

Inaugural Seegers Lecture

On Living Between the Times

Stanley Martin Hauerwas

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ON LIVING BETWEEN THE TIMES

STANLEY HAUERWAS

As a "professional" theologian I once again find myself in Tom Shaffer's debt for the work he has done in the Seegers Lecture. For as a layman, and even worse, as a non-theologian, I find his analysis of the two kingdom syndrome to be theologically challenging. As a "professional" I had become content with past theological formulas concerning the tension between how I would act as a professional and how I would act as an individual. I had lapsed into the comfortable assumption that about everything that could be said had been said about those often agonizing dilemmas driving from our public responsibilities.

But Shaffer will not let the issue die. I wish he would let it die because the more he presses the issue the less sure I am I understand the problem rightly, much less have resources to respond to it in any theologically satisfactory manner. Indeed, I am not even sure it is one problem. But Shaffer, will not let me rest easy as the problem for him is not something he simply finds interesting, but it is a matter with which he must deal on a day to day basis as a lawyer and teacher of lawyers. Even more troublesome is the fact that he will not relegate the problem to one of personal psychology or identity, but insists that the issue has theological dimensions that cannot be ignored. For how can we worship a God who seems to require that we act in our public capacities in a manner significantly different than the way of life depicted in the Gospel.

The other disturbing aspect of Shaffer's lecture for a "professional" theologian is he refuses to be satisfied with our past formulas "explaining" their tension. Instead he develops some quite creative suggestions about how the Pauline call for submission to governing authorities and Luther's view of the two kingdoms should be understood. For though Shaffer is clearly a man of "the one Kingdom," he refuses to dismiss easily the position of those formed by a "two Kingdom" interpretation of the world. For he rightly admits that there is much to be said for the view that public and professional life has morals of its own; that we may follow administrative convenience in town but biblical morality at home. He does not deny that lawyers, as well as anyone who accepts a position of public responsibility including teachers, businessmen, politicians, and so on, will often find themselves pulled in two directions. Rather he denies because that tension exists we are justified in accepting a lesser or lower standard of behavior for the public realm on the grounds of a prior determined theory such as the two kingdom.

Shaffer, I think, is right to remind us that Paul, Augustine, and Luther, in their various calls for us to serve the earthly city, were not giving us a blank check to accept and act in accordance with the lesser morality of the state or society. Rather their arguments were arguments to and for the faithful about demands they were to place on civil society to live according to the justice made possible by God. Our mistake has been to make a "syndrome" out of their accounts of the two cities or kingdom so that we accept far too readily lesser accounts of what that justice might be in the name of necessity.

However, in that respect Shaffer may well be a bit too sanguine about some of the theological expressions of a two kingdom view. He is certainly right that Luther would have never approved of the cynicism expressed by some that legitimates the lawyer's right to do anything in the interest of serving their client. The adversarial ethic may be an expression of some accounts of the two kingdom view, but Luther never lost sight of the public official's obligation to serve justice—a justice that was decidedly not to be identified with securing the client's interests irrespective of what those interests might be. Yet it is also probably too strong to say that Luther thought the kingdom of love would overcome the kingdom of law or that it would convert it. Certainly Luther thought one served the neighbor, and served him or her out of love, through the orders of creation but he did not have any illusions about the "conversion" of those orders in this age. It was a matter of love to sustain the order made possible by the state, but that order itself was a strange work of love that might well legitimate the Christian performing tasks or compromising with the powers in a manner that Shaffer's "one kingdom" view does not justify.

Shaffer is quite right that a two kingdoms view does not in itself alleviate the necessity of considering the legitimacy of the task to be done. But the question remains: what are the criteria of legitimacy and how are they justified especially in terms of the lawyer's task? Shaffer clearly is not without resources to answer that question, but in this lecture they are largely left implicit or must be elicited from the examples he uses. He tells us that it is the business of a moral person to confront the evil means as much as evil ends, but we need to know better how the law of love or allegiance to the "one kingdom" helps us locate and recognize such means.

Of course it is part of Shaffer's case that the law itself is one of the means we have to help us know and do the good. In this respect he is certainly right to suggest that the law we have inherited has assumed a "one kingdom" view. Law and morals are not two separate

realms, but one. If limits are placed on the law it is not the limits of a lesser morality for public affairs, but the limits of prudence. Shaffer is not, however, as explicit as he might have been about just what the limits of prudence might involve. For example, due to their moral pluralism some societies might be far less likely than others, to use one of Shaffer's own examples, to have law obliging us to render aid to those in distress. In such societies such a law might be far too coercive if the habits of civility on which such a law depends are absent. Thus, as a matter of prudence the law is restrained from dealing with such matters. The reason a discussion of such issues in Shaffer's lecture would have been illuminating is they reveal the abstractness of claims about the relation of "law" and "morality" separated from the presupposition of a particular society. How that relation is understood can obviously vary from one society to another. Depending on a society's understanding of the "law" someone with a "one kingdom" view might be less able to serve as a lawyer in that society.

Law may well be, in our tradition, a means to work out out imperfect harmonies, and thus a work of love. But what happens if our tradition becomes so distorted by the adversarial ethic that is no longer the case? Might it be that at that point the Christian will be faced with the possibility that the legal profession is one in which he or she cannot participate? It is all well and good to say that law and morality, love and justice are the same. I have no doubt that is the case in principle, but I am not so sure it is the case in fact. Of course Shaffer can quite rightly suggest that is exactly why as Christians we have such a stake in making the law live up to and serve the best within us. But yet that noble hope can sustain essentially unjust structures. What I am asking is on Shaffer's grounds how do you ever know when it may be necessary to exit? I do not mean this in the sense of simply dissenting from a concrete policy. Rather, is it not possible that certain modes of life and professions, although they may in principle be worthy, might become so distorted in actuality that we should no longer serve within or through them?

I do not wish to be misunderstood by my pressing this kind of question. I am not denying that there is something very much like what Shaffer calls "natural law" that provides a resource for our being better people and societies. Such a law is surely ordained by God and is manifested by those that do not know God. Moreover that law is best sustained by our unwillingness to be satisfied by anything less than the truth especially as we find it in the presence of another person. Thus the law as a process, and in particular as the relation between the lawyer and his or her client as two of God's subjects, surely provides at least one way to serve God particularly if the lawyer in-

sists that such relations be truthful. But my question is what do we do when "the law" as an institution does not serve such a relation and even may positively distort it? Moreover there are many kind of activities covered under the "law." How does Shaffer's "one kingdom" view help us discriminate between those various activities in a manner such that we might be better able to see how we as Christians can serve the law without becoming its servant? Surely the matter is not all or nothing.

These sorts of questions seem to me to point to the one aspect of Shaffer's lecture that I think is deficient. He helpfully locates his discussion of legal ethics in terms of our loyalty to God's kingdom, but he did not develop the eschatological nature of that kingdom. Indeed in that respect I suspect he was overly concerned to respond to Luther's view of the two kingdoms and as a result let his agenda be set in terms of that framework. But Luther also failed to properly appreciate the kingdom as an eschatological reality that is a present possibility through the life, death, and resurrection of Jesus. Rather the "Kingdom", at least in Lutheranism, became a realm that stood as a judgment on all our earthly endeavors. The kingdom is everything we currently are not.

I suspect implicit in Shaffer's "one kingdom" position is not simply a worry about possible misuses of a "two kingdom" ideology, but rather a sense that God's kingdom is in fact a historic reality and that we as Christians have the great opportunity to live in accordance with its laws. Moreover through the teachings and life of Jesus we know a good deal about how that kingdom is to look and how it should be lived. Thus, as a people we know that we must be ready to forgive, not sue, our enemies. Of course it may be possible to forgive and sue, but the presence of the kingdom at least means that how and when we sue is not a matter of routine simply because we feel ourselves injured. Indeed it may well mean that "our lawyers" are required to find means of reconciling people without the threat or resort to the court; or if the court is used, it must help us further our reconciling work.

As I suggested, viewing the eschatological emphasis as crucial to understanding what kind of kingdom God has made possible in our midst is not in principle antithetical to Shaffer's position. Indeed I suspect it is quite compatible with it. But I also suspect that it makes the problem of the "two moralities" more difficult and less easily resolved. For the ethic of the kingdom is not simply that we respect the other as a fellow creature of God, but that we forgive the other even when it may be they have unjustly wronged us. And such

forgiveness is not something we simply do "with our heart," but it has all the marks of a social gesture and it is sustained by an institution.

Once the kingdom is interpreted eschatologically we see that all the tensions, such as that between our public responsibilities and our private lives, are relativised. For the overriding tension in the Christian life is between the already and not yet of God's eschatological kingdom brought through the life, death, and resurrection of Jesus Christ. The problem is learning how to wait, but to wait hopefully, in this age as a people who are already citizens of a new age. The tension Christians may feel between their public tasks and their Christian commitments is not, therefore, the tension of anyone, but the kind of tension that derives from their steadfast intention to live knowing that God's kingdom is a present reality.

To live in that manner does require one element that is not mentioned by Shaffer—the necessity of the church as a community to sustain the individuals endeavor to live appropriate to the nature of the kingdom as we believe it to have been revealed by Jesus. For the wisdom and support needed to live a life of forgiveness and truth cannot be sustained by the individual. We require others to remind us of our task and to test the kind of intuitions Shaffer relies on to help us know what we should and should not do as God's people. We need a community that can and will absorb our frustrations and resentments occasioned by our unwillingness to use the power of this world to secure our "rights." I am sure Shaffer is right to ask the law and lawyers to live the truthfulness required by the "one kingdom" but I think he fails to say, though I have no doubt he knows, that such a life requires the existence of a people who have pledged themselves to live as citizens in God's eschatological kingdom of peace and forgiveness.