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(Unedited Transcript)

REV. HEHIR: Thank you very much, Senator. Let me express my appreciation for being invited to this conference. What makes it possible for me to be here is that I'm at another conference down the street. So unfortunately, I'm here for only a piece of this, but it is a great privilege and pleasure to be at anything that is dedicated to the memory of Geno Baroni.

He had an enormous impact on my own life. We got to know each other well over the years in Washington. I had known of him before I met him. And when I met him it was 10 times better than anything I had heard of him. And so it was for me a fundamental relationship in my life, and I'm grateful for any conference that pays tribute to him.

Precisely because I was not here this morning, the question about how to address this question of public morality and a framework of it, my hope is that I am not at all being repetitive of what others have said. Because I, in a sense, feel the need myself to describe what I'm trying to talk about. That is to say, what is morality, in the first instance? What is public morality, secondly? And then thirdly, what kind of elements of a public morality are necessary to address a society like ours?

My understanding of morality is that it is the rational determination of the right and the good in human affairs. The rational determination of what goods we should pursue to be fully human as persons, to be a good society in moral terms. And then secondly, what is the right way to pursue goods? What is the right way as opposed to ways that don't hold moral content?

And this pursuit of the right and the good takes place at every dimension of human life, from the most personal to the most social.

My view is that morality can't be reduced to, for example, prevailing political views. They may or may not be morally adequate, they have to be tested by a moral framework.

Public morality is not to be reduced to the existence of what the civil law is. The law itself may be morally right or not. Dr. King obviously was the one who in a sense taught the country the ancient principle that what is in the law is not necessarily what is in the moral law. And therefore, there are times when one has to bring the civil law not only under critique, but under pressure, in order that it might be changed.

And while I'm not sure exactly of the meaning of conventional wisdom, it has more than one purpose. I suggest morality can't simply be the conventional wisdom, either. Because like political vision, like the civil law, the conventional wisdom might be simply majority opinion. And majority opinion, as we've known in this country on a variety of issues, on race and justice and poverty, majority opinion sometimes is not in the right place.

Morality is about a vision, about a way of seeing things if I can put it in that sense. The vision is larger than existing political conviction, existing civil law, or existing conventional wisdom. In a sense, morality is like the horizon you face when you're on a

journey. It is always in front of you, it is never fully captured, but it's always there to measure where you are in light of where you want to get to.

So in that sense, keeping alive a moral vision keeps a society healthy. It stretches us, it expands us, it tests us, it calls us. This, to my mind, is what morality is about.

The other characteristic about morality is, it must be shared by persuasion, not coercion. It is a futile task, in one sense at least, in one sense, to try to make people be moral. Now, that proposition has to be qualified, and it has to be qualified exactly again by Dr. King. Because there is a way in which we take a society that may be deeply divided on a question, and the division is not between right and right, but between right and wrong. And you invoke the civil law to help people be brought to a moral vision they may not share instinctively. Dr. King once said, "I can't make everyone love me, but the law can make everyone respect me." That is a useful way in which the law exercises a coercive influence.

But it isn't true all the time that we can share a moral vision by the coercion of the civil law. On the whole, we have to prepare the way for that. King did, himself, with his preaching and teaching, and then he invoked the civil law.

So, morality is the vision. It tests law, politics, and the conventional wisdom. It is shared principally by persuasion. It can be shared on occasion by a mix of persuasion and coercion.

Public morality more specifically is focused on the content of our laws, the content of our policies, and the content of our institutions. I think most people tend to think of morality in terms of our own personal makeup and character; what does it mean to be a moral person? And I'll come back to that.

I think secondly, people tend to think of morality in terms of our face-to-face relationships: what kind of spouse am I, what kind of parent am I, what kind of professional am I, what kind of coworker am I? All of those things -- and I will return to it -- are enormously important, and not distinct from public morality.

But public morality is about not those things primarily, but about the content of the law that binds us all, the content of the policies that determine how we share the burdens and benefits of a society, and the content of our institutions, which undergird our public life. Because institutions shape us, direct us. They set limits on what we can do. They open opportunities that can be pursued. Public morality has greater complexity about it than personal morality.

So, public morality is not focused primarily on individuals, but as I say, on the public structure of the society. It is what Walter Lippman once described as the "pursuit of the good society." It is what Catholic social teaching describes as the pursuit of the common good.

And it is what the Constitution describes as the dual public duty of this society, to provide for the common defense, and to provide for the general welfare. Those are public morality questions: how shall we do this, and what makes up the elements of it?

What are the sources that we can turn to, to shape a public morality? Here, there is tension. And tension lies not in our subjective differences, but in the objective task before

us. We are the most diverse society in the world, in religious terms and in other terms. And therefore, a public morality on the whole is a morality that somehow has to guide all of us, in spite of all of our diversity.

So the question is, how do we shape a public morality? How do we talk about it? How do we persuade each other of its content? If we're going to do that, the question about whether the source of our public morality is reason unaided, or reason complemented by faith and religion, that's part of the tension of this society.

Unlike most other advanced industrial democracies, this society has managed to be the most, quote, "modern" society in the world, and to defy the prediction of the nineteenth century, that the more modern you become, the less religious you become. This is the premier modern society in the world, in terms of its technology, communication, and style. But it is also a powerfully religious society.

So, one would say we ought to go first to our religious conviction, to shape our public morality. But our religious convictions to some degree are the things that keep us distinct. Not necessarily separate, but distinct. A pluralistic society like ours is a society where we disagree on the ultimate questions in life: where do we come from, where are we going, and how should we live along the way? If we disagree on the ultimate questions, the challenge of a pluralistic society is, can we find proximate agreement? That is to say, something that is persuasive for all of us, if it is the law to guide all of us, if it is the institutions to shape our lives.

So the question about where we go to get our language to shape our public morality? The tension is if we go to our religious convictions, we may talk past each other. If we go purely to the resources of human reason, it is a thinner gruel to deal with than the great, powerful convictions of the Hebrew prophets, or the African-American tradition embodied in King's sermons. He was not bashful about reaching into the religious conviction.

But there is a question, there is a question about how shall we frame a morality that bind us all, if we do not all start on the same point?

To my mind, I tilt in the direction of a more modest conception of public morality, in which religious discourse is part of the fabric of our society, should always be a voice in our civil society, should not necessarily be the voice that determines our law, policy, in institutions. I have a more modest view about what we can do at that level.

Finally, what are some elements of a public morality? For the sake of brevity, let me say I think I see three circles that I would hold together: an ethic of character, an ethic of choice, and an ethic of community. These point to different moral questions.

An ethic of character is, "What can a person should I be?" It is what Aristotle meant by morality, what Thomas Aquinas meant by morality. It is what Alistair McIntyre means by morality today. The question is, "How shall I shape myself as a moral person?" That's not primarily public morality. It is hard to have a public morality if there is no pursuit of character in the society.

An ethic of choice is how you take moral principles and help you to -- help you to guide it your way through complex policy choices. That's what Geno understood by instinct. He

was not a philosopher, but he understood that basic principles of morality could find its way through the tax code, could find its way through policy in dense complexity.

And then finally, the question of an ethic of community, which is really the ethic of, "For whom are we morally responsible? Who fits into the circle for which we feel moral responsibility?"

Of course, in an adequate moral vision, that's the whole human community. And it is the community of this country in all its diversity.

Public morality is for us, I think, a search for these three things: of character, choice, and community.