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MODERNITY AND ITS RELIGIOUS DISCONTENTS: CATHOLIC SOCIAL TEACHING AND PUBLIC REASON

WILLIAM R. O'NEILL, S.J.*

Our world, lamented Weber, is “disenchanted.”¹ Yet the rights talk of John Paul II, Desmond Tutu, or Martin Luther King is hardly “godless and prophetless.”² Nor, as Islam’s political resurgence reminds us, have the “ultimate and most sublime values”³ retreated from public life.⁴ Here, too, religion is a stubborn inheritance. But what is the role of religious belief in complex, pluralist societies? Should religion disturb our undogmatic legal slumbers? Or is the very notion of law as vocation in a religiously pluralist polity necessarily “disenchanted”?

“What is the answer?” compels us to ask, like Gertrude Stein on her deathbed, “What is the question?”⁵ For we differ not only as to whether religion should figure in our public reason, but as to the very meaning of our differences.⁶ In his magisterial treatise on justice, John Rawls effectively brackets religious belief

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1. Max Weber, *Science as a Vocation*, in *FROM MAX WEBER: ESSAYS IN SOCIOLOGY* 129, 148 (H. H. Gerth & C. Wright Mills trans. & eds., Oxford Univ. Press 1946).

2. *Id.* at 153.

3. *Id.* at 155.

4. See Peter Berger, *Secularism in Retreat*, in *ISLAM AND SECULARISM IN THE MIDDLE EAST* 38 (John L. Esposito & Assam Tamini eds., 2000).

5. SUZY PLATT, *RESPECTFULLY QUOTED: A DICTIONARY OF QUOTATIONS* 189 (1993) (citing ELIZABETH SPRIGGE, *GERTRUDE STEIN: HER LIFE AND WORK* 265 (1957)).

6. See Immanuel Kant, *What is Enlightenment?*, in *THE ENLIGHTENMENT: A COMPREHENSIVE ANTHOLOGY* 383, 385–88 (Peter Gay trans. & ed., 1973). For Kant, “public reason” is principally that of the “scholar rationally addressing his public . . .” *Id.* at 386. For John Rawls, “public reason” represents our “shared and public political reason.” See JOHN RAWLS, *POLITICAL LIBERALISM* 9–11, 212–54 (1996) [hereinafter RAWLS, *POLITICAL LIBERALISM*]; John Rawls, *The Idea of Public Reason Revisited*, 64 *U. CHI. L. REV.* 765–807, reprinted in JOHN RAWLS, *THE LAW OF PEOPLES* 129 (1999) [hereinafter Rawls, *The Idea of Public Reason Revisited*].

under a “veil of ignorance.”⁷ But for Michael Sandel, Rawls’s gambit of assimilating religious belief to a set of “self-imposed” (or “self-authenticating”) preferences belies its meaning as religious⁸—in Paul Tillich’s words, a matter of “ultimate concern.”⁹

In these pages, I wish to consider the public, political role of religious belief in general and of Roman Catholic social teaching on human rights in particular. For the Catholic Church’s rapprochement with modernity is instructive. Citizens of faith, I shall argue, need not confine their beliefs to the vestibule of public reason, e.g., as private or nonpublic preferences; nor need tolerance, at least respecting religion, be vacuous.¹⁰ Recognizing and respecting the faith of citizens entails, rather, a limited re-enchantment of the public sphere—a deliberative tolerance.¹¹ Indeed, far from succumbing to modernity’s discontents, religion may enrich public reason in the (i) justification, (ii) interpretation, and (iii) explanation of our normative validity claims.

I. JUSTIFICATION

From its inception with Leo XIII’s epochal encyclical, *Rerum Novarum* in 1891, modern Roman Catholic social teaching defended a rich, religiously inspired doctrine of the common good (the *bonum commune* of the medieval schoolmen). Only later would the modern rhetoric of human rights—through the travails of the American theologian, John Courtney Murray in particular—be grafted onto the tradition, most notably in John XXIII’s *Pacem in Terris* and the Conciliar texts, *Gaudium et Spes* and *Dignitatis Humanae*.¹² In a characteristically irenic turn,

7. JOHN RAWLS, *A THEORY OF JUSTICE* 118 (rev. ed. 1999) (1979). In later writings, Rawls departs from such an “exclusive” conception in favor of an “inclusive,” and finally “wide” view of public reason. Cf. ROBERT AUDI, *RELIGIOUS COMMITMENT AND SECULAR REASON* 86 (2000). In Audi’s words, “one has a (prima facie) obligation to abstain from advocacy or support of a law or public policy that restricts human conduct, unless in advocating or supporting it one is sufficiently *motivated* by (normatively) adequate secular reason” *Id.* at 96.

8. MICHAEL J. SANDEL, *LIBERALISM AND THE LIMITS OF JUSTICE* 192–93 (2d ed. 1998) [hereinafter SANDEL, *LIBERALISM*].

9. See PAUL TILlich, *SYSTEMATIC THEOLOGY: THREE VOLUMES IN ONE* 11 (1967).

10. Cf. MICHAEL J. PERRY, *LOVE AND POWER: THE ROLE OF RELIGION AND MORALITY IN AMERICAN POLITICS* (1991); MICHAEL J. PERRY, *MORALITY, POLITICS, AND LAW: A BICENTENNIAL ESSAY* (1988); Robin W. Lovin, *Perry, Naturalism, and Religion in Public*, 63 *TUL. L. REV.* 1517 (1989); John P. Reeder Jr., *What is a Religious Ethic?*, 25.3 *J. RELIGIOUS ETHICS* 157 (1998).

11. See, e.g., SANDEL, *supra* note 8, at 216.

12. See CHARLES CURRAN, *CATHOLIC SOCIAL TEACHING 1891–PRESENT: A HISTORICAL, THEOLOGICAL, AND ETHICAL ANALYSIS* (2002); DAVID HOLLENBACH, *THE COMMON GOOD AND CHRISTIAN ETHICS* (2002) [hereinafter HOLLENBACH,

Pope John resolves the seeming antinomy of the "politics of the common good" and the "politics of [human] rights," by stipulative fiat.¹³ *Pacem in Terris* glosses the pre-modern teleology of *Mater et Magistra* (depicting the common good as "the sum total of those conditions of social living, whereby [we] are enabled to achieve [our] own integral perfection"¹⁴) in deontological terms of human rights: "It is agreed that in our time the common good is chiefly guaranteed when personal rights and duties are maintained."¹⁵

Limited internally by the like dignity or intrinsic worth of others, liberty is positively oriented to the good of moral community as, in Jacques Maritain's words, "a whole composed of wholes,"¹⁶ i.e., neither an artifice of interest, as in liberal contractarian thought, nor the "local and ethnocentric" hypostasis of communitarian mores.¹⁷ We realize the limited good of moral community in which all share singly, not en masse, when the "inviolable rights of the human person," including religious lib-

COMMON GOOD]. Cf. POPE JOHN XXIII, ENCYCLICAL LETTER PACEM IN TERRIS Nos. 53-66, 132-41 (1963) [hereinafter PACEM IN TERRIS]; POPE JOHN PAUL II, ENCYCLICAL LETTER SOLLICITUDO REI SOCIALIS Nos. 38-40 (1987) [hereinafter SOLLICITUDO REI SOCIALIS]; POPE PAUL VI, ENCYCLICAL LETTER POPULORUM PROGRESSIO Nos. 22-24, 43-75 (1967); SECOND VATICAN ECUMENICAL COUNCIL, DIGNITATIS HUMANAЕ Nos. 6-7 (1965) [hereinafter DIGNITATIS HUMANAЕ]; SECOND VATICAN ECUMENICAL COUNCIL, GAUDIUM ET SPES Nos. 25, 30 (1965) [hereinafter GAUDIUM ET SPES].

13. Michael Sandel, *Introduction to LIBERALISM AND ITS CRITICS* 1, 6 (Michael Sandel ed., 1984).

14. PACEM IN TERRIS, *supra* note 12, No. 58 (citing POPE JOHN XXIII, ENCYCLICAL LETTER MATER ET MAGISTRA No. 53 (1961)).

15. PACEM IN TERRIS, *supra* note 12, No. 60. The statement continues: The chief concern of civil authorities must therefore be to ensure that these rights are acknowledged, respected, coordinated with other rights, defended and promoted, so that in this way each one may more easily carry out his duties. For "to safeguard the inviolable rights of the human person, and to facilitate the fulfillment of his duties, should be the chief duty of every public authority."

Id. (citation omitted). Such a rights-based interpretation permits Pope John to extend the common good globally. See Pope Pius XII, Radio Address on Pentecost Sunday Commemorating "The Fiftieth Anniversary of Rerum Novarum," Nos. 20-23 (1941). Cf. DIGNITATIS HUMANAЕ, *supra* note 12, No. 26; GAUDIUM ET SPES, *supra* note 12, No. 26.

16. JACQUES MARITAIN, THE PERSON AND THE COMMON GOOD 47 (John J. Fitzgerald trans., 1947).

17. Richard Rorty, *The Priority of Democracy to Philosophy*, in THE VIRGINIA STATUTE FOR RELIGIOUS FREEDOM: ITS EVOLUTION AND CONSEQUENCES IN AMERICAN HISTORY 259 (Merrill D. Peterson & Robert C. Vaughan eds., 1988). Cf. Richard Rorty, *Human Rights, Rationality and Sentimentality*, in THE POLITICS OF HUMAN RIGHTS 67, 71, 78 (Obrad Savic ed., 1999).

erty, are protected in what Murray defines as "public order".¹⁸ In a notable "development" of Church doctrine, establishing "true religion," e.g., imposing distinctively religious duties, falls outside the state's proper province for the common good—now "chiefly guaranteed," says Pope John, in the set of basic, institutional arrangements supporting a rights regime.¹⁹

In the Church's modern doctrine, religious reasons do not, then, supplant public, political reasons, e.g., basic human rights, which, says Rawls, "may reasonably be accepted by other citizens as a justification" for "political action."²⁰ Distinctively Christian duties, e.g., love of enemies, forgiveness, etc., rather presume, or supervene upon the recognition of basic human rights claims, e.g., juridical protection of victims' rights. The Christian disciple "justices"—"acts justly" in the prophet's words²¹—even as justice bears the mark of "loving tenderly."²² But in modern Catholic social teaching, love of the disciple who "walks humbly with her God"²³ is never less than just.

One might, of course, still dismiss the Church's belated "turn" to rights as, in Rorty's words, "merely quaint."²⁴ But there is, I believe, a rich vein to be mined in Pope John's teaching.²⁵ Let me elaborate. As I have argued elsewhere, pace Bentham (who famously dismissed "natural rights" as "rhetorical nonsense"²⁶), the "sense" of rights rests precisely in their persuasive, rhetorical force.²⁷ Victims' rights against torture warrant their claim that others respect their basic security, so that we may dis-

18. See JOHN COURTNEY MURRAY, WE HOLD THESE TRUTHS: CATHOLIC REFLECTIONS ON THE AMERICAN PROPOSITION 155–74 (1960). Cf. John Courtney Murray, *Memo to Cardinal Cushing Concerning Contraception Legislation*, in BRIDGING THE SACRED AND THE SECULAR: SELECTED WRITINGS OF JOHN COURTNEY MURRAY, S.J. 81–86 (J. Leon Hooper ed., 1994).

19. See DIGNITATIS HUMANAE, *supra* note 12, No. 4. "Positive," correlative duties to preserve and protect agents' basic capabilities (the objects of basic rights) generate such structural imperatives, e.g., the state's obligation to guarantee citizens' basic welfare. See ALAN GEWIRTH, THE COMMUNITY OF RIGHTS 106–65 (1996).

20. RAWLS, POLITICAL LIBERALISM, *supra* note 6, at xlvi.

21. *Micah* 6:8.

22. *Id.*

23. *Id.*

24. RICHARD RORTY, CONTINGENCY, IRONY, AND SOLIDARITY 45 (1989).

25. See David Hollenbach, *A Communitarian Reconstruction of Human Rights: Contributions from Catholic Tradition*, in CATHOLICISM AND LIBERALISM: CONTRIBUTIONS TO AMERICAN PUBLIC PHILOSOPHY 127 (R. Bruce Douglass & David Hollenbach eds., 1994).

26. See Jeremy Bentham, *Anarchical Fallacies*, in 2 WORKS 489, 501 (1843).

27. See William O'Neill, *The Children of Babel: Reconstructing the Common Good*, in 18 ANNUAL OF THE SOCIETY OF CHRISTIAN ETHICS 161–76 (1998). Cf. CH. PERELMAN & L. OLBRECHTS-TYTECA, THE NEW RHETORIC: A TREATISE ON

tinguish such practical, rational rhetoric from merely strategic or coercive uses. *Human* rights, in turn, show forth our respect for what the Universal Declaration calls the “dignity and worth of the human person;” while basic human rights preserve the conditions (or capabilities) of practically rational, discursive agency.²⁸ In ascribing worth, rather than mere price to persons as agents, we implicitly valorize the prerequisites of their exercising agency, i.e., not only our negative, civil liberties, but basic security and subsistence upheld by the Catholic encyclical tradition.²⁹

Rights, we might say, thus exhibit the banality of goodness rather than “the ultimate and most sublime values” of our comprehensive (religious) doctrines. As the “deep grammar” of public reasoning—rather than a free-standing “meta-narrative” or “meta-vocabulary”—claim-rights configure such doctrines, establishing their limited family resemblance.³⁰ And, as in the Universal Declaration, this family resemblance underwrites an “overlapping consensus” regarding citizens’ “faith in fundamental human rights, in the dignity and worth of the human person.”³¹ Citizens thus recognize the justificatory, rhetorical force of general claim-rights for policy, even if they differ as to the ultimate justification of such rights themselves, e.g., belief in the *imago dei*. It suffices for deliberative consensus that citizens’ best judgments overlap; consensus need not “go all the way down.”³² Indeed, consensus is “reasonable” only if it respects (a) the identity of general claim-rights (public reasons) and (b) the differ-

ARGUMENTATION 13–62 (John Wilkinson & Purcell Weaver trans., 1969); CH. PERELMAN, *THE REALM OF RHETORIC* 1–8 (William Kluback trans., 1982).

28. *Universal Declaration of Human Rights*, in BLACKSTONE’S INTERNATIONAL HUMAN RIGHTS DOCUMENTS 21, 22 (P.R. Gandhi ed., 2d ed. 2000) [hereinafter *Universal Declaration of Human Rights*].

29. HENRY SHUE, *BASIC RIGHTS: SUBSISTENCE, AFFLUENCE, AND U.S. FOREIGN POLICY* 5–87 (1980). Alan Gewirth terms these “the generic goods of agency,” inasmuch as they are presupposed in any reasonable conception of flourishing or perfection. See ALAN GEWIRTH, *HUMAN RIGHTS: ESSAYS ON JUSTIFICATION AND APPLICATIONS* 38–41 (1982). Cf. GEWIRTH, *THE COMMUNITY OF RIGHTS*, *supra* note 19, at 31–70.

30. Such a reading of rights offers a *via media* between a “thick” grounding of rights in comprehensive liberalism and a “thin,” purely political interpretation.

31. *Universal Declaration of Human Rights*, *supra* note 28, at 22. I may thus offer distinctive reasons for my faith in dignity, even if the sense or meaning of dignity is not, in Michael Perry’s words, “ineliminably religious.” MICHAEL J. PERRY, *THE IDEA OF HUMAN RIGHTS: FOUR INQUIRIES* 11–14 (1998). See also *infra* note 95 and accompanying text.

32. Cf. Donald Davidson, *Actions, Reasons, and Causes*, in *ESSAYS ON ACTIONS AND EVENTS* 3 (1980); Donald Davidson, *Intending*, in *ESSAYS ON ACTIONS AND EVENTS* 83 (1980).

ence of citizens' (ultimate) reasons for redeeming them. In Andrey Sahkarov's words:

The ideology of human rights is probably the only one which can be combined with such diverse ideologies as communism, social democracy, religion, technocracy and those ideologies which may be described as national and indigenous. It can also serve as a foothold for those . . . who have tired of the abundance of ideologies, none of which have brought . . . simple human happiness. The defense of human rights is a clear path toward the unification of people in our turbulent world, and a path toward the relief of suffering.³³

We need not, then, succumb to Burke's "delusive geometrical accuracy."³⁴ On the contrary, our "defense of human rights" recalls the origins of modern rights discourse. For the "idea of natural rights," argues Brian Tierney, was not originally "dependent on any particular version of Western philosophy;" rather, "it coexisted with a variety of philosophies, including the religiously oriented systems of the medieval era and the secularized doctrines of the Enlightenment."³⁵ Just so, consensus in public *reasoning* is given, not as a formal, axiomatic system, reducible to a closed set of public *reasons*, but rather as a historically developing web of belief—a web comprising many strands, including "religiously oriented systems" of belief.³⁶

We may, of course, say with Wittgenstein, "This is simply what I *do*," when "I have exhausted the [public] justifications" for human rights practice.³⁷ The grammar of rights need not, as Kant believed, be transcendently justified, independently of all experience. (Conscience need not make Kantians of us all—in

33. Burns H. Weston, *Human Rights*, in *HUMAN RIGHTS IN THE WORLD COMMUNITY: ISSUES AND ACTION* 14, 30 (Richard Pierre Claude & Burns H. Weston eds. 2d ed., 1989).

34. 1 EDMUND BURKE, *Speech on Moving His Resolutions for Conciliation With the Colonies (1775)*, in *THE WORKS OF THE RIGHT HONOURABLE EDMUND BURKE* 450, 501 (1854).

35. See BRIAN TIERNEY, *THE IDEA OF NATURAL RIGHTS: STUDIES ON NATURAL RIGHTS, NATURAL LAW AND CHURCH LAW*, 1150–1625, at 347 (1997). Cf. ANNABEL S. BRETT, *LIBERTY, RIGHT AND NATURE: INDIVIDUAL RIGHTS IN LATER SCHOLASTIC THOUGHT* (1997).

36. TIERNEY, *supra* note 35, at 347 (interpreting the Rawlsian idea of an "overlapping consensus" as a developing web of belief guards against viewing public reasons as a discrete "meta-vocabulary" or "meta-language.") Strands of public argument, rather, may be distinguished, yet not fully separated (or unraveled) from the web as a whole.

37. LUDWIG WITTGENSTEIN, *PHILOSOPHICAL INVESTIGATIONS* 85e (G.E.M. Anscombe trans., Blackwell Publishers, 2d ed. 1997).

the unmediated apperception of Kantian “respect”). But we may still speak of a theological “bedrock,” i.e., distinctively religious grounding reasons exhibiting “what *I* do” (my *self*knowledge) in honoring the proper political virtues of civility, tolerance, reasonableness, et al.³⁸ Dignity understood “from the standpoint of divine revelation”³⁹ may accordingly play an *ultimate* justificatory role in our “faith in fundamental human rights.”⁴⁰ And such “grounding reasons” may differ⁴¹: as the drafters of the Universal Declaration foresaw, Christians, Jews, Moslems, and Buddhists may root their “faith in fundamental human rights, in the dignity and worth of the human person” in their respective narrative traditions.⁴²

II. INTERPRETATION

In the preceding section, I argued that religious, comprehensive conceptions provide what Rawls calls “grounding reasons,” precisely inasmuch as “the roots of democratic citizens’ allegiance to their political conceptions lie in their respective comprehensive doctrines.”⁴³ What I *do* in invoking “thin” public reasons of the law is distinct, yet finally inseparable from what *I* do, e.g., my *vocation*, in grounding or rooting such reasons in “thick” religious belief. Indeed for Rawls’s political (non-com-

38. For Habermas too, the unschematized, or in his words “unsaturated” character of modern moral rights requires positive, interpretative specification; but there seems no compelling reason to restrict our ethical (*sittliche*) inheritance to the dogmatically secular. A formal-pragmatic vindication of rights—one, that is, that renounces a transcendental foundation—cannot deny, a priori, the “logical force” of religion. Habermas, ironically, turns his spade on the very religious grounding reasons he would deny. See JÜRGEN HABERMAS, BETWEEN FACTS AND NORMS 97 (William Rehg trans., Mass. Inst. Tech. 1996). Cf. WILLIAM REHG, INSIGHT AND SOLIDARITY: A STUDY IN THE DISCOURSE ETHICS OF JÜRGEN HABERMAS 82–131 (1994).

39. PACEM IN TERRIS, *supra* note 12, No. 10.

40. *Universal Declaration of Human Rights*, *supra* note 28, at 22. Cf. DANIEL A. DOMBROWSKI, RAWLS AND RELIGION: THE CASE FOR POLITICAL LIBERALISM 114–16 (2001); PAUL J. WEITHMAN, RELIGION AND THE OBLIGATIONS OF CITIZENSHIP 148–79 (2002).

41. See YES TO A GLOBAL ETHIC (Hans Küng ed., 1996). Cf. DAVID LITTLE & SUMNER B. TWISS, COMPARATIVE RELIGIOUS ETHICS: A NEW METHOD (1978); SUMNER B. TWISS, *Comparative Ethics and Intercultural Human-Rights Dialogues: A Programmatic Inquiry*, in CHRISTIAN ETHICS: PROBLEMS AND PROSPECTS 357–78 (Lisa Sowle Cahill & James F. Childress eds., 1996); ROBERT TRAER, FAITH IN HUMAN RIGHTS: SUPPORT IN RELIGIOUS TRADITIONS FOR A GLOBAL STRUGGLE (1991) (arguing in support of an ecumenical and interreligious consensus on the rhetoric of dignity and human rights).

42. *Universal Declaration of Human Rights*, *supra* note 28, at 22.

43. RAWLS, POLITICAL LIBERALISM, *supra* note 6, at lv n.30; Rawls, *The Idea of Public Revisited*, *supra* note 6, at 153.

prehensive) liberalism, the very stability of a rights regime rests on the "overlapping consensus" of such reasonable, comprehensive doctrines.⁴⁴ Citizens' judgments, e.g., that civil rights be extended to disenfranchised minorities, are thus neither logically nor semantically independent of their full comprehensive beliefs. Religious beliefs figure not only in the justification but, as in Rawls's most recent writings, in the interpretation/application of such rights.

Inspired by King's legacy and the writings of Murray, Rawls relaxes the strictures of his earlier "method of avoidance."⁴⁵ His revised or "wide view" of public reason now permits reasonable (religious) comprehensive doctrines to "be introduced in public reason at any time," provided that public reasons, in accordance with the duty of civility, are duly presented.⁴⁶ While "the wide view of public political culture" permits us, in Rawls's words, to introduce "the familiar story of the Good Samaritan," his "proviso" bids us to "justify our proposal in terms of proper political values."⁴⁷ In their recent pastoral letter on the economy, for instance, the U.S. bishops introduce this very story as an exemplary narrative of the "dual command of love that is at the basis

44. See RAWLS, POLITICAL LIBERALISM, *supra* note 6, at xlvi; Rawls, *The Idea of Public Reason Revisited*, *supra* note 6, at 179-80; see also Martin Luther King, Jr., *Letter from Birmingham City Jail* (Apr. 16, 1963), in *A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS OF MARTIN LUTHER KING, JR.* 298 (James Melvin Washington ed., 1986). King appeals to an overlapping consensus of the Scriptures; the writings of Augustine, Aquinas, Luther, John Bunyan, Tillich, and Rienhold Niebuhr; the Jewish theologian, Martin Buber; as well as Jefferson and Lincoln. *Id.*

45. RAWLS, POLITICAL LIBERALISM, *supra* note 6, at 9-11, 150-54; John Rawls, *The Idea of an Overlapping Consensus*, 7 OXFORD JOURNAL OF LEGAL STUDIES 1, 12-13 (1987) [hereinafter Rawls, *Overlapping Consensus*].

46. The ideal of public reason, and the duty of civility it implies, is realized whenever judges, legislators, chief executives, and other government officials, as well as citizens, viewed as "ideal legislators," explain to other citizens "their reasons for supporting fundamental political positions in terms of the political conception of justice they regard as the most reasonable." Rawls, *The Idea of Public Reason Revisited*, *supra* note 6, at 135-37. See also RAWLS, POLITICAL LIBERALISM, *supra* note 6, at xlvi, 217. Political conceptions are reasonable only if they satisfy the criterion of reciprocity: our exercise of political power is proper "only when we sincerely believe that the reasons we offer for our political action may reasonably be accepted by other citizens as a justification of those actions." *Id.*

47. Rawls, *The Idea of Public Reason Revisited*, *supra* note 6, at 146. See also RAWLS, POLITICAL LIBERALISM, *supra* note 6, at li-iii. For an analogous argument, see KENT GREENAWALT, *RELIGIOUS CONVICTION AND POLITICAL CHOICE* (1988).

of all Christian morality.”⁴⁸ Enjoining “mutual care and respect” for the dignity or “sacredness of every person as a creature formed in the image and likeness of God,” such neighbor-love, in turn, is “made real” in redeeming persons’ fundamental rights.⁴⁹ For such basic rights to security, subsistence, and civil liberties, say the bishops, are “prerequisites for a dignified life in community”—the moral charter of “public order.”⁵⁰

In their modern-day “reading of the law,” i.e., as redeeming the human rights of the neighbor in need, the bishops, in Rawls’ words, thus manifest their allegiance to “the democratic ideal of public reason.”⁵¹ In satisfying the Rawlsian proviso, the bishops ratify their “commitment to constitutional democracy” and the duty of civility—political virtues, says Rawls, upon which our overlapping consensus depends.⁵² But manifesting their allegiance is not logically antecedent to, or independent of public reasoning—it is just what citizens, including citizens of faith, do in realizing “the democratic ideal.” The family resemblance, or overlapping consensus of reasonable, comprehensive doctrines is not only presumed in the background of, but realized or exhibited performatively in public reasoning.

Satisfying the Rawlsian proviso attests to our *common* “faith in fundamental human rights, in the dignity and worth of the human person,” a faith which, the drafters of the Universal Declaration recognized, is rooted in differing sacred and secular traditions.⁵³ (The “grammar” of rights is thus neither sacred nor secular per se, but, in Rawls’s terms, properly “political”.) Such satisfaction, moreover, may be implicit, as in King’s “Letter from Birmingham City Jail” in which civic and religious narratives are intertwined, or even symbolic, as when “young ministers of the gospel and a host of their elders” engaged in nonviolent resistance.⁵⁴ Religious literacy, in turn, permits us to “see” the latent

48. U.S. CATHOLIC BISHOPS, ECONOMIC JUSTICE FOR ALL No. 43, *available at* <http://www.osjspm.org/cst/eja.htm> (1986) [hereinafter ECONOMIC JUSTICE FOR ALL]; *see also* POPE JOHN PAUL II, ENCYCLICAL LETTER CENTESIMUS ANNUS No. 51 (1991). John Paul II likewise recurs to the parable in enjoining “attentive and pressing concern for one’s neighbour in a moment of need.” *Id.*

49. ECONOMIC JUSTICE FOR ALL, *supra* note 48, Nos. 68, 79.

50. *Id.* No. 79.

51. *Id.* Nos. 43, 68, 79.

52. *See* Rawls, *The Idea of Public Reason Revisited*, *supra* note 6, at 153–54; *See also* RAWLS, POLITICAL LIBERALISM, *supra* note 6, at xlii–li; Rawls, *Overlapping Consensus*, *supra* note 45, at 17.

53. *Universal Declaration of Human Rights*, *supra* note 28, at 22.

54. King, *supra* note 44, at 302. In King’s words:

One day the South will know that when these disinherited children of God sat down at lunch counters, they were in reality standing up for

family resemblance aright, allaying doubts “about one another’s allegiance to basic constitutional and political values,” e.g., King’s or Tutu’s nonviolent resistance.⁵⁵ And so the benefits of citizens’ mutual knowledge of the comprehensive religious doctrines in which such allegiance is rooted, says Rawls, “bring out a positive ground for introducing such doctrines”—one finally irreducible to mere “self-imposed” or “self-authenticating” preferences.⁵⁶

Explicit recognition of our latent wisdom may, of course, be fitting, e.g., when contesting a particular, grammatical remark (rights claim). Yet we need not say that “citizens of faith who cite the Gospel parable of the Good Samaritan” *must* “go on to give a public justification for the parable’s conclusions in terms of political values.”⁵⁷ For Rawls himself acknowledges that “proper, political values” may remain inchoate, e.g., for “the Abolitionists and those in the Civil Rights Movement”: “The proviso was fulfilled in their cases, however much they emphasized the religious roots of their doctrines because these doctrines supported basic constitutional values—as they themselves asserted—and so supported reasonable conceptions of political justice.”⁵⁸

We need not, then, insist upon juridically parsing Tutu’s condemnation of apartheid as “veritably blasphemous . . . like spitting in the face of God.”⁵⁹ Nor need we trim King’s “Letter from Birmingham City Jail” or the U.S. bishops’ pastoral letter of religious reference. Under the rubrics of deliberative tolerance, religious literacy lets us rightly interpret such “rights talk.” But, so too, citizens’ mutual knowledge enriches their *practice* of human rights.⁶⁰ For the grammar of rights is not self-interpret-

what is best in the American dream and for the most sacred values in our Judeo-Christian heritage, thereby bringing our nation back to those great wells of democracy which were dug deep by the founding fathers in their formulation of the Constitution and the Declaration of Independence.

Id.

55. Rawls, *The Idea of Public Reason Revisited*, *supra* note 6, at 153–54; *see also* HOLLENBACH, COMMON GOOD, *supra* note 12, at 168 (stating that what Rawls calls “the reasonable” . . . “[is] forged in the interaction that forms the rich give-and-take among the diverse communities that form culture and civil society, including religious communities.”); *cf.* DAVID HOLLENBACH, THE GLOBAL FACE OF PUBLIC FAITH: POLITICS, HUMAN RIGHTS, AND CHRISTIAN ETHICS (2003); SANDEL, LIBERALISM, *supra* note 8.

56. Rawls, *The Idea of Public Reason Revisited*, *supra* note 6, at 154.

57. *Id.* at 155.

58. *Id.* at 154–55.

59. DESMOND MPIOLO TUTU, NO FUTURE WITHOUT FORGIVENESS 11 (1999).

60. *Cf.* NICHOLAS WOLTERSTORFF & ROBERT AUDI, RELIGION IN THE PUBLIC SQUARE: THE PLACE OF RELIGIOUS CONVICTIONS IN PUBLIC DEBATE (1997);

ing (as warrants, rights justify, but do not fully explain or rationalize action). Redeeming my claim-right that others do, or refrain from doing, *A* presumes the morally relevant description of *A*. But that *A* is rightly described, e.g., as redeeming my claim-rights to civil liberty, is not simply given. Moral perceptions must be tutored, e.g., by what Martin Luther King called the “strong,” “persistent,” and “determined action” of the African-American and African churches.⁶¹ “The Bible,” said Tutu, “turned out to be the most subversive book imaginable in a situation of injustice and oppression.”⁶²

Consider the implications of our reflections on basic rights as the “depth grammar” of our public reasoning in section (i): In a variation of what Rawls would term imperfect procedural justice,⁶³ basic rights (a) *constitutively* specify the political aims of public reason, i.e., the common good as the culturally integrated embodiment of a rights regime; and (b) *regulatively* govern political deliberation, i.e., in ensuring fair and effective participation of all affected.⁶⁴ In (a), the heritage of nonviolent resistance for King or the rituals of social reconciliation for Tutu, model the culturally fitting redemption of basic rights—and, in particular, the positive duties of institutional legal protection and provision entailed by a rights regime. In (b), religiously affiliated institutions of civil society play a notable role, both in promoting a culturally fitting ethos of rights and in generating the social capital expended in their defense, e.g., the political mobilization of the black churches.⁶⁵

In neither case is religion merely epiphenomenal to public reason—as Walzer might say, public reason is thick (in invoking religious wisdom) before it is thin (redeeming proper political values).⁶⁶ Considerable variations may, of course, be rung on

Nicholas Wolterstorff, *An Engagement with Rorty*, 31 J. RELIGIOUS ETHICS 129, 129–39.

61. King, *supra* note 44, at 298.

62. Tutu, *supra* note 59, at 11.

63. See RAWLS, *supra* note 7, at 85.

64. Procedural norms would govern policy where neither rights nor civic virtues suffice to generate sufficient consensus regarding policy. In such vexed cases, we should, I believe, err on the side of liberty, even if we do not thereby generate a new legal “right.”

65. See JEROME BAGGETT, *HABITAT FOR HUMANITY: BUILDING PRIVATE HOMES, BUILDING PUBLIC RELIGION* (2001); Robert D. Putnam, *Bowling Alone: America's Declining Social Capital*, 6 J. DEMOCRACIES 65 (1995); Robert D. Putnam, *The Prosperous Community: Social Capital and Public Life*, 13 AM. PROSPECT 35 (1993).

66. See MICHAEL WALZER, *THICK AND THIN: MORAL ARGUMENT AT HOME AND ABROAD* 21–25 (1994).

these themes—the American civil rights movement inspired civil resistance against apartheid in South Africa, just as Ghandi's *ahimsa* inspired King. But the cultural embodiment of rights precludes simple emulation. Far, then, from comprising a mere calculus of interests, public reasoning shapes public reasons, enriching our moral/legal repertory. What David Hollenbach aptly describes as the “constant symbiosis and mutual influence” of faith and public reason is thus yet a further “positive ground for introducing such [comprehensive, religious] doctrines.”⁶⁷

Yet neither are such positive grounds restricted merely to ratifying a prevailing consensus or redeeming public reasons—for as Rawls says, “the content of public reason is not fixed”—our public reasoning may be distorted, even systematically so.⁶⁸ As the heritage of racism reveals, the “ideal of public reason”—the *telos* of the civic common good—is, at best, imperfectly realized in our public, political culture. Introducing the Gospel story of the Good Samaritan reminds us that the “dictates of convention and prejudice”⁶⁹ conspire against our heeding what King called the “deep groans and passionate yearnings of those that have been oppressed.”⁷⁰ Religious comprehensive “grounding” reasons may thus implicitly satisfy the Rawlsian proviso by revising public reasons. Indeed, where political values are distorted, realizing the ideal of public reason, may, in Rawls's words, “require that [religious] comprehensive reasons be invoked,”⁷¹ i.e., reasons distinctively, though not uniquely religious.

In a similar vein, the United States bishops invoke the parable of the Good Samaritan, not only to ratify the prevailing political consensus; but to rectify its lacunae, namely the legal restriction of rights to civil-political liberties—“negative” rights, says Robert Nozick, that “fill the space of rights.”⁷² In Chapter Two of their pastoral letter, the bishops affirm the inseparability

67. HOLLENBACH, *COMMON GOOD*, *supra* note 12, at 168–69. Hollenbach cites King's exemplary leadership of the civil rights movement. *Id.*

68. RAWLS, *POLITICAL LIBERALISM*, *supra* note 6, at liii.

69. In his exegesis of the parable of the Good Samaritan, Wolfgang Schrage writes, “The exemplary narrative shows that the obligation to love has no limits: love does not reach a boundary beyond which nothing is required.” WOLFGANG SCHRAGE, *THE ETHICS OF THE NEW TESTAMENT* 74, 76 (David E. Green trans., Fortress Press 1988) (1982). For “love does not follow the dictates of convention and prejudice but dares to ignore them, dares with sovereign freedom to surmount the barriers that separate people. A person who loves can see in anyone a neighbor in need.” *Id.*

70. King, *supra* note 44, at 298.

71. RAWLS, *POLITICAL LIBERALISM*, *supra* note 6, at 251 n.41 (emphasis added).

72. ROBERT NOZICK, *ANARCHY, STATE, AND UTOPIA* 238 (1974).

of “negative” and “positive” basic human rights—a view already implied by Article 22 of the Universal Declaration, which recognizes the “indispensable” character of “positive” rights, and as Mary Ann Glendon notes, “connects them to traditional protections of the individual.”⁷³ The Declaration, says Glendon, presumes “that one set of values could not long endure without the other . . . a better standard of living cannot be accomplished without larger freedom,” just as “freedom is threatened by dehumanizing living conditions.”⁷⁴ Drawing “on the resources of the Catholic moral-religious tradition”—even as they appeal to the wider moral-legal tradition of international law—the bishops propose “a ‘New American Experiment’” in “securing economic rights: the creation of an order that guarantees the minimum conditions of human dignity in the economic sphere for every person.”⁷⁵

III. EXPLANATION

In appealing to the “Catholic moral-religious tradition,” the bishops, as King and Tutu, display the distinct, yet finally inseparable interplay of thick religious grounding reasons and thin public reasons in our public reasoning: “what *we do*” in weaving a web of belief. No simple algorithm tells us whether the Rawlsian proviso must be satisfied explicitly. Sometimes our *fides implicita* in human rights suffices. Sometimes, especially in rectifying public reason, we must give an account of our faith, e.g., King’s appeal to religious *and* comprehensive liberal warrants, or in the United States bishops’ defense of the rights of the poor.⁷⁶ For here, too, argument is necessary—critics were quick to object that the Church’s “option for the poor” represented a fideistic departure from justice as fairness. How then to translate the “Catholic moral-religious” defense of an “option for the poor” into a political (or properly *catholic*) idiom?

The “familiar story of the Good Samaritan” comes again to our aid. For impartial regard for my neighbor’s rights justifies

73. MARY ANN GLENDON, *A WORLD MADE NEW* 187 (2001).

74. *Id.* at 202; *cf. id.* at 238 (emphasizing the Universal Declaration’s “link between freedom and social security”). Article 22 affirms:

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and for the free development of his personality.

Id. at 187.

75. ECONOMIC JUSTICE FOR ALL, *supra* note 48, at Nos. 21, 95.

76. King, *supra* note 44, at 293.

preferential attention for my neighbor in distress. Luke's narrative reveals the boundless, universal scope of love precisely in joining a moral solidarity with those who suffer—my “neighbor, the masses.”⁷⁷ Thus the lesson that our moral/legal entitlement to equal respect or consideration justifies preferential treatment for those whose basic rights are most imperiled⁷⁸—in Camus's phrase, our taking “the victim's side.”⁷⁹ Such a discriminate response finds expression in the graduated legal/moral urgency of differing human rights, i.e., the lexical priority of agents' basic rights over other, less exigent claims, e.g., property rights; and in the differing material conditions presumed for realizing the same human rights.⁸⁰

A regime of rights may accordingly embody a legislative or juridical preference for the least favored in society, e.g., poor women and their families, and differential material entitlements corresponding to the differing interpersonal prerequisites of agency, e.g., the greater nutritional needs of pregnant women.⁸¹ “Passing to the victims' side[.]”⁸² i.e., redeeming the rights of the poor, including their rights to effective, civic participation, emerges as a touchstone of the legitimacy of our prevailing institutional arrangements. Luke's parable, we may say, becomes the “moral squint”⁸³ through which citizens of faith see⁸⁴ and respond compassionately,⁸⁵ lest like the priest and Levite of the tale, “members of the oppressor race” in King's words, too readily “see and pass by[.]”⁸⁶

Now, it is just this concrete determination, the narratively embodied rights claim, that typically moves us to act. When Tutu introduces the Gospel parable of the Good Samaritan in condemning apartheid as “vicious, evil, unchristian” because, like

77. M.D. Chenu, *Les Masses Pauvres*, in *EGLISE ET PAUVRETÉ* 169 (1965); see also Schrage, *supra* note 69, at 78, 81.

78. See GENE OUTKA, *AGAPE: AN ETHICAL ANALYSIS* 20 (1972); cf. RONALD DWORKIN, *TAKING RIGHTS SERIOUSLY* 227 (1978).

79. ALBERT CAMUS, *THE PLAGUE* 230 (1960).

80. Cf. SOLLICITUDO REI SOCIALIS, *supra* note 12, at Nos. 42–43; cf. Official Conclusions of the Third General Conference of Latin America Bishops, convened at Puebla, Mexico, Jan. 1979, reprinted in *PUEBLA AND BEYOND: DOCUMENTATION AND COMMENTARY* 123–285 (John Eagleson & Philip Scharper eds., John Drury trans., 1979).

81. See JEAN DRÈZE & AMARTYA SEN, *HUNGER AND PUBLIC ACTION* 37–42 (1989).

82. Luke 10:34.

83. The phrase “moral squint” is drawn from ROBERT BOLT, *A MAN FOR ALL SEASONS* 19 (Vintage Int'l ed. 1990) (1960).

84. Luke 10:30.

85. Luke 10:33.

86. Luke 10:32.

the robbers on the way to Jericho, it “artificially and deliberately” induces need, “causing suffering to many people,” he is still playing the language game of human rights.⁸⁷ Precisely as grounding reasons (section i): “what is written in the law”⁸⁸; religious attitudes and beliefs, we saw, likewise interpret action (section ii): “who is my neighbor?”⁸⁹ and fix motives: “Go and do likewise.”⁹⁰ The “Catholic moral-religious tradition,” say the bishops, underwrites “a new cultural consensus that the basic economic conditions of human welfare are essential to human dignity and are due persons by right;” even as it funds “the securing of these rights.”⁹¹ No less do the bishops appeal to their magisterial authority in interpreting the tradition today, seeking “to shape a constituency of conscience, measuring every policy by how it touches the least, the lost, and the left-out among us.”⁹² And such a “constituency of conscience” applies perforce to the Church itself. For the “Church cannot redeem the world from the deadening effects of sin and injustice unless it is working to remove sin and injustice in its own life and institutions.”⁹³

Still, there is surplus of religious meaning.⁹⁴ For though our rights *talk* is not, pace Michael Perry, “ineliminably religious,” still “going and doing likewise” bears a religious imprimatur.⁹⁵ To heed Jesus’ command as the summary of the law is not merely to comply with our neighbors’ rights in answer to the lawyer’s question (what Karl Rahner terms the “essentialist” requirements of morality⁹⁶). For to the lawyer’s question in the parable, “Who

87. DESMOND TUTU, *Love Reveals My Neighbour*, in HOPE AND SUFFERING: SERMONS AND SPEECHES 150, 152 (John Webster ed., 1984) (1983).

88. *Luke* 10: 26.

89. *Luke* 10: 29.

90. *Luke* 10: 37.

91. ECONOMIC JUSTICE FOR ALL, *supra* note 48, at No. 83.

92. *Id.* at No. 27. The bishops acknowledge the differing moral authority of precepts and application, yet wish the latter “to be given serious consideration by Catholics.” *Id.* at No. 135.

93. *Id.* at No. 24. *Cf. id.* at Nos. 338–39.

94. *Cf.* PAUL RICOEUR, *INTERPRETATION THEORY: DISCOURSE AND THE SURPLUS OF MEANING* (1976).

95. PERRY, *supra* note 31. *Cf.* Max Stackhouse, *Human Rights and Public Theology*, in RELIGION AND HUMAN RIGHTS: COMPETING CLAIMS? 13 (Carrie Gustafson & Peter Juviler eds., 1999).

96. See 2 KARL RAHNER, *On the Question of a Formal Existential Ethics*, in THEOLOGICAL INVESTIGATIONS: MAN IN THE CHURCH 217–34 (Karl H. Kruger trans., 1963). Essential ethics refers to the set of universal, action-guiding moral norms ascertained by natural reason (e.g., respect for persons’ basic rights); we need not assume that such norms rest upon a foundationalist or essentialist metaphysics.

is my neighbor?"⁹⁷—seeking a precise delimitation of rights and duties—Jesus replies with a question of his own, "Who is it that proved himself neighbor?"⁹⁸ As John Donahue sagely observes, "Luke subtly alters the thrust of the parable." Jesus does not so much answer the lawyer's question as "describe what it means to be a neighbor, which then becomes the substance of [his] counter-question in *Luke* 10:36, 'Which of these three, do you think, was a neighbor to the man who fell into the hands of the robbers?'"⁹⁹

Finally, it is neither the lawyer nor the reader who sets the limits of love: "who is my neighbor?" even if the limits are extended universally. One must rather answer Jesus' question—*become* neighbor to the *anāwīm*, i.e. "what I do." The distinctively Christian virtue of *solidarity* thus defines the disciple's horizon of discernment; for "to be a Christian," says Gustavo Gutiérrez, "is to draw near, to make oneself a neighbor, not the one I encounter in my journey but the one in whose journey I place myself."¹⁰⁰ Christianly, one must not only take the victim's side, for religious ethics is not less than just; one must incarnate Jesus' compassion in taking it *as one's own*, i.e., in what Walter Benjamin calls "anamnestic solidarity."¹⁰¹ And so, as in King's martyrdom, "the defense of human rights" may entail the sacrifice of rights: What is legally and morally supererogatory becomes, for the citizen of faith, a response to a divine command, "Go and do likewise!"¹⁰²

CONCLUSION

Let me summarize the foregoing argument:

(i) In "public reasoning," normative validity claims (public reasons) typically take the form of legal rights and duties, and the corresponding civic or discursive virtues.

(ii) We may speak of a rational consensus inasmuch as citizens recognize the set of such public reasons as binding and legitimate in their respective judgments; i.e., claims satisfying citi-

97. *Luke* 10:29.

98. *Luke* 10:36.

99. John R. Donahue, *Who is My Enemy? The Parable of the Good Samaritan and the Love of Enemies*, in *THE LOVE OF ENEMY AND NON-RETALIATION IN THE NEW TESTAMENT* 144 (Willard M. Swartley ed., 1992).

100. Gustavo Gutiérrez, *Towards a Theology of Liberation*, in *LIBERATION THEOLOGY: A DOCUMENTARY HISTORY* 74 (Alfred T. Hennelly ed., 1990) (1968).

101. See WALTER BENJAMIN, *ILLUMINATIONS* (Hannah Arendt ed., Harry Zohn trans., Schocken Books 1969). Cf. THOMAS MCCARTHY, *IDEALS AND ILLUSIONS: ON RECONSTRUCTION AND DECONSTRUCTION IN CONTEMPORARY CRITICAL THEORY* 205–10 (1991).

102. *Luke* 10:37.

zens' "best judgments." Claims/obligations would be heteronomous, conversely, if they are imposed independently of citizens' rationally autonomous consent.

(iii) Citizens recognize the justificatory force of public reasons for policy, even if they differ as to the *ultimate* grounds of justification. Respecting citizens' rational autonomy is consistent with recognizing (and respecting) multiple, even incommensurable full comprehensive conceptions.

(iv) But human rights are not a moral Esperanto. What the Universal Declaration affirms as our "faith in fundamental human rights, in the dignity and worth of the human person"¹⁰³ is typically grounded in comprehensive narrative traditions—whether these be sacred, e.g., "Catholic moral-religious tradition," or secular, e.g., comprehensive liberalism. Public *reasoning* translates our "thick" grounding reasons, e.g., religious faith, into the properly political discourse of "thin" public *reasons*, e.g., political faith in rights.¹⁰⁴

(v) Such grounding reasons likewise figure in the ongoing interpretation/application of public reasons ("what we do" in public reasoning): Citizens' mutual knowledge of their respective comprehensive religious doctrines—what I have called religious literacy, as a civic virtue of complex, pluralist polities—permits us (a) to see whether policies stemming from such doctrines satisfy the Rawlsian proviso; (b) to interpret action/policy falling under the rubrics of rights, enriching our legal/moral inventory; and (c) to rectify distortions or lacunae of our prevailing consensus. (Such an exercise of deliberative tolerance, one hopes, serves also to mitigate religious extremism).

(vi) In grounding and interpreting action, religious reasons likewise move us to act. "Seeing and having compassion"¹⁰⁵ both illumines the occasion of acting, and inspires appropriate institutional redress where the victim is legion—in Jon Sobrino's words, "a whole suffering people on the road."¹⁰⁶

103. GLENDON, *supra* note 73, at 175 (analyzing the Preamble to the Universal Declaration of Human Rights).

104. *See, e.g.*, King, *supra* note 44, at 293–94 (discussing just and unjust laws using the Christian framework of Augustine, Aquinas, and others, then discussing "more concrete example[s]" of unjust laws using principles of basic fairness and justice).

105. *Luke* 10:33.

106. JON SOBRINO ET AL., *COMPANIONS OF JESUS: THE JESUIT MARTYRS OF EL SALVADOR* 13 (1990). In King's words:

One day we must come to see that the whole Jericho road must be transformed so that men and women will not be constantly beaten and robbed as they make their journey on life's highway. True compassion

(vii) Finally, the surplus of religious reason, e.g., solidarity with victims, inspires our public reasoning, especially where such reason is systemically imperiled, e.g., under Jim Crow laws or apartheid. We have martyrs for human rights. Not only, writes Jon Sobrino, is "the struggle for human rights . . . an inescapable imperative," for "anyone who believes in God. . . . The struggle for human rights is an *in actu* concretization of our faith in God."¹⁰⁷ So perhaps, the vocation of the lawyer is inescapably caught up in that larger vocation, the calling that "costs no less than everything."¹⁰⁸ Said Jesus to the lawyer: "Go and do likewise!" In Sobrino's words, "Instead of functioning as a mere thesaurus of citations to be invoked in support of a particular teaching—on human rights or anything else—scripture becomes a demand and a challenge, yes, but then lucidity, inspiration, and beatitude."¹⁰⁹

is more than flinging a coin to a beggar It comes to see that an edifice which produces beggars needs restructuring.

Martin Luther King, Jr., *A Time to Break Silence* (Apr. 4, 1967), in *A TESTAMENT OF HOPE*, *supra* note 44, at 231, 241.

107. JON SOBRINO, *SPIRITUALITY OF LIBERATION: TOWARD POLITICAL HOLINESS* 104 (Robert R. Barr trans., Orbis Books 1988) (1985).

108. See T.S. ELIOT, *THE COMPLETE POEMS AND PLAYS: 1909–1950*, at 145 (1962).

109. SOBRINO, *supra* note 107, at 104.