HAUERWASIAN CHRISTIAN LEGAL THEORY

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I
INTRODUCTION

In early 2003, Stanley Hauerwas wrote a column in *Time* magazine sharply criticizing the impending Iraq War.[1] According to Hauerwas, an American invasion would flagrantly violate the principles of just war theory. "Bush's use of the word evil comes close to being evil—to the extent that it gives this war a religious justification," he wrote.[2] "For Christians, the proper home for the language of evil is the liturgy: it is God who deals with evil, and it's presumptuous for humans to assume that our task is to do what only God can do. Advocates of 'just war' should be the first to object to the language of evil because that characterization threatens to turn war into a crusade."[3]

Some have found this and other similarly tart-toned public statements doubly puzzling. First, in the theology for which he is famous, Hauerwas emphasizes the church as a "community of character" whose principal objective is to "be the church" by eschewing violence and fostering virtues such as faith and hope.[4] Yet, despite his own pacifism, Hauerwas purports to interpret a theory he rejects, just war theory. Second, despite his insistence that the church's responsibility is to be the church, not to make society more just, Hauerwas has very publicly engaged in this and other policy debates.

The first puzzle is easily dismissed. Holding a particular view has never been a criterion for engaging its adherents. One does not need to be a feminist to write about first- or second-wave feminism, or a minority to write about Critical Race Theory. Non-Christians can and do critique Christian just war theory, so surely the views of a pacifist Christian are not out of bounds.

The second puzzle appears to be more well founded. But it has proven to be a distraction precisely because of its apparent plausibility. Critics have repeatedly interpreted Hauerwas's church-centered theology as precluding public engagement. Just as repeatedly, Hauerwas has denied that his theology is

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1. Stanley Hauerwas, *No, This War Would Not Be Moral*, TIME, Mar. 3, 2003.
2. *Id.*
3. *Id.*
4. These are central themes of STANLEY HAUERWAS, A COMMUNITY OF CHARACTER (1981), and are ubiquitous elsewhere in his work.

"sectarian"—that is, that it calls the church to isolate itself from the world—and has insisted that the church has a public role to play.[5] Hauerwas and his critics have spent so much time debating the issue whether he is sectarian that they invariably obscure the more important and interesting question of what Hauerwasian public engagement should look like.

Hauerwas has not helped matters, of course. He has played rope-a-dope with his critics, offering vague answers and sometimes quixotic suggestions when pressed. Asked what kinds of abortion laws the church should advocate, for instance, he suggested that the "church is not nearly at the point where she can concern herself with what kind of abortion law we should have," because the church has contributed to a political liberalism that makes abortion "intelligible."[6] In response to America's bombing of Libya during the Reagan administration, Hauerwas suggested that perhaps the church should immediately send a thousand missionaries to the scene of the fighting.[7]

My goal in this article is to develop a more complete account of public engagement in Hauerwasian theology—and more precisely, since this is a symposium about law, Hauerwasian Christian Legal Theory.[8] Throughout the discussion, I will distinguish between two kinds of public engagement, which I will refer to as "prophetic" and "participatory." Christian engagement is prophetic when it criticizes or condemns the state, often by urging the state to honor or alter its true principles. In participatory engagement, by contrast, the church intervenes more directly in the political process, as when it works with lawmakers or mobilizes grassroots action. Prophetic engagement is often one-off; participatory engagement is more sustained.

This distinction brings the principal quandaries for Hauerwasian public engagement into clear view. First, because they worry intensely about the integrity of the church, Hauerwasians are more comfortable with prophetic engagement than the participatory alternative, a tendency I will call the "prophetic temptation."[9] Once this temptation has been named, it is easy to

5. The examples are endless. *See, e.g.*, Stanley Hauerwas & J. Alexander Sider, *The Distinctiveness of Christian Ethics*, 5 INT'L J. SYSTEMATIC THEOL. 225, 232 (2003) ("Frankly, we have to admit, we are sick and tired of mainline Protestants, who advocate 'engaging the world,' accusing Anabaptists of 'sectarian withdrawal.'").

6. STANLEY HAUERWAS, *Abortion, Theologically Understood*, *in* THE HAUERWAS READER 603, 619 (John Berkman & Michael Cartwright eds., 2001).

7. STANLEY HAUERWAS & WILLIAM H. WILLIMON, RESIDENT ALIENS: LIFE IN THE CHRISTIAN COLONY 48 (1989). As will already be evident, I use the term "church" loosely, as Hauerwas does. Hauerwas reports that his claim that he is "much more interested in what the church believes," than in what he believes, "invites the skeptical response, 'Which church?'" STANLEY HAUERWAS, HANNAH'S CHILD 254 (2010). "I can reply," he says, "only by saying, 'The church that has made my life possible.'" *Id.*

8. By "public engagement," I particularly have in mind circumstances in which the church is telling as well as showing, rather than exclusively showing, those outside the church what Christianity means in a given context.

9. I call this a "temptation" because the prophetic stance can sometimes serve as an excuse to avoid the messy realities of political life. Hauerwas seems to me precisely the opposite of Jim Wallis in this regard. Wallis purports to speak prophetically, but in fact fully engages as a participant in public

spot. The second dilemma is more difficult: What can or should participatory engagement look like? When does participatory engagement strengthen the church and honor its Lord, rather than distracting the church from being the church?

To try to answer these questions, I will begin by contrasting Hauerwas's understanding of Jesus's Sermon on the Mount with that of his two most important twentieth-century predecessors, Walter Rauschenbusch and Reinhold Niebuhr. I then will consider three very different social issues: the civil rights movement, abortion, and debt and bankruptcy. My analysis of the first two issues comes directly from Hauerwas himself. The last requires some gymnastics.

II
THE SERMON ON THE MOUNT IN THREE VOICES

When Stanley Hauerwas warns that "in the name of being politically responsible" the church too often "became politically invisible,"[10] or insists that "theology's job is not to make the gospel credible to the modern world, but to make the world credible to the gospel,"[11] Reinhold Niebuhr and respectable mid-twentieth-century American Protestantism are never far from view. Niebuhr's theology was pragmatic and paid little attention to the church (ironically enough, given that Niebuhr himself, unlike Hauerwas, pastored a church at the outset of his career).[12] In Hauerwas's theology, by contrast, the church is central.

Of course, Niebuhr's theology did not appear out of nowhere either. Much as Hauerwas himself began as a Niebuhrian before becoming Niebuhr's fiercest theological critic, Niebuhr himself achieved fame by renouncing the optimistic, pacifist theology of the early-twentieth-century movement known as the social gospel.[13] By pursuing the connections—really, the sequence of refutations—among these three theologians we can better understand the genius and implications of Hauerwasian Christian Legal Theory. To bring the three theologians' distinctions into sharp focus, I will briefly describe how each construes the Sermon on the Mount, the teachings of Jesus recorded in chapters five, six, and seven of the Gospel of Matthew. The Sermon on the Mount has

debate. Whereas Wallis's language is faux prophesy, Hauerwas's pronouncements are broadly prophetic.

10. HAUERWAS, *supra* note 7, at 160.

11. HAUERWAS & WILLIMON, *supra* note 7, at 24.

12. Niebuhr's first published book gathered musings from his years as a pastor in Detroit. REINHOLD NIEBUHR, LEAVES FROM THE NOTEBOOK OF A TAMED CYNIC (1929).

13. Niebuhr first laid down the gauntlet in REINHOLD NIEBUHR, MORAL MAN AND IMMORAL SOCIETY (1932). *See, e.g.*, *id.* at 3 ("All social co-operation on a larger scale than the most intimate social group requires a measure of coercion."). The stunned and angry reaction of his former allies is described in RICHARD WIGHTMAN FOX, REINHOLD NIEBUHR: A BIOGRAPHY 136 (1985): "His rhetoric was icy, his arguments aggressive; many of his friends and colleagues took it as a personal assault."

been the touchstone of American Protestant theology and political ethics for well over a century, and Hauerwas and his predecessors interpret it in radically different ways.[14]

Jesus preached the Sermon on the Mount—or sermons; the underlying events have been debated for centuries—early in his public ministry.[15] "Blessed are the poor in spirit," he began.[16] He proceeded to identify his followers as salt and light,[17] and as a city on a hill;[18] to insist that even an angry outburst is murder and that eyeing a woman with lustful intent is adultery;[19] to instruct his disciples to turn the other cheek when slapped[20] and treat one another as they would wish to be treated themselves (the "Golden Rule");[21] to admonish them to avoid showy prayers and fasts;[22] and to give them the Lord's Prayer ("Our Father who art in heaven . . .") as the proper way to pray.[23]

In the late nineteenth and early twentieth century, at the height of the so-called Protestant Consensus in American life, leading Protestant figures interpreted the Sermon on the Mount as a call to establish the Kingdom of God in America.[24] After the Civil War ended the national disgrace of slavery, the possibility of perfecting American society seemed more realistic than ever before.[25] Walter Rauschenbusch was the luminary of this new movement, which became known as the social gospel. Rauschenbusch was a pastor in New York City and a longtime seminary professor in Rochester, New York. According to Rauschenbusch, the "individual is saved, if at all, by membership in a community which has salvation."[26] As this statement suggests, Rauschenbusch downplayed the personal dimension of salvation and seemed to envision a strong role for the church. But as Rauschenbusch saw it, the Kingdom of God quickly expanded beyond the church. "The Kingdom of God is not confined within the limits of the Church and its activities," as he put it. "It is the Christian

14. For a survey of prominent theologians' interpretations of the Sermon on the Mount over a much longer time period, see THE SERMON ON THE MOUNT THROUGH THE CENTURIES: FROM THE EARLY CHURCH TO JOHN PAUL II (Jeffrey P. Greenman, Timothy Larsen, & Stephen R. Spencer eds. 2007).

15. The Sermon comes after Jesus has called his disciples, has travelled "throughout all Galilee" teaching and healing, and his fame has spread. *Matthew* 4:18-25.

16. *Matthew* 5:3.

17. *Id.* at 5:13–14.

18. *Id.* at 5:14.

19. *Id.* at 5:28.

20. *Id.* at 5:39.

21. *Id.* at 7:12.

22. *Id.* at 5:5–18.

23. *Id. at* 6:9–13.

24. In 1870, Yale Professor Samuel Harris gave a dozen lectures at Andover Seminary in Andover, Massachusetts that were published four years later as "The Kingdom of Christ on Earth." The sublime idea of the conversion of the world to Christ," he proclaimed, "has become so common as to cease to awaken wonder." SAMUEL HARRIS, THE KINGDOM OF CHRIST ON EARTH 3 (1888).

25. I discuss these developments and many of the other points made in this section in more detail in a work-in-progress entitled *The Sermon on the Mount in American Law*.

26. WALTER RAUSCHENBUSCH, A THEOLOGY FOR THE SOCIAL GOSPEL 126 (1945).

transfiguration of the social order . . . . [T]he greatest future awaits religion in the public life of humanity."[27]

Rauschenbusch's vision was grounded in the Sermon on the Mount and other teachings of Jesus in the four Gospels. He argued that, during Jesus's life, he laid the groundwork for social transformation, but his revolutionary social teachings got pushed into the background by the early church.[28] Rauschenbusch called America to restore the social mission, and he thought he saw hints of its growing emergence.[29] As Rauschenbusch envisioned it, America would become a social democracy with, among other things, greater attention to the rights of workers and the socialization of many industries.[30]

After cutting his teeth in social gospel circles in the 1920s, Reinhold Niebuhr rebelled in the 1930s. In the most important of his early books, *Moral Man and Immoral Society*,[31] Niebuhr rejected the optimism of the social gospelers and their mainline Protestant heirs and scored their then-pervasive pacifism as naïve and disingenuous. Violence is inevitable, Niebuhr insisted. Even Gandhi relied on a form of violence, the coercive pressures he employed to effect change. "Once we admit the factor of coercion as ethically justified," Niebuhr wrote, "we cannot draw any absolute line of demarcation between violent and non-violent coercion."[32] "Gandhi's boycott of British cotton results in the undernourishment of children in Manchester," he continued, "and the blockade of the Allies in war-time caused the death of German children. It is impossible to coerce a group without damaging both life and property and without imperiling the interests of the innocent with those of the guilty."[33]

Niebuhr's theology of the Sermon on the Mount, which he borrowed from the work of Albert Schweitzer, was anchored in a very different understanding of the Sermon than Rauschenbusch's. The Sermon's ethics were impossible—a standard meant only for the brief period of Christ's ministry on Earth—and

27. *Id.* at 144–45. Hauerwas highlights the role of the church in Rauschenbusch's theology in a long essay. STANLEY HAUERWAS, *Walter Rauschenbusch and the Saving of America*, *in* A BETTER HOPE: RESOURCES FOR A CHURCH CONFRONTING CAPITALISM, DEMOCRACY AND POSTMODERNITY 71 (2000). He seems to me to overstate the centrality of the church in Rauschenbusch's writings on the social gospel, but I take this as a reflection of Hauserwas's stated aim to "resist Niebuhr's account [of Rauschenbusch] by providing a sympathetic presentation of Rauschenbusch as intelligible only because he was deeply rooted in the church and, in particular, the pastoral ministry." *Id.* at 107.

28. *See, e.g.*, WALTER RAUSCHENBUSCH, CHRISTIANITY AND THE SOCIAL CRISIS 53 (1916) ("In the main [Jesus] shared John's national and social hope. His aim too was the realization of the theocracy.").

29. *See, e.g.*, *id.* at 422 ("The swiftness of evolution in our own country proves the latent perfectibility in human nature.").

30. *See, e.g.*, *id.* at 374–411 (arguing that American society is passing from primitive to a more sophisticated "communism," and advocating public ownership of utilities, federal regulation of corporations, and for Christians to join their interests with the working classes).

31. NIEBUHR, *supra* note 13.

32. *Id.* at 172.

33. *Id.*

social reform needed to reflect that impossibility.[34] The Golden Rule—or the Law of Love, as Niebuhr often called it—tells us that our interactions and institutions should be characterized by brotherhood. But our sinfulness, and the sinfulness of human institutions, interferes. Although interactions within a small group are sometimes characterized by love, the clash of interests quickly intervenes. "A relation between the self and one other may be partly ecstatic," Niebuhr wrote, "and in any case the calculation of relative interests may be reduced to a minimum. But as soon as a third person is introduced into the relation even the most perfect love requires a rational estimate of conflicting needs and interests."[35] Niebuhr believed that, because sin is pervasive, the object of reform is to hold different lobbying groups in tension, lest any particular group achieve a position of dominance.

Although Niebuhr's influence was most pronounced in foreign policy—where he championed a tough, pragmatic resistance to communism during the Cold War—he also favored labor reform and criticized the wall of separation that the Supreme Court began to erect between religion and public life in the 1950s.[36] He also wrote repeatedly on the need to address the problem of race, although he was pessimistic about the prospect of real change.[37]

Whereas Rauschenbusch envisioned the church as a beacon of the Kingdom of God that could soon pervade American society, Niebuhr ignored the church altogether. There is no suggestion that the Law of Love could characterize relations within a church, or that the church has a distinctive role in public affairs. Rarely does he mention the church at all.[38]

After imbibing the ethos of Reinhold Niebuhr and his brother Richard[39] in graduate school at Yale, Hauerwas quickly turned in a different direction. For

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34. According to Niebuhr, when Jesus tells his disciples that adultery includes not just sex with someone other than one's spouse but even a lustful look, and that even anger is murder, he seems to "paradoxical[ly] [extend] law to the point of its abrogation." 2 REINHOLD NIEBUHR, THE NATURE AND DESTINY OF MAN 40 (Westminster/John Knox Press 1996).

35. *Id.* at 248.

36. Niebuhr praises the New Deal reforms in REINHOLD NIEBUHR, THE IRONY OF AMERICAN HISTORY 99–101 (Univ. of Chicago Press 2008) (1952), and in an uncharacteristically optimistic statement concludes, "We have attained a certain equilibrium in economic society itself by setting organized power against organized power." *Id.* at 101.

37. In 1963, Niebuhr speculated—not prophetically, as it has turned out—that Attorney General Robert Kennedy was too optimistic in predicting a black might be elected president within fifty years. "The Negroes affront us by diverging from the dominant type all too obviously," Niebuhr wrote. "And our celebrated reason is too errant to digest the difference." Reinhold Niebuhr, *Revolution in an Open Society*, THE NEW LEADER, May 27, 1963, at 7, 8.

38. As Hauerwas has pointed out more trenchantly than anyone. STANLEY HAUERWAS, WITH THE GRAIN OF THE UNIVERSE: THE CHURCH'S WITNESS AND NATURAL THEOLOGY 137 (2001). I have speculated on the reasons for Niebuhr's failure to imagine any role for the church elsewhere. David A. Skeel, Jr., The Empty Pews in Niebuhr's Theology of Justice (2009) (unpublished manuscript) (on file with author).

39. Richard Niebuhr was a longtime professor at Yale Divinity School. His book *Christ and Culture* proposed a five-fold typology of Christian stances toward the culture (Christ above culture; Christ transforming culture; Christ against culture; Christ and culture in paradox; Christ of culture) that is still highly influential. H. RICHARD NIEBUHR, CHRIST AND CULTURE (1951).

Niebuhr, Christ's crucifixion revealed the impossibility of love and the inevitability of a clash of interests; for Hauerwas, Christ's renouncing of violence at the cross is a call to love, and a call for the church to model what he later called the peaceable kingdom.[40] Niebuhr's narrative leads to traditional politics, whereas Hauerwas concludes that the church must be the church, not just another political interest group. The anxiety of Rauschenbusch's identification of America with the Kingdom of God and of Niebuhr's steady abandonment of identifiably Christian language are negative influences, models to be rejected, throughout Hauerwas's work.

The Biblical basis for Hauerwas's rejection of Niebuhrian theology (and less explicitly, his rejection of Rauschenbusch's social optimism) is still another understanding of the Sermon on the Mount. According to Hauerwas,

> [i]t might be possible for Christians to argue that our ethics are universally applicable. It might be possible for Christians to take this approach to ethics . . . , until we collide with a text like Jesus' Sermon on the Mount. There, even the most casual observer realizes that he or she has been confronted by a way that does not make sense. In the Sermon on the Mount, the boundaries between church and world are brought into clear relief: 'You have heard it said, . . . but I say to you.' . . . The Sermon on the Mount is after something that Niebuhr, and most of the modern church, forsook—that is, the formation of a visible, practical, Christian community. . . . Only on the basis of [Jesus's] story, which reveals to us who we are and what has happened in the world, is true community possible.[41]

Hauerwas repeatedly states that the church is not responsible for achieving justice in the secular world. "I am in fact challenging the idea," as he puts it, "that Christian social ethics is primarily an attempt to make the world more peaceable or just. Put starkly, the first social task of the church is to be the church—the servant community. . . . As such the church does not have a social ethic; the church is a social ethic."[42] "My claim, so offensive to some," Hauerwas has written more recently, is "that the first task of the church is to make the world the world, not to make the world more just. . . . The world simply cannot be narrated—the world cannot have a story—unless a people exist who make the world the world."[43]

III
THE PROPHETIC TEMPTATION

Hauerwas's account of the church seems to suggest that the church should shy away from direct engagement on public issues. The "problem with Constantinianism,"[44] as he puts it in his memoir, is that "in the name of being

40. STANLEY HAUERWAS, THE PEACEABLE KINGDOM (1983).

41. HAUERWAS & WILLIMON, *supra* note 7, at 73–76. To avoid cumbersome qualification, I refer to the quotes as coming from Hauerwas, although the book is co-authored.

42. HAUERWAS, THE PEACEABLE KINGDOM, *supra* note 40, at 99.

43. HAUERWAS, *supra* note 7, at 158.

44. "Constantinianism" is the direct involvement of Christianity in the exercise of political power. The term refers to Constantine, the Roman emperor who experienced a battlefield conversion in 312, then legalized Christianity and treated it as "both a way to God and a way to unite the empire." MARK

politically responsible, the church became politically invisible."[45] Yet Hauerwas himself has often engaged quite publicly on political and social issues.[46] He has quite frequently criticized American military efforts, and he has condemned government bailouts as "socialism for the rich."[47] He has signed amicus briefs,[48] and he has written in opposition to the death penalty.[49]

The contrast between Hauerwas's insistent emphasis on the church as church and his own very public engagement on broader issues poses an apparent puzzle. How can his public presence be reconciled with the vision of the church he has spent four decades promoting?

Perhaps we could distinguish Hauerwas's personal advocacy from advocacy by the church. On this view, the public statements should be attributed to Hauerwas in his personal capacity as a concerned individual, not to the church. I do not want to dismiss this perspective altogether; indeed, there will be hints of it in some of the arguments I make at the end of this article. But this is not a very satisfying explanation. If Hauerwas were committed to a sharp distinction between a person's roles inside and outside of the church, of the sort that is generally associated with Lutheran "two kingdoms" theology, one would expect to see evidence of this in his writings. The evidence is to the contrary. In an otherwise admiring essay on Dietrich Bonhoeffer, for instance, Hauerwas chides Bonhoeffer for failing to consistently honor his own statement that the "'distinction between private person and bearer of an office . . . is foreign to Jesus.'"[50]

A better explanation is simply that critics who question the compatibility of Hauerwas's public engagement with his theology either have not read Hauerwas or do not believe his repeated insistence that his theology is neither sectarian nor preclusive of Christian engagement. "Despite what so many of my critics started to say," Hauerwas has written, "my growing emphasis on the political character of the church . . . did not make me an irrationalist, nor a sectarian."[51] "Am I therefore suggesting that Christians must 'withdraw' from

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A. NOLL, TURNING POINTS: DECISIVE MOMENTS IN THE HISTORY OF CHRISTIANITY 51 (1997).

45. *Id.* at 160.

46. John Inazu gives a nice summary of Hauerwas's involvement in law and legal issues in his introduction to this symposium. John D. Inazu, *Stanley Hauerwas and the Law: Is There Anything to Say?*, 75 LAW. & CONTEMP. PROBS., no. 4, 2012 at i.

47. As quoted from a Hauerwas speech. *See When Jesus Said Love Your Enemies I'm Pretty Sure He Meant Don't Kill Them*, YOUTH HAS NO AGE (Sept. 17, 2008), http://youthhasnoage.com/2008/09/17/when-jesus-said-love-your-enemies-im-pretty-sure-he-meant-dont-kill-them/.

48. *See, e.g.*, Brief for 20 Theologians and Scholars of Religion as Amicus Curiae Supporting Petitioners, Good News Club v. Milford Central School, 121 S. Ct. 2093 (2000) (No. 99-2036), 2000 WL 1803627; Brief of Amici Curiae Michael J. Broyde, et al. Supporting Plaintiff/Appellant, Axson-Flynn v. Johnson, 356 F.3d 1277 (10th Cir. 2002) (No. 01-4176), 2002 WL 32520423.

49. *See, e.g.*, STANLEY HAUERWAS, *Punishing Christians*, *in* PERFORMING THE FAITH: BONHOEFFER AND THE PRACTICE OF NONVIOLENCE 185 (2004).

50. STANLEY HAUERWAS, *Dietrich Bonhoeffer's Political Theology*, *in* PERFORMING THE FAITH: BONHOEFFER AND THE PRACTICE OF NONVIOLENCE 33, 51 (2004) (quoting DIETRICH BONHOEFFER, ETHICS 134–35 (1962)).

51. The indictment of Hauerwas as a sectarian was leveled with particular vehemence by James

the social, political, and legal life of America?" he asked elsewhere. "I am certainly not arguing that."[52] "Frankly," he and a co-author said in yet another place, "we are sick and tired of mainline Protestants, who advocate 'engaging the world,' accusing Anabaptists of 'sectarian withdrawal.'"[53]

Hauerwas baits his critics by insisting that the church's responsibility is to be the church, not to promote justice, by refusing to offer a theology of the state, and by offering only the fuzziest suggestions as to what Christian social engagement outside the church might look like. It is possible that Hauerwas is simply being coy when he says, for instance, that "I simply do not see why we need to give rulers legitimating accounts . . . for doing what they say."[54] There are two more likely reasons for the seeming evasions, however, both of which take Hauerwas's own words more seriously. The first is that it would be inappropriate to develop a detailed theory, because no single narrative would be adequate; the second is that the very act of specification might undermine the distinctiveness of the church.

I believe that both of these factors are at play, but with different emphases with respect to the nature of the state, on the one hand, and social engagement, on the other hand. With the state, Hauerwas has often suggested that no form of government is invariably superior; even democracy, which many theorists defend, has characteristic corruptions.[55] He has further argued that developing a theory of the state would validate an order, whether specifically or by implication, that does not warrant validation. With social engagement, the concern is that specification might dilute the visibility of the church. Church political involvement seems to mean a politically invisible church.

It is this last thread that I wish to pursue. The concern that active social engagement could diminish the visibility of the church may explain Hauerwas's own characteristic forms of political engagement. When Hauerwas signs an amicus brief or produces a statement against war, his involvement can invariably be identified with the church. There is little risk of the church's becoming invisible in the process.

These actions are not at all at odds with Hauerwas's theology of the church, but they do tend to privilege a particular kind of social engagement, the stance

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Gustafson. Gustafoson criticized Hauerwas's "sectarian temptation." James Gustafson, *The Sectarian Temptation: Reflections on Theology, the Church, and the University*, *in* 40 CATHOLIC THELOGICAL SOCITY OF AMERICA, PROCEEDINGS OF THE ANNUAL CONVENTION 83 (George Kilcourse ed., 1985). I was unaware of this term when I referred to the "prophetic temptation" in the initial draft of this article. Some may conclude that Hauerwas's interpreters think he is subject to many temptations.

52. STANLEY HAUERWAS, *A Christian Critique of Christian America*, *in* CHRISTIAN EXISTENCE TODAY: ESSAYS ON CHURCH, WORLD, AND LIVING IN BETWEEN 183 (2001).

53. Hauerwas & Sider, *supra* note 5, at 232.

54. Stanley Hauerwas, *Democratic Time: Lessons Learned from Yoder and Wolin*, CROSSCURRENTS, Winter 2006, at 534, 537.

55. Although even Hauerwas has sometimes cast a weak vote for democracy, as when he characterizes Yoder, apparently with approval, as believing that "[d]emocracies, particularly, if they are understood not as majority rule but as an arrangement for minority leverage, can be a form of government Christians rightly prefer." *Id.* at 541.

usually described as "prophetic."[56] Prophetic social engagement typically involves standing up against the violence of the state, or directly opposing the state in other ways. It tends to eschew more participatory stances, since these threaten to dilute the distinctiveness of the church. As I noted at the outset of this article, I will call this tendency to gravitate toward prophetic engagement, and the apparent discomfort with participatory stances, the "prophetic temptation" in Hauerwasian theology.[57]

I do not mean to suggest that prophetic stances are invariably easy, with little cost to the speaker, even in contemporary America. Hauerwas himself has faced harsh criticism for condemning the U.S. response to the September 11 attacks.[58] I recognize too that prophetic and participatory engagement cannot always be neatly distinguished. But the two modes are recognizably distinct, and Hauerwasian theology seems more comfortable with the former.

My claim that Hauerwasians face a prophetic temptation echoes the most compelling indictment of Hauerwas as sectarian, but reads him more sympathetically. Several prominent critics have argued that, by yoking Alasdair MacIntyre's vociferous criticism of liberal democracy with John Howard Yoder's sharp distinction between church and world, Hauerwas has made himself a sectarian with no ground for discourse or common cause with those outside the church.[59] "One cannot stand in a church conceived in Yoder's terms," as Jeffrey Stout puts it, "while describing the world surrounding it in the way MacIntyre describes liberal society, without implicitly adopting a stance that is rigidly dualistic."[60]

It seems to me, however, that the prophetic temptation is just that—a temptation—and that Hauerwasian theology does not preclude participatory engagement. I hope to tease this point out by briefly but carefully considering three very different social issues.

A. The Civil Rights Movement

Start with the civil rights movement. Would a Hauerwasian embrace the movement, or keep it at arm's length? The question is a little like the Pharisees' query to Jesus whether they should pay taxes to Caesar.[61] There seems to be no satisfying answer. Endorsing the civil rights movement would mean praising an

56. Hauerwas himself has wisely noted that "no one making a full professor's salary in a major university can be prophetic," while also saying that "the very existence of the church is prophetic." HAUERWAS, *supra* note 7, at 135. Many of his pronouncements can nevertheless be loosely described as prophetic in form.

57. *See supra* note 9 and accompanying text.

58. *See, e.g.*, Mark Tooley, *Stanley Hauerwas's America*, AM. SPECTATOR (Dec. 18, 2009 6:07 AM). http://spectator.org/archives/2009/12/18/stanley-hauerwass-america/. For an example of Hauerwas's response to his critics, *see* Stanley Hauerwas & Alex Sider, *Pacifism Redux*, FIRST THINGS, Dec. 2002, at 2.

59. Thanks to Ben Thomas for this formulation of the critique.

60. JEFFREY STOUT, DEMOCRACY AND TRADITION 149 (2004).

61. *Luke* 20:19–26.

effort that began in black churches but included many who had no commitment to the faith, and that was prophetic but also did not hesitate to work with Washington, as in the partnership with Lyndon Johnson that yielded the Civil Rights Act of 1964 and the Voting Rights Act of 1965.[62] Yet rejecting or even seriously questioning the movement would call Hauerwas's theology into question by disassociating it from the most morally compelling and successful American social movement of the twentieth century.

For several decades, Hauerwas did not try to answer the question in print, despite having begun his scholarly career at the end of the civil rights movement.[63] He finally broke the silence in a remarkable essay that appeared in book form in 1997.[64] Although Hauerwas did not ask for or miraculously produce a coin, as Jesus did in response to the Pharisees' query on taxes,[65] his answer is subtle and revealing. He began with a wholehearted endorsement. "[F]ew churches," he wrote, "better embody what I think faithful churches should be than the black church. Moreover, I have nothing but admiration for Martin Luther King Jr. and the movement he led."[66] But Hauerwas then worried about the cultural narrative that has developed since King's death. The adulation that King personally has received, as reflected in the adoption of his birthday as a national holiday, could "separate King from the church he served and loved" and "hide the importance of the black church for the civil rights campaign."[67]

What made the civil rights movement special, according to Hauerwas, was its church-centeredness.[68] This church-centeredness is inextricably linked to historical memory, to the unique narrative embodied by the black church. "King sought freedom for African-Americans as a people," as Hauerwas put it, "to remember slavery and the triumph over slavery offered by the black church."[69] Hauerwas also singled out the movement's use of "the language of sin and salvation embodied in the practices of confession, reconciliation, and

62. The most extensive account of the civil rights movement, and arguably the best, is Taylor Branch's three-volume history. TAYLOR BRANCH, AT CANAAN'S EDGE: AMERICA IN THE KING YEARS 1965–68 (2006); TAYLOR BRANCH, PILLAR OF FIRE: AMERICA IN THE KING YEARS 1963–65 (1998); TAYLOR BRANCH, PARTING THE WATERS: AMERICA IN THE KING YEARS 1954–63 (1989).

63. Other than a newspaper article about "black power" very early in his career, Hauerwas did not directly address the civil rights movement until the 1997 essay discussed in this section. STANLEY HAUERWAS, *Remembering Martin Luther King Jr. Remembering*, *in* WILDERNESS WANDERINGS 225 (1997).

64. *Id.*

65. *See Luke* 9:24–25 ("Show me a denarius. Whose likeness and description does it have? They said, 'Caesar's.' He said to them, 'Then render to Caesar the things that are Caesar's, and to God the things that are God's.'").

66. *Id.*

67. *Id.* at 226, 227. In the second quote, Hauerwas is referring to the sentiments of one of King's associates, but he clearly shares the concern.

68. "[F]ew churches," Hauerwas wrote at the outset of the essay, "better embody what I think faithful churches should be than the black church." *Id.* at 225.

69. *Id.* at 230.

nonviolence."[70] "King," he concluded, "is a model of [social] activism for Christians, since he refused to hide his Christian convictions in the name of 'pluralism.' He fought for his people's 'rights,' he fought for freedom and equality, but he never failed to remind those for whom he fought, as well as those against whom he fought, that the fight was finally about sin and salvation."[71]

In his insistence that King "refused to hide his Christian convictions in the name of 'pluralism,'" Hauerwas did not have Niebuhr directly in mind, but Niebuhr is not far from view. Niebuhr's theology was pervasively pluralist, defining justice as the clash of interest against interest.[72] As is well known, Niebuhr's writings on race were one of King's principal inspirations.[73] In advocating nonviolent resistance, Niebuhr envisioned blacks as an interest group, exerting pressure, but he said very little about the role of the church in the effort. As the civil rights movement emerged, Niebuhr continued to speak in pluralist terms, and was in fact pessimistic about the movement due to entrenched racial attitudes and blacks' minority status.[74]

No other American social movement comes close to mirroring the qualities of the civil rights movement. One must therefore be cautious about applying its lessons for other social issues. But Hauerwas's assessment suggests that participatory engagement by Christians may be warranted if the church remains faithful, and if the engagement is not simply an abstract defense of freedom and rights but is "finally about sin and salvation."

B. Abortion

In addition to nonviolence, the one other issue that seems to have some of these qualities, at least if we take Hauerwas's books and essays as a guide, is abortion. Although Hauerwas's writings on abortion are impressionistic with respect to participatory engagement, they gesture toward its possibility.

The pro-life movement has several seemingly Hauerwasian qualities. Most importantly, it is closely identified with Christian churches. The identification is more diffuse than with the civil rights movement—the movement includes both Catholic and Protestant churches, rather than a single, well-defined church—but it is unmistakably church-centered. The movement also is strongly prophetic, condemning the state for its role in millions of deaths.[75]

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70. *Id.* at 232.

71. *Id.*

72. *See supra* text accompanying note 35.

73. Niebuhr speculated that nonviolent resistance might be necessary to address racial discrimination in *Moral Man and Immoral Society* in 1932: "The emancipation of the Negro race in America probably waits upon the adequate development of this kind of social and political strategy." NIEBUHR, *supra* note 13, at 252.

74. *See* NIEBUHR, *supra* note 37, at 8.

75. *See, e.g.,* Steven Ertelt, *Obama Celebrates Roe v. Wade Decision, 54 Million Abortions*, LIFENEWS.COM (Jan. 22, 2012 3:43 PM), http://www.lifenews.com/2012/01/22/obama-celebrates-roe-vs-wade-decision-54-million-abortions/ ("For most Americans, the day the Supreme Court handed down

Although there is a Hauerwasian quality to these condemnations, Hauerwas himself does not endorse them. Hauerwas objects not so much to the form as to the content of the statements. Hauerwas questions the insistence that abortion is murder and that it violates the sanctity of human life, on at least two grounds. The first ground is that the argument has the same abstract, a-contextual qualities as the autonomy-based arguments used by abortion defenders; both, in Hauerwas's view, are products of ahistorical liberalism. In trying to explain why abortion should not be allowed, he has argued,

> We failed to show, for ourselves or others, why abortion is an affront to our most basic convictions about what makes life meaningful and worthwhile. We tried to argue in terms of the 'fact' or on the basis of 'principles' and thus failed to make intelligible why such 'facts' or 'principles' were relevant in the first place.[76]

Hauerwas also contends that claims about the absolute value of life are theologically problematic. "Jews and Christians are taught to respect life," Hauerwas argues,

> not as an end in itself, but as a gift created by God. . . . The Christian prohibition of abortion derives not from any assumption of the inherent value of life, but rather from the understanding that as God's creatures we have no basis to claim sovereignty over life. . . . The creation and meaningfulness of the term 'abortion' gain intelligibility from our conviction that God, not man, is creator and redeemer, and thus, the Lord of life. The Christian respect for life is first of all a statement, not about life, but about God."[77]

Our understanding of God, as always for Hauerwas, must be communal and narrative. ". . . God has created and called us to be a people whose task it is to manifest and witness to his providential care of our existence."[78] We therefore "are determined to live within history, hopefully living faithful to the memory of our founder."[79]

This commitment, not a belief about the absolute sanctity of life, provides the context for our understanding of abortion, Hauerwas argues. As Christians, we insist on having children because "children are our anchors in history, our pledge and witness that the Lord we serve is the Lord, not only of our community, but of all history."[80] Christians therefore "see children as a sign of the trustworthiness of God's creation and his unwillingness to abandon the world to the powers of darkness."[81] "The Christian prohibition of abortion," Hauerwas concludes, "is but the negative side of their positive commitment to welcome new life into their community."[82]

The primary implication of this understanding is for the church itself.

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its [*Roe v. Wade*] decision was a day to mourn—a day to mourn the loss of tens of millions of unborn children—sons and daughters, brothers and sisters lost to a world that values choice over compassion.").

76. HAUERWAS, *supra* note 4, at 221.
77. *Id.* at 225–6.
78. *Id.*
79. *Id.*
80. *Id.*
81. *Id.* at 227.
82. *Id.*

Christians should show by their example that "there is no more profound political act than taking the time for children."[83] Hauerwas has praised Jerry Falwell, an unlikely fellow spirit, for establishing "Save A Baby Homes," "where a young woman who decides to continue a difficult pregnancy may go and receive free, caring support."[84] "More than Falwell would have known," Hauerwas wrote, "his statement begins to move toward a Christian point of view . . . in the sense that any Christian ethical position is made credible by the church."[85]

Much more than with other social issues, however, Hauerwas also has endorsed efforts to shape the legal framework governing children and abortion. "[I]t has certainly not been my intention to make it implausible for Christians to continue to work in the public arena for the protection of all children," he wrote in 1983.[86] "Of course, Christians should prefer to live in societies that provide protection for children."[87] Eight years later he forcefully underscored the primacy of the church as church while once again allowing for public engagement on abortion. "The most interesting, creative, political solutions we Christians have to offer our troubled society are not new laws, advice to Congress, or increased funding for social programs—although we may find ourselves supporting such national efforts. The most creative social strategy we have to offer is the church."[88]

Hauerwas nowhere gives content to the "new laws" or "advice to Congress" that he imagines Christians supporting.[89] But whatever the particular legislation or advice—and it may be that Christians could appropriately differ about this—the activism would surely be more participatory than prophetic. Hauerwas's concern for protecting children does not lend itself as neatly to prophetic statements as his opposition to war, or as the mainstream pro-life movement's emphasis on the sanctity of life. It is more naturally pursued in a participatory mode.

That Hauerwas has not provided much guidance about what this participatory engagement might look like is not especially surprising. Much as a "politically responsible" church can quickly become a "politically invisible" church, an advocate for the centrality of the church as church may lose his bearings if he develops detailed maps for legislative change.

Yet Hauerwas clearly has singled out abortion as an issue—perhaps *the* contemporary issue—on which participatory public engagement is appropriate. Let me venture a guess as to why this might be. "Children, the weak, the ill, the

83. *Id.* at 228.

84. HAUERWAS & WILLIMON, *supra* note 7, at 70.

85. *Id.*

86. HAUERWAS, *supra* note 4, at 228.

87. *Id.*

88. HAUERWAS & WILLIMON, *supra* note 7, at 82–83.

89. Indeed, he has suggested that the church is not "ready" to do so. *See supra* note 6 and accompanying text.

dispossessed provide a particularly intense occasion for [loving one another]," as Hauerwas has put it, "as they are beings we cannot control."[90] Because the church has a long tradition of concern for the vulnerable, and because children are "our pledge and witness that the Lord we serve is the Lord . . . of all history,"[91] it is unlikely that engagement would leave the church invisible. Christian credibility depends, moreover, on the church's own commitment to caring for the most vulnerable in its midst.

C. Debt Relief and Bankruptcy

I shall now attempt some gymnastics. In this final section, I argue for Hauerwasian participatory engagement in the very unlikely context of debt relief and bankruptcy.

Let me start by conceding the degree of difficulty with this. Hauerwas has been sharply though vaguely critical of democratic capitalism.[92] Although his immediate concern is liberalism, he has regularly condemned capitalism, often including it in lists of the destructive effects of modernity. "Capitalism is, after all, the ultimate form of deconstruction," Hauerwas writes in a characteristic passage. "How better to keep the laborer under the control of capital than through the scarcity produced through innovation?"[93] Bankruptcy laws can be seen as part of the supporting structure of a capitalist state. Although releasing overburdened debtors from some of their obligations may seem compassionate, the reasoning would go, it is simply an escape valve that makes capitalism possible. Bankruptcy would not be necessary if we had a less harsh, more communal economic system: a system based less on individual advantage-seeking and the invisible hand.

This line of reasoning is plausible in every respect but one: the suggestion that debt relief would not be necessary in a noncapitalist economic system. The problem of unmanageable debt seems to be universal, or nearly so. The economy in ancient Israel was far removed from contemporary capitalism, yet provisions for debt relief are among the most visible strands of the Mosaic law.[94] Debt seems to have been closely linked to slavery. For many debtors, debt relief therefore meant freedom from slavery. Jesus picks up these themes repeatedly in the New Testament, as do Paul and other New Testament writers.[95] When Jesus told his followers to pray the Lord's Prayer, and to ask God to "forgive us our debts, as we forgive our debtors," he had financial as well as spiritual debts

90. HAUERWAS, *supra* note 4, at 227.

91. *Id.* at 226.

92. This is a recurring theme, for instance, in HAUERWAS, *supra* note 27.

93. *Id.* at 35, 40.

94. Most dramatically in the Jubilee ordained in *Leviticus* 25:8–17. John Howard Yoder compellingly argued that Jesus was announcing the Jubilee when he proclaimed that the year of the Lord's favor had come. JOHN HOWARD YODER, THE POLITICS OF JESUS 60–71 (2d ed. 1994).

95. Paul draws on this imagery, for instance, when he says, "You are not your own, for you were bought with a price. So glorify God with your body." 1 *Corinthians* 6:19–20.

in mind.[96] The language of debt and debt relief makes these lessons real because the need for, and dangers of, debt have been life and death matters in nearly every culture.

At this point, a particular kind of prophetic temptation becomes almost irresistible, even for those whose inclinations are far less prophetic than Hauerwas's. For most of us, "debt relief" calls to mind the loans that American and European banks and other lenders have made to developing countries, and that now have left many with crushing amounts of debt. N.T. Wright, the retired Anglican Bishop and prominent New Testament scholar, has been a passionate and compelling theological advocate for relief. "As far as I can see," Wright has written,

> the major task that faces us in our generation . . . is that of the massive economic imbalance of the world, whose major symptom is the ridiculous and unpayable Third World debt. I have spoken about this many times over the last few years, and I have a sense that some of us, like Wilberforce on the subject of slavery, are actually called to bore the pants off people by going on and on about it until eventually the point is taken and the world is changed.[97]

As admirable as these statements are in many respects,[98] they risk detaching the issues of debt and debt relief from the life of the church itself. A church can call for debt relief and can condemn "the complex stories told by those with vested interests" without changing itself.[99] With financial issues, Christians are especially prone to this distancing. If a church member has a serious health issue or is going through a painful divorce, most churches immediately get involved; in the current lingo, they "come alongside" their struggling brother or sister. If the brother's or sister's struggles are financial, on the other hand, he or she is much more likely to struggle alone. Yet financial stress is equally devastating (and quite often related).[100] Otherwise, Jesus would not have talked about it so much.

The starting place with debt and debt relief therefore needs to be the church. There is no simple recipe, of course. The main objective is for the church to be the church, on financial matters as well as on questions of violence or sexual brokenness. For many churches, the most political statement they can make is to provide financial training within the church, particularly for those

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96. *Matthew* 6:12.

97. N.T. WRIGHT, SURPRISED BY HOPE: RETHINKING HEAVEN, THE RESURRECTION, AND THE MISSION OF THE CHURCH 216–217 (2008). Wright wrote in similar terms about debt relief in N.T. WRIGHT, THE MILLENNIUM MYTH: HOPE FOR A POSTMODERN WORLD 102–109 (1999). As this quote reflects, Wright places a much higher value on practical success—on actually making the world more just—than Hauerwas does.

98. I have quibbled with aspects of Wright's prophetic statements elsewhere, but these quibbles are of no particular moment here. *See* David Skeel & Tremper Longman, The Mosaic Law in Christian Perspective (2011) (unpublished manuscript) (on file with author) (exploring the limits of the analogy between slavery and developing world debt).

99. WRIGHT, *supra* note 97, at 218.

100. *See, e.g.*, TERESA A. SULLIVAN, ELIZABETH WARREN & JAY LAWRENCE WESTBROOK, THE FRAGILE MIDDLE CLASS: AMERICANS IN DEBT 15–21 (2001) (identifying divorce and health issues as major causes of financial failure).

who are facing a major life change such as marriage or retirement. Churches might also practice debt relief themselves.

Some years ago, a small church realized that many of its members were struggling with insurmountable credit card debt.[101] The church began holding special services at which they took collections to pay off one or more members' debts. Many of the church's members tore up their credit cards. Because most of the church's members were black, the imagery of forgiveness and release from the servitude of debt in these services surely had particular resonance. This is a vivid example of how the church can be the church.

We come now to another flip: Although the starting place with debt and debt relief must be the church, the church is not fully the church unless it engages the political debate over the legal structure of debt and debt relief. If members of every church pooled their funds to extinguish the obligations of their most highly indebted members, the church could perhaps respond to its members' debt issues solely by being the church. But the Biblical pattern suggests that forgiveness rather than payment of debts also is appropriate in some circumstances.[102] A church can promote voluntary debt forgiveness among its members, of course; but mortgage, credit card, healthcare, and other debt is likely to be owed to people and institutions outside of the church. Because these issues are structural, and because church members' economic relationships extend beyond the church, they cannot be addressed entirely within the church, unless the church was to commit itself to an entirely sectarian existence.

From a Hauerwasian perspective, the church's principal task might be to remind other Americans of the peculiar history of debt relief in this country and that history's links to the Christian story. The structure of bankruptcy relief closely parallels the narrative structure of the church, with its emphasis on forgiveness and the need for reconciliation and reinstatement. It also is startlingly intertwined with slavery. For much of the nineteenth century, debtors who failed to repay their obligations could be thrown into jail.[103] It was not until well into the century that all of the states had abolished debtors' prisons,[104] and involuntary servitude was outlawed as part of the same Civil War amendments that abolished slavery.[105] The familiar structure of bankruptcy as

101. The story was reported in the *Wall Street Journal*. Ellen Graham, *A Southern Pastor has a Mission to Deliver His Flock from Debt*, WALL ST. J., June 12, 2002, at A1.

102. After America's first permanent federal bankruptcy law was enacted, one commentator explicitly linked it to the Biblical antecedents. *See* James Monroe Olmstead, *Bankruptcy: A Commercial Regulation*, 15 HARV. L. REV. 829, 834 (1902) (noting that some saw the Bankruptcy Act of 1898 as a "Hebrew Jubilee").

103. The most extensive discussion of American debtors' prisons is in PETER COLEMAN, DEBTORS AND CREDITORS IN AMERICA: INSOLVENCY, IMPRISONMENT FOR DEBT, AND BANKRUPTCY, 1607–1900 (1974). *See also* BRUCE MANN, REPUBLIC OF DEBTORS 147–65 (2002) (discussing debtors' prisons in the eighteenth and early nineteenth centuries).

104. *See, e.g.*, CHARLES WARREN, BANKRUPTCY IN UNITED STATES HISTORY 52 (1935) (stating that nearly every state had abolished imprisonment for debt by 1857).

105. U.S. CONST. amend. XIII.

relief that an overburdened person requested for himself or herself, rather than as a remedy that only creditors could invoke, arose at roughly the same time.[106]

American bankruptcy laws do not fully embody Biblical values. The current framework does not provide a formal opportunity for repentance, for instance, and there is little emphasis on the forgiveness entailed by debt relief.[107] Few debtors would describe their experience as redemptive, and creditors do not typically view bankruptcy as an opportunity to forgive.[108] The extent to which these features should be incorporated into the legal framework can and should be debated. It is a debate the church surely has something to contribute to.

For the church to enter into this discussion is risky, however. It means joining another narrative, in addition to the church's own narrative. There is a serious risk that the church could become invisible as a result, much as it did when Christian leaders campaigned for labor reform and other "justice" issues in the social gospel era.[109] The risk is in some respects far greater than with the civil rights movement and abortion. The black church had a direct stake in challenging racial discrimination, and blacks' minority status made it unlikely that the church would become invisible. The pro-life movement has been closely linked to the church from its inception. Neither of these factors apply in the same way with debt and bankruptcy. Only if the church focuses first and most intensively on being the church can it remain visible. In its participatory engagement, the church must stick especially closely to the narrative of salvation—that God is a God who keeps promises and expects his people to do likewise, but that he also has forgiven our debts. This may mean refraining from taking a stance on particular issues and particular laws. Indeed, Christians may find themselves taking different positions on a given initiative or legislative proposal. But this does not mean that the church should decline to participate altogether. The church can train Christians to appreciate the connection between debt forgiveness and the story of salvation, for instance, and can equip them to participate in more direct ways.

Prophetic statements about debt relief in developing countries may also be an important feature of the church's engagement of issues of debt and debt relief. But it is important that they not serve as an excuse for the church to avoid being the church, or to forego participatory engagement.

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106. Voluntary bankruptcy was first included in American bankruptcy in the short-lived Bankruptcy Act of 1841. ch. 9, 5 Stat. 440 (1841) (repealed 1843). Federal bankruptcy relief did not become permanent until the enactment of the Bankruptcy Act of 1898. ch. 541, 30 Stat. 544 (1898).

107. The most recent bankruptcy reforms reflected a suspicion of bankruptcy debtors and their lawyers, a tendency that has been widely criticized in the literature. *See, e.g.*, Henry J. Sommer, *Trying to Make Sense Out of Nonsense: Representing Consumers Under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005*, 79 AM. BANKR. L.J. 191 (2005).

108. Thanks to Ray Bennett for suggesting this concern.

109. The work of the Federal Council of Churches, founded by Walter Rauschenbusch and a handful of others in 1907, is cautionary in this regard. Although the original statement of objectives was extremely progressive, the Federal Council became increasingly indistinguishable from the Protestant establishment after World War I.

IV
CONCLUSION

Stanley Hauerwas has frequently complained that his critics get him wrong. He writes in his memoir: "I have spent a lifetime being misunderstood by people who think they know what I think, given what they think."[110] Perhaps I too have misunderstood him, and have now joined my innumerable predecessors. I hope this is not the case.[111] Or, if it is, that my errors will be corrected as others explore the implications of Hauerwasian Christian Legal Theory—or, better yet, of the Christian story—for public engagement, both in the scholarly literature and as the church seeks to more faithfully be the church.

110. HAUERWAS, *supra* note 7, at 78.

111. Whether Hauerwas himself is the best judge of this is an open question. Hauerwas's onetime colleague and running partner, Stanley Fish, might suggest that this is the task of interpretative communities as they grapple with Hauerwas's theology. *See, e.g.*, STANLEY FISH, IS THERE A TEXT IN THIS CLASS? (1980).