *Abortion and Divorce in Western Law*, which Tribe both respects and rejects.³⁷⁵ Concluding that Western Europe is less polarized in considering the abortion controversy because the various accounts of individual rights are embedded in a sense of the individual in community,³⁷⁶ Glendon gets at the nub of

³⁷¹Ibid., p. 26.

³⁷² "Striking down a law as unconstitutional is 'undemocratic,' in the sense that no simple majority acting through the legislative process can overcome a ruling of the Supreme Court holding a law invalid. But it is a cornerstone of our system of government." Tribe, *The Clash of Absolutes*, p. 81.

³⁷³Ibid., pp. 80-81.

³⁷⁴Neuhaüs, *America Against Itself*, p. 124.

³⁷⁵Tribe, *The Clash of Absolutes*, pp. 71-76.

³⁷⁶Neuhaüs, *America Against Itself*, pp. 121f.

the disagreement. In the two functional religious legitimizations of the prochoice and prolife positions the disagreement is anthropological; there are two different accounts of the individual and the community. While rejecting Glendon's emphasis on the importance of the individual in community, Tribe agrees with the outline of the disagreement, as he writes:

Western European laws, which are designed to encourage childbirth or to offer guidance' with a view toward enabling [the pregnant woman] to keep the child,' do represent a less individualistic vision of society than most of us tend to hold, and they may offer a compromise that is workable in some societies. But the fact that *individual rights* provide the primary focus of constitutional law in the United States is no accident.³⁷⁷

Noting certain paradoxes, if not contradictions in Tribe's vision of the individual, Glendon, in a review essay of *Abortion: The Clash of Absolutes*, notes "a sort of intra-Tribal struggle" between Tribe, the constitutional lawyer, "devoted to protecting the rights of the weakest and most vulnerable members of society..." and "the Tribe who reluctantly defends the right to abort what he recognizes as a human person." Further she notes that Tribe's privatization of choice clashes with his expansive vision of government that can readily suspend private choice for social interests.³⁷⁸ In Glendon's view, the legitimacy of Tribe's prochoice stance is based on the autonomous, state dependent self. It is therefore disingenuous for Tribe to write, on the one hand, that "...the abortion policies of Nazi Germany best exemplify the potential evil of entrusting government with the power to say which pregnancies are to be terminated and which are

³⁷⁷Tribe, *The Clash of Absolutes*, p. 74.

³⁷⁸Mary Ann Glendon, "Intra-Tribal Warfare," *First Things* 5 (August/September 1990): p. 58.

not,³⁷⁹ while insisting that it is the state's moral obligation to subsidize these abortions.³⁸⁰ Given the previous discussion of the imperiousness of the political, it is a reasonable assertion that state subsidy and state control go hand in hand. Thus Tribe's vision of the state subsidized autonomous self is its own problematic.

The intention is not to exhaust the Tribe/Glendon debate but to hold it up as a hopeful possibility for civil discourse over a powerfully divisive issue. One profound impact that the prolife movement has had is in making abortion, once declared to have been "settled" by *Roe*, a part of the defining conversation in American public life. Although prochoice and prolife each claim to represent the populace,³⁸¹ Hunter's analysis is that between "colossal ignorance,"³⁸² ironies and the various intensity of commitment to each side, only about 20 percent of Americans are firmly settled in one or the other "different moral universes."³⁸³ Citing a Wirthlin survey, Hunter gives the greater advantage to the prochoice forces because "the language of 'rights' and

³⁷⁹Tribe, *The Clash of Absolutes*, p. 59.

³⁸⁰Glendon, *First Things*, September 1990, p. 56.

³⁸¹Kristin Luker records the aftermath of Sherri Finkbine's 1962 controversial abortion: "Both extremes on the continuum had assumed that their views were representative of public opinion; the case of Sherri Finkbine demonstrated how great their differences really were. Each side began to mobilize support for claiming that its own view of abortion was in fact the common one, the historically correct one, and the morally proper one." Luker, *The Politics of Motherhood*, p. 65.

³⁸²Citing a Gallup survey about what *Roe* meant, one out of four Americans thought it permitted abortions only for the first three months. One out of six believed that abortion was permitted in the first three months and only if the physical health of the mother was at risk. Four percent thought that *Roe* prohibited all abortions and four out of 10 admitted ignorance of the legal contours of this decision. Interestingly, when another poll asked the people to respond to the correct understanding of *Roe*; that "abortion is available through all nine months of pregnancy," Hunter records that 80 percent disagreed, 65 percent disagreeing strongly. Hunter, *First Things*, June/July 1992, p. 14.

³⁸³*Ibid.*, p. 20.

'choice'... resonates most broadly in the public arena,³⁸⁴ where people are more likely to view this issue in terms of individualistic rather than communal terms. Given this configuration of the public square, prolife forces have much at stake in preserving the civil conversation for the clarification of its position and the possibility of conversion of the unpledged 80 percent.

This situation dictates, at least for those who are substantively religious, that there be a determined commitment to the logic of culture. While Neuhaus observes that his arguments are an entangled combination of "the moral, the legal, the cultural and the political,"³⁸⁵ the legitimacy of his prolife views rests mostly upon the cultural argument. Further defining what this means, Hunter states that "contrary to established opinion, the disagreement over abortion is not, at root, a legal one. Law is neither the fundamental problem nor the final solution." Hunter goes on to say that whatever the fate of *Roe*, the tensions surrounding the abortion question will only be solved in the area of culture, "because the abortion controversy is in its nature a cultural controversy."³⁸⁶ Recalling the regnant force in the area of culture, the success of Neuhaus' prolife argument depends upon persuasion rather than coercion.³⁸⁷

This commitment to the logic of conversation³⁸⁸ does not render the necessity for

³⁸⁴Ibid., p. 20.

³⁸⁵Neuhaus, *America Against Itself*, p. 155.

³⁸⁶Hunter, *First Things*, June/July 1992, p. 13.

³⁸⁷Neuhaus, *America Against Itself*, p. 148.

³⁸⁸According to Neuhaus, the church "seeks to signal rather than to control, to provoke rather than rule, to evoke rather than demand." Richard John Neuhaus, "Liturgy and the Politics of the Kingdom," *The Christian Century*, 20 December 1967, p. 1625.

involvement any less urgent.³⁸⁹ Neuhaus contends that abortion most "clearly and painfully illustrates the problematic of the naked public square."³⁹⁰ This is because abortion is linked to human sexuality, marriage, family, euthanasia, genetic engineering, the use of fetuses for medical experimentation and organ harvesting. Abortion has coalesced this cluster of socially potent moral issues that mandates "the free and unhindered engagement in public of alternative accounts of a transcendent good by which we should order our life together."³⁹¹ At the heart of the cultural divide, as evidenced in the exchange between Glendon and Tribe, are different anthropologies that envision different versions of liberty. For the prochoice, the social vision is that of unencumbered selves, with strong emphasis placed upon "life, liberty, and the pursuit of happiness," largely held together by the political bond. For the prolife/religious vision, the self is defined by the "We the people," with the individual defined in tension with his or her communal obligations. Therefore Neuhaus' articulation of the prolife position is done in terms of discerning and defending the community.

Discerning the Community

As alluded to above, the rival moral versions, exercising the functional religious role of each, necessarily seeks to legitimize their position and delegitimize rival moral

³⁸⁹Ibid., p. 121.

³⁹⁰Neuhaus, *The Naked Public Square*, p. 27.

³⁹¹Neuhaus, *America Against Itself*, p. 190.

theories.³⁹² As evidenced in both Augustine and Luther, every articulation of a moral version implies the subversion of rival theories and therefore enjoins the articulation of the subversion. In the arrangement of Neuhaus' *America Against Itself*, prior to the expression of his prolife position in terms of the self in community, he sets forth a criticism of the vision of the unencumbered self and the perceived statist policies designed to "liberate" individuals from such things as commitments to families and sacrifice. Commenting on this trend, he says, "The curious thing in our culture is that self-sacrifice, caring for someone else at the price of your own 'self-actualization,' is thought to be a problem to be solved rather than a virtue to be cultivated."³⁹³ Applying this assessment to abortion, he says, "The availability of abortion, and the consequent pressure to abort, has made it easier to 'take care of the problem' than to take care of the baby."³⁹⁴ Rather than framing the abortion controversy in the terms of a "free and private choice,"³⁹⁵ Neuhaus says, "*the* question in the abortion debate...is defining the human community for which we accept public responsibility."³⁹⁶

In delegitimizing the prochoice moral universe, Neuhaus suggests that in accepting the unencumbered self (an implicit assumption in the reduction of abortion solely to

³⁹²"In saying that the church should challenge and relativize the imperiousness of the political, the point is not that the church has no interest in the political...it is precisely and critically a political contribution of the church to liberate us from the pretensions of the political." Ibid., p. 19.

³⁹³Ibid., p. 90.

³⁹⁴Ibid., p. 127.

³⁹⁵Ibid., p. 139.

³⁹⁶Ibid., p. 140.

personal choice), the prochoice cannot adequately address the present conditions of pervasive cultural nihilism.³⁹⁷ Any moral vision must defeat the modern nihilistic tendencies "which...deny that an account of the good is possible..." by offering an account of the "commonalities of human nature, of overlapping languages, of shared experience, of tested institutions, of constitutional order, and of the capacity for reason."³⁹⁸ For Neuhaus, the relegation of abortion to a matter of personal choice reflects that nihilistic reduction of every truth claim to the status of personal and private sentiment. Under such conditions, accountability and civil discussion are futile relative to the understanding, *de gustibus non est disputandum* (there is no accounting for tastes).

This concern is addressed in an article by Philip Johnson titled, "Nihilism and the End of Law." Here he asserts that modernism/nihilism is the logical intellectual descendant of the death- of-God philosophy³⁹⁹ and the corollary that now humans are left to decide all the monumental questions for themselves. Surveying the possibilities for these assumptions, Johnson says, "modernism at times produces an exhilarating sense of liberation: we can do whatever we like, because there is no unimpeachable authority to prevent us, while at other times it is downright scary: how can we persuade other people

³⁹⁷Glenn Tinder writes "If nihilism is most obvious in the lives of wanton destroyers like Hitler, it is nevertheless present also in the lives of people who live purely as pleasure and convenience dictate." Tinder, *The Political Meaning of Christianity*, p. 51.

³⁹⁸Neuhaus, *America Against Itself*, p. 189. This hope is shared by Glendon: "Fortunately, there is a large middle ground on which moderate prochoice and prolife supporters seem tentatively to be staking out positions...many thoughtful choice supporters are concerned not only with 'who decides' but with what is decided." Glendon, *First Things* 5, pp. 56-57.

³⁹⁹*Ibid.*, pp. 37f.

that what *they* want to do to us is barred by some unchallengeable moral absolute?"⁴⁰⁰

Johnson draws upon Yale law professor Arthur Leff's "Unspeakable Ethics, Unnatural Law," to point out the modernist impasse. According to Leff, the modern problem is that normative statements imply "the existence of an authoritative evaluator," which is a long way of saying, God. With God out of the picture and religious centered values excluded from public discourse, "every human becomes a 'godlet,' who is free to dismiss every moral statement with the crushing barroom/playground rejoinder, 'the grand sez who?'"⁴⁰¹ Leff points out that once Aquinas' revelation and natural reason are excluded as acceptable moral authorities, there is nothing that stops "the grand sez who" from challenging the pretensions of every other system of *ought* as each is grounded in human authority.⁴⁰²

It was once thought by those who accept the authority of Feuerbach that God was merely the projection of what was highest and noblest in humankind. Once free from the wish projection of God, reason alone could better illuminate the *ought*. According to Johnson, Leff, unconvinced that human reason was capable of forging an unified account of the *ought*, was caught between the abyss of nihilism or believing in the supernaturalism, which was itself repugnant. The closing of Leff's lecture is telling:

All I can say is this: it looks as if we are all we have. Given what we know about ourselves, and each other, this is an extraordinarily unappetizing prospect; looking around the world, it appears that if all men are brothers, the ruling model is Cain and Abel. Neither reason, nor love, nor even terror, seems to

⁴⁰⁰Phillip E. Johnson, "Nihilism and the End of Law," *First Things* 31, (March 1993) pp. 19-20.

⁴⁰¹*Ibid.*, p. 20.

⁴⁰²*Ibid.*, p. 21.

have worked to make us "good," and worse than that, there is no reason why anything should. Only if ethics were something unspeakable by us could law be unnatural, and therefore unchallengeable. As things stand now, everything is up for grabs. Nevertheless: Napalming babies is bad. Starving the poor is wicked. Buying and selling each other is depraved. Those who stood up and died resisting Hitler, Stalin, Amin, and Pol Pot--and General Custer too--have earned salvation. Those who acquiesced deserved to be damned. There is in the world such a thing as evil. All together now: Sez who? God help us.⁴⁰³

Johnson notes the necessity for a moral account, not only for rights but primarily because such rights always imply duties and obligations. He observes:

"If majority opinion in the legislature favors some restrictions upon abortion, and there is no specific language in the Constitution on the subject, then 'pro-choice' forces have to invoke something very much like a natural law duty to get their way. 'Thou shalt not interfere with a woman's right to choose abortion; indeed, thou must help to pay for abortions through tax money...' Predictably, Johnson asks, "Sez who?"⁴⁰⁴

The modernist assumption is that there exists "a common secular rationality" that is readily apparent to ordinary rational people and demonstrable on rational grounds.⁴⁰⁵ On the basis of this assumption, religion is excluded from public discourse because, "if a society is to be governed on the basis of consent rather than force, it is important that the laws make sense to as many citizens as possible."⁴⁰⁶ But, the modernist impasse is that every notion of an objective rationality falls to the nihilistic "the grand sez who,"

⁴⁰³Ibid., p. 22.

⁴⁰⁴Ibid., p. 21.

⁴⁰⁵Ibid., p. 24.

⁴⁰⁶"Some legal philosophers say that liberalism implies the exclusion of religious considerations from public life. Their reasoning is that public decisions should be made on the basis of principles and arguments accessible to all persons. This basis principle implies that common sense and science must supply all the essential factual knowledge, and the standards of ethics and justice must come from secular philosophies that rest upon uncontroversial assumptions...According to this influential version of liberalism, people who want to make public policy on the basis of some private knowledge of God are fundamentally undemocratic, because they refuse to share a common base of discourse with their fellow citizens."Ibid., p. 23.

which denies every possibility of an account of the good, religious or secular.⁴⁰⁷

Johnson concludes, "King Lear's words provide the appropriate epitaph for modernism: 'Nothing will come of nothing.'"⁴⁰⁸ Perhaps alarmist or perhaps prophetic, Johnson ponders the available options for a demoralized public square: "As modernist rationalism gives way in universities to its own natural child--postmodernist nihilism--modernists are learning very slowly what a bargain they have made. It isn't a bargain a society can live with indefinitely."⁴⁰⁹ While there can be no avoiding the problems associated with the moralized public square,⁴¹⁰ nihilistic undermining of the legitimacy of both enforceable law and the unenforceable public virtues that make possible ordered liberty necessitates, in the prolife view, a reconsideration of the naked public square.⁴¹¹

The urgency to discern the community is the result of what Neuhaus views as the

⁴⁰⁷Perry, in reference to Ken Greenawalt's assertion that to argue in the public square from religious convictions is illegitimate in terms of the liberal premise. Perry points out that in order for Greenawalt to assert a normative public ethic he must make so many qualifications that there seems little left in his original assertion that should keep religiously informed values from public discourse. Perry, *Love and Power*, pp. 16-122.

⁴⁰⁸Johnson, *First Things*, March 1993, p. 25.

⁴⁰⁹*Ibid.*, p. 25.

⁴¹⁰Wars of religion, problem of moralized public square and denial of liberty viz. American Indians, southern blacks, aspects of labor movement. Mark A Noll, Nathan O. Hatch, George M. Marsden, *The Search for Christian America*, (Westchester, IL, Crossway Books, 1983), pp. 100-101.

⁴¹¹Perry, quotes the Williamsburg Charter as saying, "neither a naked public square where all religion is excluded, nor a sacred public square with any religion established or semi-established...[Rather] a civil public square in which citizens of all religious faiths, or none, engage one another in continuing democratic discourse." Perry, *Love & Power*, p. 45. Neuhaus states, "'What is truth?' Pilate's question is today asked with confused hand wringing and ...with derision. It is frequently declared to be a non-question. And that, we are told, is the truth. The problem is not simply that we are not agreed on what is true, but that we do not share points of reference by which we might deliberate what is and is not true." This modernist moral impasse has lead some in the cultural elite to put aside what frightens them about a "religiously grounded account of the good," and welcome religion as a potent ameliorative to the "cultural deconstructionism of unbridled critical consciousness." Neuhaus, *America Against Itself*, pp. 38-39.

growing acceptance of the exclusion.⁴¹² While aware of the moral ambiguity surrounding the debate about the legal status of the fetus, Neuhaus believes it is an ominous sign that prior to *Roe*, the human fetus that was, for the most part, protected by the community, is now defined outside of the protection of the community. Prochoice author, Kristin Luker observes that this point in the debate most clearly represents the cultural divide of the completely separate moral universes. She states that for people who believe that the embryo was always granted this protection of the community, "the wide acceptance of abortion in American society is truly frightening because it seems to represent a willingness of society to strip the rights of personhood from 'persons' who have always enjoyed them. If the rights of personhood can be so easily taken away from babies (embryos), who among us will be next?"⁴¹³ Luker notes that this internally logical connection within prolife rationality is ludicrous and nearly-inaccessible in view of prochoice assumptions.

But this is to rehearse once more the thesis that the culture war is indeed about two very different moral universes. And in the prolife moral universe, as difficult as it may be for those outside to understand, a moral account of the common good that excludes the fetus is going to be hard pressed to give an account for why others should not be excluded as well.⁴¹⁴ Writing about these different moral universes, Hunter says, "Speculation aside, in their latent moral assumptions, people make decisions about who

⁴¹²Hunter, *Culture Wars*, p. 153f.

⁴¹³Luker, *The Politics of Motherhood*, p. 156.

⁴¹⁴Neuhaus, *America Against Itself*, p. 140.

is a member of the larger human community, and therefore worthy of protection, and who is not." Among the latent moral assumptions of prochoice people, Hunter discovered highly predictable acceptance of the "life worthy of living" index and a consistent alignment with "various policies of medicalized death."⁴¹⁵ He writes, "Here, in the straightforward figures of public opinion research, one finds grounding for Philip Rieff's observation that the secularizing elites of the emerging culture have attached themselves to a death cultus... Indeed, given the rhetoric of the abortion rights cause and its kindred movements, one wonders whether death is the means or just the net effect of the quest for 'autonomy,' 'empowerment,' 'freedom,' and a 'high' quality of life."⁴¹⁶

There is, in Neuhaus' view, just cause for urgency to shore up the prevailing cultural definition of who is admitted into the community of protection. It is an urgency that, for the cultural elite, is considered alarmist,⁴¹⁷ but for those within the orthodox moral universe is justified by such cases as that of Nancy Cruzan⁴¹⁸ which intimates that the borders of exclusion are widening. Neuhaus asks, "Who won and who lost in the Cruzan case? Was it a civilized step toward 'death with dignity,' or a brutal turn, cloaked

⁴¹⁵Hunter, *First Things* 24, p. 18.

⁴¹⁶Ibid., p. 18.

⁴¹⁷"Nowhere today is the battle line between the two Americas drawn so sharply as over the issue of abortion. We have noted that the abortion conflict is about ever-so much more than abortion. It is about human sexuality, marriage, family, parenthood, and the 'taboos' that have been thought necessary to civilized existence. It is also about euthanasia, 'assisted suicide,' genetic engineering, the farming and harvesting of fetuses for medical experimentation, and related developments. With respect to the latter group of issues - the 'medical breakthroughs' that some insist are more accurately understood as cultural breakdowns- the prolife party is frequently depicted as being alarmist." Neuhaus, *America Against Itself*, p. 141.

⁴¹⁸For eight years following a traffic accident, Nancy Cruzan had been kept alive, in a comatose state, being given food and fluid through tubes. On 15 December 1990 the feeding tube was removed and ten days later she was pronounced dead. Ibid., p. 142.

in the rhetoric of compassion, toward ridding ourselves of the burdensome among us?" He concludes that the intention of the court order and the procedures of the doctor were intentionally directed toward the termination of a human life by starvation and dehydration.⁴¹⁹ "But now we are into the thick of the matter," reflects Neuhaus. "Adopt a 'quality of life' index by which some lives are determined to be not worth living, and join that to the permission to directly intend to kill. Agree, further, that starving people to death is clumsy, unseemly, and cruel. With those pieces in place, are we not now ready to take our hypodermic needles and lethal doses and get serious about the killing business?"⁴²⁰

What is ominous about the Cruzan case is not the moral ambiguity that makes necessary deliberations over the kind of care to be given to the terminally ill. What is ominous is that a government order, discharged by a physician sworn to heal and not kill, but with the direct intention to kill was celebrated and exploited to advance a political and legal agenda.⁴²¹ Observes Neuhaus, "People have little tolerance for areas where discretion, prudence, and conscience rule." Then quoting the *Wall Street Journal*, "What they want is a *law* or a *judgment*. They want a judge to use his authority to posit a *right*, and 'settle' the debate."⁴²² Acknowledging the many differences between Nazi Germany and the present, Neuhaus still finds that the quality of life rhetoric and the

⁴¹⁹Ibid., p. 143.

⁴²⁰Ibid., p. 145.

⁴²¹Ibid., p. 147.

⁴²²Ibid., p. 147.

notion of *lebensunwertes Leben* (lives unworthy of life) are much too similar to dismiss flippantly. Perhaps on the topic of abortion, the different moral universes are too far apart and beyond civil discussion. Yet, Neuhaus holds out the hope that in the ongoing discussion that results in the discerning of the community, it may still be possible to address other related questions with greater consensus. The alternative to a civil discourse, he notes, is "an interminable warfare in the public arena."⁴²³

Within the assumptions of the orthodox moral universe, there are at once menacing and promising prospects in the presupposition that ideas have consequences. Although attempts to hypothesize about the consequences of ideas are often dismissed as a "slippery slope" or a "camel's nose in the tent" argument, if competing theories are to find common ground, such extrapolation from ideas to consequences is necessary. One important hope for consensus is centered in the possibility of discussing future scenarios that are mutually and morally repugnant. Such a discussion necessitates that kind of hypothesizing indistinguishable from the slippery slope argument. One plausible paradigm for this movement from ideas to consequences is Karl Popper's notion of falsification. Recognizing that this theory itself is not universally accepted, there is merit in Popper's assertion that "there is no better idea of rationality than that of a readiness to accept criticism; that is, criticism which discusses the merits of competing theories from the point of view of the regulative idea of truth."⁴²⁴ What this means to the present discussion is to underscore the importance of the rival moral theories predicating

⁴²³Ibid., p. 151.

⁴²⁴Karl Popper, *The Unended Quest: An Intellectual Autobiography*, (Princeton: Princeton University Press, 1982), p. 104.

falsifiable consequences to the constellation of both its own ideas and those of its rival as a corollary of the legitimizing and delegitimizing aspects of functional religion.

For example, while within the prochoice moral universe, the Cruzan incident was not in any significant sense alarming, the prolife response is justified in view of its internal rationality that predicated to the logic of abortion an inexorable slide into permissive euthanasia policies, moving toward fully orbited eugenics.⁴²⁵ Furthermore, it should not be thought that perplexity at false alarm is confined only to progressives. Neuhaus notes progressive versions of the slippery slope find expression in such works as Paul Ehrlich's, *The Population Bomb*, whose predictions have largely been falsified, while the emotional force of his horrific scenario continues to hold powerful sway.⁴²⁶ Neuhaus also notes and dismisses as ludicrous the central theme of the movie, *A Handmaid's Tale*, that is, the inevitability of a totalitarian social order if orthodox forces should ever gain political ascendancy.⁴²⁷ While the movie cannot be considered a serious attempt to understand the present cultural divide, it does serve to express progressive fears about the orthodox vision for society. While acknowledging the

⁴²⁵Surveying a rapid genetic/technological advances, Neuhaus is troubled by a "debonair nihilism," that in ignoring the distinction between what can and what ought be done, is unable to resist the "adventure of doing the thing that could never be done." Second, there is a cultural acceptance voice in the *New York Times*: "It's hard to object to improving a species' inherent characteristics." This assumption blithely accepts what was once in the not so distant past morally repugnant notions as organ harvesting and use of fetal tissue, and open forums on the question, "Should Medicine Use the Unborn?" (September 1987 *Newsweek*) Richard John Neuhaus, "The Return to Eugenics," *The Human Life Review*, Vol. XIV, No.3) p. 81.

⁴²⁶Neuhaus, *America Against Itself*, p. 125.

⁴²⁷Glendon, *First Things*, September 1990, p. 71. Tribe invokes the image of Nazi Germany to suggest what might materialize if prolife logic should hold sway: "...the abortion policies of Nazi Germany best exemplify the potential evil of entrusting government with the power to say which pregnancies are to be terminated and which are not." Tribe, *The Clash of Absolutes*, pp. 59-60.

inevitable abuse of the slippery slope/camel's nose argument, commitment to ideas and consequences necessitates the importance of predication, which, at this juncture of the culture war, shows possibilities for political compromise.

Returning to the Glendon/Tribe debate, Glendon wonders why Tribe is unwilling to reconsider the abortion rights granted in *Roe v. Wade*, even when evidence mounts that the decision is viewed by many as having disastrous effects on the woman's movement, which Tribe asserts it helps. Glendon points out that contrary to the current perception, "women are significantly more prolife than men," because the *Roe* status quo has managed to keep "the main costs of the sexual revolution right where they have always been--on the bodies of women."⁴²⁸ Glendon then states, "it does not take Sherlock Holmes...to discern why the strongest supporters of elective abortion are young men."⁴²⁹ Luker records that the relatively small group, Feminists for Life, cognoscente of these unintended consequences of *Roe*, insist that "abortion is opposed to everything feminism stands for."⁴³⁰ The point is that a progressive contingency, reacting to the unintended consequences of *Roe*, has indeed found common cause with the orthodox in their concerns for women.

For Glendon, abortion advocate Daniel Callahan offers hopeful possibilities for further civil discourse (in "An Ethical Challenge to Prochoice Advocates")⁴³¹ because

⁴²⁸Ibid., p. 56.

⁴²⁹Ibid., p. 57.

⁴³⁰Luker, *The Politics of Motherhood*, p. 113.

⁴³¹Neuhaus, *America Against Itself*, p. 195

he goes beyond the legal/constitutional legitimacy of Tribe,⁴³² in order to establish a moral legitimacy for abortion. Neuhaus, also considering Callahan's openness to the importance of moral legitimacy, notes that Callahan rejects the prochoice reasoning, "to concede that [abortion] is a *serious* moral choice and to have a public discussion about that choice...[is] politically hazardous, the opening wedge of a discussion that could easily lead once again to a restriction of a woman's right to an abortion." Instead, prochoice leaders choose "to declare the whole topic of the morality of abortion off limits."⁴³³ This, according to Callahan, is a tactical error,⁴³⁴ because many prochoice advocates have moral struggles with aspects of abortion. For the prolife, the demoralizing of abortion inevitably raises questions and concerns over what limits, if any, will be placed upon conduct and practice in the other related bioethical issues.

Luker records that the prochoice and prolife both share concerns for identifying moral limits. While arguing from different rationalities and to different conclusions, both forces agree that repeat abortions and abortion as birth control are "morally troubling."⁴³⁵ While Luker wrote in 1984, Callahan in 1990 was forced to deal with the reality that "at least 40 percent of all abortions are now repeat abortions," making

⁴³²Tribe acknowledges the importance of the moral debate while refusing to acknowledge its legitimacy in the public discussion: Polling data suggest that, if the prochoice movement is to maintain its momentum, it cannot let the prolife side shift the debate to why a woman wants any given abortion. The movement's current popularity clearly depends on keeping the question focused on *who* will make the decision." in Glendon, *First Things*, September 1990, p. 57.

⁴³³Neuhaus, *America Against Itself*, p. 134.

⁴³⁴Glendon, *First Things*, September 1990, p. 57.

⁴³⁵Luker, *The Politics of Motherhood*, p. 180.

it a means of birth control for many.⁴³⁶ Furthermore, notes Neuhaus, Callahan says that because scientific advances have lowered the age of viability, along with the advent of the sonogram and *in utero* photography, the status of the fetus is now "more squarely before the public eye."⁴³⁷ Within the context of discerning who is and who is not entitled to the protection of the community, this humanizing of the fetus, according to prolife rationality, presents possible scenarios of either horror or hope.

Luker states that at the heart of prochoice morality is a *gradualist* account of personhood.⁴³⁸ Writing in 1984, she stated that the idea of third trimester abortions was widely considered to be pressing the moral limits of abortion. Callahan further elaborates that this "gradualist view of personhood," informs a moral rationality that expresses moral concern "when the choice is to abort a female fetus simply because it is female; or to have an abortion to please (or spite) a husband or boyfriend; or to have repeat abortions because of a casual attitude toward the use of contraceptives; or to conceive fetuses for experimental purposes or commercial profit."⁴³⁹ It is this latter observation that is troubling for the discerning of the community. If, while the age of viability has been lowered and the morphological development of the fetus is "squarely before the public eye," while at the same time, it becomes economically, scientifically or medically expedient to deny entrance into the protective custody of the civil community, the denial

⁴³⁶Neuhaus, *America Against Itself*, p. 137.

⁴³⁷*Ibid.*, p. 136.

⁴³⁸Luker, *The Politics of Motherhood*, p. 180.

⁴³⁹Neuhaus, *America Against Itself*, p. 138.

would be based upon the legal novelty that birth determines status. This development is especially troubling given the morphological consideration. If at eight or nine months the unborn, who are in appearance and action fully human, yet are denied the protection of the community, what criteria would protect other vulnerable members of the human community? If indeed society becomes comfortable with the denial of legal status to an entity that both looks and acts human, there is just alarm for the prolife predication to abortion logic, that it tends toward an ever broadening denial of personhood. The hopeful side of this scenario is that increased understanding of the implications of abortion will lead to greater protection to the unborn in a way that *"is culturally and politically sustainable."*⁴⁴⁰

Noting that for Tribe, the validity of abortion is justified at any time and for any reason by virtue of the constitutional liberty of choice bestowed upon the individual, Callahan states that "a prochoice position that would make the value of early human life depend solely upon private choice and the individual exercise of power...fails to understand the importance of communal safeguards against capricious power over life and death."⁴⁴¹ Neuhaus, building on Glendon's work in European abortion law, is hopeful that this concern for the communal might lead to a recognition that "other Western countries, less preoccupied with individual rights and more attentive to communal and cultural dynamics, may have something to teach us in avoiding the brutal clash between

⁴⁴⁰Ibid., p. 159.

⁴⁴¹Ibid., p. 138.

'prochoice' and 'prolife' factions."⁴⁴²

For Glendon and Neuhaus, the prolife goals are to be "pursued incrementally: by seeking the maximum legal protection for the unborn life that is legally and culturally sustainable and continuing to work for the transformation of individuals and society on which all 'rights' ultimately depend."⁴⁴³ Given the orthodox commitment to betterment over radical, convulsive solutions and the necessity for dividing and limiting power, incremental change and civil conversation remain the only hope for resolution of the abortion controversy.

Defending the Community

Neuhaus argues the prolife position on four levels, "each entangled with the others: the moral, the legal, the cultural, and the political."⁴⁴⁴ On the level of the political, Neuhaus plots his position in contradistinction to George Will's acceptance of *Roe* by the criteria of political expediency.⁴⁴⁵ The political expression of Neuhaus' defense of the unborn, consistent with the medically indisputable fact that the fetus is biologically human and alive, is to work for a political recognition of its "moral significance and

⁴⁴²Ibid., p. 121.

⁴⁴³Glendon, *First Things*, September 1990, p. 57.

⁴⁴⁴Neuhaus, *America Against Itself*, p. 155.

⁴⁴⁵See, Neuhaus, *America Against Itself*, p. 154. on legislative races after *Webster*. Elsewhere noting that prochoice Callahan states that unless progressives are able to morally justify abortion on "...based on some reasonably serious, not patently self-interested, way of thinking about ethics...not only puts the prochoice movement in political jeopardy but 'is a basic threat to moral honesty and integrity.'" Ibid., p. 135.

proper legal status" before birth.⁴⁴⁶ He states, "The abortion debate is not over chronology but over the weighing of a human life against the reasons for terminating that life. The radical prochoice position...is that any consideration is sufficient to justify the decision to terminate... A more moderate prochoice position is that at least *some* reason must be given, and the reason should not be trivial or willful. As the abortion debate comes to a boil in state legislatures, the debate will be over what reasons, if any, justify the decision to terminate."⁴⁴⁷

On the moral/legal levels, there must be a reestablishment of the understanding that law can only be "legitimated by reference to morality." Without this referent to the expression of the transcendent meaning and purpose, law becomes capricious. "And," Neuhaus maintains, "capricious is the one thing that, by definition, law is not supposed to be. Capriciousness has always been the mark of tyranny. Law that issues from the whim of monarchs or the caprice of courts can command obedience only by the threat of coercion. It is the formula by which naked force displaces legitimate power."⁴⁴⁸ Given this concern for capriciousness and accepting Luther's understanding of incremental "betterment," Neuhaus cautions that as, there are limits to what law can accomplish; to ignore these limits is a case of sacrificing the good by insisting on the best.⁴⁴⁹ As stated above, the moral/legal goals are "*the most comprehensive legal*

⁴⁴⁶Ibid., p. 153.

⁴⁴⁷Ibid., p. 156.

⁴⁴⁸Neuhaus, *The Naked Public Square*, p. 256.

⁴⁴⁹Ibid., p. 158.

protection of the unborn that is culturally and politically sustainable."⁴⁵⁰

Neuhaus cautions for limits of law because the unenforceable is so much a greater part of life, as Samuel Johnson rightly said, "How small, of all that human hearts endure, That part which laws or kings can cause or cure."⁴⁵¹ The notion was similarly stated by Aquinas, who said, "the law cannot command all virtues and forbid all vices."⁴⁵² Because, for Neuhaus, "laws cannot create love in the form of altruism," the greatest part of his defense of the discerned community lies in the sphere of culture and is profoundly shaped by Samuel and Pearl Oliner's study of rescuers in Nazi Germany, *The Altruistic Personality*.

First, we begin with a caveat. Neuhaus states that "as the stakes become higher and the conflict deepens, it is the more imperative to control our public rhetoric."⁴⁵³ Part of this control of public rhetoric, it would seem, would be a resistance to invoking images that would inflame rather than enlighten. Such is the tension when the rubric of "learning from Nazi Germany" enters the public debate. While recognizing the risks, Neuhaus justifies his use of the Nazi narrative because "...in the contemporary West, the Holocaust is perhaps the only culturally available story of absolute evil." Given what is a nearly unanimous agreement on the evils of those policies that led to the Holocaust, Neuhaus states that it is "a cultural icon of incalculable value."⁴⁵⁴ That is to say, with

⁴⁵⁰Ibid., p. 159.

⁴⁵¹Ibid., p. 171.

⁴⁵²Hunter, *Culture Wars*, p. 312.

⁴⁵³Neuhaus, *America Against Itself*, p. 169.

⁴⁵⁴Ibid., p. 100.

the universal rejection of Nazi genocidal policies, this narrative is useful for a common discussion of what is morally repugnant within the context of predicating consequences to prochoice ideas, and vis a versa. Therefore Luker, while believing that the possibilities of prochoice rationality moving inexorably toward another Nazi Holocaust stretch far beyond the sphere of reasonable consideration, nonetheless recognizes how orthodox rationality would fear *the quality of life* index that "evokes the image of Nazi Germany where the 'devalued' weak are sacrificed to the comfort of the powerful."⁴⁵⁵

Although Neuhaus does not suggest that present American culture will duplicate the specifics of the Holocaust, it remains an important cultural icon of absolute evil for a "a society largely indifferent to both the sacred and the demonic."⁴⁵⁶ Having noted the very few points of agreement between orthodox and progressive camps, an agreement on the evil of National Socialism must be maximized as a basis for civil discourse concerning the troubling return of eugenics, open advocacy for euthanasia for the elderly and radically handicapped, fetal experimentation and genetic engineering. These things, according to Neuhaus, are issues that transcend the divisions in the culture war because they are "developments that are relentlessly driving us to ask the most basic questions about the *humanum*, what it means to be human."⁴⁵⁷

The importance of this narrative to the orthodox community is the understanding that the devaluation of human life that led to the Holocaust is analogous to the devaluation

⁴⁵⁵Luker, *The Politics of Motherhood*, p. 190.

⁴⁵⁶Neuhaus, *America Against Itself*, p. 103.

⁴⁵⁷*Ibid.*, p. 168.

that is abortion. It is an assumption that, as Luker points out, the progressive elites find implausible if not ludicrous. Nevertheless, asserts Neuhaus, prolife rationality discerns these to be deeply troubling times which not only require an account that discerns the civil community, but also a readiness to respond in ways analogous of the rescuers of Jews in the Nazi era.

...there are moments in which great evil bestirs itself with intentions that are discernible to those who have eyes to see. Ours is such a moment. Evil...employs the language of the good to disguise its purposes. In this case it is the great good of choice that hides the greater wrong of what is chosen. It is a tempting shrewdly contrived for a free society that has forgotten that freedom depends upon devotion to more than freedom... In all times...the response is pretty much the same among those who have eyes to see what is happening and ears to hear the call to resistance. Like those other rescuers, they say, 'We did not start. It started. We had no choice.'⁴⁵⁸

The Oliners were consumed by the desire to "find out why they [the rescuers] did what the vast majority of people under the Third Reich did not do."⁴⁵⁹ Finding no difference in class, education and any number of other possible variables, what they finally settled on was that those who rescued were "embedded in relationships...of commitment and care."⁴⁶⁰ These commitments, for many interviewed, were "normocentric" and nurtured by communities with strong universal and ethical principles about what one owes the neighbor or community.⁴⁶¹ These findings, observes Neuhaus, are antithetical to the earlier study called *The Authoritarian Personality*, which considered

⁴⁵⁸Ibid., p. 170.

⁴⁵⁹Ibid., p. 106.

⁴⁶⁰Ibid., p. 107.

⁴⁶¹Ibid., p. 107.

the morally mature to be independent of heteronomous authority, which was meant to single out the religiously committed. Neuhaus continues that the authors of *The Authoritarian Personality* "reached the conclusion that independence is the key to the non-authoritarian personality..." which also leads to a conscious choice to express itself in both courage and compassion.⁴⁶² The problem is, observes Neuhaus, that the nonauthoritarian liberal personality does not represent any of the rescuers studied by the Oliners.

In fact, *The Altruistic Personality* criticizes the romantic image of the rugged, autonomous individualist, beholden to no community of virtue, who responds to the heroic calling as "almost entirely unrelated to the heroes and heroines" who showed up in their study. On the contrary, those who rescued were almost all firmly embedded in family relationships, received clear moral instruction, often times in a religious contexts; repeatedly those who rescued perceived it as their Christian duty to love the neighbor.⁴⁶³ Summarizing the effects that the normocentric communities of family and religious affiliation, Neuhaus says, "These groups were centered--or *believed* they were centered--in something other than themselves"⁴⁶⁴ or their own norms. This attitude was captured by one rescuer who said: "The whole world is a big chain. One little part breaks and it won't work anymore."⁴⁶⁵ Neuhaus concludes: "One after another, the

⁴⁶²Ibid., p. 110.

⁴⁶³Ibid., pp. 113-114.

⁴⁶⁴Ibid., p. 117.

⁴⁶⁵Ibid. p. 119.

rescuers step forward to give their testimony: 'I did not choose to do it. I did not start. It started. I had no choice.'⁴⁶⁶

For Neuhaus, the applicability of the Nazi era rescuer to the orthodox response to the culture war is to accept that, for whatever reason, "it started," and a response is not optional. "We may not like it," says Neuhaus, "but our society is engaged in a *Kulturkampf*, a war over values, symbols, and truths by which we ought to order our life together. Behaving in as civil a manner as we can muster, we will just have to see the conflict through."⁴⁶⁷ Neuhaus' adjuration for civility requires a renewed commitment of the orthodox to the rationality of culture. This is not to say that political or legal strategies are to be considered unimportant or unnecessary. Rather, it is to assert that the coercive nature of both law and is recognized and therefore they are not "to be taken with utmost seriousness."⁴⁶⁸

The Orthodox Narrative

The orthodox narrative recognizes that times of great urgency are fertile ground for great temptations to abandon fundamental commitments for the sake of immediate success. Jesus' reply to the Satanic temptation of remedying his problem of hunger with an immediate solution, "*Man does not live by bread alone...*" is a reminder that monistic solutions in times of crisis are both tempting and destructive. Again reminded of Lewis'

⁴⁶⁶Ibid., p. 119.

⁴⁶⁷Richard John Neuhaus, "Searching for the Vital Center," *First Things* 5, (August/September 1991) p. 59.

⁴⁶⁸Neuhaus, *America Against Itself*, p. 172.

aphorism, "'Useful,' and 'necessity,' was always the tyrant's plea."⁴⁶⁹ The orthodox narrative must aim at sustaining its primary commitment to the rationality of culture even when the exercise of liberty turns out to be chaos rather than order unplanned. It is only within such a narrative that the orthodox primary (but not sole) commitment to the logic of culture and civil conversation can be sustained by the reminder that so long as there is the distinction of being *in the world but not of the world*, the conditions of life will be tension rather than resolution. This narrative is no less needed in view of troubling acceptance of monistic *bread alone* options in sectarian indifference to the world (a denial of the *in the world* pole), and the authoritarian theocratic intention to govern the world (a denial of the *not of the world* pole).

The orthodox narrative, in favor of liberal democracy and its hope that liberty may be ordered to truth, and its commitment to betterment over revolution is of great importance today. According to orthodox rationality, our culture is on a destructive two-track course of social anarchy (violent crime, etc.) and political tyranny (political correctness and statist solutions). The religiously grounded rationality for liberty, according to Neuhaus, may be in these times of social instability the only democratically available version for liberty.

There is within Neuhaus' brief for economic freedom drawn from *Centesimus Annus* a hopeful analogy. The great discovery of *Centesimus* was that the economic freedom viewed by Leo XIII as socially destructive could be turned to powerfully creative and productive good when such freedom was ordered to justice. While this account does not

⁴⁶⁹Lewis, *God in the Dock*, p. 300.

deny the real abuses possible in an open economic system, it asserts that the greater results in creative production and opportunity outweigh the abuses of liberty. To say that there is a narrative for acceptance of the unplanned in the economic is not to say that it applies to broader issues of civil liberty. It is to assert that such a narrative is every bit as necessary.

The possibility for such a narrative, as Augustine understood, is implicit in the biblical account where freedom was granted to angels and mankind though it eventually led to their destruction. Augustine says, "God did not take away their freedom. He judged it better and more in accord with His power to bring some greater good even out of evil than to permit no evil whatsoever."⁴⁷⁰ The rationale for accepting liberty is sustained by the promise of divine intervention and redemption that, cast alongside of the consequences of freedom abused, creates a tension between the foreboding impact and spirited possibilities of freedom. Thus, at the heart of the orthodox narrative must be an ironic and hopeful appreciation for the *felix culpa* (the felicitous evil) and a reason to hope for the unexpected, not unlike the Old Testament Exodus or the recent revolution in Eastern Europe.

The soul of Neuhaus' writings and social philosophy is the intention to shape this narrative in order to sustain the orthodox commitment to liberal democracy and encourage the orthodox contribution to the commonweal in discerning and defending the civil community. In the current debate, the orthodox must be committed to living in the tension between the prophetic duty to delegitimize those ideas that are seen as destructive

⁴⁷⁰Augustine, *The City of God*, Bk.22/Ch.1, p. 508.

and the priestly duty to care for the neighbor, especially those marginalized by the regnant accounts of community. In summary, Neuhaus intends to articulate a clear account of the orthodox *version*, an aggressive *subversion* of rivals, sustained by the *suprarational* hope of the possibility of *conversion*.

For Neuhaus, the possibility of conversion both necessitates and sustains living within the tension-filled ambiguity of being *in but not of the world*. Because this hope anticipates divine resolution at the end of history,⁴⁷¹ it stubbornly refuses to accept early closure on this side of the *eschaton*. In the meantime, commitment to conversion means commitment to conversation. Thus, there is a religious commitment to the liberties of speech and assembly in order to sustain that conversation which grows out of the "unhindered engagement in public of alternative accounts of a transcendent good by which we should order our life together."⁴⁷² And, as suggested by John Paul, it is a commitment to liberty that at once resists final solutions but not progress: "No authentic progress is possible without respect for the natural and fundamental right to know that truth and live according to the truth."⁴⁷³

Characteristic of the open-ended posture of both Luther and Augustine, Neuhaus' open-ended social theory of conversion and conversation is sustained by the theological conviction that history is governed by God's counsels rather than by chance. Thus, when facing the available options in a very troubled and uncertain world, Neuhaus concludes

⁴⁷¹Neuhaus writes of John Paul's view of history that it is "...the mysterious conjunction of divine grace and human freedom that is providence." *Doing Well and Doing Good*, p. 135.

⁴⁷²Neuhaus, *America Against Itself*, p. 190.

⁴⁷³Neuhaus, *Doing Well and Doing Good*, p. 163.

his *America Against Itself* with the observation: "It may be possible to stop the descent [into Nihilism] and even to gain higher ground... Civil discussion of the enforceable might yet be renewed by respect for the unenforceable, upon which the continued existence of the *civitas* depends. [T]hen again, it really may be too late. There is no sure answer to that, except to say with Eliot, 'For us, there is only the trying. The rest is not our business.'⁴⁷⁴

⁴⁷⁴Neuhaus, *America Against Itself*, p. 190.

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