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Professional Formation/Professionalism's Foundation: Engaging Each Student's and Lawyer's Tradition on the Question "What Are My Responsibilities to Others?"

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ARTICLE

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INTRODUCTION

Responsibility and service to others is at the heart of peer-review professions like the law, but talking to each other about these responsibilities can be a great challenge due to a growing diversity of thought around moral questions in our society. This paper addresses this challenge by asking each student and practitioner to reflect on the question "to what tradition do I turn in answering the question 'what are my responsibilities to others?'" In dialogue with others whom the student or practitioner is trying to counsel or influence, including the client or colleagues in the profession, the student or practitioner tries to understand the other person's tradition with respect to these same questions and engage them with questions regarding responsibilities to others from that understanding.

As discussion below will make clear, there is a wide consensus among many of the major religious and secular philosophy traditions that each person should, over a lifetime, internalize responsibility and service to others and keep those responsibilities in some balance with the person's self-interest. This wide consensus helps mitigate concerns about there being no common ground for dialogue. The substantial overlap should also lead students and practitioners to have more confidence regarding their own tradition on this question.

The question "what are my responsibilities to others?" is uniquely important for new entrants to the peer-review professions. The peer-review professions, including law, engineering, health, the clergy, and the professorate, require new entrants to internalize responsibility to others, particularly the person served, such as the patient or the client.[2] The internalization of responsibility to others also extends to observing the professional conduct of other professionals and both encouraging conduct that reflects the

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2. *See* MODEL RULES OF PROF'L CONDUCT r. 1.1 (requiring competence), r. 1.3 (requiring diligence), r. 1.4 (requiring communication), r. 1.6 (requiring confidentiality), r. 1.7–1.10 (requiring loyalty).

ideals and core principles of the profession and affirmatively reporting misconduct.[3]

William Sullivan, co-director of all five of the Carnegie Foundation for the Advancement of Teaching studies of higher education in the professions, emphasizes that the challenge to acculturate new entrants is the same across the professions. The chief formative challenge is to help each student change from thinking like a student, where he or she learns and applies routine techniques to solve well-structured problems, toward the acceptance and internalization of responsibility (1) to others and (2) for the student's own development toward excellence as a practitioner at all the competencies of the profession.[4] *Educating Physicians: A Call for Reform of Medical School and Residency*, the last of the Carnegie studies of higher education in the professions, emphasizes that "[t]he physician we envision has, first and foremost, a deep sense of commitment and responsibility to patients, colleagues, institutions, society, and self, and an unfailing aspiration to perform better and serve with excellence. Such commitment and responsibility involve habitual searching for improvement in all domains."[5] Scholarly literature uses several synonyms to discuss this formative challenge, including fostering each student's professional formation, professionalism, or ethical professional identity. We will use professional formation in this paper.[6]

The legal profession has created a "floor" of rules regarding responsibilities to the client and to the legal system. A "floor" defines conduct below which the profession will discipline a lawyer (plus a "floor" the courts have created in terms of malpractice liability) and a set of core principles and ideals that the profession encourages each lawyer to internalize and use as a guide in professional life. Each law student and lawyer must know and comply with these rules of conduct.

These rules of conduct leave vast areas for a lawyer's discretion and professional judgment regarding responsibilities to others and the lawyer's own self-interest. For example, Paragraph 9 of the Preamble to the ABA Model Rules of Professional Conduct notes: "Within the framework of these Rules, however, many difficult issues of professional discretion can arise. Such issues must be resolved through the exercise of sensitive professional and moral judgments guided by the basic principles underlying the Rules." In dealing with these difficult issues of professional discretion, we are going to assume that self-interest to make a satisfactory living is a major motivation for a professional. Paragraph 9 also states, "Virtually all difficult

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3. *See id.* r. 8.3, 5.1.

4. *See* William Sullivan, *Foreword to* RICHARD L. CRUESS ET AL., TEACHING MEDICAL PROFESSIONALISM, at ix, xi–xii, xiv (2009).

5. MOLLY COOKE ET AL., EDUCATING PHYSICIANS: A CALL FOR REFORM OF MEDICAL SCHOOL AND RESIDENCY 41 (2010).

6. *See generally* Neil Hamilton, *Fostering Professional Formation (Professionalism): Lessons from the Carnegie Foundation's Five Studies on Educating Professionals,* 45 CREIGHTON L. REV. 763, 771–81 (2012) (discussing various studies on the definition of professional formation).

ethical problems arise from conflict between a lawyer's responsibilities to clients, to the legal system, and to the lawyer's own interest in remaining an ethical person while earning a satisfactory living."

For each practicing lawyer, the Model Rules thus require compliance with the floor of conduct of the rule system and at the same time urge development of "professional and moral judgment" and the meaning of being an "ethical person" in deciding all the "difficult issues of professional discretion" that arise. Answering the question "what are my responsibilities to others?" is at the heart of the development of professional and moral judgment and the meaning of being an ethical person.

This article asks the reader first to identify the tradition to which she turns to answer the question "Do I have responsibilities to others, and if so, what responsibilities?" After reviewing five of the major world religions, as well as commonly referenced spiritual traditions and secular philosophies and their positions regarding responsibilities to others, the reader should find that one of these traditions is closest to his or her own frame of reference.

Second, the article asks the reader to use this background to understand the client's and others' traditions (e.g., those whom the lawyer is counseling or trying to influence) on the same question. An important way to better understand others is to understand what the tradition of the other person says about responsibility to others. For example, Adam Grant writes that stereotyping agreeable people as givers and disagreeable people as takers does nothing to help us identify who truly lies in each camp.[7] That approach pays too much attention to the "shell" of a person's demeanor rather than looking for the "pearl" within.[8] And the only way to find that pearl is to understand the tradition and values of the other person.[9]

We want to emphasize particularly the importance of understanding the client's tradition on responsibility to others and counseling the client about decisions that affect others from the context of the client's tradition (particularly through questions and stories to consider). The comments to Rule 2.1 note: "Advice couched in narrow legal terms may be of little value to a client, especially where practical considerations, such as cost or effects on other people, are predominant. It is proper for a lawyer to refer to the relevant moral and ethical considerations in giving advice."[10] The relevant moral and ethical considerations clearly include the client's own tradition on responsibility to others.

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7. *See* ADAM GRANT, GIVE AND TAKE 192 (2013).

8. *Id.*

9. *Id.*

10. MODEL RULES OF PROF'L CONDUCT r. 2.1 cmt. 2 (AM. BAR ASS'N, 1983); *see also* THOMAS L. SHAFFER & ROBERT F. COCHRAN, JR., LAWYERS, CLIENTS, AND MORAL RESPONSIBILITY 40–54 (1994).

Note also that lawyers work with clients, other lawyers and staff on teams and in the employer organization generally, adversaries, and many others in the justice system who are from different traditions on the question of responsibilities to others. It is a strong multi-cultural or cross-cultural competency to understand the tradition of the others with whom the lawyer is working.

In Part I, the article examines five of the world's major religions, detailing what each religion reveals about responsibility to others. Part II examines responsibility to others from the point of view of spirituality and the practice of mindfulness, keeping with the theme of religion without talking about any faith tradition in particular. Part III analyzes the question of responsibility to others looking at secular philosophers in two categories. The first category is secular philosophies that, while they do not rely on religious arguments, are consistent with religious thought. The second category of secular philosophies includes those philosophies that are inconsistent with religious belief.

Part IV presents objections—positions that claim that there is no such obligation to be responsible to others. Part V responds to each of these objections in turn. The last section, Part VI, addresses those who do not agree with either the position that we have responsibility to others or the position that we have no such obligation. This section also discusses the position of the disengaged or agnostics on the question of responsibility to others. This section suggests a way to have a substantive dialogue with law students or professionals who are in this category.

The reader should understand three other general themes in this paper.

(1.) While the paper focuses primarily on helping the law student and early-career lawyer answer the question "what are my responsibilities to others?", the Conclusion has suggestions for legal educators to create a curriculum to engage students on this question. Parts V and VI also suggest curricular strategies in particular to engage students who either embrace a postmodern tradition or are disengaged from asking this type of question.

(2.) While many of the traditions discussed in Parts I–III articulate substantial responsibilities to others, there may be a gap between the aspirational goals of the tradition and the actual conduct of some or even many of those in that tradition. The focus of this paper is on the aspirational goals of the various traditions. The impact on students when they observe hypocrisy within a tradition because the adherents' actual conduct falls short of a tradition's ideals is a topic for a later paper. Student disappointment can lead to strong skepticism, disillusionment, and cynicism with any of the traditions. If the actual conduct of those within a tradition does not meet the aspirational goals, at least there is an opportunity to point out the hypocrisy that may ultimately lead to a change in conduct.

(3.) This paper is a general survey, and thus there is a loss of nuance within each tradition that may create concerns for experts in any tradition. However, the general themes are very useful for threshold understandings both of others' traditions and of the student's own tradition. This paper invites the reader who does not have a strong knowledge of her own tradition into a further inquiry and dialogue about her tradition concerning responsibility to others.

Appendix A outlines the central questions that each reader should be trying to answer. Some readers will find it helpful to keep referring to Appendix A to help focus their reading about each of the different faith traditions and secular philosophies.

I.   Five Major Faith Traditions

The five religions examined here were chosen on the basis of the number of their adherents in the United States. According to Pew Research Center's "2014 Religious Landscape Study," the religion in the United States with the most adherents is Protestant Christianity, with 46.5 percent of the population claiming that affiliation.[11] Roman Catholicism is next, with 20.8 percent of the population, followed by Mormonism at 1.6 percent and other Christian denominations at 0.4 percent.[12] Adherents of the Jewish faith comprise 1.9 percent of the population, followed by Islam at 0.9 percent and Buddhism at 0.7 percent.[13] 0.6 percent did not specify their religion, and 22.8 percent said they were unaffiliated with any religion.[14] 3.1 percent claimed they were atheist, 4.0 percent said they were agnostic, and 15.8 percent claimed "nothing in particular."[15]

The data describing those unaffiliated with religion or claiming no religion can be misleading. In 2013, the *Wall Street Journal* estimated 80 percent of Americans claimed affiliation with some religion. However, of the 20 percent of those who identified as not affiliated with a religion, the majority said that they pray, meaning that they have some sense of spirituality without organized religious affiliation. In fact, only 3–4 percent of Americans identified as atheists.[16] Since, as discussed later in Part III, many of the philosophies that might inform an atheist's tradition also emphasize responsibility to others, it seems reasonable that, overall, a very small percentage of Americans are in a tradition that does not include some responsibility to others.[17]

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11. Pew Research Center, *America's Changing Religious Landscape*, Pewresearch.org (May 12, 2015), http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.

12. *Id.*

13. *Id.*

14. *Id.*

15. *Id.*

16. Rodney Stark, *The Myth of Unreligious America*, Wall St. J., July 4, 2013.

17. These estimates are confirmed by The Pew Forum on Religion and Public Life's U.S. Religious Landscape Survey, conducted in 2007. This survey divides the data into more subcat-

Worldwide percentages are different. According to the Pew Research Center's "The Global Religious Landscape" in 2012, the religion with the most members worldwide is Christianity, with 32 percent.[18] After Christianity, the religion with the most members is Islam, with 23 percent.[19] Hinduism is next with 15 percent, followed by Buddhism with 7 percent.[20] 0.2 percent are Jewish, and 6.7 percent belong to other religions.[21] 16.3 percent are unaffiliated.[22]

The goal for Parts I–VI is that the reader will first analyze his or her own tradition regarding one's responsibility to others. We turn first to three Abrahamic faiths, all of which are monotheistic, meaning that they teach belief in one God.

A. Christianity and Internalized Responsibility to Others: Love Your Neighbor

A deep responsibility to others finds significant support in the texts and traditions of Christianity. The various Christian traditions use the language of the duty to love one's neighbor to speak about this responsibility to the other. The theme of love of neighbor is prevalent in the foundational Christian text, the Bible, and also appears with little variation in each denomination's interpretational sources. The duty of love of neighbor is central in the Christian tradition, and it translates easily into responsibility to the other.

1. The Bible

The Christian tradition's first and foundational authority is Hebrew Scriptures.[23] As a whole, the Hebrew Scriptures consistently set out the duty to love one's neighbors, often connecting this duty to service of others and self-sacrifice. The Ten Commandments from the Old Testament delineate basic guidelines for human action and set out the particulars of the duty to love one's neighbors by prohibiting murder, adultery, lying, stealing, and

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egories, such as separating Protestant Christianity into Evangelical Protestant Churches with 26.3%, Mainline Protestant Churches with 18.1%, and Historically Black Churches with 6.9%. The percentages for Roman Catholicism, Mormonism, Judaism, Buddhism, and Islam remain the same as the CIA's estimates, but the report gives separate percentages for Orthodox Christianity (0.6%), Jehovah's Witnesses (0.7%), and Other Christian denominations (0.3%). This survey also reports that 0.4% of the population is Hindu, 1.2% claimed a faith other than those mentioned, 16.1% were unaffiliated, and 0.8% either did not know or refused to respond.

18. Pew Research Center, THE GLOBAL RELIGIOUS LANDSCAPE (Dec. 18, 2012).

19. *Id.*

20. *Id.*

21. *Id.*

22. *Id.*

23. MARK A. NOLL, PROTESTANTISM: A VERY SHORT INTRODUCTION 5–6 (2011); *see also* GOOD AND FAITHFUL SERVANT: STEWARDSHIP IN THE ORTHODOX CHURCH (Anthony Scott ed., 2003); CATECHISM OF THE CATHOLIC CHURCH (1997) [hereinafter CCC].

envy of a neighbor's property.[24] The parables of Jesus in the Gospel of Luke expand on this idea. For example, the parable of the Good Samaritan points out that anyone in need is a "neighbor" whom we ought to love,[25] and the parable of Lazarus and the Rich Man shows that special care and attention should be given to the poor and disadvantaged.[26]

In another example, in the Gospel of Matthew, this exchange occurs:

When the Pharisees heard that he had silenced the Sadducees, they gathered together, and one of them, a lawyer, asked him a question to test him. "Teacher, which commandment in the law is the greatest?" [Jesus] said to him, " 'You shall love the Lord your God with all your heart, and with all your soul, and with all your mind.' This is the greatest and first commandment. And a second is like it: 'You shall love your neighbor as yourself.' On these two commandments hang all the law and the prophets."[27]

This exchange between Jesus and the lawyer demonstrates the importance of love of neighbor—it is a duty second only to love of God.

In Paul's Letter to the Galatians this idea is summed up together with a call to be responsible for and to serve others: "For you were called to freedom, brothers and sisters; only do not use your freedom as an opportunity for self-indulgence, but through love become slaves to one another. For the whole law is summed up in a single commandment, 'You shall love your neighbor as yourself.' "[28]

Following the example of Jesus, the Christian tradition has always put an emphasis on authentic discipleship. Love of one's neighbor is indispensable to Christian discipleship—we love our neighbor because of Christ's example.[29] Overall, the Hebrew Scriptures portray and require deep, internalized responsibility to others by encouraging and requiring love of neighbor.

2. *Christian Churches and Denominations: A Consistent Message*

There are myriad sub-divisions within Christianity, including over 38,000 Protestant denominations.[30] Considerable areas of overlap exist among the basic beliefs of the different denominations when it comes to questions of responsibility to others.

The idea of responsibility to others is found in the Roman Catholic tradition, where the Catechism of the Catholic Church provides an interpre-

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24. *See Exodus* 20:1–17.
25. *See Luke* 10:25–37.
26. *See Luke* 16:19–31.
27. *Matthew* 22:34–40.
28. *Galatians* 5:13–14.
29. Email from Fr. Dan Griffith, J.D., Univ. of St. Thomas Sch. of Law, to Neil Hamilton, Dir., Holloran Ctr., Univ. of St. Thomas Sch. of Law (Feb. 16, 2015, 09:11 CST) (on file with author).
30. Noll, *supra* note 24, at 9.

tation and explanation of the religion's beliefs. Responsibility to others is based on the idea that "everyone should look upon his neighbor (without any exception) as 'another self.'"[31] Every human person thus becomes our "neighbor" through charity.[32] The duty of being a neighbor to others has special force when applied to the disadvantaged, as reflected in Jesus's words: "As you did it to one of the least of these my brethren, you did it to me."[33] The Catechism clearly states that the Catholic teaching regarding treatment of one's neighbor is predicated on human dignity. The Catechism states, "Respect for the human person entails respect for the rights that flow from his dignity as a creature."[34] Expanding on this idea, Pope John Paul II writes about the obligation of Catholics to participate in advancing social justice: "What is at stake is the dignity of the human person, whose defense and promotion have been entrusted to us by the Creator, and to whom the men and women at every moment of history are strictly and responsibly in debt."[35]

One of the significant contributions of Roman Catholicism in the area of responsibility to others is Catholic Social Teaching. The entire corpus of Catholic Social Teaching is focused on the good of the other and on the common good. It seeks to exhort humanity to build a more just and humane society by caring for our neighbor.[36]

The Medieval Catholic philosopher Saint Thomas Aquinas wrote about love and friendship in his *Summa Theologiae*, saying that the effect of love is to make us want to go beyond ourselves, and when we love another person, we are relating to them as we relate to ourselves.[37] For Aquinas, love for others originates in sharing the same human nature and recognizing the good in the other person, and we have a duty to extend this benevolence or love to others, as far as we are able under our specific circumstances.[38] Love, in his view, calls for action and zeal in working for the good of the other.[39]

More recently, both Pope Benedict XVI and Pope Francis have spoken at length about the duty of Catholics to love one's neighbor. In his encyclical *Deus Caritas Est*, or *God is Love*, Pope Benedict describes how love of neighbor flows from love of God, and how this love is the fulfillment of

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31. CCC, *supra* note 23, ¶ 1931.

32. *Id.*

33. *Id.*

34. *Id.* ¶ 1930.

35. Pope John Paul II, *Sollicitudo Rei Socialis* [Encyclical Letter on Catholic Social Teaching], sec. 47 (Dec. 30, 1987); CCC, *supra* note 23, ¶ 1929.

36. Griffith, *supra* note 29.

37. Leo J. Elders, The Ethics of St. Thomas Aquinas: Happiness, Natural Law and The Virtues 297, 300–01 (2005).

38. *Id.* at 300–01.

39. *Id.* at 106.

justice.[40] In a homily given in Lampedusa, a small island off the coast of Tunisia through which thousands of African immigrants seek to enter Italy in search of a better life, Pope Francis spoke of the globalization of indifference. "In this globalized world," Pope Francis stated, "we have fallen into globalized indifference. We have become used to the suffering of others: it doesn't affect me; it doesn't concern me; it's none of by business!"[41] Like Pope Benedict, Pope Francis calls all Catholics to love their neighbor as themselves and see love of neighbor as truly central to the faith they profess.

Throughout its entire history, the Roman Catholic Church has held up extraordinarily holy women and men as examples and role models in the form of the saints. Many of these saints are held in such high regard precisely because of their commitment to love of neighbor. Mother Teresa is a clear example of a saint who embodied the Roman Catholic teachings on love of neighbor. She devoted her entire life to serving the poorest of the poor, founding the Missionaries of Charity in Calcutta with a charism to care for, in her own words, "the hungry, the naked, the homeless, the crippled, the blind, the lepers, all those people who feel unwanted, unloved, uncared for throughout society, people that have become a burden to the society and are shunned by everyone."[42] Roman Catholicism also uses the language of "vocation" or calling in relation to the professions. There is the idea of a universal calling or vocation to holiness, and beyond that, there is the concept of each individual being called to a specific life path and to love her neighbor by using her individual unique gifts.[43] John Paul II has applied this concept of vocation to the modern professions, saying that professionals have a calling to work not only to support themselves and their families, but also to work toward the common good and to serve the disadvantaged by using their specific skills as a professional.[44] Professor Jerry Organ expands on this concept by applying the Catholic idea of vocation to law students and lawyers, saying that they "have a special responsibility to discover their gifts and to use them for the common good" because of the many opportunities and gifts that they have received.[45] The other sub-divisions of Christianity have a similar emphasis on responsibilities to others.

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40. *See* Pope Benedict XVI, DUES CARITAS EST at St. Peter's Basilica, Rome ¶¶ 1, 8, 18, 28–29 (Dec. 25, 2005).

41. Junno Arocho Esteves, *Pope Francis: We Have Fallen into Globalized Indifference,* ZENIT.ORG (July 8, 2013), http://www.zenit.org/en/articles/pope-francis-we-have-fallen-into-globalized-indifference.

42. PAUL WILLIAMS, MOTHER TERESA 62 (2002).

43. CCC, *supra* note 23, ¶¶ 1, 871, 873, 898, 940.

44. *See* DIGNITY OF WORK: JOHN PAUL II SPEAKS TO MANAGERS AND WORKERS 5 (Robert Kennedy ed., 1994).

45. Jerry Organ, *From Those to Whom Much Has Been Given, Much is Expected: Vocation, Catholic Social Teaching, and the Culture of a Catholic Law School*, 1:2 JOURNAL OF CATHOLIC SOCIAL THOUGHT 361, 368–69 (2004); *see also* Pope Paul VI, APOSTOLICAM ACTUOSI-

Eastern Orthodox Christianity, another non-Protestant denomination of Christianity, also places emphasis on love of neighbor.[46] Saint Gregory of Nazianzus, a prominent early Christian writer, looks at the suffering of others as an opportunity for us to express mercy and compassion and to become a "god" to the other by helping them in their time of need.[47] When others experience misfortune, it is our duty to help them, and in doing so become more like God by imitating God's compassion.[48]

While Protestant denominations are numerous and diverse, their common reliance on the Scriptures means their views on responsibility to others are remarkably unified and similar.[49] Mark A. Noll writes about the common ground of Protestant denominations, saying that "[t]raditionally, the Protestant message of salvation . . . encourages believers in self-sacrificing service to fellow humans,"[50] and this tendency toward activism springs from early Protestant thinkers' views that every believer had a "vocation," or a responsibility to the world, as well as a religious responsibility.[51]

The main interpretive texts for the different Protestant denominations provide further interpretation of what love of neighbor means.[52] In Luther's "Small Catechism," a concise instruction book, he interprets the prohibition on killing from the Hebrew Scripture's Ten Commandments to include a high regard and responsibility for the other: "We must fear and love God, so that we will neither harm nor hurt our neighbor's body, but help him and care for him when he is ill."[53] In Luther's treatise "On Christian Liberty," he asserts two seemingly contradictory statements: "A Christian is a perfectly free lord of all, subject to none. A Christian is a perfectly dutiful servant of all, subject to all."[54] He explains these by emphasizing the importance and function of love of the other, and even though each person is free, "Love by its very nature is ready to serve and be subject to him who is loved."[55] Luther draws parallels between Jesus's willingness to become human and suffer for humanity and our duty to willingly serve our neighbor, saying that, "as our heavenly Father has in Christ freely come to our

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TATEM (Nov. 18, 1965); *see also* Pope Paul VI, POPULORUM PROGRESSIO at St. Peter's Basilica, Rome (Mar. 26, 1967).

46. NOLL, *supra* note 23; *see also* GOOD AND FAITHFUL SERVANT, *supra* note 23; *see generally* RONALD ROBERSON, CSP, THE EASTERN CHRISTIAN CHURCHES: A BRIEF SURVEY (6th ed. 1999) (discussing generally the Orthodox Church).

47. GOOD AND FAITHFUL SERVANT, *supra* note 23, at 76–77.

48. *Id.*

49. *See* NOLL, *supra* note 23.

50. *Id.* at 5.

51. *Id.* at 7.

52. The writings of Martin Luther are foundational for many Protestants, such as Lutherans, Presbyterians, and Mennonites.

53. MARTIN LUTHER, THE SMALL CATECHISM OF MARTIN LUTHER (Robert E. Smith trans., 1921), http://www.gutenberg.org/cache/epub/1670/pg1670.html.

54. MARTIN LUTHER, ON CHRISTIAN LIBERTY 2–3 (W. A. Lambert trans., Harold J. Grimm rev. 2003).

55. *Id.*

aid, we also ought freely to help our neighbor through our body and its works, and each one should become as it were a Christ to the other that we may be Christs to one another."[56]

For many Lutherans, *The Book of Concord*, a collection of doctrinal writings and confessions, provides another definitive source of Biblical interpretation.[57] It states that "love is the fulfillment of the law,"[58] and "love for God and neighbor is the greatest virtue because it is the greatest commandment."[59] It further emphasizes this by making love of neighbor a requirement for a virtuous life: "All people, whatever their calling, should seek perfection, that is, growth in the fear of God, in faith, in the love for their neighbor, and in similar spiritual virtues."[60]

For Anglicans, a key text is the *Book of Common Prayer*, a guide for public worship written in England in the mid-1500s.[61] In its rite for Confirmation, it states a set of doctrines that each person desiring confirmation must learn, and it explicitly talks about the duty toward one's neighbor: "My duty towards my neighbor, is to love him as myself, and to do to all men, as I would they should do unto me."[62]

Evangelical Christianity brings together such traditions as Pentecostal, Anabaptist, and Charismatic.[63] Although there are many subdivisions within Evangelical Christianity, there are also many areas of convergence, most notably an emphasis on social responsibility.[64] For example, one denomination's faith statement says: "The authentic gospel must become visible in the transformed lives of men and women. As we proclaim the love of God we must be involved in loving service, as we preach the Kingdom of God we must be committed to its demands of justice and peace."[65] In addition, the National Association of Evangelicals sets out four major characteristics of Evangelicals, one of which is "Activism," defined as "the expression and demonstration of the gospel in missionary and social reform efforts."[66]

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56. *Id.* at 54.

57. CHARLES P. ARAND ET AL., THE LUTHERAN CONFESSIONS: HISTORY AND THEOLOGY OF THE BOOK OF CONCORD 7 (2012).

58. THE BOOK OF CONCORD: THE CONFESSIONS OF THE EVANGELICAL LUTHERAN CHURCH 145 (Robert Kolb & Timothy J. Wengert eds., Charles Arant et al. trans., 2000).

59. *Id.* at 154.

60. *Id.* at 283.

61. NOLL, *supra* note 23, at 25–28.

62. THE BOOK OF COMMON PRAYER: THE TEXTS OF 1549, 1559, AND 1662, at 428 (Brian Cummings ed., 2011). For more on the Anglican Church, visit the Anglican Communion official website at http://www.anglicancommunion.org/ (last visited June 14, 2012).

63. *What is an Evangelical?*, NAT'L ASS'N OF EVANGELICALS, http://www.nae.net/what-is-an-evangelical (last visited June 1, 2012).

64. MARK A. NOLL, AMERICAN EVANGELICAL CHRISTIANITY: AN INTRODUCTION 62–63 (2001).

65. *Id.*

66. NAT'L ASS'N OF EVANGELICALS, *supra* note 63.

The Church of Jesus Christ of Latter-day Saints, or Mormonism, is a more recent Christian denomination that is still connected to traditional Protestant ideas while at the same time being something new.[67] Scriptural texts include the Bible as well as The Book of Mormon.[68] It too affirms the duty to love one's neighbor, saying, for example: "Thus did Alma teach his people, that every man should love his neighbor as himself, that there should be no contention among them."[69]

Overall, the various Christian denominations consistently re-affirm each person's responsibility to others, phrasing it in terms of the duty to love one's neighbor.

B.   Judaism: Acts of Charity

The theme of deep, internalized responsibility to others is strongly present in Judaism. The Hebrew Bible addresses responsibility to others in terms of the obligation to give charity to the poor and needy and of love of neighbor more generally. Other important Jewish sources, such as the Talmud, also discuss responsibility to others and especially focus on acts of charity.

There are different movements within Judaism, such as Reform Judaism, Orthodox Judaism, Conservative Judaism, and Reconstructionist Judaism, but all share a common reliance on the Torah and agree on the most basic ideas about responsibility and service to the other.[70] For this brief overview, the discussion will thus not be divided according to the movements.

1.   Jewish Sacred Scripture

The Jewish Bible is composed of three parts: Torah, Nevi'im (or Prophets), and Ketuvim (or Writings).[71] The Torah includes the books of Genesis, Exodus, Leviticus, Numbers, and Deuteronomy, and it is also called the Pentateuch.[72] The second division, the Nevi'im, includes Joshua, Judges, Samuel, Kings, Isaiah, Jeremiah, Ezekiel, and the Twelve "minor" prophets: Hosea, Joel, Amos, Obadiah, Jonah, Micah, Nahum, Habbakuk,

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67. Noll, *supra* note 23, at 62.

68. *See generally* The Book of Mormon: A Reader's Edition (Grant Hardy ed., 2003); The Church of Jesus Christ of Latter-Day Saints, The Pearl of Great Price: A Selection from the Revelations, Translations, and Narrations of Joseph Smith, First Prophet, Seer and Revelator to the Church of Jesus Christ of Latter-Day Saints (1981), https://www.lds.org/scriptures/pgp?lang=eng (providing more information on the Church of Jesus Christ of Latter-Day Saints).

69. The Book of Mormon, *supra* note 68, at 230; *Mosiah* 23:15.

70. Norman Solomon, Judaism: A Very Short Introduction 99–109 (2000).

71. Nahum M. Sarna et al., *Bible, in* 3 Encyclopaedia Judaica 577 (Michael Berenbaum & Fred Skolnik eds., 2d ed. 2007); *see also* David S. Ariel, What do Jews Believe? The Spiritual Foundations of Judaism 134 (1995).

72. Sarna, *supra* note 71, at 577.

Zephaniah, Haggai, Zechariah, and Malachi.[73] The Ketuvim includes Psalms, Lamentations, Song of Songs, Proverbs, Job, Ecclesiastes, Ruth, Chronicles, Ezra, Nehemiah, Esther, and the Book of Daniel.[74]

The entire Jewish Bible is considered foundational for Jews.[75] However, the Torah, which literally means "teaching," is the most central and important text.[76] Jewish historian David S. Ariel writes: "For two thousand years the primary ritual of Jewish life has been the study of Torah. It is the one activity that unites Jews of all backgrounds and persuasions."[77] It is for this reason that Jews have been called "People of the Book."[78]

The Torah repeatedly addresses responsibility and service to the other. In the book of Leviticus, this passage appears: "Love your neighbor as yourself: I am the Lord."[79] Here, "neighbor" can be understood as meaning "fellow citizen," implying that love and consideration ought to be shown to those in one's own community.[80] While at one time this passage may have referred to only those in the Jewish community, over time this has developed to include all human beings, regardless of their religion or community of origin.[81] This passage provides the foundation for the way that Judaism looks at responsibility for the other.

The Torah takes this one step further and commands the application of this principle by making it a duty to give charitably to the needy. For example, this passage appears in Deuteronomy:

> If, however, there is a needy person among you, one of your kinsmen in any of your settlements in the land that the Lord your God is giving you, do not harden your heart and shut your hand against your needy kinsman. Rather, you must open your hand and lend him sufficient for whatever he needs.[82]

And in Exodus, there appears the command to give the needy a portion of agricultural produce, an idea that is highly emphasized in later literature:

> Six years you shall sow your land and gather its yield; but in the seventh you shall let it rest and lie fallow. Let the needy among your people eat of it, and what they leave let the wild beasts eat.

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73. *Id.*

74. *Id.*

75. Ariel, *supra* note 71, at 135.

76. *Id.* at 134–35.

77. *Id.* at 135.

78. *Id.*

79. The Torah: The Five Books of Moses (A New Translation of The Holy Scriptures according to the Masoretic Text) 217 (Jewish Publication Society of America trans., 1962) (referring to *Leviticus* 19:18).

80. Edward Lipinski, et al., *Love*, *in* 13 Encyclopaedia Judaica 227 (Michael Berenbaum & Fred Skolnik eds., 2d ed. 2007).

81. *Id.* at 231.

82. The Torah, *supra* note 79, at 353 (referring to *Deuteronomy* 15:7–8).

You shall do the same with your vineyards and your olive groves.[83]

This obligation to be charitable finds its sources in God's charitable nature. For example, Deuteronomy teaches: "For the Lord your God is God supreme and Lord supreme, the great, the mighty, and the awesome God, who shows no favor and takes no bribe, but upholds the cause of the fatherless and the widow, and befriends the stranger, providing him with food and clothing."[84] The Torah often juxtaposes the obligation to be charitable toward the poor, the needy, the orphan, the widow, and the stranger with a reminder that the Israelites were once strangers, poor and needy, when they were enslaved in Egypt.[85] For example, this passage appears in Exodus: "You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt."[86] And again, "You shall not oppress a stranger, for you know the feelings of the stranger, having yourselves been strangers in the land of Egypt."[87] Love of one's neighbor in the Jewish tradition is significantly informed by the Exodus event and the corresponding ethic for Jews: God heard your cry and freed you from slavery, and now you must be attentive to the needs of your neighbors.[88] The Torah also commands remembering the needy during festivals and including them in the celebrations.[89]

The Jewish Scripture also sets out the idea of tithes specifically for the needs of the poor. This idea has foundations in the Torah and is developed in later literature such as the Talmud.[90] For example, this passage appears in Deuteronomy:

> You shall leave them [the basket of offerings] before the Lord your God and bow low before the Lord your God. And you shall enjoy, together with the Levite and the stranger in your midst, all the bounty that the Lord your God has bestowed upon you and your household. When you have set aside in full the tenth part of your yield—in the third year, the year of the tithe—and have given it to the Levite, the stranger, the fatherless, and the widow, that they may eat their fill in your settlements, you shall declare before the Lord your God: "I have cleared out the consecrated portion from the house; and I have given it to the Levite, the

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83. *Id.* at 140 (referring to *Exodus* 23:10–11).

84. *Id.* at 344 (referring to *Deuteronomy* 10:17–18*); see also* Raphael Posner, Haim Hillel Ben-Sasson, & Isaac Levitats, *Charity*, 4 Encyclopaedia Judaica 569–75 (Michael Berenbaum & Fred Skolnik eds., 2d ed. 2007); *Psalm* 132:11–15 (Jewish Study Bible); *Psalm* 145:15–16 (Jewish Study Bible).

85. Posner et al., *supra* note 84, at 569.

86. The Torah, *supra* note 79, at 139 (referring to *Exodus* 22:20).

87. *Id.* at 140. (referring to *Exodus* 23:9).

88. *See generally Exodus* (Jewish Publication Society).

89. *See* The Torah, *supra* note 79, at 355 (referring to *Deuteronomy* 16:10–15).

90. The Talmud: A Selection 732 (Norman Solomon ed., trans., 2009).

stranger, the fatherless, and the widow, just as You commanded me . . ."[91]

This passage, among others, forms the basis for the "Ma'aser 'Ani," or the tithe for the poor, that emerges in the Talmud and later literature.[92]

This idea is also found in the rest of the Jewish Bible. The prophets spoke about the obligation to be charitable as in this passage from Isaiah:

No, this is the fast I desire:

To unlock fetters of wickedness,

And untie the cords of the yoke

To let the oppressed go free;

To break off every yoke.

It is to share your bread with the hungry,

And to take the wretched poor into your home;

When you see the naked, to clothe him,

And not to ignore your own kin.[93]

Overall, the Jewish Bible emphasizes the idea of love of neighbor and links it to the obligation to give charitably to the needy.

2. *Later Literature: Practical Instruction*

Next to the Hebrew Bible, the most important text or series of texts in Judaism is the Talmud, a compilation of the teachings of various rabbis, a code of law, and an authoritative interpretation of Scripture.[94] The Talmud addresses the idea of responsibility to the other by setting out rules and guidelines for helping the poor and needy. For example, an entire section is dedicated to "Peah," which refers to the produce or grain left at the "corner of the field," and sets out the rules about the rights of the poor to agricultural produce.[95] The Mishnah, which is the core of the Talmud and provides the basic framework of the Talmud,[96] also discusses at length the rules surrounding "Peah" and repeatedly uses the terminology of "Peah" belonging to the poor and being rightfully theirs.[97] The Talmud discusses charity for the needy in other contexts as well. It says, for example: "There were two chambers in the Temple, one [called] the Quiet Chamber and the other the Chamber of the Vessels. God-fearing people would place money secretly in the Quiet Chamber, and poor relatives of people of good class would discreetly support themselves from it."[98]

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91. THE TORAH, *supra* note 79, at 371 (referring to *Deuteronomy* 26:10–13).

92. THE TALMUD, *supra* note 90, at 732.

93. *Isaiah* 58:6–7 (Jewish Study Bible).

94. SOLOMON, *supra* note 70, at 35; THE TALMUD, *supra* note 90, at xv.

95. THE TALMUD, *supra* note 90, at 38.

96. *Id.* at xvii–xviii.

97. THE MISHNAH: A NEW TRANSLATION 14–36 (Jacob Neusner ed., trans., 1988).

98. THE TALMUD, *supra* note 90, at 190.

One key concept that had its origins in the Bible, but was developed more extensively in later literature, is the idea of "Tzedakah," or "Zedakah."[99] Zedakah can be defined as "righteous act," "charity," or "act of justice," and it is used to mean helping the needy by gifts.[100] Using the connotation of "righteousness" and "justice" shows that generosity to the poor and needy is more than generosity—it is an obligation, and it is a right that the needy have.[101] Jewish historian David S. Ariel writes about Zedakah and says, "Providing fairly for the needs of the less fortunate members of the community is regarded as a fundamental virtue. This is called righteousness (tzedakah), not charity, and implies a financial obligation of each individual, regardless of one's economic status, to others."[102] Another Jewish historian, Norman Solomon, adds, "This will not just be the giving of money, but charity in the broadest human sense; hospitality to the learned, strangers, the needy, visiting the sick, general care and concern for the welfare of other people."[103] The concept of Zedakah shows how important the application of the command to love one's neighbor is in Judaism and illuminates Judaism's emphasis on charitable acts. Zedakah is also tied to the idea of tithing, which appears in both the Bible and in later writings.[104]

The obligation to help the poor, by giving charity or Zedakah, was considered by rabbis to be a Mitzvah,[105] that is, a good deed.[106] A Mitzvah is a meritorious act that also has the connotation of a religious duty or commandment and is regarded as being rewarded only in the hereafter, rather than meriting a material reward on earth.[107] Giving charity is thus an opportunity for a person to perform a Mitzvah or meritorious act.[108]

Another important and influential source for Judaism are the writings of the rabbis of antiquity.[109] For example, Rabbi Hillel, who wrote roughly 2,000 years ago, described the essence of Judaism as: "What is hateful to you, do not do to your neighbor, that is the whole Torah, while the rest is commentary."[110] Overall, Judaism has a strong theme of responsibility to

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99. *Zedakah*, *in* 21 ENCYCLOPAEDIA JUDAICA 487 (Michael Berenbaum & Fred Skolnik eds., 2d ed. 2007); *see also* SOLOMON, *supra* note 70, at 85–87.

100. Posner et al., *supra* note 84, at 569–71.

101. *Id.*

102. ARIEL, *supra* note 71, at 62.

103. SOLOMON, *supra* note 70, at 86–87.

104. *See id.* at 86; *see also* ARIEL, *supra* note 71, at 62; *Deuteronomy* 26:10–13 (Jewish Publication Society).

105. Posner et al., *supra* note 84, at 569–71.

106. Aaron Rothkoff, *Mitzvah*, *in* 14 ENCYCLOPAEDIA JUDAICA 372 (Michael Berenbaum & Fred Skolnik eds., 2d ed. 2007).

107. *Id.*

108. Posner et al., *supra* note 84, at 569–70.

109. RABBINIC STORIES at xvii, 184 (Jeffery L. Rubenstein trans., 2002).

110. STEFAN KLEIN, SURVIVAL OF THE NICEST: HOW ALTRUISM MADE US HUMAN AND WHY IT PAYS TO GET ALONG 177 (2010).

others. The Torah provides the foundation for the idea of care for others, an idea that finds expression particularly in concrete, practical acts of Tzedakah. Giving charitably to the poor and needy is considered a Mitzvah, a meritorious deed, and is a vital concept in Judaism.

C. Islam: Foundations in Good Conduct to Others and Zakat

Islam is the second largest religious community in the world today, with over 1.5 billion members worldwide,[111] and is experiencing significant growth in the United States.[112] Muslims share a religious heritage with both Jews and Christians in that they see Abraham as a foundational figure for their faith, and they worship one God, calling Him *Allah*, which is "God" in Arabic.[113] Muslims consider Islam to be the "fulfillment of the Jewish and Christian traditions."[114]

There are two main branches within Islam, the Sunni and Shi'a (or Shi'ite) denominations.[115] In addition, there are different movements within Islam, such as Sufi mysticism, various reform movements, and political movements.[116] However, all Muslims share many common beliefs, such as the importance of the Qur'an and the necessity of certain foundational beliefs and rituals.[117]

Islam emphasizes responsibility to others by both emphasizing "good" conduct toward neighbors and travelers and also making charitable giving, or "zakat," a religious obligation.[118] For Muslims, a good, religious person is one who not only prays and fulfills other religious obligations but also cares for the poor by giving charitably.[119] Islam thus has a longstanding tradition of responsibility to others.

1. Foundations of Islam

The principal statement of faith for Muslims is the "Shahadah," translated as "witness" or "testimony": "There is no god but God; and Muhammad is the Prophet of Allah."[120] This statement signals several important beliefs within Islam, such as the monotheistic nature of Islam and the important role of the Prophet Muhammad as the last prophet and the recipient of the final, definitive revelation from God—more specifically the final rev-

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111. FREDERICK MATHEWSON DENNY, AN INTRODUCTION TO ISLAM 1 (4th ed. 2011).
112. JOHN L. ESPOSITO, WHAT EVERYONE NEEDS TO KNOW ABOUT ISLAM 3 (2d ed. 2011).
113. DENNY, *supra* note 111, at 1.
114. *Id.* at 2.
115. YANN RICHARD, SHI'ITE ISLAM: POLITY, IDEOLOGY, AND CREED 1 (Antonia Nevill trans., 1995).
116. ZIAUDDIN SARDAR, WHAT DO MUSLIMS BELIEVE? THE ROOTS AND REALITIES OF MODERN ISLAM 8–11 (2007).
117. *Id.* at 1–2, 11.
118. *Id.* at 70.
119. *Id.*
120. *Id.* at 1.

elation of the monotheistic tradition, which is the Qur'an (or Koran).[121] The Qur'an is the foundational text for Islam and is viewed as the Word of God.[122] The Qur'an contains many references to Jewish and Christian beliefs and includes key figures from the Bible, such as Adam, David, Moses, Jesus, and Mary, and Muslims believe that it is the final, complete, error-free revelation from God.[123]

The Qur'an speaks about good conduct toward others, including the duty to give charitably. For example, this passage gives instructions about who deserves help and connects it with God's approval or disapproval of a person's actions: "Be good to your parents, to relatives, to orphans, to the needy, to neighbors near and far, to travelers in need, and to yourselves. God does not like arrogant, boastful people, who are miserly and order other people to be the same, hiding the bounty God has given them. (4:36)"[124]

A key passage appears in Sura (chapter) 107: "Have you observed the man who denies religion, who drives the orphan away, who urges not to feed the poor? Woe to worshipers who pray carelessly, just to show off, and abstain from almsgiving."[125] This passage shows the connection between belief in God and giving to the disadvantaged—a truly religious person gives alms as a way to "cleanse" his soul from greed.[126] Being a good Muslim includes not only prayer but also regard for the community in the form of helping the poor and needy.[127] This verse and others provide the foundation for the Islamic concept of "zakat," or the duty to give charitably, which will be explored further in the next section. Another passage sets out what is required in order to be a good, pious person:

> True piety is this: the belief in God and the last day, the angels, the book, and the prophets, to give of one's substance, however cherished, to relatives and orphans, the needy, the traveler, beggars, and to ransom the slave, to perform the prayer, to pay alms. And those who fulfill their promises, and endure with fortitude misfortune, hardship and peril, these are the ones who are true in their faith: these are truly God-fearing (Q 2:178).[128]

In addition to the Qur'an, Muslims also look to the "Sunnah," the actions and sayings of the Prophet Muhammad, for guidance.[129] A saying of Muhammad is called a "hadith," finding its source more in Islamic shari'ah

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121. *Id.* at 1–3.

122. SARDAR, *supra* note 116, at 2.

123. DENNY, *supra* note 111, at 2.

124. SARDAR, *supra* note 116, at 117.

125. NICOLAS STARKOVSKY, THE KORAN HANDBOOK: AN ANNOTATED TRANSLATION 6 (2005).

126. *Id.*

127. *Id.*

128. THE BLACKWELL COMPANION TO THE QUR'AN 1 (Andrew Rippen ed., 2006).

129. SARDAR, *supra* note 116, at 50.

law than the Qur'an itself, and it gives insight on how Muhammad viewed responsibility to others.[130] A number of sayings highlight the connection between being a good Muslim and care for others: "Do you love God? Love your fellow being first";[131] "No man is a true believer unless he desires for his brother what he desires for himself";[132] "Kindness is a mark of faith; those without kindness are also without faith."[133] The importance of giving charitably is also emphasized: "Look towards those who are less fortunate than yourself; it is best for you, so that you may not hold God's benefit in contempt."[134] Also, "Charity is incumbent upon every human limb every day upon which the sun rises."[135] For the Muslim, charity is defined broadly: "Doing justice is charity; and assisting a man upon his beast and lifting his baggage is charity; and pure, comforting words are charity; and answering a questioner with mildness is charity; and removing that which is an inconvenience to wayfarers, such as thorns and stones, is charity."[136]

Stories from Muhammad's life also provide guidance. In some stories, Muhammad is said to have embraced voluntary poverty and insisted on giving community resources to the poor and needy, linking these acts with being a truly pious person.[137] Muhammad also taught the idea of "zakat," or the duty to give charitably as a way to purify one's soul, an idea that has remained important to Muslims to this day.[138]

2. *Interpretation and Key Beliefs*

Islam is based on a number of articles of faith that are derived from the Qur'an, such as belief in one God;[139] it also embraces certain obligatory rituals, such as fasting during the Islamic month of Ramadan and making a pilgrimage to Mecca.[140] One of the obligatory rituals or practices is "zakat," or "legal almsgiving," which is the requirement that each Muslim give a certain portion of his or her wealth each year for the benefit of the community.[141] The idea of zakat has its foundations in the Qur'an and other early Muslim works and is viewed as a basic religious obligation that is closely

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130. *Id.* at 54.
131. *Id.* at 119.
132. *Id.*
133. *Id.* at 120.
134. *Id.*
135. SARDAR, *supra* note 116, at 120.
136. *Id.* at 121.
137. OMID SAFI, MEMORIES OF MUHAMMAD: WHY THE PROPHET MATTERS 140–41 (2009). Email from Gabriel Said Reynolds, Professor of Islamic Studies and Theology, Univ. of Notre Dame; Dir. of Undergraduate Studies, Theology, Univ. of Notre Dame to Neil Hamilton, Dir., Holloran Ctr., Univ. of St. Thomas Sch. of Law (Apr. 10, 2014, 11:50 CST) (on file with the authors).
138. *Id.* at 141.
139. SARDAR, *supra* note 116, at 42–47.
140. *Id.* at 66; DENNY, *supra* note 111, at 2.
141. DENNY, *supra* note 111, at 2.

connected to prayer—after faith, the most important thing for a Muslim is care for the community.[142] The categories of people who can receive zakat are listed in the Qur'an: "the poor and needy, those who work to collect them [that is, alms], those whose hearts are brought together [meaning converts to Islam], the ransoming of slaves, debtors, in God's way [for good works, like scholarships, missionary projects, charitable, cultural, and educational institutions], and the traveler. (9:60)"[143] Zakat always has the connotation of purification—one's wealth and soul are purified by giving to the needy.[144] In fact, the word zakat is related to the Arabic root z.k.y., meaning "purity" or "to purify."[145] Separate from the obligatory zakat is "sadaqa," or charity.[146] While zakat is a mandatory obligation, sadaqa is encouraged but not obligatory in the same way.[147]

The recipients of zakat or sadaqa have changed over time. Traditionally, Muslims emphasized charity as strengthening and contributing to the "umma," or the community of Muslim believers.[148] There was a preference for keeping the money collected from zakat within the local community.[149] For the majority of the Islamic world, this preference for keeping money collected from zakat within the community remains today. Zakat collections in Nigeria, Egypt, Pakistan, and Indonesia are reported totally to go to Muslims.[150] The money was sometimes used for works that would not benefit the entire population. For example, the Ottoman Empire constructed mosques as an act of charity[151] and would give food to only certain categories of people, such as Sufi mystics, students, or scholars.[152] There are also modern examples of organizations that identify themselves as Muslim and serve the worldwide Muslim community.[153] However, the Ottoman Empire also built fountains and bridges,[154] resources that were available to and used by all, regardless of religion. The Qur'an's definitions of zakat recipients are broad and often left open to interpretation based on changing circumstances.[155] Modern views seem to trend more toward extending charity also to those outside the Muslim faith.[156] For example, Islamic scholar Amy Singer relates a story of parents giving money in memory of their deceased

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142. *Id.* at 116.
143. *Id.* at 117.
144. *Id.*
145. Email from Gabriel Said Reynolds, *supra* note 137.
146. Denny, *supra* note 111, at 116–117.
147. *Id.*
148. Amy Singer, Charity in Islamic Societies 3, 8 (2008).
149. *Id.* at 59.
150. Email from Gabriel Said Reynolds, *supra* note 137.
151. Singer, *supra* note 148, at 183.
152. *Id.* at 185.
153. *Id.* at 212.
154. *Id.* at 183.
155. Singer, *supra* note 148, at 172.
156. Ziauddin Ahmad, Islam, Poverty and Income Distribution 16–20, 95–96 (1991).

son to the Islamic Studies program at their son's university.[157] Overall, however, it can be said that traditional Islam is more "tribal" in the sense that responsibility to others largely focuses more on those within the Muslim faith than those without.[158]

Islam has a strong tradition of responsibility to others in the form of good conduct to neighbors and zakat, the obligation to give charitably each year to the poor and needy. Traditionally, the recipients of charity were mostly other Muslims, but there may be a modern trend toward expanding the category of recipients of charity, broadening the Islamic idea of responsibility to others to include all of humanity. However, it appears that opinions within Islam are divided on this point, and the emphasis on helping those within the Muslim community is strong.

D.   Buddhism: Compassion to All Creatures

The theme of responsibility for and service to others is visible in the various Buddhist traditions. Buddhism began in the fourth century BC, in what is now Nepal, with the teachings of Siddattha Gotama, known posthumously as the Buddha, the "awakened one."[159] The Buddha was born into a royal family, but after seeing the human suffering outside his palace, he decided to leave his luxurious life behind and search for spiritual knowledge.[160] After trying out different spiritual practices, he concluded that the most productive path was one of moderation, a "middle way."[161] It was at this time that the Buddha attained enlightenment, that is, he attained nirvana and put an end to the cycle of his rebirth.[162] The Buddha spent the rest of his life teaching, debating and answering questions, and establishing orders of monks and nuns.[163]

There are three core concepts that form the Buddha's teaching: (1) the cycle of rebirth, which predated the Buddha; (2) humanity as a cause of suffering; and (3) the path out of suffering ending in enlightenment. First is the idea of rebirth or reincarnation, which Buddhists believe is a beginningless process ending only if a person attains enlightenment or nirvana, and which includes humans but also other sentient creatures such as animals.[164]

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157.   SINGER, *supra* note 148, at 1.

158.   Holman W. Jenkins, Jr., *He Knows Why We Fight*, WALL ST. J. (June 29, 2012, 7:10 PM), http://www.wsj.com/articles/SB10001424052702303383020457744652522582648; *see also* JONATHAN HAIDT, THE RIGHTEOUS MIND: WHY GOOD PEOPLE ARE DIVIDED BY POLITICS AND RELIGION 140, 266 (2012) (explaining in detail the tribal nature of Islam).

159.   DAMIEN KEOWN, BUDDHISM: A VERY SHORT INTRODUCTION 15 (1st ed., 1996).

160.   *Id.* at 17–22.

161.   *Id.* at 22.

162.   *Id.* at 23–24.

163.   *Id.* at 24–28.

164.   KEOWN, *supra* note 159, at 9, 29, 43–44; ELIZABETH J. HARRIS, WHAT BUDDHISTS BELIEVE 11 (1998); JOHN POWERS, A CONCISE INTRODUCTION TO TIBETAN BUDDHISM 18–19, 46 (2008).

While Buddhists do not believe in the existence of a creator god or any type of supreme being, they do believe that gods form part of the spiritual landscape. However, these gods are viewed as powerful helpers rather than ultimate causes or creators.[165] For instance, in the Mahayana Buddhist tradition, the universe is populated with celestial buddhas and bodhisattvas who are worshipped as gods and goddesses.[166] As another example, following the Buddha's enlightenment, an appeal from one of the gods helped the Buddha decide to leave his private life and embark on his teaching mission.[167] The second core concept centers on the Buddhist view of human nature as a cause of suffering. Buddhists do not believe in the existence of a personal soul.[168] Rather, a sentient being is made up of five factors: (1) the physical body, (2) sensations and feelings, (3) cognitions, (4) character traits and dispositions, and (5) consciousness or sentience. Each of these factors is a cause and source of suffering.[169]

Finally, Buddhists believe the path that leads out of suffering is enlightenment, or "nirvana." Nirvana puts an end to suffering and thus also puts an end to rebirth.[170] Buddhism emphasizes the practice of meditation as the way to achieve nirvana and end the cycle of rebirth and, thus, the cycle of suffering.[171] The Buddhist view of the link between human nature, suffering, and enlightenment is evident in the doctrine of the Four Noble Truths. The Four Noble Truths are basic common doctrines for Buddhists, and are the four propositions that life is suffering, suffering is caused by desire, suffering can have an end, and there is a path that leads to the end of suffering.[172] Suffering is thus inextricably interlinked with human nature, and ends only when the cycle of rebirth ends and enlightenment is attained.

1. *Buddhist Attitudes on Responsibility to Others*

In the search for enlightenment, the path that leads to the end of suffering is known as the Eightfold Path, which has three main divisions: wisdom, morality, and meditation.[173] Within the division on morality, one of the major goals or themes is "Right Conduct," which instructs that a good life should be one of selflessness and charity.[174] The Five Precepts, the

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165. KEOWN, *supra* note 159, at 4, 24; RICHARD F. GOMBRICH, THERAVADA BUDDHISM: A SOCIAL HISTORY FROM ANCIENT BENARES TO MODERN COLOMBO 24 (2d ed. 2006). The gods in Buddhism are similar to angels or saints in Christianity.

166. *Buddhist Beliefs*, RELIGION FACTS, http://www.religionfacts.com/buddhism/beliefs (last visited Jan. 22, 2015).

167. KEOWN*, supra* note 159, at 24.

168. *Id.* at 5.

169. *Id.* at 47–48.

170. *Id.* at 52.

171. *Id.* at 6–7.

172. KEOWN, *supra* note 159, at 45–46; HARRIS, *supra* note 164, at 42.

173. KEOWN, *supra* note 159, at 55; HUSTON SMITH & PHILIP NOVAK, BUDDHISM: A CONCISE INTRODUCTION 38–39 (2003).

174. SMITH & NOVAK, *supra* note 173, at 43–44.

Buddhist version of the Ten Commandments, outline at a minimum what this entails: do not kill, do not take what is not given, do not say what is not so, do not be unchaste, and do not take intoxicants.[175] The commandment prohibiting killing, along with the key Buddhist principle of non-harming (ahimsa), forms the basis for the high respect Buddhists have for all living creatures, both humans and animals.[176]

Beyond the prohibition on harming others, Buddhism also has a strong theme of compassion and selflessness. This theme stems from the concept of karma, which dictates that good actions produce good karma and bad actions produce bad karma. Karma in turn dictates in what situation a person will be reborn and helps him or her reach nirvana.[177] So, a Buddhist will perform morally good actions—that is, selfless or compassionate acts—in order to cultivate good karma and eventually achieve nirvana. Virtue is only one part of nirvana, the other part being wisdom, but virtue and right actions are necessary for enlightenment.[178]

Buddhists also emphasize the interdependence of all creatures and, flowing from that understanding, a need for selflessness, generosity, and a universal compassion for the suffering of others.[179] For example, the Buddha taught the importance of compassion: "The Buddha spoke of 'Considering others as yourself' (Dhammapada 10.1) and taught that 'Hatreds do not ever cease in this world by hating, but by not hating; this is an eternal truth. Overcome anger by non-anger, overcome evil by good' (Dhammapada 1.5)."[180] In addition, the Buddha says in the Sutta Nipata, "Just as a mother would protect her only child at the risk of her own life, even so, cultivate a boundless heart toward all beings. Let your thoughts of boundless love pervade the whole world."[181] The Buddha teaches that a person should "practice a boundless goodwill for all the world"[182] and cultivate a habit of "kindly deeds, kindly words, and kindly thoughts."[183]

Buddhism is distinctive for emphasizing compassion not only to other humans, but also to other sentient beings such as animals (though Buddhism shares many of these features with Hinduism).[184] The Buddha exemplifies compassion in one of his previous incarnations where, as a prince, he

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175. *Id.* at 44.

176. KEOWN, *supra* note 159, at 9.

177. *Id.* at 37, 44–45.

178. HARRIS, *supra* note 164, at 48; KEOWN, *supra* note 159, at 45.

179. SMITH & NOVAK, *supra* note 173, at 112; SUSAN STABILE, GROWING IN LOVE AND WISDOM: TIBETAN BUDDHIST SOURCES FOR CHRISTIAN MEDITATION 26–29 (2012). This universal compassion is similar to the idea of love of neighbor in Christianity.

180. SMITH & NOVAK, *supra* note 173, at 28.

181. *Id.* at 27.

182. SOME SAYINGS OF THE BUDDHA: ACCORDING TO THE PALI CANON 43–44 (F.L. Woodward trans., 1st ed. 1973).

183. *Id.* at 71.

184. KEOWN, *supra* note 159, at 9. *See also, e.g.*, CCC, *supra* note 23, ¶¶ 2415–2418 (showing Christian concept of dominion over and stewardship of the natural world).

discovers a tigress who has just given birth to cubs and is too weak to hunt for any food. The Buddha decides to sacrifice his own life so that the tigress can consume his body and survive.[185] This is a clear example of the Buddha's life of service and Buddhism's ideal of universal compassion.

2. *Buddhist Denominations and Responsibility to Others*

There are many different schools within Buddhism, each of which has a different emphasis and brings something unique to the discussion of responsibility to others.

The two major schools of Buddhism, Theravada and Mahayana, can be understood as distinct expressions of the same general teaching of the historical Buddha.[186] For example, Theravada Buddhism puts more emphasis on each individual's efforts on the search for enlightenment, while Mahayana Buddhism focuses on the responsibility of the individual to help the other attain enlightenment as well as attaining it personally.[187] Also, in Theravada Buddhism, the primary trait leading to enlightenment is wisdom, and compassion, joy in the well-being of others, and loving-kindness automatically flow from wisdom.[188] In Mahayana Buddhism, compassion is a trait that is as important as wisdom, since Mahayana Buddhists believe in a responsibility to help others attain enlightenment, which must be cultivated along with wisdom.[189] The ideals for each school are also different—for Theravada Buddhism, the ideal is the individual who attains nirvana, while for Mahayana Buddhism, the ideal is the person (called a bodhisattva) who postpones nirvana in order to help others reach enlightenment and thus relieve the sufferings of others.[190] While both Mahayana and Theravada Buddhism place great emphasis on selfless compassion for others, Mahayana Buddhism focuses more on the importance of compassion as a way to enlightenment. As Susan Stabile writes:

> The highest motivation possible for a Mahayana Buddhist is the desire to achieve enlightenment, not for an individual's own sake, but for the sake of helping to relieve others from their suffering. As one lama expressed it, seeing that others suffer just as we suffer must move us to action: 'I should try to do something for them and the ultimate solution, the best of all would be for me to become a fully enlightened Buddha so that I will be able to work continuously, effortlessly for the benefit of all'.[191]

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185. BUDDHIST SCRIPTURES 24–26 (Edward Conze ed., trans., 1st ed. 1959).

186. SMITH & NOVAK, *supra* note 173, at 63–66.

187. *Id.* at 66–67.

188. *Id.* at 67.

189. *Id.*

190. *Id.* at 67, 71.

191. STABILE *supra* note 179, at 35.

Thus, the motivating force behind Mahayana Buddhism is compassion. It emphasizes care for the enlightenment of others: "The concern of the Buddhas [Bodhisattvas] is so great that they are resolved never to enter any final nirvana of complete quiescence and peace, but rather to remain and help other beings."[192] Despite these distinctions, both Mahayana and Theravada Buddhism hold the virtue of compassion in high regard.

There are several other schools or branches of Buddhism, such as Zen Buddhism and Pure Land Buddhism. Particularly relevant to the discussion of responsibility is Tibetan or Vajrayana ("Diamond Way") Buddhism, a form of Mahayana Buddhism.[193] The Dalai Lama is the spiritual leader for the Gélukpa lineage of Tibetan Buddhism, and he has written and spoken extensively on compassion, interdependence, and selflessness.[194] For example, on the importance of compassion, he emphasizes:

> We should have this [compassion] from the depths of our heart, as if it were nailed there. Such compassion is not merely concerned with a few sentient beings such as friends and relatives, but extends up to the limits of the cosmos, in all directions and towards all beings throughout space.[195]

The Dalai Lama locates the source of this universal compassion in recognizing the interdependence of all creatures: "The realization that we are all basically the same human beings, who seek happiness and try to avoid suffering, is very helpful in developing a sense of brotherhood and sisterhood—a warm feeling of love and compassion for others."[196] In his book *Ethics for the New Millennium*, the Dalai Lama advocates the cultivation of universal responsibility—*chi sem* in Tibetan.[197] He says that a sense of responsibility and compassion for others will create a more peaceful and harmonious world[198] and will also lead to a more meaningful and joyful life for our own selves.[199] He writes:

> There is no denying that consideration of others is worthwhile. There is no denying that our happiness is inextricably bound up with the happiness of others. There is no denying that if society suffers, we ourselves suffer. Nor is there any denying that the more our hearts and minds are afflicted with ill-will, the more miserable we become. Thus we can reject everything else: relig-

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192. PAUL WILLIAMS, MAHAYANA BUDDHISM: THE DOCTRINAL FOUNDATIONS 186 (2d ed. 2009).

193. KEOWN, *supra* note 159, at 77–78; POWERS, *supra* note 164, at 103.

194. POWERS, *supra* note 164, at 138–39.

195. WILLIAMS, *supra* note 192, at 196.

196. THE DALAI LAMA: A POLICY OF KINDNESS: AN ANTHOLOGY OF WRITINGS BY AND ABOUT THE DALAI LAMA 16 (Sidney Piburn ed., 1st ed. 1990).

197. HIS HOLINESS THE DALAI LAMA, ETHICS FOR THE NEW MILLENNIUM 162 (Thupten Jinpa trans., 1st ed. 2001).

198. *Id.* at 171.

199. *Id.* at 234.

ion, ideology, all received wisdom. But we cannot escape the necessity of love and compassion.[200]

In conclusion, the Dalai Lama's words are a modern manifestation of the emphasis on compassion and selflessness that has been present in Buddhism since its inception. However, Buddhism is a nuanced, multi-faceted faith tradition. The scholar Richard Gombrich points out that Buddhism is always caught between two poles—one pulling toward enlightenment, a kind of individualist renunciation of society, and a second pole drawing the individual back into responsibility to others.[201] In many of its branches and movements, Buddhism still advocates responsibility to others using the ideas of compassion for others.

E.   *Hinduism: Ethical Duties to Others*

Hinduism is a complex polytheistic religion with multiple gods, goddesses, and divine beings, and many different schools or sects that focus on specific deities.[202] Hinduism is similar to Buddhism in its belief in karma and rebirth and its goal of liberation from the cycle of reincarnation (called moksha).[203] Hinduism lacks a single authoritative text. Instead, it is based on a collection of influential writings and teachings from different sources.[204] Two essential elements of Hinduism are the concept of dharma and the caste system. Dharma encompasses each person's duties based on their station in life,[205] and the caste system[206] divides society into a hierarchy of professions based on birth into a caste or group and determines in large part what a person's dharma is. Both of these concepts influence Hindu views on responsibility and service to others.

1.   *Responsibility to Others in Hinduism*

Hindu thinkers have distinguished between ethical duties that apply to each person regardless of his or her station in life, called sadharana dharmas, and ethical duties that apply to a person based on the person's station in life (including caste, gender, and age), called varna dharmas.[207]

In the Dharma Sutra, an ancient text on dharma, eight virtues are listed that apply to all people: "compassion to all creatures, patience, lack of envy, purification, tranquility, having an auspicious disposition, generosity, and

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200.   *Id.*

201.   *See generally,* Richard Gombrich, What the Buddha Thought 90–91 (2009); Richard Gombrich, How Buddhism Began 62, 64, 133 (2d ed. 1996).

202.   Klaus K. Klostermaier, A Survey of Hinduism 16–17 (1st ed. 1989).

203.   Readings in Eastern Religions 92–93 (Harold Coward, Ronald Neufeldt & Eva K. Neumaier eds., 2d ed. 2007).

204.   S. S. Rama Rao Pappu, *Hindu Ethics, in* Contemporary Hinduism: Ritual, Culture, and Practice 169 (Robin Rinehart ed., 1st ed. 2004).

205.   Klostermaier, *supra* note 202, at 48.

206.   *Id.* at 316.

207.   S. S. Rama Rao Pappu, *supra* note 204, at 156.

lack of greed."[208] The Ramayana, an ancient epic poem, speaks about virtue: "Remembering a good deed and returning it with another; this is sanatana dharma" (sanatana dharma meaning eternal or universal dharma).[209] The Mahabharata, another ancient epic poem, also mentions universal virtue: "Lack of enmity to all beings in thought word and deed; compassion and charity are the eternal dharma of the good."[210] In addition, Hindu thinkers have extolled virtues such as nonviolence (for certain castes) and concern for the welfare of all creatures.[211] One of the most sacred texts in Hinduism, the Isha Upanishad, describes Hinduism's care for others by asking, "When a man sees God in all beings and all beings in God, and also God dwelling in his own Soul, how can he hate any living thing?"[212] Though in the early years of Hinduism, believers took this message metaphorically and continued both the practice of slaughtering animals for food and waging wars, the teaching was radicalized around 450 BC. In the radicalized version, the North Indian prince Mahavira used the Vedic article of faith and derived an absolute prohibition against inflicting suffering on any living being, whether human or beast.[213]

On the other hand, the Kshatriya varna, made up of kings and warriors, holds as the appropriate dharma the waging of war, carrying out punishments, and other actions that appear to be in contradiction with the overall Hindu emphasis on nonviolence.[214] However, the Kshatriya varna does not mean that Hinduism is inconsistent on the topic of nonviolence. There is a distinction between the use of violence, which Hinduism forbids in all its varnas, and the use of force, which is clearly appropriate for the Kshatriya varna. The difference is that there are times when authorities such as kings or soldiers can use force in order to advance the common good (such as waging a just war or punishing criminals to create a safer society). Thus, though the Kshatriya varna allows for the use of force, in Hindu thought this does not amount to condoning violence.

The caste system historically has also played a significant role in Hindu thought about a person's responsibilities to others.[215] We explore these differences next.

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208. READINGS IN EASTERN RELIGIONS, *supra* note 203, at 85.

209. *Id.*

210. *Id.*

211. S. S. Rama Rao Pappu, *supra* note 204, at 156.

212. STEVEN KLEIN, *supra* note 110, at 176.

213. *Id.*

214. Email from James Laine, Macalester College, St. Paul, MN to Neil Hamilton, Dir., Holloran Ctr., Univ. of St. Thomas Sch. of Law (August 11, 2014 at 03:49 CST) (on file with the authors).

215. READINGS IN EASTERN RELIGIONS, *supra* note 203, at 85–86.

2. *Discrimination Based on Caste and Modern Hindu Thought*

The caste system is a unique feature of Hinduism that has had a narrowing effect on dharma and has strongly influenced Hindu ethics. It has especially influenced the views related to responsibility and service to others, and not necessarily in a positive way, according to some modern thinkers. Dr. B. R. Ambedkar, one of the authors of the Indian Constitution and an "untouchable," a member of the lowest possible caste, wrote extensively in the 1940s and 1950s about his concerns with the caste system.[216] He argued that the caste system promoted selfishness and an "anti-social spirit" by pitting different segments of society against each other, each group trying to protect their caste's interest against other castes.[217] Dr. Ambedkar's writing and his work on the Indian Constitution had a significant effect, however, and discrimination based on caste is now prohibited in India, and the "untouchable" class has been abolished.[218] Modern Hindu thought is increasingly focused on compassion and kindness across castes, not only within castes. For example, women and the lower castes can now have access to the Hindu scriptures, the Vedas.[219] In addition, there is greater emphasis on the search for liberation, or moksa, as communal, rather than only self-centered, and there is also a changing view of suffering as an opportunity to aid others, rather than merely the effect of bad karma, which allows no interference from outside parties.[220]

Overall, Hinduism has definite themes of responsibility and service to others, though historically these themes have been limited by caste lines.[221] However, in modern Hindu thought, the idea of responsibility to others across castes has become and continues to become stronger.

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216. HINDUISM: A READER 311–12 (Deepak Sarma ed., 1st ed. 2008).

217. *Id.* at 324, 327.

    Dr. Ambedkar writes, "The effect of caste on the ethics of the Hindus is simply deplorable. Caste has killed public spirit. Caste has destroyed the sense of public charity. . . . A Hindu's public is his caste. His responsibility is only to his caste. His loyalty is restricted only to his caste. Virtue has become caste-ridden and morality has become caste-bound. There is no sympathy to the deserving. There is no appreciation of the meritorious. There is no charity to the needy. Suffering as such calls for no response. There is charity but it begins with the caste and ends with the caste." This is a strong criticism of the older view of caste, and Hinduism has responded to this type of criticism in modern times. Important to note is that Ambedkar converted to Buddhism and led a mass movement of untouchables in following suit.

218. *Id.* at 391–96.

219. ARVIND SHARMA, MODERN HINDU THOUGHT: AN INTRODUCTION 126 (1st ed. 2005).

220. *Id.* at 79, 112.

221. This history of responsibility for others only within one's own caste can be paralleled to Islam's historical trend of giving charity primarily to those already within the Islamic faith, and Hinduism's trend of compassion across castes can be compared to the modern Islamic trend of giving charity to the larger community as well as to those within the Islamic faith.

II. Spirituality and Mindfulness

A. *Introduction: What is Spirituality?*

The earlier sections make it clear that "religion" is a term that can encompass many different varieties of belief systems. However, the central themes of a religion are: (1) a personal commitment to and serving of God as a god/God with worshipful devotion, (2) conduct in accord with divine commands (especially as found in accepted sacred writings or declared by authoritative teachers), and (3) a way of life recognized as incumbent on true believers and typically, the relating of oneself to an organized body of believers.[222]

On the other hand, the word "spiritual" means relating to, or consisting of, the spirit rather than the material.[223] Webster's *Third New International Dictionary* defines "spirit" as an animating or vital principle held to give life to physical organisms, or a supernatural being or essence.[224] In other words, a central theme of spirituality is that there is a deity or ultimate reality beyond just the material world. It is an integral part of the religious experience for many religions. However, increasing numbers of Americans are describing themselves as spiritual, while at the same time not identifying with any particular religion.[225]

The numbers are striking. Pew's "2014 Religious Landscape Study" shows that an increasing number of Americans claim to be unaffiliated with any religion, from 16.1 percent in 2007 to 22.8 percent in 2014—a 6.7 percent jump. In fact, 3.1 percent of Americans identified as atheists, 4.0 percent identified as agnostic, and 15.8 percent claimed "nothing in particular."[226]

These studies show that spirituality and religion can exist together or separately, but that for an increasing number of people, spirituality, as opposed to formal religion, is providing moral and ethical guidance for everyday life.[227] A great challenge in defining this moral and ethical guidance more clearly is that non-religious spirituality lacks any widely accepted basic text or central authority and can have multiple definitions. For example, spirituality could mean a sensitivity or attachment to religious values, a be-

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222. *Religion*, Merriam-Webster Dictionary, http://www.merriam-webster.com/dictionary/religion (last visited Dec. 18, 2012).

223. *Id.*

224. *Spirit*, Merriam-Webster Dictionary http://www.merriam-webster.com/dictionary/spirit (last visited June 3, 2014).

225. George H. Gallup Jr., *Americans' Spiritual Searches Turn Inward*, Gallup (Feb. 11, 2003), http://www.gallup.com/poll/7759/Americans-Spiritual-Searches-Turn-Inward.aspx.

226. *Id.*

227. Paul Heelas & Linda Woodhead, The Spiritual Revolution: Why Religion is Giving Way to Spirituality 1–5 (1st ed. 2005).

lief in an ultimate reality separate from the material world, or an acknowledgement of and regard for a supernatural being or beings.[228]

One key characteristic of spirituality is the emphasis on each individual's subjective life and experiences as the primary source of meaning and authority.[229] Researchers Paul Heelas and Linda Woodhead write that in spirituality,

> . . . "the good life" consists in living one's life in full awareness of one's states of being; in enriching one's experiences; in finding ways of handling negative emotions; in becoming sensitive enough to find out where and how the quality of one's life—alone or in relation—may be improved. The goal is not to defer to higher authority, but to have the courage to become one's own authority. Not to follow established paths, but to forge one's own inner-directed, as subjective, life.[230]

Within spirituality, there are two main conceptual subsets: spirituality that retains a belief in a god or gods, and spirituality that focuses more on the interconnectedness of all things (such as "green" or ecological spirituality, or New Age spirituality).[231] This article will explore examples of each subset.

B.   *Spirituality and Responsibility to Others: Belief in a God or Gods*

The first subset of spirituality is connected to a belief in a god or gods, without entering into central themes that define an organized religion. This subset, while not unified, has several prominent thinkers and writers who give clear examples that this type of spirituality calls for responsibility and service to others.

One prominent voice is Stephen R. Covey, author of several books on self-improvement, most notably *The Seven Habits of Highly Effective People.* Covey's background is in religious studies, but his writing has focused on broad, ecumenical concepts accessible to people from a variety of traditions.[232] He argues that true leaders focus on cultivating character rather than a flashy personality or salesmanship, and he advocates that his readers

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228. *Spirituality*, Merriam-Webster Dictionary, http://www.merriam-webster.com/dictionary/spirituality (last visited Dec. 18, 2012).

229. Heelas & Woodhead, *supra* note 227, at 4–5. Note that work on subjectivity is also a prominent current way of thinking in many Protestant denominations and also in Reform Judaism. Memorandum from Amy Uelmen, Dir., Inst. on Religion, Law, and Lawyer's Work, Fordham Univ. to Neil Hamilton, Dir., Holloran Ctr., Univ. of St. Thomas Sch. of Law (Jan. 18, 2015) (on file with the authors).

230. Heelas & Woodhead, *supra* note 227, at 4.

231. Mary N. MacDonald, *Spirituality*, *in* 13 Encyclopedia of Religion 8718–21 (Lindsay Jones ed., 2005), http://go.galegroup.com/ps/i.do?id=GALE⎮CX3424502958&v=2.1&u=clic_st thomas&it=r&p=GVRL&sw=w&authCount=1.

232. Micki McGee, *What '7 Habits' Shared With 'Das Kapital'*, Bloomberg View (July 25, 2012), http://www.bloombergview.com/articles/2012-07-25/what-7-habits-shared-with-das-kapital.

use a moral compass to direct their lives.[233] Covey addresses responsibility for others through his version of the Golden Rule, "think win-win."[234] He writes, "Win/Win is a frame of mind and heart that constantly seeks mutual benefit in all human interactions. . . . Win/Win is based on the paradigm that there is plenty for everybody, that one person's success is not achieved at the expense or exclusion of the success of others."[235] Covey also advocates unconditional love of others as a way to build trusting personal or work relationships, and to help others reach their fullest potential.[236]

Another spiritual thinker is Og Mandino, author of the self-help book *The Greatest Salesman in the World*. The book, written like a fable or a Biblical parable, contains practical principles for success in sales and in living a good life.[237] He writes:

> I will greet this day with love in my heart. . . . I will love all manner of men for each has qualities to be admired even though they be hidden. With love I will tear down the wall of suspicion and hate which they have built round their hearts and in its place will I build bridges so that my love may enter their souls.[238]

Mandino argues that unconditional love for all humans is the surest way to success, and he does so without appealing to any specific religious tradition but referencing a creator God.[239]

Parker Palmer, in his book *The Active Life: A Spirituality of Work, Creativity, and Caring*, provides another example of this subset of spirituality. Palmer was raised a Protestant, but later in his life he embarked on a "spiritual journey" to discover what spirituality meant in his life.[240] His spirituality is based on a belief in a Christian-type God, but it is not limited by any denomination or organized religion. Instead, Palmer states that the "heart of the spiritual quest is to know 'the rapture of being alive.'"[241] Palmer's own path to self-described "aliveness" is a spirituality he calls "the active life," which takes many forms but, most importantly for him, is exhibited through work, creativity, and caring.[242] Palmer's spirituality is also profoundly other-focused, and he writes: "The experience of aliveness

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233. *Id.*

234. *Id.*

235. Stephen R. Covey, The Seven Habits of Highly Effective People 207 (1st ed. 1990).

236. *Id.* at 199.

237. Liz Davis, *I Will Act Now: Og Mandino's story of willingness, action and persistence outlines the solid habits that lead to success, no matter where you are when you start-or start over*, Success, Sept. 2009, at 66, http://go.galegroup.com.ezproxy.stthomas.edu/ps/i.do?id=GALE%7CA206252582&v=2.1&u=clic_stthomas&it=r&p=ITOF&sw=w.

238. Og Mandino, The Greatest Salesman in the World 64 (1st ed. 1968).

239. *Id.* at 66, 97–98.

240. Parker J. Palmer, The Active Life: Wisdom for Work, Creativity and Caring 2–3 (1990).

241. *Id.* at 8.

242. *Id.* at 9.

must never degenerate into a narcissistic celebration of self—for if it does, it dies. Aliveness is relational and communal, responsive to the reality and needs of others . . . ."[243]

In Palmer's discussion of caring, he states that the driving force behind caring, on both a personal and societal level, is compassion and the knowledge that "we are all in this together, that the fate of other beings has implications for our own fate."[244] Overall, Palmer's spirituality retains a focus on caring for others and selfless love. These are examples of how a spirituality that is connected to a belief in a god or gods leads to deep responsibility and service to others.

C. Spirituality and Responsibility to Others: Interconnectedness Spirituality

The other subset of spirituality is defined by its lack of focus on a god or gods, but a focus instead on the wholeness or interconnectedness of things. Within this subset, some thinkers reach a duty to care for others, while others do not.

One modern branch of spirituality without any deity is eco-spirituality or green spirituality. Green spirituality has no central authority or organized religion but is instead an attitude toward the natural world that considers nature as having intrinsic value, as deserving reverent care, and as sacred.[245] Some key components of green spirituality are a sense of connection and kinship with non-human life and an attitude of humility and of questioning the superiority of humans in relation to nature.[246] Bron Taylor describes this spirituality as deeply "eco-centric" or "bio-centric" and thus does not include any discussion of care for other humans and instead focuses on care for nature and the environment.[247] However, some individuals that Taylor writes about who have embraced green spirituality combine it with other religious and spiritual traditions, such as Buddhism or Animism, which is the belief that non-human animals have souls and thus deserve to be treated with more respect and deference than otherwise.[248]

D. Mindfulness Across Religious and Non-Religious Traditions

One further concept that deserves mention here is the idea of mindfulness. Mindfulness as a spiritual practice is commonly associated with Buddhism, but it is found in most religious and spiritual, and even

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243. *Id.* at 8–9.
244. *Id.* at 10.
245. Bron Taylor, Dark Green Religion: Nature Spirituality and the Planetary Future at ix (2010).
246. *Id.* at 13.
247. *Id.*
248. *Id.* at 17.

philosophical, traditions.[249] It is thus a practice that can be connected not only to a faith or spiritual tradition but also to a philosophy without a deity.[250] Mindfulness is most prevalent in the Buddhist tradition, but it also appears in Christian religious practices, such as in the spirituality of Saint Therese of Lisieux. The spirituality of Saint Therese, often called the "little way," focuses on performing everyday tasks mindful of doing them out of love for God.[251] Mindfulness is commonly understood to mean awareness, and it can be both a practice of being mindful and aware as well as an outcome or goal of living in a state of mindfulness.[252] Buddhist scholar and monk Bhikku Bodhi defined mindfulness as "remember[ing] to pay attention to what is occurring in one's immediate experience with care and discernment."[253] The practice of mindfulness is also commonly associated with attention to one's breath.[254]

Many writers link mindfulness to compassion, the ability to feel empathy and the desire to act on those feelings to alleviate the suffering of others.[255] Mindfulness is linked to responsibility to others because cultivation of mindfulness increases a person's sense of connectedness, which increases a person's feeling of anguish when she sees the suffering of others. This compels the mindful person to have a sense of responsibility to others.[256]

Thich Nhat Hanh, a Buddhist monk and founder of a strain of Vietnamese Buddhism blending the Theravada and Mahayana traditions, wrote a letter to his followers about how to maintain mindfulness, even in difficult situations.[257] He instructs readers to use controlled breathing as the way to achieve mindfulness[258] and urges them to maintain mindfulness even in ordinary daily tasks like washing the dishes.[259] For Thich Nhat Hanh, the practice of mindfulness leads to compassion for all beings; when the mind is liberated through mindfulness and meditation, the "heart floods with compassion"[260] and is able to serve others, to relieve the suffering of

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249. Shauna L. Shapiro & Linda E. Carlson, The Art and Science of Mindfulness: Integrating Mindfulness Into Psychology and the Helping Professions 3–4 (2009).

250. *See, e.g.*, Stabile, *supra* note 179, at 213–26 (applying mindfulness to Christianity and Catholicism in particular); *see also* Thich Nhat Hanh, The Miracle of Mindfulness: A Manual on Meditation (Mobi Ho trans., revised ed. 1976).

251. Earnest E. Larkin, *Christian Mindfulness* (Feb. 13, 2015, 2:54 PM), 1–2, carmelnet.org/larkin/larkin017.pdf.

252. Shapiro & Carlson, *supra* note 249, at 4.

253. *Id.*

254. *See id.* at 4; Stabile, *supra* note 179, at 215–26; *see generally* Hanh, *supra* note 250.

255. Hanh, *supra* note 250, at 23.

256. Paul Ekman, Emotional Awareness: A Conversation Between the Dalai Lama and Paul Ekman, Ph.D. 163 (2008).

257. Hanh, *supra* note 250, at vii–xii.

258. *Id.* at 15.

259. *Id.* at 3–5.

260. *Id.* at 58.

others, and to make others' lives happier.[261] For him, the natural and logical result of mindfulness is care for and service to others.[262]

Susan Stabile further explores this connection in her book *Growing in Love and Wisdom*, where she speaks about mindfulness in the context of breathing meditations from both Buddhist and Christian traditions.[263] For her, the different mindfulness practices, including breathing exercises and prayers such as mantras in Buddhism and the Rosary in Catholicism, lead necessarily to the development of a loving attitude.[264]

In conclusion, though mindfulness does not focus directly on a specific religion, it is not necessarily isolated from belief in a god or gods; both the Buddhist and Catholic traditions rely heavily on mindfulness in their practice. Even when mindfulness does not have this connection to a god or gods, it may lead to a cultivation of a compassionate, loving, other-oriented mindset, and thus supports the idea of responsibility to others.

III.   Secular Philosophies

As explored above, many religions and spiritual traditions emphasize care for others. For those who profess no religion or spirituality, however, the basis for responsibility to others found in those traditions is important in understanding others but does not speak to the person's own moral core. Consequently, this section will focus on secular moral philosophies and ethical systems, and on what prominent philosophers such as Confucius, Kant, and Aristotle bring to the discussion of responsibility to others. Overall, many of these thinkers and philosophical frameworks encourage or command care for others.

The following secular philosophies were chosen to shed light on the segment of the population that does not affiliate themselves with the major religions. Pew's "2014 Religious Landscape" survey shows that an increasing number of Americans claim to be unaffiliated with any religion, from 16.1 percent in 2007 to 22.8 percent in 2014—a 6.7 percent jump.[265] In fact, 3.1 percent of Americans identified as atheists, 4.0 percent identified as agnostic, and 15.8 percent claimed "nothing in particular".[266]

To reflect the fact that there are both secular-identifying and religious-identifying individuals who do not fall under the umbrella of major world religions, we have chosen to analyze non-religious philosophies in two main categories: those that are consistent with religious arguments and those that are inconsistent with religious arguments. While none of the arguments here rely on revelation to support the conclusion that we have a

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261. *Id.* at 75–76.
262. *Id.*
263. Stabile, *supra* note 179, at 215–16.
264. *Id.* at 224–26.
265. *America's Changing Religious Landscape*, *supra* note 11.
266. *Id.*

responsibility to others, some are consistent with the religious arguments. These include arguments from the natural law, Immanuel Kant, and John Rawls. The second category of philosophical arguments includes those that are in some tension with religious arguments. These come from utilitarians such as Mill and Bentham and atheists such as Carl Sagan and Christopher Hitchens.

These philosophers were chosen for two reasons. First, they reflect the authors most widely used in the study of philosophy at the university level and beyond.[267] Second, these authors clearly articulate their philosophies, at least with respect to responsibility to others.

A. Positions Consistent with Religious View

1. Virtue Ethics: Confucius and Aristotle

Confucius, writing approximately 2,500 years ago, and Aristotle, writing approximately 150 years later, both developed systems of virtue ethics not based on religion. Though both were religious and viewed their work as somewhat connected to their religions, they were each able to develop a system of virtue ethics that did not use any premises that were part of the revealed truths of their faiths.[268] Virtue ethics is a system that claims the way to reach the ultimate purpose of life is through cultivating virtues.[269]

May Sim observes:

Confucius and Aristotle both present an alternative to modern egoistic understandings of ethics and friendship. Both thinkers— in distinctive ways—manage to direct us to a kind of moral content where self-interest and other-directedness cross. This is the life of virtue. The cultivation of virtue is good for me—indeed it is the essence of my happiness if not the whole of it, according to Aristotle. At the same time, it is good for my friends and for my culture. It develops my character and develops my community in the right ways. This double aspect of the life of virtue seems to confuse many modern readers. Confucius and Aristotle both sometimes write as if the point of good action was primarily the improvement of the agent's own excellence, and some commentators use these passages to argue that Aristotle or Confucius is, in the end, an egoist, and virtue ethics is an ethics ultimately concerned primarily with self-development or one's own happiness. But both authors also declare that other-regarding virtues are the highest moral excellences. Other commentators use these passages to argue the case of altruism. But both sorts of commen-

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267. Taken from an informal survey of multiple philosophy textbooks currently used in undergraduate courses in universities in the United States.

268. Jiyuan Yu, The Ethics of Confucius and Aristotle: Mirrors of Virtue 37, 39 (Routledge, 2007).

269. *Id.* at 21; Rosalind Hursthouse, On Virtue Ethics 188 (Oxford University Press, 1999).

tators miss the fundamental point about the life of virtue, a point upon which Aristotle and Confucius concur despite a wealth of other differences; what we call virtue is good for me and good for others.[270]

Confucius's system focuses on dao. Dao means the right way a human life should take, and for Confucius, dao is the highest human good.[271] Through virtue, Confucius says that a person finds dao. One clear virtue is filial piety, the caring for one's family. However, while Confucius is clear that filial piety is a duty, he does not say the extension of this piety to care for all others is a duty, merely that it is a natural outcome of filial piety.[272] Though not explicitly a duty, Confucius does place emphasis on care for others that extends beyond the family.[273] One way Confucius places this emphasis on care for others was through his position that every human being has the same basic nature, needs, and rights.[274]

Mencius, Confucius's most influential follower, whose teachings have become the "orthodox" interpretation of Confucianism,[275] emphasizes very similar themes.[276]

> Treat your elders as elders, and extend it to the elders of others; treat your young ones as young ones, and extend it to the young ones of others, and you can turn the world in the palm of your hand . . . . Hence, if one extends one's kindness, it will be sufficient to care for all within the Four Seas. If one does not extend one's kindness, one will lack the wherewithal to care for one's wife and children. That in which the ancients greatly exceeded others was no other than this. They were simply good at extending what they did.[277]

> Mengzi said:

> That which people are capable of without learning is their genuine capability. That which they know without pondering is their genuine knowledge. Among babes in arms there are none that do not know to love their parents. When they grow older, there are none that do not know to revere their elder brothers. Treating one's parents as parents is benevolence. Revering one's elders is righteousness. There is nothing else to do but extend these to the world.[278]

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270. May Sim, Remastering Morals with Aristotle and Confucius 20–21 (2007).

271. *Id.* at 25.

272. Yu, *supra* note 268, at 107.

273. *Id.*

274. Klein, *supra* note 110, at 175.

275. Bryan Van Norden, *Mencius,* The Stanford Encyclopedia of Philosphy (Oct. 16, 2004), http://plato.stanford.edu/entries/mencius/.

276. Mencius, Mengzi: With Selections from Traditional Commentaries (Bryan W. Van Norden trans., 2008).

277. *Id.* at 1A7.12.

278. *Id.* at 7A15.1–3.

Mengzi further observed:

> People all have things that they will not bear. To extend this reaction to that which they will bear is benevolence. People all have things that they will not do. To extend this reaction to that which they will do is righteousness. If people can fill out the heart that does not desire to harm others, their benevolence will be inexhaustible. If people can fill out the heart that will not trespass, their righteousness will be inexhaustible. If people can fill out the core reaction of refusing to be addressed disrespectfully, there will be nowhere they go where they do not do what is righteous . . . .[279]

The following quote makes clear that "extended" altruism is of a lesser degree or even kind:

> Gentlemen, in relation to animals, are sparing of them but are not benevolent toward them. In relation to the people, they are benevolent toward them but do not treat them as kin. They treat their kin as kin, and then are benevolent toward the people. They are benevolent toward the people, and then are sparing of animals.[280]

Aristotle has a different analysis but many of the same themes.

Aristotle's system focuses on eudemonia, or happiness. This happiness does not mean pleasure; rather, it means flourishing, living well, and achieving a full human life.[281] For Aristotle, the motivation behind all virtue is to form oneself into a virtuous person who will be able to achieve eudemonia.[282] Aristotle thought that friendship was a virtue.[283] Observing that the self is inherently social so humankind seeks friendship, Aristotle emphasized responsibility to friends and to self.[284] The good that a person wants for him or herself, the person also wants for a friend.[285] There is disagreement among scholars about whom Aristotle includes in the circle of friends. Yu argues this responsibility is limited to a small circle of virtuous friends.[286] May thinks the circle of friends is wider.[287] Certainly the inference from Aristotle's other virtues like magnanimity is that some virtues are directed at the good of the wider community.[288]

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279. *Id.* at 7B31.1–4.

280. *Id.* at 7A45.

281. Yu, *supra* note 268, at 25.

282. *Id.* at 207–09.

283. Sim, *supra* note 270, at 194.

284. Robert M. Benchman, *Altruism in Greco-Roman Philosophy*, *in* Altruism in World Religions 1, 5 (Jacob Neusner & Bruce Chilton eds., 2005).

285. *Id.* at 6–7.

286. Yu, *supra* note 268, at 201, 209.

287. Sim, *supra* note 270, at 199–200.

288. Email from Heidi Giebel, Professor, Univ. of St. Thomas, to Neil Hamilton, Dir., Holloran Ctr., Univ. of St. Thomas Sch. of Law (Jan. 21, 2015 at 13:24 CST) (on file with the authors).

In conclusion, the virtue ethics of Aristotle and Confucius, while not religious or based on the existence of a god, still emphasize that humans have a positive duty to care for one another.

2.   *Duty Ethics: Kant and Rawls*

Immanuel Kant and John Rawls, two prominent philosophers, approached the question of responsibility to others by creating a system of duty ethics. Neither Kant nor Rawls were professed Christians, and while both criticized organized religion, neither renounced religious faith altogether. While their arguments do not use premises from revelation or any premises that overtly reject religion, their systems of duty ethics are consistent with religious faith.

Kant's position is that any moral duties that humans have must apply in every situation. If a certain moral duty cannot be applied universally in a way that makes sense, then it must not be a duty after all.[289] If a moral duty passes the test of making sense in any situation, it applies to all of humanity and with regard to all humans.

Kant's theory about moral duties and care for others intersects through the principle of beneficence. The principle of beneficence states that all people have a positive duty to help one another.[290] Kant reasons that a system without beneficence, where there is no duty to help anyone, cannot be universalized.[291] Without beneficence, there would have to be instead a universal law that each person refrain from helping anyone else. But, Kant argues, we are finite beings, and there is much we would not be able to do without the help of others.[292] So a universal law that forbids humans from helping each other would take away our means of achieving our ends, and it cannot be a moral duty.[293]

John Rawls's view is that all humans have a duty to deal justly with each other, especially in the construction of a society.[294] Since we are moral, rational beings with our own ends, we have a duty to treat others justly or fairly.[295] One of Rawls's more famous thought experiments is the "Veil of Ignorance" exercise, designed to ensure that a society is built with a duty to treat others with fairness. Those who create the society are to do so without knowing their place in it, whether it is gender, race, economic station, or profession. Through this exercise, Rawls says that only by living up to the duty of treating others with fairness will those behind the veil

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289.   Kant calls this theory the categorical imperative.

290.   Matthew C. Altman, Kant and Applied Ethics 55, 72–75 (2011).

291.   *Id.* at 73.

292.   *Id.*

293.   *Id.*

294.   John Rawls, A Theory of Justice 453–59 (2005).

295.   *Id.*

create a just system, motivated in part by their desire to be treated fairly as well.[296]

3.   *Natural Law Ethics: The Bridge Between Secular Philosophies and Religious Philosophies*

The field of Natural Law provides a bridge between religious and atheistic theories. Many religious thinkers, such as Thomas Aquinas, rely on natural law. Natural Law is a system of norms extracted from the interest in promoting basic human goods.[297] Although prominent thinkers in the area of Natural Law theory are not in complete agreement about the catalog of these basic goods and what the content of the norms dictates, certain recurring themes emerge.[298]

One common theme is responsibility to others. Thomas Aquinas says one of the basic goods included in the Natural Law is social life; Germain Grisez and John Finnis speak of justice and friendship.[299] Timothy Chappell uses the language of fairness and friendship to talk about what the natural law dictates in terms of our interactions with others, while Mark Murphy speaks of community and friendship.[300] So although these prominent thinkers in Natural Law theory do not have complete uniformity with one another, they all emphasize the importance of relationship with others. In some cases, this takes the form of responsibility to others.[301]

In the writings of St. Thomas Aquinas, Natural Law speaks about justice in terms of each person's responsibility to the wider community.[302] When it comes to care for others above and beyond justice, the positive duty to care for others is brought about by our specific relationships with them. For example, family relationships bring the duty to care for others in the form of mutual respect, friendship, and devotion.[303] In other words, care for others in Natural Law is basically a form of piety.[304] This piety is not limited to family relationships, however, since obligations for care can be created by benefactor relationships as well.[305]

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296. *Id.*

297. Alfonso Gómez-Lobo, Morality and the Human Goods 59 (2002).

298. *The Natural Law Tradition in Ethics*, Stanford Encyclopedia of Philosophy (Sept. 23, 2002), http://plato.stanford.edu/entries/natural-law-ethics/.

299. *Id.*

300. *Id.*

301. *Id.*

302. Leo J. Elders, The Ethics of St. Thomas Aquinas: Happiness, Natural Law and the Virtues 242 (2005).

303. Gómez-Lobo, *supra* note 297, at 64.

304. Elders, *supra* note 302, at 261–62.

305. *Id.* at 261.

4. *The Ethics of Authenticity: Charles Taylor and Others*

The concept of authenticity first gained popularity at the end of the 18th century, when it referred to any individual who followed a well-formed personal conscience. Personal conscience, in turn, was only well-formed when it found its source in God.[306] Thus, this early form of authenticity included a high level of responsibility to others, since the basis for this authenticity was morality that found its source in a Christian God.[307]

The concept of authenticity that we see today in the writings of contemporary business leadership writers like William George, Kevin Kruse, and Charles Taylor builds from this earlier tradition. Taylor writes: "Authenticity points us towards a more self-responsible form of life. It allows us to live (potentially) a fuller and more differentiated life, because it is more fully appropriated as our own."[308] Taylor encourages us not only to know ourselves and adhere to ourselves, but also to take responsibility for ourselves. He continues, "By the very fact that [the culture of authenticity] develops, people are made more self-responsible."[309] Thus, this authenticity leads the individual not only to be true to herself, but also to take responsibility for her actions.

Not only does authenticity necessitate responsibility for self, Taylor argues it also requires some responsibility to others. Cultivating this type of authenticity requires "recognizing the equal value of different ways of being."[310] However, recognizing the equal value of other modes of authenticity can only be accomplished through what Taylor calls a shared horizon of significance, or a shared morality.[311] Taylor does not espouse a kind of relativism that requires that no one pass any judgment on the personal choices of others—in fact, Taylor argues that relativism should be avoided.

Another type of authenticity has emerged in recent years that slides toward soft relativism.[312] Here, authenticity refers to being true to self and claims that things have significance not of themselves, but because people deem them to have it.[313] It becomes a type of subjectivism, since a person thinks and acts and makes moral choices with reference to herself, rather than with reference to others.[314] This becomes an affirmation of choice itself. Charles Taylor describes it as: "All options are equally worthy, because they are freely chosen, and it is choice that confers worth."[315] This perspective will be discussed further in Part VI below titled "The Disen-

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306. CHARLES TAYLOR, THE ETHICS OF AUTHENTICITY 25–26 (1991).
307. *Id.* at 25–26.
308. *Id.* at 74.
309. *Id.* at 77.
310. *Id.* at 51.
311. *Id.* at 52.
312. TAYLOR, *supra* note 306, at 36.
313. *Id.*
314. *Id.*
315. *Id.* at 37.

gaged, Including Moral Agnosticism, Moral Individualism, and 'Whatever'."

B. *Philosophical Positions In Some Tension with Religious Views*

1. *Utilitarianism: Mill and Bentham*

John Stuart Mill, an atheist philosopher, addresses altruism from a non-religious point of view. According to Mill, the ultimate end of all human life is happiness. He espouses the utilitarian view that the maximization of happiness is good, while human suffering is evil.[316] Though there are forms of utilitarianism which are only self-seeking, Mill does not see the pursuit of happiness as purely egotistical.[317] Mill argues that our moral duty is to promote the total happiness of all humanity. He describes our duty to others: we must be somewhat altruistic, and we have an obligation to promote the happiness of all people.[318]

While Mill's utilitarianism does incorporate a responsibility to others by calling upon the actor to consider an action's effect on all people, Mill's view is not based on religious thought or belief, and it is inconsistent with much religious thought in significant ways. For example, Christianity parts ways with Mill's utilitarianism by rejecting the idea that people can be used as means to an end and not ends in themselves and by greatly emphasizing the dignity of the individual human person.

In addition, Mill's position on responsibility to others in the form of maximizing overall happiness raises questions. Mill relies on the writings of Aristotle, holding that people are not equally qualified to make estimates about which pleasures are higher or lower.[319] When Mill gives the authority to classify the quality of pleasures to people who are more developed emotionally and intellectually, one must ask: why should we trust any person, wise or developed or not, to make accurate estimates about the pleasures and pains of other people? It poses a risk to the less wise and less developed that the qualitative measure of their pleasures and pains is totally out of their control.[320]

Jeremy Bentham was a major influence on the writings of John Stuart Mill, and it was his Felicific Calculus algorithm, or calculus of happiness, that influenced Mill's writings on happiness.[321] Bentham held that benefit, advantage, good, or happiness came to the same thing, as did pain, evil, or unhappiness, and so he took their measure to be simply a matter of "account

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316. GEORGE C. KERNER, THREE PHILOSOPHICAL MORALISTS: MILL, KANT AND SARTRE: AN INTRODUCTION TO ETHICS 17, 47 (1990).

317. *Id.* at 47.

318. *Id.* at 17.

319. SISSELA BOK, EXPLORING HAPPINESS: FROM ARISTOTLE TO BRAIN SCIENCE 91 (2010).

320. *Id.* at 91.

321. *Id.* at 89–90.

and calculation, of profit and loss, just as [for] money."[322] The Felicific Calculus essentially added the happiness of each individual then subtracted the unhappiness they experienced. Mill, like Bentham, also became interested in ways to maximize happiness in humanity. However, the two parted ways when it came to responsibility to others.

While Mill held that it was our moral duty to maximize the happiness of all people, Bentham put priority on the happiness of each individual, without much regard for others.[323] Bentham would never call for personal sacrifice in order to maximize the happiness of the greatest number of people.[324] Later in his life, Bentham tried to back off from the notion that personal happiness should trump the happiness of others, but Bentham never presented a clear analytical framework to include responsibility to others in his Felicific Calculus.[325]

2.   *The Free Market*

In the free market system, the focus is on maximizing consumer welfare through competitive markets, which means consumers will be able to access their desired goods and services at the lowest cost. At the same time utilitarianism gained importance in the philosophical tradition of the 18th century, the free market system gained importance as an economic and societal manifestation of utilitarian thinking.[326] The free market, like utilitarianism, promotes the well-being, or common good, of all people.

The premise inherent in the free market system is that we are essentially economic beings, and economic welfare is the only important human good. Thus, the heart of the free market framework is empowering individual rationality to maximize economic welfare.[327] Markets that are as free as possible from governmental and religious command best serve the common good.[328] This sort of system frees individuals to exercise their intelligence, imagination, and enterprise to the best of their abilities.[329] If free markets are working properly, competition will lead profits to be constrained to just the amount necessary to incentivize investors to provide needed capital.

Inherent in the free market system is rational self-interest. This is not near-sighted selfishness; the rationality of "rational self-interest" must take into account the interests of market participants, including consumers and

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322.   *Id.* at 85.

323.   *Id.* at 87.

324.   *Id.*

325.   Bok, *supra* note 319, at 88.

326.   Michael Novak, The Spirit of Democratic Capitalism 59 (1982). Note that Novak considers his work as profoundly motivated by Catholic social thought but his secular analysis of the free market is very clear.

327.   *Id.* at 79.

328.   *Id.*

329.   *Id.* The idea of the market being "as free as possible" acknowledges the role of government to address market failures. *Id.*

employees. This includes their values and goals, which may go beyond their economic well-being.[330] Additionally, the "self" in self-interest can refer to more than the individual and include also the family or organized community engaged in the business.[331] Thus, the free market, even though it can seem to lead to no responsibility to others, actually leads to enlightened self-interest. This enlightened self-interest includes a limited interest in others necessary for commercial relationships, thus encouraging a form of responsibility to others.

Another view of care for others in the free market stems from the concept of reputational capital. Reputational capital adds value to a business by attracting and keeping customers, employees, investors, and suppliers.[332] An investment in reputational capital still focuses on the bottom line, which is self-interested on its face, but by focusing on the trust of consumers and the motivation of employees, it leads to satisfying the needs of others.[333]

The need for investment in reputational capital stems from the fact that we prosper through interaction with others, and therefore our prosperity is most secure where others trust us to provide them with the quality of goods and services we want at a fair price.[334] This realization leads to a larger zone of overlap between our needs and the needs of others, or in other words, enlightened self-interest.[335] This enlightened self-interest creates a system of a moral free market rather than a rapacious, short-term free market, through caring for others from a place of enlightened self-interest. For example, this care for others is manifested through attention to relationships with customers in order to preserve their goodwill and increase profit.[336]

Bill Gates captures the free market system's emphasis on enlightened self-interest of concern for others:

> As I see it, there are two great forces of human nature: self-interest and caring for others . . . . Creative capitalism takes this interest in the fortunes of others and ties it to our interest in our own fortunes—in ways that help advance both. This hybrid engine of self-interest and concern for others serves a much wider circle of people than can be reached by self-interest or caring alone.[337]

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330. *Id.* at 94–95.

331. NOVAK, *supra* note 326, at 93.

332. STEPHEN YOUNG, MORAL CAPITALISM: RECONCILING PRIVATE INTEREST WITH THE PUBLIC GOOD 3 (2003).

333. *Id.* at 3, 6.

334. *Id.* at 6.

335. *Id.* at 34.

336. *Id.* at 103.

337. Bill Gates, Chairman, Microsoft Corp., Remarks at the World Economic Forum 2008: A New Approach to Capitalism in the 21st Century (Jan. 24, 2008).

3. New Atheism and Humanism

Contemporary atheist thinkers encompass a broad range of views on the question of whether or not we have a duty to care for others. Below is an overview of several such writers.

Elizabeth Anderson argues that the duty to care for others does not come from morality rooted in God but from a sort of mutual accountability.[338] She says that since we cannot rely on God to be the basis for morality, we must recognize each other as moral authorities. To be able to coexist with all of these individual moral authorities, Anderson says that we must be mutually accountable to each other to carry out our moral lives peacefully. So care for others exists to ensure a peaceful coexistence among people.[339]

Carl Sagan, on the other hand, does not argue that we have some sort of moral duty to care for others but that altruism is built into our biology.[340] He believes this altruism does not find its source in any god, nor in any system of morality. Instead, animals exhibit altruistic behavior, and it is observable and present in human beings as well as animals.[341] Though there is some variety, both normative and descriptive views of the duty to care for others can be found in atheistic schools of thought.

The writings of contemporary atheists overlap with the general philosophy of humanism. The term "humanism" is ambiguous and difficult to define because this term includes many different schools of thought. Among them are: Literary Humanism (devotion to the humanities or literary culture); Renaissance Humanism (the spirit of learning that developed at the end of the middle ages with the revival of classical letters and a renewed confidence in the ability of humans to determine truth and falsehood); and Western Cultural Humanism (the rational and empirical tradition that originated in ancient Greece and Rome and now permeates Western thinking in many areas), to name a few.[342] These types of humanism share a focus on human means for contemplating reality but without significant emphasis on responsibilities to others.[343]

The idea of responsibility to others appears in Philosophical Humanism and its two major sub-categories, Christian Humanism and Modern Humanism.[344] Christian Humanism is a philosophy advocating "the self-fulfillment of man within the framework of Christian principles."[345] Since

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338. THE PORTABLE ATHEIST: ESSENTIAL READINGS FOR THE NONBELIEVER 347 (Christopher Hitchens ed., 2007).

339. *Id.*

340. *Id.* at 233.

341. *Id.*

342. Fred Edwords, *What Is Humanism?*, AMERICAN HUMANIST ASSOCIATION (2008), http://americanhumanist.org/humanism/What_is_Humanism.

343. *Id.*

344. *Id.*

345. *Id.*

this brand of humanism is so firmly rooted in the Christian tradition, the person who ascribes to it follows the Christian tradition in assuming responsibility to others. Modern Humanism is defined by one of its leading proponents, Corliss Lamont, as a "naturalistic philosophy that rejects all supernaturalism and relies primarily upon reason and science, democracy and human compassion."[346] Modern Humanism advocates compassion, saying that humanist ethics is solely concerned with meeting human needs and answering human problems, without devoting attention to satisfying any sort of supernatural entity.[347] The Modern Humanist, then, believes in responsibility to others.

In short, within the wide variety of contemporary schools of thought on humanism, there are several humanist traditions that emphasize responsibility to others while others do not make a significant reference to this responsibility.

IV.   OBJECTIONS: COUNTERARGUMENTS TO RESPONSIBILITY TO OTHERS

Strong arguments for the position that humans have a duty to care for one another are present in the major religions and many of the secular philosophies. However, prominent thinkers in atheist, socio-biological, and some philosophical traditions raise affirmative objections to the position of responsibility to others. There are two main categories of objections.

First, there are arguments based on Darwin's theory of evolution, namely, survival of the fittest. Theorists argue that since evolution means that humans are genetically wired with the need to survive, altruism either cannot exist or has no place in human functioning. Second, there are arguments based on the underlying principle that all humans are basically egoists. These proponents argue that since all humans are built to care only for themselves, altruism either cannot exist or has no place in healthy human functioning. Each category will be examined below.

A.   Darwinism

The theory for which Charles Darwin is best known is the theory of evolution and natural selection. The cornerstone of this theory is the principle of survival of the fittest. Darwin's theory was that the fittest, most advantageous variant of any organism would be the one to survive and pass on its genetic information, and after generations upon generations of this process, species would evolve into what we see today.

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346. *Id.*
347. *Id.*

1. Species/Group Darwinism

Darwin's theory of survival of the fittest has been used by some philosophers as a springboard to argue that there is no duty that humans must care for each other. There is, however, some variety in how Darwin's principle is used, namely, as to the size of the group concerned with survival. As discussion below will make clear, while some argue that "survival of the fittest" is meant to apply to the entire species (whether the human race or other species), others argue that Darwinism applies solely to one's own genetic line, even to an individual alone.

Nietzsche argued that survival of the fittest meant the survival of the fittest with respect to the entire species.[348] He argued against the idea that humans have a duty to care for each other, which he called altruism.[349] The problem he saw with a responsibility to others was that it implied sacrificing one's own interest or self to benefit another person, thus preserving humans who should have otherwise been too weak to help the species pass on its genetic information.[350] Nietzsche saw responsibility to others as a disruption of natural selection and therefore completely contrary to natural human functioning.[351] Thus, for Nietzsche, Darwinism dictates that only the fittest group should survive. Since care for others beyond your group subverts natural selection, it thus subverts natural human functioning and has no place in society.

Michael Ruse is another thinker who argues that survival of the fittest applies to the group.[352] While he recognizes that humans and certain animals exhibit behavior that looks like altruism, or responsibility and care for others, this altruism only serves to allow the group to become more competitive in the race to survive. Instead of being truly responsible for others, Ruse argues that altruistic-like behavior is really only a manifestation of self-interest at a group level.[353]

2. Individual/Genetic Darwinism

Darwin's principle of survival of the fittest can also be applied to the individual and her own genetic line only. Instead of the group competitiveness of Michael Ruse, these arguments state that it is only individual organisms that engage in survival of the fittest to pass on their specific genetic information. For example, Richard Dawkins argues that humans are born

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348. John Richardson, Nietzsche's New Darwinism 151 (2004).

349. *Id.* at 148–49.

350. *Id.* at 149.

351. *Id.*

352. Michael Ruse, Philosophy After Darwin: Classic and Contemporary Readings 441 (2009).

353. *Id.* at 442.

selfish.[354] This is because the process of natural selection favors "ruthless selfishness" in genes; in fact, what makes a gene "bad," in the sense that it cannot survive through the process of natural selection, is altruism.[355] Because the process of natural selection favors genes that are ruthlessly selfish, the humans that have survived till now have done so by virtue of having "selfish" ancestors, and we are wired to be selfish in the interest of passing on our individual genetic information to future generations.[356] There is no duty to care for others, since the responsibility to others itself undermines selfishness, the very mechanism that allows our genetic line to survive.[357] In modern society, Dawkins does admit that a simplified form of care for others is necessary, but this is "reciprocal altruism," which demands that we treat others well only to ensure that we are treated well, and thus that our genetic information survives.[358] This is not an obligation to care for others at all, but simply a way to use altruistic behavior to increase our own chances of survival.[359] Thus, the strand of genetic or individual Darwinism dictates that natural selection has created humans who thrive on the selfishness of their genes, and since altruism threatens this "selfish" method for survival, there is no duty to care for others.

The argument from a Darwinist point of view is that there is no duty to care for others since humans, either as a group or individually, are wired to act in selfish ways in order to achieve survival as the fittest species or individual genetic strand. In these arguments, altruism is either completely contrary to normal human functioning, or it is appropriate only as a way to ensure that others will treat you well and help ensure the survival of your group and your own genetic information.

B. *Egoism*

The second type of argument against the principle that we have a duty to care for others is based on the underlying principle that all humans are basically egoists. And since all humans are either built to care only for themselves, or rightly choose only to care for themselves, altruism either cannot exist or has no place in healthy human functioning.

1. *Egoism Defined*

The term "egoism" has come to mean two basic things. First, it can mean "psychological egoism," the position that human beings are only ca-

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354. RICHARD DAWKINS, THE SELFISH GENE 3 (30th anniversary ed. 2006) [hereinafter DAWKINS, SELFISH GENE].
355. *Id.* at 2, 36.
356. *Id.* at 200.
357. *Id.* at 200–01.
358. RICHARD DAWKINS, THE GOD DELUSION 223 (reprt. ed. 2008) [hereinafter DAWKINS, GOD DELUSION].
359. *Id.* at 224.

pable of pursuing selfish ends.[360] According to psychological egoism, caring for others simply doesn't exist. Since humans are hard-wired simply to pursue their own selfish ends, any act that looks like care for others is really aimed at selfish ends instead.[361] This hearkens back to the position laid out by Richard Dawkins in *The Selfish Gene*, closely aligning psychological egoism to the category of individual or genetic Darwinism. Thus, psychological egoism objects to a duty to care for others by denying that humans are capable of that kind of care.

Ethical egoism asserts that one ought to always maximize one's own personal good as an end.[362] Any interest that a human being wants to pursue is preconditioned on their being alive, and so it is only rational that the end of every human life is to pursue one's own life.[363] While psychological egoism is based on the premise that humans are wired to act selfishly, ethical egoism has a rational basis.[364] Though human action should be motivated by selfish interests, these interests should be pursued rationally rather than by instinct.[365]

With regard to responsibility to others, ethical egoists can coexist peacefully without a duty to care for one another.[366] If each of us pursues our personal, long-term interests rationally, then none of us will do anything that damages our reputation, endangers our lives, or exposes us to punishment.[367] The ethical egoist position is that pursuit of self-interest can actually preserve the social order, since the essential elements to peaceful coexistence, like dealing justly with others to maintain a good reputation, can be achieved through nothing more than pursuit of self-interest.[368]

True responsibility to others, on the other hand, is morally wrong from an ethical egoist point of view.[369] This is because responsibility to others involves self-sacrifice, which threatens life and contradicts the mandate to rationally pursue the preservation of our lives before all else.[370] Thus, while ethical egoism can lead to peaceful coexistence, this coexistence is only achieved through self-interest. True altruism, as a duty to care for one another that goes beyond a by-product of self-interest, is morally wrong in that it threatens the rational pursuit of life.[371]

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360. Robert L. Holmes, Basic Moral Philosophy 104 (4th ed. 2007).

361. *Id.*

362. *Id.* at 44.

363. Steve Wilkens, Beyond Bumper Sticker Ethics: An Introduction to Theories of Right and Wrong 45–46 (2d ed. 2011).

364. *Id.* at 46.

365. *Id.* at 47.

366. *Id.*

367. *Id.*

368. *Id.*

369. Wilkens, *supra* note 363, at 46.

370. *Id.* at 49.

371. *Id.* at 45–47.

2. *Machiavelli's Egoism*

For Machiavelli, the ultimate goal of all human life is personal power.[372] This is a version of egoism in that it sees humans as seeking power exclusively for themselves and their self-centered ends. Caring for others can set back a person's ultimate goal for power, since in caring for others, we sacrifice an opportunity to gain more power for ourselves.

Machiavelli concedes the existence of behavior that looks like care for others, but he concludes it too is a form of egoism.[373] For example, while a ruler should not unjustly take property from his subjects, the reason is not that this is a good way to treat others, but that taking personal property could turn the ruler's subjects against him.[374] Care for others and benevolence become tools to retain power. When responsibility to others is necessary to gain the allegiance of powerful people, Machiavelli condones it. But if responsibility to others and benevolence lead to a decrease in power, he is quick to discard them.[375] Since Machiavelli believes that egoism is the only way to achieve the ultimate purpose of life, which is power, there exists no duty to care for others.

The argument, then, from the egoist point of view is that since humans are either genetically predisposed to only care for themselves or have no obligation to serve anything but their own ends, there exists no duty to care for others.

As explored above, several schools of thought argue that we do not have a duty to care for each other. These arguments find sources first in Darwinism and then in different versions of egoism, from thinkers such as Dawkins, Nietzsche, and Machiavelli. The next section will lay out possible responses to these objections.

V. The Case for Responsibility to Others: Possible Responses to the Objections

For an effective dialogue on responsibility to others, it is valuable to examine both positions that advocate responsibility and those that do not. The primary focus of this article has been to examine the range of belief systems that espouse a responsibility to others. The previous section described the various counter-arguments for those who believe humans have no responsibility to others. Some readers may be drawn to this latter view. This section aims to engage that reader through questions and suggestions for further thought.

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372. Niccolò Machiavelli, The Prince 61 (Lucille Margaret Kekewich ed., C.E. Detmold trans., 1997).

373. *Id.* at 65–66.

374. *Id.*

375. *Id.* at 68.

A. Darwinism

Darwin's theory of natural selection and survival of the fittest, and those of his successors in evolutionary biology, do not necessarily deny that humans have a responsibility to others. As the following shows, Darwinism is nuanced to the degree that making the connection between the existence of natural selection and the denial of responsibility to one another is not as simple as it looks.

1. Group/Species Darwinism: A Response

Group Darwinism rejects the notion that we are responsible to one another. Nietzsche argues that caring for others is harmful since it subverts natural selection, the mechanism that allows the strongest group to survive and pass on their superior genetic traits.[376] Michael Ruse adds that while something that looks like altruism might exist, its only purpose is to serve the interest of the group and make the group more competitive. Group Darwinism argues that only members within a group have a responsibility to one another, and that this is all aimed at making the group more competitive in relation to natural selection. It is responsibility to those outside the group that Group Darwinism rejects.[377]

If we think of one's profession as the group itself, then the responsibility that members of the profession have to others in their profession can mirror the responsibility that Group Darwinism says exists exclusively in the group to make the group more competitive. Put more concisely, if the profession itself is viewed as the group, then internalizing responsibility to other professionals in that field is entirely consistent with Group Darwinism. Similarly, the lawyer and her client are a type of group that the lawyer wants to make more competitive. Perhaps the student who identifies with Group Darwinism would not agree with, say, the Christian position on responsibility for all other humans, but a proponent of Group Darwinism can still agree that lawyers have a responsibility toward other lawyers and clients. The position of Group Darwinism, therefore, is not entirely contrary to responsibility to others.

2. Individual/Genetic Darwinism: A Response

The case against responsibility to others from the individual or genetic Darwinist is clearly articulated by Richard Dawkins in *The Selfish Gene*. Dawkins argues that humans are born selfish and are selfish by nature.[378] Our present day genetic makeup has survived natural selection through

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376. JOHN RICHARDSON, NIETZSCHE'S NEW DARWINISM 149 (2004).
377. MICHAEL RUSE, PHILOSOPHY AFTER DARWIN: CLASSIC AND CONTEMPORARY READINGS 441 (2009).
378. DAWKINS, SELFISH GENE, *supra* note 354, at 2, 36.

ruthless selfishness.[379] However, since modern society operates through re-
ciprocal altruism ("I'll scratch your back if you scratch mine"), Dawkins
concedes the need for a small measure of reciprocal altruism for a person, in
order to function in society, to get what she wants.[380] Individual Darwinism
allows for a limited amount of responsibility to others in the form of en-
lightened self-interest.[381]

B.   Egoism

The egoist also denies a sense of responsibility to others. Humans have
no duty to care for one another since the purpose of all human life is to care
for oneself. An internalized responsibility to others is an impossibility for
the psychological egoist or unhealthy in human functioning for the ethical
egoist.[382]

1.   Psychological Egoism

The psychological egoist views humans as incapable of internalizing
care for others. Even when we act in ways that appear to be caring or altru-
istic toward others, these acts are really serving our own selfish ends. How-
ever, at the core of psychological egoism lies the belief that humans are
incapable of selfless acts.[383] Psychology professor Paul Bloom provides a
way to find some common ground between the psychological egoist and
those who want to internalize responsibility to others. That common ground
is empathy.[384]

Empathy, the ability to see things from the point of view of another
person, has been observed in humans almost without exception, so it fol-
lows that nearly all humans are capable of empathy.[385] In fact, Bloom says
that empathy is so strong and so universal that it can create harmful results
if left unchecked by our rationality.[386] The psychological egoist can experi-
ence and acknowledge empathy without having to abandon her psychologi-
cal egoism. The ability to empathize, after all, is not equivalent to the
internalization of responsibility to those with whom one empathizes.

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379. *Id.* at 200.

380. DAWKINS, THE GOD DELUSION, *supra* note 358, at 219.

381. Enlightened self-interest meaning that the individual Darwinist recognizes that she must
act responsibly toward certain people to get responsible treatment herself, as part of living in
society.

382. MARY MIDGLEY, THE SOLITARY SELF: DARWIN AND THE SELFISH GENE 6 (Acumen
2010).

383. ROBERT L. HOLMES, BASIC MORAL PHILOSOPHY 60 (2007).

384. *See* Paul Bloom, *The Baby in the Well: The Case Against Empathy*, THE NEW YORKER,
May 20, 2013, at 118–20.

385. *Id.* The exception is the 1% of the population that Bloom labels psychopathic.

386. *Id.* at 121.

However, empathy may lead to some responsibility to others.[387] Bloom says that when humans empathize, the response humans offer to that feeling is to want to care for others.[388] He makes a strong connection between empathy, which is universally observable, and care for others, which is a frequent response to empathy. The psychological egoist position that humans are incapable of selfless acts must take into account the Bloom data on human empathy.

Other empirical data describes trends in human treatment of one another. A study published in the Oxford Handbook of Positive Psychology measured how people across the globe valued and endorsed various strengths.[389] Included in this list of strengths were wisdom and knowledge, courage, humanity, justice, temperance, kindness, fairness, love, gratitude, and hope.[390] The study found that in almost all fifty-four nations surveyed, the two most commonly endorsed strengths were kindness and fairness.[391] The authors of the study speculated that their results revealed something about universal human nature, or at least the character requirements minimally needed for a viable society.[392] The importance of kindness and fairness as two of the top-valued strengths around the world lends credence to the conclusion that it is possible for humans to act with responsibility to each other. The data shows a level of responsibility to others that is not accounted for by the theory of psychological egoism.

Another study, published in the Journal of Cross-Cultural Psychology, found that in sixty-three countries, the values of benevolence and universalism appeared in the top ten highest-rated values.[393] The study defined universalism as "[u]nderstanding, appreciation, tolerance, and protection for the welfare of all people and for nature (broad minded, wisdom, social justice, equality, a world at peace, a world of beauty, unity with nature, protecting the environment)."[394] Similarly, benevolence is defined as "[p]reservation and enhancement of the welfare of people with whom one is in frequent personal contact (helpful, honest, forgiving, loyal, responsible)."[395] Once again, these data show that many people around the world

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387. *Id.* at 118–20.

388. *Id.*

389. Christopher Peterson & Nansook Park, *Classifying and Measuring Strengths of Character*, in Oxford Handbook of Positive Psychology 25, 28–29 (C.R. Snyder et al. eds., 2d ed. 2009).

390. *Id.* at 28. The study asked those surveyed to rank the importance of the strengths; the group used in the study included focus groups, self-report questionnaires suitable for adults and young people, and structured interviews, among other methods.

391. *Id.* at 29 (as well as authenticity, gratitude, and open-mindedness).

392. *Id.*

393. Shalom H. Schwartz & Anat Bardi, *Value Hierarchies Cross Cultures: Taking a Similarities Perspective*, 32 J. Cross-Cultural Psychol. 268, 270 (2001).

394. *Id.*

395. *Id.*

make a real effort to engage in responsibility to others, contrary to what is suggested by psychological egoism.

2. *Ethical Egoism*

Ethical egoism, on the other hand, argues that what makes something right is that it promotes self-interest.[396] Humans are not responsible for one another in a selfless way because true selfless care for others does not promote one's own self-interest. While ethical egoism is an assertion about the human condition untied to empirical evidence, which makes it difficult to engage, it does incorporate substantial enlightened self-interest with regard to responsibilities to others since an ethical egoist is concerned about reputational capital and relationships that help the ethical egoist.[397]

3. *Machiavelli's Egoism*

Machiavelli's egoism allows one to do whatever is necessary to whomever in order to achieve and retain power.[398] The way others are treated has nothing to do with internalizing responsibility but depends entirely on whether treating them a certain way will lead to power. Again, it is an assertion about human nature relatively untied to empirical evidence. However, even for a Machiavellian, power depends upon others to some degree. It is sometimes in their best interest to treat others with respect, if it will advance the pursuit of power.

This section focused on how to engage others who adopt Darwinism or Egoism as philosophies objecting to the concept that humans do have responsibilities to others. There are arguments that even these two philosophies can lead to some care for others, at least within the group.

VI. THE DISENGAGED, INCLUDING MORAL AGNOSTICISM, MORAL INDIVIDUALISM, AND "WHATEVER"

So far, this article examined many traditions that support the internalization of responsibility to others, and some positions that directly reject it, and offered responses to the latter positions. This section describes the two main categories of positions whose adherents are disengaged with our central question, to what tradition does the reader turn on the question of responsibility to others?: (1) Secular philosophies that challenge engagement in meaningful dialogue because they dismiss responsibility to others, and (2) Developmentally early-staged individuals, who, without having a well-defined personal position on the question of responsibility to others, are

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396. James Rachels, *Ethical Egoism*, in ETHICAL THEORY: AN ANTHOLOGY (Russ Shafer-Landau ed., 2007).
397. *Id.*
398. *See* NICCOLÒ MACHIAVELLI, THE ESSENTIAL WRITINGS OF MACHIAVELLI 125 (Peter Constantine ed. & trans., 2007).

disengaged from any dialogue due to their strong aversion to taking a moral stance on the life choices of others.

A. *Secular Philosophies that Challenge Engagement*

Some secular philosophies essentially dismiss the question of whether we have responsibility toward others. These philosophies attack the notion that the question can or should be asked, and they become disengaged from any dialogue. Proponents of philosophies such as postmodernism, diversity philosophy, and existentialism make it difficult to engage in fruitful dialogue about responsibility to others because they attack the existence of truth claims or objective knowledge. From there, they disengage from the question of responsibility to others.

1. *Postmodernism*

Several terms are used to describe schools of thought that critique Enlightenment concepts including postmodernism, post-structuralism, critical theory, or just "theory." It is difficult to define these precisely, but these schools of thought generally share the idea that existing beliefs and structures of society are a product of power.[399] They argue that objective knowledge is impossible since the social, political, and economic arrangements of society are not the product of systematic thought, but there is a spectrum of opinions among postmodernists.[400]

"Strong-form" postmodernists argue that without objective knowledge, no one can claim that any particular arrangement of society is objectively superior to any other.[401] All differences are the result of differences in power, making all knowledge and all values a result of these power differentials.[402] Value judgments, denoting that some system or arrangement is better or worse than others, are simply the result of one group wielding its cultural power.[403] Some postmodernists only attack certain truth claims rather than all truth claims.[404] An adherent might dismiss the question of responsibility to others when she dismisses the truth of the arguments for responsibility to others, but she still recognizes other truth claims. These truth claims, which the reader does not dismiss, are those that fit with her own personal beliefs. An example might be the belief that disenfranchised groups should claim their place alongside the powerful, or that those without power have as much claim to the truth as those with it.

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399. NEIL HAMILTON, ZEALOTRY AND ACADEMIC FREEDOM 249 (1997) [hereinafter HAMILTON, ZEALOTRY].

400. *Id.*

401. *Id.* at 57.

402. *Id.*

403. *Id.*

404. *Id.*

Common ground and dialogue between this latter variant of postmodernism can be found where the same truth claims exist. At the root of postmodernism is the belief that the powerful have controlled what's considered "true," and the less powerful should shake off this notion.[405] At this end of the spectrum, postmodernism can espouse care for others, since it holds the positive truth claim that the less powerful should be given more of a voice.[406]

2. *Diversity Philosophy*

Strong-form postmodernism shares with strong-form diversity philosophy the idea that the question of whether we have a responsibility to others does not really matter and the reader should not be asked to engage in the question. Since diversity philosophy is often described as the view that all diverse points of view are equally valid, it gives rise to a tautology, since it uses "diversity" as the very justification for the philosophy of "diversity."

Definitional challenges aside, strong-form diversity philosophy essentially holds that the beliefs that people express are less important than the people who express them.[407] The idea that there is a cultural center for truth and knowledge should be abandoned, and instead we should give full expression to the intellectual and moral equality of diverse cultures.[408] Strong-form diversity philosophy is a type of moral relativism in that it abandons truth claims except for the claim that all judgments of value are relative and hegemonic.[409]

There is also a spectrum of belief within diversity philosophy. Less rigid adherents seek to legitimize the viewpoints of non-Eurocentric cultures and ethnicities, but they do not do this to the extent that all judgments of value are lost. They still hold onto the idea that somewhere there exist points of view that have positive truth-values. These values may belong only to groups who have historically been oppressed, and the mission to legitimize the truth claims of oppressed groups, including non-European ethnicities and cultures, may involve dismissing Eurocentric truth claims, but they do not eradicate all truth claims. This position can result in engagement on the issue of responsibility to others since the adherent still holds on to the legitimacy of certain truth claims, and like the person who subscribes to a weaker form of postmodernism and preserves the existence of truth claims, this person can be engaged in fruitful dialogue. To dismiss all truth

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405. HAMILTON, ZEALOTRY, *supra* note 399, at 57.

406. *Id.*

407. *Id.* at 250.

408. *Id.* at 61.

409. *Id.* at 60. Proponents, especially extreme ones, of postmodernism and diversity philosophy share common ideological ground and support each other's ideas frequently. *Id.* at 61.

claims is one thing, but the weak-form diversity philosopher only dismisses the truth claims of oppressor groups, including Eurocentric groups.[410]

Second, when a person subscribes to this weaker version of diversity philosophy, she exhibits a deeply internalized care for others in the form of care for the legitimacy of claims made by oppressed non-European civilizations and generally disenfranchised ethnic and cultural groups.[411] This drive to ensure that the views of non-European cultures and ethnicities are heard and given their due attention is nothing other than an expression of care for these non-European cultures and ethnicities. Thus, the proponent of weak-form diversity philosophy ends up being a strong supporter of a specific kind of care for others. This then becomes the basis for fruitful dialogue.

3. *Existentialism*

Another philosophy that avoids engagement on the question of responsibility to others altogether is existentialism. Existentialism dismisses the question of this article by denying any thread of human nature that ties all of us together.[412] A key element of existentialism is its denial of the existence of a "we," saying instead that each person's consciousness is hers alone, and others enter into it only as perceptions.[413]

Existentialism uses this lack of a basic human nature tying us together to dismiss the question of whether we have responsibility to one another. If there is no one human nature that we all share, then what is valued and true for one person may not be valued and true for another. There is no underlying thread that we can point to in order to argue for the fact that we should all share the belief that certain things are true and important.[414] Indeed, the existentialist thinker Kierkegaard argued that ethics is purely an individual, subjective affair, not one that could hold truths that applied objectively to all of humanity.[415] Thus, when the existentialist answers "whatever" to the question of whether we have responsibility for others, she is doing so because she sees the issue as entirely subjective, therefore not worthy of engagement at anything other than a subjective level.

4. *Engagement Based on the Professional Rules*

If a new entrant or practitioner is advocating extremely strong forms of postmodernism or diversity philosophy or existentialism, there is still a basis for engagement and dialogue. This basis is that the lawyer takes an oath and makes a commitment to practice in compliance with the Rules of Professional Conduct. The Rules are clear on the lawyer's minimum responsi-

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410. HAMILTON, ZEALOTRY, *supra* note 399, at 60.
411. *Id.* at 60–61.
412. *See* STEVEN EARNSHAW, EXISTENTIALISM: A GUIDE FOR THE PERPLEXED 157 (2006).
413. *Id.* at 156.
414. *Id.* at 157.
415. *Id.*

bilities to clients and to the legal system. A person who dismisses responsibility to others will remain out of sync with her profession.[416] The peer-review professions require the internalization of responsibility to others to this minimum degree if the lawyer wants to avoid discipline.

B. *Developmentally Early-Stage Individuals, Moral Agnostics, Moral Individualists, and "Whatever"*

While there are readers who endorse a philosophical tradition such as strong-form postmodernism and thus dismiss the question of responsibility to others as a truth claim, there are also readers who simply do not want to engage the question of whether they have responsibility to others. One reason is that these individuals are in an early stage of development, and so they disengage with the question of responsibility to others because it is not a priority in their lives. A second reason is that these individuals reject any position that may be seen as a judgmental stance with regard to the lives of others, and thus the question of responsibility to others is too judgmental to be of interest. This section will deal with these reasons one at a time.

First, we will look at developmentally early-staged individuals. A person's stage of development shapes how she makes sense of the self in relation to others and to society.[417] Based on a number of studies, Harvard psychologist Robert Kegan is a strong proponent for the position that development toward less egotism, more complex understandings of human flourishing, and more responsibility to others does not stop once we reach our twenties but instead can continue throughout a person's life.[418] Figures 1 and 2 below lay out Kegan's hypothesis.

416. Model Rules of Prof'l Conduct pmbl. ¶ 19.

417. Verna E. Monson & Neil W. Hamilton, *Ethical Professional (Trans)formation: Early Career Lawyers Make Sense of Professionalism*, 8 U. St. Thomas L.J. 129, 129 (2011) [hereinafter Hamilton, *(Trans)formation*].

418. *Id.* at 133.

FIGURE 1

AGE AND MENTAL COMPLEXITY: THE VIEW THIRTY YEARS AGO

"Mental Complexity" in the following two figures measures growth toward an internalized moral compass that is a less egocentric, more responsible and more penetrating grasp of reality regarding human relationships.
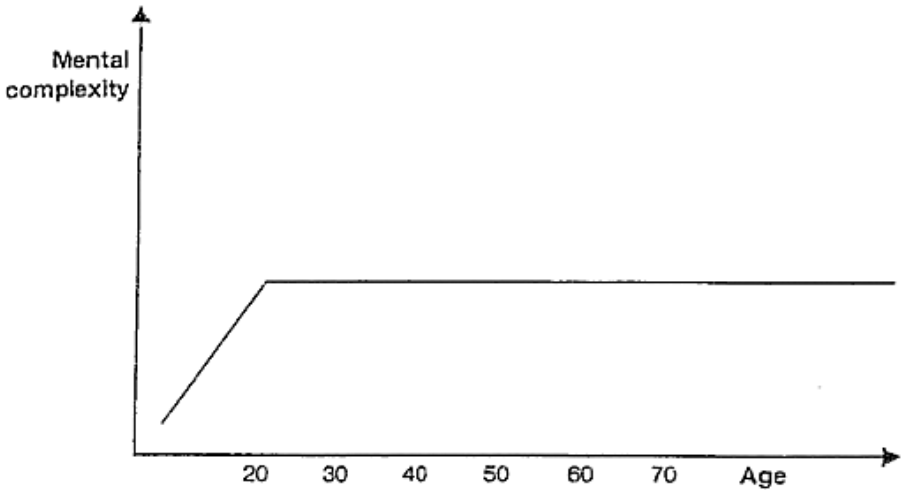
Robert Kegan, *Immunity to Change: How To Overcome It and Unlock Potential in Yourself and Your Organization* (2009).

FIGURE 2

AGE AND MENTAL COMPLEXITY: THE REVISED VIEW TODAY
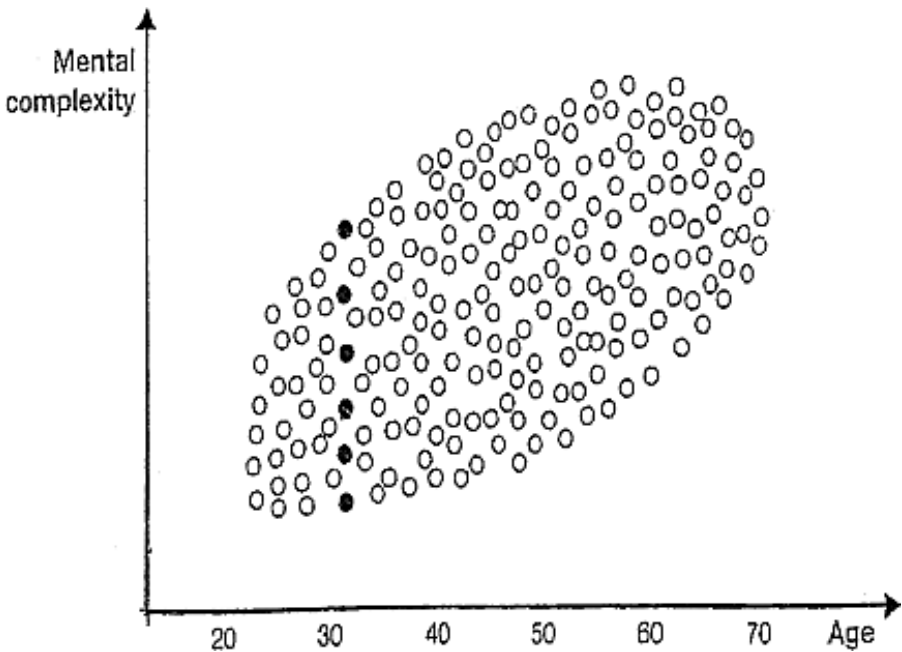
Imagine a large-section required law school course with an average student age of 30. Figure 2 shows that the students will be at various developmental stages regarding each person's egocentrism and sense of responsibility to others. The earlier stage students in terms of mental complexity in Figure 2 will need a stage-appropriate curriculum to help them understand why professional formation is important. Those who progress from Kegan's earlier stages to later stages undergo a substantial change in the way they understand professional formation. In the earlier stages, out of which many law students and new lawyers move very quickly, the professional focuses on things like the specific demands of the Rules or of supervisors and the conventions of dress and conduct.[419] Professional formation at this very early stage is simply about the external requirements of the profession itself. At later stages, however, the focus of professional formation shifts to responsibility to others.[420] At these later stages, professional formation becomes a process of defining and adhering to the self-defined, internal demands of a core ethical identity that is less egocentric and more responsible with respect to human relationships.[421]

The data available suggest new lawyers overwhelmingly progress past the earliest stages into the later stages, and professionals over a career often grow to very complex understandings of their responsibilities to others.[422] A highly egocentric lawyer runs the risk of violating professional rules and norms. Pointing out this risk may be a first step to engage this group of students and lawyers in fruitful dialogue. A second step would be to point out the data that clients and legal employers want lawyers who are deeply committed to the client.[423]

However, a person's position as an early-staged individual is not the only factor that causes some students to disengage with the question of whether they have a responsibility to others. The second factor that causes this disengagement is the belief that it is not a question that should be asked at all, since it takes an overly judgmental stance with regard to the lives of others.

In his books *Souls in Transition* and *Lost in Transition*, Christian Smith conducted a national study of the developing lives of American youth.[424] Smith asked the youth questions about morality, religion, and re-

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419. *Id.* at 134, 149.

420. *Id.* at 134.

421. *Id.*

422. Neil W. Hamilton, Verna E. Monson, & Jerome M. Organ, *Empirical Evidence that Legal Education Can Foster Student Professionalism/Professional Formation to Become an Effective Lawyer*, 10 U. St. Thomas L.J. 11, 14 (2012).

423. Neil W. Hamilton, *Changing Markets Create Opportunities: Emphasizing the Competencies Legal Employers Use in Hiring New Lawyers (Including Professional Formation/Professionalism)*, 65 S.C. L. Rev. 547, 557–58 (2014).

424. Christian Smith et al., Lost in Transition: The Dark Side of Emerging Adulthood 16 (2011) [hereinafter Lost in Transition]; Christian Smith, Souls in Transition: the

sponsibility to others first when they were aged thirteen to seventeen years old, then when they were seventeen to twenty-one, and finally when they were nineteen to twenty-four.[425] What Smith found was that a striking 60 percent of the emerging adults interviewed took this disengaged position. He describes it in the following passage:

> They said that morality is a personal choice, entirely a matter of individual decision. Moral rights and wrongs are essentially matters of individual opinion, in their view. Furthermore, the general approach associated with this outlook is not to judge anyone else on moral matters, since they are entitled to their own personal opinions, and not to let oneself be judged by anyone else's'.[426]

In short, the only firmly held moral belief that these emerging adults hold up as a standard of conduct for themselves and others is that no one has the right to judge others on morality and you should not let yourself be judged on moral issues by anyone else. It is easy to see how this makes a conversation about responsibility to others difficult. Though Smith finds that the 60 percent of emerging adults who hold this belief about morality, there are still 40 percent of emerging adults who do ascribe to objective morality. Rather than being disengaged with the subject of this article, this latter group of emerging adults is reflecting on responsibility to others in an active way.

Even though Christian Smith paints a challenging picture of this roughly 60 percent group in terms of any interest in the question "what are my responsibilities to others?", it is still possible to try and engage them in some level of fruitful dialogue. This is because at the heart of their reluctance to pass any judgment on the morality of others, and instead leave morality up to the individual alone, there are two possible scenarios.

The first scenario, which Christian Smith believes is the case, is that these young people simply have no idea that external, coherent approaches to moral reasoning exist.[427] They refuse to engage in a discussion about responsibility to others because as far as they are concerned, there is no such thing as a structure of morality that speaks coherently about the responsibility that different people have to those around them. In this case,

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RELIGIOUS AND SPIRITUAL LIVES OF EMERGING ADULTS 309–14 (2009) [hereinafter SOULS IN TRANSITION].

425. During the first round of interviews in 2001, Smith and his team spoke to a nationally representative group of 3,290 thirteen- to seventeen-year-olds over the phone. Next, they personally interviewed 267 of the group in 45 states around the country. Four years later, Smith's team conducted a second round of telephone surveys with the teen subjects and continued to stay in contact with the group in the next years. In 2007 and 2008, the team collected a third wave of survey and interview data with the youth who were then nineteen to twenty-four. Smith's methodology stayed with the test subjects from their early teen years into emerging adulthood, and he was able to collect a vast amount of data from the multiple telephone and in-person interviews he and his team conducted. LOST IN TRANSITION, *supra* note 424, at 16–17.

426. *Id.* at 21.

427. *Id.* at 26.

the way to engage this group of people is to introduce them to the different existing systems answering the question "what are my responsibilities to others?" in a way that accurately describes these systems of morality and ask them to reflect on these different systems with respect to the student's own life.

The second scenario is that some members of the 60 percent group refuse to engage the question of responsibility to others, not due to ignorance about traditions on responsibility to others but a rejection of those traditions. This essentially is a strong-form postmodernism or strong-form diversity philosophy that no one should be allowed to pass judgment on the morality of others. We discussed this earlier in Section VI. It may be that some of this group are actually not strong-form postmodernists or diversity theorists and can be engaged as described in Section VI.

There are also other reasons to believe that a significant share of this 60 percent group of emerging adults will eventually shift their position on the question of responsibility to others. The first reason is that there are numerous studies to suggest that emerging adults are actually more concerned for the welfare of others than the general population. One such study found that 75 percent of Millennials (those born after 1980) gave to charity in 2011, of which 90 percent did serious research on the organizations to which they gave. Meanwhile, 63 percent of emerging adults in 2011 volunteered their time.[428] This shows a high level of responsibility to others, even if the emerging adults who engage in these charitable activities may not overtly recognize the implications of their other-centered actions. In addition, a Pew Research study showed that 52 percent of emerging adults say that being a good parent is "one of the most important things" in life.[429] Compare this to only 42 percent of young adults in 1997 (members of Generation X) who said that being a good parent was one of the most important things in their lives.[430] When it comes to responsibility to others, parenthood is one of the most dramatic ways that this plays out.

What emerges from these data is that many emerging adults in the 60 percent group, who largely make up the group that fits the disengaged description, do appear to have a sense of responsibility to others. However, it also seems to be true that this same group ascribes to the belief that no one should be judged for their life choices. This 60 percent group, though reluctant to hold any truth claim that interferes with the choices of others,

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428. *Charitable Giving: 75% of Millennials Donated Money to Causes in 2011 (STUDY)*, HUFFINGTON POST (June 12, 2012, 1:50 PM), http://www.huffingtonpost.com/2012/06/12/charitable-giving-millennial-generation_n_1590389.html.

429. Wendy Wang & Paul Taylor, *For Millennials Parenthood Trumps Marriage*, PEW RESEARCH SOCIAL & DEMOGRAPHIC TRENDS (Mar. 9, 2011), http://www.pewsocialtrends.org/2011/03/09/for-millennials-parenthood-trumps-marriage/#fn-7199-1.

430. *Id.*

do substantially agree on the principle of no harm to others, if not any affirmative responsibility to others.[431]

What this suggests is that this group has a cognitive dissonance between their actions (which suggest a significant level of responsibility to others) and their expressed beliefs (which suggest the opposite). This cognitive dissonance may provide an opening for dialogue on the possibility that an emerging adult lawyer could engage other persons from the other's own tradition on the question of responsibility to others. Through an honest and thorough study of the different faith and philosophical traditions about responsibility to others, this group of disengaged individuals may experience a cognitive dissonance and move toward reconciling their actions with their belief systems.

The second reason why the disengaged emerging adults may ultimately change views with respect to responsibility to others is the Kegan data showing that this type of development does not end in early adulthood, and instead can continue throughout a person's life.[432] Disengaged readers over time may move away from a disengaged position and toward one of the traditions of morality that support responsibility to others.

Conclusion

The primary goal of this paper has been to help the reader answer the question: Do I have responsibilities to others, and if so, what responsibilities? To this end, the article set out to help the reader understand her own tradition with respect to responsibility to others, and to further help the reader understand the traditions of others on the same question.

Each law student's and lawyer's understanding of her own tradition with respect to the question "what are my responsibilities to others?" is of fundamental importance for the individual student and lawyer, the profession, and society. As we noted in the Introduction, William Sullivan, the co-director of all five Carnegie Foundations for the Advancement of Teaching, argues that the chief formative challenge for higher education in the professions is to help each student entering a profession develop *toward the acceptance and internalization of responsibility (1) to others (particularly the person served)* and (2) for the student's own development toward excellence as a practitioner at all of the competencies of the profession.[433] Each client or patient needs to trust that her lawyer or physician is dedicated above all else to care for her with all of the professional's ability.[434] Medical education recognizes the fundamental importance of this internalization of responsibility to others. *Educating Physicians* recommends "[t]he physi-

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431. Souls in Transition, *supra* note 424, at 47–49.

432. Robert Kegan, Immunity to Change: How to Overcome It and Unlock Potential in Yourself and Your Organization 13–14 (2009).

433. Sullivan, *supra* note 4, at xi, xv.

434. *Id.* at ix.

cian we envision has, first and foremost, a deep sense of commitment and responsibility to patients, colleagues, institutions, society, and self, and an unfailing aspiration to perform better and achieve more. Such commitment and responsibility involves habitual searching for improvements in all domains."[435] A similar educational objective for legal education would be that the graduate we envision has, first and foremost, a deep sense of commitment and responsibility to clients, colleagues, society, justice, the disadvantaged, and self, and an unfailing aspiration to perform better and serve with excellence. Such commitment and responsibility involve habitual searching for improvement at all the competencies needed to serve well.

Another reason that each law student and lawyer should understand her tradition regarding responsibilities to others is that the Model Rules of Professional Conduct both (1) set a floor of responsibility to the client and the legal system[436] and (2) also assume each lawyer has developed ethical principles beyond the Rules regarding conduct toward others to address the "many difficult issues of professional discretion" and "difficult ethical problems" that an "ethical person" "earning a satisfactory living" faces in the practice of law.

In addition, recent empirical data makes clear that a lawyer who internalizes a high degree of responsibility to others is more effective.[437] "The bedrock foundation for professional formation of an internalized moral core characterized by deep responsibilities for others, particularly the client, is also the unstated but implicit foundation for all of the values, virtues, capacities and skills that legal employers and clients want."[438] We can see in a synthesis of the National Conference of Bar Examiners New Lawyer Survey and recent studies of the competencies that legal employers are assessing with existing lawyers and looking for in hiring decisions that trustworthiness, strong team and work relationships, and dedication to client service/responsiveness to client are all highly important competencies for the new lawyer.[439] Clients want lawyers who have both excellent technical

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435. Cooke, *supra* note 5, at 41.

436. The Model Rules set a level of responsibility to the client that must be met by those who wish to practice for example in terms of competence, diligence, communication, confidentiality, and loyalty. *See, e.g.*, MODEL RULES OF PROF'L CONDUCT r. 1.1 (requiring competence), r. 1.3 (requiring diligence), r. 1.4 (requiring communication), r. 1.6 (requiring confidentiality), r. 1.7–1.10 (requiring loyalty).

437. Neil Hamilton & Verna Monson, *The Positive Empirical Relationship of Professionalism to Effectiveness in the Practice of Law,* 24 GEO. J. LEGAL ETHICS 137, 163–65 (2011); Hamilton et al., *supra* note 423, at 11, 12–16; *see* Hamilton, *supra* note 424, at 563; Neil Hamilton, *Law Firm Competency Models & Student Professional Success: Building on a Foundation of Professional Formation/Professionalism,* 11 U. ST. THOMAS L.J. 6, 30–36 (2014).

438. Neil Hamilton, *What Legal Employers and Clients Want: The Competency-Model Approach to Legal Success*, 11 U. ST. THOMAS L.J. 6, 32 (2013).

439. Neil W. Hamilton, *Empirical Research on the Core Competencies Needed to Practice Law: What Do Clients, New Lawyers, and Legal Employers Tell Us?* 13 (2014), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2502924.

skills and a strong understanding of the client and the client's context and strong responsiveness to the client.[440]

It is also highly beneficial for each lawyer, in her role as counselor to the client, to understand the client's tradition with respect to responsibility to others and to help the client think through the client's best interests, taking into account the client's tradition. Similarly, in order to engage in dialogue about the difficult issues of professional discretion and difficult ethical problems, it is beneficial to understand the traditions of colleagues in the law firm or department and in the profession itself regarding responsibilities to others. Finally, it is beneficial to both the client and the lawyer to understand the traditions on this question of those whom the lawyer is trying to influence on the client's behalf, including adversaries. This understanding helps the client and lawyer to step into the shoes of the persons they are trying to influence. This understanding in general will help each lawyer develop a multi-cultural or cross-cultural competency.

Our examination of the world's major faith traditions, spiritual traditions, numerous secular philosophies, atheism, and other schools of thought has provided a way for the reader to both understand her own tradition and the tradition of others with respect to responsibility to others. Our hope is that a reader exposed to a concise summary of many traditions will more easily be able to reflect upon both the tradition to which she belongs and the tradition to which others that she is coming into contact with belong. Even if the reader decides that the question of responsibility to others is not a question she wants to engage at this time, we have provided discussion of disengagement and the steps to move beyond this state of mind.

It is important also for law students and lawyers to understand that there is a very extensive common ground among nearly all of the traditions analyzed here on the question of whether each individual student or lawyer should grow over a lifetime from high degrees of self-interest toward the internalization of responsibilities to others (while making a satisfactory living). Nearly all the traditions emphasize that this growth away from high self-interest is beneficial to the person, the profession, and society. For example, Karen Armstrong observes that compassion is a characteristic of Judaism, Christianity, Islam, and Buddhism.[441] As we stated in the Introduction, this wide consensus helps mitigate concerns that there exists so much diversity of thought on the question of responsibility to others that there is no common ground for dialogue with others. In addition, the substantial overlap among traditions in answering this question of responsibilities to others should lead students to have more confidence regarding their own tradition on this question.

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440. *Id.* at 7–8.

441. KAREN ARMSTRONG, A HISTORY OF GOD: THE 4,000-YEAR QUEST OF JUDAISM, CHRISTIANITY, AND ISLAM 391–92 (1993).

A student or practicing lawyer who tries to understand the other person's tradition on this question of responsibility to others should come to understand that it is possible to engage others in conversations on this topic in a context-appropriate way. The fact that faith informs the student's or the other person's tradition should not create division but rather opportunity for dialogue and understanding.[442]

This paper's secondary goal was to give legal educators some suggestions on how to engage students on the question of what are the students' responsibilities to others. We hope this paper can be a resource to educators who want to persuade students that they need to think through their own tradition as well as others' traditions on this question. It may be challenging to engage some students, but Part V had specific suggestions on how to engage students whose tradition on responsibility to others is Darwinism or Egoism. Part VI had ideas on how to engage students either whose tradition on responsibility to others is strong post-modernism or strong diversity or who are developmentally at an earlier stage on the Kegan spectrum in Figures 1 and 2 earlier.

The question that now faces legal education is whether it is possible to create and implement a curriculum that effectively engages law students and lawyers regarding each person's internalized responsibility to others. Harvard psychologist Robert Kegan states that teaching technical skills alone is insufficient to nurture students' ethical professional identity; teaching technical skills alone will not help early-stage students to grow from early stages of high self-interest to later stages of an internalized responsibility to others.[443] Recent empirical data, however, support the conclusion that a well-designed law school curriculum and culture can help students grow toward an internalized responsibility to others.[444]

In conclusion, responsibility to others is a critically important foundation for the professional formation of law students and lawyers, and it contributes greatly to the effective practice of law. This paper has provided readers with a way to engage the question of responsibility to others both in terms of the reader's own tradition and in dialogue with others of different traditions.

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442. Memorandum from Amy Uelmen, *supra* note 229.
443. Hamilton, *(Trans)Formation*, *supra* note 417, at 136; Hamilton et al., *supra* note 422, at 11–73.
444. *See* Hamilton et al., *supra* note 422.

APPENDIX A

QUESTIONS TO GUIDE READING THIS PAPER

1.   Do you agree that it is important for a lawyer to develop an ethical tradition and decision-making process to help the lawyer make all the discretionary decisions common in professional life that involve responsibilities to others? If not, why?

2.   If you answer "yes" to question 1 above, what is your tradition and decision-making process?

3.   How can you help yourself to develop further your tradition and decision-making process?

4.   What is the value for a lawyer to understand the tradition on responsibility to others of her clients? Of others whom the lawyer is trying to influence like decision-makers? Team members? Adversaries?

5.   In a discussion of a problem, is it judgmental to ask another person questions about the relevance of that person's tradition on responsibility to others to the problem under discussion?

6.   What difference does it make in your thinking that nearly all the major faith and secular philosophy traditions share significant common ground on the question of responsibility to others?