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Loving the Medium: A Review of Stephen Carter's The Culture of Disbelief

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BOOK REVIEW

LOVING THE MEDIUM: A REVIEW OF STEPHEN CARTER'S *THE CULTURE OF DISBELIEF*

Stephen Carter is a most gifted, unpredictable commentator on life and law in the US today who has staked out a distinct, complex position on race already, and begins to do the same on religion in this latest book. Although there are traces of the looseness that spinning out of relatively popularized reflections on "hot" topics tends to produce, this book is well-written, well-reasoned, and sprinkled with the wry twists and engaging stories that increasingly mark Carter's style. As a political event in the struggle to get our polity right with religion, it is probably more potent than his other writings, and an intriguingly sophisticated entrant in the culture wars, God front. It is a very fine book; and a political, intellectual, legal and quasiliterary event of significant note.

However, it trips on its own excellences, leaving me nostalgic for the time that Carter wrote truly revealingly and truly movingly. I should note in fairness that I have been trying for a few years to draw Carter back to the sort of discourse that erupted in his review of civil rights activist Julius Lester's LOVESONG, the tale of Lester's painful journey as an African American converting to Judaism. In that review,[1] Carter danced among the wounds of race, of Jewishness, of religion and history, making manifest his own process of struggle with the acute sense of difference that balances with his fluid yet crisp intelligence, to produce a text of real passion as well as thought, a text that moves into the poetic that religious devotion promises to inspire. Yet there is scant poetic in this latest offering, and that loss is too characteristic of a category mistake Carter clings to—the talking *about* what he says we can only truly talk about if we talk *as*: religiously faithful persons. He titles his book to defend religious devotion, but does not take up his own invitation. He bemoans the hostility of the public sphere to religious talk, and then lets that hostility mold his own voice into a too-frequently smooth, deft academic-popularizer whose personal presence rarely hints in the text. (The welcome stories of his children's faith environment tell us of his paternal stance, but not his

1. Stephen L. Carter, *Loving the Messenger*, 1 Yale J of Law & Hum 317, 1989.

own particular address to God). He asks for the public to embrace the previously personalized religious sphere, but does not demonstrate what he advocates space for—throwing doubt on just how he values religious devotion, if in a book defending its value he cannot give fuller witness to its role in his own life. I could cast that as Carter's limitation—and having festooned the portion of the MS he asked me to read with marginals urging him to disclosure, that would not be unfair—but I think it is much more a matter of his considerable capacities' being overcome by the "discretion" dictated by "reason." Although Carter does an eloquent job of picking apart liberal epistemologies of empirical verification, he does not move beyond the skeptical critical voice that places all epistemic claims on ostensible equal footing. He certainly does not tell the reader about his own religious faith (save a bare descriptive location in the Episcopal church and one mention of his having prayed over female ordination), and the reader is left to wonder why not. One obvious attribution that I am loathe to make is that his God is all too patriarchal, and a philosophical liberal (as Carter is).

The book integrates some of Carter's former writing on the theme he calls "religion as Hobby," an attitude by the courts (and other spokespersons for the public) that he brings to the fore in his analysis of news articles, court opinions and political talk. He examines the doctrines of separation of church and state (concluding that there is a wall, but it needs a few doors) and free exercise (he agrees with the overwhelming academic stance of condemnation of the Supreme Court's destruction of Free Exercise as a true constitutional right). Near the end, he analyzes several controversial issues like abortion and the death penalty, less to give the definitive answer than to attempt to demonstrate a mixed religious-secular argument and to defend those who have been devalued in the public debate on those issues because of their religious beliefs. His basic argument is as the title suggests: our public language discourages speech and writing that acknowledges its grounding in religious faith. He finds that both destructive to the individuals and wasteful for the polity. He locates the main impact of the "culture of disbelief" as on those who believe and most of all those who have marginal beliefs.

To focus on the incongruence of Carter's message and his discourse, the jarring of a call to the non-rational intoned in sculpted sentences of syllogistic lawyer-talk (punctuated, it is true, with

witty asides and stories) would have struck me as somehow unduly critical if I were not taking Carter at his word. At the end of the book he quotes from a Norman Vincent Peale-sounding article about the transforming power of the otherworldly, lauding the essence of the eternal: "that method and end are always in exact and perfect harmony."[2] It is not that Carter cannot write outside the dry-rational; the Lester piece is brilliantly lyrical, interactive, moving. It is not that he does not know the power of witness, for that is what his entire enterprise in the book makes space for. It is not that he does not have tenure, nor lacks a best-seller already,[3] nor has anywhere to go on the academic ladder.[4] Nor is it that he is somehow manipulative, shallow behind the dazzle of his reason-and-rhetoric—that is not my experience of Stephen Carter the person, or, sometimes, the writer. He has told us that religions live by resisting[5] but he does not resist standard discourse. There is no passion of Audre Lorde or story-theology of Alice Walker or Toni Morrison here, no contemplative Thomas Merton or mystical Abraham Joshua Heschel. There is no Roberto Unger on fire or Mari Matsuda from the margins of law journals. There is a tad too much disassociation from Oral Roberts and witches,[6] and there is much too little Stephen Carter, believer. Carter decries the public discourse that both treats religious belief as "something of which public-spirited adults should be ashamed"[7] and treats it as trivial. Because he focuses on triviality, he does not acknowledge what most animates the discourse of non-religion he criticizes: the belief that religion is both trivial and radically dangerous, at once. He does not face squarely the fear of power of religion, the sense that such irrational, perhaps superstitious stuff is inherently dangerous. Carter himself sidesteps both its power an its threat to others by lapse into third-person disconnection from his own faith commitments or passions. Carter makes himself so undangerous that his book too easily invites the use it has already gotten, waved in the air by a Bill Clinton who cannot have read the whole thing and who let even the secular dialogue down by selling Lani Guanier to the word-and-image merchants for the pottage of mainstream discourse. Carter identifies the crux of his concern as "the language

2. Stephen L. Carter, *The Culture of Disbelief* at 276 (Basic Books, 1993).
3. Stephen L. Carter, *Reflections of an Affirmative Action Baby* (Basic Books, 1991).
4. Stephen Carter holds an endowed chair at Yale Law School.
5. Carter, *The Culture of Disbelief* at 37 (cited in note 2).
6. Id at 24-25.
7. Id at 11.

chosen to make the points."[8] By his own standard, Carter has managed to betray his message through his medium. This from such a gifted, well-intentioned, established, reflective and sensitive commentator, is not a good sign.

From an examination of the face of the text, rather than from the psychologizing that critical analysis imports, two key reasons for the tragic lapse back into impersonal "reasoned argument" on behalf of the One Who created reason and unreason and the dance of their difference, may be philosophical liberalism and a patriarchal image of God. Carter tries to stay in the liberal camp and attack its epistemic bases, both, and does not offer overt synthesis. Thus he opines that the reason for the failure of the Enlightenment was psychological: most people are upset with the idea that morality is itself contingent, that there is no "extrahuman Judge."[9] In this and many passages, Carter reveals obliquely his image of a God who Commands, who is all-powerful, all-judging—for many of us, all too familiar. This god is also the source of Love, for Carter, who reveals his tender side in the last paragraph's call to love rather than just acceptance, but it is unmistakably a parental Creator. God informed by post-Holocaust theology, liberation theology, feminist or womanist thought, or creation-centered imagination, is not in Carter's pantheon. He has re-imported the one God in the most parochial sense, without taking advantage of the wonder of a new multi-dimensional discourse about the God who in my tradition asks all of us, Who do you think I am? and is interested in each particular answer. Carter has also reimported the liberal philosophical epistemology (he cites no OTHER basis for philosophical liberalism) and he ends up its faithful adherent. He talks winningly about how the secular cannot hear the sacred, but he does not even let the sacred speak, as I believe it must for a fullness of truth, in the first person in his own text.

Once in the midst of a difficult yet rich interchange, Stephen Carter said to me that I practiced (by my direct invocation of Spirit in my writing) what he only preached. It was in the context a statement of deep generosity, and of Spirit. In that setting, I seriously doubt I could have spoken with the grace and Christian charity he manifested. That is in part why I continue to take issue with him, calling him to be what I have seen, directly, in panel talks and in

8. Carter, *The Culture of Disbelief* at 6 (cited in note 2).

9. Id at 227.

writing. The more well-known he gets, the more dangerous that gets—and, like the religious talk in public he so advocates, all the more necessary. Yet here I am called up short—because I trust that he is doing the most he can authentically do, and so once again I turn to his book and say to us all: if this is the best even Stephen Carter can do, what have we done with our talk, how have we let the words in our public space become so bereft of the direct presence of the One we love, and Who loved us first? Our dialogue is communal, a social happening of language in life—and so I confess the Stephen Carter in me, and will end with something risking speech (and silence) in the Spirit—

Stephen, do you not believe we will hear you if you speak to us as you talk to the One who made us through the Word? Do you not speak with God in BOTH reason and passion? What is faith if not something that moves into the unsure, the uncontrolled, the arational, even the unpopular? Does it not upset, as you say people are upset by the Enlightenment? Is not the rational, that you tread so well, crafting your wordsteps in clear cadences and soft ironies, part of God's creation? If it is to be redeemed, must it not be honored? Is it not that God, too, is reasonable as well as mysterious, so that all true texts will address God in both poetic art and crystalline reason, intertwined? In both political wisdom and personal play? In both cool persuasion and passionate encounter?

And does your constrained prose arise from your unwillingness to tap one of the radical wellsprings of our relationship with God, the need centered in suffering (ours and others') for which we ask if not explanation or even meaning, then at least company? Is not the missing strand in the culture of disbelief you address, its wounds? How can you talk of God after the Jewish Holocaust and the bombing of Hiroshima and Nagasaki, without acknowledging that such a God is to some aspect of our consciousness what David Blumenthal calls God the Abuser? You ask us to love one another, but do not talk to why we have such agony believing that God indeed loved us first. If S/He does, why has S/He created us into a world in which children starve because of their race, women are murdered because of their sex, and terrorism arises from differences of creed? Do you really think our issue with God is primarily a matter of getting those clear rules that the Enlightenment made precarious—more than our incapacity to trust a God in such a world? And then were we to open as a people to the alluring discourse of God, what could we do but be in terror at the prospect

of a Love stronger than all those marks of death—would that not be the incendiary love that Teilhard de Chardin calls discovering fire for the second time?

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