

# MUST LIBERALISM BE VIOLENT? A REFLECTION ON THE WORK OF STANLEY HAUERWAS

STEPHEN L. CARTER\*

## I INTRODUCTION

My subject is the work of the theologian Stanley Hauerwas on violence and coercion. I shall argue that his views on the violence of war and his views on the violence of the liberal state are inextricably linked, and that the critique of liberalism that emerges from his thought actually does have—contrary to his own view—important implications for public policy.

In order to appreciate his thinking on these matters, one must appreciate his starting point, which is not the starting point of the standard academic analysis—that is, he does not begin with liberalism. He begins (and he would say, ends) with Christianity. Not Christianity in the sense of Christendom but Christianity in the sense of church—the place to which Christians are called and through which their lives are constituted. And although Hauerwas certainly has some interest in what commands bind believers in general and Christians in particular (a point to which I will presently come), his larger concern is the creation and nurturing of people who believe that commands bind them—that people are in the first instance bundles not of rights and preferences (as liberalism would have it) but of duties. These duties, moreover, are not owed to each other, or to ideology or party, or to government or future generations or Mother Earth; they are owed to God.

The notion that we are created by God, and owe duties first to God, is crucial to the conceptions of church and of society that motivate his work. Following close behind is his conception of American culture—legal, political, and economic—as determined, through every available method of temptation and coercion, to conceal these duties, to cloud them, to draw us away from them, recreating us instead as creatures sufficiently arrogant to believe in our own freedom to choose our own ends—in short, to suit us for capitalism.

Although my subject is Hauerwas's views on violence, it is important to

---

Copyright © 2012 by Stephen L. Carter.

This article is also available at <http://lcp.law.duke.edu/>.

\* William Nelson Cromwell Professor of Law, Yale University. A small part of Part II of this paper is an updated version of an argument that appeared earlier in my book *THE VIOLENCE OF PEACE: AMERICA'S WARS IN THE AGE OF OBAMA* (2011). The title of the instant essay is inspired by the title of the valuable anthology *MUST CHRISTIANITY BE VIOLENT? REFLECTIONS ON HISTORY, PRACTICE, AND THEOLOGY* (Kenneth R. Chase & Alan Jacobs eds., 2003).

begin with this account of his views on culture and personality, because he largely rejects the distinction, crucial to the liberal account of politics, between the legitimate use of force that creates the coercion of law and the illegitimate use of force that constitutes mere violence that the state must rein in. (I say “largely rejects” because some of his work seems to me inconsistent on this point; but what I have described I take to be his more settled view.) In this I suspect that Hauerwas is influenced heavily by the theologian Paul Ramsey (whom he often quotes), who once suggested that, having developed a theory of just and unjust war to cabin the use of legitimate force abroad, we might perhaps consider using similar criteria to determine what counts as legitimate force at home.<sup>1</sup> I am not sure that Hauerwas goes quite this far, but in his radical rejection of the liberal distinction among types of violence, he does indeed invite us to reconsider the very premises on which liberalism rests the supposedly legitimate coercion by the state.

## II

When we think about morality and violence, our thoughts turn naturally to war—the flooding horror of armed conflict between nations—and war is a subject on which Stanley Hauerwas has written voluminously. Indeed, so dominant has Hauerwas become in the field that no theologian or philosopher can address the problem of war in a serious way without grappling with Hauerwas’s ideas.

He has written about war many times, most recently in a quite impressive forthcoming book entitled *War and the American Difference*, wherein he challenges his fellow Christians to decide how they “should live in a world of war as a people who believe that war has been abolished.”<sup>2</sup> His reference to the abolition of war—a subject he has written about in the past—offers a particular claim about the effect of the Cross of Christ. I will not here repeat his intriguing argument for the proposition, but I will say that understanding that Hauerwas believes this is crucial to understanding his view of war. His reference to “a world of war” is a reference specifically to America, a country which (as he has often said and repeats in the book) “cannot live without war.”<sup>3</sup> What he means by this is not that Americans are fundamentally more violent than other people, but that the narrative that gives meaning to our lives as Americans is a narrative in which war figures centrally. Here one is reminded of the British historian Paul Johnson’s contention that Americans are the only people in the world who, whenever they enter into armed conflict, assume that they are going to win; moreover, says Johnson, Americans so take this expectation for granted that we do not realize how unique we are.

For Hauerwas, however, the expectation that we will win only creates fresh difficulties. He criticizes the iconic Gettysburg Address for its “chilling”

---

1. PAUL RAMSEY, *THE JUST WAR: FORCE AND POLITICAL RESPONSIBILITY* (1968).

2. STANLEY HAUERWAS, *WAR AND THE AMERICAN DIFFERENCE* xi (2011).

3. *Id.* at xvi.

resolution “that these dead shall not have died in vain”: “A nation determined by such words, such elegant and powerful words, simply does not have the capacity to keep war limited.”<sup>4</sup> He accuses Americans of believing that “they must go to war to ensure that those who died in our past wars did not die in vain.”<sup>5</sup> And although here I believe Hauerwas carries his cultural critique quite a bit too far, the second string to his bow is the more intriguing. Hauerwas follows William James in proposing that war is the only thing that seems to unite us, but he does not stop there.<sup>6</sup> What is really uniting us, in Hauerwas’s telling, is the fear of death. Warfare is a form of response to that fear. (This is also why Hauerwas often describes hospitals as our modern cathedrals: vast palaces where the performance of mysterious rituals protects us from that which terrifies us.)<sup>7</sup>

I take it that Hauerwas here would reject the distinction, important in conflict theory, between deterrence and war—in Thomas Schelling’s words, “between inducing inaction and making somebody perform.”<sup>8</sup> As every conflict theorist knows, the threat of violence matters only when it communicates the willingness to be violent. Threatening to kill me unless I do as I am told may not be the same act as killing me; but each is fairly characterized as coercive, and violence lurks behind both. Conflict theorists study the efficacy of threats and of actual battle in attaining a nation’s ends. Hauerwas, I believe, would answer that the stated ends are irrelevant: we threaten violence for the same reason that we act violently, and that reason is our fear.

Well, maybe. The anthropologist Talal Asad, in his controversial study of suicide bombers, argues that one reason the West is so susceptible to the terror the bomber causes is the high value that we place upon our own lives.<sup>9</sup> If Asad is correct, we can then conceptualize the Terror War as pitting people who are not afraid to die against people who are. This vision might cause a reexamination of our assumptions, not only about the perceived imperative of the war itself, but also about what we have lost by the decline of the sort of community of meaning in which people could indeed be disciplined into a different view of death.<sup>10</sup>

Hauerwas, who opposes the Terror War,<sup>11</sup> takes the point further. He argues

4. *Id.* at 32.

5. *Id.* at 31–32.

6. *Id.* at 55–56.

7. See, e.g., STANLEY HAUERWAS, DISPATCHES FROM THE FRONT: THEOLOGICAL ENGAGEMENTS WITH THE SECULAR 27–28 (1994).

8. THOMAS C. SCHELLING, ARMS AND INFLUENCE 175 (rev. ed. 2008).

9. See TALAL ASAD, ON SUICIDE BOMBING (2007).

10. Interestingly, in *The American Difference*, Hauerwas discusses Asad’s book, albeit a different part of the argument. He cites (I think with approval) Asad’s assertion that “violence founds the law as it founds political community.” HAUERWAS, *supra* note 2, at 119 n. 10 (quoting ASAD, *supra* note 9, at 59). The best-developed argument on this subject that I am aware of is in Paul W. Kahn’s excellent monograph SACRED VIOLENCE: TERROR, TORTURE, AND SOVEREIGNTY (2008).

11. Hauerwas has more than once argued for using the criminal law rather than warfare to track and punish the perpetrators of terrorist attacks. He does so again in *War and the American Difference*.

that because of our fear of death, we misunderstand the fundamental sacrifice involved in war. We believe that the great sacrifice of warfare is the dying. But the greater sacrifice is the killing—or, as Hauerwas puts it, “the sacrifice of our normal unwillingness to kill.”<sup>12</sup> Dying may be the existential problem war presents, but killing is the moral problem. Resist how we will, each of us eventually dies. But most of us will never kill another person. Thus the reason to honor our veterans (says Hauerwas) is not that they risked their lives on our behalf but that they took on the moral burden of trying to kill others on our behalf. This is a terrible sacrifice to demand of God’s creatures. We should mourn for ourselves that we demand it so often, even as we honor those who will do it for us.

The killing in war is unlike the killing in any other human activity. It is organized, efficient, vast, and authorized by the state. Because we are human, we naturally worry about the dying. Because we are moral animals, we should worry about the killing. Alas, most of our political debates about war are about those costs that we as a nation internalize—American lives and American money.<sup>13</sup> Too often, we view the killing involved in war as an externality, and one for which we bear little responsibility. In the War on Terror, this is particularly true. The drone attacks so favored by the current administration rarely even make the evening news.<sup>14</sup> Evidently, if no American lives and few American dollars are at hazard, we as a public have little interest.<sup>15</sup> But drone attacks are still killing, and moral problems do not go away merely because, as the Obama Administration has said often about the Libya war, there are no American “boots on the ground.”<sup>16</sup>

The church fathers understood clearly that the moral problem in war is the killing and not the dying.<sup>17</sup> Perhaps the early Christians were wrong, and God

---

A good summary of the practical challenges involved in using criminal law to prosecute terror suspects is Robert M. Chesney, *Optimizing Criminal Prosecution as a Counterterrorism Tool*, in *LEGISLATING THE WAR ON TERROR: AN AGENDA FOR REFORM 98* (Benjamin Wittes ed., 2009).

12. HAUERWAS, *supra* note 2, at 61. He further explains: “We were not created to kill one another, but to be in communion with one another.” *Id.* at 69.

13. Although the discussion of the cost of war tends to be framed as an opportunity cost—that is, we usually discuss what else could have been purchased with the same dollars—this is likely an error in analysis, as people seem on the whole more willing to endure higher government spending in time of war than at other times. In other words, it is not obvious that spending less on defense would lead to spending more on other things.

14. The widespread use of pilotless drones as weapons of warfare was pioneered under President George W. Bush, but (although hard numbers are difficult to come by) the Obama Administration launches more drone attacks each year than the Bush Administration did during its entire tenure. I discuss the morality of these attacks in more detail in chapter 1 of *STEPHEN L. CARTER, THE VIOLENCE OF PEACE: AMERICA’S WARS IN THE AGE OF OBAMA* (2011).

15. One is tempted to quote the cynical pronouncement of the narrator of John Irving’s masterpiece, *A Prayer for Owen Meany*: “The only way you get Americans to notice anything is to tax them or draft them or kill them.” JOHN IRVING, *A PRAYER FOR OWEN MEANY* 431 (1989).

16. See, e.g., President Barack Obama, Press Conference by the President (June 29, 2011) (transcript available at <http://www.whitehouse.gov/the-press-office/2011/06/29/press-conference-president>).

17. Any number of histories of the development of just war theory are available. One of my own

does indeed command the slaughter of innocents, but the Western tradition is otherwise. Indeed, it was the slaughter of innocents in the New World—the massacres by the Spaniards of the native people—that led the theologians at Barcelona, in the sixteenth century, to revise and systematize the ethics of war, precisely in order to keep innocents from harm.

But Hauerwas is a critic of just war theory as a mode of public argument. According to Hauerwas, the theory of just and unjust wars, so popular in the West, and the basis of modern international law, emerges from Christian reflection and is incoherent beyond the bounds of disciplined Christian community. Just war thinking is the logical outcome of a particular way of life, not a set of free-standing principles to which we can make appeal. Indeed, the incomprehensibility of just war thinking outside of the disciplined church is, for Hauerwas, one of the strongest reasons that Christians should be pacifists—to avoid participating in the corruption of theology for political aims.

This is not to say that Hauerwas's preference for pacifism is consequentialist—quite the opposite. So strong is Hauerwas's belief that pacifism is the life required of Christians in light of the sacrifice on the Cross that he rejects altogether the notion that the test of pacifism is whether, in material terms, it “works.” On the contrary, says Hauerwas, the right way for a Christian to prove that pacifism is morally correct is not to point to its effects but to try to persuade others that Jesus Christ is Lord.<sup>18</sup> The effort to develop a public ethics of war, then, is twice objectionable for Hauerwas: because it seeks to decontextualize the carefully worked out teachings of Christian tradition, and because it rejects the truth of the Cross.

Here, I admit, my self-interest is at stake, for I teach and write on the ethics of war. Perhaps I have more faith in my fellow citizens to “do” just war analysis in a thoughtful way than Hauerwas does; but I think he is right about the risks. Public discussion of just war theory can indeed be reduced to the worst form of casuistry, in which general principles are applied merely to justify what has already been decided. That risk, however, applies to all forms of public moral conversation when carried on in a broken world in which people grasp constantly for their own advantage.

Moreover, I think Michael Walzer is correct in pointing out that the fact that everyone nowadays speaks the language of just war is a victory, no matter how little that language may actually constrain.<sup>19</sup> At least with a common language to talk about war, we can argue with each other, and, possibly, make progress against forces who may choose to make war for illegitimate ends.<sup>20</sup>

---

favorites is Roland H. Bainton's durable volume, *CHRISTIAN ATTITUDES TOWARD WAR AND PEACE: A HISTORICAL SURVEY AND CRITICAL RE-EVALUATION* (1960).

18. STANLEY HAUERWAS, *WORKING WITH WORDS: ON LEARNING TO SPEAK CHRISTIAN* 91–92 (2011).

19. See MICHAEL WALZER, *ARGUING ABOUT WAR* 3 (2004).

20. I should here add that although I am a skeptic of international law (for reasons I will not trouble to go into here), I do think that the effort to create it has been a great achievement—not for diplomats of secular liberals, but for the church. At its best, international law borrows not merely the

Stanley Hauerwas, of course, does not believe that the existence of a legitimate end is sufficient to justify war. Even if he believed in the possibility, he would remain skeptical, I think, that national leaders would ever fail to find a legitimate end to cite in support of a war they were determined to fight for some other reason. He would not believe that moral language would actually constrain those not raised to the discipline of a moral community. A fair point. But that is not, as Hauerwas seems to think, a reason to abandon the project of public argument in favor of the project of public witness. It is instead, I believe, a reason to press the project of creating within the liberal state spaces in which to build and nurture moral communities constructed along very different lines from those that liberal hegemony seeks to impose.

### III

Violence, for Hauerwas, is profoundly associated with fear, and his location of the anti-violent impulse in Christianity is meant also to address the impulse of fear. The solution, he says, is a proper understanding of martyrdom. We should not imbue the Christian martyrs (or others?—he doesn't say) with that mixture of romance and machismo that falls under the category *hero*. Instead, we should emulate the martyrs in seeking “freedom from the imperatives of violence.” And this liberation carries important consequences:

Inhabiting this freedom means finding oneself most fully at home in a world that is no longer ruled by the specter of death—and yet, precisely to that extent, it also means finding oneself most fundamentally at odds with how the world runs itself. It is in this way that the remembrance of martyrs becomes a radical political act: in so remembering, we are reminded of the possibility of an alternative to the economies of fear and mastery that so unremittably compel us.<sup>21</sup>

I quote this proposition at such length because I believe that here we will find the link between Hauerwas's view of war and his view of the liberal state generally. Liberalism itself—at least as a theory of the state—Hauerwas sees as arising from these untamed fears. (In this sense, his great model of the proto-liberal must surely be Hobbes.) The challenge that Hauerwas therefore presents is a challenge both to modern war and the modern liberal state.

War and the state, for Hauerwas, both go back to the same story in Genesis. Both are consequences of human fear, and traceable directly to God's scattering of the prideful builders of the eponymous tower at Babel:

Thus, at Babel war was born, as the fear of the other became the overriding passion that motivated each group to force others into their story or to face annihilation. . . . Humans became committed to a strategy of destroying the other even if it meant their own death. Better to die than to let the other exist. To this day we thus find ourselves condemned to live in tribes,<sup>22</sup> each bent on the destruction of the other tribes so that we might deny our tribal limits.

When Hauerwas refers to the destruction of other tribes, he is drawing no

---

language of the church fathers, but its mode of thought—in particular, a resistance to the idea of war.

21. HAUERWAS, *supra* note 18, at 53–54.

22. STANLEY HAUERWAS, *The Church as God's New Language*, in *THE HAUERWAS READER* 142, 145 (John Berkman & Michael Cartwright eds., 2001).

distinction between craven sneak attack and stalwart self-defense; or between the violence that the state uses to subdue enemies abroad and the violence it uses to subdue dissenters at home. Thus his rejection of the violence of both 9-11 and the American military response does not rest on the sort of puny and unpersuasive claims of moral equivalence one finds in the recent writings of, say, Noam Chomsky. For Hauerwas, two men may commit the same sinful act, one for the best of motives and one for the worst, but it is the act not the intention that is sinful. If the bad guys attack with force, and for wicked motives, the theory of just and unjust wars proclaims the right of the good guys to defend themselves; many ethicists would argue that the good guys even have the right to take measures to prevent the bad guys from launching future attacks. Hauerwas disagrees. Both acts are to him extensions of the tribal fears that dominate us in our sinfulness.

And yet Hauerwas does not view tribalism as inherently bad. It is not the separation of the world or the culture into separate societies that grieves him, but the tendency of those who hold power to try to use the violence of war or the violence of law “to force others into their story.”<sup>23</sup> Indeed, I take this to be his principal quarrel with liberalism. In *The American Difference*, he reminds us of Pope John Paul II’s observation (Hauerwas calls it a “claim”) “that there is an inseparable connection between truth and freedom, which, if broken, results in totalitarianism.”<sup>24</sup> Hauerwas’s contention is that America, in its assumption that freedom precedes truth, leans toward totalitarianism. This, too, is a claim about violence, and one that will occupy the remainder of my paper.

#### IV

Hauerwas nowhere offers a systematic critique of liberalism; but his concerns play so large a role in the body of his work that one can easily pull together, as it were, the strands.<sup>25</sup> Hauerwas sees liberalism as another tribalism, and, like all tribalisms, inherently violent. The violence in this case arises from the determination of the secular liberal to capture the apparatus of the state in order to force dissenters into the liberal story.

At first blush this seems a little strong—not least because Hauerwas is not always precise about what he means by “liberalism.”<sup>26</sup> True, he scatters

23. *Id.*

24. HAUERWAS, *supra* note 2, at 12.

25. Hauerwas also seems to me to hedge a bit on the matter of Christian loyalty to the state in the first instance. After all, the state coerces constantly, at home and abroad. He seems to follow the lead of John Howard Yoder, who argued that Christians can cooperate with the state, despite its coercive authority, but must be wary of the risk of going too far and cooperating with an imperial enterprise. See Stanley Hauerwas, *Explaining Christian Nonviolence: Notes for a Conversation with John Milbank*, in *MUST CHRISTIANITY BE VIOLENT?* 172 (Kenneth R. Chase & Alan Jacobs eds., 2003). I suspect that the murkiness inherent in this view is intentional, not because Hauerwas is in any sense hiding the ball, but because, in his view, the question of loyalty to the state is not a first-order question in the way that loyalty to God is.

26. Professor Macedo taxes me, correctly, for not providing in this essay a definition of liberalism. True, it has been my experience, that no two liberal theorists define the animal in quite the same way.

breadcrumbs along the path to a definition. But not all the crumbs point in the same direction.<sup>27</sup> The easiest way of understanding what Hauerwas means by liberalism is by studying the critique itself. Ironically, the liberal story for Hauerwas is identical to the capitalist story. Whatever the vehement warfare in Washington over whether to adjust some tax or regulation a point or two, both capitalism and liberalism are, for Hauerwas, fundamentally committed to an ideology of choice, but choice of a particular kind.

His fundamental objection is to placing autonomy outside of the narrative traditions that, in Hauerwas's view, provide the ethical content within which decisions are made.<sup>28</sup> Liberal theorists obviously agree that narrative traditions exist; what Hauerwas derides is the liberal insistence as treating them as in effect cognitive biases. For example, in his essay "The Politics of Gentleness," Hauerwas has this to say of the liberal account of education: "We believe that we should produce people who have no story except the story they chose when they had no story. So our children grow up thinking that freedom is the choice between a Sony and a Panasonic."<sup>29</sup>

It is Hauerwas's dissent from this vision of freedom, and from the implicit assault on diversity and community, that leads to his famously strident assaults

In any event, I am writing about the views of Stanley Hauerwas—not my own—and it is part of the frustrating brilliance of the man that he can criticize so ably what he never quite defines.

27. For example, in a footnote to a 1981 essay, Hauerwas quotes the early Rawls to the effect that liberal society is "a cooperative venture for mutual advantage." STANLEY HAUERWAS, *A Story-Formed Community: Reflections on Watership Down*, in THE HAUERWAS READER, *supra* note 22, at 171, 180 n. 8 (quoting JOHN RAWLS, A THEORY OF JUSTICE 4 (1971)). After briefly setting out Rawls's famous model of the "original position," Hauerwas warns that liberalism "can become self-deceptive, as it gives us the illusion that freedom is more a status than a task." *Id.* The "illusion" evidently arises because we believe, incorrectly, that we can see, and thus pursue, our own interests. Thus Hauerwas opposes what he described years later as the tendency of liberalism to exalt "interests" over "goods." See Stanley Hauerwas, *Just War Tradition and the New War on Terrorism: A Discussion With Jean Bethke Elshtain, Stanley M. Hauerwas, and James Turner Johnson* (Oct. 5, 2001) (available at <http://pewforum.org/Politics-and-Elections/Just-War-Tradition-and-the-New-War-on-Terrorism.aspx>). Hauerwas's point seems to be that the liberalism is a theory principally about means rather than ends. For Rawls perhaps it was, but for many contemporary theorists of liberalism—among them Professor Stephen Macedo, who has contributed a thoughtful paper to this symposium—achieving the ends of liberalism is the crucial task. Rather than the neutrality of the early Rawls, Macedo defends an approach he calls "moderate liberal hegemony," in which the state does not simply organize itself in accordance with liberal principles but actively advocates for them and seeks to inculcate them in citizens. As we shall see, Hauerwas opposes such an effort on two grounds: first, he disputes the principles themselves, and, second, he in any case believes in the importance of nurturing religious communities strong enough to build walls against their encroachment.

28. This objection to the liberal account of justice is of course hardly original to Hauerwas. In contemporary thought it is probably associated most strongly with the work of the philosophers Alasdair MacIntyre (whom Hauerwas often quotes) and Michael Sandel. MacIntyre's most famous works are of course *After Virtue* (1981) and *Whose Justice? Which Rationality?* (1988), but his elucidation of the problem of narrative might be clearest in *Dependent Rational Animals* (1999). Several of the pieces in MICHAEL J. SANDEL, *PUBLIC PHILOSOPHY: ESSAYS ON MORALITY IN POLITICS* (2005) touch on the same difficulty. Another thoughtful critic along similar lines is the legal scholar Michael Perry. See, in particular, his monograph *Love and Power: The Role of Religion and Morality in American Politics* (1993).

29. Stanley Hauerwas, *The Politics of Gentleness: Abled and Disabled*, THE CHRISTIAN CENTURY, Dec. 2, 2008, at 83.



on liberalism itself. (I will not trouble to mention those assaults here—they are too well known—but I should mention in passing that not even H. Richard Niebuhr, the patron saint of activist liberal Christianity, is immune. Of *Christ and Culture*, the well-known Niebuhr volume that President Obama has identified as having influenced his thinking, Hauerwas has this to say: “[F]ew books have been a greater hindrance to an accurate assessment of our situation.”<sup>30</sup> And what of Niebuhr’s insistence that in a democracy, no successful theology could be exclusivist? “There was a subtle repressiveness,” huffs Hauerwas, “behind this seemingly innocuous pluralism.”<sup>31</sup> As I said: strident.)

I believe that Hauerwas’s views on war color his views on violence generally. Although he is rarely explicit about the point, his work carries the implication that he rejects the liberal dichotomy between law and force. He sees the law as fundamentally violent, particularly toward dissenting communities, and, in America, he sees law, culture, and capitalism united in a totalitarian effort to craft one sort of person only—the sort who sees truth as less important than freedom.

This is a criticism that matters. The priority of the right over the good is of course central to modern liberalism. Hauerwas finds the priority not merely incomprehensible but actually dangerous. In particular, the priority is dangerous in Christian terms, and to the effort to construct Christian community. Thus in his essay “Preaching as Though We Had Enemies,” he has this to say:

The moral threat is not consumerism or materialism. Such characterizations of the enemy we face as Christians are far too superficial and moralistic. The problem is not just that we have become consumers of our own lives, but that we can conceive of no alternative narrative since we lack any practices that could make such a narrative intelligible. Put differently, the project of modernity was to produce people who believe they should have no story except the story they choose when they have no story. Such a story is called the story of freedom and is assumed to be irreversibly institutionalized economically as market capitalism and politically as democracy. That story and the institutions that embody it is the enemy we must attack through Christian preaching.<sup>32</sup>

Hauerwas necessarily rejects the notion that religion is a matter of “choice.” Liberalism describes religion as that which we choose—a view that afflicts the Supreme Court—but Christianity does not see itself that way. Neither does Judaism; neither does Islam. All take the view that we do not choose God; God chooses us. As Slavica Jakelić puts it, to refer to religions as the product of choices tends to “marginalize[] their major feature, belonging, which individuals most often experience as ascribed, not chosen, and understand as fixed, not changeable.”<sup>33</sup> To propose that religion is simply a choice an individual makes is

---

30. STANLEY HAUERWAS & WILLIAM H. WILLIMON, *RESIDENT ALIENS: LIFE IN THE CHRISTIAN COLONY* 40 (1989).

31. *Id.* at 41.

32. Stanley Hauerwas, *Preaching As Though We Had Enemies*, *FIRST THINGS*, May 1995, at 45, 48.

33. SLAVICA JAKELIĆ, *COLLECTIVISTIC RELIGIONS: RELIGION, CHOICE, AND IDENTITY IN LATE MODERNITY* 8 (2010).

to reduce one's relationship with God to the same level as one's relationship with a breakfast cereal. Says Hauerwas:

The issue involves the presumptions, peculiar to a liberal culture, that shape the language of "choice." Of course, from a secular point of view one may describe someone's becoming a Christian or a Unificationist as a matter of choice, but that is not how those becoming Christian are taught to understand what is or has happened to them. To be baptized in Christ's death and resurrection is *to be made* part of a people, part of God's life, rendering the language of choice facile.<sup>34</sup>

The key word is the last one: facile. To Hauerwas, what he refers to as liberalism's "imperial" demands must be resisted at all costs. Indeed, for a man with antiwar credentials of such durability, he frequently uses the metaphors of warfare in describing the proper attitude of Christians toward the liberal state.

The words matter. The historian David Day, in his splendid book *Conquest: How Societies Overwhelm Others*, points out that a crucial consideration in deciding whether one state has successfully conquered another occurs when the putative winner seeks to give the acquired territory a new name. ("Claiming by naming," Day memorably calls it.)<sup>35</sup> If others, including the inhabitants, can be induced to adopt the nomenclature of the victors, then the war is truly over. Therefore, to the extent that religious believers generally—and, for Hauerwas, Christians in particular—begin to adopt the language of choice in describing how one becomes a co-religionist, the battle is already lost.<sup>36</sup>

The question whether membership in religious community is a matter of individual choice is one toward which it is impossible to take a neutral stance. The state can accept it or the state can reject it, but any claim to neutrality will operate in practice as a rejection. One example of this tendency—a particular egregious one in my judgment—came some years ago in the *Mozert* case.<sup>37</sup> There the United States Court of Appeals for the Sixth Circuit rejected the claims of parents who did not want their children exposed to a new "critical reading" curriculum in the public schools. The judges seemed to find the parental concerns incoherent: "While many of the passages deal with ethical issues, on the surface at least, they appear to us to contain no religious or anti-religious messages."<sup>38</sup> Following the lead of a weak concurring opinion by Justice Jackson in the 1948 *McCullum* case,<sup>39</sup> the *Mozert* court took a view of

34. STANLEY HAUERWAS, *Not All Peace is Peace: Why Christians Cannot Make Peace with Tristram Englehardt's Peace*, in WILDERNESS WANDERINGS: PROBING TWENTIETH-CENTURY THEOLOGY AND PHILOSOPHY 115 (1997).

35. See DAVID DAY, *CONQUEST: HOW SOCIETIES OVERWHELM OTHERS* (2008) (especially chapter 3).

36. Hauerwas counts it as a semantic victory of sorts for Christianity that abortion is called "abortion" at all, rather than some easier term, such as "termination of pregnancy." See STANLEY HAUERWAS, *Abortion, Theologically Understood*, in THE HAUERWAS READER, supra note 22, at 603, 608. I am constrained to add that here, as on so many issues, Hauerwas's nuanced position on abortion does not fit easily along the rigid left-right spectrum so common to our impoverished political debate. Nor will I describe the position here, as it would not fit easily into a footnote.

37. *Mozert v. Hawkins County Bd. of Educ.*, 827 F.2d 1058 (6th Cir. 1977).

38. *Id.* at 1069.

39. *McCullum v. Bd. of Educ.*, 333 U.S. 203 (1948).

religion in which all that could be seriously objectionable to the religious are things that seem to the judges religious. As the court seemed to view the matter, developing critical skills interfered with no one's religious freedom and was simply a tool that would aid the young in making choices for themselves—including the choice whether to follow the religion of their parents.

In liberal terms, this explanation is entirely reasonable. From the point of view of a dissenting community, however, it sounds more like a declaration of war. Indeed, the court's response—in effect, “you might be right but the children should get to choose for themselves when they are older”—is precisely an effort at claiming by naming.<sup>40</sup> It elevates choice to a status above other values, rejecting entirely the possibility that what liberalism calls choice<sup>41</sup> is actually just another form of discipleship—a discipleship into the storylessness that Hauerwas describes—and thus, albeit unintentionally, into the values of consumerist capitalism, in which everything is up for grabs.

The parents in a case like *Mozert* are not resisting a neutral law or a neutral state—they are battling a hegemonic apparatus determined, as the late Robert Cover observed, to eliminate their story narrative entirely by making it impossible for them to pass on their narrative to the next generation.<sup>42</sup> Cover memorably labeled the proclivity of judges and other lawmakers for killing the dissenting narratives as “jurispathic”<sup>43</sup>—and it is the occasional jurispathic tendency in liberalism that Hauerwas so stridently opposes.

## V

George Steiner has located the urge to hegemony of meaning in the efforts of those he calls the secular messiahs to gather to themselves a version of the near-absolute authority once exercised by religious leaders.<sup>44</sup> The economist Timur Kuran has memorably described this approach as the urge “to make our ends the ends of others.”<sup>45</sup> What both men describe is a sort of nostalgia for authoritarianism, a longing for the good old days when people did as they were told. Liberalism would of course deny any such romanticism. Liberalism after all rests on dissent, and on a respect for the rights and freedoms of the individual. But there is no reason a priori to suppose that individuals are the proper starting place.

I will not here recapitulate the liberalism–communitarianism debates that

---

40. An effective critique of the case on similar grounds is Nomi Maya Stolzenberg, “*He Drew a Circle That Shut Me Out*”: Assimilation, Indoctrination, and the Paradox of a Liberal Education, 106 HARV. L. REV. 581 (1993).

41. Liberal theory prefers the term “autonomy”—as it happens, so do I—but I suspect that Hauerwas would respond that this is simply more claiming by naming.

42. See Robert M. Cover, *The Supreme Court 1982 Term—Foreword: Nomos and Narrative*, 97 HARV. L. REV. 4 (1983).

43. *Id.* at 39.

44. See GEORGE STEINER, *NOSTALGIA FOR THE ABSOLUTE* (1997).

45. TIMUR KURAN, *PRIVATE TRUTHS, PUBLIC LIES: THE SOCIAL CONSEQUENCES OF PREFERENCE FALSIFICATION* 99 (1997).

clanged so loudly through academia a decade or so back. Rather, I want to take a moment to explain why Hauerwas finds individualism so dangerous a starting point. Says Hauerwas: “America is the only country that has the misfortune of being founded on a philosophical mistake—namely, the notion of inalienable rights.” This presumption, he continues, “opposes everything that Christians believe about what it means to be a creature.”<sup>46</sup> This is why discipleship is so important: so that Christians can work together in community to try to understand and live what the Lord requires. Hauerwas rejects the notion, common among some tiers of evangelical Christianity, that “in order to understand the Scripture all we have to do is pick it up and read it.”<sup>47</sup> Hauerwas is of the opposite view: “Scripture does little good unless we know it as part of a people constituted by the practices of a resurrected Lord.”<sup>48</sup> And he adds: “Scripture will not be self-interpreting or plain in its meaning unless we have been transformed in order to be capable of reading it.”<sup>49</sup> That transformation occurs in community; and its most crucial aspect is to help believers to understand both by Whom they have been created, and what significance that creation holds in their lives. For Hauerwas, it is humbling to realize that you exist not to serve yourself but to carry the burden of the sacrifice upon the Cross.

Once we know that we are created, according to Hauerwas, we will realize that it is not we alone who should make decisions on how to live. The Western notion of freedom is here only a distraction. We do not, for example, own our bodies; God does. Thus we must work in concert with other believers to understand what God requires of us. It would take an act of colossal arrogance, Hauerwas suggests, to imagine that we can do a very good job of making up our own minds. Thus he sharply rejects as dangerous and hubristic any vision of an uncreated (or self-created) physical or moral order: “the recognition of our created status produces not tolerance, but humility. Humility derives not from the presumption that no one knows the truth, but rather is a virtue dependent on our confidence that God’s word is truthful and good.”<sup>50</sup> The attention to the createdness of the person matters for Hauerwas in part because of the

---

46. HAUERWAS, *supra* note 36, at 608.

47. STANLEY HAUERWAS, *Interpretation of Scripture: Why Discipleship Is Required*, in THE HAUERWAS READER, *supra* note 22, at 255, 257.

48. *Id.*

49. *Id.*

50. Hauerwas, *supra* note 32, at 48. A humility of this sort, Hauerwas adds, is likely to get one into trouble:

Ironically, in the world in which we live if you preach with such humility you will more than likely be accused of being arrogant and authoritarian. To be so accused is a sign that the enemy has been engaged. After all, the enemy (who is often enough ourselves) does not like to be reminded that the narratives that constitute our lives are false. Moreover, you had better be ready for a fierce counteroffensive as well as be prepared to take some casualties. God has not promised us safety, but participation in an adventure called the Kingdom. That seems to me to be great good news in a world that is literally dying of boredom.

*Id.*

importance of avoiding the collapse into Christendom, “wherein the church justifies itself as a helpful, if sometimes complaining, prop for the state.”<sup>51</sup> Hauerwas believes in the church as radically separate from the state. One is reminded of the Catholic theologian David Tracy’s contention that the church is alive only when it is resisting—that is, when it stands in radical dissension from society.<sup>52</sup> Hauerwas has long expounded the view that the Protestant church in America is dying—more to the point, that God is killing it—precisely for the sin of wanting so desperately to belong.<sup>53</sup>

Which is not to say that the church can actually die. In Christian tradition, the church—or, rather, the Church—is an entity larger than the created natural order, and stands with the risen Christ at its head. What we see here on earth is but the barest projection of the smallest corner of that which exists outside of space and time. Here again one must give Hauerwas his due: in liberal terms, this claim to be a part of something so incomprehensibly vast must surely sound again like hubris. But as Jacques Barzun has pointed out, it is anything but hubristic to imagine oneself as an unimportant flyspeck whom God might blast into non-existence at any moment.

## VI

Christian hubris, according to Hauerwas (and many others), is the invariable result of the church’s grasping for power. But the need for humility in the exercise of the coercive authority of the state is hardly a lesson for the church alone. Alas, liberalism nowadays seems altogether to lack this sense of humility. One need not go as far as Hauerwas, who has variously labeled contemporary liberalism imperialistic and bordering on totalitarian, to see the problem. Secular liberals, armed with modern accounts of a more “muscular” liberalism, tend to be more hubristic in their fervent project of liberalizing. This trend puts one in mind of the observation of Isaiah Berlin that most of history’s great horrors have come about because of a conviction by an individual or a state or a party or a faith that it has found the single final truth.<sup>54</sup> When one thing is true and all opposed to it false, enforcing that one thing at the point of a gun becomes much easier.

Again, consider the problem—and, yes, in Christian terms it is a problem—

51. HAUERWAS & WILLIMON, *supra* note 30, at 38.

52. See DAVID TRACY, PLURALITY AND AMBIGUITY: HERMENEUTICS, RELIGION, HOPE 82–86, *passim* (1987).

53. Hauerwas has been particularly scathing in his attacks on the efforts of contemporary churches to market themselves. Thus in one recent interview he was quoted as follows:

The church has lost its ability to be a disciplined community because we’re now, religiously, in a buyer’s market. Christianity has to bill itself as very good for your self-realization, and that’s killing us because we’re not very good for your self-realization. We’re good for your salvation, which is not the same thing.

Kevin Eckstrom, *10 minutes with . . . Stanley Hauerwas*, RELIGION NEWS SERVICE (Nov. 4, 2009), <https://www.religionnews.com/faith/doctrine-and-practice/10-minutes-with-stanley>.

54. See ISAAH BERLIN, *Two Concepts of Liberty*, in *FOUR ESSAYS ON LIBERTY* 118 (Oxford Univ. Press 1969).

of compulsory education. Suppose I object to the theory of evolution in the school curriculum. I believe it to be false, and do not want my child exposed to those lies. I go to the teacher and ask if my child can be excused on the days the theory is discussed. No, I am told. I go to the principal. No. I petition the school board. No. I bring suit. No. The reasons, in every case, are the same: It has been determined (here the passive voice is vital!) that the study of evolution is crucial to the proper development of my child's thinking, and also to the proper functioning of society. (These were the defenses actually raised in the *McLean* case.) So, as a loving parent who wants the best for my child, I keep her home from school one day.

Uh-oh.

Truancy citation. A fine. If I keep it up, arrest. If I keep resisting, big men with guns will try to force me. If I try to protect my child, I risk being shot dead.

But my child, and children everywhere, will be better off.

Now, one might object that the example is unfair. After all, have I not described the necessary end of all law? The state must enforce its laws, and violently, which is precisely why liberal theory exists: to cabin the range of possible laws the state can permissibly enact. To be compelled, says Aristotle in the *Eudemian Ethics*, is never pleasant: "no one acts under compulsion, but with enjoyment."<sup>55</sup> Indeed, nobody likes to be on the receiving side of coercion, but if a nation is to exist at all, everyone must live under the threat of compulsion to obey its laws.

Not all laws, however, are the same. A law requiring a child to sit through a particular course of instruction is constitutive of meaning in a way that a law, say, requiring her when she is older to drive on the right is not. The principal reason that education tends to be a flashpoint in the cultural wars is not, as the secular liberal would have it, that narrow-minded sectarians are trying to capture the public schools to proselytize; it is, rather, that the broad-minded sectarians of liberalism have captured them already, and are proselytizing away. Much of the impulse behind such feeble efforts as teaching "scientific creationism" is precisely the impulse to resist the dominant narrative that public education preaches. Even apart from any argument about religion—and I do think Hauerwas right about the need for Christians to disciple the young through Christian community—it seems to me that liberalism itself should recognize, on liberal terms, the assault on centers of dissent that is created when young people are compelled, essentially at the point of the gun, to learn what the hegemonic state rather than their own parents or communities want them to learn.<sup>56</sup>

---

55. ARISTOTLE, *EUDEMIAN ETHICS* 25 (Michael Wood trans., Clarendon Press 2d ed. 1992).

56. An argument often pressed to the contrary is that the parents should not have hegemony over the raising of their children. I have already assessed this argument elsewhere, particularly in part III of my 2000 book *God's Name in Vain: The Wrongs and Rights of Religion in Politics*. Here I will therefore offer only a brief explanation of why the argument against parental hegemony is seriously flawed, at least when offered as an argument for compulsory schooling in subjects to which the parents object.

From the point of view of the parent in the story—even should the parent yield—it is difficult to discriminate the violence of war from the violence of law. Indeed, the willingness of liberalism both to build so powerful an apparatus and to force dissenters at the point of a gun to obey its complex of edicts gives the lie to the claim that liberal theory cabins rather than revels in violence.

## VII

Where I part company with Hauerwas in all of this is that he does not see any policy implications. He rejects the law reform project, more or less entirely. For Hauerwas liberal state and liberal culture (the same, remember, as capitalist culture) are (literally) irredeemable. Christians are therefore called to constant warfare against the land in which they live. In earlier work Hauerwas argued that Christians should live in America as aliens. Now he says that Christians are called to acts of sabotage. By sabotage he does not mean violence. But he does mean teaching and preaching and trying to live in a way that rejects the premises of the culture, and refusing to give support to efforts to extend its reach, at home or abroad, by force.

I am with him up to a point. But I do believe that there are policy implications, and that they can be undertaken in ways that reduce rather than expand the reach of the violence that undergirds the state. I will mention two, very briefly. What they have in common is that they represent ways to make space for the construction and nurturing of the very communities of meaning and discipline that Hauerwas believes are necessary to Christian life and witness.

The first of these is what used to go under the name of school vouchers, although in the netherworld of contemporary political discourse might be called anything from “school choice” to “competitive education” to “an assault on teachers.” Without laboring the point, the freer that families are to make

---

The argument is usually framed in one of two ways: (a) parents should not enjoy a monopoly over the education of their children; or (b) there is a set of values that must be learned in common for democracy to function, and the school is the place to do it.

Argument (a) is simply not an argument for compulsory public schooling, or for any form of education in particular. It is merely a claim that the crucial determinant of education is the wishes of the parents. Thus, argument (a) would support a program requiring all Catholic children to attend Muslim schools, all Muslim children to attend Protestant schools, all Protestant children to attend Jewish schools, and all Jewish children to attend Catholic schools. It would also support a mandate upon the children of non-believers to recite daily prayers, and a rule that children taught to take care of their hands lest they risk their future life as surgeons be required to play contact sports.

Argument (b) harks back to the early nineteenth century, when the advocates of the compulsory common school—led by such men as Horace Mann—contended that there existed an American credo that all children should study together. By the end of the century, that vision has led to the creation of public schools that largely functioned as factories to turn out Protestant workers, weaning children away from such “foreign” religions as Judaism and Catholicism. Moreover, the notion that students study “together” in public schools is preposterous. Some ten percent of American school children attend private or parochial schools, and the public schools that exist are heavily segregated, both externally, by housing patterns, and internally, by tracking. (Racial segregation is considerably worse in the Northeast and the Upper Midwest than in the South and in the Mountain States.)

choices about the education of their children without state interference, the better they can do at disciplining those children into an understanding of the world and of humanity radically distinct from the governing presumptions of liberalism.<sup>57</sup>

True, as critics point out, a proliferation of educational approaches risks the slighting of important liberal values.<sup>58</sup> I am more skeptical than many theorists seem to be (and than I used to be) about the ease of identifying this core; certainly I would resist any effort to proclaim what those values should be absent democratic deliberation.<sup>59</sup> But let us put that to one side. My view—others will disagree—is that the risk is outweighed by the importance of preserving and nurturing centers of radical dissensus. Roger Williams’s metaphorical wall of separation between church and state was meant to keep the wilderness out of the garden, not the other way around, and with good reason: the state is always hungry, and will gobble what it can.

Even in liberal terms the understanding of education as the place to inculcate values creates difficulties. For one thing, some ten percent or so of American children are already educated privately, and so beyond the reach of liberal educational policy. In most cases this is because the parents can afford it; so opposing support for those parents who cannot afford it is regressive. For another, the creation and maintenance of institutions tends over time to lead to illiberal self-perpetuating structures.<sup>60</sup> It is difficult to imagine that an edifice as complex as a highly centralized educational system can escape.

The second area where Hauerwas’s critique of liberalism implies a law reform agenda involves a concrete area of law under the First Amendment—what has become known as religious accommodation. The accommodation problem arises when a religious believer seeks to be exempted from a law of general application, on the ground that to follow the law would force her to violate her understanding of what the Lord requires: the Native American who seeks to use peyote in a ritual older than the anti-drug laws, the follower of Santeria who must nourish his Orisha with the blood of a living animal and thence runs afoul of animal-protection statutes. The Supreme Court over the past couple of decades has progressively narrowed the scope of constitutionally

---

57. This, too, I discuss in much greater detail in *God’s Name in Vain*, particularly part III.

58. See, e.g., AMY GUTMANN, *DEMOCRATIC EDUCATION* (1999); STEPHEN MACEDO, *DIVERSITY AND DISTRUST: CIVIC EDUCATION IN A MULTICULTURAL DEMOCRACY* (2003). I take Gutmann’s argument as somewhat more amenable than Macedo to the possibility of subsidizing family choices, as long as an appropriate democratic dialogue helps shape aspects of the content of the private school curricula. Macedo, by contrast, believes that certain virtues are so central to liberalism that the educational system must be crafted in a way that cultivates them, without regard to parental objections. (He sharply criticizes the *Mozert* plaintiffs.) Indeed, Macedo is explicit in his insistence on elevating the inculcation of liberal virtues above the value of diversity.

59. And, yes, this proposition is independent of whether I happen to agree with the values being undemocratically proclaimed.

60. See, e.g., Richard Flathman, *Liberalism and the Suspect Enterprise of Political Institutionalization: The Case of the Rule of Law*, in *NOMOS XXXVI: THE RULE OF LAW 297* (Ian Shapiro ed., 1994).



required accommodations, and what was once a vibrant literature has largely gone stale. But it is easy to see how a robust principle of accommodation would help protect and nurture communities of difference.<sup>61</sup>

Distinct communities of meaning ought to be nurtured and welcomed in liberalism, not only as fonts of dissensus, but also as places where actual (as opposed to hypothetical) conversation occurs. The legal scholar Robert Post has pointed out how the classic conversational models of free speech take little account of the size and complexity of the actual national polity within which discussion takes place.<sup>62</sup> The problem, says Post, is that in a nation-size forum there is nobody to set the agenda. But in smaller fora, agendas may be set by authority or by tradition, or they may emerge organically. That different communities may have different ideas is beside the point. Groups of people working together toward highly particularized ends are what make democratic pluralism possible.

Liberals often object that radically distinct communities of meaning may not share a common public language in which to debate, but this objection has always seemed to me an analytical dead end. The common language liberals prefer is naturally the language of political liberalism, although, as the philosopher Simon Blackburn notes (albeit in a quite different context), “justifying something to your peers is not necessarily the same thing as getting it right.”<sup>63</sup> More to the point, the possibility that no common language will exist is every bit as likely when a religious society tolerates dissenting secular communities as it is when a secular society tolerates dissenting religious communities. Just as, in principle, all the religious could adopt secular language, so too, in principle, could all the secular adopt religious language.

My own preference—which I have described in detail elsewhere—is for a public square without a common language.<sup>64</sup> Democracy, in other words, should trump intelligibility. I am moved in part by the haunting imagery of Martin Buber in *Between Man and Man*: “True address from God directs man into the place of lived speech, where the voices of creatures grope past one another, and in their very missing of one another succeed in reaching the eternal partner.”<sup>65</sup> In other words, misunderstanding, if pursued with humility, can itself be a form of dialogue. The philosopher Charles Taylor has suggested that we conceptualize the public space as constituted not by common language but by

---

61. What I say in text is by necessity summary. For a more detailed exposition of the argument, see, for example, Stephen L. Carter, *The Resurrection of Religious Freedom?*, 107 HARV. L. REV. 118 (1993).

62. See Robert Post, *Meiklejohn’s Mistake: Individual Autonomy and the Reform of Public Discourse*, 64 U. COLO. L. REV. 1109 (1993).

63. SIMON BLACKBURN, *TRUTH: A GUIDE* 166 (2005).

64. In Jeremy Waldron’s typology, I suppose this marks me as a Millian rather than an Aristotelean—in the sense that Aristotle’s view of dialogue was more ordered, even authoritarian, where Mills’s was more anarchic.

65. MARTIN BUBER, *BETWEEN MAN AND MAN* 18 (Ronald Gregor-Smith trans., Psychology Press 2002) (1947).

common action.<sup>66</sup> What makes it the public square, then, is what we do there, not how we speak there. It is our efforts to communicate and persuade, not their relative success, that marks the borders. Besides, as Buber noted, what the world often most needs is conversation “from certainty to certainty.”<sup>67</sup> The nurturing of dissenting communities is precisely the furtherance of the possibility of competing certainties.

Hauerwas might well see what I have just said as a distraction. He is not trying to enable democratic pluralism or to assist in national debate.<sup>68</sup> He is not proposing a political agenda, and shows signs of perhaps being an occasional Barthian objector to voting.<sup>69</sup> Hauerwas advises Christians to seek to live as they believe the Cross of Christ requires, and to make community with others trying to do the same. He believes fervently in following this call to living witness without regard to whether the witness ever changes a single mind.

### VIII

In sum, then, Hauerwas sees an America constituted by war, run on fear, and intransigently violent. The America of his vision is one in which liberalism has become totalitarian, and terrified of dissent, so much so that parents who reject the dominant vision of the well-rounded child become criminals. It is a land in which the consumerist notion that choice is king curls its tentacles around not only market activity, but the vocabulary of politics, of law, and of religion—conquering all the redoubts from which the capitalist ethos might be battled. It is a land where liberalism uses force to attain its ends—both at home and abroad—while claiming to abhor violence.<sup>70</sup>

I suspect that Hauerwas himself would be the first to concede that there are places where his language is overheated. (“Totalitarian,” for example.<sup>71</sup>) Moreover, every wicked extravagance of which he would convict liberalism has

66. See CHARLES TAYLOR, *Liberal Politics and the Public Sphere*, in PHILOSOPHICAL ARGUMENTS 257 (1995).

67. BUBER, *supra* note 65, at 9.

68. Indeed, Hauerwas rejects the notion that a common language is important. This move actually has some logic to it once one rejects coercion. His point is different. He believes that just as Christians have to work hard to gain the discipline necessary both to understand their call and to live it, so others will have to work hard to make what Christians say and do intelligible. See HAUERWAS, *supra* note 18, ch. 6.

69. By Barthian objector I mean a person who holds roughly the views discussed in G. Scott Becker, *Serving by Abstaining: Karl Barth on Political Engagement and Disengagement*, in ELECTING NOT TO VOTE: CHRISTIAN REFLECTIONS ON REASONS FOR NOT VOTING 37 (Ted Lewis ed., 2008). More precisely, I would imagine Hauerwas as the sort of objector who abstains, in Becker’s words, “in order to expose the self-deification and inhumanity of the political process.” *Id.* at 49.

70. One must leave for another day the intriguing question of whether force is usually, or even often, an efficient means for gaining one’s ends—even assuming that one is stronger than all potential rivals. Historical counter-examples are too familiar to require mention. A fascinating theoretical analysis is Yvonne Durham, Jack Hirshleifer, & Vernon Smith, *Do the Rich Get Richer and the Poor Poorer? Experimental Tests of a Model of Power*, in THE DARK SIDE OF FORCE: ECONOMIC FOUNDATIONS OF CONFLICT THEORY 68 (2001).

71. See, e.g., STANLEY HAUERWAS, WHERE RESIDENT ALIENS LIVE 53 (1996) (“Invariably, politicians tend to be totalitarian . . .”)

been committed as well by religions.<sup>72</sup> And yet, when one strips away the polemic, if Hauerwas is right in any of his critique of liberalism—and, as should be clear, I believe that he is right in a good deal of it—then we might perhaps describe the liberal state in the haunting words of Emily Dickinson’s poem 754: “For I have but the power to kill, / Without—the power to die—[.]”<sup>73</sup>

Dying, Stanley Hauerwas tells us, is indeed a positive power; in its absence there is no sacrifice, and absent sacrifice, there is no true justice. Justice is reflected not in what we require but in what we endure. The rest, he insists, is mere force.

---

72. Again, I like the way David Tracy puts the point: “Whoever comes to speak in favor of religion and its possibilities of enlightenment and emancipation does not come with clean hands nor with a clean conscience.” TRACY, *supra* note 52, at 85. Hauerwas does not of course dispute this contention—yet another reason that he prefers witness over other strategies.

73. Emily Dickinson, 754, in THE NORTON ANTHOLOGY OF AMERICAN LITERATURE 1218, 1219 (Nina Baym ed., 7th ed. 2008).