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## Confronting the Powers: Tillich, Stout, and West on Democratic Principles and Procedure

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<sup>13</sup> Note, e.g., Tillich's observation that "Spinoza's influence [on his work] is prophetic and mystical as well as sapiential," *ST*, 3, 3.

<sup>14</sup> See *ST*, 1: Part 2 ('Being and God') and *Biblical Religion and the Search for Ultimate Reality* (Chicago: University of Chicago Press, 1955).

<sup>15</sup> See *ST*, 1: Part 2 ("Being and God") and *The Courage to Be*.

<sup>16</sup> Note that these three forms of anxiety correlate with the three moments in Tillich's dialectical concept of life—the moments of self-creation (mortality), self-integration (morality), and self-transcendence (meaninglessness or tragedy)—and the three moments in his understanding of sin (discussed below)—concupiscence, unbelief, and tragic hubris.

### CONFRONTING THE POWERS: TILlich, STOUT, AND WEST ON DEMOCRATIC PRINCIPLES AND PROCEDURES

JONATHAN ROTHCHILD

Recent debates regarding the formal characteristics of democracy have been widespread and polemical. Whether construed in terms of imperialistic concerns (e.g., the imposition of American political values on non-democratic and non-Western countries), constitutional questions (e.g., the blurring of church and state through administered services of faith-based organizations or religiously affiliated hospitals), or identity politics (e.g., the question of whether democracy protects and cultivates pluralism or homogenizes and reduces otherness to sameness), these debates compel interrogation of the basic presuppositions underlying democratic principles and procedures and the extent to which theological reflections inform these presuppositions. Paul Tillich experienced the horrors of non-democratic seizures of power in his German homeland, and his emigration to America deepened his resistance to the demonic powers that dehumanize, destroy, and dominate social and political life. This essay argues that Tillich's writings on political life, particularly his 1933 *The Socialist Decision*, challenge democratic theorists and current public policy makers to rethink their assumptions about the form, function, and meanings of democracy.

My purpose is to engage Tillich and present interlocutors on democracy. Such a conversation re-

<sup>17</sup> Tillich, *The Courage to Be*, 189.

<sup>18</sup> See *ST*, 1: Part 2 ('Being and God'), *ST*, 3: Part 4 ('Life and the Spirit') and *Love, Power, and Justice: Ontological Analyses and Ethical Applications* (New York: Oxford University Press, 1954). On "holiness," see Rudolf Otto's *The Idea of the Holy* (London: Oxford University Press, 1958, 2<sup>nd</sup> edition).

<sup>19</sup> See *ST*, 1: 252-271 ("God as Creating") and *ST*, 2: Part 3 ("Existence and the Christ").

<sup>20</sup> See *ST*, 2: Part 3 ("Existence and the Christ").

<sup>21</sup> See *ST*, 3: Part 4 ("Life and the Spirit").

<sup>22</sup> See *ST*, 3: Part 5 ("History and the Kingdom of God").

<sup>23</sup> "For of him, and through him, and to him, are all things" (Rom 11:36); quoted in *ST*, 3: 6.

quires a multi-layered analysis: (1) An excursus into the historical trajectories in American politics vis-à-vis the relationship between church and state that problematizes strict separation and strict union; (2) An engagement between Tillich and Jeffrey Stout and Cornel West on the anthropological, experiential, and religious dimensions of democracy; and (3) An analysis of the present policies of President Bush and the "elite" democracy of Richard Posner with respect to the perspectives of Tillich, Stout, and West. My thesis holds that separation, whether construed in terms of the strict separation between church and state, between individual and community, or between power and justice, has overdetermined contemporary visions of democracy at substantial moral costs. Though they differ in significant ways, the models of democracy envisaged by Tillich, Stout, and West more comprehensively address the necessarily dialectical interplay between separation and union within a democracy than the policies implemented by the Bush administration.

### I. A Brief History of Church-State Relations: Separation and Democracy

Discussion of the church-state relations can be traced back to the Gospels, when Jesus' dictum to render unto Caesar (Mark 12:17; cf. Matthew 22:21) exposed the co-existence of two spheres, religious and political. Models of the interaction of these two spheres range from Augustine's two cities, Aquinas's eternal, natural, and human laws, and Martin Luther's two kingdoms. To contextualize our analysis of democracy and its modern theological and phi-

losophical discontents, we must limit our scope to a brief examination the trajectory of the church versus state debate in the United States. Such an examination reveals the ambiguities embedded in notions of strict separation. Philip Hamburger begins his 2002 *Separation of Church and State* by citing the “strict wall of separation between Church and State”<sup>1</sup> in Thomas Jefferson’s 1802 letter to the Danbury Baptists. Hamburger works meticulously to disabuse the assumption that such a wall of separation was unanimously embraced or even actively tolerated by American religious and political actors. Examining the writings of seventeenth and eighteenth century Protestants such as Richard Hooker and Roger Williams, Hamburger clarifies that their misgivings about union between church and state “was not a demand for separation.”<sup>2</sup> Hamburger argues that practices such as the exclusion of clergy from civil office stemmed from a variety of factors,<sup>3</sup> but these factors did not include the grounds of separation. In the early nineteenth century, motivated by political exigencies, Thomas Jefferson and the Republicans opposed the Federalists and began to promote a separation between church and state that persuaded later presidents such as James Madison and Andrew Jackson. Yet, in what Stout and West would praise as thick description, Hamburger explains that these appeals to separation were largely politically motivated rhetorical devices until they confronted the practical religious conflicts in the mid-nineteenth century, notably the rise of anti-Catholicism. Spurred by violent clashes and quarrels over public school funds between Protestants and Catholics and exacerbated by Catholic resistance to separation, many Protestants “used the principle of separation to argue against Catholic participation in politics.”<sup>4</sup> These conflicts increasingly helped instill separation among the Protestant majority as cultural assumptions that contributed to the evolving democratic traditions.

An insightful component of Hamburger’s analysis (and one that has relevance for our discussion of democratic principles) is his recognition of the moral costs of a purely procedural separation. Hamburger notes that separation, in some contexts, enabled “Americans to fend off moral demands with which they did not wish to comply”<sup>5</sup> and thereby raised the democratic stakes of the distinction between church and state. These moral costs reflected the reticence of political minorities and the church to offer critical voices that, as we will observe with respect to West, Stout, and Tillich, constitute *sine qua non* for de-

mocracy. Despite these costs, separation continued to gain favor after the Civil War, when President Ulysses Grant championed separation as the best way to preserve individual freedom. This call for freedom was embraced in the early twentieth century by nativist Protestant groups, including the decisively undemocratic Ku Klux Klan, whom Hamburger holds, “probably more than any other national group in the first half of the [twentieth] century, drew Americans to the principle of separation.”<sup>6</sup> Driven by the “culture of Americanism and its conception of separation as an American liberty”<sup>7</sup> and continuously funded by anti-Catholicism (exemplified by the reaction to Catholic Al Smith’s presidential bid) but also emergent secularism, separation as a fundamental aspect of American democracy continued to marshal support.

Nonetheless, Hamburger notes, it was not until 1947 in *Everson v. Board of Education of the Township of Ewing* (330 U.S. 1) that the Supreme Court finally interpreted the First Amendment as requiring separation of church and state.<sup>8</sup> In writing the decision for the court, Justice Black cited Jefferson’s 1802 letter advocating for the wall of separation, thus suggesting circularity to the historical phenomenon of separation. But this circularity, as will be noted in the next section with respect to the myth of origin, cannot address the in-breaking of the new. Hamburger describes the paradoxical reception of the *Everson* decision in decades that followed: “Even as Americans wondered about separation’s meaning, they treated its constitutional legitimacy as sacrosanct. Having enshrined the doctrine of separation in their Constitution, they deferred to it with reverence and viewed any dissent from it as profoundly anti-American.”<sup>9</sup> This failure to examine self-reflexively the principles and procedures of one’s own democratic traditions accounts for the present polemical debates and the potentially unresolvable democratic disagreements regarding separation.

Hamburger’s work thus reveals the ways in which the roots and formation of separation lie less in purely constitutional foundations but rather in a conflicted history that occasionally restricted freedom when “American majorities used the separation of church and state to impose their vision of their religion and their Americanism upon religious minorities.”<sup>10</sup> Such a history serves as a useful point of departure for our study because it invites critical reflection on mediating grounds between union and separation within a democracy.

The remainder of the essay will expand the question of union and separation of church and state to encompass the questions of union and separation within the democratic process as a whole.

## II. Stout, West, and Tillich: Confronting the Challenge of Separation

### A. Stout's *Pragmatic Mediation of Rawls/Rorty and Hauerwas/Milbank*

The basic thesis of Jeffrey Stout's 2004 *Democracy and Tradition* is that democracy is a tradition, that is, it "inculcates certain habits of reasoning, certain attitudes toward deference and authority in political discussion, and love for certain good and virtues."<sup>11</sup> As we will note below with respect to West and Tillich, Stout foregrounds his discussion of political structures and procedures with an analysis of its humanly experienced motivations and effects. Stout's pragmatism, which he designates as "*democratic traditionalism*,"<sup>12</sup> therefore locates the significance of democratic tradition not within procedures but rather within the formation of "enduring attitudes, concerns, dispositions and patterns of conduct" wherein "normative commitments are embedded as well as discussed."<sup>13</sup> These normative commitments signify the products of deliberative debates, always subject to the "critical scrutiny"<sup>14</sup> advocated by Tillich and West, and necessarily involve appeals to religion. These appeals vitiate the assumptions of strict separation within democracy. The questions regarding the role of religion within democratic tradition, Stout believes, have been complicated by two approaches, one the secular liberal approach of thinkers such as Rawls and Rorty, and the other the new traditionalism of Hauerwas and Milbank, which, for radically distinct reasons, separate religion and democracy. Stout depicts the prominence of these two approaches as interrelated: "The more thoroughly Rawlsian our law schools and ethics centers become, the more radically Hauerwasian the theological schools become."<sup>15</sup> Thus, Stout's book seeks to mediate between the separation of religion and democracy, that is, between the Rawlsian/ Rortian view of religion as a conversation-stopper for democratic consensus and the Hauerwasian/ Milbankian view of religion that neglects the importance of democracy for religious structures and beliefs.

Stout's brand of pragmatism appropriates various strategies to carry out this mediation. Stout combines the Hegelian *Sittlichkeit*, criticisms of

Kantian pure practical reason (also noted by Tillich),<sup>16</sup> and dialectical normative expressivism with an Emersonian celebration of historical consciousness and "a form of social life that celebrates democratic individuality as a positive good."<sup>17</sup> Democracy must therefore accommodate individual, community, and society in ways that do not reduce their interactions to purely abstract formalism or procedures. Stout posits that religious voices must contribute to the ongoing conversation of what undergirds democracy. Whereas Milbank's *Theology and Social Theory* "leaves democracy almost entirely out of the picture,"<sup>18</sup> Stout lauds Barth's *Barmen Declaration* that opposed the Nazis as "a theologically rich account of what it means for Christians to be involved in modern, secularized political communities."<sup>19</sup> Though Stout seemingly oversimplifies the radicality of Barth's theology<sup>20</sup> that some interpreters, including Tillich, have critiqued, Stout concludes that Barth's assertion of truth claims is vital to democracy because "[w]ithout truth-claims, there would be no communication, no exchange of reasons."<sup>21</sup>

Stout castigates Stanley Hauerwas for conceptualizing democratic citizens as "essentially rootless individuals"<sup>22</sup> or, as I have identified it, as essentially separated individuals. Hauerwas's own vision, informed by Yoder and MacIntyre, does not endorse democracy in the decisive means for cultivating virtue; rather, his view insists that the Christian life is revealed in faith narratives, which Stout argues are located within a "premodern authoritarian tradition."<sup>23</sup> Stout's criticisms are trenchant, but he does not fully appreciate the extent to which Hauerwas does affirm Christian participation in democratic structures. As Hauerwas has written: "[Christians] have a stake in fostering those forms of human association that ensure that the virtues can be sustained."<sup>24</sup> Stout's critique, however, does correctly point to the limits of Hauerwas's perspectives, vis-à-vis democracy as a tradition. Hauerwas's view cannot appreciate that our situatedness in a democracy necessitates the formation of broader communal frameworks and participation in discursive practices of normative expressivism that shape character and identity without eviscerating individual uniqueness or truth claims.

Stout affirms that these discursive practices can and should make claims to truth instantiated, for example, in Christian claims. How then can Stout bring together the Rawlsian call for consensus and the Hauerwasian demand for distinctiveness? Does Stout's mediated solution exact any moral costs of

its own? Stout's rejoinder minimizes these moral costs by coalescing objective and subjective moral dimensions, where "[p]ragmatism offers a social theory of moral objectivity—according to which both objective ethical norms and the subjectivity of those who apply them are made possible in part by social interactions among individuals."<sup>25</sup> In terms of the moral objectivity, Stout argues that the expressive function of democracy can entail claims to unconditional obligations without violating the democracy as a discursive and social practice. In terms of moral subjectivity, even as he repudiates the correspondence theory of truth because "it has no explanatory values,"<sup>26</sup> Stout insists that moral diversity neither reduces democratic conversation to a relativist conception of truth nor results in an "antitheological" stance.<sup>27</sup> Stout determines that "[t]he concept of truth is normative," but his pragmatist remedy demands that we "drop the identification of truth with power."<sup>28</sup> Thus, in Stout's judgment, religious claims or other truth claims shorn of their metaphysical presuppositions can fund critical democratic reflection on the normative rules and substantive meanings of political discourse. In ways similar to the establishment of soccer rules as an "objective affair,"<sup>29</sup> Stout envisions that religious claims contribute to the rational revision of democratic principles and procedures. These revisions reflect careful, but contentious dialogue within thick cultural contexts, though Stout's model admits latitude and even reversals "when we undergo social and spiritual crises"<sup>30</sup> and thereby must transcend our own tradition. This dialectic of tradition and crisis affords necessary correctives to the strict separation between the theoretical and practical dimensions of democratic reflection.

### ***B. West's Pragmatic Mediation of Imperialism and Nihilism***

Cornel West is a synthetic intellectual who, similar to Stout and Tillich, diagnoses the current situation and correlates it with answers by meditating different traditions. Indebted to the "unashamedly moral emphasis and its unequivocally ameliorative impulse"<sup>31</sup> of American pragmatism, Marxism,<sup>32</sup> and critical poststructuralist theory, West employs a structural and prophetic critique of democracy. In his 2004 book, *Democracy Matters: Winning the Fight Against Imperialism*, West juxtaposes the three most pernicious threats to democracy—free-market fundamentalism, aggressive militarism, and escalating authoritarianism—with the traditions that sustain

democracy—Socratic questioning, prophetic critique, and tragicomic hope.<sup>33</sup> The threats to democracy derive from two principal sources, an imperialistic and corporate-driven base of power, and the general apathy of a society reluctant to challenge this power that separates individuals, communities, and society. The vibrancy of a democracy, cautions West, depends crucially on democratic vigilance, a core characteristic of the democratic traditions in America.

One of West's insights, as we observed with Stout and will with Tillich, is that theorizing about democracy requires inquiry into human anthropology and the humanly experienced beliefs (particularly despair, cynicism, and hope) vis-à-vis the prospects for democratic procedures. West steadfastly asserts with John Dewey and Ralph Waldo Emerson that "[d]emocracy is not just a system of governance, as we tend to think of it, but a cultural way of being."<sup>34</sup> West and Stout both understand democracy as principally a way of life and not a configuration of procedures, but Stout suggests that their anthropological perspectives regarding democracy signal a key distinction between his pragmatism and West's: "But we differ over the grounds of democratic hope in a way that leaves me closer to Ellison and him closer to an Augustinian like Reinhold Niebuhr."<sup>35</sup> Disturbed that "Socrates never cries"<sup>36</sup> and therefore misunderstands democracy's tragic character, West holds with Niebuhr (and Tillich) that one must take seriously the flaws, faults, and moral blindness of individual and systems. These faults and blindness—encapsulated in Augustine's notion of the self *curvatus in se*—problematize democratic assumptions and exacerbate separation. I therefore argue that West's anthropological model more effectively captures the current discontent for democratic practices than Stout's.<sup>37</sup> West explains that Dewey's pragmatism—a pragmatism to which both Stout and West are indebted—fails to "meet the challenge posed by Lincoln, namely, defining the relation of democratic ways of thought and life to a profound sense of evil."<sup>38</sup> Identifying Josiah Royce but also Chekhov, Coltrane, and Niebuhr as those who confronted this challenge, West affirms that "a deep sense of evil and the tragic must infuse any meaning and value of democracy."<sup>39</sup> Recognizing the inexorable tensions between evil and good, tragic and hope, or, as Tillich puts it, the inner contradiction of human life, West affirms that pragmatism renders these tensions productive by promoting individual volition and com-

munal justice in the face of historical limits, human evil, and fateful circumstances.

In addressing this evil, tragic, but ineluctably hopeful current context, West builds on his earlier book *Race Matters* and characterizes the current situation as one of crisis or consciousness of meaninglessness and nihilism among minority and marginalized communities. Using language that resembles Stout's idea of crisis and Tillich's ontological concepts of non-being and estrangement, West describes the youth of America: "[M]any lack the necessary navigational skills to cope with the challenges and crises in life—disappointment, disease, death. This is why so many are enacting the nihilism of meaninglessness and hopelessness in their lives that mirrors the nihilism of the adult world."<sup>40</sup> This nihilism has a perniciously self-destructive character that West identifies as "walking nihilism," or "*the imposing of closure on the human organism, intentionally, by that organism itself.*"<sup>41</sup> The resonance between West's walking nihilism and Tillich's demonic will be noted below, but, here it is imperative to note that what is equally troubling for West is the moral blindness to this destruction and self-destruction that lies at the roots of the American democratic tradition. West argues that the practice of slavery and imperialist exploitation "*were undeniable preconditions for the possibility of American democracy.*"<sup>42</sup> These racist and imperial preconditions impose a hypocritical separation of individuals onto the American democratic foundations; they press Tillich's system, though it refutes dehumanization, to rethink its drive toward self-centeredness, and they censure Stout's attempt, though it acknowledges the pernicious effects of racism, to unify the objective and subjective dimensions of democratic life. In fleshing out the moral costs of this exploitative basis for democracy, West would additionally criticize Tillich's appeal to elite forms of art as only partially disclosive of form and meaning that must also include forms of popular culture (e.g., hip-hop) and power struggles in the streets.<sup>43</sup>

Given West's concerns for the racist and imperialistic dimensions of democracy, he turns, as does Stout, to resources within democracy's traditions to retrieve and self-reflexively to critique these foundations. West appeals to two strands, an Emersonian and a Melvillean strand. The former, represented by thinkers such as James Baldwin, focuses on the individual commitment to democracy and democracy's potential, but it also seeks to "inspire an America

caught in a web of self-deception and self-celebration."<sup>44</sup> The latter, represented by thinkers such as Toni Morrison, unmasks the procedures and prejudices that threaten individuality and intends to "shatter moral numbness and awaken sleepwalking."<sup>45</sup> Both hermeneutical strands resonate with Tillich's religious socialism and cultivate resistance by critically correlating democratic practices, beliefs, and procedures in a way that restores relationships between individuals, communities, and society. Christianity, in West's judgment, provides a vital role in this resistance, for "[t]he most influential social movements for justice in America have been led by prophetic Christians."<sup>46</sup> West adamantly denounces a Christian co-opting of power, tantamount to a Constantinian Christianity, that threatens tolerance and open dialogue, and therefore he censures the "terrible merger of church and state [that] has been behind so many of the church's worst violations of Christian love and justice."<sup>47</sup> In light of Hamburger's history of the complex variables that impact relations between church and state, West's point is well-taken, but it would need to be reconceived more carefully to address better the underlying issues.

However, similar to Hamburger's problematizing of strict separation discussed above, West also resists the temptation to compartmentalize and thereby separate religion and democracy. In explicitly endorsing the attractiveness of Stout's mediating between secular liberals and religious traditionalism,<sup>48</sup> West, on the one hand, gainsays Rawls's proceduralism ("it fails to acknowledge how our loyalty to constitutional and civic ideals may have religious motivations"<sup>49</sup>) and Rorty's pragmatism ("his secular policing of public life is too rigid and his secular faith is too pure"<sup>50</sup>). On the other hand, West cannot concur with Hauerwas's vision ("he unduly downplays the prophetic Christian commitment to justice and our role as citizens to make America more free and democratic"<sup>51</sup>) and Milbank's model ("he fails to appreciate the moral progress, political breakthroughs, and spiritual freedoms forged by the heroic efforts of modern citizens of religious and secular traditions."<sup>52</sup>) In his own forging of a prophetic pragmatism as an intermediary between these perspectives, West insists that Christianity must play an important role without usurping or co-opting secular power, lapsing into utopia or radical pessimism, or eliminating the problem of fatedness; rather, Christianity and prophetic pragmatism strengthen democracy by interrelating the potency of human creativity

for good and evil with the absolute demands of justice within the postmodern context marked by “degraded otherness, subjected alienness, and subaltern marginality.”<sup>53</sup> In this way, Christianity and democracy are neither completely separate nor completely unified, and West affirms the formula articulated by the “prophetic pragmatist” theologian Reinhold Niebuhr: “Man’s capacity for justice makes democracy possible; but man’s inclination to injustice makes democracy necessary.”<sup>54</sup>

### *C. Tillich’s Prophetic Critique of Power*

In the Foreword to his 1933 *The Socialist Decision*, Paul Tillich reflects on the crisis of the situation, where the enemies of socialism “threaten the future of the nation and of Western civilization.”<sup>55</sup> The mobilization of the Nazis terrorized individuals, communities, and society, and Tillich works to combat such atrocities.<sup>56</sup> Yet, similar to Stout’s and West’s appeal to Socratic questioning, Tillich’s diagnosis of the situation also includes self-reflexive interrogation of one’s own political agenda, where “[a] movement that no longer questions the rightness of its own assumptions has become ossified” because this movement “must unmask all ideologies, including its own.”<sup>57</sup> As part of this process, in ways similar to Stout’s privileging of Hegelian *Sittlichkeit*, though aware of its limitations,<sup>58</sup> Tillich attempts to circumscribe the political movement within the unity of being and consciousness or “the interrelation of drives and interests, of pressures and aspirations, which make up social reality.”<sup>59</sup> To account fully for being and consciousness, however, Tillich appropriates the ontological polarities of individuality and universality and freedom and destiny. Social reality must be infused with ontological reality to ascertain that being and consciousness entail the universal: “Human beings become human by participating in universal reason.”<sup>60</sup> The appeal to universal reason does not disqualify the particular, but it compels political reflections on power that sustain the particular but also transcend the particular: “Being comes to fulfillment only by transcending its immediate power.”<sup>61</sup> The pragmatism of Stout and West rightly press the epistemological limits of Tillich’s ontology, but Tillich’s ontology, in return, can push Stout and West to transcend their situated pragmatism.

In analyzing the presuppositions of political romanticism, Tillich isolates the dominant myth of the origin. This myth of the origin, rooted in blood, soil, and social groups and resonant with many of Bush’s policies (see next section), can be broken only

through the prophetic “unconditional demand”<sup>62</sup> for justice. This unconditional demand applies to political powers but also to Christianity: “A Christianity that abandons its prophetic foundation by allying itself with political romanticism has lost its own identity.”<sup>63</sup> Tillich then makes an important observation that suggests that prophetic critique and democratic freedom are not antithetical; *a fortiori*, in and through the example of Liberal Protestantism, “it has become evident that prophetism as well as autonomy in their isolation from each other eventually fall back again into the myth of origin.”<sup>64</sup> Prophetic critique helps ensure that power and freedom do not become exclusively heteronomous or autonomous (that is, constitutively separate) but rather theonomous expressions of the interpenetration of religion and culture, the import of the Unconditional and autonomous cultural consciousness.

To be sure, the objectives of Tillich’s religious socialism do not equate precisely to West’s and Stout’s traditions of American democracy,<sup>65</sup> but they do articulate the function of the political in terms of social or communal duties (prophetic demands for justice) and individual freedom.<sup>66</sup> Perhaps more pointedly, all three thinkers recognize the potency of political mechanisms and their deleterious effects on individual, community, and society or, as I have put it, the moral costs. Tillich describes the rise of the national power-state, the fusion of “the myth of origin and capitalistic imperialism,”<sup>67</sup> that has, in the case of Germany during Tillich’s time, stifled democratic procedures and subdued the democratic spirit: “The *German bourgeoisie* has never fought to actualize the democratic demands of its own principle” because “it accommodated itself to feudal forms.”<sup>68</sup> In these ways, the myth of origin cannot overcome its contradiction and cannot protest adequately against “the dehumanizing consequences of an exclusively rational system”<sup>69</sup> that “oppress and crush the individual.”<sup>70</sup> The sophistication of Tillich’s historical, philosophical, and theological analysis in addressing these moral costs responds to West’s cautious limitation of religion’s contribution to democratic reflections attributable, in West’s judgment, to its inability to “provide the analytical tools”<sup>71</sup> and its “lacking in serious philosophical substance.”<sup>72</sup> Tillich’s more substantive vision of the role of religion extends Stout’s claim that religion can contribute to democratic tradition.

In turning to the bourgeois principle and the proletariat, Tillich further examines democracy as “the rational drive to shape reality”<sup>73</sup> and the democratic

presuppositions of religious socialism. Democracy and religious socialism function as correctives for each other and not as forces of separation. On the one hand, Tillich contends that the democratic principle promoting “the free decisions of all individuals” becomes “thwarted, however, by the reality of class rule.”<sup>74</sup> Religious socialism therefore presses democracy and its susceptibility to the exploitative capacities of capitalism by adopting “the prophetic attitude.”<sup>75</sup> On the other hand, attributable to its own inner antimony or contradiction, religious socialism needs democracy because just power reflects “*the actualization of social unity*” and the inclusion of individual will within “the will of the whole.”<sup>76</sup> Democracy challenges religious socialism to adopt human structures, where, for example “[r]ationality in economics is not to be abrogated but is to be placed into the hands of human beings.”<sup>77</sup> In this way, democracy functions as a “corrective”<sup>78</sup> to religious socialism’s own mediating between the myth of the origin’s quest for power and the ultimate demands of justice. Religious socialism and democracy converge in expectation: “This is the deeper meaning of egalitarianism, of *the demand for equality*, in prophetism and socialism. The inescapability of the demand, a demand, that is addressed to everyone, makes all persons equal.”<sup>79</sup> This pursuit of equality does not translate into merely democratic equitable procedures; rather, given that expectation entails both the universal, unconditional demand for justice and conditional practices grounded in the concrete situation (both of which are encapsulated in Tillich’s term *belief-ful realism*),<sup>80</sup> expectation—similar to Stout’s concept of crisis and West’s concept of hope—must be both immanent and transcendent. Democratic, socialist, and prophetic expectation constitutes “*a protest against false concepts of transcendence that inevitably call for, in opposition, false concepts of immanence*.”<sup>81</sup> These false concepts of transcendence include an empirically derived utopia—analogue to the utopias that concern West—that can take the form of one that “*is impotent against the actual forces of society*,”<sup>82</sup> a reactionary restoration of male patriarchalism,<sup>83</sup> or “the hegemony of the myth of origin [that] means the domination of violence and death.”<sup>84</sup> These false forms of democratic life reinforce and ossify the status quo in ways that prohibit or stifle transformation. Similar to West’s “walking nihilism,” Tillich’s concept of the demonic expresses this lack of transformation: it is “possession” (*Besessenheit*) that inhibits self-centeredness because it is an attack (*Angriff*) on the

oneness and freedom of the individual.<sup>85</sup> Moreover, similar to West, Tillich indicates that the demonic can take on a social dimension that engenders self-sufficient finitude in the form of capitalism and corrupts power in the form of nationalism, or the great demonic of the present (*Gegenwart*).<sup>86</sup> The in-breaking of theonomous forms of prophetic critique and democratic corrective as imports of hope and self-transcending realism overcome demonic separation and promote reunion and healing of individuals, communities, and society. Tillich describes this moment as the idea of *Kairos*, “which also does not lead to rational utopianism or to the mystical negation of the world, but, rather to a new and creative fulfillment of forms with an import borne by power and eros but penetrated by obedience to unconditioned form.”<sup>87</sup> *Kairos* thus also meditates between strict separation and strict union—a mediation that the Bush administration seems unable or willing to pursue.

### III. Bush and Posner: The Hermeneutics of Democratic Distrust

The current United States administration, in my judgment, does not promote a democracy governed by concerns for social justice and the interrelationship between union and separation. Firmly entrenched in its own myth of origin, the Bush administration appears ossified in the circular movement of preserving its own origin of power. As Tillich writes in *The Socialist Decision*, “This demand [of the myth of origin] does not reach out to the new, to that which transcends the origin. It confirms the origin, but does not go beyond it. It confirms the powers of origin, the feudal and priestly authorities.”<sup>88</sup> The insulated bureaucracy of the Bush administration, whether illustrated in its unilateral pursuit of war, its reconfiguration of the Geneva Convention’s rules for prisoner interrogation,<sup>89</sup> or its privileging of large corporations on environmental and tax issues, creates procedures that reinforce its own power base and separate and marginalize individuals. Additionally, as Stout, West, and Tillich caution, any political principle and procedure must be subject to a radical, self-reflexive critique. For example, consider Bush’s policies pertaining to the war on terror. To be sure, threats to security demand proactive measures that perforce compromise some of the ideals of democracy in order to preserve other values, but West and Stout both articulate criticisms of the Bush’s policies, that is, they note the moral costs of such



measures. West points to the ill-conceived democratic rationale underlying Bush's strategies: "The Bush administration has subverted the public in order to leads its war against terrorism in the way it wanted to—attacking Iraq and instituting the dangerous doctrine of preemptive strike rather than focusing on the real terrorist threat."<sup>90</sup> Stout similarly indicates that self-reflexive critique has been absent thus far in the war on terror: "In the long run, the ideological-moral front is the one on which the struggle against terrorism will be won or lost, and we are now losing it badly. In truth, there is only one way to win it, namely, by applying our ideals and principles to our own conduct with the same sense of purpose and courage that we demonstrated when denouncing Taliban thugs."<sup>91</sup>

A recent articulation of democracy by legal theorist and federal judge Richard Posner encapsulates many of the current administration's sensibilities. Posner appropriates pragmatism, but a form of pragmatism quite distinct from that of West and Stout. Posner's everyday pragmatism, whose roots, he suggests, lie in Machiavelli,<sup>92</sup> seeks to disengage itself from academic pragmatic philosophy<sup>93</sup> or critical reflection on the moral dimensions and costs of democracy. Posner envisages the democratic process as one of competition, where, appealing to the work of Joseph Schumpeter, he submits that democracy should be an elite democracy: "Here democracy is conceived of as a method by which members of a self-interested elite compete for the votes of a basically ignorant and apathetic, as well as determined self-interested, electorate."<sup>94</sup> The self-interested political elite therefore exploits social structures and, as West put it above, the public's sleepwalking lack of resistance to confront this exploitative power. Posner distinguishes the transformative and participatory democratic models of Mill and Dewey (and, we might add, Stout, West, and Tillich) that focus on the "cooperative search for truth"<sup>95</sup> from his preferred Machiavellian and Weberian vision of democracy that "requires a willingness to compromise, to dirty one's hands, to flatter, cajole, pander, bluff, and lie, [and] to make unprincipled package deals."<sup>96</sup> This willingness to dirty one's hands has been a hallmark of the Bush administration. These practices may protect some democratic values, but we must again ask at what moral costs.

The limitations and flaws of Posner's model of democracy and Bush's enforcement of it can be categorized around two central loci. First, Posner's anthropological assumptions delimit human beings,

particularly his reductive portrait of humans as "merely clever animals."<sup>97</sup> His focus on rational self-interest as the primary mode of being in the world disavows the central roles of communal values, principles, and traditions as well as the unity of being and consciousness advocated by Tillich. Posner's everyday pragmatism insists that individuals within a democratic and free-market environment necessarily would "focus on their material concerns, personal interests, and opinions."<sup>98</sup> Stout's model also invites such focus on concerns and interests, but in ways that foster dialogue and not monologues of power. Posner's anthropological reductions inform a second weakness, his myopic and attenuated assessment of common impulses to participate in democratic procedures. "The United States is a tenaciously philistine society. Its citizens have little appetite for abstractions and little time and less inclination to devote substantial time to training themselves to become informed and public-spirited voters."<sup>99</sup> Emphasizing the efficiency and procedural aspects of democracy in ways analogous to corporate management, Posner submits that "[t]he relation of officials to voters resembles that between sellers and consumers"<sup>100</sup> Posner's elitist model suffers from what I denominate as a hermeneutics of trust and distrust—a trust in the ideology and internal mechanisms of a powerful elite and a distrust of democratic principles and traditions among the majority. Such a hermeneutics balkanizes competing voices and centralizes power, paradigms that clearly operate within the Bush administration. This separation exacerbates tendentious clashes along ideological, ethnic identity-based, and class lines.

#### IV. Concluding Reflections

Where does this leave us? What constructive proposals might be gleaned from the American history of the separation of church and state, the insights of Stout, West, and Tillich, and the challenges to Bush and Posner? I offer a few modest proposals as a conclusion. Through our procedures and power structures, we have lost sight of the individual within the democratic process. Reclaiming the voice of the individual within the cacophony of lobbyists, partisan rhetoric, and corporate posturing seems vital to our democratic health. Writing his *Democratic Vistas* shortly after the crisis of the Civil War, Walt Whitman, beloved by West and Stout alike, admonishes the individual to "[a]lways inform yourself; always do the best you can; always vote" but, at the

same time, to remain vigilant against opportunistic political parties: "it behooves you to convey yourself implicitly to no party, nor submit blindly to their dictators, but steadily hold yourself judge and master over all of them."<sup>101</sup> Whitman's commitment to the individual within democracy, tempered by a hermeneutics of suspicion (and not a hermeneutics of trust and distrust), underscores the dialectical character of separation and union between individual, prophetic critique, and democratic structures.

The communities of democratic discourse also have been attenuated by separatist groups (e.g., Stout's criticisms of Black nationalism), marginalized groups (e.g., West's diagnoses of nihilism and meaninglessness of those disenfranchised), and dehumanized groups (e.g., Tillich's concerns over the corrosive features of capitalism). One mechanism that could re-invite these groups back into the collective would be to cultivate what Jane Mansbridge identifies as protective enclaves to support the voices of muted communities and to reconfigure hardened boundaries.<sup>102</sup> Such enclaves enrich the democratic exchange of ideas, surmount the impasse of language and power, and ameliorate the one-sidedness of separation or union. Our three interlocutors have argued that these voices must be heard. Rather than promoting the distrust of religion within society (Rorty and Rawls), distrust of the masses (Posner and Bush), or distrust of democracy (Hauerwas and Milbank), Tillich, Stout, and West affirm that we must consider the prospects for and the challenges of ultimate concern, the formation of individuals in and through social participation, the interpenetration of religion and culture, and the tensions between evil and good, power and justice, and tragedy and hope. Addressing these dimensions requires that we consider both the immanence of thick historicism and our situation and the transcendence of the prophetic critique and spiritual crisis. Though they differ on the specific meanings of these dimensions, Stout, West, and Tillich articulate the anthropological, experiential, moral, and axiological dimensions of democracy in ways that can revitalize our troubled democracies.

<sup>1</sup> Hamburger, *Separation of Church and State*. Cambridge, MA: Harvard University Press, 2002, 1.

<sup>2</sup> Ibid., 28. Rather, the focus was on distinction, or the "opposition to an impure union" (Ibid., 28).

<sup>3</sup> Among the possible reasons, Hamburger points to "an odd combination of Calvinism, anti-Catholicism,

theories of taxation and representation, solicitude for the clergy, and suspicion of the clergy" (Ibid., 83).

<sup>4</sup> These violent attacks include Protestants' burning of Catholic churches (Ibid., 216), and the quarrels over public school funds concentrated on New York City and the influx of Catholic immigrants (220). A key Catholic condemnation of separation can be found in Pope Gregory XVI's 1832 encyclical, *Mirari Vos*, which motivated American Protestants to endorse separation (230). *A fortiori*, Hamburger declares that "the pope did more than Jefferson to popularize the idea of separation of church and state in America" (482).

<sup>5</sup> Ibid., 265. Hamburger cites examples of these costs as the calls for the elimination of state charity by an 1859 New York manual on local government and the Christian reluctance to condemn slavery, "a matter belonging exclusively to civil government" (265).

<sup>6</sup> Ibid., 407. Hamburger writes: "When recruiting [its nearly five million] members, the Klan sometimes distributed cards listing, '[t]he separation of church and state' as one of the organization's principles" (408).

<sup>7</sup> Ibid., 446.

<sup>8</sup> Ibid., 454.

<sup>9</sup> Ibid., 478.

<sup>10</sup> Ibid., 484.

<sup>11</sup> Stout, *Democracy and Tradition*. Princeton: Princeton University Press, 2004, 3. He later remarks that "democratic culture is best understood as a set of social practices that inculcate characteristic habits, attitudes, and dispositions in their participants" (203).

<sup>12</sup> Ibid., 13 original emphasis.

<sup>13</sup> Ibid., 3; 5.

<sup>14</sup> Ibid., 5.

<sup>15</sup> Ibid., 75.

<sup>16</sup> Tillich concurs with Stout's critique of Kantian pure practical reason: "there is really no more impotent form of criticism than Kantian criticism. For it is not upheld by the power of an emerging form. It is abstract and condemned to be merely a subject for academic debate; at the most it can only obstruct concrete criticism" ("Protestantism as a Critical and Creative Principle," in *Political Expectation*. New York: Harper and Row Publishers, 1971, 19).

<sup>17</sup> *Democracy and Tradition*, 84. In *The American Evasion of Philosophy: A Genealogy of Pragmatism* (Madison, WI: The University of Wisconsin Press, 1989), West adumbrates the Emersonian ideas that anticipate American pragmatism: "Emerson's dominant themes of individuality, idealism, voluntarism, optimism, amelioration, and experimentation prefigure those of American pragmatism" (35).

<sup>18</sup> Ibid., 106.

<sup>19</sup> Ibid., 109.

<sup>20</sup> Stout presupposes too easily that Barth's polemical perspectives and deeply confessional Christocentric theology create opportunities for inter-religious conversations and other forms of democratic discourse. For example, Stout's call for Barth as a core text within Catholic, Protestant, Jewish, Islamic schools is theologically naïve: "It would be a good thing if the relevant parts of Barth's *Church Dogmatics* came to hold a prominent place in the seminary curricula of all the desert faiths" (Ibid., 298).

<sup>21</sup> Ibid., 111. Stout puts it simply: "But democracy will suffer greatly, I fear, if orthodox Christians are unable to find a way to maintain their own convictions while also taking up their responsibilities as citizens" (116).

<sup>22</sup> Ibid., 145.

<sup>23</sup> Ibid., 152.

<sup>24</sup> Hauerwas, "A Christian Critique of Christian America," in *The Hauerwas Reader*. Edited by John Berkman and Michael Cartwright. Originally published in *The Cresset* 50:1 (1986): 5-16. Durham: Duke University Press, 2001, 479.

<sup>25</sup> Stout, *Democracy and Tradition*, 274.

<sup>26</sup> Ibid., 248.

<sup>27</sup> Ibid., 256.

<sup>28</sup> Ibid., 254; Ibid., 256.

<sup>29</sup> Ibid., 272.

<sup>30</sup> Ibid., 269.

<sup>31</sup> West, *The American Evasion of Philosophy: A Genealogy of Pragmatism*. Madison, WI: The University of Wisconsin Press, 1989, 4.

<sup>32</sup> West does contend that the Marxist locus of economic exploitation fails to address the fact that "many social practices, such as racism, are best understood and explained not only or primarily by locating them within modes of production, but also by situating them within the cultural traditions of civilizations" ("Race and Social Theory," in *The Cornel West Reader*. Edited by Cornel West. New York: Basic Civitas Books, 1999, 262).

<sup>33</sup> West, *Democracy Matters: Winning the Fight Against Imperialism*. New York: The Penguin Press, 2004, 7; Ibid., 16. Earlier (in 1993), West had similarly identified that principal obstacles to democracy as "the pervasive process of objectification, rationalization, and commodification throughout the world" ("The New Cultural Politics of Difference" in *The Cornel West Reader*. Edited by Cornel West. Originally published in Cornel West, *Keeping Faith: Philosophy and Race in America*. New York: Routledge, 1993. New York: Basic Civitas Books, 1999, 137.

<sup>34</sup> Ibid., 68. In the sense that West follows Dewey on this point, West writes: "Dewey is in search of a culture of democracy, of ways of life guided by experimental method, infused with the love of individuality and community, and rooted in the Emersonian theodicy" that address that "need for an Emersonian *culture* of radical democracy in which self-creation and communal participation flourish in all their diversity and plurality" (*The American Evasion of Philosophy: A Genealogy of Pragmatism*, 103; 103 original emphasis).

<sup>35</sup> Stout, *Democracy and Tradition*, 57. Stout does affirm that both thinkers (and the traditions) can affirm hope: "It is therefore no small matter for democratic citizens to find reasons for hope in the here and now, whatever their religious differences might be. This is a task that Augustinians can share with the likes of Ellison and Emerson" (59).

<sup>36</sup> West, *Democracy Matters*, 213.

<sup>37</sup> To be sure, Stout does not neglect the indifferent and even morally problematic character of Americans; he points to such examples as the ignorance of the poor, the preference for wealth over justice, and the desire for separation (24).

<sup>38</sup> West, "Pragmatism and the Sense of the Tragic," in *The Cornel West Reader*. Edited by Cornel West. New York: Basic Civitas Books, 1999, 175.

<sup>39</sup> Ibid., 179.

<sup>40</sup> West, *Democracy Matters*, 176.

<sup>41</sup> West, "A World of Ideas" (Interview with Bill Moyers) in *The Cornel West Reader*, 293.

<sup>42</sup> West, *Democracy Matters*, 45 (original emphasis).

<sup>43</sup> For example, in his criticisms of democratic socialist Michael Harrington, West stipulates that cultural criticism cannot be severed from lived experience: "The major problem I have with Harrington's impressive project is that it remains too far removed from lived experience in advanced capitalist societies. Despite his call for a new culture, he does not discuss the civic terrorism that haunts our streets; the central role of TV, video, radio and film in shaping the perceptions of citizens; the escalating violence against women, gays, and lesbians; the racial and ethnic polarization or the slow decomposition of civil society (families, schools, neighborhoods, and associations)" ("Michael Harrington, Democratic Socialist," in *The Cornel West Reader*, 306). Or, as West explains to bell hooks, "I focus on popular culture because I focus on those areas where black humanity is most powerfully expressed, where black people have been able to articulate their sense of the world in a profound manner" ("Conversation with bell hooks," in Ibid., 547).

<sup>44</sup> West, *Democracy Matters*, 84.

<sup>45</sup> Ibid., 99.

<sup>46</sup> Ibid., 152.

<sup>47</sup> Ibid., 148-149.

<sup>48</sup> West praises Stout's revitalizing the tradition of protest as crucial for sustaining democracy: "Jeffrey Stout—himself the most religiously musical, theologically learned, and philosophically subtle of all secular writers in America today—has, by contrast, argued that American democrats must join forces with the legacy of Christian protest exemplified by Martin Luther King Jr." (Ibid., 163).

<sup>49</sup> Ibid., 160.

<sup>50</sup> Ibid., 161. West elsewhere adds that Rorty's project "refuses to give birth to the offspring it conceives. Rorty leads philosophy to the complex world of politics and culture, but confines engagement to transformation in the academy and to apologetics for the modern West" (*The American Evasion of Philosophy: A Genealogy of Pragmatism*, 207).

<sup>51</sup> Ibid., 162.

<sup>52</sup> Ibid., 162.

<sup>53</sup> West, *The American Evasion of Philosophy: A Genealogy of Pragmatism*, 237.

<sup>54</sup> West, *The American Evasion of Philosophy: A Genealogy of Pragmatism*, 162, cites Niebuhr's dictum (originally found in Niebuhr, *The Children of Light and the Children of Darkness: A Vindication of Democracy and A Critique of Its Traditional Defense*. New York: Charles Scribner's Son, 1944, xiii).

<sup>55</sup> Tillich, *The Socialist Decision*. Translated by Franklin Sherman. New York: Harper and Row, 1977, xxxi.

<sup>56</sup> See, for example, Tillich's addresses to the German people in *Against The Third Reich: Paul Tillich's War-time Addresses to Nazi Germany*, edited by Ronald H. Stone and Matthew Lon Weaver. Louisville: Westminster John Knox Press, 1998.

<sup>57</sup> Ibid., xxxiii; Ibid., xxxvi.

<sup>58</sup> Tillich does offer several criticisms of Hegel's method, including Hegel's collapsing—rather than inter-relating as ontological polarities—particular and universal: "Hegel spoiled his own [philosophy of history] by identifying a particular form of being as the tangible fulfillment of being. Thereby—in contradiction to the basic impulse of his thought—a particular spiritual and social configuration of history was equated with the goal of expectation" (Ibid., 108). The ramifications include the conflation of 'is' and 'ought', whereby "[t]he 'ought' is swallowed up by the 'is'; the powers of origin have escaped from the demand; the conservative form of political romanticism has triumphed" (Ibid., 108). West remains

sympathetic to the historicism of Hegel, but he too seeks to disabuse Hegel's totalizing history and simplifying emancipation in ways similar to Dewey's censuring of metaphysical residues in Marx (see West, *The American Evasion of Philosophy: A Genealogy of Pragmatism*, 71).

<sup>59</sup> Ibid., 2.

<sup>60</sup> Ibid., 71.

<sup>61</sup> Ibid., 107. Indebted to Heidegger, Boehme, and Schelling, Tillich asserts that being transcends, but also relies upon, power: "Power is the possibility of self-affirmation in spite of internal and external negation. It is the possibility of overcoming non-being" (Tillich, *Love, Power, and Justice: Ontological Analyses and Ethical Applications*. Oxford: Oxford University Press, 1954, 36).

<sup>62</sup> Ibid., 21.

<sup>63</sup> Ibid., 22.

<sup>64</sup> Ibid., 24.

<sup>65</sup> Tillich would no doubt be encouraged by West's position as one of the honorary chairpersons of the Democratic Socialists of America.

<sup>66</sup> Consequently, Tillich affirms that "[s]ocialism is a prophetic movement on the soil of autonomy and rationality" (Ibid., 109).

<sup>67</sup> Ibid., 43.

<sup>68</sup> Ibid., 43; Ibid., 43.

<sup>69</sup> Ibid., 44.

<sup>70</sup> Ibid., 85.

<sup>71</sup> West, "A World of Ideas" (Interview with Bill Moyers), in *The Cornel West Reader*, 297.

<sup>72</sup> West, "The Historicist Turn in Philosophy of Religion," in *The Cornel West Reader*, 367. In advancing this critique, West refers to theologians such as Gutiérrez, Daly, and Cone.

<sup>73</sup> Tillich, *The Socialist Decision*, 53.

<sup>74</sup> Ibid., 59; Ibid., 59.

<sup>75</sup> Tillich, "Basic Principles of Religious Situation, in *Political Expectation*, 60. Originally published in 1923. Isolating the dangers of capitalism is a common motif throughout Tillich's writings. We will let two examples suffice. In his 1930 "The State as Expectation and Demand," Tillich describes the power of capital (*die Gruppe der Kapitalherrschaft*): "Almost without exception, behind Western democracy stand the great capitalists as the group that upholds the structure of the state: not unequivocally, frequently divided among themselves, often restricted by powers that are not yet absorbed by the market, but always present, and finally always victorious" (*Political Expectation*, 110). In his 1954 *Love, Power, and Justice*, Tillich notes: "Justice is always violated if men are dealt with as if they were things. This has been called 'reification' (*Verdinglichung*) or 'objectification'

(*Vergegenständlichung*). In any case it contradicts the justice of being, the intrinsic claim of every person to be considered a person" (60).

<sup>76</sup> *The Socialist Decision*, 138 original emphasis; Ibid., 139.

<sup>77</sup> Ibid., 90 original emphasis.

<sup>78</sup> Ibid., 142. Isolating the dangers of capitalism is a common motif throughout Tillich's writings. In his 1930 "The State as Expectation and Demand," Tillich describes the democratic corrective as that which stands in conflict with the group bearing power, or the tension of "valid demand and the immediate power of being (*Seinsmächtigkeit*), of ideal justice (*Sollensrecht*), real justice (*Seinsrecht*)" (*Political Expectation*, 111).

<sup>79</sup> Ibid., 105 original emphasis.

<sup>80</sup> For example, Tillich writes: "*Expectation is always bound to the concrete, and at the same time transcends every instance of the concrete*" (Ibid., 132 original emphasis). In *The Religious Situation* (Translated by H. Richard Niebuhr. New York: Living Age Books, 1956), Tillich defines *belief-ful realism* as "an unconditioned acceptance of the serious importance of our concrete situation in time and of the situation of time in general in the presence of eternity" (116).

<sup>81</sup> Ibid., 111 original emphasis.

<sup>82</sup> Ibid., 107 original emphasis. West agrees that Christianity dissuades the impulse toward utopia: "In Christianity, you have a strong anti-utopian element in terms of talking about human history" ("The Indispensability Yet Insufficiency of Marxist Theory," in *The Cornel West Reader*, 219).

<sup>83</sup> Ibid., 152-153.

<sup>84</sup> Ibid., 162.

<sup>85</sup> Tillich, "Das Dämonische," in *Main Works*, Volume 5: Writings on Religion, edited by Robert Scharlemann, 105.

<sup>86</sup> Ibid., 122.

<sup>87</sup> Tillich, "Basic Principles of Religious Socialism," in *Political Expectation*, 86, originally published in 1923.

<sup>88</sup> Tillich, *The Socialist Decision*, 105.

<sup>89</sup> For further discussion, please see Jonathan Rothchild, "Moral Consensus, the Rule of Law, and the Practice of Torture," in *The Journal of the Society of Christian Ethics*, Fall/Winter 2006 (forthcoming).

<sup>90</sup> West, *Democracy Matters*, 204.

<sup>91</sup> Stout, *Democracy and Tradition*, 307.

<sup>92</sup> Posner, *Law, Pragmatism, and Democracy*. Cambridge: Harvard University Press, 2003, 51.

<sup>93</sup> Ibid., 4.

<sup>94</sup> Ibid., 16.

<sup>95</sup> Ibid., 193.

<sup>96</sup> Ibid., 167.

<sup>97</sup> Ibid., 4.

<sup>98</sup> Ibid., 387.

<sup>99</sup> Ibid., 164.

<sup>100</sup> Ibid., 387.

<sup>101</sup> Whitman, *Democratic Vistas*. (1867 and 1871) in *Leaves of Grass and Selected Prose*. Introduction to Sculley Bradley. New York: Holt, Rinehart, and Winston, Inc. 1949, 521.

<sup>102</sup> See, Mansbridge, "Using Power/Fighting Power: The Polity," in *Democracy and Difference: Contesting the Boundaries of the Political*. Edited by Seyla Benhabib. Princeton: Princeton University Press, 1996, 46-66.

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