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THE REVOLUTION OF TRADITION:  
LIBERATION THEOLOGY'S CONTRIBUTION TO THE  
FORMULATION OF A COMPREHENSIVE THEORY OF SOCIAL JUSTICE

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To Gustavo Gutiérrez and David Tracy,  
giants of a revolutionary tradition in which they always,  
undeservedly, made me feel at home

In memory of *abuelito* Raúl,  
another, very different, giant

## TABLE OF CONTENTS

|  |     |
|--|-----|
| ACKNOWLEDGMENTS .....  | vii |
| INTRODUCTION .....   | 1   |
| 1. A New Perspective for Liberation Theology:<br>A Mystical-Prophetic-Institutional Paradigm ..... | 3   |
| 2. An Outline of the Argument .....  | 9   |
| 3. The Tasks and Dimensions of Inquiry, and the Question of the Standpoint .....                   | 19  |
| 3.1. Tasks .....   | 19  |
| 3.2. Multidimensional Inquiry .....  | 21  |
| 3.3. Standpoint and Orientation: A Pragmatist-Hermeneutical Approach .....                         | 23  |
| 4. Conclusion: On the Pursuit of Justice Today.....  | 34  |
| CHAPTER 1  |     |
| THE IDEA OF A THEORY OF JUSTICE REVISITED .....  | 37  |
| 1. The Project of Justice as Fairness: Preliminary Considerations .....                            | 39  |
| 2. The Thin Theory of the Good .....   | 46  |
| 2.1. The Original Position: A Device of Representation .....                                       | 48  |
| 2.2. The Two Principles of Justice: Stated and Expanded .....                                      | 57  |
| 3. The Full Theory of the Good .....   | 62  |
| 3.1. The Priority of the Right, Precondition of the Good .....                                     | 62  |
| 3.2. The Ideal of Social Union: Where the Right and the Good Meet .....                            | 68  |
| 4. Religion and Public Reason.....   | 72  |
| 4.1. <i>Theory</i> : What Is the Role of Religious Freedom? .....                                  | 73  |
| 4.2 <i>Political Liberalism</i> : Can Religious Argument Enrich Public Reason? .....               | 75  |
| 5. Conclusion: The Principles of Justice and the Love for Humanity .....                           | 84  |
| CHAPTER 2  |     |
| THE THEORY UNDER SIEGE:<br>FROM MISINTERPRETATION TO REORIENTATION.....                            | 88  |
| 1. Communitarians or Libertarians? On Principles of Selection and Adjudication.....                | 89  |
| 2. The Dislocated Self: Michael Sandel .....   | 92  |
| 2.1. Sandel's Earlier Critique: Self and Community.....  | 92  |
| 2.2. Sandel's Later Critique: Bracketing, Pluralism, and Public Reason .....                       | 97  |
| 3. Moral Calamity: Alasdair MacIntyre .....  | 108 |
| 3.1. Rawls' Failure: The Lack of Moral Agreement.....  | 108 |
| 3.2. Narrative and Meta-Narrative:<br>Assessing MacIntyre's Genealogy of Modernity.....            | 112 |
| 3.2.1. Overplaying the Aristotelian Consensus .....  | 112 |
| 3.2.2. The Dangers of Tradition Blindness: Dismissing Human Rights.....                            | 115 |
| 3.2.3. Isolation or Confrontation? Between St. Benedict and Lord Gifford .....                     | 118 |
| 4. The Need of Trans-Societal Criteria of Right: Charles Taylor.....                               | 122 |
| 5. Justice and the Relative Universality of Institutions: Paul Ricoeur.....                        | 130 |
| 5.1. Michael Walzer's <i>Spheres of Justice</i> : Ricoeur on Distributive Justice .....            | 131 |
| 5.2. From Radical Particularism to Institutional Ethics: Ricoeur on Rawls.....                     | 136 |

|  |     |
|--|-----|
| 5.3. Claims to Universality and the Moment of <i>Phronesis</i> :<br>Ricoeur beyond Rawls ..... | 146 |
| 6. Conclusion .....  | 151 |

### CHAPTER 3

|   |     |
|---|-----|
| RELIGION IN PUBLIC: BETWEEN INNOVATION AND REGRESS .....  | 155 |
| 1. Revisiting Liberalism: On the Emancipatory Thrust of the Democratic Tradition ..               | 158 |
| 2. Affirmative Genealogy and Political Emotions: An Integrated Approach.....                      | 167 |
| 2.1. A Contingency-Conscious Defense of Universal Values .....                                    | 168 |
| 2.2. From the Monarchy of Fear to Creative Democracy .....  | 179 |
| 3. Democracy and Religious Freedom: Intercontinental Crossroads.....                              | 187 |
| 3.1. The Starting Point: Why Not the Axial Age? .....   | 188 |
| 3.2. Religious Dissent and Philosophical Enlightenment:<br>Narratives of Cross-Fertilization..... | 191 |
| 3.2.1. From the Reformers to the Dissenters: Progressive Democratization .....                    | 192 |
| 3.2.2. The Religious Roots of Stagnation and Rebellion:<br>The Spanish American Case .....        | 198 |
| 3.2.3. Behind Enemy Lines? Christianity During the French Revolution .....                        | 210 |
| 3.3. The U.S. American Experiment of Religious Pluralism.....                                     | 216 |
| 3.3.1. The Sacredness of Conscience:<br>Roger Williams’s Defense of Religious Freedom.....        | 217 |
| 3.3.2. The Principles of Justice of the U.S. American Democratic Tradition.....                   | 226 |
| 4. The Institutionalization of Religious Freedom: Judgment-in-Situation.....                      | 229 |
| 5. Conclusion .....   | 237 |

### CHAPTER 4

|  |     |
|--|-----|
| IN PERMANENT REVOLUTION:<br>THE HERMENEUTICS OF THE CHRISTIAN TRADITION.....                               | 240 |
| 1. <i>Homo Interpretans</i> : On the Articulation of Religious Experience .....                            | 243 |
| 1.1. Experience as the Starting Point.....   | 243 |
| 1.2. A Pragmatist Hermeneutics?<br>On the Problem-Solving Character of Interpretation .....                | 247 |
| 1.3. The Manifestation and Proclamation of Self-Transcending Experiences .....                             | 257 |
| 2. Bounded Creativity: The Workings of Tradition and the Essence of Christianity ...                       | 269 |
| 2.1. Tradition, Traditional, Traditions.....   | 270 |
| 2.1.1. Jesus Christ: A Tradition .....   | 272 |
| 2.1.2. Tradition: Fundamental Tenets .....   | 276 |
| 2.1.3. Jesus Christ: Tradition, Person, and Event.....   | 282 |
| 2.2. The Search for Criteria:<br>Between Public Intelligibility and Appropriateness to the Tradition ..... | 285 |
| 2.3. Creative Fidelity: The Task of Constructive Theology .....  | 293 |
| 3. Conclusion .....  | 305 |

|   |     |
|---|-----|
| CHAPTER 5   |     |
| RADICAL TRADITIONALISTS:  |     |
| REINTERPRETING LIBERATION THEOLOGY (I).....   | 309 |
| 1. What Is Liberation Theology? .....   | 310 |
| 2. Liberation Theology’s Background and its Place in the Dissertation.....          | 313 |
| 3. Liberation and Salvation: “A Single, Complex Process” .....                      | 320 |
| 3.1. The New Christendom and the Crisis of the “Distinction of Planes” Model ....   | 320 |
| 3.2. Between Tradition and Innovation: The Roots of Integral Liberation .....       | 336 |
| 3.3. The Unity of History: Creation, Recreation, and Integral Liberation .....      | 343 |
| 4. Conclusion .....   | 349 |
| <br>CHAPTER 6   |     |
| THEOLOGY ON THE GROUND:   |     |
| REINTERPRETING LIBERATION THEOLOGY (II).....  | 354 |
| 1. “A Time of Small Heroic Acts:”   |     |
| The Response of the Faithful to Political Violence .....                            | 355 |
| 1.1. Background: Terrorism, State Repression, and the Role of Faith.....            | 332 |
| 1.2. The CPDH: A Faith-Based Defense of the Dignity of Life .....                   | 360 |
| 2. “Learning to be Church outside the Church:”                                      |     |
| The New Revolutions of Liberation Theology .....                                    | 366 |
| 2.1. Gustavo Gutiérrez: “What Saved this Project Was Our Persistence”.....          | 372 |
| 2.2. Friends of Life, Friends of the Poor: The Witness of La Corriente.....         | 378 |
| 2.2.1. “Faith Leads to Commitment, and the Commitment Is Political:”                |     |
| The Early Years .....   | 378 |
| 2.2.2. Ecclesial Hostility, Neoliberalism, and Depoliticization:                    |     |
| The Middle Years .....  | 383 |
| 2.2.3. Aparecida, Pope Francis, and the Challenges Ahead:                           |     |
| The Later Years .....   | 392 |
| 3. Stepping Back: The Possible Futures of the Christian Option for the Poor .....   | 398 |
| 4. General Conclusion: Toward an Institutional Paradigm for Liberation Theology ... | 404 |
| <br>BIBLIOGRAPHY.....   | 422 |

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## INTRODUCTION

Using the Christian tradition as its setting and concern for social justice as its guiding thread, this dissertation attempts to give an answer to a classic, yet urgently contemporary question: What is the most adequate relationship between faith and politics? Or, put in context: How can we balance our religious values and the norms of our political communities in contemporary democratic societies?

The dissertation's title hints at the answer in two different ways. *The Revolution of Tradition* refers, first, to the role that the theology of liberation has had in the history of the Christian tradition and, more specifically, in the Christian understanding of social justice. Liberation theology has played a truly revolutionary role in this regard, showing us that creative developments are possible and necessary in order to find the balance we are seeking.

Rather than conceiving Christian social justice solely in terms of inward moral goodness and kindness toward the neighbor, obedient acceptance of our location in a providentially given social order, and charitable assistance to the poor, liberation theologians propose a paradigm shift. They advocate for an understanding of Christian discipleship that must also be expressed outwardly via a critical assessment of the present social order and its role in the very existence and perpetuation of social injustice, and through the commitment to reform or eradicate the social structures responsible for the unjust suffering of millions around the globe. In doing so, liberation theology radically transformed the Christian tradition. It urged people to insert themselves in the political struggles for justice *as* Christians. Instead of seeing this as the politicization of their faith, liberation theology gave them the resources to reinterpret the political as the ineluctable arena in which to express their Christian commitment to justice, especially for the poor and marginalized.

It is in this sense that we should understand the idea that the preferential option for the poor is a theocentric option: Ultimately, it is God's love for creation, but especially for those who suffer the most, that motivates the Christian believer to commit to the struggle for a just society.

For these reasons, liberation theology stands as a paradigm of the articulation of religious values and political norms. For it is deeply committed to the enhancement of life, here and now, through the development of just social institutions. But it does so motivated by the profound conviction that such a task is a fundamental element of the Christian faith. By doing so, as I argue in this investigation, liberation theology offers a way to conceive social justice more comprehensively. Instead of seeing with suspicion the expression of religious beliefs and practices in the political arena, as some theories do, liberation theology shows us that religious resources can be mobilized to serve the cause of justice. In fact, it shows us that the contribution religion can make to the enhancement of our social life is crucial. In this sense, liberation theology provides a blueprint by which to overcome excessively formalistic or procedural models of social justice that tend to flatten the richness of our moral and religious lives. Yet it does so without rejecting the search for criteria to adjudicate among conflicting claims and embracing the democratic values at the heart of these models.<sup>1</sup>

But this takes us to my second point: the title also refers to the attempt to reframe the tradition of liberation theology itself. In this regard, to speak of revolution is perhaps too grand. However, I believe this dissertation attempts something truly new: to situate liberation theology in

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<sup>1</sup> In this sense, as it will become clear starting in Chapter 3, I see liberation theology as embracing some form of *theological humanism*, that is, the mutual affirmation of the need to enhance ordinary life (humanism) and the faith in a God of love who would ultimately heal and redeem what the human being cannot (theology). On this, I substantially agree with the account of theological humanism developed in William Schweiker, "Humanism and the Question of Fullness," in *Aspiring to Fullness in a Secular Age: Essays on Religion and Theology in the Work of Charles Taylor*, ed. Carlos D. Colorado and Justin D. Klassen (Notre Dame, IN: University of Notre Dame Press, 2014).

the context of larger discussions about politics, secularization, the history of ideas, pragmatism, phenomenology, and hermeneutics. Liberation theology has made important contributions to these fields of inquiry and its importance is properly understood only in dialogue with them. This dialogue allows us to see liberation theology anew, overcoming old misunderstandings and clarifying and expanding underdeveloped issues. Perhaps this is not a revolutionary interpretation of liberation theology. But, in keeping with the times, it may well be a more modest micro-revolution, and at least a new perspective.

### **1. A New Perspective for Liberation Theology: A Mystical-Prophetic-Institutional Paradigm**

What kind of new perspective is this? Inspired by the work of Gustavo Gutiérrez, this dissertation attempts to produce a systematic, constructive account of *our* social and political moment by drawing on the longstanding concerns of liberation theology.<sup>2</sup> When Gutiérrez wrote of his own *perspectivas* in 1971,<sup>3</sup> the historical moment and the intellectual resources available were significantly different than they are now. His was a moment of political uprising in Latin America, a moment of hope in the possibilities of a new future in which freedom and equality will

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<sup>2</sup> In this sense, I see this investigation as a direct response to Gustavo Gutiérrez, “Situación y tareas de la teología de la liberación,” in *Acordarse de los pobres: Gustavo Gutiérrez, textos esenciales*, ed. Rolando Ames and Andrés Gallego (Lima, Perú: Fondo Editorial del Congreso del Perú, 2004), the most programmatic and prospective text written by Gutiérrez about the future of liberation theology. In his view, liberation theology faces “three great challenges: the one of the modern world and the so-called post-modernity, the poverty of two-thirds of humanity, and religious pluralism and the subsequent interreligious dialogue” (600, my translation). As will become clear, modern and post-modern concerns are the fundamental background of this investigation. Similarly, the problem of poverty and its multidimensional nature is the reason why this work has chosen social justice as its focus. Lastly, my concern for religious pluralism is the reason why I have decided to stress the importance of developing a theory of social justice that gives us resources to adjudicate among conflicting conceptions of the good life.

<sup>3</sup> Gustavo Gutiérrez, *A Theology of Liberation: History, Politics, and Salvation*, Second Edition (Maryknoll, NY: Orbis Books, 1988). Gutiérrez’ landmark book was originally published in Spanish in 1971 with the title *Teología de la liberación: Perspectivas*.

reign. At the time, social revolutions of all kinds (sexual, racial, anti-colonial, etc.) spread throughout the globe, and enthusiasm for the possibilities of the revolutionary process permeated the pages of Gutiérrez' work and the writings of most of his colleagues. Yet the revolutionary process in Latin America did not meet the expectations of Gutiérrez' generation. In some places, it even led to vicious confrontation and bloodshed. In Perú alone, the war between the Sendero Luminoso (Shining Path), one of the most sanguinary terrorist groups in recent history, and the Peruvian Armed Forces led to the death of almost 70,000 people.

But Gutiérrez' genius was to write a *theology*, not a treatise on political revolution. His commitment was to his faith and to his people, not to the contingencies of partisan interests. And because his work was theological in nature, he was able from the very beginning to stress the importance of liberation in a theological key. Central to that theological interpretation was the unyielding defense of the sacredness of human life, a life that was understood as God-given and whose defense was God-commanded. In this sense, Gutiérrez and his colleagues distanced themselves from any attempt of radical political change that would treat human life as a mere means to realize political orthodoxy. No utopian promises were worth the cost of real lives. Such an approach was evident ever since the genesis of his theology, but it became even more obvious after episodes or eras of political violence. In Perú, this began more clearly in 1980 with the first terrorist intervention of Sendero Luminoso. Soon after, Gutiérrez wrote *The God of Life* in a clear attempt to make the case for a theology that always defends life and human rights, never for a revolution that prioritizes political strategy over human suffering.<sup>4</sup>

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<sup>4</sup> Gustavo Gutiérrez, *The God of Life* (Maryknoll, NY: Orbis Books, 1991). The book was originally published in Spanish in 1989, but it was derived from an older manuscript that had circulated among different base communities since 1982.

In this sense, I believe it is fair to say that from the 1990s on Gutiérrez' focus shifted to more strictly theological issues and de-emphasized his powerful social-political analysis of the 1970s. The social-political context had changed, but not his theological concerns. Hence, he devoted most of his work to the expansion of the latter. Indeed, most of his writings after *A Theology of Liberation* focus on spiritual or biblical themes, biblical or historical figures like Job or Bartolomé de Las Casas, and the analysis of ecclesial documents and events.<sup>5</sup> All these texts are still part of the project of a theology of liberation. All these books and articles concentrate on the importance of opting for the poor, the critical value of identifying the causes of injustice and working for their eradication, and the faith in a God that nurtures this process. In this sense, Gutiérrez' work has certainly not lost its political edge; but it has decreased its emphasis on social-political analysis.<sup>6</sup>

My goal here is to focus again on the political and, in doing so, to respond to one of the old questions of liberation theology in a new moment: "What relation is there between salvation and the historical process of human liberation?"<sup>7</sup> I am attempting to respond to this question in a context in which, for now, the consolidation of democratic gains, the market economy, and individual freedoms seem to be part of our current lot in history. This new context has been undertheorized in the tradition of liberation theology. Yet liberation theology is well equipped to

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<sup>5</sup> For two relatively recent bio-bibliographies of Gutiérrez, see Lucila Valderrama Gonzales, *Gustavo Gutiérrez : Biobibliografía* (Lima, Perú: Fondo Editorial de la Biblioteca Nacional del Perú, 2004) and Catalina Romero and Luis Peirano, eds., *Entre la tormenta y la brisa : Homenaje a Gustavo Gutiérrez* (Lima, Perú: PUCP, 2010), 9–20. His most recent writings, all short pieces, have mostly appeared in the journal *Páginas*, published by the Centro de Estudios y Publicaciones in Perú, the publisher of all Gutiérrez' main works.

<sup>6</sup> In this sense, I believe it is fair to say that Gutiérrez' work takes a more contemplative turn as the decades progress. For more on this, see Gaspar Martínez, *Confronting the Mystery of God: Political, Liberation, and Public Theologies* (New York: Continuum, 2001). But Martínez perhaps overemphasizes the turn: the liberationist themes always remain crucial.

<sup>7</sup> Gutiérrez, *A Theology of Liberation*, 29.

respond to this new moment if, as it did in the 1970s, it renews its longstanding dialogue with the social, political, and human sciences.<sup>8</sup>

In what follows, I argue that one of the keys to answering this question is to examine liberation theology's unwavering defense of democracy and human rights from both a political and theological perspective. Such a defense has been prominent from the time of liberation theology's beginnings but became even stronger during the times of political violence in Latin America. Further, it is also central in the current era of relative peace in the region. For, as we know, relative peace and democratic gains do not mean that oppression has disappeared. It only means that it has taken more subtle forms. Therefore there continues to be a great need for a vigilant defense of democratic values and human rights.

Such a defense has been a consistent *practice* of liberation theology. Nevertheless, this practice has not been sufficiently theorized. Of course the God of Life cares about the defense of all peoples' lives. Certainly the Christian tradition defends the rights of the poor and marginalized. But this does not seem to be enough. What kind of approach to democracy and human development do we need to make these more than mere admonitions? What type of understanding of the political is required to bring about liberation in our new historical situation? What kind of theological approach will be able to account for this moment?

Gutiérrez, with his well-known playful banter, has recently argued that “there is nothing more practical than a good theory.”<sup>9</sup> But his point is very serious, made in the context of his

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<sup>8</sup> On the way this dialogue was initially framed, see Gutiérrez, *A Theology of Liberation*, 5–12.

<sup>9</sup> Gustavo Gutiérrez, “No hay nada más práctico que una buena teoría” (Universidad Ricardo Palma, Doctor Honoris Causa Awards Ceremony, Lima, Perú, December 11, 2019). Gutiérrez borrows the phrase from one of his teachers at the Medical School of the Universidad Nacional Mayor de San Marcos (Lima, Perú, *circa* 1947–1950), but the phrase's origin certainly precedes that context. In some circles, it is attributed to the social psychologist Kurt Lewin. In Germany, it has often been attributed to Vladimir Lenin.

reflections about the drama of wide-spread corruption in Perú and Latin America. Indeed, the argument is that a good diagnosis of a historical moment may give us the clues to find the creative and practical solutions that the moment demands. Such is the conviction of this dissertation as well. My goal is to systematize this new social-political moment by offering some constructive perspectives on the kind of approach that could allow us to move forward, while examining the role that the Christian faith might play in this process.

My constructive approach proposes what I call a *mystical-prophetic-institutional* paradigm. For those familiar with the theology of Gutiérrez (but also of Johann Baptist Metz and David Tracy, among others), the notion of a *mystical-prophetic* paradigm is well known. The idea is that the prophetic voice of denunciation of the injustices and evils of certain social structures must be accompanied by the contemplative discernment of the unknown dimensions of God's loving wisdom. Gutiérrez has developed this idea in his two books on Christian spirituality,<sup>10</sup> stressing that the struggle for liberation to which the Christian community should commit will always be incomplete without their spiritual openness to the mystery of God.

But Gutiérrez' theology—as is true of all liberation theologies I know—has not developed what I take to be a necessary mediating stage between political liberation and mystical contemplation: the creation of institutions. True, Gutiérrez and many liberation theologians have

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I thank Professor Hans Joas for this clarification.

<sup>10</sup> Gustavo Gutiérrez, *We Drink from Our Own Wells: The Spiritual Journey of a People* (Maryknoll, NY: Orbis Books, 1984) and *On Job: God-Talk and the Suffering of the Innocent* (Maryknoll, NY: Orbis Books, 1987).



been savvy institution-builders.<sup>11</sup> Yet this *practice* has been undertheorized.<sup>12</sup> Further, it has not been theorized in the context of the social, economic, and political changes of the last thirty years. Therefore, since so much has been written on the prophetic and mystical dimensions of the older paradigm, these two elements operate as the background to my reflection rather than as its center. Instead, this dissertation focuses on the development of a theoretical framework that addresses the task of institution-building in the context of our new moment. Put differently, this investigation takes the concern for democracy and human rights that is so central to liberation theology and asks: What kind of institutional design does such concern require? Or, adding a new angle: How can we speak about the struggle for liberation in the context of the intersection of the processes of democratization and modernization? In other words, the issue is to think about liberation theology in a new moment marked by two intersecting phenomena. On the one hand, the progressive transition in Latin American from a time of military dictatorships and political upheaval to the return of fragile democratic institutions and the correlatively frail consolidation of democratic

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<sup>11</sup> For instance, Gutiérrez founded the Instituto Bartolomé de las Casas and the Centro de Estudios y Publicaciones with the goal of sharing the perspective of liberation theology with society at large in Perú and Latin America. His work as a university professor, event convener, public speaker, and newspaper contributor has also been part of this practice of institution building. In addition, though some general reflection on the role of institutions and social structures is evident in his work, it is not fully developed. See, for instance, Gutiérrez, *A Theology of Liberation*, 63–68, 70–71, where he speaks of the systemic failures of capitalism or the inadequacy of the structures of the church, respectively.

<sup>12</sup> But it is also true that some liberation theologians have had more antagonistic relations with institutions and the practice of institution building. For instance, in Jorge V. Pixley and Clodovis Boff, *The Bible, the Church and the Poor: Biblical, Theological and Pastoral Aspects of the Option for the Poor* (Tunbridge Wells, UK: Burns & Oates, 1989), 183, Boff writes: “It is rather a question of challenging the system from the standpoint of the popular struggle, of dissociating oneself from works on the social-institutional level and moving to works on the popular organizational level.” But this, of course, represents a naïve dichotomy. Popular organizations still exist in larger societies and depend on the social-institutional context. Similarly, in Juan Luis Segundo, *Liberation of Theology* (Eugene, OR: Wipf and Stock, 2002), the author has a complex relation with the institution of academic theology. On the one hand, he advocates for the liberation of theology from the ideological constraints of academic theology. On the other, he develops his own academic account of liberation theology and further complicates the issue by giving certain priority in the process of liberation to the reflective theological elites. My argument in this investigation attempts to solve these problems by reflecting on the role of social institutions in the struggle for liberation.

governance and practices. On the other, the insertion of the region in the global market economy and the process of technological advancement, which has given the poor many opportunities but has also created new challenges and great inequalities.

## **2. An Outline of the Argument**

In my view, this new moment requires a theory of justice, that is, a reflection on how to build just social institutions, that defends liberty and equal respect, *and* that does so by focusing on the least advantaged in our societies.<sup>13</sup> For democracy is not truly so if it defends freedom and equality in a vacuum. Rather, in order to show that a society treats all its members with equal respect, institutions must be designed so that the people who struggle the most will always have access to the basic goods that are necessary to live with dignity. The foundations of such theory have been carefully developed by the extraordinary accomplishment of John Rawls' *A Theory of Justice*.

For this reason, Chapter 1 of this dissertation studies Rawls' theory and reconstructs it as one of the most powerful responses to our social-political moment. In Chapter 2, I turn to Rawls' main critics in order to warrant this claim and show the strength of Rawls' approach vis-à-vis some

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<sup>13</sup> Ismael García, "The Concept of Justice in Latin American Theology of Liberation" (PhD Dissertation, The University of Chicago, 1982), agrees. I take this to be relevant since García's is the most comprehensive study of the concept of justice in liberation theology, to which he adds a reconstruction of the theory of justice behind the movement. Notice that this is a study of liberation theology prior to the global collapse of socialism. But even in such a context, García underscores that the basic tenets of liberation theology's theory of justice are equality and the attention for the need of the most vulnerable. Hence, he writes: "Democratic socialism seems to be the most suitable term to describe the political order liberation theologians argue for as being just" (335). Quite surprisingly, though, despite two references in passing to Rawls' *A Theory of Justice* (106, 104), García never engages Rawls' work although, as I note in this investigation, it is one of the most sophisticated political-philosophical articulations of the main concerns of liberation theology.

possible alternatives. Now, for many scholars of liberation theology, this suggestion may be puzzling. How would a liberal thinker like Rawls be compatible with the so-assumed Marxist and revolutionary roots of liberation theology? But I believe this apparent contradiction is the product of three misunderstandings.

First, the misunderstanding according to which John Rawls is like *any* liberal thinker. As I argue in Chapter 1, Rawls is neither a modern libertarian nor an old John Locke-type liberal. Rawls, certainly, is a strong defender of individual rights and economic freedoms, but *never* at the expense of the common good. Therefore, Rawls is emphatic in saying that no society is just if individual rights (to private property, for instance) take priority over the basic needs of people. Differences exist and should exist, but only if they warrant a just standard of living for the worst-off in society.<sup>14</sup>

Second, the assumption that liberation theology inherently depends on Marxist analysis. Certainly, Marx and Marxist analysis were important in the development of liberation theology, at least in Latin America. Yet neither of them is an essential component of liberation theology. On the one hand, this is because liberation theology appropriated Marxism in a critical fashion, mostly focusing on its humanist streams and considering it one among many other interlocutors. On the other, this is because the more time that went by, the more obvious the limitations of Marxist analysis became.<sup>15</sup> Hence, liberation theologians kept the theology's critical edge without ever committing to any form of Orthodox Marxism.

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<sup>14</sup> For this reason, we could call Rawls a democratic socialist or, as has recently been argued, a "reticent socialist." See William A. Edmundson, *John Rawls: Reticent Socialist* (Cambridge, UK: Cambridge University Press, 2017).

<sup>15</sup> On the critical appropriation of Marxist analysis, see "Theology and Social Sciences" in: Gustavo Gutiérrez, *The Truth Shall Make You Free: Confrontations* (Maryknoll, NY: Orbis Books, 1990).

Lastly, and in connection to the second point, liberation theology grew and expanded its view over the decades.<sup>16</sup> The key convictions remained, but nuances and new developments were added. One among them is (again) the *critical* appropriation of the language of democracy, human development, and human rights. In this sense, as economist Javier Iguíñiz argues, the expansion of freedoms is an idea that has always been central to liberation theology.<sup>17</sup> But this has been an expansion of the freedom of *all*, especially of the most vulnerable in society. Further, freedom cannot be truly expanded if there are no just structural conditions (just social institutions) for its realization. Therefore, it is not only that Rawls and Gutiérrez can be fruitful conversation partners, but rather that they share fundamental concerns and allow each other to enrich their perspectives.

Yet this new moment is marked not only by democratic gains, the expansion of freedoms and markets, the greater concern for the respect of people's dignity, and the awareness of the vulnerability of other species and the planet. It is marked also by the lack of stability of these gains. As we will see in Chapters 2 and 3, John Rawls had great concern about the question of stability but did very little to address it. In this dissertation I respond to this issue by providing two complementary approaches that aim to modify and strengthen Rawls' theory. On the one hand, I argue that an affirmative genealogy of these democratic gains is necessary, that is, a contingency-conscious reconstruction and defense of the history behind the democratic ideals of Rawls' theory. On the other, I advocate for careful consideration of our emotions and the way they affect our political decisions.

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<sup>16</sup> For a retrospective, see the 1988 Introduction to Gutiérrez, *A Theology of Liberation*, "Expanding the View."

<sup>17</sup> Javier Iguíñiz, *Desarrollo, libertad y liberación en Amartya Sen y Gustavo Gutiérrez* (Lima, Perú: CEP, 2003).

In this time of relativization of the truth with the label of “fake news” and the manipulation of our emotions via targeted propaganda, the key values of democracy can only stand if we feel deep love and respect for them. One way to accomplish this is to tell and retell, in old and new ways, the story of the struggles, sacrifices, loves, and hopes that brought us here. The narrative, however, should be neither naïve nor insensitive. For we all know that the promises of democracy have not been fully realized and that, in the process of its quite imperfect realization, many suffer the consequences of its shortcomings. Yet, such history can still inspire. This narrative can still lift up the hearts of many, committing them to the struggle to make our societies more just. Further, such inspiration and hope are necessary for the creation of new and better institutions and, perhaps more importantly, for their sustainability.

A key aspect of this affirmative narrative of the origins of the democratic tradition is to highlight the importance of religious values in the process. First, in an effort to respond to the charge that the democratic tradition is somewhat antagonistic to religion. Chapter 3 shows that such is not the case. It does so by reconstructing the formation of the democratic tradition, paying special attention to several key religious actors involved in the process, many of them marginalized peoples (religious dissenters in colonial North America; *criollos*, *mestizos*, and *indígenas* in colonial South America). But my perspective goes beyond dismantling the charge; it is after all an *affirmative* genealogy. Therefore, my goal is, second, to situate the importance of liberation theology vis-à-vis a project like Rawls.’ Chapter 3 gives us the historical context to see liberation theology as a powerful and creative attempt to articulate the emancipatory thrust of the democratic tradition with the deepest convictions of the Christian faith. Moreover, it does so stressing the importance of marginalized religious actors in this process of emancipation, thus anticipating some of liberation theology’s own emphasis on seeing history “against the grain” or from the

“underside.” Accordingly, liberation theology should be understood as a paradigm of the articulation of religious values and political norms in our contemporary context. In a nutshell, liberation theology can do this because it reinterprets the Christian understanding of social justice in terms of structural, institutional, social, and political change for the enhancement of life, especially the life of the poor and marginalized.<sup>18</sup> I argue that this is a revolutionary change in the Christian tradition that allows it to construe poverty and marginalization in a radically different way, but always from a theocentric perspective. Liberation theology is thus a true moment of creative innovation *within* the Christian tradition, a tradition, however, that liberation theology has radically transformed.

But to explain this process of articulation of religious values and political norms requires a theological framework, not only philosophy and social history. For such articulation is by no means obvious, and liberation theologians have not sufficiently explained the process that led to their new interpretation of social justice. Chapter 4 deals with all these topics. Against those who see in liberation theology—or in any form of innovative theology for that matter—a threat to the “original” values of the Christian tradition, I argue that a different approach is needed. For the basis of all religious traditions are more fundamental experiences of self-transcendence that can never be fully grasped. Plurality and ambiguity are always part of how traditions emerge and develop. Further, these fundamental experiences of self-transcendence find analogies with other

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<sup>18</sup> Although I would expand on this issue in Chapter 5, it is worth noting here that, in this sense, liberation theology significantly challenges the (mainstream) understanding of social justice in natural law theory. For in this framework rights are determined by social status and the latter by a preconceived understanding of our place in the social ladder. Hence, the poor deserve assistance and charity, but this does not imply any significant change in terms of the stratification of society. But even more “progressive” forms of natural law theory, like Jacques Maritain’s, have problems accounting for systemic social change. For an excellent account of these differences, see García, “The Concept of Justice in Latin American Theology of Liberation,” 226–47.

experiences outside of the field of religion. This allows communication between religious and nonreligious norms and values. Such communication requires an analogical imagination, an effort to see similarity-in-difference. For self-transcendence in the political realm is not equal to its meaning in the religious arena, for instance. The same is true of “justice” or “human dignity.” But with the establishment of some general criteria for the determination of what could be the “religious” or “Christian” understanding of these experiences, a new world of creative possibilities opens.

Moreover, this understanding of analogy and tradition is crucial in one more way. It establishes the methodological grounds for what otherwise could appear—in the time of the rise of decolonial epistemologies—as an inherently suspicious project, namely, my attempt to bring together *justice as fairness* and liberation theology. Is Rawls not a representative of the “epistemologies of the North” and Gutiérrez an advocate of the “epistemologies of the South”?<sup>19</sup> Would it not be a performative contradiction to try to integrate in one project the so-called hegemonic discourse of North American-European liberalism with the inherently anti-hegemonic discourse of liberation theology?<sup>20</sup> Yet such contradiction only emerges if we accept the premises

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<sup>19</sup> On this epistemological contrast, see Boaventura De Sousa Santos, *The End of the Cognitive Empire: The Coming of Age of Epistemologies of the South* (Durham, NC: Duke University Press, 2018). Although I cannot discuss this here in any detail, I must note that the oversimplification of so-called “Western modernity” is astonishing. De Sousa attributes to the “epistemologies of the North” (with the occasional caveat) a view that we may call “Cartesian” and that no serious scholar has held for over a hundred years. Further, in his account he appears to ignore key developments like Romanticism, Historicism, Pragmatism, and Hermeneutics. In this sense, I share the general thrust of his argument, but fundamentally disagree with some of his premises of analysis which, in my view, are based on a flawed genealogy of modernity.

<sup>20</sup> Similar questions are raised in Roberto Rivera, *A Study of Liberation Discourse: The Semantics of Opposition in Freire and Gutierrez* (New York: Peter Lang, 2004). Generally speaking, Rivera’s response is akin to mine: it rejects the idea that subaltern epistemologies cannot critically appropriate ideas from so-called hegemonic discourses. However, his argument makes significant interpretative mistakes. For instance, Rivera inaccurately overplays the importance of Johann Baptist Metz’s political theology in Gutiérrez’ work (132–35). In addition, Rivera perceives tension between the aim to consider the oppressed agents of their own destiny and the alleged need to “rescue” them, since this need leads to the creation of a

behind the questions; if we conceive these traditions monolithically. I strongly oppose this assumption, arguing instead for the plurality and ambiguity of *all* traditions. Indeed, if we reject the facile and not infrequent assumption that theories coming from the centers of power almost inherently have hegemonistic tendencies (and, in turn, reject also the idea that epistemologies emerging from the peripheries are inherently liberating), we might be able to witness a simpler and yet fascinating phenomenon. Namely, that *critical* retrievals and re-appropriations are possible; that, in fact, they happen often; and that they are at the basis of the very emergence and continuity of traditions. We see this very clearly in the work of Gutiérrez and his critical and constructive appropriation of the resources of the Christian tradition (the Bible and biblical exegesis, especially), modern European Catholic theology and Catholic Social Teaching, philosophy, social sciences, literature, and so forth.

Furthermore, this is not merely the work of academics who are theorizing tradition. These processes of creative appropriation and retrieval happen on the ground, are produced by ordinary people every day. Denying this, in fact, takes away people's creative agency, especially from the poor and subaltern. Ironically, this is not an uncommon outcome produced by the tendency to oversimplify the way traditions operate among the advocates of decolonial or subaltern thought. None of this, of course, denies the past and current existence of political, economic, and "cognitive" empires, and the need to fight against them for the sake of justice. It simply is an invitation to self-criticism among the critics, so that we avoid reducing all argument and theory to power dynamics. The critique of hegemonic power cannot replace hermeneutic charity, otherwise the very possibility of understanding each other collapses. We must do our best to engage in the

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"master narrative" which ultimately reifies the oppressed (131–32). But this is again incorrect: Gutiérrez is not attempting to "rescue" the poor through his own theory of oppression-liberation, but articulating experiences of liberation already happening on the ground.



task of interpretation in good faith, so that meaning can be disclosed without reductionism. As Paul Ricoeur reminds us, the “hermeneutics of suspicion” remains incomplete without a “hermeneutics of faith.”<sup>21</sup> We need both.

Chapter 4 addresses all these issues in dialogue with the traditions of pragmatism and hermeneutics, and especially in conversation with the work of theologian David Tracy and his method of critical correlation.<sup>22</sup> “Critical correlation,” simply stated, is the effort to put in conversation the two main sources of Christian theology (but the principle applies beyond Christianity): the Christian tradition (texts, practices, etc.) and common human experience. Tracy’s method invites us to examine both sources critically by means of a careful assessment of their internal coherence and practical applicability, not granting a priori superiority to the ideas coming from either side. In this sense, my goal here is to develop a relatively adequate theory of the workings of religious traditions in order to explain how some religious values, considered critically, find correlation in political ones. Conversely, the work developed in Chapters 1 to 3 has laid the foundations to see how political values find analogies in religious values as well. Chapters 5 and 6 complete this task through a reconstruction of liberation theology in which I show how it embodies the central tenets of Tracy’s method of correlation.

In the case of liberation theology, this correlation required a new understanding of the presence of God’s activity in human history, the main topic of Chapter 5. By reframing the concept of salvation in terms of integral liberation, that is, liberation from all forms of oppression in order

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<sup>21</sup> See Paul Ricœur, *Freud and Philosophy: An Essay on Interpretation* (New Haven, CT: Yale University Press, 1970), 20–36.

<sup>22</sup> For the method of critical correlation, see David Tracy, *Blessed Rage for Order: The New Pluralism in Theology: With a New Preface* (Chicago, IL: University of Chicago Press, 1996), especially Chapter 3, for a summary of the argument.

to gain true personal, communal, and spiritual freedom, these theologians were able to interpret our social history as part of the greater history of salvation. In doing so, they argued for the fundamental value of liberation of oppression in the present as part of the integral process through which God makes all of us free.

Chapter 6 elaborates these ideas by studying, through interviews, and sociological and ethnographic work, how the contributions of liberation theology shaped the faith commitments of ordinary Christians in their everyday struggles for social justice. The contribution of this chapter is twofold. On the one hand, it offers both evidence and a narrative to corroborate and give texture to the theoretical developments of Chapters 4 and 5. Indeed, this chapter demonstrates, first, that the critical correlation advocated by Tracy is possible and can be successful, and second, that my argument for the adequate balance between political norms and religious values in Gutiérrez' theology holds. But it does so by also giving a voice to concrete historical actors, many of them marginalized people struggling with severe poverty and violence, trying to find answers to these issues interpreting anew the resources of their faith. In this sense, methodologically, Chapter 6 is to Chapters 4 and 5 what Chapter 3 is to Chapters 1 and 2: an attempt of narrative-exemplification that gives concreteness to theory and attempts to hold it accountable to practice. I expand on this in the following section.

On the other hand, this chapter addresses two interrelated scholarly gaps. First, it studies the importance of and offers an interpretative framework for liberation theology in the last thirty years, a largely understudied period in which the demise of this theology has too often been taken for granted. Second, this chapter confronts a potential liability in the method of liberation theology, especially during this period. Indeed, there seems to be a methodological gap between the theological claims and ideals of liberation theology and how much those are embodied in the

practices of ordinary believers. In this sense, a more comprehensive approach that integrates theological theory with religious practice appears to be a necessary addition to the study of contemporary liberation theology,<sup>23</sup> so that the actual religious experiences of the poor are critically correlated with the theological aspirations of liberation theology.<sup>24</sup> This may confirm theological intuitions but may also question some assumptions. Chapter 6 does exactly this, correlating the theoretical contributions of liberation theology (Chapter 5) with the lived experience of faith of different communities and individuals. Combining theology with lived religion, this chapter corroborates that the liberationist thrust remains alive among the faith communities connected to liberation theology, but that some of their problems and questions have changed over the last few decades, inviting theologians to reconsider some of their assumptions and expectations.

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<sup>23</sup> Of course, the integration to which I refer was an important element of the early stages of liberation theology through its dialogue with the social sciences. Yet, this requires two caveats. First, that the early theological dialogue with the social sciences was fundamentally with economic and social theory. The attention given to the lived-experience of the poor was mainly based on the anecdotal observations of liberation theologians while attending to the needs of their religious communities or participating in different forms of grassroots organizing. Second, as noted in this introduction, social analysis and the dialogue with the social sciences has decreased in liberation theology during the last few decades. In this sense, many recent developments in the sociology and anthropology of Latin American religion have not been adequately incorporated in the theological work of liberation theologians.

<sup>24</sup> For these concerns, see Michelle A. Gonzalez, *A Critical Introduction to Religion in the Americas: Bridging the Liberation Theology and Religious Studies Divide* (New York: NYU Press, 2014). For instance, González maintains that there has been great emphasis on the question of oppression among liberation theologians, at times oversimplifying the complexity of the experience of the poor (21). More attention to lived religion could offer a more complex picture of their experience beyond oppression. However, this turn can risk overcorrection: several theological articulations of lived religion tend to drop the interest in structural, political change. One can see this among some Latinx theologians (5). For an attempt to overcome this problem, see Christopher D. Tirres, *The Aesthetics and Ethics of Faith: A Dialogue between Liberationist and Pragmatic Thought* (New York: Oxford University Press, 2014). For my own take on these issues, see my review of Tirres' book in *Inter-American Journal of Philosophy* 8, no. 1 (2017). Among Latinx theologians, I take Roberto Goizueta's *Caminemos Con Jesús: Toward a Hispanic/Latino Theology of Accompaniment* (Maryknoll, NY: Orbis Books, 1995); and "Fiesta: Life in the Subjunctive," in *From the Heart of Our People: Latino/a Explorations in Catholic Systematic Theology*, ed. Orlando Espín and Miguel H. Díaz (Maryknoll, NY: Orbis Books, 1999), as two of the best efforts to integrate the liberationist and lived-religion approaches

I conclude the dissertation by going beyond liberation theology and returning to *justice as fairness*, putting both projects in direct conversation through critical correlation. There I show how the whole dissertation can be conceived as an attempt at putting in dialogue these two approaches to social justice, noting that their mutual, critical correlation may produce something new: a more comprehensive and creative theory of social justice capable of incorporating, rather than bracketing, the liberating intuitions of religion. *The Revolution of Tradition* is my attempt to sketch the fundamental features of such a theory.

### **3. The Tasks and Dimensions of Inquiry, and the Question of the Standpoint**

Beyond the summary of the argument, a lengthy project like this requires further clarification about its methods, concerns, and general standpoint. Each chapter, especially in its introductory section, addresses some of these issues. Nevertheless, noting them here is my attempt to give the reader some orientation as to how to engage this text. A text acquires a life of its own as soon as it leaves its author. Ultimately, each reader will judge the meaning this work can convey. Yet, stating as clearly as possible how I conceive the tasks and standpoint of this investigation may prove profitable in my attempt to persuade readers of the soundness of the argument or, at least, to give them a clearer rationale for its critique or rejection.<sup>25</sup>

#### **3.1. Tasks**

I have already noted that I see one of the main tasks of this investigation as being to develop *constructive* work. By this I mean that my engagement with the resources and authors discussed

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<sup>25</sup> The hermeneutical, multidimensional model for the work of religious ethics developed in William Schweiker, "On Religious Ethics," in *The Blackwell Companion to Religious Ethics*, ed. William Schweiker (Malden, MA: Blackwell, 2005) is my main interlocutor for the following remarks.

in this investigation ultimately aims to respond to current problems by constructing and advancing a new proposal. The main problem to which this dissertation attempts to respond is that of the most relatively adequate relationship of faith and politics, which then takes us to the questions of social justice and theology discussed above. In addition, this dissertation proceeds *critically* and *comparatively*. Consequently (and this is especially important for the sections directly devoted to the Christian tradition) it attempts to offer warrants and criteria of intelligibility for its claims, instead of just appealing to, say, the authority of revelation.<sup>26</sup> Similarly, the investigation studies its main subjects comparatively in a twofold manner. On the one hand (*ad intra*), it critically explores *justice as fairness* and liberation theology individually, comparing the ways in which each of them expressed their ideas through time, and examining those expressions in light of each other. On the other (*ad extra*), it compares *justice as fairness* and liberation theology with each other in order to illuminate their accomplishments and correct their shortcomings.

These three tasks come together organically in David Tracy's method of critical correlation, which is the main methodological device used in this investigation. Careful examination will be given to Tracy's method in Chapter 4, but its basic features have been already highlighted. In addition to the virtues of this method and the way it helps this work to pursue the tasks just stated, two more elements of it are worth noting. On the one hand, Tracy's work is especially important because of his longstanding engagement with the question of publicness (a central tenet of Rawls' work). On the other, Tracy has studied critically and been deeply influenced by the theology of Gutiérrez.<sup>27</sup> In this sense, critical correlation is not merely a method

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<sup>26</sup> Although, as we will see in Chapter 4 in dialogue with the work of David Tracy, such warrants and criteria will vary depending on the subject matter and our public.

<sup>27</sup> For Tracy's latest engagement with the question of publicness, see "Religion in the Public Realm: Three Forms of Publicness," in *Fragments: The Existential Situation of Our Time: Selected Essays* (Chicago, IL: The University of Chicago Press, 2020). For Gutiérrez' influence, see "Gustavo Gutiérrez

superimposed over foreign subject matters. Rather, its own historical development and concerns makes it an especially productive conversation partner, as I hope this work will show.

### 3.2. Multidimensional Inquiry

The need for a method of correlation like Tracy's hints toward another important aspect of this investigation, namely the acknowledgment of the complexity and multidimensional nature of reality. Accordingly, a relatively adequate account of the problems this work attempts to address demands *multidimensional inquiry*. Theologian William Schweiker has underscored five central dimensions for the work of religious ethics, which are worth discussing to expand on this issue.<sup>28</sup> Each of them deals with some basic questions, which orient our inquiry. In turn, the way in which these questions are answered may determine the validity of the claims of the scholar. As will become clear, the identification of five dimensions corresponds to an analytical distinction. They are always-already part of the whole of our multidimensional experience of the world.

The *descriptive dimension* responds to the question "What is going on?" Our answer will determine the possibilities of our actions and relations. But the way in which we respond is always the product of acts of interpretation; sometimes conscious and active, sometimes inherited and more passive. In the case of religious individuals and communities, these interpretations are shaped by certain religious-moral outlooks, which means that the same situation may be described differently (or similarly) depending on the resources we use.<sup>29</sup> The *normative dimension* responds

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and the Christian Option for the Poor," in *Filaments: Theological Profiles: Selected Essays* (Chicago, IL: The University of Chicago Press, 2020) and the introductory comments to Part IV of the same volume.

<sup>28</sup> A similar model, applied to the analysis of Christian sexual ethics is developed in Margaret A. Farley, *Just Love: A Framework for Christian Sexual Ethics* (New York: Continuum, 2006). Instead of dimensions, Farley discusses sources for ethical inquiry (scripture, tradition, secular knowledge, and contemporary experience), but her standpoint is also hermeneutical and her approach to the ethical inquiry multidimensional.

<sup>29</sup> Philosophically, I discuss these issues in dialogue with the work of Hans Joas and Charles Taylor

to the question “What norms and values ought to guide our lives?” We face conflicting answers depending on the sources of authority: reason, revelation, sacred texts, etc. Hence both the descriptive and normative dimensions invite us to the task of interpretation via comparison and criticism: No one source of authority or description of reality is, in principle, enough to warrant our answers. This invites us to go beyond our own religious traditions to other traditions and different disciplines of secular knowledge. The *practical dimension*, in turn, considers “What I/we ought to do?” This is the natural correlate of the first two dimensions. For rarely do we ask those questions for mere theoretical exploration. More often, we attempt to respond to a live, real issue. Further, we rarely do it in isolation since every “I” is related to the “we” of the communities that have already shaped the religious-moral reasoning of each “I.”

The *fundamental dimension* refers to what religions assert to be the moral structure of reality. In such a context, what is at stake is the human power to act within that structure. The question is “What does it mean to be a moral agent within the wider compass of reality?” This is an especially complex and important dimension. Since religions tend to argue for the existence of non-human agents, the question of moral agency becomes not only about the human capacity to act, but also to respond to the divine and others. And depending on how we conceive the fundamental dimension, we will also have different accounts of moral failure, conflict, delusions, etc. For liberation theology, this is an issue of the utmost importance. For this reason, Gutiérrez’ *A Theology of Liberation* studies in great detail the question of the relationship of divine and profane history, ultimately arguing for their unity in one single history of liberation-salvation.

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in Chapter 3.

Lastly, the *meta-ethical dimension* responds to the question “How do we justify moral claims?” Tentatively, we can already say that this is done critically and comparatively. In addition, we can add formal criteria like internal consistency of claims, quality of the evidence presented, etc., —all this with attention to the premises of the object of our study, so that the critical assessment is fair. Materialist power analysis, for instance, would probably not be able to account fairly for the validity of claims about divinely ordered social hierarchies. However, such analysis can give a particular orientation to other forms of religious immanent criticism, allowing them to cast light on previously ignored power dynamics, undue appropriations of sacred texts, and the like.

### **3.3. Standpoint and Orientation: A Pragmatist-Hermeneutical Approach**

My work in this investigation takes seriously the multidimensional nature of experience and inquiry. Accordingly, it takes advantage of the resources of several fields of study and traditions of thought (political philosophy and social theory, social history and anthropology, legal studies, pragmatism and hermeneutics, and theology) employing them to advance the constructive task noted above. For no one tradition of thought, no one approach to research can suffice to tackle the complexity of the issues this dissertation attempts to resolve. But my embracement of the multidimensional model of inquiry highlights another aspect of this work. Facing the complexity of the task ahead, scholars must take a stance on how they attempt to approach and assess the claims of their object of study. Schweiker calls this the question of the *standpoint*.

Let us return to my previous example. If the standpoint is, to give it a name, “power analysis materialism,” the assessment of the dimensions and the response to their basic questions will look very different from, say, “metaphysical dogmatism.” The former will likely conceive the fundamental dimension either as a projection of material desires (à la Ludwig Feuerbach or Karl



Marx) or simply as false and inexistent, which, in turn, will determine how all the other questions are answered. The latter will likely have a fixed set of demanding-obedience, not-open-to-critique beliefs constituting the fundamental dimension, which, in turn, will limit, almost deductively, the number of possible valid answer to the questions of the other dimensions.

My contention is, however, that the five dimensions of inquiry highlighted above hint toward a different, more capacious and relatively adequate standpoint. In fact, I prefer to call it *standpoint and orientation*. For “standpoint” alone could suggest a fixed place from which we pursue the task of inquiry, whereas “orientation” implies relative position or direction. Combined, they underscore the need to take a stance, but also its only relative adequacy and openness to revision. What is the *standpoint and orientation* of this investigation? I believe it is fair to say that we can inductively identify at least two fundamental tenets out of the five dimensions of inquiry previously discussed: they all demand *interpretation* and are conceived in terms of *practical application*. The basic questions of each dimension all hint toward the need of complex, multi-layered moments of interpretation. They also make clear that “traditions develop complex and subtle patterns of moral reasoning in order to answer the practical questions of life.”<sup>30</sup> The first tenet suggests that the standpoint of religious ethical inquiry should be *hermeneutical*:

[H]ermeneutics is the reflection on the possibilities and limits of understanding ambiguous meanings won through the act of interpretation and thereby how meanings are conveyed from one realm to another. . . . The insight is that religious ethics conceived as a hermeneutical enterprise moves between traditions or among expressions of one tradition, seeking understanding and orientation.<sup>31</sup>

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<sup>30</sup> Schweiker, “On Religious Ethics,” 7.

<sup>31</sup> Schweiker, “On Religious Ethics,” 13. For a brief history of modern hermeneutics, see Michael N. Forster and Kristin Gjesdal, eds., “Introduction,” in *The Cambridge Companion to Hermeneutics* (Cambridge, UK: Cambridge University Press, 2019). For a more philosophically rich account, see Jeff Malpas, “Introduction: Hermeneutics and Philosophy,” in *The Routledge Companion to Hermeneutics*, ed. Jeff Malpas and Hans-Helmuth Gander (New York: Routledge, 2014).

I very much agree, and my work throughout this investigation shows this hermeneutical standpoint and orientation. Further, Chapter 4 sketches a hermeneutical theory of religious experience and traditions to expand on this point. Yet this hermeneutical attitude alone could fail to respond to the other key tenet of multidimensional inquiry. For, at first glance at least, questions of practical application could be left out or receive less attention if the approach were exclusively hermeneutical.<sup>32</sup> For this reason, I add another general approach: *pragmatism*, so that attention to the practical implications of interpretation is stressed from the start. As I explain in Chapter 4 for the case of religious experience and traditions, and as I now propose to generalize, this investigation takes a *pragmatist-hermeneutical* standpoint and orientation. Let me explain, first, how I understand pragmatism. I will turn then to its relation to hermeneutics, since the relationship is not self-evident and, in fact, may seem uncanny. Lastly, I will explain how this *pragmatist-hermeneutical* standpoint and orientation fits with the work of my main interlocutors: Rawls, Gutiérrez, and Tracy.

### ***The Pragmatist Orientation***

Pragmatism is not a unified set of methods and premises, but rather, as William James maintained, an orientation. It is a philosophical movement that shares certain style of inquiry, a somewhat similar way of asking questions and addressing problems.<sup>33</sup> With all their differences,

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<sup>32</sup> For instance, this is clearly the case in the work of Hans-Georg Gadamer. Despite his insistence on the “moment of application” (see *Truth and Method* [New York: Crossroad, 1982], 307–312), it would be a stretch to say that Gadamer paid as much attention to questions of ethical application as he did to issues of the ontology of interpretation. The same is not true in the case of Paul Ricoeur, who devoted significant portions of his work to the study of ethical issues in a hermeneutical key. But the fact that one of the major figures of modern hermeneutics did not warrants some caution in this regard.

<sup>33</sup> See Alan R. Malachowski, “Introduction: The Pragmatist Orientation,” in *The Cambridge Companion to Pragmatism*, ed. Alan R. Malachowski (Cambridge, UK & NY: Cambridge University Press, 2013).

this is true of the founding figures of pragmatism: Charles S. Peirce, James, and John Dewey. I cannot examine their multiple writings here (although some are studied in Chapters 3 and 4), but such examination would highlight some key shared features of this “pragmatist orientation:” a deep awareness of the contingency of human existence and, therefore, of philosophical categories and systems (its “anti-foundationalism” and epistemic “fallibilism”), an inclination toward concreteness, experience, and action based on its problem-solving orientation (its connection of theory and practice), a great emphasis on intersubjectivity in the formation and verification of ideas, values, and norms (its “community of inquiry”), and the commitment to democracy as a way of life.<sup>34</sup>

All this has important implications for the study of epistemology, education, aesthetics, religion; all areas of inquiry in which the classic pragmatists, as well as scholars influenced by them, made decisive contributions. But we do not need to go beyond this brief characterization to describe the pragmatist side of the standpoint and orientation of this investigation. The key issue is that all these features, in one way or another, are part of the “background picture” of this work.<sup>35</sup> This will become especially clear in my rereading of Rawls’ democratic concerns in dialogue with the work of John Dewey (Chapter 3) and in my account of religious experience and traditions (Chapter 4).

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<sup>34</sup> See Paul Fairfield, “Hermeneutical Pragmatism,” in *Relational Hermeneutics: Essays in Comparative Philosophy*, ed. Paul Fairfield and Saulius Geniusas (London: Bloomsbury Academic, 2018), 66–67.

<sup>35</sup> See Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, MA: Harvard University Press, 1989), 3–4, 68–69.

## *Pragmatism and Hermeneutics*

Let us now turn to pragmatism's relationship to hermeneutics. As several scholars have noted, the affinity between pragmatism and hermeneutics is not evident at first glance. In fact, this could even appear as traditions of thought whose style and concerns are far apart. However, upon closer examination this judgment becomes less plausible, mostly the result of the contingencies of the history of ideas.<sup>36</sup> For instance, we know that pragmatism emerged from and had a deep affinity with the natural, empirical sciences (*Naturwissenschaften*), Peirce and James both being practicing scientists. In contrast, hermeneutics is deeply shaped by and grew out of the human sciences (*Geisteswissenschaften*). In fact, figures like Martin Heidegger and Hans-Georg Gadamer framed their projects to a great extent in opposition to what they saw as the imposition of narrow empiricist methods over the complex world of an always-in-need-of-interpretation human experience.<sup>37</sup> In addition, certain progressive, at times naïve-sounding optimism was typical of the work of the

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<sup>36</sup> Among others, see: Jürgen Habermas, "Philosophy as Stand-In and Interpreter," in *Moral Consciousness and Communicative Action* (Cambridge, MA: MIT Press, 1990); Richard Bernstein, "Pragmatism and Hermeneutics," in *John Dewey and Continental Philosophy*, ed. Paul Fairfield (Carbondale: Southern Illinois University Press, 2010); Hans Joas, "Pragmatism and Historicism: Mead's Philosophy of Temporality and the Logic of Historiography," in *The Timeliness of George Herbert Mead*, ed. Hans Joas and Daniel R. Huebner (Chicago, IL: The University of Chicago Press, 2016); Fairfield, "Hermeneutical Pragmatism." I draw freely from these authors here, citing them whenever pertinent.

<sup>37</sup> But this only becomes a point of contrast *if* we assume that pragmatist thinkers embraced a narrow understanding of the natural sciences. None of them did, although the style of Dewey at times may suggest otherwise. All of them defended, instead, what we may call a hermeneutical approach to the natural sciences: knowledge, including scientific knowledge, is always mediated by our interpretations. Further, if we take Gadamer's opposition to rigid understandings of "method" as paradigmatic in hermeneutics and his defense of a disclosive theory of truth (*aletheia*) as a response, we find another area of convergence. For Dewey defended a similar approach in *Art as Experience* and, arguably, James did the same in his analysis of religious experience in *Varieties*. This point about Dewey's *Art as Experience* is missed by Fairfield ("Hermeneutical Pragmatism," 72–74). But Fairfield is certainly correct when he writes: "One way of putting the matter is that where Dewey thematized the purposive or instrumental dimension of thought – while never mistaking it for the whole – Gadamer accentuated the non-purposive or the way in which 'coming to an understanding is not a mere action' but 'a life process in which a community of life is lived out'. Differences of emphasis do not always amount to disagreements, and little substantive disagreement is to be seen here." (75)

classical pragmatists; whereas in the European, especially German, counterpart the focus was on the study of history and the classics as a reflection of struggles with national identity. Lastly, we should note the bad name that pragmatism acquired in Europe partly due to prejudice, partly due to the at times sloppy presentation of its ideas by James and others.<sup>38</sup>

But when one moves beyond these more anecdotal and superficial differences, substantial points of convergence emerge. Perhaps the first is what we might call the “anti-Cartesianism” of both schools of thought. Pragmatists reject the idea that we can methodically doubt about all our fundamental beliefs. Further, they do not see how this process can provide a solid foundation for thought. Instead, they maintain that “every creative solution to a problem presupposes that, rather than questioning everything at the same time, we leave the context as such undetermined, as an unproblematized background. George Herbert Mead referred to this unproblematized world as the world ‘that is taken for granted.’”<sup>39</sup> The resemblance with Gadamer’s understanding of tradition and his rehabilitation of the notion of prejudice in interpretation is worth noting here.<sup>40</sup> Pragmatism and hermeneutics are deeply anti-foundationalist schools of thought because both stress that meaning-formation and problem-resolution depend on complex networks of pre-given interpretations we cannot simply get rid of. Put differently, knowledge is always *situated* knowledge. Of course, this does not mean that all prejudices are good. It simply means that we come to the act of interpreting and problem-solving with certain pre-conceptions. We will then

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<sup>38</sup> On the European, especially German, reception of pragmatism, see Chapter 4 of Hans Joas, *Pragmatism and Social Theory* (Chicago, IL: University of Chicago Press, 1993). Different, of course, is the case of the reception of James’ *Principles of Psychology* and *The Varieties of Religious Experience*, both of which were deeply influential and widely read by some of the most important early twentieth-century European scholars.

<sup>39</sup> Joas, “Pragmatism and Historicism,” 65.

<sup>40</sup> So does Bernstein, comparing Gadamer with Peirce’s understanding of prejudice, see “Pragmatism and Hermeneutics,” 150.

have to assess their validity, as discussed above, through further inquiry and experience, comparing and critiquing. Here we can hear some echoes of Ricoeur's conception of interpretation as a process of understanding-explanation-comprehension as well.<sup>41</sup>

All this, in turn, presupposes a community of interpreters, past, present, and future, from which we draw our initial interpretative queues and whose competent judgment will be crucial for the validation of our claims. Pragmatism and hermeneutics share this insight and have thematized it (the "community of inquiry" and "tradition", respectively) as one key component of their philosophical outlooks.<sup>42</sup> But this issue allows me to bring up one more substantial commonality: the shared acceptance of the contingency, uncertainty, and openness of experience. In pragmatist jargon, this is the key issue of *fallibilism*:

Every knowledge-claim is, in principle, open to further testing, criticism, modification. Certainty does not entail epistemological incorrigibility. What I *take* to be certain may turn out to be mistaken. In the language of Gadamer, our finite being-in-the-world means that we are always open to further experience.<sup>43</sup>

The point, of course, is not that we must fall into the abyss of radical relativism, moral or epistemological. It simply means that pragmatists and hermeneuticians must consider notions like "good" or "truth" as an already-mediated product of our human capacities, and thus always open to revision and refinement. This is also true in regards to the formation of ideals ("democracy" in the work of Dewey, for instance). For ideals are real, although they may have been produced through our own interpretation of human history and may never be fully realized in that history.

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<sup>41</sup> See Paul Ricoeur, *Interpretation Theory: Discourse and the Surplus of Meaning* (Fort Worth: Texas Christian University Press, 1976), 75ff.

<sup>42</sup> Although Dewey explicitly spoke about tradition in terms very similar to Gadamer's, see Fairfield, "Hermeneutical Pragmatism," 68.

<sup>43</sup> Bernstein, "Pragmatism and Hermeneutics," 151.

In this sense, both schools of thought embrace some form of what Schweiker calls *hermeneutical realism*: the idea that there are certain *real* goods of life (moral or epistemological) that are worth pursuing. Such a pursuit is not the mere result of our personal preference, but inherent to the goal of living a morally or epistemologically integrated life.<sup>44</sup> However, we only perceive them through acts of interpretation. As Schweiker puts it: “we invent in order to discover.”<sup>45</sup>

More points of convergence could be identified, but for the purposes of this introduction what I have said must suffice.<sup>46</sup> What matters is that a pragmatist-hermeneutic standpoint and orientation permeates many of the pages of this dissertation, thus explaining my emphasis on themes like interpretative creativity, problem-solving, and attention to the embodiment of moral and religious values in concrete practical situations.

### ***The Pragmatist-Hermeneutical Standpoint and the Work of Rawls, Gutiérrez, and Tracy***

The standpoint and orientation of this work is not only a matter of personal conviction (although it is also that), but an approach that is especially productive for engaging in conversation

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<sup>44</sup> The goal of living a fully integrated life which pays attention to the many dimensions of our existence (moral, intellectual, spiritual, political, economic, and the like) starts to sketch what we may call a theological anthropology. Even though this is not the direct task of this dissertation, my argument hints toward such an anthropology, especially through my account of religious experience (Chapter 4) and my embracing and expansion of Gutiérrez’ three levels of liberation (Chapter 5). For a recent piece directly addressing this question, see Dwight N. Hopkins, *Being Human: Race, Culture, and Religion* (Minneapolis, MN: Fortress Press, 2005). In fact, one could say that this dissertation is an attempt to articulate Hopkins’ nonnegotiable theological principle: “all human beings are created with spiritual purpose (or transcendent or ultimate vision) to share in the material resources of the earth” (168).

<sup>45</sup> William Schweiker, *Responsibility and Christian Ethics* (Cambridge, UK: Cambridge University Press, 1995), 114. For Schweiker: “The divine reality as the condition for all existence is the ground of a hermeneutically realistic ethics of responsibility” (211). It is worth noting, however, that even without this theistic claim, the thrust behind it remains valid for hermeneutical realism. For some form of faith (in epistemological intelligibility or moral goodness) is ultimately necessary to ground our claims about knowledge or morality beyond mere personal preference.

<sup>46</sup> The topics of experience, play, and dialogue are other areas of significant overlap, see Bernstein, “Pragmatism and Hermeneutics,” 154–59.

with the main authors I study in this dissertation. Since this is not obvious at first glance, let me briefly explain how this pragmatist-hermeneutic stance is both compatible with the work of my main interlocutors and capable of enriching their contributions.

Perhaps the least obvious connection is that of Rawls' work with my pragmatist-hermeneutic stance. But I believe this is only true if one reduces Rawls' theory of justice to a merely procedural and formalistic approach. But this is, although common, a misunderstanding. In Chapter 1, I show that Rawls' theory, particularly the representation device of the original position, should be interpreted as a creative use of our moral imagination for role-taking. Moreover, the theory's role is addressing real issues of distributive justice, especially insofar as they affect the worst-off in our societies. In this sense, the theory is *pragmatically* oriented toward the solution of concrete problems. But *justice as fairness* is also constructed *hermeneutically*. Here we should note that Rawls conceives his principles of justice as the result of the to-and-fro dynamics (essential to Gadamer's concepts of dialogue and play, and Ricoeur's "understanding-explanation-comprehension" model) between theoretical developments and "our firmest convictions." He calls this "reflective equilibrium." Rawls' style and the structure of his argument in *Theory*, as well as a decades-long history of misinterpretation, may render this fundamental hermeneutical insight opaque. But the point is clear: Rawls' principles of justice are the result of a critical dialogue with the tradition of thought and practice to which he belongs. My work takes this insight seriously not only at the level of the interpretation of Rawls' corpus, but also in terms of the task ahead, developing in the following chapters to enrich his theory by giving it a pragmatist-hermeneutical edge.

The affinity of Gutiérrez' work with my pragmatist-hermeneutical approach is less surprising. Gutiérrez and most liberation theologians embrace a praxis-oriented model of doing



theology. The influence of the thought of Karl Marx in this orientation is important, but not exclusive; a range of different praxis-oriented thinkers shape the work of liberation theologians.<sup>47</sup> But, perhaps more than anything, their attention to the actual experiences of the poor is the driving force of their writings. In this sense, Gutiérrez' concern for the practical implications of theoretical developments is explicit.<sup>48</sup> If anything, I attempt to take some practical developments of his work and the social movement of liberation theology to a level of greater theoretical clarity. The hermeneutical aspects of Gutiérrez' thought are even clearer, since his approach to theology, as I argue all along, is one of radical interpretation of the Christian tradition in critical and comparative dialogue with other sources.

Lastly, Tracy is the theological hermeneutician *par excellence*, as his deep engagement with Gadamer, Ricoeur, and his own creative contributions show. However, and to a certain extent due to the influence of Gutiérrez, Tracy is also a praxis-oriented theologian. Since *Blessed Rage the Order* (1975), Tracy has always been concerned with the practical and public relevance of theological discourse, especially in regards to its capacity to bring change to the situation of the poor and most vulnerable. Moreover, Tracy has expressed this concern in explicit pragmatist terms—in conversation with the work of William James—in his book on inter-religious dialogue.<sup>49</sup>

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<sup>47</sup> I am aware that “praxis” and “practice”/“action” are not identical terms, the first owing its genealogy in its most current use to Marxian thought and the latter to Pragmatism. However, my point here is not to establish that they are identical but rather that they are similar in orientation. Further, such shared orientation has been made systematically explicit in Richard J. Bernstein, *Praxis and Action: Contemporary Philosophies of Human Activity* (Philadelphia: University of Pennsylvania Press, 1971).

<sup>48</sup> I have studied comparatively James' pragmatism and Gutiérrez' theology using the theme of practice/praxis as the principal interpretative key in *Dos lenguajes teológicos: un ensayo sobre el carácter público de nuestras creencias religiosas* (Bogotá: Editorial Bonaventuriana, 2015). For an earlier, abridged version of the argument, see Raúl Zagarra, “Theological Minimalism and Maximalism: On the Contributions of a Theology Grounded on Experience,” *Inter-American Journal of Philosophy* 3, no. 1 (2012).

<sup>49</sup> David Tracy, *Dialogue with the Other: The Inter-Religious Dialogue* (Louvain: Peeters Press,

In fact, I take the method of critical correlation, especially through its developments over the years, as a form of expression of the pragmatist-hermeneutical approach taken here. For correlation means critical and attentive dialogue with the Christian tradition and human experience that aims at better, deeper understanding while also attempting to address concrete problems of our daily lives.

Of course, my pragmatist-hermeneutical standpoint and orientation does not imply that these or the rest of the thinkers discussed in this investigation share a pragmatist or hermeneutical stance in any technical sense. Neither does it mean that all topics are analyzed through those lenses. It only implies that this work as a whole has such an orientation and that it is worth keeping it in mind for those moments in which lengthy and complex discussions of authors and themes could obscure the importance and general direction of my argument.

One more related note before closing: the question of the self-positioning of the scholar. As I discuss at length in Chapter 3, ideas and especially ideals (“democracy,” “liberation,” for instance) open a moral space. In turn, this demands that the interpreter engaged in their study and reconstruction take a stance—although often this is done implicitly. Of course, this does not mean that warrants, fact-corroboration, comparison of sources, and such, are not required. I have already attempted to offer the rationale for my pragmatist-hermeneutical stance. It simply means that the interpreter participates in the process of even the most careful scholarly reconstruction, bringing to it certain moral commitments. When this is done consciously, as I am doing here, we can speak of an *affirmative* reconstruction or genealogy. The scholar is indeed putting forward a defense, an affirmation, of certain values because she believes they are worth keeping, expanding, living out.

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1990), 46–47.

Such a conviction, such an attempt of affirmation is the fundamental moral commitment at the basis of this project: The conviction that justice requires principles and institutions and that it must pay attention to the needs of the most vulnerable; the firm belief that the work of Rawls and Gutiérrez got something fundamentally right about this; the assurance that in studying them critically we may find a path forward for the problems the ideal of social justice faces today.

#### **4. Conclusion: On the Pursuit of Justice Today**

In this time of apparent division and polarization, *The Revolution of Tradition* may perhaps accomplish one more thing. Beyond arguing for the revolutionary importance of liberation theology, this dissertation may also speak a word about justice in these difficult times. For a complex phenomenon seems to be taking place both in some segments of society and academia. I submit that this phenomenon is the result of the intersection of the failure of democratic institutions to deliver on their promises and what we may call an unshakable perception of moral injury. On both sides of the spectrum there has always been a sense of moral harm, either perceived or genuine. Slaveowners perceived themselves as being morally injured by the claims of abolitionists. Their “property” and status were indeed threatened, and slavery was ultimately abolished. Abolitionists, by contrast, pointed to experiences of genuine moral, physical, and psychological harm and fought for its eradication. Similar arguments can be made about the opposite sides in the Civil Rights Movement, or the struggles for liberation of women, the LGTBQ community, and the poor. But in all these struggles for justice the victims of injustice appealed to a higher standard, to publicly available reasons, so that people fighting for justice, and others, would know that their fight was not simply the product of some deeply felt righteousness, but indeed the right thing to do. Further, this was often accomplished through institutions. For instance, the victims often

appealed to the judiciary as the neutral third party capable of adjudicating among conflicting claims, confident that the rightfulness of their cry would be heard. Paul Ricoeur calls this having a “claim to universality.” Such reasoning is also at the basis of Rawls’ “idea of public reason.”

Nowadays we seem to be witnessing a shift in this regard. A truly perceived sense of harm among those who suffer the oppressions of poverty, racism, and sexism, and the great disappointment with the political process and democratic institutions together appear to be leading to the rejection of the need for criteria that could have a claim to universality. Such a claim to universality is becoming increasingly hard to defend among those who have been betrayed by the social institutions that promised justice or by those who stand in solidarity with the victims of this betrayal.

And yet this dissertation advocates for a perhaps unpopular argument and conviction: that the cause of justice is ill-served if there is no trust in institutions and publicly available reasoning. Otherwise, our sense of personal injury cannot resist critical inquiry and becomes unfalsifiable. Very few things can damage the cause of democracy and social justice as badly as the sense that we are no longer accountable to others, that we are fully entitled to act on our perception of harm without the test of self-criticism.

So perhaps this uncanny dialogue between liberation theology and *justice as fairness* is telling us something crucial about social justice today: on the one hand, that there is no true democracy without an endless and passionate struggle for greater freedom, especially for those who lack it the most; on the other, that no true liberation can happen, and no real justice can be served, if we do not develop criteria and institutions to adjudicate among conflicting claims about what is right and wrong. Such a process may well be painful and often imperfect, causing undue harm to many. But the risks of only following our perception of righteous anger may be greater.

This is where some of our traditions can help us. For they are our great, often millennia-old laboratories for moral discernment, the space where our moral ideals and practices are endlessly tested in the hope that we may not have to give up on each other. But to save ourselves from giving up on our own traditions and institutions, we often need to transform them radically. I submit the case of liberation theology as a true revolution of tradition in the hope that we may see by the example of its persistence that change is possible, and that it is worth fighting for the promise of greater justice, however slow and incomplete.

## CHAPTER 1

### THE IDEA OF A THEORY OF JUSTICE REVISITED

The purpose of this first chapter is to introduce the problem this dissertation attempts to resolve: how to reconcile the defense of subjective freedom with belonging to communities and traditions, especially if they are religious, when the question of social justice is at stake. Put differently, the problem is to conceive how autonomy, liberty, and several other modern values can be reconciled with the fact that we are all part of different social groups whose own ideals, rules, etc., may be in conflict with those modern values. This problem becomes particularly pressing when we introduce the religious variable. Does religion defend autonomy or belonging? Is belonging to a religion a form by which we obtain autonomy from, say, the state? Or is the state the warrantor of our autonomy *vis-à-vis* religion? Nowhere are these issues seen more clearly than in the way religions relate to the public sphere. For it is there that competing individual and communal conceptions of the good of life more clearly encounter and collide, and that some adjudication among these competing viewpoints is necessary. Such adjudication is the primary task of social justice, the first virtue of social institutions.

As it progresses, this dissertation will introduce increasingly specific variations of this problem, moving from the context of communities and traditions to religious traditions, to the Christian tradition, and, finally to liberation theology. As noted in the Introduction, the dissertation will make the argument that liberation theology provides an account of the relationship between autonomy and tradition, individual rights and communal belonging that could decisively help to give an answer to the questions just raised. But only the orderly and careful crafting of this

dissertation's argument would allow such a conclusion, which sometimes will appear to be counterintuitive.

In order to address these issues, I divide this chapter as follows. I first present some preliminary historical, theoretical, and methodological considerations about the questions just raised. My goal is to set up the context for the proper introduction of the project of *justice as fairness*, both in terms of the questions to which John Rawls aimed to respond and those to which I attempt to respond in this dissertation in conversation with his work. Second, I study what Rawls called his “thin theory of the good.” Here I attempt to highlight the most important aspects of Rawls’ minimalist understanding of justice: the “representation device” of the original position and the two principles of justice. Simultaneously, I remind the reader that Rawls never conceived this portion of *A Theory of Justice* as the totality of his project. Keeping this in mind is crucial. For, as we will see in Chapter 2, most of his critics reduce his project to the “thin theory,” thus missing foundational aspects of his understanding of justice. Third, I examine Rawls’ “full theory of the good.” In this section I stress that Rawls’ is both a normative and ideal-oriented liberalism which means, in turn, that it has a clear conception of the good and that this conception has an aspirational component. In this sense, Rawls’ “full theory” is still pluralistic about value and open to multiple paths for the good life. However, a certain threshold must be reached in order to pursue those projects justly. Such a minimum is determined by the principles of justice developed in the “thin theory.” Fourth, I examine how these ideas play out in the context of Rawls’ direct engagement with the question of religion. I do so to anticipate some of the answers I present in Chapter 2 regarding the charge of hostility against religion often leveled against Rawls. It will become clear that such hostility does not exist. Instead, Rawls rejects any form of hostility against people’s freedom and fundamental rights. Defending them is Rawls’ central concern, which

implies that his theory will stand against any form of violence inflicted on people's fundamental rights, regardless of whether it comes from the state, the churches, or anywhere else. Further, as will become increasingly clear in this investigation, the defense of these principles is fundamentally connected to the history of the defense of religious freedom. I close this chapter with a summary of its main findings.

### **1. The Project of *Justice as Fairness*: Preliminary Considerations**

Perhaps the first thing to note here is that the discussion about the balance between norms and values is not a new problem. One of the first thinkers to bring it to the fore was G.W.F. Hegel with his classic distinction between “morality” and “ethical life.” For Hegel, indeed, the central problem of modern ethical thinking was how to reconcile the claims of individual freedom and autonomy with the claims of the community institutionally manifested in the constitution of the state. For Hegel, this was a fundamental philosophical dispute that found its main representatives in Immanuel Kant and Aristotle. In Hegel's view, Kant was the defender of an ethics of radical individual freedom based on the self-regulating nature of reason (“morality”). In contrast, Aristotle stood for a community-shaped ethics where a taught and learned virtue, instead of a self-regulating self-sufficient reason (or “ethical life”), was crucial. Hegel, heavily criticizing Kant, attempted to offer a solution that siding with Aristotle would yet account for the undeniable value of modern freedom. For him, the solution lay in making the constitutional state the true institutional representation of the subjective freedom that is key to civil society.<sup>1</sup>

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<sup>1</sup> For an excellent, brief account of the issues at stake in the morality-ethical life debate, see Miguel Giusti, “Moralidad o eticidad: Una vieja disputa filosófica,” *Estudios de Filosofía* 5 (1992): 49–64.



But this articulation of the problem was further fleshed out in contemporary political philosophy in what became known as the liberal-communitarian debate. Indeed, and not surprisingly, the liberal side depended heavily on some form of Kantian ethics whereas the communitarian side drew heavily from Aristotle's understanding of virtue and community.<sup>2</sup> Historically, it is clear that the contemporary literature that emerged on this issue followed the 1971 publication of John Rawls' *A Theory of Justice*. The groundbreaking nature of the book is beyond dispute, even among critics. Precisely for that reason, *Theory* elicited several careful critical responses.<sup>3</sup>

In order to bring the problem of the dissertation into sharper focus, in the following pages I will offer a *reconstructive* summary of the core of Rawls' theory of social justice. That is, I will not only reproduce Rawls' ideas, but organize them and attempt to present them as coherently as possible with the aim of using them as resources to respond to some of the questions raised above. In the next chapter I will examine some of these questions more closely, drawing upon criticisms Rawls received from the communitarian side.

Before starting, I would like to remind the reader about the nature of this dissertation and, thus, of this chapter as well. This dissertation attempts to be a constructive piece of scholarship whose aim is to diagnose a problem and provide a relatively adequate solution for it. Accordingly, neither this dissertation nor this chapter aspire to be exhaustive studies of an author or a set of

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<sup>2</sup> For a summary of the main themes at stake, see Stephen Mulhall and Adam Swift, *Liberals and Communitarians*, Second Edition (Oxford: Blackwell, 1996).

<sup>3</sup> See, for instance, the introduction to Thomas Pogge, *Realizing Rawls* (Ithaca, NY: Cornell University Press, 1989), in which the author recalls Robert Nozick saying that "political philosophers now must either work within Rawls' theory or explain why not" (3). Similarly, in the introduction to Michael J. Sandel, *Liberalism and Its Critics* (New York: New York University Press, 1984), Sandel recognizes the publication of *Theory* as a new beginning for the debate (4).

authors. My goal here is not to provide a new, groundbreaking interpretation of Rawls or, later, of Tracy or Gutiérrez. If something said here casts new light on the interpretation of some of these thinkers, I would be enormously pleased. However, the contribution this dissertation hopes to offer lies in the progressive development of an answer to the problems it has brought to the fore by examining prior answers, building on their accomplishments, and producing hopefully better, error-reducing responses. Surely, this does not exempt me from the responsibility of carefully reading the texts. But such a reading would primarily target the answers which the authors I will examine have given to the problems this dissertation addresses, keeping the development of my argument (rather than the minute study of theirs) at the center of this investigation.<sup>4</sup>

Much has been written about Rawls' theory of justice, but the goal of this section is not to survey the secondary literature devoted to Rawls. Instead, I want to highlight some of the main features of Rawls' approach in order to get my argument started. Indeed, we will see that in Rawls we find one of the most sophisticated expressions of the problem stated above, namely, how to reconcile the idea of autonomy, equal liberty, etc.<sup>5</sup> with belonging to a community, or how to reconcile normative claims that attempt to protect such values with the importance of the ideal of self-realization or the ways in which certain communities may conceive such realization. Put differently, in Rawls' work we see a complex articulation of how the right relates to the good.

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<sup>4</sup> On justification as a process of error-reduction or disagreement-reduction, Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, MA: Harvard University Press, 1989), 72. See also, John Rawls, *A Theory of Justice*, Original Edition (Cambridge, MA: Harvard University Press, 1971), §9, 52. From now on, I will refer to Rawls' work identifying both section and page number.

<sup>5</sup> I take values like "freedom," "autonomy," "equality," "individual human dignity," and so forth to be part of a family of mostly modern and liberal values that I use here as correlative. Hence, I do not always mention all of them, but I keep them in mind especially in their contrast to community-shaped, tradition-shaped values that tend to reject them. Part of the goal of this dissertation is to question the apparent dichotomy.

It is worth noting from the start that we are facing a quite difficult issue here. For the problem this dissertation attempts to resolve is complex and thus has several layers and can be seen from several different, and sometimes opposite, angles. I have already insinuated this before, but this may be a good moment to expand on the issue as a preface to my account of Rawls' theory of justice.

The notions of freedom or autonomy are like double-edged swords: they can be used to defend "liberal" causes, but they can also be used to advance "communitarian" concerns. Accordingly, we can think about individual freedom and respect for one's rights as an ideal to defend against different forces trying to undermine it. Historically, the emergence of these notions is a form of resistance *vis-à-vis* authoritarian forces coming from the political community, the church, or, especially, from the alliance of both in the late Middle Ages and beyond. However, the point can also be advanced as a defense against what is seen as the excesses of the prior resistance, i.e., as the defense from an alleged authoritarian imposition of freedom, autonomy, and other related values; as the defense of the right to belong to a tradition, practice a faith, etc. The classic example is the abuses of the French Revolution. In very few instances are these tensions seen as clearly as in the case of religion, hence my interest in examining religion as the main arena for the problems discussed here.<sup>6</sup>

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<sup>6</sup> Indeed, this history is taken as crucial in the development of Rawls' doctrine of *justice as fairness* as a form of political liberalism. Speaking of the changes brought about by the Reformation, especially the emergence of a religious certainty that does not depend on loyalty to the universal church, Rawls writes: "What is new about this clash is that it introduces into people's conceptions of their good a transcendent element not admitting compromise. This element forces either mortal conflict moderated only by circumstance or exhaustion, or equal liberty of conscience and freedom of thought. Except on the basis of these last, firmly founded and publicly recognized, no reasonable political conception of justice is possible. Political liberalism starts by taking to heart the absolute depth of that irreconcilable latent conflict." John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), xxvi.

Let me highlight another ambiguity that stresses the multidimensional nature of the problem before us. As noted earlier, the liberal-communitarian debate has also been framed in terms of different approaches to ethics. On the one hand is an approach that prioritizes the right or the normative dimension of ethics (some form of Kantian duty); on the other is an approach that prioritizes the good or the ideal of self-realization (some form of Aristotelian *eudaimonia*).<sup>7</sup> At first glance, however, the opposition may not appear to be such. Is it not the case that the ethics of individual freedoms and rights is the only ethics that allows self-realization? Is not the prioritization of certain basic norms the *conditio sine qua non* of the realization of the good?

As in the previous case, these assumptions can be reversed. In fact, several of the authors we will consider see this normative dimension as a constraint that limits the capacity of the person to realize her potential. Excessive emphasis on autonomy and rights undermines the connection of the person with her community, so goes the argument, which is the place where the conditions for self-realization are given. Moreover, the stress on autonomy and rights may become an imposition as authoritarian as the threats from which it wanted to protect the individual.

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<sup>7</sup> It is worth noting here that the notion of the “good life” in the sense of the Aristotelian *eudaimonia* is not identical with the idea of “self-realization,” although they can converge. In its more technical sense, self-realization is an ideal that developed later in history in deep connection with what Charles Taylor calls “expressivism.” For Taylor, expressivism is an intellectual and cultural movement that developed in the late eighteenth century and had in J. G. Herder perhaps its greatest representative. In expressivism, “a central part of the good life must consist in being open to the impulse of nature, being attuned to it and not cut off from it.” He adds a few lines later: “Unlike the Aristotelian ethic, it doesn’t define certain motivations as virtuous in terms of the actions they move us to. It is more directly concerned with how we feel about the world and our lives in general. But unlike [Plato’s ethic], what is required is not the love of some transcendent object, but rather a certain way of experiencing our lives, our ordinary desires and fulfillments, and the larger natural order in which we are set.” Taylor, *Sources of the Self*, 372. In this sense, the point is to be able to express the meaning of life authentically by “being attuned” with oneself insofar as we are the medium through which the “voice” of nature or the divine expresses itself. Further, the premise is that the inward world has “inexhaustible depth” (390) which invites us to an equally inexhaustible effort of self-exploration and articulation. Note, lastly, that this can clearly lead to narcissistic forms of expressivism, but that is not the necessary conclusion. I thank Dr. Hans Joas for noting my lack of clarity on this issue in an earlier version of this chapter.

It is in this context that we should place the somewhat paradoxical notion of religious freedom. For religious freedom is a paradigmatic expression of a new modern perception of people's rights and entitlements. However, religious freedom is a double-edged sword, as we often see in the case of the United States. On the one hand, it can be an ideal aiming to defend the rights of religious minorities and their deeply held convictions against the abuses of the state or the cultural norms of a religious majority. This has been its historical trajectory in constitutional law in the United States. On the other, it can become an excuse for certain individuals and groups to give religious justification to their own abuses against people who allegedly violate their religious rights. Further, it can become an excuse to challenge the very constitution of the state, arguing that it undermines religious values and traditions.<sup>8</sup>

Hence, as noted before, the problem of this dissertation is complex and has taken different forms depending on the ways in which certain thinkers have interpreted its implications. I will keep these differences and complexities in mind with the aim of producing a more systematic approach able to overcome the impasses of this debate, trying, at least, to reduce disagreement.

Before moving to Rawls' work, let me briefly explain some methodological decisions I have made. Even though my exposition of Rawls' theory of justice is selective, it attempts to touch on the central ideas of the *justice as fairness* project. In order to do so, what follows will consist in a somewhat lengthy presentation, which in most cases I would avoid for other authors. The reason I proceed in this fashion here is that I believe Rawls' architectonic is crucial and that leaving too many things aside compromises key ideas of the project. In addition, seeing the ideas as fully articulated as possible allows us to understand better the problems to which they respond and,

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<sup>8</sup> I will study this in detail in Chapter 3 in dialogue with the work of Martha Nussbaum.

therefore, the kind of resources they could become for the problems to which this dissertation attempts to respond. Moreover, given that my presentation of Rawls' theory will be followed by the criticisms his theory received, I find it useful to get as much clarity as possible in regards to what Rawls *did* attempt and *did not* attempt to do. Hence, my presentation also functions as a way to anticipate objections. Throughout, of course, I keep in mind that the arena for the development of the arguments of this dissertation is the public forum and the way in which religion relates to it. It is in that context that we will have to examine whether or not central ideas developed by Rawls can find a home.<sup>9</sup>

One more preliminary remark seems appropriate here. I will refer to *Political Liberalism* only occasionally and mostly in footnotes (the same applies to other texts of the Rawlsian corpus). My reason for doing so, other than avoiding the extension of an already lengthy presentation, is that I do not believe *Political Liberalism* represents a radical change in Rawls' view.<sup>10</sup> In fact, neither did Rawls.<sup>11</sup> Instead, the book clarifies the scope of the project, expands on certain ideas first presented in *A Theory of Justice*, and adds some new ones that are compatible with the thrust

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<sup>9</sup> In this sense I take seriously Rawls' idea that *A Theory of Justice* may offer helpful guidelines for problems it did not fully address. See Rawls, *Political Liberalism*, xxix.

<sup>10</sup> The basic difference is that Rawls does not expect a well-ordered society to be the precondition for the stability of *justice as fairness*. Instead, he sees it as the desirable *political* result of the search for fair terms of cooperation in a society shaped by a plurality of incompatible yet reasonable comprehensive doctrines. Hence, the "unrealistic" ideal of the well-ordered society has been dropped (*Political Liberalism*, xvi–xvii). In short, Rawls sees *Political Liberalism* as an adjusted version of *Theory* to the full embracement of reasonable pluralism (*Political Liberalism*, xxxvi, xl), but not at all a rejection of the core ideas of *Theory*. Rawls also claims that in *Theory*, he conceives of *justice as fairness* as a comprehensive doctrine, and that this idea has been dropped as well. Nevertheless, I have not found textual evidence to support considering *justice as fairness* as a comprehensive view *in the terms* defined by *Political Liberalism*. In *Theory*, it is always clear that this is a conception of justice *for the basic structure* of society, that is, for basic political arrangements, not a *complete* view of the good. In any case, *Political Liberalism* provides clarification of some previous ambiguities and makes this issue, that to some extent had been anticipated previously, much clearer: *justice as fairness is only a political view*.

<sup>11</sup> Indeed, Rawls speaks of the "unity" of both projects and argues that "the structure and content of *Theory* [remains] substantially the same" (*Political Liberalism*, xiv and xvi, respectively).

of the first book. Hence, I see both projects as deeply connected and present them as a whole, yet I give priority to the organization of ideas found in *Theory*.

Finally, my presentation of Rawls' key ideas of course does not imply my endorsement of them. However, as will become increasingly clear, I *do* agree with Rawls on what I take to be his fundamental conviction, namely that we *must* develop a system of adjudication of competing claims about the good. Such a system he calls *justice as fairness*, whose main parts I will present shortly. In this sense, my exposition aims also to be a kind of defense of Rawls' theory of justice. The fact that I will defend the theory from several of the criticisms it has received does not imply that I do not have criticisms of my own. To those criticisms I will turn especially at the end of the second chapter to suggest a path forward.<sup>12</sup>

## 2. The Thin Theory of the Good

Rawls' *A Theory of Justice* is an attempt to put forward a systematic moral theory that builds on the social contract tradition and attempts to conceive the necessary conditions for a just society.<sup>13</sup> In this sense, this is a theory of justice whose focus is the major social institutions: the

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<sup>12</sup> In this sense, I share the general aim of Pogge's *Realizing Rawls*, but emphasize different issues. It will become clear, though, that I substantially agree with Pogge's defense and critique of Rawls, despite our differences of approach.

<sup>13</sup> Rawls, *A Theory of Justice*, vi–viii. Here, I leave aside Rawls' polemic with the Utilitarian tradition because it does not pertain to the scope of this investigation. When the contrast with Utilitarianism appears to be fruitful, I will make some connections. Perhaps it is worth noting that another difference between *Theory* and *Political Liberalism* is that the former does not draw clear distinctions between *moral theory* and a solely *political conception*, as in the latter. Although this is true, I still believe that the way in which moral theory is conceived in *Theory* is restricted enough not to qualify as a comprehensive view in the terms of *Political Liberalism*.

political constitution and the principal economic and social arrangements.<sup>14</sup> Or, as Rawls puts it, this is a theory about the “primary subject of justice, the basic structure of society.”<sup>15</sup> This is the case because the basic structure of society greatly influences, if not defines, people’s “life prospects, what they can expect to be and how well they can hope to do.”<sup>16</sup> For this reason Rawls considers justice the “first virtue of social institutions.”<sup>17</sup>

Accordingly, addressing the basic structure addresses the place from which we start in life, a place so crucial that it can define our chances of succeeding or perishing. For these reasons, a theory of social justice has to deal primarily with these basic social arrangements to be sure that they are fair and to avoid the justification of deep inequalities. However, it is worth noting from the start that the avoidance of deep inequalities would never allow the sacrifice of people’s freedom in a way to which the people themselves would not reasonably agree. In this sense, as Rawls makes clear from the very beginning of the book, his theory rejects the idea that a greater number of goods for a greater number of people is a goal worth pursuing at the expense of losing freedom.<sup>18</sup> This will become more clear as we proceed.

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<sup>14</sup> Rawls’ examples are “legal protection of freedom of thought and conscience, competitive markets, private property in the means of production, and the monogamous family” (Rawls, *A Theory of Justice*, §2, 7).

<sup>15</sup> Rawls, *A Theory of Justice*, §1, 3; §2, 7.

<sup>16</sup> Rawls, *A Theory of Justice*, §2, 7.

<sup>17</sup> Rawls, *A Theory of Justice*, §1, 3.

<sup>18</sup> Rawls, *A Theory of Justice*, vii; §1, 3–4. Even though (as this reference indicates) Utilitarianism is the main opponent of *Theory*, it is worth noting that Rawls also attempts to provide an alternative to the moral view known as “Intuitionism.” For Rawls, this view maintains that there is “an irreducible family of first principles which have to be weighed against one another by asking ourselves which balance, in our considered judgment, is the most just” (§7, 34). But the problem with this is that there is no way to argue for criteria by which we could reach balance. Instead, “we are simply to strike balance by intuition” (§7, 34). Rawls opposes this view for its incompleteness, although he does not consider it irrational (§7, 39; §8, 41). Thus he sees his work as a way to provide recognizable criteria that could order our moral intuitions (§7, 39).



## 2.1. The Original Position: A Device of Representation

In order to set up the context for his argument, Rawls proposes to understand society as “a more or less self-sufficient association of persons who in their relations to one another recognize certain rules of conduct as binding and who for the most part act in accordance with them.”<sup>19</sup> The idea is also that the rules “specify a system of cooperation designed to advance the good of those taking part in it.”<sup>20</sup> However, this does not mean that such a society is exempt from conflict. It is true that greater goods can be achieved in cooperation than in isolation, but at the same time the distribution of them can be unequal and all too often is. Hence, all societies need a set of rules by which to decide what are the proper distributive shares. For Rawls, “these are the principles of social justice: they provide a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of the benefits and burdens of social cooperation.”<sup>21</sup>

In Rawls’ view, however, the existence of rules is not enough. What he calls a *well-ordered society* is regulated by a *public conception of justice*. In such a society, people know and accept the principles, and the basic social institutions generally satisfy them.<sup>22</sup> This means that the rules and structures to adjudicate different claims are publicly available and that people appeal to them

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<sup>19</sup> Rawls, *A Theory of Justice*, §1, 4. The idea of a self-sufficient, self-contained society is, of course, only hypothetical. Rawls recognizes that such isolation is not really possible, but insists on limiting the approach for the sake of the argument, suggesting that then the argument could be expanded. One could see John Rawls, *The Law of Peoples; with “The Idea of Public Reason Revisited”* (Cambridge, MA: Harvard University Press, 1999) as such an expansion. Pogge, however, maintains that this is one of the main deficiencies of Rawls’ theory and that it must be corrected to make the globe its true arena. On this issue, see *Realizing Rawls*, 8ff. and Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, Second Edition (Cambridge, UK: Polity, 2008) for the full argument. I agree with Pogge’s assessment, but do not pursue this line of argument due to the restriction that the theme of this dissertation imposes.

<sup>20</sup> Rawls, *A Theory of Justice*, §1, 4.

<sup>21</sup> Rawls, *A Theory of Justice*, §1, 4.

<sup>22</sup> Rawls, *A Theory of Justice*, §1, 5.

to resolve their possibly competing needs.<sup>23</sup> For Rawls, this is the fundamental charter of a well-ordered society. Certainly, Rawls recognizes that societies seldom meet these conditions.<sup>24</sup> Yet the point is to become clear about the conditions for such a society. In this sense, as noted before, the theory is normative but not in such a way that the mere generalization of experience becomes the norm. Note that this is different than saying that it does not take into account ordinary experience.<sup>25</sup> The theory is an *ideal theory*: it puts forward a view of the best possible arrangements given certain conditions. For Rawls, the ideal character of the theory does not undermine its value, though. He believes instead that ideally and systematically conceiving the principles of justice for the basic structure of society is the only way to gain a deeper sense of what justice is for social institutions. Moreover, without such systematic view Rawls believes that one cannot address other pressing and more specific issues.<sup>26</sup>

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<sup>23</sup> “Publicity” is a central feature of his conception of justice. Yet other formal requirements must be present too. Thus, the principles of justice should be: 1) general (no proper names or definite descriptions), 2) universal in application, 3) capable of ordering conflicting claims, 4) the final court of appeal in practical reasoning (see Rawls, *A Theory of Justice*, §23, 130–35). Rawls provides his own summary: “a conception of right is a set of principles, general in form and universal in application, that is to be publicly recognized as a final court of appeal for ordering conflicting claims of moral persons” (135). But, of course, this is general criteria which applies to justice as fairness as well as to other approaches to social cooperation. It does, however, get rid of egoism as a legitimate social arrangement (135–36).

<sup>24</sup> Rawls, *A Theory of Justice*, §2, 7.

<sup>25</sup> Critics like Nicholas Wolterstorff clearly overlook this fine distinction and mistakenly assume that the principles of justice are a mere generalization of already existing *consensus populis*. Paul Ricoeur has a more subtle understanding of the hermeneutical interplay between norms and interpretations, and sees some tensions in Rawls’ position as well, but does not make Wolterstorff’s mistake. Instead, he wonders how normative claims (the principles of justice) and existing values (considered convictions) relate. I will return to these authors, especially to Ricoeur, in the second chapter. For their accounts of this issue, see Nicholas Wolterstorff, “Why We Should Reject What Liberalism Tells Us about Speaking and Acting in Public for Religious Reasons,” in *Religion and Contemporary Liberalism*, ed. Paul Weithman (Notre Dame, IN: University of Notre Dame Press, 1997); Paul Ricoeur, *The Just* (Chicago, IL: The University of Chicago Press, 2000), chapters 3–4.

<sup>26</sup> Rawls, *A Theory of Justice*, §2, 9. The ideal theory of social justice should not be confused with what Rawls here calls a “complete conception” or a “social ideal,” which “is connected with a conception of society, a vision of the way in which the aims and purposes of social cooperation are to be understood” (9). He will later refer to this as “comprehensive doctrines.”

But what are the main elements of this ideal theory? First, it is a theory of social contract that draws from Locke, Rousseau, and Kant, but takes their ideas to a higher level of abstraction. Hence it is safe to say that it is a theory inserted in certain tradition of liberal thought in which the protection of individual liberty has a key role.<sup>27</sup> Second, the kind of social contract Rawls puts forward is *not an actual contract* to enter a society or set up some form of government. Instead, we are talking about a guiding idea whose principles “free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association.”<sup>28</sup> In this sense, this social contract is conceived by appealing to our *moral imagination*, to our capacity to conceive creatively of the conditions for just social cooperation. It is worth noting here that critics often ignore this moral creativity, and that Rawls himself does not develop it fully, but I take it to be a crucial and promising element of Rawls’ theory. I will return to it at the end of this chapter using it as one of the guiding threads that allow me to move the argument forward. Lastly, these principles regulate all further agreements. Rawls calls this conception *justice as fairness*. The idea is that the initial position of equality (a *fair* starting point) would yield—after adding the appropriate stipulations—principles for the organization of a *just* society.<sup>29</sup>

The question is how these principles are reached. Rawls invites the reader to imagine what he calls the *original position*, which takes the place of the “state of nature” in the older theories of social contract. Yet “the original position is not, of course, thought of as an actual historical state

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<sup>27</sup> This notion of belonging to the “liberal” tradition Rawls further expands when he considers his as part of a “family of reasonable liberal conceptions of justice” (Rawls, *Political Liberalism*, xlviii; also 6, 156ff.), yet never denying that the original position is a device of representation that we can conceive regardless of our own political philosophies.

<sup>28</sup> Rawls, *A Theory of Justice*, §3, 11.

<sup>29</sup> Ricœur, *The Just*, 36–41.

of affairs, much less as a primitive condition of culture.”<sup>30</sup> It is a “*purely hypothetical* situation.”<sup>31</sup> The following are its main features: no one knows their place in society, nor do they know their fortune in regards to natural assets, or their conceptions of the good, or their psychological propensities. Rawls calls this state of unknowing the “veil of ignorance.” In short, the principles of justice must be chosen behind the veil of ignorance so that nobody enters the decision-making process with advantages or disadvantages. In such a way, “since all are similarly situated . . . the principles of justice are the result of a fair agreement or bargain.”<sup>32</sup>

Now, the knowledge the parties *do not* have is as important as the knowledge they *do* have. The representative individuals entering the social contract do so knowing what Rawls calls “the circumstances of justice,” namely, that there will be differences of class, income, ethnicity, etc., as well as differences of ends and purposes. This implies that in all likelihood the society they are shaping would be marked both by identity of interest *and* by competing claims that can create conflict, especially if we grant their mutual disinterest and the condition of moderate scarcity.<sup>33</sup> But, as noted before, because they decide behind the veil of ignorance, “they do not know how the various alternatives will affect their own particular case.”<sup>34</sup> Reasonable people, then, would both

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<sup>30</sup> Rawls, *A Theory of Justice*, §3, 12.

<sup>31</sup> Rawls, *A Theory of Justice*, §3, 12, my emphasis; see also §20, 120ff. He stresses the same thing in Rawls, *Political Liberalism*, 24: the original position is only a “device of representation.”

<sup>32</sup> Rawls, *A Theory of Justice*, §3, 12.

<sup>33</sup> Rawls, *A Theory of Justice*, §22, 126; also §16, 95ff. where Rawls discusses the “circumstances of justice” in terms of the “relevant social positions” that the theory of justice must consider. Typically, people know what Rawls calls the “general facts of human society” (§24, 137), a key stipulation given how much these could affect the choice of the principles of justice.

<sup>34</sup> Rawls, *A Theory of Justice*, §24, 136.

agree to terms of cooperation that would allow them to further their interests and well-being *and* would abide by them willingly.<sup>35</sup>

For Rawls this is crucial because even though the agreement reached in the original position is not historical but hypothetical, it has the potential to have binding force in concrete historical situations. Put differently, “the conditions embodied in the description of the original position are ones that we do in fact accept. Or if we do not, then perhaps we can be persuaded to do so by philosophical reflection.”<sup>36</sup> When people assess their *actual* terms of cooperation in their *current* societies, they can use the principles of justice of the original position as a point of reference.<sup>37</sup> Hence, if current arrangements can be referred back to basic principles on which we would all agree in ideal conditions of equality (the original position), then those arrangements are just and we can justly demand cooperation from one another. Note also that given that this is a device of representation and not a historical situation, it can, in principle, be simulated by anybody as an exercise of their moral imagination.<sup>38</sup>

However, it is also true that current arrangements may help us in the revision of the assumptions of the original position. If some of them seem to be at odds with our “firmest

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<sup>35</sup> Rawls later offers a richer conception of reasonableness that includes the following features: a) people have the two moral powers of the capacity for a sense of justice and for a conception of the good; b) intellectual powers of judgment, thought, and inference; c) a conception of the good interpreted in light of a reasonable comprehensive view; d) the basic capacities and abilities to be cooperating members of society. To this, Rawls adds: e) readiness to propose fair terms of cooperation; f) recognition of the burdens of judgment; g) not only being cooperating members of society, but wanting to be so; and h) a reasonable moral psychology (Rawls, *Political Liberalism*, 81ff.).

<sup>36</sup> Rawls, *A Theory of Justice*, §4, 21.

<sup>37</sup> Hence, the original position as a device of representation can have educational value as well. Appealing to it may help people who have doubts about how just our current arrangements are; considering the principles of justice as a threshold may allow the affirmation or the criticism of current arrangements (Rawls, *A Theory of Justice*, §78, 514–515).

<sup>38</sup> Rawls, *A Theory of Justice*, §24, 138.

convictions,” perhaps the answer is “altering the conditions of the contractual circumstances.”<sup>39</sup> To this “description of the initial situation that both expresses reasonable conditions and yields principles which match our considered judgments duly pruned and adjusted” Rawls gives the name *reflective equilibrium*.<sup>40</sup> Rawls invites us to consider the principles of justice he describes in *Theory* as the *result* of the course of reflection that has led to reflective equilibrium.<sup>41</sup>

Now, attaining reflective equilibrium does not necessarily mean that it is stable. Rawls believes that particular situations or further examination may upset it.<sup>42</sup> Although this is true, Rawls maintains that the embodiment of the principles of justice in the basic structure should foster among people a sense of justice that should correspondingly become its own source of support. In other words, the actualization of the principles of justice in real societies should tend to the *stability* of the conception of justice they represent.<sup>43</sup>

But let us return to the election of the principles of justice. In Rawls’ view, *justice as fairness* requires a few extra stipulations. For him, it is important “to think of the parties in the

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<sup>39</sup> Rawls, *A Theory of Justice*, §4, 20.

<sup>40</sup> Rawls, *A Theory of Justice*, §4, 20. It is worth noting that Rawls defines “considered judgments” as those “rendered under conditions favorable to the exercise of the sense of justice, and therefore in circumstances where the more common excuses and explanations for making a mistake do not obtain” (§9, 47–48). For this reason, Rawls considers moral philosophy a Socratic endeavor based on self-reflection (49). But this does not mean that considered judgments are fully free from biases and mistakes. In the end, reflective equilibrium is put forward as an ideal based on certain theoretical assumptions that are only tentative answers and are always “primitive and have great defects” (52).

<sup>41</sup> Rawls, *A Theory of Justice*, §4, 21; also §9, 48.

<sup>42</sup> Rawls, *A Theory of Justice*, §4, 20.

<sup>43</sup> Rawls, *A Theory of Justice*, §24, 138. The same position is advanced in Rawls, *Political Liberalism*, 81ff., with great trust in the moral formation that democratic education can provide. Martha C. Nussbaum, *Political Emotions: Why Love Matters for Justice* (Cambridge, MA: Harvard University Press, 2013) is the clearest articulation of these ideas in a concrete proposal sympathetic to Rawls’ theory. I will turn to it in Chapter 3. On the question of stability and the kind of subjects it requires, see Pogge, *Realizing Rawls*, 101–102.

initial situation as rational and mutually disinterested.”<sup>44</sup> For Rawls, this is different than saying that the parties are egoists, which for him means that they would have only certain kinds of interests: wealth, prestige, domination, etc. His point is that individuals behind the veil of ignorance do not take interest in one another’s interest. Here it is important to note that this is not an *actual* philosophical anthropology, but a series of stipulations for his theory. Hence, Rawls is not describing people in their fullness, but putting forward a very thin description of certain human features upon which he thinks we could agree.

Accordingly, Rawls believes that it is not controversial to assert that human beings prioritize their own interest. Moreover, even in the original position we are not self-centered creatures. For at the very least, we have basic family relations. So there is from the beginning a sense of care and responsibility for others, although these others are our closest ones. The representative individual wants to advance her interest, yet her interest also implies advancing the well-being of, at least, some in the next generation, presumably her children.<sup>45</sup> Going beyond this sense of care of responsibility, Rawls believes, would be a controversial ethical assumption for the *purposes of the hypothesis* of the original position.

Put differently, we know that people do express solidarity toward others beyond family ties, in short that solidarity or benevolence are *real* components of human existence. However, Rawls believes that making, say, solidarity or benevolence our starting points to conceive the

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<sup>44</sup> Rawls, *A Theory of Justice*, §3, 13. Note, however, that this mutual lack of interest is the correlative to the free desire to enter the contract for mutual advantage (14). That is, not having a prior interest in the other person is for Rawls the most uncontroversial starting point, instead of assuming that we always have a tendency to solidarity, for instance (see §22, 129), that we need to acknowledge that we depend on one another to further our personal interests. *But* when we realize that and enter the system of social cooperation, the notion of reciprocity or mutual responsibility arises (§17, 102ff.).

<sup>45</sup> Rawls, *A Theory of Justice*, §22, 128ff.

principles of justice implies introducing a controversial ethical element. For at the very least we know that these virtues are not permanently active features of human action, from which follows that it is safe to assume that “no one has a reason to acquiesce in an enduring loss for himself in order to bring about a greater net balance of satisfaction.”<sup>46</sup> Nevertheless, this does not mean that virtues like solidarity, fraternity, or civic friendship cannot be interpreted through the principles of justice, particularly though the difference principle. In fact, as we will see shortly, the difference principle “seems to correspond to a natural meaning of fraternity.”<sup>47</sup> It simply means that the difference principle is more general and does not depend on virtues like solidarity and friendship to be accepted. But if we agree on the two basic principles of justice in their minimalistic formulations, then nothing impedes the more traditional interpretation of these principles. For instance, they could be interpreted as representing the three traditional ideals of liberty, equality, and fraternity, as Rawls notes.<sup>48</sup>

Similarly, he maintains that it is not controversial to stipulate that the representative individuals are rational in the most basic sense: “taking the most effective means to given ends,”<sup>49</sup>

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<sup>46</sup> Rawls, *A Theory of Justice*, §3, 14. Indeed, Rawls does not want to start with self-sacrifice as a major premise of his theory of justice. In contrast, in John Stuart Mill, “Utilitarianism,” in *Utilitarianism and Other Essays*, by John Stuart Mill and Jeremy Bentham, ed. Alan Ryan (New York: Penguin Books, 2004), 287, Mill must admit that the ethical system he conceives has to count on self-sacrifice.

<sup>47</sup> Rawls, *A Theory of Justice*, §17, 105.

<sup>48</sup> Rawls, *A Theory of Justice*, §17, 106. I will return to this point later since it is the seed for the idea of “overlapping consensus” that Rawls will develop in *Political Liberalism*. For an alternative account, see Martha C. Nussbaum, *Frontiers of Justice Disability, Nationality, Species Membership* (Cambridge, MA: Harvard University Press, 2006) where she argues for the need to make benevolence a starting point. Yet Nussbaum has some trouble justifying her choice. For she admits that “benevolent sentiments are ubiquitous in the lives of real people; the problem is that we simply do not extend them consistently or wisely” (91). Rawls avoids this problem by proposing a less demanding way to formulate the principles of justice, which I think makes his *theory* stronger. In *practice*, as Nussbaum admits, this represents a “very subtle difference” with Rawls (91).

<sup>49</sup> Rawls, *A Theory of Justice*, §3, 14. I will return to this issue later when considering the “full theory” of the good. Yet, allow me two brief remarks on the question of rationality. First, it is clear that Rawls overemphasizes the means-to-an-end approach, which sometimes renders his conception too narrow.



or that they are moral persons, that is, “creatures having a conception of their good and capable of a sense of justice.”<sup>50</sup> On this I will expand shortly.

There is one more stipulation that deserves some consideration. For Rawls, the parties are not motivated by envy. Rawls’ fundamental reason to exclude envy is that it is irrational: it makes the parties unreliable and a just arrangement basically impossible: “Envy tends to make everyone worse off.”<sup>51</sup> Moreover, if envy kicks in, it affects other crucial premises of *justice as fairness*, especially the capacity for a conception of the good, and a sense of justice. If the parties think that the other may not abide by the principles to be chosen, then no just arrangement is possible. We are left with Hobbes’ *homo homini lupus*. But this would radically undermine stability, which is a key feature of Rawls’ conception of a just society. It seems, then, that excluding *this* kind of envy is not too unrealistic in order to design just social arrangements in the original position. Moreover, one can also suggest an alternative interpretation and introduce what we may call “reasonable envy,” that is, a kind of envy that only emerges when disparities are so great that they inevitably affect our sense of self-worth and our life plans. I see this as compatible with Rawls’ assertion that the parties do not suffer from envy “as long as the differences between [them] do not exceed certain limits, and [they do] not believe that the existing inequalities are founded on injustice or are the

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I will contest such a narrow conception in this dissertation and put forward a more expansive notion. Second, however, I believe there are some resources in Rawls’ approach to rationality that justify a certain narrowness and, at the same time, the expansion of the concept. I will try to show this especially in the next subsection of this chapter.

<sup>50</sup> Rawls, *A Theory of Justice*, §4, 19.

<sup>51</sup> Rawls, *A Theory of Justice*, §25, 144.

result of letting chance work itself out for no compensating social purpose.”<sup>52</sup> I take this to be saying that what I have called “reasonable envy” is in fact part of the parties’ sense of justice.

Therefore, the model of the original position places some restrictions, although fundamental ones,<sup>53</sup> on the kind of arguments we could bring to the table when we are choosing the principles of justice for the basic structure of society. Accordingly, the arguments we can bring are those that could achieve wide consensus. This does not mean that other arguments are irrational. It only means that they would have little chance of success given the conditions stipulated in the model.<sup>54</sup> Moreover, because the stipulations of the original position are not too demanding (the condition of mutual disinterest is less demanding than benevolence, for instance), it follows that “the principles chosen can adjust wider and deeper conflicts.”<sup>55</sup>

## **2.2. The Two Principles of Justice: Stated and Expanded**

If we accept that a society is a system of “social cooperation among equals for mutual advantage”<sup>56</sup> in which people are not *prima facie* willing to sacrifice their share of social goods for

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<sup>52</sup> Rawls, *A Theory of Justice*, §25, 143. This granted, we know that irrational envy is part of our human condition. Hence, when we move beyond the stipulations of the theory, it will have to play an important role. I will address this issue directly in Chapter 3.

<sup>53</sup> Rawls, *A Theory of Justice*, §24, 140.

<sup>54</sup> Rawls, *A Theory of Justice*, §4, 18. The polemic with Utilitarianism gives great strength to this idea, showing that some of the premises of Utilitarian authors are too demanding and create numerous complications in the determination of what is just. On this, see also Pogge, *Realizing Rawls*, 94ff.

<sup>55</sup> Rawls, *A Theory of Justice*, §87, 583. Moreover, as Rawls puts it: “love and benevolence are second-order notions: they seek to further the good of beloved individuals that is already given. If the claims of these goods clash, benevolence is at a loss as how to proceed . . . These higher-order sentiments do not include principles of right to adjudicate these conflicts. Therefore a love of mankind that wishes to preserve the distinction of persons, to recognize the separateness of life and experience, will use the two principles of justice to determine its aims when the many goods it cherishes are in opposition” (§30, 191).

<sup>56</sup> Rawls, *A Theory of Justice*, §3, 14.

the advantage of others, then Rawls believes that the parties behind the veil of ignorance will choose two basic principles.<sup>57</sup> In his words:

the first requires equality in the assignment of basic rights and duties, while the second holds that social and economic inequalities, for example inequalities of wealth and authority, are just only if they result in compensating benefits for everyone, and in particular for the least advantaged members of society.<sup>58</sup>

The reasoning that leads to these principles has been tacitly present so far, but let me make it quite explicit. Given the conditions noted in the previous pages (mutual disinterest, capacity for a conception of the good and a sense of justice, lack of knowledge about their social position, etc.) it makes sense that *prima facie* people will choose equal distribution of social goods: they know there is so far no reason to receive more than that and they have no reason to settle for less. This equal distribution includes equal liberty and equal opportunity, of course.

But the parties can also consider an alternative view. Given that they know that inequalities will arise because they know the “general facts of human society,” they can consider the regulation of inequalities in such a way that they could “make everyone better off in comparison with the benchmark of initial equality.” The way to do that, Rawls argues, is to consider the position of the least advantaged in society: “inequalities are permissible when they maximize, or at least all contribute to, the long-term expectations of the least fortunate group in society.” He calls this the *maximin rule*, for it maximizes the minimal share. From this follows that injustice is “simply

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<sup>57</sup> Given the proposed stipulations, Rawls believes that people would choose these principles even if our enemies would assign us our place in society, for the principles would protect the most basic rights of all. In his view, that such extreme possibility does not undermine the type of principles to be chosen is proof of their strength (Rawls, *A Theory of Justice*, §26, 152–53).

<sup>58</sup> Rawls, *A Theory of Justice*, §3, 14–15.

inequalities that are not for the benefit of all,”<sup>59</sup> especially the least fortunate. Let us explore these ideas further.

First, and crucially for Rawls, these two principles are equally important for just social cooperation, but they do not have equal standing with one another. The first principle, or *principle of equal liberty*, has priority over the second principle, or *difference principle*. They are, as Rawls puts it, in *lexical order*: we must satisfy the first principle in order to move to the second.<sup>60</sup> As noted before, this means that no arrangement of the inequalities of wealth or authority can be put forward at the expense of the principle of equal liberty.<sup>61</sup>

Second, the lexical order does not at all diminish the importance of the second principle. In fact, the difference principle is of great relevance for Rawls because it allows the correction of the standard liberal (or “libertarian”) view that only emphasizes the principle of equal liberty. For the liberal conception “permits the distribution of wealth and income to be determined by the

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<sup>59</sup> Rawls, *A Theory of Justice*, §26, 151, 151; §11, 62.

<sup>60</sup> Rawls, *A Theory of Justice*, §8, 43.

<sup>61</sup> Yet, there are some caveats that Rawls introduces later in the text. He refines the first principle: “Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all” (Rawls, *A Theory of Justice*, §39, 250). More important, he notes that there are two states of exception in which liberty can be restricted: “(a) a less extensive liberty must strengthen the total system of liberty shared by all, and (b) a less than equal liberty must be acceptable to those citizens with the lesser liberty” (250). Elsewhere he makes a similar point: “It is only when social conditions do not allow the effective establishment of these rights that one can concede their limitation; and these restrictions can be granted only to the extent that they are necessary to prepare the way for a free society” (§26, 152). A similar kind of restriction is put on the conscientious dissent or refusal: “If a religion is denied its full expression, it is presumably because it is in violation of the equal liberties of others” (§56, 370).

natural distribution of abilities and talents [which means that] distributive shares are decided by the outcome of the natural lottery; and this outcome is arbitrary from a moral perspective.”<sup>62</sup>

In contrast, the difference principle imposes restrictions on how great one’s share of social goods can be. For one’s social location (class, race, education, etc.) usually defines one’s access to social goods, which means that those who start in a better-off position would normally expect to enjoy greater participation in the social goods. In principle, this is not a problem for Rawls, provided that such greater share works to the benefit of those worse off, for example by creating new jobs with fair wages or, presumably, ensuring that existing jobs are paid fairly. In this sense, the difference principle is overall a maximizing principle. However, not all maximization of goods works for the advantage of the least favored. It follows that not all production of wealth is just, and sometimes decreasing the expectations of the most advantaged (by increasing their taxes, for instance) will improve the situation of the least advantaged.<sup>63</sup> Hence the maximin rule.

These considerations allow the refinement of the first formulation of the difference principle above.<sup>64</sup> With this in mind it reads as follows: “Social and economic inequalities are to be arranged so that they are both (a) to the *greatest* benefit of the least advantaged and (b) attached

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<sup>62</sup> Rawls, *A Theory of Justice*, §13, 74; see also §17, 103ff. Rawls considers other interpretations of the principles of justice too (§12, 65–75), but shows convincingly that the alternatives are less coherent than *justice as fairness*.

<sup>63</sup> Rawls, *A Theory of Justice*, §13, 78–79. However, Rawls notes that the difference principle is not the same as the “redress principle” according to which undeserved inequalities must be fixed so that all “are expected to compete on a fair basis in the same race” (§17, 101). Some of the general intent of the principle of redress, i.e., “to redress the bias of contingencies in the direction of equality” (100–101) is surely incorporated by the difference principle, but the latter does not attempt to eliminate all handicaps. It only aims for a society where inequalities favor the most vulnerable, thus correcting some of the “arbitrariness of fortune” (102) which intuitively but also upon “considered judgment” clearly nobody deserves (104).

<sup>64</sup> For the first formulations, see Rawls, *A Theory of Justice*, §3, 14–15; §11, 60.

to offices and positions open to all under conditions of fair equality of opportunity.”<sup>65</sup> Note the change: it is not only that inequalities are allowed only if they “result in compensating benefits for everyone, and in particular for the least advantaged.”<sup>66</sup> Rather, the criterion to allow inequalities is that these must produce the *greatest* benefits *for the least* advantaged.

Even though I agree with this formulation, it is worth noting that Rawls does not give greater content to this idea. We know, of course, that equal liberty cannot be dropped. However, there is no clear threshold set by the difference principle. Rawls speaks rather vaguely about an “index of primary goods” that should include “rights and liberties, opportunities and powers, income and wealth.”<sup>67</sup> Moreover, this is further complicated by the fact that income tends to be taken by Rawls as a proxy for other social goods.<sup>68</sup> Granting these problems, it is clear that a more compelling account of the difference principle can be provided based on the general directives given by Rawls. Philosopher Martha Nussbaum has done precisely that by producing a basic index of ten “central capabilities.”<sup>69</sup> More important, some form of this complex index has been already incorporated in the Human Development Reports of United Nations showing that this Rawlsian

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<sup>65</sup> Rawls, *A Theory of Justice*, §14, 83, my emphasis. The final formulation of the two principles is presented in §46. No major changes appear, only refinements consistent with prior developments. Thus, Rawls adds that the consideration of the greatest benefit of the least advantage has to be consistent with the “just savings principle” (302), i.e., with the principle according to which each generation must save a suitable amount of their goods for the upcoming ones (§44, 285ff.). To this Rawls adds the lexical priority of the second principle over the principle of efficiency and the maximizing the sum of advantages (§46, 302–303; see also §77, 509).

<sup>66</sup> Rawls, *A Theory of Justice*, §3, 15.

<sup>67</sup> Rawls, *A Theory of Justice*, §15, 92.

<sup>68</sup> For a careful treatment of these issues, see chapter 6 of Thomas Pogge, *John Rawls: His Life and Theory of Justice*, trans. Michelle Kosch (Oxford: Oxford University Press, 2007).

<sup>69</sup> Martha C. Nussbaum, *Creating Capabilities: The Human Development Approach* (Cambridge, MA: Harvard University Press, 2011).

basic intuition can be worked out with some corrections. I will return to Nussbaum's Capabilities Approach in Chapter 3 and, in more detail, in the concluding section of Chapter 6.

Perhaps it is worth noting (albeit in passing for now) that the radical ideas behind the difference principle are what allowed me to consider the affinity between this conception of justice and the one put forward by liberation theologians like Gustavo Gutiérrez. We are still many pages away from the development of these complex connections, but the reader should keep in mind that the crucial role of the least advantaged among us in the work of Rawls and Gutiérrez will operate as a guiding thread for the argument of this dissertation.

### **3. The Full Theory of the Good**

I turn now to two important issues often overlooked in Rawls' theory of justice. These are Rawls' understanding of the good of justice and his approach to toleration, particularly in its connection to religious beliefs. I believe that these two issues are crucial because they introduce us to the questions of community, tradition, self-realization, and so forth. Moreover, they are crucial because most critics have directed their ammunition against Rawls' hypothesis of the original position without paying enough attention to his conception of the good, which is not only relevant but necessary in order to understand the former. In this subsection, I address the question of the good, saving for the next one Rawls' position on religious toleration.

#### **3.1. The Priority of the Right, Precondition of the Good**

One way to address this question is to consider an objection that Rawls raises at the end of *Theory*. Some people, he maintains, have accused *justice as fairness* of being a narrowly

individualistic doctrine that does not take into account the values of the community. In response, he stresses that this charge is based on a misunderstanding. It is based on a partial reading of the theory despite the fact that it proceeds in stages. In fact, as noted before, *justice as fairness* has a central place for the good, the good of the community, etc. Thus, he writes:

These aspects of the theory of justice are developed slowly beginning from what looks like an unduly rationalistic conception that makes no provision for social values. The original position is first used to determine the content of justice, the principles which define it. Not until later is justice seen as part of our good and connected with our natural sociability. The merits of the original position cannot be assessed by focusing on some single feature of it, but, as I have often observed, only by the whole theory which is built upon it.<sup>70</sup>

We have covered the main elements of that allegedly “unduly rationalistic conception,” i.e., the original position. I hope that my presentation so far has allowed the reader to see why Rawls needed the stipulations he put forward. Now it is time to move from that limited and hypothetical approach that Rawls calls his “thin theory” of the good to his “full theory” of the good, which is mostly developed in Part III of *Theory*.

For Rawls the key issue here is to distinguish his conception of the good from teleological conceptions that normally do not establish clear conditions for the pursuit of the good for our lives. Here we are before the classic Rawlsian trope of the priority of the right over the good. In Rawls’ words: “In contrast with teleological theories, something is good only if it fits into ways of life consistent with the principles of right already on hand.”<sup>71</sup> But this has to be shown more clearly, especially given the hypothetical status of the original position. Hence, Rawls proposes distinguishing between two theories of the good in *justice as fairness*. The first he calls the “thin theory” and refers to the bare essentials attributed to the parties in the original position. The second,

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<sup>70</sup> Rawls, *A Theory of Justice*, §87, 584.

<sup>71</sup> Rawls, *A Theory of Justice*, §60, 396.



the “full theory,” builds on these bare essentials by arguing for a more complex picture of the good that, nevertheless, includes the sense of justice provided by the two principles as its basis. Let me expand on this.

In the original position (the “thin theory”), the content of the good is as basic as it can be because its goal is to lay out the most elemental and least controversial conditions under which the parties will choose the principles of justice. Hence, other than the desire to have more instead of fewer primary goods in order to achieve their more specific ends, Rawls only assumes that the parties have the capacity to conceive their own good (which they see in connection to securing their equal liberty and their self-respect) and the capacity for a sense of justice. In addition, and perhaps at a more fundamental level, Rawls assumes that the conception of the good of the parties, whatever its content, has a certain rational structure. Nothing else is assumed regarding their conception of the good in the thin theory. As noted before, these elements combined with the other stipulations of the veil of ignorance are sufficient, according to Rawls, to justify the election of the two principles of justice.

But the thin theory is only helpful when the task is to select the principles of justice. Other issues cannot be addressed without a more capacious approach. The reason is that any account of the good that goes beyond the thin theory requires the notion of a plan of life and the means for its realization, which in turn must take into account our special abilities, interest, circumstances, etc. All these were excluded behind the veil of ignorance, but the full theory of the good now requires them.<sup>72</sup> It requires them, especially, to address two key questions: that of a person’s own good, and the ideal of social union. What is central in order to move forward, however, is that the principles

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<sup>72</sup> Rawls, *A Theory of Justice*, §68, 449.

of justice have been already secured. Thus, the full theory presupposes the achievements of the thin theory,<sup>73</sup> as we will see more clearly in a moment.

First, let us consider the issue of the person's own good, which is tied to the idea of self-respect. For Rawls, a person's good at its most formal level is "the successful execution of a rational plan of life."<sup>74</sup> Here Rawls draws from Royce, Sidgwick, and Aristotle rather freely. His point, despite the emphasis on a *rational* plan, is that we all have certain aspirations or expectations and that we need to discern the adequate means to realize them. From this follows that Rawls very generally and somewhat misleadingly speaks of *goodness as rationality* and, more precisely, goodness as deliberative rationality, i.e., the type of rationality we need to determine what kind of plan we need to carry out in order to realize our most fundamental desires.<sup>75</sup>

But this requires going beyond the thin theory because we need to consider the properties we need in order to realize our own good, to become good persons. Here Rawls introduces the idea of moral virtues, "the strong and normally effective desires to act on the basic principles of right,"<sup>76</sup>

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<sup>73</sup> Rawls, *A Theory of Justice*, §60, 398.

<sup>74</sup> Rawls, *A Theory of Justice*, §66, 433.

<sup>75</sup> Rawls, *A Theory of Justice*, §64, 417; Rawls, *Political Liberalism*, 177. Note here that despite the misleading label "goodness as rationality," Rawls' position is not rationalistic in the sense of the exclusion of emotions, pre-cognitive motivations, and the like. He is fully aware that not only rational arguments constitute our life plans. However, he argues that we all have to provide *some* basic organization to our lives to make sense of them as a whole. Hence, I maintain that "rational" here should be interpreted in a somewhat loose sense. If we follow this interpretation instead of the one influenced by rational choice theory, I believe we can bring Rawls closer to authors like Taylor, MacIntyre, or Ricoeur and their treatment of these issues through the notions of "articulation" or "narrative." In any case, it is safe to say that there are superior accounts of the relationship between reason, emotion, and human action. I will turn to some of them in Chapter 3.

<sup>76</sup> Rawls, *A Theory of Justice*, §66, 436. In Alasdair C. MacIntyre, *After Virtue: A Study in Moral Theory*, 2nd ed. (Notre Dame, IN: University of Notre Dame Press, 1984), 119, the author takes issue with this definition of virtue because, he argues, it presupposes that the principles of right are prior to the virtues. In contrast, MacIntyre believes that we need to attend to the virtues in order to understand the principles. I will discuss MacIntyre's position in the following chapter, but let me stress now why I believe he finds a

as necessary for the realization of one's good. In addition, we need intelligence and imagination, strength and endurance, etc. The key point is that however necessary these dispositions may be, they must be subordinated to the principles of justice. The reason is simple: the principles of justice provide the basic criteria that allow us to orient our lives as good lives. For this reason, Rawls believes that a good person is one who has to "a higher degree than the average the broadly based features of moral character" that support the principles of justice.<sup>77</sup> For these principles are the condition, at the basic structural level, to live a good life. Given that the basic structure greatly determines our possibilities in life, it follows that our own specific good is determined by how much we commit to the principles of justice that shape its conditions. But this is also true of the good of others.

Moral goodness and the principles of justice chosen in the original position, then, have a deep connection. We can see this even more clearly by paying attention to the notion of self-respect. Self-respect is included as a primary good wanted by the parties in the original position. Rawls explains that this is the case because self-respect is the precondition to pursue our good in life: "without it nothing may seem worth doing, or if some things have value for us, we lack the will to strive for them."<sup>78</sup> For this reason, it appears as a minimal requirement of the moral psychology of the contracting parties and as one that they want to preserve while deciding which are the principles for a just society.

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problem here. The main reason is that he disregards the value of a device of representation like the original position. For him, it is not possible to find extra-tradition principles of justice.

<sup>77</sup> Rawls, *A Theory of Justice*, §66, 437.

<sup>78</sup> Rawls, *A Theory of Justice*, §67, 440.

But self-respect is more complex and richer than this. Self-respect or self-worth is not only connected to the possibility of developing our own life plans, but also to the way we are regarded by others. The question of self-respect immediately opens up the role of the community in the pursuit of our own good. Hence, my own self-respect and sense of personal worth is greatly shaped by the way others regard my life plan. In Rawls' view, that regard is shown at its most basic level by the fact that we choose and endorse the principles of justice. For these principles guarantee that we can all realize our life plans provided that they do not violate the principles. But the principles are chosen because they are the best way to pursue our own good in life. From this follows that their restrictive character is not really such, but instead it should be regarded as a condition that fosters our own self-realization. For the principles of justice prepare the way for the recognition of the good of *all* activities provided that they enhance our capacities and do not undermine equal liberty and create unjust inequalities.<sup>79</sup>

More positively, what is presupposed here is that our self-respect is enriched by the complementarity of our life plans and the plans of others. Self-respect requires some form of association in which our life plans can be realized and publicly affirmed by others. This is not only true at the level of the active affirmation of our worth by others, but also at a very practical level: we cannot actualize all our excellences and thus we need the cooperation of others in order to realize as fully as possible our plans of life. Music may be a fundamental component of the way a person conceives her self-realization. But she may not be musically gifted. She thus depends on the realized musical capacities of others in order to achieve the good she desires, which in turn enhances her self-respect by being able to give fulfillment to an important part of her life plan. In

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<sup>79</sup> Rawls, *A Theory of Justice*, §67, 440–442. Ricœur, *The Just*, 149, makes a very similar point. I will expand on it in the following chapter.

other words, the excellences of others, the virtues, “are a condition of human flourishing; they are goods from everyone’s point of view.”<sup>80</sup> In contrast, the lack of virtues undermines our self-esteem, the esteem our associates have for us, and the common good more generally, given that we depend on one another’s virtues to pursue the good of our societies.<sup>81</sup>

### 3.2. The Ideal of Social Union: Where the Right and the Good Meet

These considerations have already introduced some of the basic issues at stake in Rawls’ account of social union, but let me explore briefly some additional elements in order to conclude this subsection. Rawls’ question is “whether the contract doctrine is a satisfactory framework for understanding the values of community and for choosing among social arrangements to realize them.”<sup>82</sup> His immediate response is that the congruence of the right and the good arguably depends on society achieving the good of community.<sup>83</sup>

Rawls makes his case by contrasting *justice as fairness* with the idea of a “private society.” In his view, it is possible to interpret the original position “as describing a certain kind of social order, or a certain aspect of the basic structure that is actually realized.” Such a society he calls

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<sup>80</sup> Rawls, *A Theory of Justice*, §67, 443.

<sup>81</sup> Rawls, *A Theory of Justice*, §67, 441–445. Among other reasons, we cannot actualize all our capacities due to what Rawls calls the “Aristotelian principle,” namely, that all things being equal, “human beings enjoy the exercise of their realized capacities (their innate or trained abilities), and this enjoyment increases the more the capacity is realized, or the greater the complexity” (Rawls, §65, 426). From this follows that the attention we give to the realization of some of our capacities may undermine the attention we could give to others, which means that we would need the cooperation of others to be able to realize them or, at least, enjoy goods that we could not enjoy without the help of others.

<sup>82</sup> Rawls, *A Theory of Justice*, §79, 520.

<sup>83</sup> I believe that the ideal this convergence represents is not given up by the fact that Rawls’ more keen awareness of unsurpassable conflict pushes him in the direction of a restricted political conception in *Political Liberalism*. Yet it is true that Rawls’ concern with the practical applications of the project made him emphasize less the connection of right and good and stress more the need of basic political agreement for the sake of stability.

private. Its features are the following: a) the persons or associations that are part of it have their own private ends, which may be independent of or competing against each other, but not complementary; b) institutions are not goods in themselves, but are considered a burden. From this follows that “each person assesses social arrangements solely as means to his private ends.”<sup>84</sup>

The point here is that *justice as fairness* is not an account of a private society. For Rawls, human beings are not mere means to our private ends:

Thus human beings have in fact shared final ends and they value their common institutions and activities as good in themselves. We need one another as partners in ways of life that are engaged in for their own sake, and the successes and enjoyments of others are necessary for and complimentary to our own good.<sup>85</sup>

Some of this was addressed by Rawls’ approach to self-respect, but this statement is significantly more decisive. So, against the idea that *justice as fairness* is an individualistic doctrine or that it undermines community values, Rawls maintains with Wilhelm von Humboldt that “it is through social union founded upon the needs and potentialities of its members that each person can participate in the total sum of the realized natural assets of the others.”<sup>86</sup>

Thus, the principles of justice actually foster social union instead of undermining it. In fact, the well-ordered society that Rawls seeks he describes as “a social union of social unions.”<sup>87</sup> For social union requires that members see the carrying out of just institutions as an end and that these institutions are seen as good in themselves. *Justice as fairness* attempts to fulfill these requirements.

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<sup>84</sup> Rawls, *A Theory of Justice*, §79, 521, 521.

<sup>85</sup> Rawls, *A Theory of Justice*, §79, 522.

<sup>86</sup> Rawls, *A Theory of Justice*, §79, 523.

<sup>87</sup> Rawls, *A Theory of Justice*, §79, 527.

First, members have the common aim of cooperating with one another to realize their own good and the other's good. But this is possible only because they have a shared sense of justice, which is derived from the two principles of justice. Otherwise they would pursue their own good without criteria for adjudication of competing goods, and this in all likelihood would lead to injustices and social conflict. Hence the principles of justice are seen as part of members' own good insofar as that is a condition for the realization of more concrete forms of their good.

Second, precisely for these reasons, in *justice as fairness* the fundamental institutions of society (the constitution and the main parts of the legal order) are seen as goods in themselves: they are the embodiment of the principles of justice and the way through which we can achieve our own good and the common good. Hence we can see institutional design as a form of good analogous to our private life design. For this reason, Rawls speaks of "a plan within a plan."<sup>88</sup> What matters here is that:

this larger plan does not establish a dominant end, such as the religious unity or the greatest excellence of culture, much less national power or prestige, to which the aims of individuals and associations are subordinate. The regulative public intention is rather that the constitutional order should realize the principles of justice. And this collective activity . . . must be experienced as a good.<sup>89</sup>

As noted before, it is this collective activity of justice represented in the institutional design according to principles we agreed on "the preeminent form of human flourishing. For given favorable conditions, it is by maintaining these public arrangements that persons best express their nature and achieve their widest regulative excellences." From this we can conclude that the desire to act justly, i.e., according to the principles on which we can all agree, and the desire to express

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<sup>88</sup> Rawls, *A Theory of Justice*, §79, 528.

<sup>89</sup> Rawls, *A Theory of Justice*, §79, 528.

our nature as free moral persons, “turn out to specify what is practically speaking the same desire.”<sup>90</sup> At the end of the day, in *justice as fairness*, when the “full theory” is put forward, the right and the good reach congruence.

In my view, such a congruence should be interpreted in terms of the notion of “overlapping consensus” developed in *Political Liberalism*.<sup>91</sup> Hence “right” and “good” overlap, but are not identical because our own notions of the good are always greater and more comprehensive than the principles of justice. However, the latter are a fundamental condition of our own conception of the good insofar as they allow it to flourish in the context of pluralistic societies. In this sense, the right can be interpreted as *part* of our good, as Rawls suggests in *Theory*.

In *Political Liberalism*, he further articulates the relationship of right and good by distinguishing the mere *modus vivendi* from a true overlapping consensus. The former represents a mere agreement on basic rules to keep peace among parties formerly in conflict. Yet, the peace is tense and the parties are ready to violate the equilibrium point as soon as it appears disadvantageous. In contrast, the overlapping consensus is seen as a *moral conception* and is justified on *moral* grounds. This is possible because different *comprehensive doctrines* justify the principles of justice drawing from their own substantial moral viewpoints.<sup>92</sup> When this point is

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<sup>90</sup> Rawls, *A Theory of Justice*, §79, 529, §86, 572.

<sup>91</sup> Rawls’ succinct definition reads as follows: “In such a consensus, the reasonable [comprehensive] doctrines endorse the political conception, each from its own point of view. Social unity is based on a consensus on the political conception; and stability is possible when the doctrines making up the consensus are affirmed by society’s politically active citizens and the requirements of justice are not too much in conflict with citizens’ essential interest as formed and encouraged by their social arrangements” (Rawls, *Political Liberalism*, 134).

<sup>92</sup> The notion of “comprehensive doctrine” is anticipated in *Theory* in speaking of “complete conceptions” (Rawls, *A Theory of Justice*, §2, 9), but it only becomes a key element of Rawls’ project in *Political Liberalism*. He writes: a conception is comprehensive “when it includes conceptions of what is of values in human life, and ideals of personal character, as well as ideas of friendship and of familial and associational relationships, and much else that is to inform our conduct, and in the limit to our life as a



reached, the political consensus is no longer a mere *modus vivendi* but has been integrated into the different reasonable comprehensive doctrines in a way that warrants its stability.<sup>93</sup>

The different question of how integrated the principles of justice may be to a given comprehensive doctrine depends greatly on the interpretative creativity of each comprehensive tradition. My argument in this dissertation is that liberation theology and *justice as fairness* overlap significantly. Moreover, I maintain that liberation theology as a Christian comprehensive view can take the principles as part of its tradition (validating them using its own resources) and not only as a prudential condition to develop its own goals (as other Christian views may do). But several more steps are needed in order to make this idea persuasive.

With this I conclude my substantial remarks on Rawls' theory of justice. In the next subsection I briefly address the question of religious toleration to touch more directly on Rawls' approach to the role of religion in the public sphere and thus start introducing some of the other central pieces of my own argument.

#### **4. Religion and Public Reason**

It is often assumed that Rawls has some kind of hostility to religion or, more accurately, to religious arguments in the public sphere. Such an assumption is derived from the fact that the

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whole. A conception is fully comprehensive if it covers all recognized values and virtues within one rather precisely articulated system [...]” (Rawls, *Political Liberalism*, 13). In contrast, *justice as fairness* is only a *political* conception that applies to the basic structure of society (11ff.). Now, the overlapping consensus requires “*reasonable* comprehensive doctrines,” that is, doctrines which respect and tolerate other comprehensive doctrines according to the principles of justice (58–66).

<sup>93</sup> Rawls, *Political Liberalism*, 144–50.

content of our personal beliefs is excluded from the original position, which means that the principles of justice have to be determined without appealing to concrete religious beliefs or, in fact, to any kind of conception of the good. The remarks supplied above should suffice as the grounds to provide an answer to this charge. However, given that very little has yet been said about religion, this objection deserves further consideration.<sup>94</sup>

#### **4.1. *Theory*: What Is the Role of Religious Freedom?**

Rawls deals with this issue, especially, in §§ 33–35 of *Theory*. First, he defends the centrality of equal liberty of conscience. From the perspective of the original position, he argues, “it seems evident that the parties must choose principles that secure the integrity of their religious and moral freedom.” Of course, they do not know what their views are or how they will fare in society. Precisely for that reason, they will seek fair terms of cooperation. In Rawls’ view: “it seems that equal liberty of conscience is the only principle that the persons in the original position can acknowledge. They cannot take chances with their liberty by permitting the dominant religious or moral doctrine to persecute or to suppress others if it wishes.”<sup>95</sup>

Rawls also has something to say about those who believe that equal liberty is an imposition on their beliefs:

A person may indeed think that others ought to recognize the same beliefs and first principles that he does, and that by not doing so they are grievously in error and miss the

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<sup>94</sup> For a systematic study of Rawls’ approach to religion, see Daniel A. Dombrowski, *Rawls and Religion: The Case for Political Liberalism* (Albany: State University of New York Press, 2001). For a more recent account, in the form of constructive essays engaging Rawls’ take on religion or developing some of his key ideas, see Tom Bailey and Valentina Gentile, eds., *Rawls and Religion* (New York: Columbia University Press, 2015).

<sup>95</sup> Rawls, *A Theory of Justice*, §33, 206, 207. Note that the deliberating parties in the original position *do* have religious, moral beliefs and so forth, which is obviously implied in the stipulation according to which all parties have a conception of the good.

way to their salvation. But an understanding of religious obligations and of philosophical and moral first principles shows that we cannot expect others to acquiesce in an inferior liberty. Much less can we ask them to recognize us as the proper interpreter of their religious duties or moral obligations.<sup>96</sup>

From this argument, Rawls finally moves to the limitations of the equal liberty of conscience. His basic point is that the limitations should serve “the common interest in public order and security.” Here he is extremely careful to stress that this “does not imply that public interests are in any sense superior to moral and religious interests; nor does it require that governments view religious matters as things indifferent or claim the right to suppress philosophical beliefs whenever they conflict with affairs of state.” Against the critics, he clearly states that “the notion of the omniscient laicist state is also denied.”<sup>97</sup>

So when *can* the state intervene? Only when there is reasonable expectation that the freedom of some will affect the public order, meaning by this that it will affect the conditions “for everyone’s achieving his ends whatever they are (provided they lie within certain limits) and for his fulfilling his interpretation of his moral and religious obligations.” Such expectation must be based on evidence and ways of reasoning generally recognized as correct. “Now this reliance on what can be established and known by everyone is itself founded on the principles of justice. It implies no particular metaphysical doctrine or theory of knowledge.” In sum, “the limitation of liberty is justified only when it is necessary for liberty itself, to prevent an invasion of freedom

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<sup>96</sup> Rawls, *A Theory of Justice*, §33, 208. More on this can be found in §35, “Toleration of the Intolerant.” Similarly, Rawls claims that we are not literally obliged to respect all forms of conscientious disagreement. Therefore, limiting actions that would follow conscience but could harm others is a form of showing respect to the very conscientious objector (§78, 519).

<sup>97</sup> Rawls, *A Theory of Justice*, §34, 212, 212, 212.

that would still be worse.”<sup>98</sup> Of course, those limits can also be reassessed if the general principles of justice remain standing.

In sum, Rawls has a very careful understanding of the role of religion in the public sphere both from the level of the ideal theory and the level of actual public deliberations. Religious freedom is heavily encouraged and only limited when it wants to limit the freedom of others. Obviously, sometimes the lines are hard to draw, and the judiciary will have to make some *ad hoc* decisions. But this does not invalidate the core of the argument.

#### **4.2. Political Liberalism: Can Religious Argument Enrich Public Reason?**

One difficult and representative case puts some extra pressure on Rawls’ account of religion. The example at issue is Abraham Lincoln’s Second Inaugural Address. The reason why Lincoln’s address presents difficulties for Rawls’ framework is that the speech brings up religious premises in order to defend principles of basic justice.<sup>99</sup>

Rawls has two different lines of reasoning here. In the 1993 edition of *Political Liberalism*, he considers Lincoln’s speech appropriate for an *inclusive* understanding of public reason.<sup>100</sup> In

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<sup>98</sup> Rawls, *A Theory of Justice*, §34, 213, 213, 215.

<sup>99</sup> For a critical discussion of Lincoln’s speech, see Jeffrey Stout, *Democracy and Tradition* (Princeton, NJ: Princeton University Press, 2004), 69–77.

<sup>100</sup> The notion of “public reason” is developed at greater length in *Political Liberalism*, Lecture VI. However, its key elements are already present in *Theory* through the discussion of the publicity of *justice as fairness* discussed above. To summarize, public reason is public in three ways: “as the reason of citizens as such, it is the reason of the public; its subject is the good of the public and matters of fundamental justice; and its nature and content is public, being given by the ideals and principles expressed by society’s conception of political justice, and conducted open to view on that basis” (Rawls, *Political Liberalism*, 213). It is also worth noting here that public reason as “the reason of the public” is not subject to mere majority rule (234). Rawls’ premise is that the Constitution and the Bill of Rights represent a “higher law” that “fixes once and for all certain constitutional essentials” that are then, in principle, not subject to change (232). Hence “ordinary laws” can only be put forward within certain parameters that warrant that all citizens can express themselves and act as free and independent.

that context, he argues that in societies marked by conflict it might be necessary to include arguments coming from *comprehensive doctrines* when dealing with issues of the basic structure. But this should be the case *only* if these arguments advance the cause of a public reason that will not depend on them in the future.<sup>101</sup> One should add to this, as Rawls does, that strictly speaking Lincoln’s speech does not have direct bearing on constitutional essentials (in contrast with a Supreme Court decision, say).<sup>102</sup> Thus, even if it violated the provision of offering publicly available reasons, the violation would have had no major consequences on questions of basic structure. Or, alternatively, it could have *indirect* bearing on the basic structure, becoming a source of inspiration for constitutional changes, as in fact was the case. But the key piece of the argument is the former, namely that, when required, a more inclusive understanding of public reason is in place for the sake of public reason itself. The second line of reasoning appears in the preface to the 1996 edition of *Political Liberalism*. In Rawls’ view, this is a yet more “permissive” approach. Here Rawls drops the conditions stated above (conflict and need of non-public arguments for the sake of the development of public reason) and simply asks that in “due course” public reasons be presented as well.<sup>103</sup>

Both lines of argument seem valid to me. Some scholars have taken issue with Rawls’ approach here because the *religious* nature of public discourse seems to be treated as an accident that can be tolerated, but that must later be overcome.<sup>104</sup> Yet let us examine this more carefully,

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<sup>101</sup> See Rawls, *Political Liberalism*, 249ff. We have seen a similar rationale in Rawls, *A Theory of Justice*, §26, 152; §39, 250, regarding possible restrictions on people’s freedom: they are only allowed *if* they are needed to achieve greater freedom.

<sup>102</sup> Rawls, *Political Liberalism*, 254.

<sup>103</sup> Rawls, *Political Liberalism*, xlix–l.

<sup>104</sup> For a more general critique of the room for religious expression that Rawls allows in the public sphere, see Wolterstorff, “Why We Should Reject What Liberalism Tells Us.”

putting aside the admiration Lincoln, King, and others deserve. Are Lincoln's address and King's speeches mere "placeholders for reasons to be named later"?<sup>105</sup> Rawls does not believe that. His point is that in certain contexts their religious nature can be a source of misunderstanding, confusion, or disagreement. But this is also true of any comprehensive doctrine that appeals to ideas that are not generally available to most people. An argument for social justice based on, say, Karl Marx's metaphysics of class conflict in history, would arguably provoke similar reactions in Rawls. Would it not be wise to suggest that *when needed* ("in due course") more widely available forms of argument are used? Such a shift does not imply denying the importance of Lincoln's address or the fact that it had religious overtones. It only means that the lines that define what is publicly available shift over time and depend on the history of each society. It is perfectly conceivable in the future, or even today, for Lincoln's appeal to God to become a source of division or simply an idea without any currency. In such a scenario, out of respect for different views or just as a matter of political strategy, it does not sound absurd to suggest that more widely available forms of argument can be used to advance the same goal. I take it that this is all Rawls is saying.<sup>106</sup>

In addition, as noted before, one must distinguish between a public speech (even if delivered by the President) and public reason devoted to constitutional essentials or the basic structure. It is in the latter case that Rawls demands more scrutiny. Certainly, one could discuss whether the use of religious arguments in presidential addresses is appropriate given that the President is the highest-ranking public official. But the truth is that those speeches can count as anecdotal or as reflecting certain cultural trends or even rhetorical conventions. In contrast, a strict

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<sup>105</sup> Stout, *Democracy and Tradition*, 70.

<sup>106</sup> For more on our capacity to express our fundamental commitments through non-partisan or non-tradition-specific means, see Hans Joas, *The Sacredness of the Person: A New Genealogy of Human Rights* (Washington, DC: Georgetown University Press, 2013), Chapter 6.

sense of public reason is crucial in decisions made by the judiciary, especially in the case of the Supreme Court.

Here, I believe that Rawls' position is quite reasonable. However, one could suggest an alternative and compatible approach. Instead of requiring that the person who holds a comprehensive view finds more publicly available means to express her ideas when needed, one could propose that comprehensive views are made widely available in public discourse. In this way, all people would become familiar with different kinds of comprehensive views and would be able to reason using the very resources of these traditions of thought to find more stable forms of political consensus. Such a view is sometimes called "immanent criticism."<sup>107</sup> Rawls does not prioritize this alternative, but I do not see any reason to think that he would necessarily oppose it. In fact, he might even favor it on some occasions.<sup>108</sup>

In any case, such an approach addresses the same issue from a different angle. For the whole point of immanent criticism is to use arguments internal to certain comprehensive views to point out inconsistencies, reorganize priorities, and revisit forgotten ideals in order to find better forms of understanding each other as citizens. Thus, immanent criticism can certainly make religious arguments more intelligible to non-religious people, more *public*, precisely. But it can *also* make religious people realize that they can express their religious beliefs in alternative or non-religious language for the sake of better understanding. It is a two-way street.

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<sup>107</sup> On "immanent criticism," see Stout, *Democracy and Tradition*, 72–73.

<sup>108</sup> In "The Idea of Public Reason Revisited," for instance, he considers the case of "witnessing." Using the example of Quakers' pacifism, he argues that in some cases people who generally accept the political conception of justice may feel compelled to express their disagreements about certain policies *on comprehensive grounds*. Such a form of witnessing is different from civil disobedience for it does not attempt to challenge the existing order, but to tell the public that they reject part of it (war, in this case). Rawls has no objection to this kind of argument (see Rawls, *Political Liberalism*, 466, fn. 57).

Critics seem to assume that such creative new forms of expression do not take place, as if we were all rigidly able to express our main religious concerns solely through monistic means. But that is surely not always the case. The whole point of Rawls' overlapping consensus regarding a political conception of justice depends precisely on maintaining that that is not always the case. Indeed, Rawls conceives of people being capable of seeing themselves and their own comprehensive doctrines represented in *that* consensus, even though it does not make reference to specific doctrines, religious or not.

But I would like to stress again that Rawls does not demand that people discuss public or political issues using only non-religious or non-comprehensive arguments. The demand only applies to the kind of reasoning required by the *representatives of the public* to justify constitutional essentials and other laws relating to the basic structure. For this reason, Rawls refers to the Supreme Court as the paradigm of public reasoning. However, I am contemplating the idea of "using publicly available arguments" more generally to make the point that not even then the situation is as restrictive as some critics seem to suggest. Citizens, not only judges, can adjust — and often do—their arguments in order to reach better and wider understanding. Of course, this does not guarantee that understanding and the goal of an overlapping consensus will be achieved. But it puts forward a legitimate aspiration, a moral ideal. Such an ideal is not as restrictive as some critics portray it.

Now these considerations are not an attempt to overlook some problems in Rawls' understanding of public reason. In a recent chapter, for instance, philosopher Jeffrey Stout revises and expands the critique of Rawls he presented in *Democracy and Tradition*, targeting Rawls'



convoluted development of his notion of public reason.<sup>109</sup> Stout rightly points out that Rawls seems to have at times a more inclusive and dialectical understanding of public reason, and other times a more restrictive approach to it.<sup>110</sup> I accept Stout’s critique regarding Rawls’ “murky” account of the concept, granting that there are inconsistencies in the multiple angles through which Rawls approached the topic. However, following my prior remarks, I support a more holistic approach and embrace what I take to be the essential components of Rawls’ notion of public reason: that people should do their best to produce arguments that are as publicly available as possible in a given time.

In this sense, I disagree with Stout’s interpretation of Rawls’ position vis-à-vis the figure of the hypothetical “Great Orator.”<sup>111</sup> For Stout, this is a paradigmatic figure of ethical social change (he models it after Gandhi, King, and others) that uses nonpublic reasons to make society more just. The Great Orator does so by inspiring people and often by challenging the public consensus about just social arrangements. Stout suggests that Rawls’ more restrictive understanding of public reason would not be happy with such figure. Moreover, it also implies that Rawls’ approach has trouble accounting for creative innovations like this, since they would not proceed through public argument alone. Ultimately, Stout implies, Rawls’ model could end up justifying the status quo.

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<sup>109</sup> Jeffrey Stout, “Public Reason and Dialectical Pragmatism,” in *Pragmatism and Naturalism: Scientific and Social Inquiry after Representationalism*, ed. Matthew C. Bagger (New York: Columbia University Press, 2018).

<sup>110</sup> The more flexible and dialectical type would be represented by Rawls’ understanding of “reflective equilibrium” in *Theory*. The more restrictive type, that Stout calls “public reason restriction” (PPR) would appear in “The Idea of Public Reason,” see Stout, “Public Reason and Dialectical Pragmatism,” 175–78.

<sup>111</sup> Stout, “Public Reason and Dialectical Pragmatism,” 195–99.

But this is a quite uncharitable reading of Rawls' point, although *hypothetically* possible based on some of the inconsistencies Stout highlights. Beyond the arguments already presented above, I would like to point out that Stout ignores in his critique the *actual* content of *justice as fairness*. Stout seems to forget that the thrust of the project is to create just social arrangements based on the principles of equality and difference, not to validate *any* kind of public consensus just because it follows from widely accepted modes of reasoning. Equality and difference *normatively* define the most basic meaning of social justice. If a society violates these principles, it is unjust. It does not matter if injustices are widely accepted and validated through public reasoning.<sup>112</sup> Therefore, Stout's suggestion that Rawls' model of public reason would indirectly endorse slavery or other forms of abuse if the arguments against it are not public *strictu sensu* appears to me as untenable. *Formal* publicity is not what really matters. What matters is the ultimate goal of public reason; what matters is justice. Precisely for this reason Rawls has no fundamental problem accepting Lincoln's speech, as noted above. Hence, Stout's reading is only possible *if* one takes public reason in its narrowest, most formal sense *and* isolates it from the content and goals of Rawls' project. But at that point it is unclear if we are talking about *justice as fairness* any longer.

Yet, the thrust of Stout's critique is well taken. Rawls model appears to be a bit rigid at times and some of its parts do not seem to be fully connected, which leaves room for the criticism of those who are not interested in connecting the pieces and tend to generally reject formal and too

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<sup>112</sup> In fact, Stout makes a very similar point in *Democracy and Tradition*, 195–96, while discussing “unconditional obligations.” For Stout, these are moral obligations (the repudiation of torture or slavery, for instance) that people must follow unconditionally. This does not imply that everybody embraces them or that they are unconditional *sub specie aeternitatis*. It only means that they are attributed to everyone by those committed to the values of the democratic tradition. They are the expression of the practice of democracy. Hence, Stout's name for his approach: pragmatic expressivism. The difference with Rawls is that he reaches his principles of justice (the unconditional obligations) via theoretical speculation. Stout focuses on practices and inductively identifies the principles. In my view, these approaches complement each other. In Chapter 3 I come closer to Stout's take, attempting to bridge the apparent gap.

theoretical approaches to justice. Stout's pragmatist orientation and focus on grassroots organizing clearly puts him on that camp.<sup>113</sup> But I have suggested here that there are more "pragmatist" ways to interpret Rawls that are compatible with the goals of *justice as fairness*. Indeed, it is possible to develop an approach based on Rawls' view that gives great emphasis to our moral imagination and the formation of ideals, to our role-taking in moral reasoning, and to the creative process necessary to produce an overlapping consensus.<sup>114</sup> When these elements are added, the achievements of Rawls' theory come into sharper focus. *Justice as fairness* does not offer a once-and-for all answer to all issues about social justice, but "at least provide[s] guidelines for addressing further questions."<sup>115</sup> Yet these are key guidelines for they give us a blueprint to adjudicate among conflicting claims about the good. I will expand on these issues in Chapter 2 and, especially, in Chapter 3.

Liberation theology can be construed as an example of Rawls' "overlapping consensus." What Rawls only discusses at the theoretical level is powerfully realized in liberation theology. We would see as the argument keeps moving that liberation theology, through its creative

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<sup>113</sup> Stout, "Public Reason and Dialectical Pragmatism," 206–209.

<sup>114</sup> I take this to be close to Stout's "dialectical pragmatism." For my view includes Rawls' "inclusive" understanding of public reason (in which Socratic dialectics plays a key role), but also incorporates the study of ideal-formation and its affirmation. Stout writes: "My interest in reasoned change derives from my interest in large-scale social and political change, another topic that receives disturbingly little attention in liberal political theory. Globalization, greenhouse gases, and oligarchy are three of the many worrisome things that cast longer shadows over political life with every passing day. Our political institutions and practices are not coping well with such things. A large adjustment is required. One good way of preparing the public and our students for that moment would be to inform ourselves about how significant social and political change has happened in the course of the past two hundred years. Many of the people who pushed such change along had reasons, and gave reasons publicly, sometimes impressively, for what they were doing. Our theorizing, teaching, organizing, and activism ought to be informed by what they said and did" ("Public Reason and Dialectical Pragmatism," 207). As we will see, these are some of the key insights of Chapter 3, where I develop an "affirmative genealogy" of the ideals of the democratic tradition.

<sup>115</sup> Rawls, *Political Liberalism*, xxix.

interpretation of the resources of the Christian tradition, puts forward a conception of justice that very much overlaps with Rawls'. Moreover, in practice, this movement was always able to navigate organically the demands of public reason and the demands of the Christian tradition. But this requires moral imagination, that is, the capacity to interpret and re-interpret critically, constructively, and comparatively the moral resources we have available in order to respond to specific issues.<sup>116</sup> I take Rawls to be doing that with his theory of justice and Gutiérrez and others to be doing the same with the notion of liberation. Yet several further steps are necessary to make such an argument compelling.<sup>117</sup>

With these remarks on the role of religion in the public sphere, we have reached the end of my presentation of Rawls' theory of justice. What comes next is an assessment of the promise and limits of this approach. In order to do so, in Chapter 2 I examine some of the most important criticisms made about *justice as fairness* since its first introduction to the philosophical and political debate. Does Rawls' doctrine have sufficient resources to respond to it satisfactorily?

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<sup>116</sup> I draw here from William Schweiker, "On Religious Ethics," in *The Blackwell Companion to Religious Ethics*, ed. William Schweiker (Malden, MA: Blackwell, 2005), 3 where the author discusses similar ideas in regards to the critical, constructive, and comparative tasks of religious ethics.

<sup>117</sup> Interestingly, we could argue backwards as well. It is not only that liberation theology's conception of justice overlaps with *justice as fairness*. One could see *overlapping consensus* taking place within the Rawlsian corpus as well. In this sense, the fascinating discovery of John Rawls, *A Brief Inquiry into the Meaning of Sin and Faith: With "On My Religion,"* ed. Thomas Nagel (Cambridge, MA: Harvard University Press, 2009) a few years ago is quite enlightening. For there we see some of the key ideas argued by Rawls in *Theory* and *Political Liberalism* articulated through theological language and premises. So we can find in the relationship between Rawls' early and mature work a blueprint that could guide us in the process of finding overlap between religious and secular doctrines of justice. Some of this work has been advanced by Joshua Cohen and Thomas Nagel in the introduction to *A Brief Inquiry*, in which they consider some of Rawls' later ideas a "secular analogue" (12) of the ones presented in his thesis (see 7ff.). But I try to go beyond that. Yet in order to do so, a theory of interpretation that stresses similarity-in-difference is necessary. Hence the recourse to the theological hermeneutics of David Tracy in Chapter 4 of this investigation.

Later, I will present my own assessment of the promise and limits of *justice as fairness*, using them as a thread that will guide us to the next parts of the argument in this dissertation.

## **5. Conclusion: The Principles of Justice and the Love for Humanity**

In closing, a summary of the findings of this study of Rawls' theory of justice is in order to move to the following chapters: First and most important, this account of *justice as fairness* has stressed as much as possible that for Rawls the "thin theory" of the good cannot be fully understood without the "full theory" of the good. As noted before, this is an issue too often overlooked. And because it is (as we will see in the next chapter), many critics overemphasize the role of the original position, as if it were representative of the entirety of Rawls' view. By contrast, my emphasis on the two levels of the theory allows us to see from the very beginning that the role of the good, the importance of our communities, and the individual-community relationship are of great relevance to Rawls.

Second, this examination has made clear that the reason why Rawls prioritizes the right over the good is because the latter cannot be accomplished without the former. We need criteria to adjudicate among conflicting accounts of the good. But the criteria must be as thin as possible, so that it becomes only a framework for the pursuit of our life plans and not a dominant end. Further, I have shown that even though there is priority, it should not be understood in forceful terms. For ultimately the right and the good can converge in Rawls' theory when we examine them more closely.

Third, I take this non-forceful priority to be especially important in the case of religious or, more generally, comprehensive conceptions of the good. We have seen that Rawls is a strong defender of religious freedom and an opponent of secularist conceptions of the role of the state. However, in cases where comprehensive conceptions of the good violate individual rights, Rawls argues that those rights should have priority. Protections of this kind have to do with constitutional essentials and are basically there to defend people's life against authoritarian threats against it. But this always remains at the thin level, without imposing a dominant end. Further, there is nothing in Rawls' approach that forbids religious practice or religious argument in the public sphere. He only favors more publicly available arguments when there is need for them, especially for questions related to the basic structure to be decided by courts of justice. But we will return to some of these issues in the following chapter.

Fourth, I have stressed that the original position is a device of representation, as Rawls repeatedly asserts. But I have also made the point that we should emphasize more than Rawls does the fact that the original position is an exercise of *moral imagination*. In Rawls' work this is an underdeveloped theme, but it will have a crucial role in this dissertation. For complex moral questions require creativity, imaginative skills that can yield new interpretations or new ways to see old ones. I take Rawls to be doing this with the contractual tradition, and I will argue that liberation theology does something analogous with the Christian understanding of social justice. Hence moral imagination, creativity, and interpretation would play a key role in this dissertation, but this would require going beyond Rawls, while also acknowledging that his work has accomplished much and has provided some seeds pointing in the direction that this dissertation will take.

We may consider this attempt to go beyond Rawls' theory as an effort to develop what we may provisionally call a theory of the *creativity of justice*, in which the necessary formal and rational components of justice make room for its embodied, emotional, unanticipated, and contingent dimensions as well. In this sense, we can stress the more *active* components of justice both in terms of the struggle to make it *real* in concrete action situations and in terms of its *ideal* character which operates as a permanent source of motivation and orientation. Put differently, justice cannot be conceived statically. It can only be realized through the creative and active appropriation of its core values and, in turn, by re-creating them in new historical contexts. But the main elements of the creativity of justice will become increasingly clear as we progress with the argument.

Finally, and related to this last point, I also want to stress the importance of *ideal* theory, but in a way slightly different from Rawls. We have seen in the previous pages that ideal theory has great value insofar as it allows the *critical distance* we all need to develop criteria to face conflicting claims regarding what is just in a society with many conceptions of the good. But there is another layer in "ideal" that is often overlooked and that Rawls himself downplayed in *Political Liberalism* in order to provide a more "realist" account of political consensus. I am referring to the understanding of ideals that emphasizes their attractive force, their desirability, even their call upon us. It too often goes unnoticed that Rawls' conception of justice is ideal in this sense as well. Most of the time, his position is criticized for being too abstract, too disconnected from the concrete struggles for justice that we see in our societies. If right, this criticism only emphasizes the negative connotations of ideals, their "idealism". However, there is a sense in which ideals are very real and

have great transformative power. Utopian visions often have this function.<sup>118</sup> It is in this sense that the heading of this section should be understood. For Rawls, the principles of justice at the core of his theory have the role of providing the basis for that ideal “social union of social unions” where love for each other has primacy. The principles of justice are the condition of possibility of that ideal vision of a well-ordered society where the values of solidarity, fraternity, equality, etc. are fully embodied. For Rawls, love for humanity demands the establishment of justice.<sup>119</sup> His principles are an attempt to do so. We will see in the coming chapters that this is another point where *justice as fairness* and liberation theology overlap.

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<sup>118</sup> On ideals and utopic visions and their role in the transformation of reality, see Robert N. Bellah, *Religion in Human Evolution: From the Paleolithic to the Axial Age* (Cambridge, MA: Harvard University Press, 2011), 573ff. This is also an important theme in Martha Nussbaum’s and Hans Joas’ work, to which I will turn in Chapter 3.

<sup>119</sup> Rawls, *A Theory of Justice*, §30, 191.



## CHAPTER 2

### THE THEORY UNDER SIEGE:

#### FROM MISINTERPRETATION TO REORIENTATION

Having studied Rawls' theory of justice at some length, it is now time to confront it with its critics. My goal here is not so much to defend Rawls as to think constructively about the relationship between norms and values, the right and the good, this in order to understand more clearly what kind of role religion may have in the public sphere, especially when the question of social justice is at stake. In this sense, examining the objections to the theory may prove profitable. For the objections may further underscore the accomplishments of the theory if they do not hold, but may also make us aware of its shortcomings if they are on target. The title of this chapter suggests that there is significant misunderstanding behind the objections leveled against *justice as fairness*. But it will also become apparent that the theory requires significant refinement and, to a certain degree, reorientation.

I proceed as follows. I start with some brief methodological considerations about my principles of selection of Rawls' interlocutors, adding some remarks on my criteria to determine whether their critique should be considered successful. Second, I examine the work of Michael Sandel, one of the earliest critics of Rawls' work. Here I consider the problems of Sandel's reconstruction of Rawls' theory, yet noting that he does identify underdeveloped themes. Key among them is Rawls' quite shallow account of the self. Third, I deal with Alasdair MacIntyre's account of our moral situation. I argue that MacIntyre's account is flawed and that only in such an account could his critique of Rawls be sustained. However, as with Sandel, I note that his critique

raises relevant points missing in Rawls. Most important is the lack of a narrative for Rawls' conception of justice. Third, I examine a short but importance piece by Charles Taylor. I take Taylor's critique of Rawls to represent a bridge between the first two critics and the last one, Paul Ricoeur. For Taylor has reservations like those of Sandel and MacIntyre, but also acknowledges the importance of criteria for justice that go beyond the mores of a given community. Yet Taylor does not bring his intuitions to fruition. In the fourth section, I examine the work of Ricoeur, whom I take to be the most insightful critic of Rawls. We will see that Ricoeur fully understands the nature of *justice as fairness* and fundamentally agrees with it. Nevertheless, he raises some legitimate concerns about contexts in which procedural justice shows its limits. I close this chapter with a summary of its main findings.

## **1. Communitarians or Libertarians? On Principles of Selection and Adjudication**

Before moving on, a brief note on how I have selected my interlocutors. For two reasons I mostly focus on the criticisms coming from the communitarian front<sup>1</sup>: First, despite there being important critics on the liberal side, most prominently Robert Nozick, I maintain that their criticisms are *less* demanding, for they do not question Rawls' allegedly reductionist conception of justice, but his supposedly unwarranted attempt to *maximize* the domain of justice. In this sense,

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<sup>1</sup> As often happens with attempts to group different authors under one label, the notion of "communitarianism" can be misleading. As with pragmatism, liberalism, and liberation theology, among many others, we should talk about family resemblances and never assume that labels of this kind describe a unified school of thought. Granting this, I consider that the label does speak about significant similarities regarding the priority of community-shaped conceptions of the good over positions that prioritize individual rights. For a more concrete attempt to disavow some of the connotations associated with communitarianism, see Michael J. Sandel, *Liberalism and the Limits of Justice*, Second Edition (Cambridge, UK: Cambridge University Press, 1998), ix–xi. There, Sandel distances himself from some versions of communitarianism that uncritically support the values that currently prevail in a community without addressing their content.

the criticisms tend to focus on the difference principle. They tend to argue that taxes and other forms of redistribution attempt to restrict how much wealth and goods a person can accumulate. Such restrictions would not be the domain of a liberal understanding of justice but a violation of people's entitlements.<sup>2</sup>

In contrast, communitarian critics take Rawls' principle of *justice as fairness* as saying too little about justice. His would be an excessively narrow conception of justice that does not consider personal and community-shaped understandings of the good. Hence such critics do not want to shrink the domain of Rawls' theory of justice, but instead aim for a more expansive notion of justice, one in which more content is given to it based on particular understandings of the good.

Therefore, communitarian criticisms put more pressure on Rawls' theory in two ways. First, they tend to reject the stress on individual, equal liberty because they see it as based on a truncated depiction of the self that does not take into account its intersubjective constitution. In contrast, libertarian critics like Nozick never question the principle of equal liberty. They actually emphasize it more than does Rawls. Second, communitarians do not generally question the difference principle as a form of justice due to the community, but reject that it should be based on a theory that has as its starting point the above mentioned conception of the self. Instead, they advance the idea that commitment to other members of the community is only possible as an expression of community-shaped values. Such a demand does not appear in critics like Nozick.

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<sup>2</sup> For Nozick's classic statement of these views, see Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974). For a brief summary of Nozick's divergences from both Rawls and the communitarians, see Stephen Mulhall and Adam Swift, *Liberals and Communitarians*, Second Edition (Oxford: Blackwell, 1996), xv–xvii. For a careful reconstruction and compelling critique of Nozick's views, see Thomas Pogge, *Realizing Rawls* (Ithaca, NY: Cornell University Press, 1989), chapter 1. For positions similar to Nozick's, consider F. A. Hayek, *The Constitution of Liberty: The Definitive Edition.*, ed. Ronald Hamowy (Chicago, IL: The University of Chicago Press, 2011); Milton Friedman, *Capitalism and Freedom*, 40th Anniversary Edition (Chicago, IL: The University of Chicago Press, 2002).

Communitarian criticisms, therefore, constitute a more demanding test for *justice as fairness*. If a competent response can be provided to them, my argument in this dissertation can progress.

This takes us to my second reason: this is not a dissertation on John Rawls but a constructive attempt to take advantage of the theoretical resources employed by Rawls in order to respond to particular problems. Hence my goal is not to provide a comprehensive defense of Rawls' theory, but to test it insofar as it proves useful for the concerns of this dissertation. My key concern is to understand the role of religion, particularly of Christianity, in the public sphere insofar as it has to respond to demands coming from the political and the ecclesial realms, among others. In that sense, it is crucial to pay attention to the objections presented by authors who are concerned about how *justice as fairness* might be putting unnecessary pressure on community and especially on religious values. Libertarian critics do not have such concerns.

Lastly, let me be clear about my two criteria for the evaluation of the arguments leveled by the critics. On the one hand, I will examine whether specific objections correctly target problems that *justice as fairness* has not addressed or cannot address, and whether those objections identify mistakes or limitations in this account that require some solution. On the other, I will consider whether a given criticism provides a viable alternative account of the issue at stake and whether that alternative account offers a constructive path forward. Put differently, I suggest examining these claims based on the following criteria of justification: First, at the *procedural level*, a successful criticism would identify problems to reduce error. Second, at the *heuristic level*, a successful criticism would advance thinking.<sup>3</sup> If the criticisms meet these criteria, we should

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<sup>3</sup> For my criteria of justification, see William Schweiker, "On Religious Ethics," in *The Blackwell Companion to Religious Ethics*, ed. William Schweiker (Malden, MA: Blackwell, 2005), 13–14.

probably dismiss *justice as fairness* as an inadequate theory of social justice. With these considerations in mind, let us examine the criticisms.

## **2. The Dislocated Self: Michael Sandel**

Generally, critics of *justice as fairness* argue for some form of the following statement: “We cannot justify political arrangements without reference to common purposes and ends, and . . . we cannot conceive our personhood without reference to our role as citizens, and as participants in a common life.”<sup>4</sup> Critics of this kind object to Rawls’ emphasis on individual liberty and the choosing self; they argue that Rawls depicts the self as independent of her desires and ends. Hence, Rawls’ rendering of the person is incomplete. For, say the critics, our aims and attachments, our different roles and perspectives are constitutive of who we are. Moreover, this is not solely an issue of psychology or anthropology; it is an issue of deep moral value. For a community-shaped conception of the good, Rawls’ critics argue, might well be the solution to the problems his theory of justice attempts to solve. Indeed, intolerance, conflict, etc., so goes the argument, “[flourish] most where forms of life are dislocated, roots unsettled, traditions undone.” Hence the problem is not so much the existence of thick conceptions of the good, but the confused “atomized, dislocated, frustrated selves, at sea in a world where common meanings have lost their force.”<sup>5</sup>

### **2.1. Sandel’s Earlier Critique: Self and Community**

The earliest comprehensive articulation of these criticisms came from the pen of Michael Sandel in his now classic *Liberalism and the Limits of Justice* (1982). There Sandel criticizes

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4 Michael J. Sandel, *Liberalism and Its Critics* (New York: New York University Press, 1984), 5.

5 Sandel, *Liberalism and Its Critics*, 7, 7.

liberalism in general and Rawls in particular for the privileged place they give to justice over other political ideals. But, significantly, this priority is questioned based on a more basic problem: the conception of the self that allows its emergence. Such a conception renders liberalism's vision "flawed, the aspiration incomplete."<sup>6</sup>

Indeed, the main objection here is that Rawls has an implicit but not fully spelled out philosophical anthropology that conceives the person as autonomous and prior to her ends and personal endowments. Rawls' deontology, his priority of the right over the good, requires a correlative "deontological self." The self *ought to be* conceived as prior to her personal characteristics values, aspirations, traditions, etc., as a self already individualized, capable of choosing freely without reference to values, ends, etc. Only in such a way, so goes the argument, could one explain what takes place in the original position and the alleged stress on self-interest.<sup>7</sup> Sandel reaches this conclusion by reversing Rawls' procedure. Instead of considering the kind of moral subjects that would agree on the principles of justice, Sandel's method consists in taking "the principles of justice as provisionally given and [arguing] back to the nature of the moral subject."<sup>8</sup> Sandel concludes that only a dislocated moral subject, disconnected from her endowments and values, would yield Rawls' principles of justice. Notes Sandel,

[In] Rawls' conception the characteristics I possess do not *attach* to the self but are only *related* to the self, standing always at a certain distance. This is what makes them attributes rather than constituents of my person; they are mine rather than me, things I *have* rather than *am*.<sup>9</sup>

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<sup>6</sup> Sandel, *Liberalism and the Limits of Justice*, 1.

<sup>7</sup> Sandel, *Liberalism and the Limits of Justice*, 47–50.

<sup>8</sup> Sandel, *Liberalism and the Limits of Justice*, 49.

<sup>9</sup> Sandel, *Liberalism and the Limits of Justice*, 85. The context of these claims is Sandel's discussion of natural endowments and the fact that Rawls considers them arbitrary from a moral point of view. Sandel takes this idea as meaning that our natural assets do not belong to us and that we have no moral right to take advantage of them for the pursuit of our own good. Any close reading of Rawls would show that this is a misconception. Rawls' point is that being, say, smarter does not confer more political rights on

From this characterization of Rawls' position, an equally critical approach to the Rawlsian political community follows. If the political community is merely an association for mutual benefit whose rationale is always to advance my own interests, we are simply left with an impoverished conception of the political. Rawls would be completely ignoring the constitutive role of the goods of the community.

In sum, the alleged aspiration to neutrality in the adjudication of competing claims in the political sphere depends on a deontological, metaphysical understanding of the self as an autonomous, self-interested being. Rawls would have introduced a meta-argumentative conception, based on his own metaphysical beliefs, that shapes the entire argument without making it explicit. Sandel's exegetical reading would have discovered this fundamental, implicit choice.

Further, this choice renders the difference principle incoherent. For there is no way to make sense of our commitment to the good of others if there is no *common* sense of the good. Hence, in order to make sense of the normative concern for the least in society we need a conception of the self that is not separate from her ends and her belonging to a concrete community. From this would follow that the agreements reached in the original position have no binding force. They would take place only at the cognitive level and with *ad hoc* stipulations, instead of being the consequence of genuine deliberation among actual persons.

But do these charges hold? In order to have an error-reducing and heuristic critique, we need first to see whether there is understanding. I suggest that Sandel misconstrues Rawls'

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someone, not that greater intelligence does not define who we are or that we cannot take advantage of it for our own good, within certain parameters. The same applies to greater moral goodness: it does not make us worthy, in principle, of different treatment at the level of constitutional essentials. Pogge has followed this thread carefully and provided a powerful critique of Sandel's reading of Rawls on endowments and desert. See Pogge, *Realizing Rawls*, 73ff.

argument and thus provides a diagnostic that is only adequate, say, for a different patient. Further, the misunderstanding persists over time. For Sandel's more recent engagements with Rawls' work reproduce some of those earlier exegetical mistakes.

The first thing to consider is that Sandel is aware that Rawls does not explicitly maintain the account of the moral subject that Sandel attributes to him.<sup>10</sup> Hence Sandel's task is one of unearthing a hidden, taken-for-granted conception. My approach, by contrast, is text-based, only allowing speculation when the text itself invites it. Certainly, there are some sections in *Theory* that invite confusion and allow Sandel's interpretation, but only if they are read in *isolation*. For instance, Rawls' understanding of the parties as mainly concerned with advancing their own interest or, conversely, as being mutually disinterested in one another could suggest a certain egoism and lack of care for the other. In addition, the stipulations of the veil of ignorance suggest individuals who are separating themselves from some of their constitutive assumptions.

But not qualifying these considerations does not do justice to Rawls' conception. First, in Rawls' view *justice as fairness* is part of our own good, the precondition for achieving more specific forms of good that are deeply connected to our personal histories, our communities, etc. Recall that for Rawls the principles of justice are a condition for social union, for community. Sandel's mistake, contrary to Rawls' explicit intention, is to see in the original position a hidden anthropology instead of a mere device of representation.

Second, even if we decide to ignore Rawls' full theory of the good, it is still possible to refute Sandel's argument by appealing only to the stipulations of the original position. For the parties *do* have a conception of the good when they enter the original position. That is, they *do*

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<sup>10</sup> See Pogge, *Realizing Rawls*, 87ff.



have ends and values, and these, Rawls believes, are constitutive (although this is further clarified in section III of *Theory*).<sup>11</sup>

Rawls' point is that despite having different ends and values, the parties can *still* appeal to their moral imagination to conceive of certain just social arrangements that will be just for all regardless of their conceptions of the good, natural endowments, etc. Assuming that this moral imagination does not exist or that it necessarily implies the dislocation of the self is, to use Sandel's own terminology, an alternative deontology of the moral subject: one where the person lacks the capacity to imagine herself in different contexts and is unable to adapt her moral reasoning to them. But such an approach is surely mistaken. Not only do we know through ordinary experience that we can adapt and imagine ourselves in different roles, but social psychology has shown that such adaptability is a constitutive element of who we are as persons.<sup>12</sup>

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<sup>11</sup> For similar reasons, the charges leveled at Rawls by Seyla Benhabib, *Situating the Self: Gender, Community, and Postmodernism in Contemporary Ethics* (New York: Routledge, 1992) do not hold either. Benhabib follows Sandel's interpretation, which conditions the outcome of her own critique (161–62). Thus, she quotes Rawls regarding the stipulations of the original position and stresses only what the parties do not know (161–62), but completely overlooks what they *do* know. Thus, she portrays the “Rawlsian” self as an unreal, universalized self instead of one that has moral imagination and the capacity to imagine herself in different contexts. Hence the unsoundness of the idea that there is no plurality behind the veil of ignorance (162, 167), when Rawls' position is exactly the contrary: only because there is a plurality of conceptions of the good do we need an agreement in the first place. Similarly, it is also a misunderstanding to claim that the veil of ignorance poses the danger of hostilities among citizens due to the negation of otherness, as if the veil of ignorance *actually* veils the other. Instead, what such a veil does is give us criteria *for* the “struggle of recognition” that Benhabib stresses as necessary in the political sphere, rather than ignoring such struggle (167–68). She concludes by claiming that her argument shows that we should overcome dichotomies between the right and the good (170). However, it is a mistake to argue that such a dichotomy is present in Rawls. My section on the “full theory of the good” in Chapter 1 attempted to show that.

<sup>12</sup> On this issue, see Hans Joas, *The Creativity of Action* (Cambridge, UK: Polity Press, 1996), 184ff. Drawing from G. H. Mead, Joas defends the “primary sociality” of the human being, which is particularly evident in our capacity for “role taking” (187). I see Rawls' original position as a theoretical attempt at “role taking,” whose consequences will become more evident the more my argument progresses in this chapter and, especially, in Chapter 3 and following.

I maintain that we should interpret Rawls' original position as an exercise of our moral imagination where we take the fundamental experience of "role taking" to a higher and more complex level of abstraction to conceive fair terms of cooperation for a just society. Of course, moral imagination and moral agents are not free from bias, fears, etc., but that does not make it impossible to imagine just conditions for living together. It just makes it harder. I take this seriously and this dissertation attempts to answer this moral issue directly, as we will see more clearly in the next chapter.

In short, this line of criticism does not affect Rawls in any significant way. It is based on a mischaracterization of his position and thus produces error instead of reducing it. For similar reasons, this kind of critique does not meet the heuristic criterion either. Not only does it not reduce error, it also does not show an alternative path forward for us to understand how to adjudicate among conflicting claims in pluralistic societies.<sup>13</sup>

## **2.2. Sandel's Later Critique: Bracketing, Pluralism, and Public Reason**

Similar problems emerge in Sandel's more recent writings on Rawls. For example, Sandel has returned to his original query regarding Rawls and liberalism, namely, the priority of the right over the good. Yet he has dropped the concern about the deontological subject because he believes Rawls has done the same in *Political Liberalism*.<sup>14</sup> Sandel's problem now is that Rawls'

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<sup>13</sup> See Pogge, *Realizing Rawls*, 92.

<sup>14</sup> Sandel, *Liberalism and the Limits of Justice*, 189ff. He claims that *Political Liberalism* "does not presuppose any particular conception of the person" (189). But this is incorrect. The entirety of Lecture II of *Political Liberalism* is devoted to the kind of person Rawls' conception of the citizen requires. Further, such a conception is not significantly different from the one put forward in *Theory*. Nevertheless, given that Sandel believes this is not an issue anymore, and given that I have shown earlier that when he did believe it was an issue his critique was based on a series of exegetical problems, I will examine what he believes is now at stake: the insufficiency of the right to resolve issues pertaining to the domain of the good. Moreover, given that religion is a key issue in his new critique, responding to some of his objections would allow me to start introducing what I believe is at stake when religious argument enters the public arena.

conception of the political sphere and the kind of reasoning allowed there is too narrow and, ultimately, incoherent.<sup>15</sup> Three reasons sustain this critique. First, that Rawls' political conception demands that we bracket our comprehensive doctrines in the public sphere, which Sandel considers arbitrary. Instead, we should deal with the comprehensive doctrines and discriminate among them based on their truth. Second, that Rawls accepts the fact of reasonable pluralism *only* for comprehensive doctrines, but not for conceptions of justice, which Sandel sees as unjustified. Lastly, that Rawls' conception of public reason does not allow the discussion of fundamental political and constitutional questions with reference to our comprehensive doctrines, which Sandel takes to be an undue restriction that impoverishes political discourse.<sup>16</sup> Let us discuss these objections one by one.

Chapter 1 of this dissertation discussed the relationship between public reason and comprehensive, especially religious, doctrines. Recall first that the “bracketing” that Sandel criticizes is not as expansive as he suggests.<sup>17</sup> It is not true that claims arising from comprehensive doctrines must be put aside in the public sphere. Rawls' position is that citizens *ideally* should use arguments that are publicly available to other citizens for the sake of understanding in political deliberation. But we have seen how Rawls does not believe this must be enforced and that he defends an inclusive understanding of public reason. Where Rawls' theory *does* enforce the use of

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<sup>15</sup> Similar arguments have been provided by Nicholas Wolterstorff, “Why We Should Reject What Liberalism Tells Us about Speaking and Acting in Public for Religious Reasons,” in *Religion and Contemporary Liberalism*, ed. Paul Weithman (Notre Dame, IN: University of Notre Dame Press, 1997); Jeffrey Stout, *Democracy and Tradition* (Princeton, NJ: Princeton University Press, 2004).

<sup>16</sup> Sandel, *Liberalism and the Limits of Justice*, 196.

<sup>17</sup> For an excellent summary of the main arguments against Rawls' conception of public reason and the alleged undue restrictions on public arguments based on religious convictions, see the Introduction to Tom Bailey and Valentina Gentile, eds., *Rawls and Religion* (New York: Columbia University Press, 2015). I agree with the refutation of the six lines of critique they identify (7–11), but my arguments here also stress elements that they do not take into account.

publicly available reasons is in the contexts of courts of justice and especially in the Supreme Court.

But it is the second part of Sandel's first objection that actually shows why Rawls' position holds. In Sandel's view, certain pressing questions demand that we say something about their truth-value. One of Sandel's examples is abortion. The liberal, he argues, basing her argument on the values of toleration and equal citizenship, would grant women the constitutional right to have an abortion. "But if the Catholic Church is right about the moral status of the fetus, if abortion is morally tantamount to murder, then it is not clear why the political values of toleration and women's equality, important though they are, should prevail."<sup>18</sup> Sandel's view is that in a case like this we cannot decide by appealing to neutrality. Bracketing substantial views about life simply avoids the problem, he says.

But Sandel's point depends on a misunderstanding. For he attributes to Rawls a naive notion of neutrality that Rawls does not defend. Rawls' conception of justice is *morally normative*. From this follows that Rawls defends a conception of the good. But this conception is minimalistic. There is no dominant end in it. Such a conception is based on the agreements hypothetically reached in the original position, that is, on the principles of justice. Hence, Rawls' idea was never to remain neutral when facing evil simply because such an evil is based on a comprehensive doctrine and the state should not intervene. Consequently, to suggest that the Rawlsian liberal will have nothing to say regarding slavery is completely misguided.<sup>19</sup> Quite the contrary: because the

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<sup>18</sup> Sandel, *Liberalism and the Limits of Justice*, 198. Jeffrey Stout, "Public Reason and Dialectical Pragmatism," in *Pragmatism and Naturalism: Scientific and Social Inquiry after Representationalism*, ed. Matthew C. Bagger (New York: Columbia University Press, 2018), 202–205, pursues a similar line of argument. Hence, my response to Sandel's argument also attempts to address Stout's concerns.

<sup>19</sup> Sandel, *Liberalism and the Limits of Justice*, 198–202.

principle of equality has normative character, slavery could never be allowed. The principles provide criteria for making decisions when we face competing claims regarding the good.

The case of abortion is surely more complex, but Sandel's corollary is instructive. For Sandel seems to support the liberal position that would grant women the right to have an abortion, but he allegedly does so on different grounds, namely not by giving priority to the right (toleration and equality, in his example), but by showing that "there is a relevant moral difference between aborting a fetus at a relatively early stage of development and killing a child."<sup>20</sup> But this begs the question: How? How can Sandel make the case for the right to have an abortion without giving priority to the right? If the opponents base their argument on, say, a divinely revealed understanding of the person according to which there is no gray area and abortion is equal to killing: How could Sandel persuade the opponents that there is a moral difference between early stage abortion and the killing of a child? I see two possibilities.

To show that abortion is not equal to murder, Sandel could choose the path of immanent critique and use resources from the tradition. Yet given how substantial the belief that life starts at conception is in the official Catholic teachings, this path does not seem particularly promising.<sup>21</sup> However, there is some room in the tradition for more complex understandings of the topic in which the charge of murder can be dropped, and other considerations can be incorporated. For instance, the Catholic tradition gives great importance to moral discernment and to the believer's

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<sup>20</sup> Sandel, *Liberalism and the Limits of Justice*, 198.

<sup>21</sup> Of course, this does not mean that most Catholics agree with the church on this or other matters. In fact, polling conducted all over the globe consistently shows that most Catholics do not share the views of the church on abortion. By my point here is not about support for the teaching. It is rather about whether the resources of the tradition allow for an unapologetic Catholic pro-choice stance. I suggest this is difficult to maintain, although there is room for such possibility. However, Catholics can support the legal right to have an abortion on political grounds with much less difficulty, as I show in my second line of argument.

right to follow the dictates of her own conscience, even if this conflicts with the teachings of the church.<sup>22</sup> In addition, one could note that the teachings on abortion have not always been the same and that the rationale for its prohibition has changed over the centuries.<sup>23</sup> Lastly, one could also consider the importance of a holistic understanding of life. In some circles this is known as the distinction between being “pro-life” and only being “pro-birth.” A more holistic understanding would consider questions of social justice that involve the social location and potential trauma of the mother and the life prospects of the unborn, among others. Such a holistic, interpersonal understanding of life is also deeply Catholic and could help to counter act-centered, merely biological understandings of human life and sexuality.<sup>24</sup>

Alternatively, Sandel could pursue an argument analogous to the perspective of a judge in a court of justice. In this case, he would abstain from determining whether Catholics are wrong in believing that life begins at conception and instead he would maintain that regardless of the truth-value of such a position, a decision has to be made in regards to the legal status of abortion. On Catholic grounds, abortion may well be forbidden (or perhaps allowed in exceptional cases like killing in a just war, as Sandel suggests).<sup>25</sup> But because there are alternative visions about when life starts, and because an argument with *publicly available* premises can be made for the moral distinction between a fetus and a child, the judge could decide that the Catholic view cannot be

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<sup>22</sup> The question of a well-formed conscience is an essential component of Margaret A. Farley, *Just Love: A Framework for Christian Sexual Ethics* (New York: Continuum, 2006).

<sup>23</sup> Indeed, a key issue in this regard is the extent of the authority of the Catholic magisterium. See Jean Porter, “Contraceptive Use and the Authority of the Church: A Case Study on Natural Law and Moral Discernment,” in *A Just & True Love: Feminism at the Frontiers of Theological Ethics: Essays in Honor of Margaret A. Farley*, ed. Maura A. Ryan and Brian F. Linnane (Notre Dame, IN: University of Notre Dame Press, 2007).

<sup>24</sup> See Todd A. Salzman and Michael G. Lawler, *The Sexual Person: Toward a Renewed Catholic Anthropology* (Washington, DC: Georgetown University Press, 2008), 258.

<sup>25</sup> Sandel, *Liberalism and the Limits of Justice*, 198.

imposed on all citizens. Guided by the principle of equality, the judge would allow the right to have an abortion in certain circumstances. The Catholic may consider this an abomination, but she *may* understand that because not everyone shares her comprehensive view of life, this may be the only way to deal with the issue: making a judicial decision that does not force abortion on anybody, but allows it if deemed necessary.

Sandel does not elaborate his reasoning on abortion beyond the citation provided above. However, it is plausible that he would have recourse to a way of reasoning similar to my second option if the first fails. But if he does so, he would need some criteria. From the sketch I just provided it seems that the argument would have to rely on certain basic principles of justice, certain notion of the kind of arguments publicly available, and certain notion of reasonableness. Sandel would have to count on a Catholic who, despite her disagreement with the ruling of the judge, is capable of seeing it as reasonable not to impose the judge's view on the beginning of life on all citizens given that all do not share such a view. Instead, perhaps hesitantly, she would recognize that in such a context the principles of equal freedom and toleration are the best we have to deal with the controversy over abortion. This is Rawls' general view of the priority of the right over the good.

Sandel's mere postulating that we have to address the truth of different competing comprehensive doctrines without giving us any criteria of how to do so offers no way out of the problem. He merely rejects Rawls' solution without giving us an alternative. Further, as noted, he hints at an answer that he then does not fully develop, but that answer is hard to see as differing significantly from Rawls,' which renders his critique significantly less plausible. We will see with MacIntyre that a more coherent critique along the lines of Sandel's objections to Rawls would either have to propose a dominant end for all members of society or, if that is unfeasible, advance

the idea of voluntary isolation from society to pursue the good in small communities with common ends. But this is not Sandel's proposal. Indeed, Sandel does not seem to have one.<sup>26</sup>

Perhaps we could consider an alternative path that instead of reasonable agreement stresses conflict. In such a case, the Catholic in the example would attempt to overturn the court's decision using the existing available processes: appealing the ruling up to the Supreme Court if necessary. Further, as is the case in the United States, if the Supreme Court rules in favor of the right to have an abortion, the person in the example may attempt to use her voting power to appoint a president who could alter the consensus in the court by appointing new justices (a key element in many Evangelicals' and Catholics' reasoning to elect Donald Trump). Philosopher Chantal Mouffe has called this strategy "agonistic pluralism."<sup>27</sup> Yet, I would argue that this is not really an alternative path. First, even Mouffe's argument for agonistic pluralism supposes some basic terms of fair cooperation, which in my view leaves the core of Rawls' position untouched. The ideal of stability may be less achievable and the consensus may be more like the *modus vivendi* Rawls did not favor, but my point is that some general criteria to adjudicate among conflicting claims would still be necessary.

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<sup>26</sup> I believe this is true of Sandel's more recent writings as well. Consider, Michael J. Sandel, *Justice: What's the Right Thing to Do?*, First Edition (New York: Farrar, Straus and Giroux, 2009). Perhaps the difference in this piece is that Sandel attempts to meet the heuristic criterion by offering some mild ("I don't have a fully worked out answer," 261) counter-proposal. Arguing that some problems cannot be decided on the basis of liberal neutrality (his examples are abortion, stem cell research, and same-sex marriage), he claims that we need a rich sense of the common good, fostering a culture of sacrifice and service, some limits on markets, civic virtue, and a politics of moral engagement. Yet his proposals are extremely general and offer no criteria to adjudicate among conflicting claims. Plus, his attack on neutrality mischaracterizes once more Rawls' principles of justice as if they attempt to be absolutely neutral instead of putting forward a thin conception of the good precisely to be able to adjudicate when there are conflicting claims about the good of life.

<sup>27</sup> See Chantal Mouffe, *The Democratic Paradox* (London: Verso, 2000) and *Agonistics: Thinking the World Politically* (London: Verso, 2013).



However, putting Rawls' work aside for a moment, I believe that "agonistic pluralism" risks romanticizing conflict. In Mouffe's argument this is less the case, since she keeps agonism within democratic parameters. But other critics have deemed this defense of the democratic charter a form of "arbitrary and uncontestable fundamentalism." Instead, they invite us to a Nietzschean "unremitting playfulness, or radically unconstrained self-creation"<sup>28</sup> without any concrete proposals or sense of nonnegotiable principles.<sup>29</sup> Does it follow that we can we drop inalienable human rights for the sake of "unremitting playfulness," for instance? In this version, agonism is, at best, ambiguous; at worst, truly dangerous. Thus, looking for non-Nietzschean alternatives seems to be a project worth pursuing. Rawls' is one, but certainly not the only one. I will explore other options in Chapter 3.<sup>30</sup>

Let us return to Sandel. The other two objections have already been partially addressed, so I will be brief. Sandel maintains that Rawls does not accept reasonably plural conceptions of justice as he does for conceptions of the good. But this is incorrect. Rawls accepts the pluralism, but believes that there are superior conceptions. His argument in *Theory* was precisely to justify in detail why *justice as fairness* is superior to Utilitarianism or libertarian views of rights and entitlements. In fact, Sandel acknowledges this and considers Rawls' arguments for the defense of the difference principle to be compelling.<sup>31</sup> Inexplicably, Sandel then suggests that Rawls is not

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<sup>28</sup> Jason A. Springs, "On Giving Religious Intolerance Its Due: Prospects for Transforming Conflict in a Post-Secular Society," *The Journal of Religion* 92, no. 1 (January 1, 2012): 26, 26.

<sup>29</sup> Springs writes: "By no means does [this account present] a solution to intransigent and irreparable conflict." ("On Giving Religious Intolerance Its Due," 28).

<sup>30</sup> On Nietzsche and other alternatives for morality, see Hans Joas, *The Genesis of Values* (Chicago, IL: University of Chicago Press, 2000), especially chapter 2; and *The Sacredness of the Person: A New Genealogy of Human Rights* (Washington, DC: Georgetown University Press, 2013), especially chapter 4. For another account that stresses conflict resolution as the ideal, see Paul Ricoeur, *The Just* (Chicago, IL: The University of Chicago Press, 2000). I will turn to Ricoeur's position towards the end of this chapter.

<sup>31</sup> Sandel, *Liberalism and the Limits of Justice*, 206–207.

willing to allow arguments of this kind to evaluate comprehensive doctrines. But I do not see how he comes to this conclusion for he does not offer textual evidence to support it.

Sandel seems to think that not arguing *about* comprehensive doctrines follows from the alleged bracketing imposed by Rawls' conception of public reason. But such a bracketing does not apply to all kinds of issues and, more importantly, has to do with the capacity to understand each other rather than with the desire to get rid of religious or moral arguments. When competing views of, say, same-sex marriage clash, the judiciary ultimately will have to make a decision about what is legally allowed. In order to make that decision, arguments *for* and *against* would be considered but the final decision would have to be based on publicly available reasons. Sandel's confusion arises from his collapsing two separate issues: a) not resolving disputes using criteria coming *from* comprehensive doctrines, and b) not arguing *about* issues related to comprehensive doctrines. Rawls defends the first position, not the second. So certain views can surely be declared illegal and considered wrong. There is nothing in Rawls' work that suggests that his notion of neutrality implies that there are no normative claims. Slavery is wrong and should be illegal even if some defend it on comprehensive grounds, for instance. This directly follows from the principle of equality.

Lastly, it follows from the previous points that Rawls' idea of public reason imposes no "severe restrictions" on the political debate. The restrictions have to do with the capacity to reach mutual understanding (publicly available reasons) and with the need to have criteria vis-à-vis conflicting and perhaps incompatible conceptions of the good (the principles of justice). These restrictions are only severe if we believe that certain dominant ends should rule society and that only arguments dependent on them should be allowed. But given the fact of pluralism, and assuming that the pluralism is *reasonable*, people would agree to certain restrictions for the

common good.<sup>32</sup> That is Rawls' point. Of course, Rawls acknowledges that this is an ideal. But as noted in the conclusion of Chapter 1, ideals have great value in the pursuit of real improvements in ordinary life. Hence what we need is not to get rid of ideals, but to offer a more capacious account of their relationship to ordinary life. This will be the task of the following chapters.

But let me briefly expand on this issue before concluding. For similar arguments have been put forward by Nicholas Wolterstorff. Similarly, I believe that Wolterstorff makes exegetical mistakes and that most of my responses to Sandel apply to his objections as well. Nonetheless, there is one particular misunderstanding that I find productive and able to help us move forward. Wolterstorff wrongly attributes to Rawls' principles of justice the status of mere *consensus populi* instead of the normative character they have for Rawls.<sup>33</sup> Despite this mistake, Wolterstorff casts light on an important problem. His question is this: *Why* do we have to believe in the principles of justice? The mere fact that a society is organized according to them is no answer.<sup>34</sup> He is right. Wolterstorff is pointing here to the issue of moral motivation. Were Sandel and Wolterstorff right about the undue burdens put on the religious believer by Rawls' conception of the political sphere, they would have a strong case to question the validity of *justice as fairness*. But they are not: Rawls' theory puts forward very limited and reasonable restrictions.

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<sup>32</sup> The current pandemic of COVID-19 is an excellent example. In most places in the globe religious services have been suspended fearing the spread of the virus. Even though not being able to gather as communities to worship is a great loss, most religious denominations have accepted this restriction as a reasonable use of the power of the state for the sake of the common good. Yet there have been some vocal outliers, see R. R. Reno, "Keep the Churches Open!," *First Things*, March 17, 2020, <https://www.firstthings.com/web-exclusives/2020/03/keep-the-churches-open>. For a theological articulation of the importance of these restrictions, see Roberto J. De la Noval, "Common Sense Isn't Enough: Can the Pandemic Cure Us of Bad Habits of Mind?," *Commonweal*, March 26, 2020, <https://www.commonwealmagazine.org/common-sense-isnt-enough>.

<sup>33</sup> Wolterstorff, "Why We Should Reject What Liberalism Tells Us," 171.

<sup>34</sup> Wolterstorff, "Why We Should Reject What Liberalism Tells Us," 179.

However, what Rawls' project does not offer is a clear sense of how to live "a religiously integrated existence."<sup>35</sup> For this reason, I believe liberation theology makes a crucial intervention in the debate about norms and values: it theoretically and practically shows how to have "a religiously integrated existence" in the context of societies with a plurality of conceptions of the good. As I have argued in Chapter 1, this will require exploring what Rawls' overlapping consensus really looks like. Perhaps it is worth noting that Wolterstorff himself seems to agree with me in his closing remarks where he points to the overlapping consensus as a possible solution, although without naming it as such.<sup>36</sup>

Let me close by noting that Sandel's more recent critiques do not meet the procedural and heuristic criteria either; his interpretation is clearly based on significant errors and provides no alternative proposal. But Sandel closes his essay on *Political Liberalism* not so much with a critique as with an important reflection: "democratic politics cannot long abide a public life as abstract and decorous, as detached from moral purposes, as Supreme Court opinions are supposed to be."<sup>37</sup> I believe he is absolutely right. Hence, a satisfactory theory of justice would have to address far more seriously than Rawls the connection between democratic principles and the existential attachment the citizen can develop to them. For without a vision in which these principles are seen as part of our own good, democracy is at permanent risk of collapse. Rawls is aware of how important this is, but his proposals are quite limited. I will try to meet this challenge in the following chapters.

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<sup>35</sup> Wolterstorff, "Why We Should Reject What Liberalism Tells Us," 177.

<sup>36</sup> Wolterstorff, "Why We Should Reject What Liberalism Tells Us," 180–81.

<sup>37</sup> Sandel, *Liberalism and the Limits of Justice*, 216.

### 3. Moral Calamity: Alasdair MacIntyre

We find a related but different and much more pessimistic critique in Alasdair MacIntyre's *After Virtue*. His is a tragic vision: something happened to us as a culture; something got lost. At some point, he argues, there was a common sense of the good, a shared *telos*. But our common *telos* is now gone. The main evidence he puts forward to support this claim is what he sees as the unsurpassable problem of moral disagreement in our age. Moreover, the problem is not so much the presence of moral disagreement as it is the lack of criteria of adjudication for different moral claims. MacIntyre deems this to be a "moral calamity."<sup>38</sup>

Given that moral disagreement is the symptom of our state of "grave disorder,"<sup>39</sup> one would imagine that an effort like Rawls' which directly addresses the problem of moral disagreement, would have some impact in MacIntyre's argument. It does—but only to be dismissed as a failure. We will see shortly that this is due to the fundamentally different premises of analysis.

#### 3.1. Rawls' Failure: The Lack of Moral Agreement

Rawls appears in MacIntyre's text six times, but I take two of them to be particularly significant. The first time, his name is mentioned in passing with a few other authors whose work MacIntyre considers representative of our moral catastrophe. MacIntyre acknowledges that projects like Rawls' are "incompatible with emotivism,"<sup>40</sup> the moral approach that advances personal preference as the criterion to solve moral disputes (one of the main targets of MacIntyre's

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<sup>38</sup> Alasdair C. MacIntyre, *After Virtue: A Study in Moral Theory*, Third Edition (Notre Dame, IN: University of Notre Dame Press, 2007), xvii.

<sup>39</sup> MacIntyre, *After Virtue*, 2.

<sup>40</sup> MacIntyre, *After Virtue*, 21.

critique). Indeed, this is the case: Rawls explicitly attempts to respond to the emotivist challenge by providing agreeable and reliable criteria.<sup>41</sup>

Why is Rawls' project indicative of the problem, then? Because neither his nor any other has been capable of reaching moral agreement because they all reject what MacIntyre calls the *teleological scheme*, a rejection that finds in emotivism its most extreme contemporary philosophical articulation. Such a teleological model, which dominated in the European Middle Ages, had three basic components: a) human-nature-as-it-happens-to-be; b) precepts of rational ethics; and c) human-nature-as-it-could-be-if-it-realized-its-*telos*.<sup>42</sup>

According to MacIntyre's narrative, this changed in the Late Middle Ages and, especially, with the Protestant Reformation and Jansenism. Thereafter, reason was considered so severely damaged by sin that it could supply "no genuine comprehension of man's true end." Still, the contrast between (a) and (b) was retained: "[T]he divine moral law is still a schoolmaster to remove us from the former state to the latter, even if only grace enables us to respond to and obey its precepts." Reason would remain useful, but only in the discernment of means to action; about ends "it must be silent." In the modern period, with the secular rejection of Protestant and Catholic theology, on the one hand, and the scientific and philosophical rejection of Aristotelianism, on the other, (c) finally collapsed. And, "since the whole point of ethics . . . is to enable man to pass from his present state to his true end," it follows that the "Enlightenment project" philosophers, with

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<sup>41</sup> John Rawls, *A Theory of Justice*, Original Edition (Cambridge, MA: Harvard University Press, 1971), § 7, 34ff.

<sup>42</sup> MacIntyre, *After Virtue*, 52–53.

their rejection of the teleological scheme, “engaged in what was an inevitably unsuccessful project.”<sup>43</sup> Rawls is simply a representative of this longstanding error.

Moreover, despite his prior acknowledgment, MacIntyre asserts that Rawls’ lack of success in solving moral disagreement is also related to the fact that projects like his, instead of rejecting emotivism accept its substance.<sup>44</sup> When the shared teleological scheme is no more, MacIntyre appears to be saying, we all become emotivists of some kind even if we deny it. By the end of the day, we all attempt to solve moral disagreement by appealing to our personal preferences and, hence, we never succeed.<sup>45</sup>

Consider now MacIntyre’s second significant interaction with Rawls. Here MacIntyre engages directly with Rawls’ theory of justice (and Nozick’s). He concedes that Rawls’ principles of justice follow from the stipulations of the original position. In this sense, he contends that Rawls’ position is coherent. The real problem is that other positions, like Nozick’s, are coherent too. How can we determine which one is superior? For both Rawls and Nozick defend equality, but the former stresses respect for needs whereas the latter respect for entitlement. MacIntyre’s point is that we cannot make such a determination: these positions are *incommensurable*. He adds:

If Rawls were to argue that anyone behind the veil of ignorance . . . ought rationally to prefer a principle which respects needs to one which respects entitlements . . . the

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<sup>43</sup> MacIntyre, *After Virtue*, 53, 54, 54, 55, 55.

<sup>44</sup> MacIntyre, *After Virtue*, 21.

<sup>45</sup> As will become clear, I disagree with MacIntyre. The main reason for my disagreement is that I reject his diagnosis of moral calamity. Indeed, only by agreeing with it could one reach the conclusions he reaches. I will expand on this shortly. Nevertheless, it is precisely such a diagnosis that allows him to say that American Pragmatism is the “*praeparatio evangelica* for emotivism” (*After Virtue*, 66). His comment is made in passing, but is very telling because it shows that MacIntyre does not take pragmatism seriously. Yet, a common feature of this philosophical school is the concern with the problem of contingency. They, like historicists and hermeneuticians, accepted the reality of human contingency, but were deeply committed to doing so without falling prey to relativism. In this sense, pragmatism should be considered not *praeparatio*, but the overcoming of emotivism.

immediate answer must be not only that *we* are *never* behind such a veil of ignorance, but also that this leaves unimpugned Nozick's premise about inalienable rights.<sup>46</sup>

But is this an adequate critique? I believe not. First, of course, *we* are *never* behind the veil of ignorance. The original position is simply a representational device, as Rawls notes countless times. Hence the fact that such a situation has never taken place does not affect Rawls' argument at all: its not being a historical event *is* a part of the argument. Second, precisely because the veil of ignorance in the original position operates as a device of representation that helps us to conceive just social arrangements, it does impugn the notion of absolutely inalienable rights. For when we consider how to organize the basic structure of society for the sake of equality, some restriction to our entitlements makes sense for the sake of their overall preservation. I have explained this at length in Chapter 1. In sum, the dramatic tone of MacIntyre should not mislead us. Disagreement is real, but that does not mean that all positions are equal, nor that there are no criteria by which to adjudicate among them. Incommensurability only follows if one accepts the premise of calamity. I will return to this in a moment.

One further point deserves examination. MacIntyre maintains that Rawls does not develop the concept of desert in his theory of justice.<sup>47</sup> For MacIntyre, this is again a symptom of the moral calamity of our time:

We have already seen that the notion of desert is at home only in the context of a community whose primary bond is a shared understanding both of the good for man and of the good of the community and where individuals identify their primary interests with reference to those goods.<sup>48</sup>

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<sup>46</sup> MacIntyre, *After Virtue*, 249.

<sup>47</sup> MacIntyre, *After Virtue*, 249.

<sup>48</sup> MacIntyre, *After Virtue*, 250.



But such a shared understanding is gone—hence the state of grave disorder in which we live. Yet MacIntyre does not attempt to understand *why* in Rawls’ theory of justice desert does not have the role it would have in a teleological approach. The short answer is that the notion of desert can undermine justice. In Rawls’ model moral goodness or greater skill do not entitle us to more rights. We should all have equal political rights regardless of our goodness or skills (first principle). Moreover, we should have access to basic social and economic rights regardless of our moral standing, ability, etc. (second principle). In a society that is teleologically modeled, the dominant good defines who deserves what. If the final good is, say, God, the unbeliever may not fare so well.

### **3.2. Narrative and Meta-Narrative: Assessing MacIntyre’s Genealogy of Modernity**

Let me further respond to this criticism with some more general remarks about MacIntyre’s genealogy of our current so-called moral calamity. As we have seen, MacIntyre considers the “Enlightenment project” as doomed to fail, a judgment that applies to all its followers among which he also counts Rawls, “one of the latest moral philosophers of modernity.”<sup>49</sup> The reason for this failure, says MacIntyre, is the rejection of Aristotelianism or, more generally, of the teleological model. But does this follow?

#### **3.2.1. Overplaying the Aristotelian Consensus**

I think not. For MacIntyre would first have to prove that our current state of moral catastrophe, *if such*, is the *consequence* of such rejection *and* a direct inheritor of that project.<sup>50</sup>

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<sup>49</sup> MacIntyre, *After Virtue*, 119.

<sup>50</sup> I leave aside who the “we” is that MacIntyre has in mind, for that would take us in another, albeit worthy, direction. Let us simply note that MacIntyre’s position is not only ethnocentric, but also an oversimplification of that *ethne*. For even if, for the purpose of simplification, we dismiss as unproblematic

Second, he would have to account for the conditions that allowed the alleged cohesion of the Aristotelian model in a way that they prove to be better than the conditions of the current model. MacIntyre has great trouble making these two points. First, it is hard to make a conclusive argument regarding the consequences of the rejection of Aristotelianism. MacIntyre seems to overplay its sociological importance as if it alone could hold an entire moral worldview. At best, it would be part of a multidimensional phenomenon. Thus, its rejection cannot *alone* account for our alleged current state of moral disagreement. Moreover, MacIntyre's historical progression is too linear, as if the rejection of the Aristotelian scheme led to the Enlightenment project and this to our so-called moral catastrophe. But this narrative is flawed. In order to work, it must decisively dismiss the emergence of the Romantic movement, Hegel's crucial critique of the Enlightenment project, and so forth, as if these interventions did not have any influence in our culture. At a bare minimum, MacIntyre would have to admit that our situation is significantly more complex than his description, and that his moral assessment of it is, at the very least, disputable.<sup>51</sup>

This brings us to my second challenge. MacIntyre seems to idealize the Middle Ages as a time of lack of moral disagreement, as if moral disagreement only emerged with the "Enlightenment project." He would probably answer by saying that disagreement existed, but always within the boundaries of the teleological scheme. Yet if this is true, then teleology seems

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that MacIntyre advances the superiority of certain European understandings of morality, his position does not take into account the plurality of options available *within* that understanding. I will return to this at the end of this subsection.

<sup>51</sup> We may take his argument in Alasdair C. MacIntyre, *Three Rival Versions of Moral Enquiry: Encyclopedia, Genealogy, and Tradition* (Notre Dame, IN: University of Notre Dame Press, 1990) as a significant modification of his monocausal narrative. In this book, he speaks instead of a greater plurality of competing versions of moral enquiry. Yet, his account remains limited both in scope (only the history of ideas) and variety (only three competing parties). Moreover, it fails to appreciate that not only Thomism, but encyclopedia and genealogy can count as *traditions*.

to be only a placeholder for a kind of reasoning that suggests the transition from potency to act. And, if this is all that there is, then it is hard to see why alternative models that emerged later on should not be called teleological or “Aristotelian” as well.<sup>52</sup>

Therefore, MacIntyre appears to be less concerned about the teleological scheme itself than about the *kind of disagreements* it allowed. Recall that his contrast model is the *Christian, European Middle Ages*. MacIntyre’s critique of the “Enlightenment project” has as its counterpart his idealization of the Middle Ages as a period in which there was no disagreement about *what* the common *telos* was. Put affirmatively, his view is that a common, theocentric *telos* reigned with its corresponding understanding of the virtuous life. We know, of course, that this was never entirely the case. Yet the real issue at this point is not whether MacIntyre’s account of the Christian Middle Ages is fully accurate, but what the social and political *conditions* were that allowed the alleged existence of the common *telos*. Attempting to respond to this issue would significantly change the nature of MacIntyre’s argument.

Indeed, MacIntyre would have to explain more clearly *how* such unified *telos* was sustained. Only then could we better consider whether such a goal is really something we want. The problem is that it is very hard to conceive of such unified perspective without something close to a monopoly of power, represented by the alliance between the papacy and the Christian

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<sup>52</sup> Thus, Kantianism would be a model where we move from a state of moral heteronomy to moral autonomy. Utilitarianism would be an approach where we move from self-centered morality to the pursuit of the greatest happiness for the greatest number. Nietzscheanism would imply moving from a state of burdening morality (the camel in *Thus Spoke Zarathustra*) to one of freely asserting our own (the child) after destroying the prior one (the lion). Certainly, this characterization is an oversimplification, but it helps to express my point: some basic teleology is present in all moral reasoning. This MacIntyre acknowledges somewhat when he calls B. Franklin’s utilitarianism “teleological” (MacIntyre, *After Virtue*, 185).

monarchs. Unfortunately, MacIntyre barely touches on this issue anywhere in the book.<sup>53</sup> But the point is crucial because he considers the time of the Aristotelian scheme vastly superior to ours without ever criticizing the conditions of submission that allowed its alleged dominance in the Middle Ages. Therefore, either MacIntyre would have to be transparent and say that he prefers a model with very little freedom and fixed social strata but more cohesion, or he would have to admit that the “Enlightenment project” brought to us several fundamental goods that were not possible in the prior state of affairs. In short, he would have to admit that the “Enlightenment project” is not simply a moral failure and he would therefore have to revise significantly his diagnosis of our current moral state.<sup>54</sup>

### **3.2.2. The Dangers of Tradition Blindness: Dismissing Human Rights**

If MacIntyre were fairer, he would have to admit that Modernity led to the loss of certain goods but to the gain of several others. One of these gains is surely the progressive emergence of the culture of human rights. Yet MacIntyre mocks human rights, which he considers to be no more real than witches and unicorns.<sup>55</sup> Clearly, rights are not Platonic ideas or things-in-themselves (which is more or less MacIntyre’s point), but neither are the virtues of the Aristotelian model, as

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<sup>53</sup> In all fairness, MacIntyre recognizes that state and church despotisms “destroyed the medieval inheritance” but at the same time “attempted to clothe themselves in the language of tradition” (MacIntyre, *After Virtue*, 237). From this one may conclude that he does not idealize the whole Middle Ages, but the *monastic* period. I will return to this at the end of this subsection.

<sup>54</sup> The nuanced approach to Modernity for which I am advocating here is a salient feature of Charles Taylor’s *oeuvre*. For a brief statement of his position, see “A Catholic Modernity?,” in *Dilemmas and Connections: Selected Essays* (Cambridge, MA: Harvard University Press, 2011).

<sup>55</sup> MacIntyre, *After Virtue*, 69–70.

he will admit in his account of tradition. Therefore, the mockery appears to be irrelevant or, perhaps, a disquieting sign of an anti-democratic impulse.<sup>56</sup>

The justification of the culture of rights cannot be properly given without a genealogy of them.<sup>57</sup> MacIntyre would surely agree. But if this is the case, he faces two options: Either he accepts that the culture of rights belongs to a *tradition* that emerged in the eighteenth century and has persisted until today, in which case he accepts that rights are real; or he misconstrues them as being “moral fictions”<sup>58</sup> by submitting them to a positivistic examination of their possible justification. Regrettably, MacIntyre picks the second option.<sup>59</sup> Certainly, he could argue that he does so because many authors have tried to justify rights as something given or self-evident, lacking historical consciousness. But not all do so.<sup>60</sup> Even Rawls admits this when he accepts in *Theory* and more clearly in *Political Liberalism* that *justice as fairness* belongs to a tradition of liberal ideas. Yet his emphasis is on trying to show that the validity of the principles of justice does not depend solely on such a belonging, precisely to avoid MacIntyre’s incommensurability problem. That is the role of the hypothesis of the original position.

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<sup>56</sup> The anti-democratic underpinnings of MacIntyre’s position have been also highlighted by Stout, *Democracy and Tradition*, 118–39.

<sup>57</sup> For a careful development of this idea in terms of an “affirmative genealogy,” see Joas, *The Sacredness of the Person*.

<sup>58</sup> MacIntyre, *After Virtue*, 70.

<sup>59</sup> In *Whose Justice? Which Rationality?* (Notre Dame, IN: University of Notre Dame Press, 1988), MacIntyre modifies his position on this issue. Here he admits that liberalism can be considered a tradition, but he does so only to continue undermining the whole project: if liberalism is indeed a tradition, then it follows that its claim to “neutrality” falls apart and with it, arguably, the whole project (345ff). I have already addressed the issue of neutrality by discussing similar objections raised by Sandel. MacIntyre and Sandel clearly misunderstand the kind of neutrality for which Rawls advocates.

<sup>60</sup> The already cited works of Taylor, Joas, and Stout are just a few examples.

Moreover, things become complicated for MacIntyre because his account of the superiority of a unified life guided by a *telos* cannot be justified metaphysically or aprioristically.<sup>61</sup> The narrative quest that gives unity to our lives is only possible and understandable in the context of “communities from which I derive my identity.” We are all “bearers of a tradition,” but this does not mean that we have to accept the “moral limitations of the particularity of those forms of community”; in fact, “it is [in] moving forward from such particularity that the search for the good, for the universal, consists.”<sup>62</sup> He adds:

So when an institution . . . is the bearer of a tradition of practice or practices, its common life will be partly, but in a centrally important way, constituted by a continuous argument as to what a university is and ought to be or what good farming is or what good medicine is. Traditions, when vital, embody continuities of conflict. Indeed when a tradition becomes Burkean [*i.e.*, stabilized], it is always dying or dead.<sup>63</sup>

I fully agree with this assessment. *But* from it follows that the Aristotelian tradition should be understood more pluralistically and that it represents one tradition among others. Further, the Aristotelian tradition has proven unable to overcome moral disagreement which, following MacIntyre’s prior criterion, means that it has no *definitive* way to prove it is better than the “Enlightenment project.” This is precisely what MacIntyre admits in the postscript to the second

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<sup>61</sup> Certainly, this is true of MacIntyre, *After Virtue*. However, MacIntyre’s self-admitted “conversion” to Thomism after MacIntyre’s *Whose Justice?* slightly changes this assessment. Ultimately, at the basis of his account is the metaphysical belief in the superiority of the theocentric, Christian, Thomistic understanding of the moral life. Still, MacIntyre cannot prove this in any conclusive way given his embracing of the incommensurability of traditions. Hence the admission of rivalry or competition among them. But his argument over several books is to persuade the reader that a *theocentric* teleological scheme is the most coherent moral position. For a succinct summary of the reasons for the incorporation of a metaphysical grounding (and, later, biological grounding as well) into the earlier theory and how a tradition can claim superiority over others, see the Prologue to the 2007 edition of *After Virtue*. In this sense, we should not be surprised by the invitation to “natural theology” in his latest book. See Alasdair C. MacIntyre, *Ethics in the Conflicts of Modernity: An Essay on Desire, Practical Reasoning, and Narrative* (Cambridge, UK: Cambridge University Press, 2016), 315.

<sup>62</sup> MacIntyre, *After Virtue*, 221, 221, 221.

<sup>63</sup> MacIntyre, *After Virtue*, 222.

edition of *After Virtue*. There he argues that the Aristotelian tradition is simply “the best theory *so far*.”<sup>64</sup>

The problem is what MacIntyre says immediately after the passage cited above: “The individualism of modernity could of course find no use for the notion of tradition within its own conceptual scheme except as an adversary notion.”<sup>65</sup> To be fair, many modern thinkers indeed put things this way and saw in the prior tradition a burden. But very quickly, with Hegel’s critique of the Enlightenment, the Romantic movement, and so forth, this approach was heavily contested and alternative trajectories developed.<sup>66</sup> Charles Taylor has been a key thinker in the retrieval of these alternative trajectories, particularly of the “expressivist” or “authenticity” *modern* tradition. MacIntyre fails to see this. He fails to see that one can retrieve the positive aspects of the “Enlightenment project” without embracing its shortcomings. As a consequence, he can only see disaster and calamity. Instead of contemplating a *via media*, his is an *either/or* approach.

### **3.2.3. Isolation or Confrontation? Between St. Benedict and Lord Gifford**

This becomes clear in the famous ending of *After Virtue*: Indeed, our situation is quite terrible—but it is not unique. There was a time when the virtues were violently threatened, yet they survived. In such a time, the constitution of local forms of community was the answer. So

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<sup>64</sup> MacIntyre, *After Virtue*, 277.

<sup>65</sup> MacIntyre, *After Virtue*, 222.

<sup>66</sup> For a careful critique of MacIntyre’s tendency to overlook the complex genealogy of Modernity, see Robert B. Pippin, *Interanimations: Receiving Modern German Philosophy* (Chicago, IL: The University of Chicago Press, 2015), chapter 11. There, Pippin rightly notes that MacIntyre tends to put forward “exclusive disjunctions” that dismiss other alternatives. In Pippin’s reading, this is clear in the case of *After Virtue*’s ultimate reduction of the moral conflict of Modernity to an *either Aristotle or Nietzsche* dichotomy (239ff.). Pippin suggests instead that there is a third alternative: Hegel. I have suggested the same myself above, but, of course, there are *several* alternatives. Pragmatism is another.

perhaps that is the answer still now. MacIntyre suggests: “We are waiting not for Godot, but for another –doubtless very different– St. Benedict.”<sup>67</sup>

Does this approach meet the procedural and heuristic criteria? In contrast to Sandel, *After Virtue* only tangentially touches on Rawls’ theory of justice. However, its criticisms of Rawls’ position depend on a broader and fundamental issue, namely, his approach to the emergence of Modernity and the plurality of conceptions of the good that came with it. I believe I have made clear why MacIntyre’s genealogy is flawed: his narrative is too rigid and one-sided, making his approach unable to see the complexity behind the process. Therefore, MacIntyre’s position fails to be error-reducing and in fact produces error.

More constructively, though, we should see in this inadequate rendering of the way traditions operate an opportunity to consider how a more capacious approach to justice should work. Our examination of Rawls’ theory has made clear that, despite its many accomplishments, the importance of traditions in the pursuit of justice is an underdeveloped topic in it. Some connections are suggested in his notion of overlapping consensus, but these are not worked out. A more compelling approach would have to work out the connections stressing the creativity of agents and traditions *vis-à-vis* the question of social justice, so that traditions have a key role but not in the rigid sense that MacIntyre attributes to them. My study of liberation theology attempts to show precisely this.

What about the heuristic criterion? Here too MacIntyre’s approach does not allow for much progress. His solution to the problem of the plurality of conceptions of the good in *After Virtue* is, in fact, to flee from the problem. MacIntyre’s answer is the formation of small communities in the

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<sup>67</sup> MacIntyre, *After Virtue*, 263.



expectation of a time of moral reform when a more unified conception of the good will prevail. But this is no real solution. MacIntyre's proposal ends up being very limited not only in its scope, but also in its effectiveness. For those who can truly see that we are going through "the new dark ages,"<sup>68</sup> there remains the hope of the coming of a new St. Benedict while they devote themselves to the formation of monastery-like communities. The rest of society is doomed, for it cannot even see the calamity of its own state. Perhaps the new Benedictine-like communities will have a moral trickle-down effect, but we cannot predict that. Further, it remains quite unclear what the concrete role of these communities is in MacIntyre's moral theory. Beyond a general sense of "resistance," the reader can only speculate about their meaning.<sup>69</sup>

Historically, though, we know that the Benedictine reform did not create a fully unified moral vision. At best, it created a somewhat unified vision for the communities St. Benedict established and for other monasteries that followed his *Rule*. If history is our guide, implying that the sense of virtue fostered by the precepts of the *Rule* could become a widespread phenomenon is surely an idealization of the role of the Benedictine reform in the Middle Ages.<sup>70</sup> So, even if we

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<sup>68</sup> MacIntyre, *After Virtue*, 263.

<sup>69</sup> In the Prologue to the 2007 edition of *After Virtue*, MacIntyre writes: "The effects of Benedict's founding . . . were from the standpoint of his own age quite unpredictable. And it was my intention to suggest, when I wrote the last sentence in 1980, that ours too is a time of waiting for new and unpredictable possibilities of renewal. It is also a time for resisting as prudently and courageously and justly and temperately as possible the dominant, social, economic, and political order of advanced modernity. So it was twenty-six years ago, so it is still."(xvi).

<sup>70</sup> MacIntyre does not offer any suggestion of the kind of local community of Benedictine inspiration he envisages. And if we look at the historical emergence of Benedictine communities, problems arise. Historian C. S. Lawrence notes that there is "a tendency to project the images of a later period backwards upon the earlier age when the Rule was only establishing its reputation." *Medieval Monasticism: Forms of Religious Life in Western Europe in the Middle Ages*, Fourth Edition (London: Routledge, Taylor & Francis, 2015), 17. Indeed, it seems that Benedict and the communities he formed were somewhat unknown in his time. The large network of abbeys that developed later on required not so much a St. Benedict, but the patronage of wealthy rulers who established and endowed the monasteries with the aim "to ensure for the donor an unceasing fund of intercession and sacrifice which will avail him and his relatives both in their life and after death" (61). Therefore, Benedictine abbeys became a widespread phenomenon based on a

take seriously MacIntyre's suggestion, the prospects seem to be very dark. No wonder MacIntyre sees our situation as a moral catastrophe.

Yet, I believe we can find an alternative approach in MacIntyre's corpus. In his Gifford Lectures of 1988, the author seems to advocate for a genuine engagement with rival views instead of hopeful isolation. In addition, he appears to have a more complex account of the problems that allowed the emergence of liberal thought, although in the limited context of the university setting. In this text, MacIntyre argues that the pre-liberal university had unified standards of rational justification that were only possible by enforcing exclusion of alternative views, which made the pre-liberal university "liable to error and abuse, and to consequent injustice."<sup>71</sup> Can this judgment be generalized beyond the university setting and applied to the period prior to the emergence of the liberal tradition? If so: What would be the status of the so-called Benedict option? If the exclusion of alternative views can lead to abuse and injustice: Should we not avoid models of social organization based on such exclusion, like small, isolated communities?

MacIntyre does not draw these connections, but perhaps we can see a hint of a link in his answer to the problem of how to overcome the shortcomings of the pre-liberal and liberal universities. For him, the solution lies in conceiving "the university as a place of *constrained disagreement*, of imposed participation in conflict, in which a central responsibility of higher education would be to initiate students into conflict."<sup>72</sup> Again, MacIntyre's reflections are restricted to the university setting. Yet, one wonders if these ideas could be applied more generally

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mindset that conceived the world through the *division* of spiritual labor, but a *shared* fear of moral damnation. It is unclear to me if this kind of unity would be enough to satisfy MacIntyre's sense of a unified moral vision.

<sup>71</sup> MacIntyre, *Three Rival Versions of Moral Enquiry*, 224.

<sup>72</sup> MacIntyre, *Three Rival Versions of Moral Enquiry*, 230–31, my emphasis.

to society. Would this not lead to something like the development of some general principles for social interaction? Such rules would likely aim for “constrained disagreement,” that is, for some basic consensus about how to live together despite our rival conceptions of the good. Potentially, there will come a time when some of the rivalry could be decided *if by the standards of one tradition* the standpoint of a rival tradition offers superior resources to understand the problem at stake. But these cases are rare.<sup>73</sup> And, in any case, they presuppose the model of constrained disagreement.

But at this point we must wonder if MacIntyre is really far from Rawls’ project. As noted, MacIntyre does not draw the connections between his remarks at the end of *Three Rival Versions of Moral Enquiry* and his prior work. Yet, it appears that when he leaves aside the pessimism and one-sidedness of *After Virtue*, some room for the consideration of just social arrangements starts to emerge. Surprisingly enough, for a moment MacIntyre starts sounding like Rawls.

#### **4. The Need of Trans-Societal Criteria of Right: Charles Taylor**

Having considered the objections to *justice as fairness* put forward by Michael Sandel and Alasdair MacIntyre, I want to address two further approaches: those of Charles Taylor and Paul Ricoeur. These authors represent a different kind of critique. Their questions to Rawls and their different responses allow us to move forward in a more constructive way—from misunderstanding to reorientation, as the title of this chapter suggests. This is the case because Taylor and Ricoeur take more seriously the problems to which Rawls is attempting to respond and thus can consider

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<sup>73</sup> MacIntyre, *Whose Justice? Which Rationality?*, 370.

his answers more fairly. I will restrict my comments to Taylor's work in this section and will turn to Ricoeur in the next.

Charles Taylor's *oeuvre* is vast, yet for the purposes of my argument here his reflections on distributive justice are sufficient to keep us moving forward. Taylor's first considerations are methodological. He inserts the problem of distributive justice within the broader framework of the reflection about the good in life. In order to understand the status of justice, in general, and distributive justice, in particular, we need to understand what kind of good justice represents. The way in which we distribute goods depends on the way we conceive what is good for the person and the community.<sup>74</sup>

In fact, the good of the person cannot be conceived in isolation from the community. Such an approach Taylor calls *atomistic*. To it, he opposes what he calls an Aristotelian view where "man cannot even be a moral subject, and thus a candidate for the realization of the human good, outside of a community of language and mutual discourse about the good and bad, just and unjust."<sup>75</sup> Here we see Taylor's common ground with authors like Sandel and MacIntyre. As noted in Chapter 1, Rawls is aware of this issue. Hence the importance of the full theory of the good in *justice as fairness*. I return to this shortly.

From this premise follows that the principles of distributive justice depend on the way in which the community conceives its own good, a conception that also affects the individual's notion

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<sup>74</sup> Charles Taylor, "The Nature and Scope of Distributive Justice," in *Philosophy and the Human Sciences*, vol. 2, Philosophical Papers (Cambridge, UK: Cambridge University Press, 1985), 289–91. Taylor refers to Sandel and Walzer as important referents to understand the need to insert justice in discussions about the good. We will see in a moment how, despite some key shared ideas, Taylor is able to overcome some of the limitations of these authors.

<sup>75</sup> Taylor, "The Nature and Scope of Distributive Justice," 292.

of the good. Such a conception is represented in the “structure of society” or, more generally, in the “framework” that Taylor maintains. Hence, in a hierarchical society the distribution of goods is not going to be based on principles of equality. For the king or the priest or whoever holds the status of a privileged individual or cast will deserve special treatment. Equality in such a society is inconceivable. In order to have distributive principles based on equality, we need to challenge the whole structure of society.<sup>76</sup> I return to this shortly too, because the key problem I see in Taylor’s approach is that he does not offer a clear account of *how* the criticism to the values of one’s society emerges.

For now I want to stress that there is certain circularity in the way we conceive principles of distributive justice.<sup>77</sup> That is Taylor’s point when he says that there are certain ideas (the good of the family, for instance) that Rawls intuitively accepts as given. We cannot conceive principles in complete isolation. They come from somewhere. That *where* is our communities of value.<sup>78</sup> As we have seen in the discussion of social union, the Aristotelian principle, and so forth, Rawls accepts this. Any other consideration of the human being would imply a radical deformation of the very notion of “human being.” Rawls’ point, nevertheless, is that it is hypothetically possible to move beyond that embeddedness using our moral imagination in order to conceive criteria for the distribution of goods. The “original position,” as a representational device, has that role in *justice*

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<sup>76</sup> Taylor, “The Nature and Scope of Distributive Justice,” 294.

<sup>77</sup> I take this idea of “circularity” from Ricoeur’s own reading of Rawls, to which I turn shortly. Yet we shall see that Ricoeur’s reading of Rawls is more careful than Taylor’s. Hence, Ricoeur can see in Rawls’ project an explanation for such a circularity, whereas Taylor seems to consider it a sign of incoherence.

<sup>78</sup> Taylor, “The Nature and Scope of Distributive Justice,” 295.

as *fairness*. This exercise of our creative moral imagination is not only possible but necessary. Otherwise, moral reasoning and especially moral criticism is rendered incoherent.

This becomes apparent when Taylor faces the question of thinking about justice comparatively. So far it is clear that principles for distributive justice depend on *what* goods the community believes to be worth distributing, which in turn depends on the community's moral framework. But what happens when we encounter other societies that do not meet our society's criteria of distribution? If the criteria depend on each society's conception of the good, then we cannot consider the criteria of another society unjust. Criteria would be tradition-dependent, to use MacIntyre's language and, thus, *incommensurable*.<sup>79</sup>

Yet, that is not Taylor's position. He would like to say that there are criteria and frameworks that we can consider superior to others.<sup>80</sup> Indeed he does, but his reasoning to reach that conclusion seems unwarranted given his premises. Considering the rejection of certain approaches to justice, that is, the fact that we consider them wrong, he writes:

If we ask why we think this, we will recur to the discussion above about the atomist perspective. We believe that there are some ways we should and should not treat each other quite irrespective [of] whether we are associated together in a society or not. In the State of Nature people should not treat others as a booty. This is unjust, in a sense that has nothing to do with distributive justice within a society. The fact that we see that the social

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<sup>79</sup> As suggested before, in works following *After Virtue*, MacIntyre has a slightly more nuanced position on incommensurability. However, the core of his notion remains the same. He only allows the possibility of mutual understanding in very rare cases. See MacIntyre, *Whose Justice? Which Rationality?*, chapter XIX.

<sup>80</sup> For a moment let us set aside the question of whether certain criteria of distribution could be effectively applied in a given context. For we obviously know that certain things are good and, sometimes, we cannot achieve them for a variety of circumstances. That, however, does not seem to be sufficient reason to undermine their goodness. Unfortunately, a confusion of this sort appears to be present in Taylor's argument. See "The Nature and Scope of Distributive Justice," 298–301.

perspective is necessary to raise questions of distributive justice does not mean that we cease to believe in certain inalienable rights.<sup>81</sup>

This assertion begs the question of what warrants the idea of inalienable rights. Recall that MacIntyre spoke about them as being as real as unicorns and witches precisely because we cannot make an argument to justify them outside specific traditions. Hence, MacIntyre would naturally object to Taylor's idea that there is such a thing as "trans-societal criteria of right."<sup>82</sup> We, of course, do not have to agree with MacIntyre and I already offered my critique of his position. The point here is that Taylor only asserts the existence of inalienable rights without giving them justification. His framework appears only to allow an intuitionist approach, which is precisely what MacIntyre considers the reason of our moral calamity: morality is now based on our personal intuition, not on a universally shared conception of the good.

Interestingly, though, Taylor gives us a Rawlsian way out of this seeming contradiction. The solution is to appeal to some form of hypothetical social contract. There we can define what he calls "absolute justice." He argues that a society that is *distributively just* is one in which the criteria for distribution of goods embraced by its membership is fulfilled. Yet a society that is *absolutely just* may well imply to "subvert and destroy the constitutive understandings" of the good in such a society. But how do we determine the standards of absolute justice? These are the standards "we acknowledge in the state of nature." How are we to interpret this somewhat strange answer especially if only a few lines later he seems to criticize Rawls for trying to reach principles of justice a-historically for all societies?<sup>83</sup>

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<sup>81</sup> Taylor, "The Nature and Scope of Distributive Justice," 301.

<sup>82</sup> Taylor, "The Nature and Scope of Distributive Justice," 302.

<sup>83</sup> Taylor, "The Nature and Scope of Distributive Justice," 301–303, 302, 303. Rawls does not use the language of "absolute justice," but we could see his attempt to develop a conception of justice for the

Here we encounter a tension if not a contradiction. Taylor clearly notes the need of normative criteria to say “x is better than y,” but his approach cannot offer criteria outside of a given framework. So he appeals to what seems to be intuitively just, but to avoid mere moral intuitionism he refers himself to some version of the original position. Yet he does not elaborate this idea, perhaps because he acknowledges that following through would undermine his critique of Rawls. Thus he leaves that line of argument unfinished and later returns to the original critique of atomism calling the state of nature a mere “fable.”<sup>84</sup>

But he cannot have it both ways. What seems evident from his ambivalence is that we need *both* historically grounded notions of the good *and* trans-societal standards of justice that go beyond specific conceptions of the good. How do we reach the latter without making a metaphysical argument that will only have validity within metaphysically inclined believers? One option is momentarily distancing ourselves from our concrete social location and trying to justify principles in the most publicly available possible way. This is exactly what Rawls attempts to do in *Theory*. This is also what Taylor suggests is necessary to do, but avoids doing himself.

Unfortunately, he does not work out a systematic approach to this issue in *Sources of the Self*, where one would expect it. Hans Joas has drawn attention to this issue by closely examining two crucial footnotes in the third chapter of *Sources*.<sup>85</sup> In footnote 60, Taylor, like Rawls, distinguishes between the political and the moral realm, arguing that in the political sphere he may be willing to concede that some procedural conception of justice is necessary and, thus, that the

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basic structure as a form of justice that conditions all other spheres as something similar to what Taylor has in mind here.

<sup>84</sup> Taylor, “The Nature and Scope of Distributive Justice,” 305.

<sup>85</sup> Joas, *The Genesis of Values*, 167ff.



right may have precedence over the good. Yet, he argues, we need more than procedures to articulate a liberal democracy, as noted in his article discussed above. In the moral sphere, in contrast, the good always has priority, although he is willing to concede that in certain cases duty should have precedence over self-fulfillment. However, this could be over-taxing and he rejects speaking of the priority of right over the good, but he also rejects the reverse. In footnote 66, he speaks of a prior sense of the right along the lines of his argument in the article discussed here. However, as in the present case, he does not work out a solution to this tension. Hence, in both footnotes we see Taylor coming very close to a position like Rawls,' but not fully developing the implications of his allusions.<sup>86</sup>

Beyond his hesitations in *Sources*, Taylor's main reason to refrain from developing the Rawlsian line of his argument seems to be doubts about application. Can we apply Rawls' principles to actual societies?<sup>87</sup> But here we are facing a completely different question. For it is possible to agree, using some provisions for reasoning and our moral imagination, that there are some standards that are more just than others. That is Rawls' whole point in *Theory* and what Taylor seems to advocate for here. *At the same time*, we can accept that these principles may encounter resistance in many given societies, liberal or illiberal. This may require certain modifications in the theoretical apparatus and the possible policies that could be derived from the principles chosen, but I do not see how problems of application could render the search for shared standards some kind of fable. Principles of adjudication are always necessary, and Rawls has provided a persuasive account of them.

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<sup>86</sup> For his full argument, see Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, MA: Harvard University Press, 1989), 531–33.

<sup>87</sup> Taylor, "The Nature and Scope of Distributive Justice," 308ff.

Of course, as Taylor points out, one has to go beyond the mere *protection* of, say, liberty, and consider also how to sustain the *sense* of liberty.<sup>88</sup> This has to do with the crucial problem of stability, which led Rawls to make some modifications in his approach to *justice as fairness*. In my view, more modifications are needed in order to sustain some of the key ideas of such a perspective. The following chapters will try to work out the necessary additions and modifications that *justice as fairness* needs in order to meet the challenge of stability. One key issue here is the question of motivation, which connects with Taylor's point about sustaining a sense of justice. As Taylor also points out, this is an issue that cannot be solved by rational discourse alone. Besides realism, it also requires imagination. It may even require some ideal vision, a motivating utopia.<sup>89</sup>

Here I fully agree with Taylor. The point cannot be only to determine adequate principles of justice, but to make them operative in society. This requires moral formation, which has a lot to do with moral imagination, ideals, and even utopias. Rawls was fully aware of the need to motivate the citizen morally to abide by the principles of justice, but he only states the need without really developing the conditions to meet it. He simply thought that democratic education based on the principles of justice would give people the motivation to continue defending them. But this seems to be quite insufficient and my task in the following chapter would be to develop this key intuition by starting to consider what role religious discourse can play in the struggle for more just societies.

In sum, we have seen with Taylor an approach that not only accepts the need for trans-societal principles of justice, but also an approach that (albeit indirectly) considers that abstracting from our current moral frameworks might be the way to develop those principles. His position is

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<sup>88</sup> Taylor, "The Nature and Scope of Distributive Justice," 310.

<sup>89</sup> Taylor, "The Nature and Scope of Distributive Justice," 316–17.

underdeveloped, but points in the right direction. Moreover, it makes clear that we need *more* than the determination of principles of justice. We need imagination, affection, narrative, and ideals, which, in contrast, are themes Rawls does not develop. In this sense, Taylor's critical approach fares significantly better than the previous ones in regards to our criteria of justification: it reduces error by acknowledging the need of trans-societal norms and advances the discussion by highlighting the importance of moral motivation. Now it is time to move to the final stage of my argument reflecting on Ricoeur's interpretation of *justice as fairness* and his own constructive proposal.

## **5. Justice and the Relative Universality of Institutions: Paul Ricoeur**

To conclude these remarks on Rawls and his critics, I turn to the importance of institutions for the pursuit of justice. Institutions, especially institutions at the level of the basic structure, require what Ricoeur calls "critical distancing."<sup>90</sup> Constitutional design, for instance, cannot have in mind specific people, but must think about all people in a given society. Further, institutions that attempt to have binding power beyond national borders, like the International Criminal Court, cannot have the context of specific societies in mind, but must have considerations of more universal magnitude. Very few scholars who have engaged Rawls' work critically have understood this as clearly as Paul Ricoeur.<sup>91</sup>

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<sup>90</sup> Ricoeur, *The Just*, 108.

<sup>91</sup> Two additional examples are Thomas Pogge and Martha Nussbaum. But to the extent that their work remains within the general framework of Rawls' theory of justice, Ricoeur's approach is more significant: his is the case of a scholar coming from a very different tradition of thought who is yet able to fairly identify the accomplishments of Rawls' theory.

### 5.1. Michael Walzer's *Spheres of Justice*: Ricoeur on Distributive Justice

Ricoeur carefully engages Rawls' theory of justice in his later writings.<sup>92</sup> He identifies Rawls' key accomplishments, but also important shortcomings. Perhaps the best way to make apparent this nuanced reading is by briefly presenting Ricoeur's interpretation of Michael Walzer's *Spheres of Justice*. For Ricoeur's assessment of what "has been taken as one of the most brilliant rebuttals yet offered to John Rawls"<sup>93</sup> may help us to better understand the importance of the project of *justice as fairness*.

*Spheres* is mainly a defense of what Walzer calls a theory of complex equality. Walzer's basic idea is that we cannot speak of universal principles of distributive justice. Instead, we should acknowledge that the distribution of goods must be based on the meaning these goods have for us. But to consider something as a good depends on a certain background or social structure, to use Taylor's terms. From this follows that different communities will value things differently but also that different spheres of action *within* a given community may respond to different criteria of valuation and distribution—hence the title of the book. We do not speak of justice properly if we use the "one size fits all" approach; instead, we should consider the different spheres of life and see what is just in each of them. Each sphere, upon examination, will yield its own principles of distributive justice.

Now, Walzer's project is openly democratic and egalitarian. In this sense, he shares the core commitments of Rawls' theory of justice. However, Walzer believes that his theory of

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<sup>92</sup> Although many of his ideas are anticipated in Paul Ricœur, *Oneself as Another* (Chicago, IL: The University of Chicago Press, 1992), especially 230–39.

<sup>93</sup> Ricœur, *The Just*, 76.

complex equality can provide a better defense of democratic culture, a communitarian foundation. His way to do it is by making one of the main goals of the theory the rejection of domination: “No social good  $x$  should be distributed to men and women who possess some other good  $y$  merely because they possess  $y$  and without regard to the meaning of  $x$ .”<sup>94</sup> Ricoeur refers to this feature of the theory as the rejection of the *conversion* of goods.<sup>95</sup> The point is this: economic power, for instance, should not be able to buy honor or political standing or grant us academic benefits, and so forth. For such a conversion could become an incentive to accumulate goods in one sphere to directly affect or benefit from another. Common examples are the way big capital influences politics or how money and prestige often determine who has access to good education.

I find Walzer’s view one of the most compelling communitarian arguments for social justice. However, it is hard for me to see how it escapes some of Rawls’ central preoccupations. For even if we apply a strategy of mutual vigilance of spheres, this still begs the question of how to establish the criteria for such proposal. We have seen that Taylor faced similar problems. But Taylor hinted at the need for a trans-societal notion of justice. In contrast, Walzer answers with no ambivalence: “There are no external or universal principles . . . Every substantive account of distributive justice is a local account.”<sup>96</sup> Hence, the only way to pursue justice is by protecting the autonomy of the different spheres, by protecting the criteria to rank goods in each of them. The price of this approach, Walzer openly admits, is “eternal vigilance.”<sup>97</sup>

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<sup>94</sup> Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983), 20.

<sup>95</sup> Ricœur, *The Just*, 87.

<sup>96</sup> Walzer, *Spheres of Justice*, 314.

<sup>97</sup> Walzer, *Spheres of Justice*, 318.

We can see Walzer as taking a quite radical position among communitarian authors. On the one hand, he rejects MacIntyre's nostalgia for a fully unified *telos* since he acknowledges the risks of domination inherent in it. On the other, he rejects the aspiration to some form of universality present in Taylor. Yet, this creates two significant issues. First, *ad intra* society problems: Are the criteria of each sphere enough for distributive justice? What happens when valid competing claims emerge? How do we adjudicate? Second, *ad extra* society issues: Can we speak about social justice beyond geopolitical borders? Is justice inevitably ethnocentric and no claim to universality is even worth discussing?

Here is where the contrast with Rawls in Ricoeur's interpretation is pertinent. Ricoeur asks: "Is political power a good like all others?"<sup>98</sup> Here Ricoeur builds on Walzer's underdeveloped recognition that political power is the "crucial agency of distributive justice."<sup>99</sup> But, if so, would it not have the role of a mediator, of a sphere-border guard? Put differently, Ricoeur's main question is whether or not Walzer's theory can avoid the question of the *integration* of the diverse spheres.<sup>100</sup> Walzer provides no clear answer.

Moreover, despite Walzer's democratic commitments, his argument in *Spheres* raises concerns regarding social change and criticism. For instance, given that Walzer rejects the idea of external principles of adjudication, Joshua Cohen fairly asks how we could account for social change.<sup>101</sup> For Walzer's account of shared social meanings is based on the meanings already

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<sup>98</sup> Ricœur, *The Just*, 81.

<sup>99</sup> Walzer, *Spheres of Justice*, 281.

<sup>100</sup> Ricœur, *The Just*, 88.

<sup>101</sup> Joshua Cohen, "Review of *Spheres of Justice* by Michael Walzer," *The Journal of Philosophy* 83, no. 8 (August 1, 1986): 461.

present in different distributive institutions. Current distributive practices are identified with the way people value the goods distributed by them. But, of course, we know that this is not always the case. Current practices may well not be the embodiment of current values. Walzer has no good answer to this problem. Cohen calls this problem the “simple communitarian dilemma,” which may justify the belief that communitarian views are “intrinsically conservative.”<sup>102</sup>

We know this is true of MacIntyre’s view. Walzer is, in contrast, a quite progressive thinker. Yet the constraints he creates for the justification of his project clearly make him vulnerable to Cohen’s critique:

For, in order to be critical, Walzer must regard significant elements of current practices as not indicative of *our* values. So we can expect that only *some* current practices will be said to embody our values. But we can also expect to be perplexed by the principle of selection.<sup>103</sup>

Indeed, several examples provided by Walzer (healthcare, workplace democracy, etc.) suggest that he makes normative claims about just or unjust social arrangements that are not based on current practices. One wonders where these normative claims are coming from if there is no room for external criteria.

This takes us back to Rawls and Ricoeur. For Cohen’s final point is exactly theirs. It seems that an approach like Walzer’s can only work when there are uniformly shared values. From this follows that “in the absence of such values, [the theory of complex equality] says nothing about what justice requires.”<sup>104</sup> Cohen believes that this situation is the consequence of a more basic choice made by Walzer at the beginning of *Spheres*, namely, presenting the philosophical

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<sup>102</sup> Cohen, “Review of *Spheres of Justice*,” 464, 464.

<sup>103</sup> Cohen, “Review of *Spheres of Justice*,” 464.

<sup>104</sup> Cohen, “Review of *Spheres of Justice*,” 466.

enterprise as an either/or one. In a clear allusion to Plato, Walzer claims that some philosophers *begin* the philosophical enterprise by walking out of the cave. His goal is instead to stand in the cave. Cohen rightly suggests that this is a misunderstanding. In his view, Walzer is not really talking about where the enterprise begins, but where it ends. For all philosophers begin somewhere, but some reject the idea of being confined to the starting place. By making his account “radically particularistic,”<sup>105</sup> Walzer is making a choice about the limits of the philosophical enterprise, leaving us without criteria and with little hope for the integration of the spheres.

Now to be fair, Walzer has a more compelling account of distributive justice and social change in *Interpretation and Social Criticism*. There, he appears to reject the excessive particularism of *Spheres* noting that one could “step back” and discover more specific prohibitions or “step forward” into the complexity of experience and test our “parochial concerns.”<sup>106</sup> Alternatively, he argues, we can study:

actual historical processes by which [certain prohibitions] came to be recognized and accepted, for they have been accepted in virtually every society. These prohibitions constitute a minimal and universal moral code . . . . We might best think of them . . . as emergent prohibitions, the work of many years, of trial and error, of failed partial, and insecure understandings.<sup>107</sup>

Yet, these historical processes only provide a framework “with all the substantive details still to be filled in before anyone could actually live in one way rather than another.”<sup>108</sup> I believe that this approach is quite compatible with Rawls’ project. One may even argue that some of these

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<sup>105</sup> Walzer, *Spheres of Justice*, xiv.

<sup>106</sup> Michael Walzer, *Interpretation and Social Criticism* (Cambridge, MA: Harvard University Press, 1987), 24.

<sup>107</sup> Walzer, *Interpretation and Social Criticism*, 24. This approach comes close to Stout’s “pragmatic expressivism” discussed in Chapter 1.

<sup>108</sup> Walzer, *Interpretation and Social Criticism*, 25.



features of social criticism are key components of *justice as fairness*, especially of Rawls' notion of reflective equilibrium. In this sense, Walzer writes:

Criticism does not require us to step back from society as a whole but only to step away from certain forms of power relationships within society. It is not connection but authority and domination from which we must distance ourselves.<sup>109</sup>

Arguably, this is precisely the role of the original position as a representation device in Rawls' theory: a basic moral core is preserved precisely in order to critically distance ourselves from domination and in order to avoid its incursions in the design of a just society. Similarly, in *Thick and Thin*, Walzer provides an account of trans-societal, trans-sphere criteria for social justice. In this text he articulates the critical distancing from our thick conceptions of the good, "moral maximalism," in terms of the notion of "moral minimalism."<sup>110</sup> The latter he conceives as an effort to find common moral criteria, especially for times of moral crisis. Such criteria are "thin," but essential for adjudication in times of less moral clarity. I am very sympathetic to this pragmatic, problem-solving account of social change and moral consensus. Yet, I would add that this is very much the thrust of Rawls' theory of justice. The difference is that Rawls attempts to elevate this to a systematic account of justice that goes beyond times of crisis. I find Rawls' attempt compelling and in keeping with the way legal systems work. This does not mean that new crises will not challenge preestablished conceptions of justice and the law, but, arguably, some of the preexistent principles will still apply. Hence the importance of their systematic formulation in constitutions, Supreme Court rulings, and so forth.

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<sup>109</sup> Walzer, *Interpretation and Social Criticism*, 60.

<sup>110</sup> Michael Walzer, "Moral Minimalism," in *Thick and Thin: Moral Argument at Home and Abroad* (Notre Dame, IN: University of Notre Dame Press, 1994).

## 5.2. From Radical Particularism to Institutional Ethics: Ricoeur on Rawls

Let us return to Rawls and Ricoeur. Ricoeur clearly notes that Rawls' project attempts to offer criteria by which to adjudicate among conflicting claims. In this sense, his approach shows advantages over the problems Ricoeur identifies in *Spheres*. For in his view, criteria of adjudication—some critical distance from actual experience—is an inherent need of the pursuit of justice. Note, however, that we are speaking of critical distance, a certain degree of abstraction. The point has never been one of completely uprooting the self or the community from the soil of their history and particular narratives. The common mistake of taking the original position as representing a philosophical anthropology has led to this misunderstanding.

Ricoeur understands that this is not the case and is not misled by other interpreters. His reconstruction of the basics of Rawls' theory is careful and fair.<sup>111</sup> But it is precisely this correct reconstruction that allows him to highlight a certain *circularity* in Rawls' project.<sup>112</sup> Indeed, Ricoeur notes that it is not the case that the principles of justice come out of nowhere. In contrast, he maintains that they represent “a rationalization of a sense of justice that is always presupposed.” Ricoeur adds that he does not see this as a problem and hence does not attempt to refute Rawls, but to make explicit his presuppositions. Further, it is not only that he does not see circularity in this context as problematic, but that he takes it to be “characteristic of all ethical reflection.”<sup>113</sup> I will return to this key issue shortly.

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<sup>111</sup> Ricoeur, *The Just*, 36–50.

<sup>112</sup> Ricoeur, *The Just*, 38.

<sup>113</sup> Ricoeur, *The Just*, 50, 50.

More than making explicit certain presuppositions, Ricoeur's task is to highlight something that Rawls explicitly addresses but that less attentive critics often overlook. I refer to the key issue of *reflective equilibrium*. As discussed in Chapter 1, reflective equilibrium expresses the convergence of our *considered convictions* (or considered judgments) and the principles of justice.<sup>114</sup> By "considered convictions" Rawls means, according to Ricoeur, a preunderstanding of what is just in which we have the greatest confidence.<sup>115</sup> But "preunderstanding" is a bit misleading here. For the idea is that these convictions are *considered*, that is, reflected upon. We should think about them as basic moral intuitions that had been discerned and then became part of our moral imagination. Only in this sense are they intuitively available. Otherwise we would be too close to the moral intuitionism that Rawls attempts to overcome.

Ricoeur's general point stands, though. His argument is that the process that leads to the principles of justice should be seen as "progressive rationalization of these convictions."<sup>116</sup> Put differently and using Ricoeur's own terminology, what we see in the process of reaching reflective equilibrium is the critical distancing from certain convictions we hold in order to see if they are actually just. Here the representation device of the original position plays a key role. For through it we are able to acquire the required critical distance and relative neutrality to identify what is just for the basic structure, which may well match our considered convictions. Yet it may also modify them. For as Rawls clearly indicates, considered convictions are not fully free from bias.<sup>117</sup> They may require further consideration.

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<sup>114</sup> Rawls, *A Theory of Justice*, §4, 19–20.

<sup>115</sup> Ricoeur, *The Just*, 54. See also *The Just*, 66ff. for further considerations on "reflective equilibrium."

<sup>116</sup> Ricoeur, *The Just*, 55.

<sup>117</sup> Rawls, *A Theory of Justice*, §9, 49–53.

Ricoeur understands this well in his account of Rawls, but a few lines later appears to see a problem: “Can we preserve both the relation of fitness between theory and conviction and the *complete* autonomy of the argument in favor of the two principles of justice?”<sup>118</sup> Ricoeur does not explain why he speaks of “complete” autonomy here, which seems an unnecessary burden that complicates what could have been a quite straightforward answer. Yet one has only to remember that Rawls interprets the original position as a perspective *sub specie aeternitatis* by the end of *Theory* to justify Ricoeur’s unexplained reservation.<sup>119</sup>

I believe that the best way to deal with this tension is by disregarding Rawls’ final lines in *Theory*, which are quite rhetorical anyway, and return to the core of the argument. Hence, we can replace the notion of “complete autonomy” in Ricoeur’s question and speak instead of “*relative* autonomy.” This seems to fit better with Rawls’ overall perspective in *Theory* and surely in his later writings, where he more emphatically acknowledges being part of a family of liberal perspectives. However—and this is crucial—accepting that *justice as fairness* has a historical location and belongs to a tradition of liberal, democratic ideas does not mean that the conception of justice it puts forward is purely contingent. Hence the notion of relative *autonomy*.

We should remember that the stipulations of the original position advocate for a thin theory of the good that is not just a *liberal* theory. Such a theory is based on certain *real* goods that we need in life. In this sense, the theory has a *realist* dimension.<sup>120</sup> For primary goods, at the very

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<sup>118</sup> Ricoeur, *The Just*, 55, my emphasis.

<sup>119</sup> Rawls, *A Theory of Justice*, §87, 587.

<sup>120</sup> For a discussion on the question of moral realism in its relationship to the diversity of goods, see William Schweiker, *Responsibility and Christian Ethics* (Cambridge, UK: Cambridge University Press, 1995), 117ff. Not all goods are relative to context. Some, at least the ones Schweiker calls “pre-moral goods” (117–18) are goods that we all need universally for the pursuit of other more complex forms of good. In this sense, we can speak of moral *realism*.

least, are not a mere question of personal or theoretical preference: we need food, we need shelter, etc. Self-respect may seem less obvious, but I believe Rawls makes a compelling case to show that it is also primary. It is on the basis of these goods that Rawls develops his principles of justice.

So, while there is some circularity, it is not of the kind that invalidates the principles as a mere formalization of a particularist conception of the good. The fact that these principles emerge out of the context of the tradition of liberalism does not make them less universal. It only accounts for their genesis.<sup>121</sup> Moreover, the stipulations of the original position attempt to make the principles *as universal as possible*, that is, as independent from context as possible. For this reason, it would be a mistake to believe that the principles of justice are *merely* a formalized philosophical version of, say, the Golden Rule.<sup>122</sup> For they cover much more content and provide significantly more criteria. Even though our considered convictions and the principles may concur, the stipulations of the original position yield principles that provide criteria for the revision of our considered convictions.

In this sense, the principles also provide the resources for social criticism and reform which we hardly find in Walzer's *Spheres*. For we may believe, for instance, that there should be no restriction on accumulation of capital as a consequence of the value we put in freedom. Yet upon careful reflection and using the original position as a device of representation, Rawls would argue

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<sup>121</sup> Yet the genesis of certain ideas and values could become a key element in the effort of fostering commitment to them. This is the aim behind the notion of *affirmative genealogy* in Joas, *The Sacredness of the Person*, which will play an important role in the rest of the dissertation.

<sup>122</sup> Although Ricoeur does not say this explicitly, sometimes it seems that he believes Rawls is doing something along these lines, see Ricoeur, *The Just*, 56.

that we can correct such a conviction and consider it unjust.<sup>123</sup> The relationship between the principles and our convictions is thus *dialectical*, not identical: some of our considered convictions may provide the prime matter for the principles of justice, but the principles may also modify these convictions in due course.<sup>124</sup>

In this sense we can fairly speak of the *relative* autonomy of the principles of justice, thus responding to Ricoeur's reservations. Moreover, this reveals a new and final element worth considering, namely, the role of institutions in the pursuit of justice. For institutions, the law, the judiciary, and so forth, are not completely autonomous, yet they must be *relatively* autonomous in order to be able to adjudicate among competing claims. Further, for Ricoeur himself the relationship between general norms and specific situations is dialectical, which provides a blueprint to better explain the relationship between the principles of justice in Rawls and our considered convictions.

Ricoeur addresses this question from different angles, but the relevance of institutions or the "third party" emerges more clearly in the act of judging, especially as it takes place in the courts of justice.<sup>125</sup> Ricoeur considers this issue from the perspective of the person of whom we

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<sup>123</sup> Hence, Ricoeur (*The Just*, 72) is only partially right when he states that Rawls does not say what considered convictions satisfy the conditions of reflective equilibrium. The threshold is drawn by the principles, especially by the first: the bare minimum is respect for the equal liberty of all under the law.

<sup>124</sup> Arguably, the anti-domination criterion in Walzer's *Spheres* could accomplish the same, but its lack of specification appears as a comparative disadvantage vis-à-vis Rawls' principles. In addition, as noted, Walzer has trouble extending his argument in *Spheres* to trans-societal conflict.

<sup>125</sup> For the most comprehensive English-language study to date on Ricoeur's understanding of institutions, see Michael Le Chevallier, "The Stain of Association and the Burden of Membership: Institutional Ethics in Paul Ricoeur and Catholic Social Thought" (PhD Dissertation, The University of Chicago, 2019). Le Chevallier shows that Ricoeur does not develop a systematic institutional ethics, yet he compellingly reconstructs it through his comprehensive study of Ricoeur's *oeuvre*. In Le Chevallier's view, Ricoeur's ethical account of the role of institutions has four components: 1) institutions are mediatory, 2) institutions are necessary to meaningful freedom and meaningful action, 3) institutions are ambiguous, and

can say that it is a subject of rights. But this he thinks requires a prior consideration about the very notion of subjectivity and what about the self makes it *capable* of rights. Of course, the question of the self is a major issue in the philosophy of Ricoeur (and Taylor), an issue to which I will return in the following chapters. But for the purposes of these brief considerations, let us just consider the self in its connection to the problem of justice.

In this sense, according to Ricoeur, a key feature of the person capable of rights is *self-designation*: “I am the agent. I am the author of my acts.” But identity is more complex than mere self-designation. For we understand ourselves in terms of a narrative. Ours is a *narrative identity*, which means that, as in the case of other narratives, there is change.<sup>126</sup> To this self-designation as the author of our acts in the narrative of our lives Ricoeur adds a final layer that has to do with the introduction of moral predicates. Some of those actions are judged as “good” or “bad.” Moreover, the self as the author of those actions is reflexively judged as “good” or “bad” as well. The connection between agency and moral judgment is what makes the person a *subject of imputation*, which is a fundamental premise of the administration of justice.<sup>127</sup>

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4) institutions as vital to actualizing a basic good of living-together. All these aspects will be discussed here, although rather briefly since my focus is on the dialogue with Rawls.

<sup>126</sup> Ricoeur, *The Just*, 3.

<sup>127</sup> Ricoeur, *The Just*, 4. Ricoeur connects self-designation, agency, and claiming to be the heroes of our narrative to the more encompassing notion of *self-esteem*, and the capacity to judge our actions as good or bad to the notion of *self-respect*. He adds: “Taken together, self-esteem and self-respect define the ethical [the realm of the good] and moral [the realm of obligation] dimension of selfhood, to the extent that they characterize human beings as subjects of ethico-juridical imputation” (4). It is worth noting that these two notions, although defined less precisely, play a key role in Rawls’ understanding of the subject and are considered some of the essential features the principles of justice must preserve. For without self-esteem and self-respect, achieving our life-goods becomes hard or perhaps impossible. Ricoeur seems to overlook this key element of Rawls’ theory.

But this is as yet an incomplete picture. For the self is not really a subject of rights unless it can realize its capacities and the self is incapable of doing that in isolation. Hence it needs the cooperation of others. It is here that Ricoeur introduces the crucial distinction. In his view, it is a mistake to consider cooperation with others only in terms of our relationships with other *individual* people, in terms of I-thou relationships.<sup>128</sup> For this misses the importance of the *third party*, “which seems as primitive as the relation to an individual ‘you.’” In Ricoeur’s reading, it is this third party position that “gives us the basis for the institutional mediation required by the constitution of a real subject of rights—in other words, a citizen.”<sup>129</sup>

Ricoeur returns to his initial considerations in order to show how primitive this third party viewpoint is. First, self-designation proper only takes place when going beyond the experience of a self seen as an *I* by a *you*, the self can consider that *you* as an *I, like me* and, more importantly, when the self can conceive that there are other selves, *he, she, etc. like me*: “In this sense, he/she/it represents the institution, inasmuch as it encompasses all the speakers of one natural language who know themselves and who are bound by the recognition of the common rules that distinguish one language from another.”<sup>130</sup> Second, the idea of authoring our own actions can be deceiving if we do not consider that many others are part of our undertakings and, more significantly, that “each

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<sup>128</sup> Ricoeur does not name Martin Buber directly, but the I-thou reference seems to imply him. I take this to be relevant because Buber’s dialogical philosophy, as important as it is, has several problems recognizing the relevance of the third party, especially at the level of the role conceptual frameworks play in our engaging with the human thou and the eternal thou. On this issue, see Charles Hartshorne, “Martin Buber’s Metaphysics;” and Nathan Rotenstreich, “The Right and the Limitations of Buber’s Dialogical Thought,” in *The Philosophy of Martin Buber*, ed. Paul Arthur Schilpp and Maurice S. Friedman, First Edition (La Salle, IL: Open Court, 1967). Buber’s response to these critics, in the same volume, offers some clarification on the role of third-party mediation (696–99, 703, 724, 743–44), but not in a systematic way.

<sup>129</sup> Ricoeur, *The Just*, 5, 5.

<sup>130</sup> Ricoeur, *The Just*, 6.



agent is bound to these others by the intermediary of different orders of *social systems*.<sup>131</sup> Third, our narrative identity is heavily intertwined with many other narratives, but more importantly, with third party narratives: the narrative of a nation, of a class, etc. Finally, the ethical level requires perhaps more clearly than any other level the presence of a third party. Agreements, contracts, etc. are meant to safeguard basic structures of trust, taking them beyond the face-to-face level. Honoring agreements is the fundamental institution of social cooperation that is then represented more abstractly in our respect for the law at the local, national, and supranational levels. The law does not only apply to me and you, but to *everyone*.<sup>132</sup>

The “everyone” here points to the essential role of *politics* “as the setting par excellence for the achievement of human potentialities.”<sup>133</sup> The political understood here more precisely as the *public sphere* or the *public space* is where we more clearly move from the I-thou relationship to a relationship with everyone. The public space represents the desire to form a community that cannot be reduced to interpersonal relations. It is here, in the public space, Ricoeur argues, that the *value of justice* has its proper place. He notes that this is one of the key ideas of Rawls’ theory of justice, and, in fact, the way he starts *Theory*: justice is the first virtue of social institutions. We

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<sup>131</sup> Ricoeur, *The Just*, 6. Yet the notion of a “system” here should be used with some caution, only as an analytical tool and not as a substantial description of really existing things. On this issue, see Joas, *The Creativity of Action*, chapter 4 for his discussion and critique of Niklas Luhmann’s theory of social systems (211ff.)

<sup>132</sup> Ricoeur, *The Just*, 7–8. These additional remarks point to what Le Chevalier has identified as the two fundamental tenets of Ricoeur’s account of responsibility: 1) responsibility-as-imputation and 2) a social responsibility for the fragile. About the latter he writes: “This supplementary responsibility is prospective, anchored in the fragile other, and experienced as a call or charge from the fragile other who gives one the confidence to act. It is not born, first and foremost, from an awareness of one’s capacities or from recognition of one’s past actions. Importantly for my work here, Ricoeur identifies this responsibility not simply as for the fragile person, but also for the domains which amplify human fragility, namely, institutions. This social model of responsibility motivates a personal movement towards collective action.” Le Chevallier, “The Stain of Association,” 14.

<sup>133</sup> Ricoeur, *The Just*, 8.

need to recall here that Rawls fundamentally refers to the basic structure of society, that is, the most basic social arrangements that are, as Ricoeur himself notes, the condition for the achievement of human potentialities. Rawls thinks primarily about the rights and duties defined in constitutions.

The key point here is Ricoeur's corollary: "But to what does justice stand in relation? Not to the 'you' identifiable by your face, but rather to the 'everyone' as third person."<sup>134</sup> In sum, Ricoeur argues that in order to become subjects of rights properly, we all need the mediation of a variety of institutions. Most fundamentally we need the mediation of *political* institutions that establish a system of distribution of roles, burdens, and so forth. Such a system of fair distribution is what Rawls attempted to design at the philosophical level in his project. Like Ricoeur, he saw it as the precondition of fulfilling our human potential, as the precondition to pursue our life plans. Such a system requires abstraction, for it must consider the position of everyone, not only the I-thou relationship. Such an abstraction, contrary to the charges leveled by Sandel, MacIntyre, and others, does not imply the dislocation of the self. Quite the contrary: it is a precondition of its genuine realization. As Michael Le Chevalier has recently noted, it is precisely through institutions that the self becomes a true moral agent. For this allows it to become both a subject of imputation (taking retrospective responsibility) and a subject accountable to others, responsible for what may happen to others, especially the fragile other (taking prospective responsibility).<sup>135</sup>

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<sup>134</sup> Ricoeur, *The Just*, 8.

<sup>135</sup> See Le Chevallier, "The Stain of Association," Chapter 2: Responsibility for the Fragile and the Stain of Association. See also Paul Ricoeur, *The Course of Recognition* (Cambridge, MA: Harvard University Press, 2005), 108–109. This second dimension of responsibility comes from Ricoeur's engagement with the work of Hans Jonas. However, one can see some resonances with the work of Emmanuel Levinas as well. Indirectly, but quite importantly for this dissertation, this also echoes the key concerns summed up in Rawls' difference principle and Gutiérrez' understanding of the preferential option for the poor. But I will revisit this topic while my argument progresses. On Levinas and liberation theology,

The very notion of a self, as Ricoeur notes, depends on a certain distancing from its concreteness, for “without institutional mediation, individuals are only the initial drafts of human persons.” Ricoeur concludes even more strongly by saying that citizens “can only wish that every human being should, like them, enjoy such political mediation, which when added to the necessary conditions stemming from a philosophical anthropology, becomes a sufficient condition for the transition from the capable human being to the real citizen.”<sup>136</sup> Of all the authors we have examined here, only Ricoeur has noted this so keenly.

### **5.3. Claims to Universality and the Moment of *Phronesis*: Ricoeur beyond Rawls**

Yet this is not Ricoeur’s last word on the subject. For the emphasis on the political sphere as the sphere for the distribution of justice would be incomplete if the way in which this is accomplished is not specified. Let us recall that this was precisely Ricoeur’s concern with Walzer’s approach. If the political sphere is merely one among many, then the task of integration is abandoned. Can the political sphere become the mediator of other mediations, the institution that organizes other institutions? And if so, how?

Ricoeur addresses this issue by appealing to the structure of judgment as it takes place in trials. I take this example to be crucial, because Rawls’ paradigmatic case of the use of public reason is precisely the rulings of the judiciary, especially the Supreme Court. Hence, we see here one more affinity between Ricoeur and Rawls: both see in the workings of the judiciary an example of how to think about justice in the public sphere. However, it is worth noting that Ricoeur

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see Raúl Zagarra, *La subversión de la esperanza: diálogo contemporáneo entre teología de la liberación, filosofía y opción por los pobres* (Lima, Perú: PUCP; IBC; CEP, 2015), chapter 1.

<sup>136</sup> Ricoeur, *The Just*, 10, 10.

intentionally avoids specifying the differences between the notion of the law as it pertains to the *moral realm* and as it pertains to the realm of *positive legislation*. The fact that the terms “law” and “norm” can be used in both contexts gives him, and us, an advantage, as we will see shortly.

Ricoeur maintains that there are three main features that characterize what is legal. First, *interdiction*: the law commands us *not to* do certain things. Yet Ricoeur points out that it would be a mistake to think that the law only has this repressive, negative dimension. Instead, we should see also the “structural function of the interdiction.”<sup>137</sup> Indeed, normative frameworks are not only obligations we have to fulfill, but the conditions that allow our own self-fulfillment. Let us recall that this is a crucial point of Rawls’ theory of justice and the way in which he integrates the principles of justice to a broader sense of the good of life.

Second, the law or norm has a “claim to universality.” Ricoeur expands: “I say ‘claim’ because on the empirical plane social norms vary to a greater or lesser degree in space and time. But it is essential that in spite of this factual relativity, and through it, a validity in principle is intended.”<sup>138</sup> I have argued earlier that this is true of Rawls’ principles of justice as well: they claim to be universal in this precise sense. Indeed, one could argue that this is the only way in which we can seriously speak of universality if we really make integral to our theoretical accounts the decisive role of human contingency, following the powerful contributions of historicism, hermeneutics, pragmatism, among other schools of thought.

Third, for Ricoeur there is a connection between norms and human plurality. What the law forbids is to wrong others. In this sense, the law attempts to prevent the permanent threat of

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<sup>137</sup> Ricoeur, *The Just*, 149.

<sup>138</sup> Ricoeur, *The Just*, 149.

disorder and conflict. But it does so by drawing a basic line, which is the protection of basic individual liberties.<sup>139</sup> Again, this is an essential element of Rawls' *justice as fairness*. Ricoeur's point, however, is that this is not enough to provide an account of the *moral life*. Norms in the sense described above are a necessary condition to be able to live a life worth living, but they do not suffice. The normative dimension must be integrated with who we are; it has to be internalized. Only in this way can we move from mere compliance to the experience of love of duty, of *pure respect* for the law, as Kant would put it.<sup>140</sup>

Yet there is another, more complex stage in the process of judging. Ricoeur calls it "moral judgment in situation."<sup>141</sup> Even when the law has been internalized, specific situations demand a kind of discernment that cannot be reduced to the mere application of the law as if it were a practical syllogism. Instead, the situation is *dialectical*, a dialectics between interpretation and application. Ricoeur maintains that the application of norms "therefore lies at the crossroads of a double chain of interpretation, with the facts on the one side and the rule on the other. A judgment in situation thus comes about at the point of intersection of these two lines of interpretation."<sup>142</sup>

But how can we speak of objectivity in such a context of complex interpretation? In Ricoeur's view, we cannot do so in any absolute sense. In a sort of pragmatist twist he argues that objectivity is attested by the equity of the judgment pronounced to which the inner conviction of its fairness provides the subjective warrant. So there is here a combination of the *discursive*

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<sup>139</sup> Ricoeur, *The Just*, 150.

<sup>140</sup> Ricoeur, *The Just*, 150–51. For Kant's account of *pure respect* see Immanuel Kant, *Groundwork for the Metaphysics of Morals*, ed. Allen W. Wood (New Haven, CT: Yale University Press, 2002), 16–17 [Ak 4:401].

<sup>141</sup> Ricoeur, *The Just*, 152.

<sup>142</sup> Ricoeur, *The Just*, 153.

*dimension* of providing arguments, testing them, etc. that leads to the process of determining the correct application of the law for a concrete situation and the *heartfelt conviction* that this is indeed the case. This combination of objective adequacy and subjective certainty, Ricoeur argues, “removes the judgment in situations from pure arbitrariness.”<sup>143</sup>

Nevertheless, there are even harder cases where there is no law that applies or where the law clashes with our deepest convictions about what is right and wrong or where different and conflicting laws could lead to conflict and death. In these cases, we face the *tragic dimension of action*, and here the wisdom in judgment that the Greeks called *phronesis* is demanded. In these complex cases, Ricoeur argues, it is clear that a formalist approach to justice, like Rawls,’ is insufficient.<sup>144</sup> For we are no longer deciding between black and white, but “between gray and gray, or in a highly tragic case, between bad and worse.”<sup>145</sup> However, even in these cases we are not left with mere arbitrariness. For we have to consider first the apparent better thing to do in a process of deliberation, of “debate with oneself.” Only such a process of discernment can make the final choice worthy of being called wise. Moreover, wise judgment cannot happen only in the inner forum. It requires counsel, consultation with reliable others. Such a complex process of

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<sup>143</sup> Ricoeur, *The Just*, 154.

<sup>144</sup> Ricoeur, *The Just*, 154. Indeed, as Ricoeur notes referring to Rawls, they might well be “reasonable disagreements” where a formal approach to justice is not enough (155). Note, however, that Ricoeur has moved the discussion to a different level, that of specific action situations. Of course, this is of great importance, but the notion of “reasonable disagreements” in Rawls attempts to provide more general criteria for disagreement in the political sphere. The threshold for disagreement has to be *reasonableness*. In Rawls’ technical sense, this means basic respect for alternative views based on the principles of justice. Surely, this does not solve fundamental disagreements at the action situation level, but it does give some guidance. The final resolution, however, is left to the agent facing the concrete action situation, as Ricoeur rightly points out. On this issue, see my discussion of Sandel’s account of abortion above.

<sup>145</sup> Ricoeur, *The Just*, 155.

reflection is what merits the name of *conviction*, that is, the process of strong evaluation that leads to strong adherence.<sup>146</sup>

I conclude by noting two important elements of my examination of Ricoeur's engagement with Rawls. First, Ricoeur more than any other reader of Rawls' examined so far understood the importance of institutions in the pursuit of justice and how crucial it is that those institutions provide criteria for distributive justice that have a "claim to universality." I have argued that we should see Rawls' theory of justice as attempting to provide such criteria. In this sense, Ricoeur meets the procedural criterion reducing interpretative errors. Second, these considerations should have made clear as well that Rawls' project needs important refinements in order to render the principles of justice more relevant outside the context of ideal theory.

In this sense, Ricoeur also meets the heuristic criterion showing us a path forward. Indeed, Ricoeur has given us some clues regarding where to look: Rawls has not really explained, beyond superficial remarks, how the citizen can feel strong adherence to the principles of justice. Conviction is crucial in the pursuit of justice and this is clearly an underdeveloped issue in Rawls' *oeuvre*. In addition, Ricoeur has pointed to another related problem: Rawls has not provided a compelling account of the process that leads from the formulation of the principles of justice to their application. Something seems to be missing in the chain of argument that risks rendering Rawls' project not very relevant for actual political communities. Thus some consideration of this process is necessary if we want to refine Rawls' theory of justice. Ricoeur has stressed the

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<sup>146</sup> Ricoeur, *The Just*, 155. Ricoeur's notion of "strong evaluation" follows Taylor's. Taylor describes it as the kind of evaluation that involves discrimination of right and wrong, higher and lower, but in a way that is not merely dependent on our idiosyncratic desires. Rather, it depends on our considering them such *independent* of our desires (*Sources of the Self*, 4). But, of course, this independence cannot be a-historically warranted. So, we can only provide our *best account* of why these strong evaluations are correct (*Sources of the Self*, 58, 69).

importance of practical wisdom and somewhere there, I believe, we need to find our answers. But we are still a few steps from them.

## **6. Conclusion**

In Chapter 1, I presented Rawls' theory of justice as a resource with which to consider the relationship between norms and values, the right and the good, and the role such relationship plays in the context of religious discourse and practice. In this chapter, I confronted Rawls' theory with several criticisms to test its strength and to see if we can count on it for the development of my argument in this dissertation. The exchange has yielded two significant conclusions, the second of which is subdivided into several others.

First, I have demonstrated that *justice as fairness* has enough resources to overcome most of the objections examined in this chapter. Rawls' theory, understood as a proposal to determine the nature and scope of justice for the basic structure of society, has proved to be a powerful resource to think through the problems this dissertation wants to address. For it has proved to be critical to develop principles to adjudicate among conflicting claims about the good, principles moreover that have a claim to universality instead of merely being group-dependent. Hence, I believe that the path forward in the direction of a more adequate understanding of how the political and the religious relate will benefit from many of Rawls' contributions.

Second, the confrontation of *justice as fairness* with its critics has made clear that the theory has vulnerabilities that require refinement and underdeveloped themes that must be elaborated. Many of these vulnerabilities and underdeveloped themes have not been directly identified by the



criticisms studied in this chapter, but they have become obvious through them. The following are the most salient.

First, despite my objections to Sandel's interpretation of the deontological self, the concern with the formation of personal identity is crucial for ethics, theology, and political theory. I have defended Rawls from Sandel's charges, but that does not mean that Rawls' account of the self is optimal. Rawls' conception of the person must be supplemented with a more capacious understanding. In this sense, notions like *narrative* and *articulation* will play a key role in the rest of this dissertation. However, the articulation of one's identity also must pay attention to our frailty, fears, and vulnerabilities, and also to our love, benevolence, and solidarity, among other emotions. In the conclusion of Chapter 1, I noted that there was an aspect of Rawls' ideal theory that was positive and should be retrieved, namely the postulation of the *ideal* of a well-ordered society as a *motivating force* for the pursuit of justice. Nonetheless, this ideal cannot be pursued if the person is *idealized* in a way that her emotions are ignored. Hence, an adequate account of the political actor must include a sense of how her *emotions* affect or intervene in her political decisions. Moreover, if we consider the limitations of mere argument in the pursuit of justice, as we did with Taylor in this chapter, it becomes clear that some reflection on our *political emotions* is critical too. Excluding this would render a theory of justice incomplete and potentially irrelevant in its application. In the following chapter, I will address this issue directly, studying Martha Nussbaum's contributions to the theory of political emotions and its bearing in religious actors and traditions.

Second, the examination of MacIntyre's critique has shown the importance of providing an adequate account of *tradition*. I maintained that MacIntyre's depiction of tradition is flawed, but this does not mean that his general point lacks force. What we need is a better account of how

traditions, especially religious traditions, operate in order to understand whether or not these traditions can relate to the political in a positive way and not solely pursue isolation or confrontation. The following chapter will introduce us to this discussion, but the key theoretical developments will come in subsequent chapters when we turn to David Tracy's understanding of theological hermeneutics, and the way liberation theology connects political praxis and Christian discipleship in new and creative ways. These creative connections and reinterpretations form the basis of Rawls' conception of the overlapping consensus. But Rawls only postulates this idea without much elaboration. My task in the following chapters will be to elaborate this Rawlsian intuition with special attention to liberation theology. The guiding thread of my interpretation will be to insist that Rawls' project belongs to a complex tradition that has as its core the defense of people's liberty *and* a concern with the eradication of unjust sufferings and inequalities. I contend that we should insert Rawls' theory of justice *and* liberation theology in this trajectory. But this will require an account of tradition that stresses critical retrievals and reappropriations instead of MacIntyre's incommensurability. Further, it would also require us to challenge a frequent assumption among defenders of liberationist thought who see this project as antithetic to liberalism due to the alleged connection of the latter with domination or Eurocentrism.<sup>147</sup> Joas' understanding of *affirmative genealogy* will be of great importance in this regard.

Lastly, the examination of Ricoeur's work has provided both affirmation and new challenges. On the one hand, his defense of institutions and his claim to universality inherent in norms has shown that basic insights of *justice as fairness* stand. On the other hand, Ricoeur makes

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<sup>147</sup> For two recent examples of this approach, see Miguel De La Torre, "Liberation Theology and Social Justice: A Defense," in *Christian Faith and Social Justice: Five Views*, ed. Vic McCracken (New York: Bloomsbury Academic, 2014); David M. Lantigua, "Liberal Domination, Individual Rights, and the Theological Option for the Poor in History," *Journal of the Society of Christian Ethics* 38, no. 2 (2018).

clear that the critical distancing inherent to procedural justice and its normative claims can only go so far. Situations of concrete action demand more than a general sense of what is right. In concrete and especially complex situations where the principles of justice do not seem to clarify much, the agent will have to make decisions based on *conviction*. From this follows that a theory of justice that attempts to have practical, problem-solving value must have some account of the complexity of action situations. Such a theory, I have suggested in the conclusion of Chapter 1, should stress the role of creativity. I have provisionally called this the *creativity of justice*. In this sense, to my discussion of Nussbaum's theory of political emotions in the following chapter I will add a discussion of how norms and values are articulated in the creativity of action. Such articulation will prove to be especially crucial in the case of people belonging to religious traditions and attempting to live, as Wolterstorff noted, a "religiously integrated life" in societies with a plurality of conceptions of the good.

## CHAPTER 3

### RELIGION IN PUBLIC:

#### BETWEEN INNOVATION AND REGRESS

The preceding chapters presented John Rawls' theory of justice as a starting point to address key questions on the relationship between norms and values in the political arena, especially when religious communities are involved. To this point, my argument has focused on the normative dimension. In its attempt to achieve conceptual clarity on *justice as fairness* and the objections of its critics, that argument has remained somewhat abstract. Hence, in my reflections on toleration (Chapter 1) and my brief comments about slavery and abortion (Chapter 2), I have only hinted at the extraordinary practical relevance of a project of this kind, especially when religion is involved. Further, I have said little about the *formation* of values, which is the necessary correlate of the normative dimension.

This chapter marks a shift. It addresses the practical and valuative relevance and achievements of a theory of justice that shares Rawls' central concerns: to defend people's equal political rights and equal opportunity to access social and economic goods in a given society. For only in this way can a theory of justice both prove its adequacy beyond the level of argumentative justification<sup>1</sup> and show that the defense of ideals like freedom and equality is not only essential but the precondition of democratic societies' continuation. Having defended the argumentative

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<sup>1</sup> I agree with Paul Ricoeur regarding his assessment of both Rawls' and Jürgen Habermas's theories: they are major achievements at the level of justification. However, the real test of the theory lies in its applicability in context, what Ricoeur calls judgment-in-situation. On these issues, see Paul Ricoeur, *Oneself as Another* (Chicago, IL: University of Chicago Press, 1992), 283 ff..

value of the “original position,” the “veil of ignorance,” and some other key representation devices of *A Theory of Justice* in the previous two chapters,<sup>2</sup> I turn now to the *actual* history of the emergence of the principles of equality and difference in an effort to nurture our moral imagination with the powerful narrative of the struggles for justice behind them.<sup>3</sup>

So we now move from a theory that depended greatly on certain stipulations based on Rawls’ idealization of the members of society (Rawls’ “well-ordered society”) to a theory in which society’s members are a little bit more like you and me, “aspiring” to be just, but never quite there.<sup>4</sup> However, this does not mean that ideals are not relevant. Indeed, this chapter will advocate strongly for the centrality of ideals in the struggle for justice. Yet here ideals will have a different function than in Rawls’ work. For in *justice as fairness*, the well-ordered society operates mainly as a thought experiment, as a speculative ideal informing the stipulations of the “ideal theory.” By contrast, I emphasize the affective, self-transcending nature of ideals like the aspiration of living

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<sup>2</sup> My work builds on Rawls’ contributions rather than starting from scratch. Indeed, Chapters 1 and 2 have attempted to show that no persuasive theory of justice can ignore the major achievements of Rawls, arguing for the development of the theory, not for its replacement. Similarly, Nussbaum maintains that Capabilities Approach (her own approach), “[b]ecause it shares some intuitive ideas with the Rawlsian version of contractualism, and because the principles it generates have a close family resemblance to the principles of justice, we may view it as an extension of or complement to Rawls’ theory,” see Martha C. Nussbaum, *Frontiers of Justice Disability, Nationality, Species Membership* (Cambridge, MA: Harvard University Press, 2006), 69. Moreover, Nussbaum’s *Political Emotions*, whose bearing in this chapter is significant, is also conceived as an expansion of Rawls’ project.

<sup>3</sup> Certainly, Rawls became aware of the need to turn to the actual history of the emergence of these principles. I think this is especially clear in John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), xxii–xxiv, xxxviii. Here he develops a brief genealogy of his political liberalism emphasizing the decisive influence of the Protestant-Catholic wars of religion in Europe and the desire to avoid similar experiences. However, Rawls’ genealogy is rather brief and does not have the same role mine will have here. For my goal in this chapter is to use the historical genesis of principles like equality and difference as a justificatory and affirmative device that can help us to commit to those principles, not merely as a preface to philosophical arguments.

<sup>4</sup> On the contrast between the “well-ordered society” and “aspiring societies,” see Martha C. Nussbaum, *Political Emotions: Why Love Matters for Justice* (Cambridge, MA: The Belknap Press of Harvard University Press, 2013), 6, 9, 11.

in a well-ordered society, a society where equal respect and attention to the needs of the least among us are central. The well-ordered society thus becomes less essential for the design of a theory of justice and more important as an aspiration that motivates individuals and societies morally. Here, I attempt to work out a theory of justice that pays significant attention to both the normative and valuative levels. For whereas Rawls has already developed the former remarkably well, he considers the latter only in passing. Producing a theory that integrates both dimensions is one of the main goals of this dissertation. Though this chapter makes a crucial contribution in this regard, attention to the ideas and the social movement that liberation theology created is necessary to complete my task. The result, through a movement of what theologian David Tracy has called “a method of critical correlation”— in this case between *justice as fairness* and liberation theology—will be a more comprehensive theory of justice that pays special attention to our fundamental convictions, religious and otherwise.

This chapter therefore focuses on the role of religion in the public sphere. My goal is to show how the development of some basic principles of justice is crucial to defend the preciousness of people’s consciousness as a fundamental right against the potential excesses both of the authority of government and of some religious groups. I accomplish this through an affirmative genealogy of those principles, telling the story of their emergence and consolidation through democratic practices and institutions. Furthermore, I stress in my account the fundamental role that religious ideas and movements had in this process. I argue against the idea that democratic principles of justice lead to undue burden on people’s religious beliefs. Instead, I show that one of the main reasons why those principles emerged was precisely the protection of religious freedom.

To these ends, first, I introduce some methodological remarks on the concept of liberalism and the need to transition to a richer, less loaded, and more encompassing term able to address our

core concerns without distraction. “Democratic culture” or “democratic tradition” will be the preferred terms from now on. Second, I introduce social theorist Hans Joas’ method of affirmative genealogy to give further context to my remarks and to my approach to the study of liberation theology in future chapters. However, I do so by integrating into the method philosopher Martha Nussbaum’s theory of political emotions, thus expanding the scope of affirmative genealogy. Third, I develop an affirmative genealogy of contemporary democratic culture. I do so with the aim of responding constructively to one of the key criticisms put forward against Rawls by authors like Michael Sandel and Alasdair MacIntyre, namely, that his theory of justice is a mere abstraction devoid of tradition and disruptive of community. My genealogy, in contrast, will show not only that Rawls’ principles belong to a long and complex tradition of democratic ideas, institutions, and practices, but that the critics have a misguided, static understanding of the way that traditions and communities actually work. Fourth, I turn to the key question of the institutionalization of ideals, a key concern of Joas and Nussbaum, by examining some judicial decisions on religious matters in which the principles of justice discussed so far, now institutionalized in constitutional law, have had significant bearing. This section uses “balancing tests,” where principles of justice and judgment-in-situation come together in concrete examples. In all these steps the role of religion will be our guiding thread. I close with a summary of the findings of this chapter.

### **1. Revisiting Liberalism: On the Emancipatory Thrust of the Democratic Tradition**

Liberalism is a loaded term that elicits confusion, animosity, and defensive stances from people who often do not mean the same thing by this concept. For these reasons, in previous chapters I appended “liberal, democratic tradition” to my use of “liberalism” to indicate that my core concern is the defense of democratic ideals, practices, and institutions, and not the defense of

particular individuals' ideas. In fact, even though I draw heavily from and substantially agree with Rawls' theory of justice, the goal of this dissertation is not to defend his theory. But this deserves further consideration.

A short essay by John Dewey can be our point of entry to this issue. Dewey starts his essay by reflecting on the extremes that words applied to moral attitudes and aspirations should avoid. One extreme is narrowness and technicality, which renders the word conventional and partisan. The opposite extreme is complete vagueness or radical subjectivization, in which the meaning of a word is simply the meaning it has for me. In Dewey's view, this is what has happened with the noun "liberalism." Some people associate liberalism with some political party or some school of economic theory. But this is just the consequence of some contingent and very specific historical developments. Yet, overlooking the actual historical manifestations of "liberalism" to provide one's personal definition is no better choice.

Accordingly, Dewey invites the reader to pay close attention to history. We find that the term "has been used in connection with what is vaguely called a forward-looking and progressive attitude, and in opposition to the kind of conservatism that looks back in time to the extent of being reactionary."<sup>5</sup> A few lines later, commenting on the importance of freedom for the definition of the term "liberalism," he adds: "The association of liberalism with *liberty* remains a permanent deposit. The historic signification of the word is associated also with *liberality and generosity*, especially of mind and character. It points to an open mind, to *emancipation* from bigotry and from domination by prejudice."<sup>6</sup>

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<sup>5</sup> John Dewey, "The Meaning of the Term: Liberalism," in *The Later Works, 1939–1941*, ed. Jo Ann Boydston (Carbondale: Southern Illinois University Press, 1988), 252.

<sup>6</sup> Dewey, "The Meaning of the Term: Liberalism," 253, my emphases. Perhaps it is worth noting that Dewey's methodological reflections on how to discern the distinctive ideals of liberalism overlap



The notion of “emancipation” is significant here, for it gives “liberty” and “liberality” content and orientation. This interpretation acquires strength when we consider that for Dewey liberalism is defined as “a moral attitude and ideal.”<sup>7</sup> As an ideal, liberalism becomes both something that upon reflection we identify as “desirable” (instead of merely “desired”); *and* something that transcends reflection, becoming the kind of conviction that conquers us, vanquishes us, grounding all goals and desires.<sup>8</sup> In my view, this pragmatist approach to the problem—attempting to find a middle way between mere (subjective) invention and mere discovery (of objective truths)—is crucial and further confirmed by Dewey’s turn to the content of the ideal which, he argues, we find in the emphasis liberalism puts on the Bill of Rights and civil liberties. For at their core what they protect is our freedom of belief and thought, and our freedom to express those beliefs and thoughts in the face of powerful institutions like the church and the state imposing rigid uniformity.<sup>9</sup> So, yes, liberalism points toward the moral ideal of liberty; but it does so not by leaving the notion of liberty completely devoid of content. Liberty is here understood as emancipation, that is, as liberation from oppression. In my view, this emancipatory thrust of liberalism is the necessary condition for understanding its creative possibilities. It is within such

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significantly with some of the main features of Joas’ method of affirmative genealogy. Even though Joas draws from Ernst Troeltsch for his method, the overlap is not surprising given the affinity between Troeltsch’s historicism and the key ideas of American Pragmatism, especially regarding the formation of ideals. Joas has suggested the connection in *The Sacredness of the Person: A New Genealogy of Human Rights* (Washington, DC: Georgetown University Press, 2013), 137, fn. 16; and “Sacralization and Desacralization: Political Domination and Religious Interpretation,” *Journal of the Society of Christian Ethics* 36, no. 2 (December 23, 2016): 6–7. He has more systematically addressed this connection in Hans Joas, “Pragmatism and Historicism: Mead’s Philosophy of Temporality and the Logic of Historiography,” in *The Timeliness of George Herbert Mead*, ed. Hans Joas and Daniel R. Huebner (Chicago, IL: The University of Chicago Press, 2016).

<sup>7</sup> Dewey, “The Meaning of the Term: Liberalism,” 253.

<sup>8</sup> On Dewey’s theory of value, see Hans Joas, *The Creativity of Action* (Cambridge, UK: Polity Press, 1996), the section “Intelligence and Reconstruction” in Chapter 2; Hans Joas, *The Genesis of Values* (Chicago, IL: University of Chicago Press, 2000), chap. 7.

<sup>9</sup> Dewey, “The Meaning of the Term: Liberalism,” 253.

an emancipatory framework that we should understand Dewey's closing lines: "Liberalism is humble and persistent, and yet [it] is strong and positive in its faith that the intercourse of free minds will always bring to light an increasing measure of truth."<sup>10</sup> Accordingly, liberalism as a *moral ideal* is both the product of a reflective and active attempt to resolve the concrete historical problem of tyranny through movements of liberation *and* a powerful, affective, self-transcending force that guides concrete action and cannot be fully grasped or achieved.

Here, Dewey does not fully develop the third notion I highlighted, namely "liberality," but giving full meaning to our liberty requires both the emancipatory force inherent in democracy *and* the basic generosity and fraternity of a peaceful and well-functioning community.<sup>11</sup> "Emancipation" gives to liberty and liberality both content and orientation. Thus, freedom must be understood as limited by its incompatibility with domination, but liberality should be construed also as a kind of generosity and solidarity that subverts structures of domination, not merely as almsgiving or assistentialism. In turn, "emancipation" or "liberation" can have the same orienting role in *justice as fairness*. In fact, I maintain that Rawls' principles of justice are one of the most compelling theoretical articulations of the emancipatory thrust of the liberal, democratic tradition.

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<sup>10</sup> Dewey, "The Meaning of the Term: Liberalism," 254. Of course, Dewey's optimism here should be tamped down by our keen awareness of human fallibility and the weakness of our "free minds," a topic to which we will turn shortly. However, this does not undermine the fundamental democratic conviction that freedom to have a say in our own destiny should be preferred over imposed "rigid uniformity." On the question of the utopian or naïve nature of democratic ideals in Dewey, see Gregory Fernando Pappas, *John Dewey's Ethics: Democracy as Experience* (Bloomington: Indiana University Press, 2008), 275 ff., where the author provides a compelling defense of the importance of ideals and points to the common misunderstandings of Dewey's position. Pappas, however, also notes some of the limitations of Dewey's approach vis-à-vis today's problems, especially regarding his trust on scientific inquiry and amelioration as a model for ethics (278–79; 281 ff.).

<sup>11</sup> Indeed, the question of what Dewey calls "liberality" in the passage cited above, and that he sometimes replaces by "fraternity," "generosity," etc., is central in Dewey's ethics. Given that these are only prefatory remarks, I will not develop the issue here, but a comprehensive view of Dewey's understanding of the democratic community can be found in Pappas, *John Dewey's Ethics*, chap. 12.

For in Rawls' theory, emancipation clearly has this two-fold meaning: emancipation from the obvious forms of tyranny and repression that triggered the revolutionary processes that led to the culture of human rights (Rawls' first principle of justice). But emancipation also from less obvious systemic forms of injustice (poverty, racism, etc.) that affect our ability to exercise those human rights (Rawls' second principle of justice). Gustavo Gutiérrez's theology of liberation has the same basic emancipatory thrust, one that is also framed in the context of democratic culture.

In a second step, I suggest we pair the short essay on liberalism discussed above with another of Dewey's essays, this one on democracy. The historical context of this essay is the emergence and progressive consolidation of totalitarianism in Europe during the Second World War. Dewey defends democratic values in the face of their violent suppression in Germany, Italy, and beyond. In this sense, he speaks of three (or perhaps four) fundamental loyalties of democracy. Throughout, the guiding thread is of course freedom, "the essence of democracy."<sup>12</sup> First, he maintains that the primary loyalty of democracy is to communication, meaning free speech, but more importantly the freedom to develop intelligence or critical judgment. Recall here the "intercourse of free minds" to which Dewey referred above. Now he expands on the topic: freedom to engage in such intercourse, via "conference, consultation, discussion," with intelligence, with critical discernment.<sup>13</sup>

In connection to this form of freedom, Dewey argues that "democracy has always professed belief in the potentiality of every human being, and all the need for providing conditions that will enable these potentialities to come to realization."<sup>14</sup> Nevertheless, Dewey reminds the reader that

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<sup>12</sup> John Dewey, "The Basic Values and Loyalties of Democracy," in *The Later Works, 1939-1941*, ed. Jo Ann Boydston (Carbondale: Southern Illinois University Press, 1988), 276.

<sup>13</sup> Dewey, "Basic Values," 276.

<sup>14</sup> Dewey, "Basic Values," 276-77.

the belief can become void if it is not enacted. We may believe in the “sacredness of personality,” but this could be a mere “verbal creed.”<sup>15</sup> Hence, this belief must be “extended and deepened,” “put systematically into practice every day”;<sup>16</sup> in a word, re-created permanently.<sup>17</sup> I will return to this issue, for several emotions, and especially fear, can greatly undermine democratic values.

In addition, Dewey maintains that democracy’s loyalty is directed to humanity, to the human spirit, and not to the mere individual. But he does not mean by this that individuals do not matter. His emphasis on humanity attempts to reject the tendency to identify the focus on the individual with atomism, like that of economic individualism.<sup>18</sup> Dewey’s approach here stresses community, the collective achievement of “the intercourse of free minds.” But the individual and her freedom are the ultimate unit of democracy: no collective values should have priority at the expense of individual freedom. Lastly, precisely in line with the point above, Dewey maintains that the final loyalty that defines democracy is active cooperation, which we should understand in terms of fraternity, “fraternity [being] the will to work together... the essence of cooperation.”<sup>19</sup>

If we put these two essays together, a clearer picture of the relationship between liberalism and democratic culture begins to emerge. For Dewey as for me, liberalism and democracy are

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<sup>15</sup> Dewey, "Basic Values," 277. Dewey does not use the notion of the “sacredness of personality” referring directly to democracy’s “belief in the potentialities of every human being” but referring to a belief sanctioned, yet not always defended, by religion. However, the concept nicely fits with the democratic belief he defends and also gives us a perfect transition to Hans Joas’ *The Sacredness of the Person*, where the author explicitly associates the notion of the “sacredness of personality” with the democratic charter and provides a convincing genealogy of the process.

<sup>16</sup> Dewey, "Basic Values," 277.

<sup>17</sup> One of the key texts on the issue of re-creating democratic values is John Dewey, “Creative Democracy –The Task Before Us,” in *The Later Works, 1939–1941*, ed. Jo Ann Boydston (Carbondale: Southern Illinois University Press, 1988).

<sup>18</sup> Dewey, “Basic Values,” 277.

<sup>19</sup> Dewey, "Basic Values," 277. In words that seem strangely familiar today, he also notes that the belief in “America First, is one of the strongest factors in producing existing totalitarianism (277).

deeply associated. For the basis of liberalism is freedom in its multiple manifestations. Granting the importance of freedom, Dewey believes that it is essential to stress that another fundamental component of liberal democracy is liberality. This is systematically expressed in the key role of the difference principle in Rawls' theory of justice. But it is also emphasized by Dewey in his essay on liberalism and here by giving great importance to fraternity. Finally, both liberty and liberality should be seen from the perspective of their emancipatory common aim. In this sense, we can say that liberty and liberality find their fullness when they are oriented toward *liberation*. This is the conviction of this dissertation and one of the key ideas this chapter defends.

Yet Dewey makes one more key contribution, namely, to note the role of *creativity* in the affirmation of the democratic way of life. Dewey believes that democracy is a moral ideal that can also become a moral fact *if* those who hold the democratic faith *create* the conditions for the realization of the ideal. But those conditions are never secured by mere legal guarantees or grand theories. They require immersion in the ways of intelligence and education, permanent mutual cooperation, and, indeed, *faith*; faith in the possibilities of the democratic process itself.<sup>20</sup> Moreover, democracy requires a permanent process of re-articulation and re-creation that renews the faith of its believers, against the atavistic forces that tend to undermine it. Lastly, that process must leave room for "the free play of facts and ideas which are secured by effective guarantees of free enquiry, free assembly and free communication."<sup>21</sup> Hence, the process of creating the conditions for the realization of the moral ideal of democracy requires the complex combination of certain general guarantees and ample room for creativity. We cannot fully anticipate the outcomes, and probably we should not want that either. Provided that there are some general

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<sup>20</sup> Dewey, "Creative Democracy—The Task Before Us," 227–28.

<sup>21</sup> Dewey, "Creative Democracy," 227.

principles organizing our democratic culture (and even these may be open to revision) the rest remains quite open to the new ways in which we all interact with our surrounding conditions.<sup>22</sup>

Dewey's insight here is essential. For the history of democratic ideals is a powerful reflection of this process of creation, failure, and re-creation based on new interactions with our surroundings. Dewey helps us to shift from Rawls' emphasis on theory to a conception of the political arena where actual attempts of enflashing freedom take place and where our imagination and creativity, together with our fears and shortcomings, have a fundamental role. But, of course, as Dewey suggests, we need *both* the creation of certain "effective guarantees" and room for creative "free play" in order to make democracy a way of life. We may call the combination of these two inventive forces "integrated creativity."<sup>23</sup> The next steps of my argument in this chapter further articulate this integrated creativity, paying attention to some of its key historical iterations.

With these considerations in mind, we can now, at least partially, discontinue the use of "liberalism" and replace it by "democracy" and its derivatives, for this, first, allows the development of a more cohesive terminology and a smoother transition to the work of other authors in this dissertation not necessarily related to Rawls who pay greater importance to democracy than to liberalism.

But there is a second, more decisive reason. I have already hinted at this at the beginning of this subsection: the very term "liberalism" can block the path of inquiry.<sup>24</sup> We just need to recall

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<sup>22</sup> Dewey, "Creative Democracy," 229.

<sup>23</sup> For further details on the notion of "integrated creativity," see Joas, *The Creativity of Action*, 254 ff. The key issue, however, is the integration of the two creative forces noted above: the more "primary" creative dimension associated with the phantasy and the imagination of the individual, and the more "secondary" creative dimension connected to the rational production of, among other things, morality.

<sup>24</sup> For a careful account of this issue, see Jeffrey Stout, *Democracy and Tradition* (Princeton, NJ: Princeton University Press, 2004), 127ff.

my evaluation of the arguments of the communitarian critics of Rawls in Chapter 2. For most of them, liberalism is radically flawed. For MacIntyre (probably the most vocal critic), liberalism is a tradition-less, anti-community, incoherent school of thought that is in moral disarray. I have already criticized this analysis by showing its internal contradictions, and so do philosopher Jeffrey Stout and theologian Jean Porter—even arguing that MacIntyre could not do the kind of philosophy he does without the pluralism that liberalism allows and fosters.<sup>25</sup> But MacIntyre is simply a hyperbolic case of a common phenomenon: the attribution and misattribution of characteristics to liberalism that do not favor careful reflection.<sup>26</sup> For this reason, following Dewey’s inspiration and

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<sup>25</sup> Stout, *Democracy and Tradition*, 134. In Jean Porter, “Openness and Constraint: Moral Reflection as Tradition-Guided Inquiry in Alasdair MacIntyre’s Recent Works,” *The Journal of Religion* 73, no. 4 (October 1993): 514–536, the author places MacIntyre within the liberal tradition arguing that “he both presupposes and fosters the virtues of tolerance, respect for pluralism, and openness to revision and change that are constitutive of that way of life” (523). Further, using MacIntyre’s own arguments for narrative and tradition, Porter challenges MacIntyre’s own description of liberalism as the paradigm of a tradition-less worldview. Instead, she shows how liberalism “in all its pluriform splendor, must be understood in terms of the narrative of its own development” (524). Moreover, Porter advances the argument according to which MacIntyre’s work should be placed within the context of debates internal to the late liberal tradition, which was “characterized by its emphasis on the centrality of particular communities and institutions to the formation of personal identity and the maintenance of intellectual discourse” (525).

<sup>26</sup> Another more recent example of this hyperbolic approach is Patrick J. Deneen, *Why Liberalism Failed* (New Haven, CT: Yale University Press, 2018). For Deneen, we live in “an increasingly oppressive liberal order” (xiii). In his view, this oppressive order has undermined three key anthropological assumptions of the classical and Christian past: the aspiration to a higher life of virtue where the “high” stood as models for the “low” (24), the belief in self-limitation implemented via social structures and norms of social control (25–26), and an established conception of the natural order that was replaced by a redefinition of what is natural for human beings (26–27). But these affirmations require a very selective reading of liberalism’s history, and that is precisely what Deneen provides. For instance, Deneen puts too much emphasis on the “ideological” dimensions of liberalism, as if it did not have a social movement related to it (5, 23ff). Hence, he never really accounts for the social processes that led to mobilization of people against the *ancien régime*, nor does he consider the possibility of new articulations of the values he believes gone. Deneen’s solution to our current state of moral disarray, like MacIntyre’s, is the “liberation from liberalism itself” (18) via the formation of small, local forms of resistance (19, 41–42, 191ff). For a framework to understand Deneen and Deneen-like interpretations, see Gabriel Abraham Almond, R. Scott Appleby, and Emmanuel Sivan, *Strong Religion: The Rise of Fundamentalisms around the World* (Chicago, IL: The University of Chicago Press, 2003). For very thoughtful criticisms of Deneen that overlap with several of mine, see the essays by Samuel Moyn, Bryan Garsten, Matthew Sitman, and Deneen’s own response in “Has Liberalism Failed? An Exchange,” *Commonweal*, December 8, 2018, <https://www.commonwealmagazine.org/has-liberalism-failed>. For an alternative account of the possible connections between autonomy and individualism, see Joas, *The Creativity of Action*, 244–58, “Creativity

Stout's advice,<sup>27</sup> I believe is wise to start speaking about certain practices and institutions generally associated with the democratic values and loyalties that Dewey describes. We can simply and generally refer to them as "democratic culture" or the "democratic tradition," without any attempt at exhaustiveness. What remains key is to keep the moral ideal of liberation as our guiding thread, leaving room for creative "free play" within certain general moral and political constraints that resemble Rawls' principles of justice.

## **2. Affirmative Genealogy and Political Emotions: An Integrated Approach**

Yet argument alone does not suffice when the struggle for social justice is at stake. Other resources are necessary to give solid grounding to claims about justice. Precisely for this reason, a theory of justice must expand the scope of *justice as fairness* by incorporating our imaginative and emotional dimensions as well. In this sense, part of the goal of this chapter is to provide a narrative that tells the story of how democratic values like liberty and equality emerged and whether these values relate to both preexistent and newly developed religious values. However, rather than be value-neutral, this genealogy is value-driven, and as such must show that these democratic values have brought to us exceptional goods that should never be taken for granted, that those goods deserve our respect and commitment, and that their sustenance depends on our willingness to re-create these values and *affirm* them in everyday life. Hence, this chapter develops an *affirmative genealogy* of the democratic tradition with special attention to the political and religious ideals that have shaped it and to the emotions that should be nurtured to give sustenance to our commitment

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in the 'Postmodern' Age."

<sup>27</sup> Stout, *Democracy and Tradition*, 130.



to those ideals. Further, it shows how religious traditions and religious actors interpret their ideals and themselves in dialogue with new experiences of ideal-formation.

## 2.1. A Contingency-Conscious Defense of Universal Values

The notion of “affirmative genealogy” coined by social theorist Hans Joas was developed in the context of his study and defense of the culture of human rights. Joas situates his position between the approaches of Immanuel Kant and Friedrich Nietzsche. Consequently, affirmative genealogy is located between the sole rational justification of the validity of human rights and the mere historization of their ascent and spread.<sup>28</sup> Joas’ key interlocutor for this task is Ernst Troeltsch. According to Joas, Troeltsch recognized that perhaps the greatest problem for modern consciousness was acknowledging “the historical genesis of all belief, all claims to truth and value” without resulting in “unlimited relativism.”<sup>29</sup> Joas identifies Troeltsch’s promising answers and provides a systematization of them in this key piece of his work. I next summarize Joas’ six-fold reconstruction of Troeltsch’s argument, supplementing it with some of the key insights coming from Martha Nussbaum’s work on political emotions. This subsection will prepare the ground for the actual affirmative genealogy of democratic culture in the next subsection, which in turn lays the groundwork for the introduction of liberation theology in the coming chapters.

The first element of Troeltsch’s answer is what Joas calls *the fact of ideal formation*.<sup>30</sup> The formalization of morality, paradigmatically expressed in Kant’s categorical imperative, has many advantages and allows us to discern what is universally right. However, the intentional de-

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<sup>28</sup> Joas, *The Sacredness of the Person*, 97.

<sup>29</sup> Joas, *The Sacredness of the Person*, 100–101.

<sup>30</sup> Joas, *The Sacredness of the Person*, 102–110. I use “ideals” and “values” interchangeably, following Joas.

historization of morality for the sake of its universalization creates complex problems of application and of motivation. The formalization of morality allows us to see those conditions without which moral action cannot take place; yet its motivational force for action is limited. The same is true of its problem-solving capacity in concrete action-situations where goods may be in conflict or where one has to choose between evils, as Ricoeur has noted.<sup>31</sup> In this sense, Joas and Troeltsch stress the importance of conceiving morality in terms of *moral ideals*, so that morality retains its motivational force due to our affective, valuative attachment to it. For moral ideals are not so much something we seize but something that seizes us.<sup>32</sup> Indeed, ideals elicit in us something like an experience of self-surrender that even goes beyond the self, creating “intersubjective experiences in which the boundaries of one’s self open up in relation to others, to oneself, to nature,”<sup>33</sup> and perhaps even to the sacred and the divine. And they leave a mark on us, producing “subjective self-evidence and affective intensity.”<sup>34</sup>

Take the moral duty of respecting the sacredness of human life. As a moral norm, it gives

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<sup>31</sup> Paul Ricoeur, *The Just* (Chicago, IL: The University of Chicago Press, 2000), 152ff.

<sup>32</sup> Joas, *The Sacredness of the Person*, 108.

<sup>33</sup> Joas, *The Genesis of Values*, 11. Here Joas summarizes some of the main features arising in the genesis of values/ideals drawing from three of his main interlocutors: William James, Émile Durkheim, and John Dewey. Yet each author and several others are studied in significant detail in the rest of the book. I have also provided some preliminary considerations about value-commitments in the prior section when discussing some aspects of Dewey’s work.

<sup>34</sup> Joas, *The Sacredness of the Person*, 108. Not all ideals must have a moral component if we understand morality in restrictive normative terms. Take the ideal of producing outstanding beauty through music or poetry, for instance. Yet, Troeltsch presupposes here the classic Hegelian distinction between morality and ethical life, ascribing to the former the normative, restrictive, universal sense that we can find in Kant, and to the latter the more contingent pursuit of the good that we see in Aristotle’s ethics (see Joas, 103). Consequently, Troeltsch’s (and Joas’) goal is to advance an approach where the normative and the valuative can converge. *Moral ideals* attempt to do that. “Justice,” as a matter of fact, is one of those key ideals where restriction and affection converge, as Joas maintains in *The Genesis of Values* (Chicago, IL: University of Chicago Press, 2000), 172–73. I take the whole argument of *The Sacredness of the Person* as an affirmation of such convergence in the case of human rights, something implied by Joas in his Preface to this work (ix).

us guidance. Yet, it does not necessarily “seize us” and produce in us a deep sense of self-evident and affective obligation.<sup>35</sup> For that, we usually need deep value-commitments that arise from the experience of being exposed to the beauty and vulnerability of human life, as in the deep experience of affective protection parents feel for their newborns or the rightful rage we feel when we experience blatant abuses of power in cases like torture, lynching, sexual abuse, and so many others. Of course, this does not require firsthand experience, but it normally requires *some kind of* experience. An affirmative genealogy, at the level of historical reconstruction, attempts to give us access to some of those experiences, but stories, music, film, and plays also re-create complex experiences to which we may have not been exposed directly. Indeed, they can elicit deep attachments to ideals that can guide our moral life, giving us a sense of both deep obligation and nurturing sustenance. A list of norms, universal as they may be, rarely has the same effect.

Nussbaum’s approach substantially agrees with Joas,<sup>36</sup> adding two important points in direct connection to Rawls’ work. First, she moves from general *moral* ideals to *political* ideals and their correlative *political emotions*, that is, emotions that “take as their object the nation, the nation’s goals, its institutions and leaders, its geography, and one’s fellow citizens seen as fellow inhabitants of a common public sphere.”<sup>36</sup> In this sense, the central task of the affirmation of democratic,

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<sup>35</sup> If we consider the work of Immanuel Kant paradigmatic in this regard, we should however note that he did believe that the acknowledgment of the moral law elicits “pure respect,” which creates the sense of “affective obligation” I describe here. On this, see his *Groundwork for the Metaphysics of Morals*, ed. Allen W. Wood (New Haven, CT: Yale University Press, 2002), 16–17 [Ak 4:401]. But this he only asserts and does not fully develop. Moreover, it leads to a series of complications due to the formalism of Kant’s moral system. In this sense, we should see Troeltsch’s reflections, as he did himself, as a corrective that yet builds on Kant’s key achievements; never as a full-blown rejection of the moral universalism of the Kantian project.

<sup>36</sup> Nussbaum, *Political Emotions*, 1–2. I understand “emotions” as intuitive reactions or responses to a variety of stimuli. In this sense, emotions are different from, perhaps the opposite to, reflective responses. In addition, I follow the distinction between “emotion” and “feeling” presented in Martha C. Nussbaum, *Upheavals of Thought: The Intelligence of Emotions* (Cambridge, UK: Cambridge University Press, 2001) and summarized in Nussbaum, *Political Emotions*, 399 ff. Hence, I maintain that emotions have cognitive value, i.e., that “they all involve intentional thought or perception directed at an object and some type of

political ideals becomes both their rational justification *and* the cultivation of the correlative democratic emotions for the sake of the sustenance and invigoration of the democratic way of life. This specification is important because *moral* ideals could be understood as referring to “comprehensive doctrines.” Instead, Nussbaum has in mind political ideals represented by some version of Rawls’ principles of equality and difference, which only aim for an overlapping consensus on questions of basic justice without expecting agreement on fundamental understandings of reality.<sup>37</sup>

Second, however, Nussbaum notes that a non-comprehensive agreement on questions of basic justice does not imply a morally neutral approach. In contrast, she stresses the moral content of the political ideas grounding the democratic charter and their essential role in cultivating adequate political emotions. She summarizes the issue as follows:

No such project could succeed if it did not tie the question of public emotions to a definite set of normative goals. I envisage throughout a type of liberalism that is not morally “neutral,” that has a certain definite moral content, prominently including equal respect for persons, a commitment to equal liberties of speech, association, and conscience, and a set of fundamental social and economic entitlements.<sup>38</sup>

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evaluative appraisal of that object made from the agent’s own personal viewpoint” (399). Therefore, there is a process of discrimination, however intuitive. In contrast, “feelings” are non-cognitive and are closer to bodily states. As such, they “do not have the constancy and regular association with the emotion type in question that would be required if we were to include them in the definition of an emotion of a particular type” (400). As an example, we can consider fear, which is frequently associated with something like shivering or trembling, as Nussbaum notes. Yet, there are numerous counterexamples like the fear of death or, as we will see, the fear of strangers or strange practices, which is key for the question of democratic practices and their intersection with religious ones.

<sup>37</sup> Nussbaum, *Political Emotions*, 6. For Nussbaum, this is a point of great importance given the instances in the history of liberalism of attempting to impose a “liberal” comprehensive view. Nussbaum’s common example is the republican authoritarianism of Jean-Jacques Rousseau, but she spends a significant amount of time studying the case of Auguste Comte’s *religion de l’humanité* and John Stuart Mill’s response. For Comte’s key text on this regard, see Auguste Comte, *A General View of Positivism* (New York: R. Speller, 1957). For Mill’s critical retrieval of Comte’s project, see John Stuart Mill, *Auguste Comte and Positivism*, Fourth Edition (London: Kegan Paul, Trench, Trubner, & Co., 1891). For Nussbaum’s interpretation of the contributions of both authors, see Nussbaum, *Political Emotions*, 54–81.

<sup>38</sup> Nussbaum, *Political Emotions*, 16. I leave aside the discussion about the differences between Rawls’ *justice as fairness* and Nussbaum’s Capabilities Approach. I simply note here, as Nussbaum does,

She is describing dialectical relation. The political ideals become the framework within which the political emotions should be cultivated, and, in turn, the political emotions become one of the fundamental sources nurturing these ideals, giving them stability by affectively recommitting us to them, so that we are willing to foster the conditions for their preservation.<sup>39</sup> We may be even willing to fight to attain those values or to preserve them.

But how can this be accomplished? What kind of emotions are needed to foster these democratic ideals? For Nussbaum, this depends on our capacity to *love* beyond our immediate circles, to love beyond our tendency to reduce the range of our concern for others. But love, of course, is a complex emotion and Nussbaum is speaking here of love in a capacious way that includes compassion, hope, and solidarity. At the core of all these love-related emotions, Nussbaum maintains, is the experience of having “intense attachments to things outside the control of our will.”<sup>40</sup> Such a love can acknowledge the frailty and contingency of our shared humanity and, yet, love still. The key issue for Nussbaum is that these love-related emotions can be taught. We can learn them by creating and re-creating a democratic way of life through practices and

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that there is no fundamental disagreement and that the Capabilities Approach can be construed as an expansion of *justice as fairness* with some important corrections on issues of disability, animal entitlements, and international relations. On this substantial agreement, see Nussbaum, *Frontiers of Justice*, 176–79.

<sup>39</sup> The orientation provided by the political conception is crucial, because Nussbaum is well aware of the risks of what she calls “emotional foundationalism” (Nussbaum, *Political Emotions*, 157). Truly compassionate persons, for instance, can easily work against justice if they are led only by their perception of the suffering of others.

<sup>40</sup> Nussbaum, *Political Emotions*, 15.

institutions in which all of us are immersed.<sup>41</sup> Dewey called this a “creative democracy.”<sup>42</sup> Further, Nussbaum and Dewey agree on the crucial role of education through the arts in order to foster the love-related emotions required by democracy.

Nussbaum beautifully expresses all this in her analysis of Mozart’s *Le Nozze di Figaro*, which tells the story of the wedding of the servants Figaro and Susanna, after succeeding in foiling the efforts of their master, Count Almaviva, to seduce Susanna in an attempt to teach Figaro a lesson in fidelity. For Nussbaum, Mozart’s opera is key “for the way in which it imagines the replacement of the ancien régime by a new order of fraternity and equality.”<sup>43</sup> The opera explores through acting and singing the moral sentiments required for the consolidation of the new emerging democratic culture. In the opera, we see a sharp contrast between the world of men still marked by desires of domination and revenge (including Figaro), and the world of women where friendship, cooperation, and lack of rank are central.<sup>44</sup> What matters at this point is the ending of the opera where “temporarily, at least, the male world yields before the female world, asking for pardon.”<sup>45</sup> Figaro asks for forgiveness for doubting Susanna, and the Count in turn begs the Countess pardon for attempting to seduce Susanna. For Nussbaum, the powerful lesson of the opera’s ending is that forgiveness and hope are essential to give stability to democratic culture. The Countess forgiving

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<sup>41</sup> Again, this means that the position defended by Nussbaum, Rawls, and myself is not morally neutral. Democratic culture must have a basic moral core where equal respect, among other values, is essential. Of course, this generates some controversy because some forms of life will be decisively undermined. Yet, Nussbaum believes that some tension is preferable to a society with greater stability without equal respect. On these issues, see Nussbaum, *Political Emotions*, 131; Martha C. Nussbaum, *Women and Human Development: The Capabilities Approach* (New York: Cambridge University Press, 2000), 235–36, for the specific tensions arising in the area of religious practices.

<sup>42</sup> Joas, *The Creativity of Action*, 243. See also my discussion above of Dewey, “Creative Democracy –The Task Before Us.”

<sup>43</sup> Nussbaum, *Political Emotions*, 29.

<sup>44</sup> Nussbaum, *Political Emotions*, 30–35.

<sup>45</sup> Nussbaum, *Political Emotions*, 49.

the Count means that “she is agreeing to love, and even trust, in a world of inconsistency and imperfection.” Her saying “yes” to him symbolically means saying “yes” to “a world in which people commit themselves to liberty, fraternity, and equality while understanding that these transcendent ideals are to be attained not by exiting from the real world into a pristine world, but rather by pursuing them in this one.” Sustaining this hope, Nussbaum maintains, requires “trust in the possibility of love.”<sup>46</sup> Connecting this to Dewey’s ideas above, we could say that it requires trust in the possibilities of the free intercourse of minds when it is guided by love and love-related emotions like fraternity, solidarity, and compassion.

Returning to Joas’ approach, I note first that accounting for the historical formation of moral ideals is not the same as rendering them fully contingent.<sup>47</sup> Universally recognizable moral values, like the basic equality of all human beings, are not just relative to the historical moment in which they were discovered: the point here is to highlight “the fact of ideal formation and the irreducibility of the ideals it generates.”<sup>48</sup> Furthermore, universal values are always materialized in particular cultural contexts with distinct emphases and idiosyncratic manifestations. Only in those concrete contexts can universal values truly call upon us.<sup>49</sup>

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<sup>46</sup> Nussbaum, *Political Emotions*, 50, 50–51, 50.

<sup>47</sup> Joas, *The Sacredness of the Person*, 104–105. For similar ideas, clearly influenced by Troeltsch’s, but applied to the idea of divine revelation in history, see H. Richard Niebuhr, *The Meaning of Revelation* (New York: The Macmillan Company, 1941).

<sup>48</sup> Joas, *The Sacredness of the Person*, 107.

<sup>49</sup> Nussbaum, *Political Emotions*, 11–14, agrees, adding empirical evidence that shows how human emotions tend to be particularistic. Hence, the fundamental task of those committed to affirmation of democratic ideals is to enrich people’s moral imagination so that they can expand their “circles of concern” and increasingly see the *other* as part of *us*. On the other hand, the inherently particularistic nature of ideals and their correlative emotions offers important advantages as well. For one, it allows for radical critique *from within*, where members of a given community, competent enough on the role of a set of specific values for a given group, can denounce the failure to realize those values. Joas addresses this issue directly too, see *infra* for his second step. On this issue, using the notion of “immanent critique,” see Stout, *Democracy and Tradition*, 72–73.

Second, acknowledging the importance of the historical formation of moral ideals allows us to leave room for the production of *new* ideals in history; it leaves room for the creativity of human action. The point here is that the production of new ideals, which orient us and give us new criteria, never ends.<sup>50</sup> But, again, the issue is not to forgo the normative dimension, the existence of universal moral criteria for action; the point is simply to acknowledge that such criteria could come from nowhere else than from history.<sup>51</sup>

The second step of Joas' six-fold account is called *the specific individuality of historical phenomena*.<sup>52</sup> "Individuality" here should be understood as "specificity" or even "uniqueness." Joas' point is that historical phenomena cannot be rendered adequately intelligible without reference to the ideals that shape them. Speaking of mere causal connections as if we were in an inevitable teleology, as in certain accounts of "progress," is misguided. Instead, as before, the emphasis here is on the creativity of action and the creative formation of new ideals. Progress or failure is an assessment that depends on whether certain events give fulfillment to our ideal expectations. Was the French Revolution successful? Was the Civil War worth fighting for? Was the Civil Rights movement able to accomplish its goals? We can only respond to these questions by placing these historical phenomena alongside the ideals that allowed their occurrence in the first place. Moreover, the judgment will also depend on the eye of the viewer and would be ultimately decided intersubjectively and never once and for all. Joas notes to what extent this

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<sup>50</sup> Joas, *The Sacredness of the Person*, 107.

<sup>51</sup> Joas, *The Sacredness of the Person*, 108. Of course, some accounts could argue that universal moral ideals could be revealed by, say, the divine. But even if this claim were true, those ideals would always be subject to human interpretation, at the very least through their linguistic articulation in given historical situations. This is precisely one of the key insights behind the notion of "confessional theology" in Niebuhr, *The Meaning of Revelation*.

<sup>52</sup> Joas, *The Sacredness of the Person*, 109–114.



approach resembles that of Charles Taylor and his notion of moral ontology: ultimately, our assessment of our personal life stories, but also of history in general, depends on the values that inform them. Taylor calls these fundamental values, “higher-order goods” or “hyper goods.”<sup>53</sup>

The third step is called *historical development*.<sup>54</sup> Perhaps the best way to express this, again in language close to Taylor’s, is to say that ideals open a *moral space*. It is within this moral space, with its own hierarchy of values, that the notion of “development” makes sense. Thus, “development” is by no means a value-free concept, but one that depends on some meta-developmental valuations, and perhaps even some kind of faith.<sup>55</sup> Notions like Max Weber’s “disenchantment” or “rationalization,” for instance, are not the mere product of socio-historical research but depend on some more fundamental commitments regarding what is at stake in human history. Hence, an adequate interpretation of any given historical event requires both an understanding of the ideals shaping it and a recognition that the interpreter also has certain ideals shaping her interpretation.<sup>56</sup> Ultimately, what is at stake is the “development of meaning,”<sup>57</sup> ascribing intelligibility to a given situation, historical period, or history itself.

The fourth step is *the inevitable self-positioning of the historian*.<sup>58</sup> If we take historical contingency seriously, this should lead to the historicization of the interpretative conclusions of

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<sup>53</sup> Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, MA: Harvard University Press, 1989), 63ff.

<sup>54</sup> Joas, *The Sacredness of the Person*, 114–20.

<sup>55</sup> Joas, *The Sacredness of the Person*, 115.

<sup>56</sup> Joas, *The Sacredness of the Person*, 118. Further, the “individuality of historical phenomena” as described in step two is only such to an extent. For events do not take place in isolation, but always interacting with other trajectories cross-fertilizing each other, although the identification of these connections always depends on the interpreter’s attribution of meaning and some notion of universal history (119).

<sup>57</sup> Joas, *The Sacredness of the Person*, 119.

<sup>58</sup> Joas, *The Sacredness of the Person*, 121–24.

the historian herself. Some form of “existential historicism” is at stake here: we make interpretative choices, yes; but many of them are the consequence of demands made of us. The affective, self-evident dimension described above plays a key role in this existential confrontation of the historian with the ideals shaping a given historical moment and her own ideals. Hence the “inevitable self-positioning”: it is not only that values shape history and our interpretation of it as a matter of principle. It is that historical events have *current meaning for us*; they call upon us, demanding endorsement or opposition.

Moreover, we cannot really escape from this demand to take a stance. What often happens, as Weber’s case shows, is that we simply do not acknowledge that a position has been taken. To return to some of our prior examples: *we* judge the values of the French Revolution, rejecting or endorsing them; *we* embrace the ideals defended by Abraham Lincoln in the American Civil War or support instead the narrative of the “War of Northern Aggression”; *we* take the side of Martin Luther King Jr. during the Civil Rights Movement or side with segregationists. Further, the ideals we embrace are not embraced distantly as if we simply feel admiration for Lincoln’s or King’s positions. Instead, we “incorporate historically originating ideals into our action and attempt to realize them beyond their historical manifestations, perhaps even beyond their past potential for realization.”<sup>59</sup>

*Affirmative genealogy* is the penultimate step.<sup>60</sup> If we agree with the prior steps of the Troeltsch-Joas argument, it follows that the fact that ideals, and particularly moral ideals, are constituted historically does not mean that they are purely contingent. Instead, we could say, they are *historically universal* or, returning to a point discussed in Chapter 2 with reference to Paul

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<sup>59</sup> Joas, *The Sacredness of the Person*, 123.

<sup>60</sup> Joas, *The Sacredness of the Person*, 124–30.

Ricoeur, they have *a claim to universality*. It follows that such a claim cannot be simply asserted as valid. Even though the validity of certain moral ideals does not depend on their historical genesis, it cannot achieve subjective self-evidence and affective intensity without an account of such a genesis that also attempts to re-vitalize those ideals creating experiences for new value-commitments through narrative, poetry, music, film, etc. Further, the *stability* of those ideals, a theme of the utmost importance for Rawls, depends greatly on the capacity to elicit strong attachment to them, but Rawls does not develop this issue.<sup>61</sup>

In this context, “affirmative genealogy” operates as a contingency-conscious method of historical reconstruction whose main goal is the affirmation of certain values by creating the context for them to call upon us, and, thus, by attempting to realize them in history. But this is, indeed, an *attempt* to affirm these ideals and to realize them. For the historian can only attempt to articulate and re-articulate these ideals with the goal that their meaning can be heard and absorbed individually. Hence, there is a great dimension of hope, perhaps even of faith, involved here. For we believe in the universality of these values and are convinced that they are valid independently of us. Yet, “every attempt to achieve timeless validity must always remain a temporal phenomenon.”<sup>62</sup> So, the task of the historian-advocate is that of an endless attempt of creative revitalization of values by returning to their origins to find purpose and strength, but also by rearticulating their meaning in new historical contexts that can give new meaning to them or even create new values.<sup>63</sup>

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<sup>61</sup> Affirmative genealogy is by no means the only way to elicit strong attachment to moral ideals, hence the appeal to arts following Nussbaum’s work on political emotions. However, it is fair to say that at the level of the *systematic* articulation and affirmation of ideals, affirmative genealogy remains a most powerful method to elicit such affective attachment to moral values.

<sup>62</sup> Joas, *The Sacredness of the Person*, 128.

<sup>63</sup> Joas, *The Sacredness of the Person*, 124–25. On this issue, Ernst Troeltsch, “What Does ‘Essence

The last step of the argument Joas calls *sociological realism*.<sup>64</sup> Arguably, these methodological reflections have put too much stress on ideals and what they might accomplish. Are we not fleeing this world, lacking realism, and replacing it with ideological constructions? For Joas, this is a key issue. Even though the formation of ideals is at the core of the method of affirmative genealogy and great emphasis has been put on the way they help us to construe historical events, this is in no way done as a totalizing project of universal history *à la* G. W. F. Hegel. Affirmative genealogy is contingency-conscious and therefore attempts to be realistic both about the socio-political forces at play in the formation of values and about the possibilities for the actualization these values. Thus, affirmative *genealogy* is not naïve about the formation of ideals, as if they just popped up without political, economic, and social interests and forces always-already shaping them. But, for the same reason, neither is *affirmative* genealogy naïve in regards to the need of such configurations, especially insofar as they are organized through institutions, for the affirmation and materialization of ideals: “Values cannot remain mere values. They come alive only if they are defended argumentatively as values—but above all if they are upheld by institutions and embodied in practices.”<sup>65</sup>

## 2.2. From the Monarchy of Fear to Creative Democracy

The institutionalization of values and their embodiment in practices is another area of

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of Christianity’ Mean?,” in *Writings on Theology and Religion* (Atlanta, GA: John Knox Press, 1977), stands as a key, brief representative of Troeltsch’s understanding of history and the role of creativity in it applied to Christianity.

<sup>64</sup> Joas, *The Sacredness of the Person*, 131–35.

<sup>65</sup> Joas, *The Sacredness of the Person*, 135. In this context it is important to recall, as I did with Dewey earlier, that values or ideals are characterized by their condition of being *desirable* (nor merely *desired*). This means that we see them as having inherent worth beyond our mere preferences, and this is precisely why they have the capacity to seize us. Of course, this does not mean that their desirability is not historically contingent and mediated by interpretations, but even at that level the distinction stands.

substantial agreement between Joas and Nussbaum, but also an issue to which Nussbaum makes some additional contributions. For political love-related emotions, Nussbaum argues, are essential to sustain the democratic way of life, but this begs the psychological and sociological “realist” question of whether these emotions can indeed be taught and whether they can endure. Nussbaum’s goal is twofold: On the one hand, to avoid “unrealistic projects that are all too likely to lead, down the road, to a hatred of the actual”; and on the other, to avoid also “a political culture that simply pats people on the back, rather than trying to make things in the world better and more just than they currently are.” She adds: “Striking the right balance between aspiration and acceptance is one of the most difficult and delicate tasks of the political life, as of the personal. But the right balance cannot be one that erases the longing for justice.”<sup>66</sup>

The ideals Nussbaum puts forward for a society that aspires to be just are in basic harmony with Rawls’ principles of justice, although they expand them in important ways.<sup>67</sup> Hence, I will not devote much attention to them. Instead, I would like to turn to some of her considerations on the emotions, where I think she makes a distinct contribution. For Nussbaum, establishing the conditions for just human cooperation in a given society requires abandoning any form of naïve faith in human progress. Instead, we need to wrestle with the fact that there is a deeply engrained tendency in human behavior to denigrate and humiliate others. She calls this tendency *radical evil*: “a set of presocial tendencies to bad behavior, tendencies that go beyond those rooted in our shared animal heritage and which lie beneath cultural variation.”<sup>68</sup> In her view, this tendency is deeply

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<sup>66</sup> Nussbaum, *Political Emotions*, 117.

<sup>67</sup> I have already noted the basic agreement between Rawls and Nussbaum on these issues, although Nussbaum expands and corrects some limitations of Rawls’ approach. For her careful critical appraisal of Rawls’ work and her more in-depth presentation of The Capabilities Approach, see Nussbaum, *Frontiers of Justice*. For her account of the “Core Values of a Just Society” which overlaps but is not identical with The Capabilities Approach, see Nussbaum, *Political Emotions*, 118–24.

<sup>68</sup> Nussbaum, *Political Emotions*, 165. Nussbaum clearly has Kant’s account of radical evil in mind,

rooted in our evolutionary heritage. We and other animals share a propensity to have a narrow sense of who matters.<sup>69</sup>

However, our animality is not the primary problem; there are some structures peculiar to human life that may matter more. Indeed, one distinct feature of our species is that we are “both highly intelligent and helpless, a combination that shapes emotional development, not always for the good.” Drawing from the research of psychologist Daniel Stern, Nussbaum highlights the deep sense of helplessness of the infant who is hungry, for instance. “First is the sheer magnitude of hunger as a disruption of the entire system.” Adults tend to underestimate this experience. In contrast, the infant lives it as cataclysmic. Hence, “as the infant develops a sense of the future and of itself as a persisting being, [the cataclysmic event] would become the object of intense fear, and its relief the object of joy and gratitude.”<sup>70</sup> Related to this is the second issue. The infant’s narcissistic tendencies.: “All experiences radiate from its own internal states . . . its awareness is entirely of itself, and of external agencies only insofar as they lock, magnetlike, onto itself and cause an alteration in its own states.”<sup>71</sup> Here, in the combination of helplessness and potential narcissism, is where “radical evil” gets started, Nussbaum argues.<sup>72</sup> Further, even when the infant

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but considers it incomplete: “Kant does not even identify a sufficiently wide range of types of bad behavior: he includes envy and competition, but omits racial and ethnic hatred, the desire to degrade and humiliate, the love of cruelty for its own sake” (167). For Kant’s account, see Immanuel Kant, *Religion within the Boundaries of Mere Reason: And Other Writings*, ed. Allen W. Wood and George Di Giovanni, First edition, Cambridge Texts in the History of Philosophy (Cambridge, UK: Cambridge University Press, 2012), especially Sections III and IV of Part I, “The Human Being Is By Nature Evil” (6:32–6:39) and “Concerning the Origin of Evil in Human Nature” (6:39–6:53).

<sup>69</sup> Nussbaum, *Political Emotions*, 168. Of course, there are also evolutionary tendencies toward compassion and solidarity, but these are not sufficiently stable and require structures to give them sustenance (155–157).

<sup>70</sup> Nussbaum, *Political Emotions*, 169, 171, 171.

<sup>71</sup> Nussbaum, *Political Emotions*, 171.

<sup>72</sup> Nussbaum, however, interprets this tendency to narcissism as coming from the infant’s radical experience of solipsism. Joas disagrees. Drawing from Donald Winnicott’s work, he cautions: “I feel it is misleading to express this state of affairs [that the newborn child is helpless and utterly dependent on care

is fed and her primary needs are met, the terror of helplessness remains. Fear leaves deep wounds.

Interestingly, the very development of the child's life itself provides the resources for the transformation of this situation. The infant also finds the outer world fascinating and curious: "It is this outward erotic movement toward the world and its alluring objects—which we can already call wonder, and which we can call love in at least a nascent sense—that proves crucial in propelling infants beyond the frozen state of narcissism."<sup>73</sup> Simply put, the cure for our narcissistic *fear* of helplessness is *love*, meaning:

a delighted recognition of the other as valuable, special, and fascinating; a drive to understand the point of view of the other; fun and reciprocal play; exchange, and what Winnicott calls "subtle interplay"; gratitude for affectionate treatment, and guilt at one's own aggressive wishes or actions; and, finally and centrally, trust and a suspension of anxious demands for control. (There could hardly be fun and "subtle interplay" without that.) It is only through trust in an uncertain world and the people in it that one ever finds the way out from a smothering narcissism, if one does. But trust cannot be generated out of rules of fairness alone; it really has little to do with such rules. What makes it possible is the lovable behavior of the parent—combined with the wonder, love, and creativity of the child, which has its ultimate roots in the child's wonder at the light, its erotic outward-moving curiosity.<sup>74</sup>

Hence, as noted in commenting on Mozart's *Le Nozze di Figaro*, love and love-related emotions are crucial to giving stability to democratic ideals. For these ideals are inherently anti-hierarchical and reject anxious forms of control and domination. But, in order to survive, they need

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and attention] in such a way as to imply that the baby understands the attention it receives to be the result of its own omnipotence. After all, this redefinition would suggest that the baby already had the ability to distinguish between itself and its surroundings. It is probably more accurate to say that the baby experiences the connection between its desires and their satisfaction—which does, after all, stem from some external source—as some kind of magical causal relationship. It helps to have desires, as this enables the child to exercise control over the world and fosters the illusion that the world is something that can be placed at its command" (Joas, *The Creativity of Action*, 165). Yet, what appears to be a difference of interpretation in regards to how soon the infant develops a sense of the causality of its actions does not affect Nussbaum's overall argument, namely, that at some point the infant starts perceiving "that the world is something that can be placed at its command," in Joas' words.

<sup>73</sup> Nussbaum, *Political Emotions*, 174.

<sup>74</sup> Nussbaum, *Political Emotions*, 176.

trust and hope. Further, they need playfulness, openness to creative new developments as Dewey, Joas, and now Nussbaum maintain. Indeed, what psychologist Donald Winnicott calls “subtle interplay” has this openness to the creativity of action at its very basis: “the capacity to be alone in the presence of the other (not constantly demanding slavish attention); trust in the other and the willingness to relax the demand for complete control in the presence of the other; the capacity to respond to subtle cues with an appropriate reaction; the ability to imagine what the other intends and feels.”<sup>75</sup> The agreement with Joas is, again, substantial. In fact, Joas also draws from Winnicott’s research on child development, to which he adds the crucial contributions of George Herbert Mead on the intersubjective constitution of the self, to arrive at similar conclusions about what is needed for a creative democracy.

Finally, a form of fear that is especially dangerous for democratic culture: disgust.<sup>76</sup> People tend to form hierarchies. Hierarchies, however, can —and often do— become obstacles to the recognition of equal human dignity. Now, one key force behind the formation of hierarchies is the desire to deny our own frailty, especially insofar as it connects to our animality. Disgust reflects this denial; the rejection of our “animal reminders” (bad smells, bodily fluids like blood, feces, etc.) which, in turn, remind us of our own animality and mortality. Disgust is related then to our early narcissism, to our fear of helplessness.<sup>77</sup>

What matters for us is that this “primary-object disgust,” which is directed to the object of

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<sup>75</sup> Nussbaum, *Political Emotions*, 180.

<sup>76</sup> Perhaps is worth noting here that after the publication of *Political Emotions*, Nussbaum has slightly revised her position about the role of fear. Now she more strongly stresses the primary nature of fear as the originating emotion of other key antidemocratic emotions like disgust, envy, anger, etc. For her more up-to-date account, see Martha C. Nussbaum, *The Monarchy of Fear: A Philosopher Looks at Our Political Crisis* (New York: Simon & Schuster, 2018), especially Chapter 1, “Fear, Early and Powerful.”

<sup>77</sup> Nussbaum, *Political Emotions*, 182–83.



repulsion, say, feces, can turn into “projected disgust”: “disgust for a group of other humans who are segmented from the dominant group and classified as lower because of being (allegedly) more animal.”<sup>78</sup> As Nussbaum underscores, this is a social configuration and varies depending on the culture. However, it is likely more primary than that. For we see this tendency toward projective disgust in almost all known societies. Further, it tends to target the same groups: women, sexual minorities, or groups to which deviant (sexual or otherwise) practices are attributed (Blacks, Jews, etc.). Of course, the problem of projective disgust is that it creates two worlds—an “us” and a “them.” As such, it fundamentally undermines the possibility of equal respect.

How can projective disgust be transcended? By learning to love the other. Here play and the imagination have a crucial role. Against the forces of disgust, we must learn how to humanize and dignify the existence and viewpoint of those allegedly disgusting others. Taking the idea of equality seriously will lead to the recognition of our shared vulnerability and mortality.<sup>79</sup> The rudiments of fear and love, and, thus, for projective disgust and equality, are present from the early stages of our human development. Hence, nurturing love-related emotions as the child grows up is essential to counter the negative emotions that would undermine the consolidation of a democratic culture of mutual respect.<sup>80</sup> Being exposed to the experiences of others is central in this regard. Yet, since we cannot be exposed to all forms of diversity, play and the arts are essential, for they allow us to enter the world of the other through “role taking” and the use of our imagination.<sup>81</sup> Indeed, play, stories, music, poetry, theater, and so forth can create what Winnicott

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<sup>78</sup> Nussbaum, *Political Emotions*, 184.

<sup>79</sup> Nussbaum, *Political Emotions*, 189–90.

<sup>80</sup> Nussbaum, *Political Emotions*, 250–55, delineates the main features of how patriotic, democratic education should operate.

<sup>81</sup> On “role taking” and its essential value in human sociability, see Joas, *The Creativity of Action*,

called a “potential space,” a place in which “roles and options can be tried out without real-life stress.”<sup>82</sup> In turn, the existence of such potential space will play a key part in the development of a “facilitating environment” capable of fostering the overall democratic culture.<sup>83</sup>

We have returned, then, to the goal of achieving a democratic culture of “integrated creativity.” The goal here is to create and foster the conditions for a culture in which, provided that there is a basic moral core, there is ample room for inventiveness and creativity. In fact, democracy has the potential to encourage an analogous form of free play. For its deliberating institutions can expand the imagination inviting us to find new creative ways to agree on solutions to concrete problems. Moreover, it also has the potential to elicit love-related emotions where sharp distinctions between “us” and “them” are eradicated. But, of course, this is just the potential of the ideal of democracy. For this reason, again within the limits of the moral-political conception, ample room for free speech and criticism must be encouraged, so that our very human tendency to enforce the views of the majority is countered by critical appraisals of those views.<sup>84</sup>

Now, all these psychological and sociological realist considerations should not overshadow the crucial role of ideals and the need to keep hope alive. If we are indeed realists in the way Joas and Nussbaum suggest, we must embrace human contingency and the radical evil always-already undermining our democratic ideals. However, the presence of these shortcomings does not imply

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187 ff.

<sup>82</sup> Nussbaum, *Political Emotions*, 181.

<sup>83</sup> Nussbaum, *The Monarchy of Fear*, 60–62.

<sup>84</sup> Nussbaum, *Political Emotions*, 196–98. Further, cultivating a spirit of dissent and critical thinking is a crucial antidote to antidemocratic fear, especially when fear is propagated through “informational cascades” that recourse to peer pressure. Studies show that the uniformity of opinion normally caused by peer pressure is relatively easily broken when dissent emerges in the group, sometimes even with the dissent of one single individual (see Nussbaum, *The Monarchy of Fear*, 48–51). As Nussbaum writes: “Dissent produces mental freedom from fear” (50)

that aspiring to a more just, democratic society is naïve or impossible. Many of our societies are, in fact, more democratic today. Fundamental democratic gains have been obtained. Ideals do have real consequences. Constitutions, for instance, lay out ideals “supplying a basis for legal action when the rights they guarantee are not delivered.”<sup>85</sup>

Yet, fear, anger, disgust, envy, are and will always be, with us. Hence, nurturing democratic emotions is crucial. Hope is especially important. For hope is the positive, constructive reaction to the same powerlessness to which fear reacts: “Hope swells outward, fear shrinks back.”<sup>86</sup> Hope, then, involves the choice of “stepping into the waters of chance, unafraid.”<sup>87</sup> But hope is bolstered by faith, the conviction that the positive outcome will indeed unfold, that the good for which we are fighting is truly achievable. This brings us back to the importance of love, which in this context consists “in seeing the other person as fully human, and capable of good and change.”<sup>88</sup> And all this, of course, must be institutionalized through different “schools of hope” and the correlative “practices of hope.” Nussbaum devotes Part III of *Political Emotions* and the last pages of *The Monarchy of Fear* to this very issue examining the key role of political leaders like Francis D. Roosevelt, Winston Churchill, Nelson Mandela, and Martin Luther King Jr., and their most decisive speeches and policies; the importance of public parks and public art and the ways in which they can help to heal complex social dynamics; the role of the arts and, especially, of the adequate balance between tragedy and comedy to deal with fears and hopes; the intervention of churches and protest movements in democratic public life; and so forth. We do not have to examine all of these examples, but the conclusion is clear: the democratic way of life requires institutions and

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<sup>85</sup> Nussbaum, *Political Emotions*, 383.

<sup>86</sup> Nussbaum, *The Monarchy of Fear*, 205.

<sup>87</sup> Nussbaum, *The Monarchy of Fear*, 212. The citation is from Rabindranath Tagore.

<sup>88</sup> Nussbaum, *The Monarchy of Fear*, 216, 220–21.

practices for its materialization.

It requires the difficult balance between ideals and their correlative emotions, and concrete venues for their expression in legislation, education, art, etc. Paying attention to this balance, in turn, permits us to give a more adequate framework to the democratic ideals defended by Rawls' theory of justice. For this approach allows us to insert them into a long tradition of emancipatory thought and practices in which deep emotional, motivational forces have had a crucial role. In the following pages I do so through an affirmative genealogy of our democratic culture, giving special attention to the crucial role that certain religious values, institutions, and practices had in the formation and in the creative interpretation of democratic ideals, and vice versa. This allows us to see how religion and democracy have influenced each other in productive ways, enabling the emergence of new ideals or the materialization of ideals nominally held but never enacted. In doing so, we will be able to identify the emancipatory ideals at the core of the democratic culture and a democratically-shaped religious faith, and to assess their development, judging their failures and accomplishments *vis-à-vis* their originating ideals. All this is done with careful attention to the complex dynamics in the formation and institutionalization of ideals, taking especially into account the historical successes and failures of trying to realize these ideals.

### **3. Democracy and Religious Freedom: Intercontinental Crossroads**

Establishing a point of origin for complex historical processes is a difficult and daring task. Facts and values interact in complex ways, and the orientation we give to our narrative depends on their interplay. The attempt to provide a narrative devoted to the emergence and development of the democratic tradition is worthwhile precisely for the sake of its affirmation, and particularly because democratic values have at their core the defense of the most vulnerable in our societies, a

key concern uniting the projects of *justice as fairness* and liberation theology.

### 3.1. The Starting Point: Why Not the Axial Age?

Where to start, though? The apparent consolidation of democratic practices in most countries of the world has invited many to reflect on the sources of this consolidation. Although no value-free genealogy is possible, some accounts are more plausible than others. Attempts to trace the origins or seeds of democratic culture back to emphatic statements on the dignity of all human beings, as we find in most of the major religions and some ancient philosophical traditions, appear unconvincing. For despite the fact that we can find in these religious and philosophical traditions strong defenses of the dignity of people, the very same traditions have had “a persistent tendency to limit morality and notions of human dignity to the internal life of religious or political communities.”<sup>89</sup> Clearly, ideals of mutual respect and even equality have been present since at least the Axial Age, but these ideals were not systematized and institutionalized in legislation and practices that applied to everyone.<sup>90</sup>

The Axial Age, a term coined by Karl Jaspers to describe the period in the middle centuries of the first millennium BCE, represents a major revolution in human civilization. It was then that the teachings of the major Hebrew prophets, of Plato and Aristotle in Greece, the *Analects* of

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<sup>89</sup> Joas, *The Sacredness of the Person*, 9–10.

<sup>90</sup> In this sense, the “archeology of rights” presented in Nicholas Wolterstorff, *Justice: Rights and Wrongs* (Princeton, NJ: Princeton University Press, 2008) stands as a good example of an “affirmative genealogy” that probably expands too much the scope of the culture of rights. It is true, as he shows, that we can retrieve a conception of subjective rights from even the Hebrew and Christian Bibles, but it is quite a stretch to see in this the genesis of human rights or democratic ideals. Now, it is true that Wolterstorff’s goal is to challenge narratives of decline that interpret human rights as the paradigmatic expression of individualism, something defended by MacIntyre and, more recently, by Deneen. In this sense, he wants to see in non-individualistic culture the origins of subjective rights. Hence, we can agree with Wolterstorff in his rejection of the narratives of decline, but still find the genesis of the culture of democracy and subjective rights in later developments.

Confucius and the *Daodejing* in China, major Indian texts like the *Bhagavadgita*, and the teachings of the Buddha became known. In all of them a new and revolutionary ideal *started* to emerge: transcendence. Hence, the Axial Age marks a crucial moment in human civilization when transcendent and mundane realities started to decouple. Some have even called it the “age of criticism,” stressing the relativization of mundane realities, the desacralization of political domination, and the separation between ethnic and religious collectivities.<sup>91</sup> However, it is worth noting that “transcendence” is by no means a self-evident term and some scholars have contested it as the defining feature of the Axial Age. Perhaps a more capacious definition should stress the emergence of a type of critical reflexivity that started to question what until then appeared to be inevitable, given temporal and social conditions. If this is correct, then it is matter of contingency and cultural creativity whether this new reflexivity developed into a transcendent cosmology or an immanent one. The true achievement then is not the formation of transcendent cosmology that too often tends to be identified with specific religious traditions, but the *emergence* of what Joas calls “moral universalism.” Here, “moral universalism” stands for the idea according to which the respect for the life of all—not only the members of my ethnic group or religious confession, nor the life of my kings and nobility—becomes a universal value. Here we see the *beginnings* of the notion of the *sacredness of the person*. As Joas notes, if this interpretation is correct, it should make less dramatic the alleged “loss of transcendence” that appears to characterize our age.<sup>92</sup> Putting aside whether the alleged loss is such, by decoupling transcendence from moral universalism it is still possible to defend the latter without necessarily committing to religious or

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<sup>91</sup> Hans Joas, “The Axial Debate as Religious Discourse,” in *The Axial Age and Its Consequences*, ed. Robert N. Bellah and Hans Joas (Cambridge, MA: Harvard University Press, 2012), 11–12.

<sup>92</sup> Joas, “The Axial Debate,” 12–13.

secularist premises.<sup>93</sup> As we will see, in one way or another, this moral universalism is perhaps *the* key to many of the ideas developed in the following pages.

Now, I have purposely italicized “emergence” and “beginnings” in the previous paragraph to underscore a fundamental issue—namely that the Axial Age represents the starting point of a cultural revolution, but by no means its consolidation. As Charles Taylor maintains, the Axial Age traditions “initiate a break in all three dimensions of embeddedness: social order, cosmos, and human good.”<sup>94</sup> However, as he notes, these Axial traditions were prevented from unfolding their full disembedding force because they were “hemmed in by the force of the majority religious life, which remained firmly in the old mold.”<sup>95</sup> Hence, a minority elite of virtuosi developed. They became what Robert Bellah has called “renouncers-denouncers”: a class of “intellectuals” who stood outside of the centers of power and usually institutionalized a tradition of criticism by establishing schools, orders, etc.<sup>96</sup>

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<sup>93</sup> Comparing the work of Max Weber and Ernst Troeltsch on this issue can be instructive. As Joas notes, Weber and Troeltsch held competing interpretations of the possible future intersections between moral universalism and Christianity. Both believed that Puritanism was exhausted as viable form of future Christianity. However, Weber believed that Puritanism was the most coherent version of Christianity, particularly for its theodicy. Accordingly, its exhaustion was a sign of decay. In contrast, Troeltsch saw this exhaustion as an opportunity for the emergence of new forms of Christianity (Joas, “The Axial Debate,” 20–21). The fundamental difference appears to lie in the interpretation of the process of rationalization and disenchantment. Given that Weber saw these processes, and especially the latter, as processes of “demagicization”, and that he saw Puritanism as the most “demagicized” form of Christianity, it makes sense that he would see the exhaustion of Puritanism as a loss. Further, it makes sense that he would see the moral universalism represented by the culture of human rights with certain disdain as a manifestation of hyper-rationalization (the charismatization of reason), individualism, capitalism, and bureaucratization, if its (religious) motivating grounds were gone. Hence, Weber had to take the stance of heroic pessimism. Troeltsch’s perspective is significantly different and more hopeful. The moral universalism of human rights can be appropriated by and integrated to the Christian tradition, the latter giving powerful foundational and motivational force to the former (Joas, *The Sacredness of the Person*, 28–32).

<sup>94</sup> Charles Taylor, “What Was the Axial Revolution?,” in *The Axial Age and Its Consequences*, ed. Robert N. Bellah and Hans Joas (Cambridge, MA: Harvard University Press, 2012), 34.

<sup>95</sup> Taylor, “What Was the Axial Revolution?,” 38.

<sup>96</sup> Robert N. Bellah, *Religion in Human Evolution: From the Paleolithic to the Axial Age* (Cambridge, MA: Belknap Press of Harvard University Press, 2011), 574–75.

Yet, this division of religious labor between pre-Axial masses and post-Axial elites created an “unstable amalgam” full of tensions and contradictions. In the context of Latin Christendom, this shaky equilibrium of what Taylor calls “the two-tiered order of society-in-cosmos” was undermined and later destroyed, especially by the Protestant Reformation. At least in principle, “the newly remade society was to embody unequivocally the demands of the Gospel in a stable and, as it was increasingly understood, a rational order. This order had no place for the ambivalent complementarities of the older enchanted world.” Instead of a mere culturally inherited and morally lax Christianity, the Reformers wanted adherence by personal conviction and individual responsibility. It is here, in what Taylor calls the “great disembedding,”<sup>97</sup> that we can begin the story that concerns us in this investigation.<sup>98</sup>

### **3.2. Religious Dissent and Philosophical Enlightenment: Narratives of Cross-Fertilization**

We find a productive starting point for our narrative in the Protestant Reformation, especially with the emergence of significant groups of dissenters.<sup>99</sup> Moreover, with Joas, Nussbaum, and several others, I believe that we can find some of the seeds of democratic culture in the formation of the culture of religious freedom that progressively took place in the newly

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<sup>97</sup> Taylor, “What Was the Axial Revolution?,” 41, 42, 42.

<sup>98</sup> The story is significantly more complex, nevertheless. For, at least *theologically*, the Reformers unequivocally stressed that moral responsibility and “works” would never be enough to grant justification to the human race. Justification is brought to us only by the death and resurrection of Jesus Christ. On this issue, see, among other places: Martin Luther, “The Freedom of a Christian,” in *Luther’s Works*, ed. Harold J. Grimm, American Edition, vol. 31 (Saint Louis, MO: Concordia Publishing House, 1957). However, *in practice*, it is fair to say that the Reformers created a distinct new culture that indeed broke the two-tiered order of medieval Christendom and stressed greater responsibility and personal holiness.

<sup>99</sup> A more capacious study of the origins of democratic values and practices should take a more global perspective, comparing alternative developments in non-Western cultures. For a contemporary attempt to give to the history of democracy a global perspective, see Temma Kaplan, *Democracy: A World History*, New Oxford World History (Oxford: Oxford University Press, 2015). See also Benjamin Isakhan and Stephen Stockwell, *The Edinburgh Companion to the History of Democracy* (Edinburgh: Edinburgh University Press, 2012).



formed American colonies, whose populations were mainly constituted by immigrant dissenters. In such a context, and due to the outstanding and forward-looking vision of figures like Roger Williams, a new culture of respect for the life and freedom of all started to develop, albeit one rife with inconsistencies and contradictions. It is precisely that complex history of creative democratic innovation and disheartening unfaithfulness to democratic ideals that I will attempt to sketch in the following pages.

Given that the tradition of pluralism that emerged in the North American colonies is where we see the most powerful seeds of later democratic developments, in what follows I also draw attention to parallel developments in the rest of the Americas, and especially in the Viceroyalty of Perú, the most powerful Spanish colony of the southern hemisphere, because such a comparison helps to explain the historical context that led to the emergence of liberation theology.

### **3.2.1. From the Reformers to the Dissenters: Progressive Democratization**

The Protestant Reformation is what sociologist David Martin calls “the crucial event” that started the complex process of differentiation of religious and secular spheres that has since shaped those areas of the world influenced by Latin Christendom.<sup>100</sup> The Reformation developed variously, depending on particular geopolitical configurations.<sup>101</sup> This led to the pluralization of

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<sup>100</sup> David Martin, *A General Theory of Secularization* (Oxford: Blackwell, 1978), 4–5. In what follows I will refrain from engaging the complex issue of theories of secularization due to the enormous amount of literature on this debate. My own take on the process follows the contributions of David Martin; José Casanova, *Public Religions in the Modern World* (Chicago, IL: The University of Chicago Press, 1994); Charles Taylor, *A Secular Age* (Cambridge, MA: Harvard University Press, 2007); Hans Joas, *Faith as an Option: Possible Futures for Christianity* (Stanford, CA: Stanford University Press, 2014). Hence, I argue for a multi-pattern process that applies to the areas where Christianity had or has a decisive influence and in which differentiation of religious and secular spheres tends to be the norm. Further, like these authors, I reject the “secularization thesis” according to which the process of modernization implies progressive decline and privatization of religious belief. Such a thesis only applies in very specific contexts, usually when the association of religion and politics led to violent confrontation or repression.

<sup>101</sup> For Martin’s components and patterns in the process of secularization, see Martin, *A General*

religious belief, which challenged the Roman Church's monopoly over the Christian faith.<sup>102</sup> More than anywhere else, it is here, in this initial departure from monopolistic authority, that we can see some of the seeds of democratic values.

However, it would be a mistake to identify the whole Reformation with progressive values like the inviolability of all people's human rights regardless of their religious affiliation. For on the one hand there was the "Early Protestantism" of Lutheranism and Calvinism, which was "entirely a Church civilization like that of the Middle Ages."<sup>103</sup> On the other was "Modern Protestantism" (an eighteenth-century development), where the state hesitantly began to accept the principle of religious equality (or indifference), and handed over religious organization to voluntary efforts and personal conviction.<sup>104</sup> The latter was possible due to humanistic philological theology, Christian dissenters, mystics, and spiritualists, etc. All these movements had a key role in the formation of the modern world insofar as they transformed the monopolistic tendencies of Early Protestantism.<sup>105</sup>

Indeed, Early Protestantism did not see Church and state as two distinct organizations. In that way, it was not different from Roman Catholicism. The difference was that Protestantism

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*Theory of Secularization*, 1–15.

<sup>102</sup> For more historical background, see William Hardy McNeill, *The Rise of the West: A History of the Human Community* (Chicago, IL: The University of Chicago Press, 1963), 585ff. The notion of monopoly here should only work as an analytical category. Historiography has shown clearly that there was a great plurality of beliefs in Latin Christendom and that by no means we can speak of absolute doctrinal unity. On this, see Taylor, *A Secular Age*, 77ff. Nevertheless, it is true that the Roman Church held great authority and that it permeated all spheres of life. In this sense, we can still speak of "monopoly" for the sake of a general sketch of the differences brought about by the Reformation.

<sup>103</sup> Ernst Troeltsch, *Protestantism and Progress: A Historical Study of the Relation of Protestantism to the Modern World* (London, New York: Williams & Norgate; G.P. Putnam's Sons, 1912), 45.

<sup>104</sup> Troeltsch, *Protestantism and Progress*, 44–45.

<sup>105</sup> Troeltsch, *Protestantism and Progress*, 51.

rejected the supremacy of the Catholic hierarchy over secular government and the need of theoretic and organizational uniformity: both secular and religious powers had to accept the supremacy of the Bible. However, even Early Protestantism was very different from Catholicism in its understanding of the relationship of the secular and sacred realms. By abolishing monasticism, Early Protestantism rejected the idea of sanctification outside the world. Instead, it advanced the idea that Christian action should take place in the created world. As Troeltsch notes, this is what Max Weber called this “intra-mundane asceticism.”<sup>106</sup>

These are the seeds of what Taylor calls the “affirmation of ordinary life,” that is, an anthropological turn that reconceives the world as a beneficent order and a spiritual outlook that makes our first concern “to increase life, relieve suffering, and foster prosperity.”<sup>107</sup> Yet this was still a kind of affirmation restricted to those who confessed the same brand of Christianity: ordinary life was indeed valued, but *whose* lives were valued depended on the dyad salvation-damnation. Rejecting the so-called true Christian Confession was equal to rejecting God, and was thus a sign of damnation and a reason to see those lives as less worthy. Further, the salvation-damnation dyad injected an especially strong sense of fear into the Protestant Confessions, particularly Calvinism. For the old-time mediator, the Roman Church, was no longer an option to appease the troubled soul. Now it was down to *faith alone*. But who could be certain about the authenticity of her faith and her salvation? Taylor believes that these shifts in our relationship to the world, its powers, and God, progressively led to the emergence of secular or exclusive humanism, that is, an affirmation

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<sup>106</sup> Troeltsch, *Protestantism and Progress*, 67–80. For Weber’s own take on this issue, see Max Weber, *The Protestant Ethic and the “Spirit” of Capitalism and Other Writings*, trans. P. R. Baehr and Gordon C. Wells (New York: Penguin Books, 2002), especially Part II, Section I: “The Religious Foundations of Innerworldly Asceticism”.

<sup>107</sup> Charles Taylor, “A Catholic Modernity?,” in *Dilemmas and Connections: Selected Essays* (Cambridge, MA: Harvard University Press, 2011), 175. On the same issue, see also Taylor, *Sources of the Self*, 13ff; Taylor, *A Secular Age*, 370ff.

of ordinary life that closes its doors to transcendence.<sup>108</sup>

In any case, the combination of unbearable fear and the already sown seeds of dissent,<sup>109</sup> in conjunction with a variety of social and political pressures, led to the progressive disintegration of the Church Civilization model defended by Early Protestantism. Indeed, as Troeltsch notes, the idea of a Free-Church system is not the direct contribution of the Protestant Confessions. Rather, it started with the Anabaptist movement and Spiritualistic Mysticism, and was later expanded by the Methodists in Britain and more so with the emergence of radical dissenters like Quakers and Baptists who wanted to expand religious and personal freedom in the new American experiment.<sup>110</sup>

Hence, liberty of conscience—perhaps *the* landmark of modern democratic culture—did not really appear until Baptists and Quakers in the American colonies fought for it.<sup>111</sup> Further, it did not take coherent form until it was reexamined by abolitionists, particularly Quakers, confronting the moral evil of slavery. Although delving into this now would take us significantly ahead of our narrative, we should not simply stop there. As Michael Walzer would put it, democratic principles and practices require “eternal vigilance.”<sup>112</sup> Otherwise, our human tendency

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<sup>108</sup> Taylor, *A Secular Age*, 75.

<sup>109</sup> According to Taylor, the emerging democratic social imaginary had close ties to the idea of Providential Deism. Indeed, the extremes of what he calls the “juridical-penal model” for salvation pushed people to reconceive their relationship with religion and the divine. Providential Deism proposed an anthropological shift where God was considered the author of the laws of nature and morals, yet not any more the terrifying God of the juridical-penal model. In fact, the relationship with God became impersonal, as God’s order became impersonal too. To fulfill God’s will was to follow the moral laws (*A Secular Age*, 221–259).

<sup>110</sup> Troeltsch, *Protestantism and Progress*, 104.

<sup>111</sup> It is worth noting that the greater pluralism that progressively emerged in the American colonies is strongly connected to the fact that most of the immigrants who became the foundation of America came from England's peripheries (Wales, Scotland, and Ulster/Ireland) where more pluralism and equality was prevalent after the influence of the Puritan and Methodist movements. See David Martin, *Tongues of Fire: The Explosion of Protestantism in Latin America* (Oxford: Blackwell Publishers, 1993), 15ff.

<sup>112</sup> Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983), 318.

to restrict their appeal could truncate them, and render them sectarian and even meaningless. Hence, the initial ideals that emerged in the confrontation between monopolies of power and dissenting groups kept and keep expanding: first with the rights gained by religious and political dissenters, then with the struggles for the abolition of slavery, but then also with the fights to end colonialism, racial segregation, misogyny, homophobia, and so forth. The key issue here is the realization in history of the ideals of liberty and liberation. These two ideals are the basis of both Rawls' and Gutiérrez's projects, hence my interest in inserting them in this common trajectory of emancipatory and life-enhancing ideals.

To return to our main line of argument: the democratic culture of certain basic, inalienable human rights should not be sought in Early Protestantism but in the emergence of the dissenting voices that would later shape Modern Protestantism. These movements emerged in the context of the English Puritan Revolution. It was that revolutionary context that forced the emergence of a common Christian morality with free worship for the different congregations. Here is where we really see the roots of the ideas of separation of Church and State, toleration of different Church societies, voluntarism, and freedom regarding world-views and religion. According to Troeltsch, it is here that we see the end of medieval civilization.<sup>113</sup>

Similarly, it is in this "great disembedding" marked by the turn to individual, voluntary belonging to one of the several available churches, and in the dissociation of self-evident connections between religious and political power that Taylor sees the transition to the modern world. This process of progressive pluralization led by dissenting voices within the Reformed Churches did not stay in Europe, but migrated across the Atlantic and was an essential component

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<sup>113</sup> Troeltsch, *Protestantism and Progress*, 122–25.

in the formation of the first settlements along the East Coast of what would become the United States. There the settlers attempted to form a new system of social organization shaped by the desire to respect the religious liberty they were not fully granted in Europe.

This system did not look like a democracy immediately and was shaped not only by religious considerations, but to a large extent also by geopolitical concerns. As a matter of fact, social organization in the colonies resembled the hierarchical British system in many regards by the mid-eighteenth century.<sup>114</sup> However, the existence of an only partially representative parliament in Britain capable of advancing the cause of several strata of British society in the interests of the monarchy but not the interests of the inhabitants of the colonies, became a major issue. Yet in the beginning the colonies neither advocated for democracy nor for full independence from Britain. Instead, they were simply advocating for fairness. The concern was simple: If new taxes and demands come from the British government, the colonies should have representation in government as well. Yet, the ingredients of democratic politics were right there, although not fully developed. The colonies possessed the language of rights and liberty, but at this point it was just an issue of wanting *better* British rule by incorporating American representatives in the House of Commons.

But things changed and escalated quickly. After the British victory over France in the Seven Years War (1756–1763), Britain attempted to fortify its empire. Among other measures, the crown decided to impose unprecedented taxation over the colonies, whose members interpreted this as a dismissal of the interests of the colonies and as a clear sign of tyranny: “Britain’s mixed and

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<sup>114</sup> Andrew Shankman, “The American Revolution,” in *The Edinburgh Companion to the History of Democracy*, ed. Benjamin Isakhan and Stephen Stockwell (Edinburgh: Edinburgh University Press, 2012), 198.

balanced government had not prevented the king and his ministers from acting tyrannically”.<sup>115</sup> Hence, as Thomas Paine noted in his 1776 pamphlet *Common Sense*, the solution could not be mere independence, but independence from all things British, particularly hereditary governance. The solution was the formation of a republic.

These republican aspirations had important religious components. For the sense of individual rights and entitlements that was so prominent in the cry of the settlers could not be fully conceived without the prior break between religious and political establishments allowed by the Reformation, especially in its later stages. The “great disembedding,” as Taylor calls it, permitted a kind of criticism not seen before. At its basis was a new, sacred relationship between the person and the divine that in principle no longer required the mediation of some religious or political structure. The individual had certain God-given rights. Fear of denouncing what was perceived as unjust decreased. The mythical scene of the nailing of Martin Luther’s theses in Wittenberg became a beacon showing that a righteous individual could confront the whole Church Civilization almost alone and make it crumble. Further, the perception of injustice and the right to denounce it were the product of deep religious conviction and marked the beginnings of a new relationship between political, philosophical, and religious ideals that led to democratic practices and institutions of which the American experiment is a remarkable example.

### **3.2.2. The Religious Roots of Rebellion and Stagnation: The Spanish American Case**

A comparison with the experience of Spanish America sharpens these points. The Protestant Reformation only really affected Spain by prompting new desire for *Catholic* evangelization (*la Reconquista*). Hence, Spain became one of the greatest centers of Counter-

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<sup>115</sup> Shankman, “The American Revolution,” 200.

Reformation. Predictably, this prevented the expansion in Spain of some of the forms of disembeddedness that took place elsewhere in Europe. Church and monarchy in Spain and its colonies remained deeply entangled, especially in its hierarchical rule over their subjects: the notion of individual entitlements was a truly foreign idea. Likewise, in Spanish America things remained like that well beyond the early nineteenth century Wars of Independence.

As historian Jeffrey Klaiber notes, the most salient elements of Spanish rule in America were its centralism and paternalism. All societal bodies were subordinated to the monarch and such a subordination was articulated through the omnipresence of the Catholic Church. For this reason, with the end of Spanish monarchical rule between 1808 and 1833, Spanish America entered a great crisis of regional dispersion and social disintegration. In several former colonies, this power vacuum led to the emergence of strongmen (*caudillos*). Even though republics *formally* emerged in most ex-colonies, republican values like freedom and equality were only weakly or briefly enforced. Quite often, the powers of the legislative branch of government were abrogated and the *caudillo*-presidents governed as quasi dictators.<sup>116</sup> Further, in the first years after the independence of Perú, for instance, it was not clear that it should be organized as a republic. The *libertador* José de San Martín was a firm believer in the need for a constitutional monarchy and even sent a congressional commission to Europe in search of a prince for Perú. After 1824, with the departure of San Martín and the arrival of the other *libertador*, Simón Bolívar, it became clear that Perú would become a republic. Yet, Bolívar's vision strangely included a monarch-like president-for-life capable of naming his successor. In neither case did the equivalent of Paine's vision, the independence of all things Spanish, take place. Further, Congress repeatedly gave up its power,

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<sup>116</sup> Jeffrey L. Klaiber, *La Iglesia en el Perú: Su historia social desde la independencia*, First Edition (Lima, Perú: PUCP, 1988), 18–23.



making Bolívar an all-powerful ruler who argued that Perú needed a strongman to consolidate the nascent republic. By 1827, with Bolívar gone, it became clear that the country lacked the social and political conditions to become a republic.<sup>117</sup> Indeed, since their very foundation, Peru and other South American democracies have been unstable.

In short, the different political arrangements that we see in British and Spanish America are deeply related to their religious history. By the time of the formation of the first British settlements in New England, the Spanish-Catholic presence in the rest of the America was almost a century old. Moreover, by the time of the Spanish American Wars of Independence (1809–1833), that is, after almost three hundred years of Spanish domination, Catholicity and Spanish-Americanness were almost interchangeable terms.<sup>118</sup> Yet, rather than a religious conviction, Catholicism was mainly a system of hierarchical social organization profoundly marked by the monarchical mindset. Therefore, when the time of the formation of the new republics came, few things had changed in the area of social organization. Social mobility was rare, as it depended on the assertion of individual rights. Spanish America remained deeply hierarchical and the Catholic Church remained an omnipresent force in all layers of society. Even the liberal forces, the natural advocates of individual rights, deeply influenced by the ideas of the Enlightenment and the American and French Revolutions, never or rarely questioned the essentials of the hierarchical system. Moreover, liberals never or rarely questioned the fundamental role of the Catholic Church in such a system and the need of the church's tutelage for the prosperity of the new republics.<sup>119</sup>

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<sup>117</sup> José Gálvez, "El Perú como Estado: Proyectos políticos independentistas," in *La independencia en el Perú: de los Borbones a Bolívar*, ed. Scarlett O'Phelan (Lima, Perú: PUCP, 2001).

<sup>118</sup> Klaiber, *La Iglesia en el Perú*, 27.

<sup>119</sup> In the Peruvian case, even openly anticlerical figures, a clear minority, "ended up embracing religious symbols to which Peruvians from the popular classes were attached in order to obtain their support," Jeffrey L. Klaiber, *Religión y revolución en el Perú, 1824-1988*, Second Edition (Lima, Perú:

The strongly centralized and paternalistic system of colonial government left a deep mark on the social institutions and imagination of Spanish America. Hence, a tendency to vertical social relations and strong government has been present since the formation of these republics. Arguably, this is the case because Spanish America never really experienced the disembedding effects of the Reformation to any significant degree.<sup>120</sup> This was prevented by the Catholic monopoly over religious belief, a monopoly that lasted until very recently both in practice and legislation.<sup>121</sup>

### ***Túpac Amaru II's Rebellion***

But this does not mean that religious ideals did not have a crucial role in the emancipation of Spanish America. It only shows that they had a different kind of influence. For instance, the first massive rebellion against Spanish rule (1780–1783) was led by José Gabriel Condorcanqui, known as Túpac Amaru II, and his wife Micaela Bastidas. Amaru, an affluent merchant and an indigenous authority (*kuraka*), arguably the last descendent of the Incas,<sup>122</sup> decided to rebel against the empire due to the unbearable new taxes, the increased forced labor imposed upon the Indians (*mita*), and the massive erosion of the power of the native ruling elite (creole and Indian), of which he was part.

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Universidad del Pacífico, 1988), 18, my translation.

<sup>120</sup> For this same conclusion, see Martin, *Tongues of Fire*, chapter 1.

<sup>121</sup> In Perú, for instance, Catholicism was the religion of the state for most of its republican life. In 1915, a constitutional amendment to the Constitution of 1860 introduced religious toleration, yet still embraced Catholicism as the religion of the state. Only in the Constitution of 1979 did Perú openly declare itself a non-confessional state (this article was ratified in the Constitution of 1993, the current one), although it recognized the special role of Catholicism in the formation of the nation. Peru's case is not the exception but the rule in Latin American countries. For more details on this issue, see Susana Mosqueros Monelos, *El derecho de libertad de conciencia y de religión en el ordenamiento jurídico peruano* (Lima, Perú: Palestra, 2005), 36–37.

<sup>122</sup> We know that that was his claim, but it is not clear if he had royal Inca lineage or not, as the claim was disputed even during his time. See Charles F. Walker, *The Tupac Amaru Rebellion* (Cambridge, MA: Harvard University Press, 2014), 26–27.

These crucial changes, part of which became known as the Bourbon Reforms enacted by the monarchs of the House of Bourbon in the eighteenth century, became a major source of conflict between Spanish-Americans (*criollos*) and Spaniards (*peninsulares*) at all levels of society, but the changes were especially difficult for indigenous people to assimilate. For the Indians, despite their general social subordination, had been able to keep certain indigenous forms of government, practices, and institutions during the rule of the House of Habsburg.<sup>123</sup> The Bourbon “modernization,” the so-called “enlightened absolutism,” undermined all those prerogatives, demanding more efficient government for better collection of taxes. Merchants like Túpac Amaru started losing money, but also acknowledged that their fellow Indians were being subjected to unbearable conditions of labor. If the British victory in the Seven Years War made the British aware of the need for further fortification of its empire, this was more so the case for Spain since its alliance with the losing side, France, weakened its geopolitical standing. But the demands were too extreme, especially those imposed on Spanish America. Not surprisingly, both sides, first Britain and then Spain, ended up losing their hold on their colonies in wars of independence.

Despite its final and brutal suppression, this rebellion was enormously important. Arguably, it was the beginning of the end of the colonial rule of Spain. For Túpac Amaru’s uprising almost succeeded and made clear to the Spanish crown that the region was not fully under its control. King Charles III (1759–1788) intensified pressure on the Viceroy of Perú, as did his son Charles IV (1788–1808), in turn ratcheting up their frustration and dissatisfaction with the Bourbon rulers.

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<sup>123</sup> This was possible through the “two republics” system sponsored by the Habsburgs. In this system, there was an Indian Republic (*república de indios*) and a Spanish Republic (*república de españoles*) that coexisted in the same territory. Even though the *república de españoles* had the leading role in terms of public policy and social standing, the existence of the *república de indios* represented a form of compromise to give the indigenous people some level of autonomy. The Bourbon Reforms attempted to eliminate this and other Habsburg compromises, leading to permanent rebellion and, ultimately, to the Wars of Independence.

In 1808, with Napoleon's invasion of Spain and the capture of Ferdinand VII (1808; 1813–1833), Spanish colonial power virtually came to an end.<sup>124</sup> Government *juntas* were established all over Spanish America to fill the ensuing power vacuum, and these led to the formation of the Cortes de Cádiz in Spain, who produced the liberal Constitution of 1812, the first major step toward democratic government in the history of Spain and its colonies. In the meantime, rebellions started in several places and wars of independence were fought until the actual end of Spanish rule in the early 1830s.<sup>125</sup>

Most important here is that Túpac Amaru was a Jesuit-educated, devout Catholic. Amaru attended the Jesuit elite-school San Francisco de Borja in Cusco, a school for the sons of *kurakas*. There he was exposed to the Jesuit system of *ratio studiorum*, with great emphasis on the humanities, that included Spanish and Latin, rhetoric, poetry, literature, and history as precursors to philosophy and theology.<sup>126</sup> Even though this education stressed the sense of belonging to a great empire, it also emphasized a sense of Inca pride, more so in the case of elite Inca descendants like himself.<sup>127</sup> This humanistic education combined with the Inca pride encouraged by the Jesuits appear to be key factors in the uprising. However, the more general influence of *Christian-humanist* ideas should also be considered. These were not uncommon among the Jesuits and had a long history in Spanish America, especially through the influence of the Dominicans of the Salamanca School and the writings of Bartolomé de las Casas.<sup>128</sup> Indeed, Charles Walker, one of

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<sup>124</sup> The years in brackets represent the period each of the monarchs governed.

<sup>125</sup> For more background, see Scarlett O'Phelan, ed., *Perú. 1808–1830: Crisis imperial e independencia*, vol. 1, 5 vols., América Latina en la historia contemporánea (Madrid: Taurus, 2013).

<sup>126</sup> Jeffrey L. Klaiber, *Los jesuitas en América Latina, 1549–2000: 450 años de inculturación, defensa de los derechos humanos y testimonio profético* (Lima, Perú: UARM, 2007), 11–12.

<sup>127</sup> Walker, *The Tupac Amaru Rebellion*, 18.

<sup>128</sup> As Jeffrey L. Klaiber notes in “Peru: Evangelization and Religious Freedom,” in *Religious Freedom and Evangelization in Latin America: The Challenge of Religious Pluralism*, ed. Paul E. Sigmund

the great scholars of the Túpac Amaru Rebellion, maintains that “Christian egalitarianism” was a key motivating factor in the revolution.<sup>129</sup>

Túpac Amaru’s Christian-humanism is patent, for instance, in his use of biblical themes to justify his egalitarianist revolution *vis-à-vis* the accusations of treason, apostasy, and idolatry advanced by Visitador General José Antonio de Arreche.<sup>130</sup> Similarly, he would argue that his uprising was a defense of the “holy faith,”<sup>131</sup> and that he never saw it as being in conflict with his Catholicism, without which he could not even conceive the new world of which he was dreaming.<sup>132</sup> In fact, his Catholic devotion was permanently present: he sought to have a priest with him all the time, attended Mass, and offered religious services for deceased supporters and enemies, and went out of his way to protect churches, priests, etc. Moreover, the religious roots of his rebellion are also apparent in the response he gave to his excommunication by the Bishop of Cusco, Juan Manuel Moscoso y Peralta. After the excommunication decree was hung on the doors of all churches in the Cusco-area in an attempt to discredit the rebels, and after priests were asked

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(Maryknoll, NY: Orbis Books, 1999), those on the humanist side defended the inherent goodness of the Indian cultures and did not see the process of evangelization as a break with the Inca past, but as a final step in a process of maturation. Figures of great importance defended this view: Gerónimo de Loayza, first Bishop of Lima, and his successor, Toribio de Mogrovejo, “who accepted the fundamental theses of Bartolomé de Las Casas that the Indians had basic rights that could not be violated, and that Spain had no legitimate right to be in the New World if it did not evangelize the Indians and treat them as human beings” (253).

<sup>129</sup> Walker, *The Tupac Amaru Rebellion*, 278. In addition, we should consider two major Jesuit thinkers, Francisco de Suárez and Juan de Mariana, whose thought was very influential in the Christian humanism of the time, although Klaiber, *Los jesuitas en América Latina, 1549–2000*, 60, believes that it is unlikely that their ideas were taught in San Francisco de Borja.

<sup>130</sup> Klaiber, “Peru: Evangelization and Religious Freedom,” 256. The figure of the “Visitador General”, a sort of chief auditor directly representing the king, was created by the Bourbons as part of the process of modernization of government in Spanish America.

<sup>131</sup> Walker, *The Tupac Amaru Rebellion*, 70.

<sup>132</sup> Walker, *The Tupac Amaru Rebellion*, 85.

to rebuke rebels in their sermons, Amaru produced his own decree.<sup>133</sup> In it, Amaru criticized “some ecclesiastics [who attempt] to introduce countless abuses against Christians, trying to perturb their faith,” adding immediately after: “we demand that everyone in this kingdom, Spaniards as well as Indians, completely disregard their preaching, because they are not only against God’s law and that of Christianity which we must defend, but the objective of their advice is to protect the unjust demands they place on us and the great damage they inflict.”<sup>134</sup>

In sum, it is fair to conclude that Túpac Amaru’s rebellion, beyond the political and economic reasons, was significantly influenced by his Catholic-humanist education, especially by his defense of the God-given dignity of all his fellow Indians. As Klaiber notes, Amaru’s ultimate goal with the rebellion was the establishment of a new Catholic-Inca rule in the Andes “based on justice and respect for the cultural identity of Indians, creoles, blacks, and mestizos.”<sup>135</sup>

### ***Juan Pablo Viscardo y Guzmán’s Carta***

If we move forward a couple of decades and enter the world of the Wars of Independence, the mix of Christian and humanist ideas becomes even more prominent. As was not the case in the Túpac Amaru Rebellion, many of the forefathers and leading figures of the independence movement were in fact members of the clergy.<sup>136</sup> Here the figure of the Jesuit Juan Pablo Viscardo

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<sup>133</sup> My focus in these pages has been on the constructive and emancipatory elements of Túpac Amaru’s Catholicism, but his faith was a double-edged sword that his enemies quickly used for their benefit. The ecclesial hierarchy, led by Bishop Moscoso, knew about Amaru’s and the Indians’ religious devotion. Hence, Moscoso decided to excommunicate Amaru on November 17, 1780 (although Indians could not legally be excommunicated), wounding him and the rebellion in a decisive way. Amaru was appalled and people started to distrust him due to the church-led propaganda that denounced him as a “church-burning *excomulgado*” (Walker, *The Tupac Amaru Rebellion*, 68). Further, in a crucial strategical move, and knowing how much Amaru and Bastidas respected the clergy, Moscoso asked loyal royalist priests to stay in the area controlled by the rebels to continue chastising them in their sermons.

<sup>134</sup> Cited in Walker, *The Tupac Amaru Rebellion*, 71.

<sup>135</sup> Klaiber, *Los jesuitas en América Latina*, 64.

<sup>136</sup> Klaiber, “Peru: Evangelization and Religious Freedom,” 257. In fact, the church lost control of a

y Guzmán, the author of the famous *Carta a los españoles americanos* (*Letter to the Spanish-Americans*),<sup>137</sup> a document comparable in importance to Paine's *Common Sense* pamphlet, is worth considering. Viscardo is interesting for several reasons. First, he always supported the Túpac Amaru Rebellion, although he did it from Europe, since the Jesuits were exiled from Spanish America in 1767. In Italy and then in London he became a major advocate of Amaru's cause. Second, he was one of the first to advocate openly for the independence of Spanish-America.<sup>138</sup> That was indeed the topic of the *Carta*: a powerful exhortation to the creoles to take the reins of their own destiny.<sup>139</sup> Independence was never the intention of Amaru's rebellion, but "*buen gobierno*." Hence, Viscardo's appeal was a fundamental shift in the nature of the debates about Spanish rule, and its influence was sweeping. Third, against the dismissive charges according to which Spanish America was an underdeveloped region due to the laziness of creoles, Indians, and Blacks, Viscardo argued that the real reason was the oppressive Spanish rule. Using the newly formed United States as a counterexample, he stressed the importance of freedom in order to have

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large number of the lower clergy, who enthusiastically supported the revolution.

<sup>137</sup> The *Carta*, originally written in French, probably between 1791 and 1792, was not published until Viscardo's death. It was first published in French in 1799 following the orders of Rufus King, the American Ambassador to Britain. Nonetheless, it was its Spanish translation (1801), sponsored by Francisco de Miranda, the forerunner of Simón Bolívar, that made the *Carta* a major influence in all Spanish America (see Klaiber, *Los jesuitas en América Latina, 1549–2000*, 192–93). For a detailed study and comparison of the several editions, translations, and the reception of the *Carta*, see César Pacheco Vélez, "Tras las huellas de Viscardo y Guzmán," in *Los Ideólogos: Juan Pablo Viscardo y Guzmán*, ed. César Pacheco Vélez, vol. 1, Colección Documental de la Independencia del Perú (Lima: Comisión Nacional del Sesquicentenario de la Independencia del Perú, 1975), lxxii ff.

<sup>138</sup> Klaiber, *Los jesuitas en América Latina*, 185–86.

<sup>139</sup> The *Carta* is addressed to the Spanish-Americans (creoles), which shows, despite all its emancipatory thrust, a paternalistic view of the role of the Indians. The creoles were the ones supposed to liberate America; the Indians, it was argued, did not yet have a sense of nationhood. On this, see Raúl Ferrero, *El liberalismo peruano: Contribución a una historia de las ideas (Ensayo, textos y notas)*; *El Perú y los peruanos: Ensayos, escritos, semblanzas y apuntes históricos*, Second Edition, vol. 5, Obras completas (Lima, Perú: UNMSM, 2003), 100.

real progress.<sup>140</sup>

For the purposes of our investigation, what matters most is the kind of justification Viscardo provided for the independence from Spain. Here, once again, we see a powerful mix of theological and humanist premises. Arguably, the *Carta* has two complementary lines of argument.<sup>141</sup> On the one hand, is the forceful denunciation of the depravity of Spanish government that makes Viscardo describe the situation of Spanish America with four words: ingratitude, injustice, bondage, and desolation.<sup>142</sup> His goal seems to be to provide an emotional description of the misery of the colonies to elicit the equally emotional desire for emancipation.<sup>143</sup> However, there is a second line of argument that relies more on philosophical principles.<sup>144</sup> Among them, the most salient one appears to be a sense of a God-given natural law, most likely coming from the

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<sup>140</sup> Klaiber, *Los jesuitas en América Latina*, 188–189. Curiously, although quite understandably given the geopolitical situation, Viscardo continuously asked for British intervention and protection in the process of Spanish-America liberation, despite the fact that he also praised the United States for its freedom, freedom obtained only a decade previously from Britain.

<sup>141</sup> I will follow the 1801 Spanish edition, published in London, since this was the most reproduced and, hence, the most influential version of the *Carta*. I will cite the document following the pagination of Pacheco's compilation of Viscardo's documents: Juan Pablo Viscardo y Guzmán, "Carta dirigida a los españoles americanos," in *Los Ideólogos: Juan Pablo Viscardo y Guzmán*, ed. César Pacheco Vélez, vol. 1, 10 vols., Colección Documental de la Independencia del Perú (Lima: Comisión Nacional del Sesquicentenario de la Independencia del Perú, 1975).

<sup>142</sup> Viscardo y Guzmán, "Carta," 376.

<sup>143</sup> Viscardo's appeal, like many others in these pages, should be understood in terms of what Joas calls positive transformations of experiences of violence. Indeed, value-formation arises not only from experiences of positive self-transcendence but *can* also arise from experiences of trauma that are then constructively transformed into new ideals. The Universal Declaration of Human Rights is a contemporary example, but Joas also studies the case of the abolitionist movement as an earlier case of the transformation of violence in positive value-commitments. On this issue, see Joas, *The Sacredness of the Person*, Chapter 3. For similar ideas, but focusing on how education can allow the retrieval of experiences of violence making them the source of positive commitments, see Nussbaum, *Political Emotions*, 210–11.

<sup>144</sup> For more details on the sources of inspiration of the *Carta*, see Pacheco Vélez, "Tras las huellas de Viscardo y Guzmán," xcii–cxi. There Pacheco nicely concludes: "Thus, the citations of Las Casas, Herrera, the Inca Garcilaso, Ulloa, and Montesquieu, and the traces of St. Thomas and Suárez, Raynal, Robertson, Filangieri, Locke, Rousseau, and Jefferson, form a disparate unity, in the style of the eclecticism of somebody who wants to reconcile the Christian tradition and the philosophy of the Enlightenment" (cxi, my translation).



influence of scholasticism, but really present, in one way or another, in all the revolutionary movements of the time.<sup>145</sup>

For instance, discussing the arbitrariness of the laws given by the Spanish crown, Viscardo notes how they ignore “the inalienable rights of men” and attempt to extinguish the God-given light to reason and care for the things that are of utmost importance for the individual.<sup>146</sup> Similarly, he speaks of “natural rights,” among which he stresses the importance of liberty and safety, denouncing the inability of Spain to protect those rights.<sup>147</sup> Further, it is not only that our natural rights have been given to us by the Creator; it is also our divine and indispensable obligation to protect them from those who want to take them away from us.<sup>148</sup> Viscardo writes: “It would be a blasphemy to imagine that the Supreme Benefactor of men would allow the discovery of the New World, so that a short number of sneaky imbeciles could always devastate and have the atrocious pleasure of taking away from millions of men, who have not given reason to anybody to complain, the essential rights received from the divine hand.”<sup>149</sup> For all these reasons, and inspired by “the bravery of the British colonies that fought for the freedom that today they gloriously enjoy, a bravery that puts to shame our indifference,”<sup>150</sup> Viscardo claims that the time has come for freedom, and for the beginning of prosperity in the New World. Thus, he closes his letter praying that God will hear his cry and allow the natives of these lands to enjoy all the gifts of their

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<sup>145</sup> We will see shortly that Roger Williams also argues along these lines, but Nussbaum attributes his philosophical foundations to Stoicism given the unlikely presence of Catholic *iusnaturalism* in his education.

<sup>146</sup> Viscardo y Guzmán, “Carta,” 395.

<sup>147</sup> Viscardo y Guzmán, “Carta,” 400; also 408.

<sup>148</sup> Viscardo y Guzmán, “Carta,” 410.

<sup>149</sup> Viscardo y Guzmán, “Carta,” 410.

<sup>150</sup> Viscardo y Guzmán, “Carta,” 412.

Creator.<sup>151</sup>

In sum, through this brief examination of the role of Túpac Amaru and Juan Pablo Viscardo y Guzmán in the process of Spanish-American emancipation, it has become clear that religious values, philosophical ideas, and political concerns mingled in quite complex ways.<sup>152</sup> Christian values had a decisive role in this process. Against the narratives of decline that see in liberalism and democracy a threat to religious values, I have shown that religious and emancipatory values are not necessarily antagonistic but together brought about new experiences and institutions that gave form to our culture of human rights and modern democracies.

Yet these processes had different outcomes in the former North and South American colonies. The North American experiment of the former British colonies allowed for greater pluralism and, hence, for quicker and more stable democratization. In contrast, the very hierarchical system present in the former Spanish colonies left deep scars in the newly formed republics. Hence, because of the different religious backgrounds of each colony, democratization was less successful and was interrupted by authoritarian governments until quite recently. Interestingly, though, significant changes in the global and regional political and ecclesial landscape by the end of the nineteenth century and especially during the twentieth century, have progressively allowed the embodiment of more stable democratic practices and institutions in Latin America and, as I explore in later chapters, the emergence and development of liberation theology.

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<sup>151</sup> Viscardo y Guzmán, “Carta,” 414.

<sup>152</sup> For more details, see Klaiber, *Religión y revolución en el Perú, 1824–1988*; Klaiber, “Peru: Evangelization and Religious Freedom”; Klaiber, *Los jesuitas en América Latina*.

### 3.2.3. Behind Enemy Lines? The Church During the French Revolution

Yet the origins of the democratic tradition and its emancipatory values do not lie in religion or religious actors alone. The emancipatory philosophical ideals of the Enlightenment were crucial as well, especially as they were expressed in the French Revolution. Furthermore, any association of “secular” with “anti-religious” is misleading in this context, especially if “anti-religious” is conceived as one the most salient characteristics of the French Revolution. For the ideals motivating the French revolutionaries were not anti-religious in character, as certain contingent developments and royalist interpretations may suggest. The egalitarian and emancipatory values of the French Revolution became anti-religious due to certain socio-political contingencies and the strong alliance of Church and monarchy.<sup>153</sup> The strategic needs of confiscating ecclesiastical property and demanding revolutionary oaths, which were not inherently anti-religious, quickly escalated into a system of terrorist coercion that made religious believers feel that anti-Catholicism and revolution were synonyms.<sup>154</sup> Yet the revolutionary ideals of liberty, equality, and fraternity were not conceived as inherently anti-Catholic.

In many ways, the Enlightenment-ideals of the French Revolution are “better understood

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<sup>153</sup> As Joas notes (*The Sacredness of the Person*, 11–12), the beginnings of the French Revolution had a clear religious character, with blessings of revolutionary symbols and masses of thanksgiving, and, overall a deep religious intensity associated to the revolutionary ideals—not to mention the support the revolution obtained from many members of the clergy (a phenomenon we have also seen in the Spanish-American case).

<sup>154</sup> Here we see a major difference with the Spanish-American case. In Spanish America, the revolutionary ideals never really turned anti-Catholic. Several reasons may explain this, but one among them is that many of the revolutionary ideals were imported from the French Revolution by members of the clergy, like Viscardo. Hence, facing the horrors the Catholic Church experienced in France, many of the Spanish-American revolutionaries tamed the anti-Catholic potential of some of those ideals. Conversely, the upper clergy reacted in slightly more accommodating ways to avoid losing their grip over the population.

as a movement of religious reform than as an attempt to overcome or destroy religion.”<sup>155</sup> Further, he adds:

If we learn to understand key motifs of the intellectual and religious history of the eighteenth century without assuming fundamental hostility to religion, these motifs emerge as aspects of a learning process internal to Christianity or Judaism, in light of which a scattered group of thinkers identified reasons for rejecting these religious traditions altogether.<sup>156</sup>

Many of those who embraced these ideals were priests and devoted Catholics who wanted a less opulent and authoritarian church.<sup>157</sup> As historian Alec Vidler writes, they wanted “the removal of ancient abuses and the achievement of rational reforms.”<sup>158</sup> Such a change required a redistribution of power, something the lower clergy understood very well. Hence, when the States-General met on May 1789, the clergy entered into allegiance with the bourgeoisie, breaking the power of the nobility. Thus, the National Constituent Assembly was created and in it, with the support of the clergy, the bourgeoisie had the ruling voice. Further, the 1790 Civil Constitution of the Clergy, approved by the Assembly, attempted only to reorganize the relationships between church and state in light of the new French constitution, never to abolish the church. One of the key elements of this reform was giving to the king, local bishops, and diocesan councils autonomy *vis-à-vis* Rome. However, this was seen as a jurisdictional issue. In matters theological, the authority of the Pope was fully recognized. Therefore, at the beginning the Revolution was not perceived as a challenge to religion or Catholicism *per se*, but to a certain association of religion and power. This challenge was possible with the help precisely of the ordained officials of

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<sup>155</sup> Joas, *The Sacredness of the Person*, 15.

<sup>156</sup> Joas, *The Sacredness of the Person*, 15. This is also clear if we consider that the actual text of the Declaration of the Rights of Man is not anti-religious at all (16).

<sup>157</sup> Alec R. Vidler, *The Church in an Age of Revolution: 1789 to the Present Day* (London: Penguin Books, 1990), 12–13.

<sup>158</sup> Vidler, *The Church in an Age of Revolution*, 14.

Catholicism. Though the faithful questioned to whom they should pledge their loyalty, it was ideals of radical reform of Church and society that shaped the French Revolution in its early stages, not a desire to get rid of the Church.<sup>159</sup>

Thus, the European Enlightenment and the French Revolution, with their emphasis on freedom and opposition to certain forms of authority, allowed the formation of key new ideals. Among them was a *new perception of injustice*. According to this new approach, the eradication of injustice required massive structural change; the re-foundation of the state.<sup>160</sup> This enabled the formation of new institutions and practices that we now identify with democratic culture. For before this key transformation right-claims depended on a pre-established hierarchical order according to which not all people had the same rights. The notion of the “rights of man,” then, implied a major development, the emergence of a new and creative moral ideal: that there are some rights that are inalienable, certain basic goods for which we should not have to beg.

Against MacIntyre and those who share his views, Jeffrey Stout notes that rights-talk does not have to undermine virtues-talk. The notion of inalienable rights establishes a threshold without

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<sup>159</sup> Vidler, *The Church in an Age of Revolution*, 15–17. The goal of radical reform was particularly important for the so-called “liberal Catholics.” Felicité de Lamennais is a key personality of this period due to his transition from supporting the reactionary traditionalism of people like Joseph de Maistre to liberal Catholicism. Vidler summarizes Lamennais’ transition maintaining that “instead of trying to exorcize the Revolution, he decided to baptize it” (69). In this sense, Emile. Perreau-Saussine, *Catholicism and Democracy: An Essay in the History of Political Thought* (Princeton, NJ: Princeton University Press, 2012), 69–70, does well in describing Lamennais’ position as “liberal ultramontanism.” For Lamennais became a defender of liberty when he judged the French monarchy so flawed that thought it would be incapable of embodying Catholic principles. His goal still was to make France Catholic again, but he lost all hope in the monarchy’s willingness to do so. Hence, he turned *ultra montes* to find in the papacy his hope. But in order to do so, he thought, the separation of the church from the corrupt state was crucial. Thus, his initial alliance to liberty was to make the church and the faithful free to pursue true Catholicism. However, his ideas were rejected by church and civil authorities. Abandoned by the church he attempted to defend, Lamennais ultimately also abandoned Catholicism in 1834. Yet he remained committed to the cause of liberty and democracy his whole life (Vidler, *The Church in an Age of Revolution*, 70–72).

<sup>160</sup> Joas, *The Sacredness of the Person*, 17.

which no virtue-talk could proceed. In this context, some “unconditional demands” emerge. Central among them stands the right to have a say in our own destiny. But virtue is still necessary and different forms of authority and tradition remain. For Stout as for Rawls and myself, the alleged antinomy between rights and virtues simply does not make sense: rights become the condition of possibility of achieving our life-good, the possibility of living a life of virtue. What is true, though, is that this new perception of injustice and the attempt to transform its conditioning factors led to the development of new virtues. Indeed, standing-before-power-holders, claim-making, reason-giving, and so forth, have become essential virtues of the democratic tradition. This new perception of injustice led to a new emancipatory impulse fueled by the desire for liberation from oppression.<sup>161</sup> Here we see the deep roots of the democratic tradition, but also the beginnings of a tradition that would nurture liberation theologies of all kinds.

Nevertheless, the formation of the new ideals did not mean that they materialized. Two aspects of the Declaration of the Rights of Man and of the Citizen point to its own shortcomings. First, even though it gave autonomy to the legislative body, it did so without really questioning the monarchical system, nor the privileges of aristocrats and clerics.<sup>162</sup> Second, and perhaps more importantly, there was great tension between the absolute sovereignty of the state and people’s inalienable rights. Only later on, and in many ways due to developments in the American experiment, the rights of people started to have priority over the rights of the state.<sup>163</sup> Many who attempted to use the Declaration as a source for the defense of their rights did not find a welcoming

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<sup>161</sup> Stout, *Democracy and Tradition*, 203–207.

<sup>162</sup> Joas, *The Sacredness of the Person*, 17–18.

<sup>163</sup> Yet, this is not even fully the case in today’s France where the *laïcité* of the state seems to have priority over certain individual freedoms, especially freedom of religion and religious expression in the public square. On this, see John Richard Bowen, *Why the French Don’t like Headscarves: Islam, the State, and Public Space* (Princeton, NJ: Princeton University Press, 2007).

response at the beginning. Protestant, Jews, slaves, women, etc. had to fight for their rights using the Declaration's ideals against the impulses of the very framers of these ideals. Of course, this is true of the American case as well, as of many struggles of liberation. Hence, the struggle for emancipation in France, America, and many other places lasted well into the twentieth century and in many ways continues today.<sup>164</sup> From this follows that we also need to go beyond the narrative according to which the Enlightenment and the French Revolution *alone* constitute the starting points of the democratic tradition. Instead, we should focus on how some of these ideals were interpreted and expanded in the American experiment of religious pluralism, where most of what we see today as key elements of functioning democracies started to take shape.<sup>165</sup>

No one-sided approach is correct. What we see in the origins of the democratic tradition and its culture of human rights is a process of cross-fertilization of philosophical and religious ideas. Thus Joas, speaking of the American Declaration of Independence but in a way that describes the process as a whole, writes: "So all those who discern traces of both Enlightenment rationalism and biblically grounded Christian faith in this text are correct; but all those who see just one or the other are wrong."<sup>166</sup>

With these considerations in mind, let us turn to the struggle for religious freedom in the American colonies as a paradigmatic example of how emancipatory principles of justice play a

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<sup>164</sup> Joas, *The Sacredness of the Person*, 18–19.

<sup>165</sup> The American colonies indeed allowed experimentation and the creation of new institutions. However, they were significantly shaped by prior institutional developments in Britain that were not matched at the time in Continental Europe. Among them, we should highlight the emergence of the authority of the parliament after the English Revolution of 1640–1688 (in which the Puritan religious dissenters had a great role), the subsequent emergence of cabinet government, and the greater social mobility that merchants and financiers enjoyed. These factors, and others, together made the parliament a true space for deliberation and interest-compromise, a space where several factions, and not only old-time aristocrats, were represented (McNeill, *The Rise of the West*, 678–79).

<sup>166</sup> Joas, *The Sacredness of the Person*, 27.

key role in the defense of people's rights, particularly when their most fundamental convictions are at stake. We will see that against the narratives of decline (according to which the liberal, democratic culture represents a threat to religious beliefs and religious communities), the democratic tradition emerged and became consolidated in the very process of trying to defend those beliefs and communities against the prerogatives of the state. Further, we will see how this process developed through the influence of religious thinkers and religious values.

Instead of decline of religion or mere privatization of religious expression, what we should see in the development of the democratic tradition and the centrality of human rights in it is a process of sacralization. The human being has become sacred in a way it was almost impossible to conceive before. Such sacralization has been partly shaped by religious ideas, but it also has elicited their reinterpretation, allowing different religious traditions to embrace democracy and human rights as a central aspect of their own religious convictions. The progressive sacralization of human life due to the cross-fertilization of different traditions and ideas permitted "the intensification of the motivation to put into practice a universalist morality that already exists in principle."<sup>167</sup> In our case, this means that the Christian tradition is an always-already self-interpreting and developing tradition. It is the story of a tradition that learned over time to see *all* human life as sacred. Liberation theology is a major expansion of this sense of sacredness, stressing the special attention the most vulnerable in our societies deserve.

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<sup>167</sup> Joas, *The Sacredness of the Person*, 91.



### 3.3. The U.S. American Experiment of Religious Pluralism<sup>168</sup>

The new settlements on the North Atlantic coast of the American Continent allowed multiple forms of experimentation. The already partly pluralistic political system of Britain and Britain's own political problems back in Europe created the conditions for new developments without the centralized supervision of the British crown. Accordingly, the first settlers, escaping religious subordination and dreaming of a world of opportunity, started developing a new system of government in which being able to worship God freely became a crucial component.

However, the initial ideal of free religious expression was soon compromised. The settlers of Massachusetts Bay developed their own religious orthodoxies, and persecution ensued under the premise that a unified worldview would warrant a better life. This should give us pause, so that we avoid romanticizing the U.S. American experiment and buying into narratives of "American exceptionalism." The emergence of ideals and their historical realization are different processes. Thus, what we should see here is a complex narrative in which moral progress and moral failure coexist. Powerful and liberating moral ideals emerged with the initial political arrangements in the colonies, with the Declaration of Independence, the Bill of Rights, and so forth. Yet, these ideals were not universally applied among the settlers and they were certainly not applied to the native inhabitants, whose claims to the land were utterly ignored or the African people violently enslaved for profit.<sup>169</sup> Nor are these ideals universally applied today. Nevertheless, falling short of realizing

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<sup>168</sup> I will use "U.S. American" instead of "American" as often as possible to refer to episodes occurring or related to the United States of America in order to avoid the discursive tendency to identify all things American with the history of the United States. However, I may also use the terms interchangeably when other authors do or for the sake of brevity or variation.

<sup>169</sup> For a classic study of the relationship between settlers and Native Americans, and their descendants, see Francis Paul Prucha, *The Indians in American Society: From the Revolutionary War to the Present*, First Paperback Edition (Berkeley: University of California Press, 1988). Prucha's work, however, seems to lack sufficient critical edge in attempting to give some kind of historically neutral account. For this reason, he seems to overstress the importance of "paternalism" as the key interpretative key of the

their full meaning does not render ideals meaningless or practically irrelevant. In fact, these ideals became the very tools people who were excluded from their enjoyment used and use to gain the recognition of their inalienable rights.

### **3.3.1. The Sacredness of Conscience: Roger Williams' Defense of Religious Freedom**

What shape did some of these democratic ideals take in the context of the U.S. American experiment? Philosopher Martha Nussbaum provides a good point of entry to this issue in her philosophical and historical examination of what she calls the “Williams tradition,” that is, the perspective defended by Roger Williams, the founder of the colony of Rhode Island. According to Nussbaum, the Williams tradition has two characteristic features that have shaped U.S. American culture and its constitutional tradition. On the one hand, “a distinctive emphasis on the importance of a mutually respectful civil peace among people who differ in conscientious commitment”; on the other, “a personal, and highly emotional, sense of the preciousness and vulnerability of each individual person’s conscience, that seat of imagination, emotion, thought, and will through which each person seeks meaning in his or her own way.” These two elements, the first being a condition for the second, “became the foundation of America’s distinctive approach to religious liberty and equality.”<sup>170</sup> Moreover, as Nussbaum notes, the equal status of religious minorities has, since then, been the most persistent concern of this tradition.<sup>171</sup>

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settlers-Indians relations as if some form of benevolence for the *bon sauvage* was always present. Of course, Prucha recognizes the abuses of the colonizers (11 ff.), but by framing the relationship as a father-child or guardian-ward one he obscures the nature of the violence perpetrated against Native Americans.

<sup>170</sup> Martha C. Nussbaum, *Liberty of Conscience: In Defense of America's Tradition of Religious Equality* (New York: Basic Books, 2008), 36, 37, 37.

<sup>171</sup> Now, this emphasis on religion and the defense of religious liberty has been a double-edged sword in the history of the United States. Among other things, it has been at the basis of what Robert Bellah has called the “American Civil Religion,” that is, the religion-like narrative of American exceptionalism according to which the United States represents a Messiah-like nation. In Bellah’s view, this has transformed America in a post-Axial society because in it the gap between transcendent utopia and

Perhaps the first thing to consider here is Roger Williams' attitude toward the natives of the North American continent. Not unlike another prophet of freedom almost a century before him, Bartolomé de las Casas, Williams denounced from the beginning the hypocrisy and unsound justification for the European settlers' claim over the land. Criticizing the absurd notion that this land had been "discovered" and that the King of England had any prerogative over it, Williams advocated from the beginning for a relationship of equals with the native inhabitants of the Americas. However, Williams' prophetic denunciation remained marginal and the Puritans quickly started drawing sharp lines between pagans and Christians, and later also between orthodox Christians and punishable dissenters. Predictably, the common argument for the defense of the persecution of dissenters was civil order. Without a unified religious worldview, many argued, even those dissenters who appeared to coexist peacefully with the orthodox majority would be like Satan in their midst, an enticement to sin. A great sense of vulnerability permeated the lives of all people, and such vulnerability quickly became a defensive sense of fear that needed scapegoats to be temporarily appeased.<sup>172</sup>

This scapegoating mechanism and the fear that led to the imposition of different kinds of orthodoxy was not the only path that developed. Williams defended a different way of living in which uncertainty on religious matters was acceptable and civil peace and equal respect were paramount. Further, although not without difficulties and regressions, it was this tradition that

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contingent reality has been breached: America has become that utopia; America is a "realized eschatology." Such a narrative, Bellah argues, is particularly dangerous because it has made "the American way of life" impermeable to criticism especially in regards to foundational events of the past like the genocide of American Indians and the enslavement of African people. For Bellah, if there is a path forward, it will require a substantial criticism of this messianic narrative and the return to an axial disembedding of church and nation. On this, see Robert N. Bellah, "Meaning and Modernity: America and the World," in *Meaning and Modernity: Religion, Polity, and Self*, ed. Richard Madsen et al. (Berkeley: University of California Press, 2002), 260–68.

<sup>172</sup> Nussbaum, *Liberty of Conscience*, 37–39.

slowly prevailed in the United States. For Williams, the central theme was the defense of the individual soul or conscience. Even though his understanding of it was religious and his defense of liberty of conscience focused on the preciousness of the freedom to find our path to God, he defended it *both* from the persecution of churches *and* from state officials.<sup>173</sup>

Moreover, the argument itself appears not to depend on religious premises.<sup>174</sup> Ultimately, his point was that nobody should be forced to comply with measures that violate their most personal and profound beliefs. Such conviction grew from his commitment to “the idea that all human beings are of equal worth in virtue of their inner capacity for moral striving and choice, and that all human beings, whoever and wherever they are, are owed equal respect.”<sup>175</sup> In order to warrant such equality, a new system of government should be created, one in which toleration of different perspectives must remain central. The creation of such a system became a real opportunity

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<sup>173</sup> Nussbaum, *Liberty of Conscience*, 42.

<sup>174</sup> Nussbaum, *Liberty of Conscience*, 43. Nevertheless, this is an issue disputed among scholars of the period. Perez Zagorin, for instance, writes: “Although *The Bloody Tenent* includes some striking secular and political arguments, its reasoning is mainly theological and based on a typological interpretation of the Bible, contrasting the Jewish theocracy of the Old Testament with Christ’s kingdom in the New Testament, in which the civil magistrate is deprived of all power in religion and all compulsion in religion is banned. There is little in it that pertains to Stoic natural law and also little about natural rights. It was inspired largely by religious values insisting on the distinctions between the church and the world and between church membership and political citizenship.” “Christianity & Freedom,” *The New York Review of Books*, September 25, 2008, <https://www.nybooks.com/articles/2008/09/25/christianity-freedom/>. He makes similar points in Perez Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton, NJ: Princeton University Press, 2003), 200–208. Other scholars note that Zagorin may be overplaying the importance of religious ideas in the emergence of the culture of democratic toleration, and overlooking key secular-political decisions, see Nicholas Tyacke, “Review of Perez Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton, NJ: Princeton University Press, 2003),” *The English Historical Review* CXXII, no. 498 (September 1, 2007).

<sup>175</sup> Nussbaum, *Liberty of Conscience*, 45. Nussbaum attributes this conviction to William’s immersion in the Stoic tradition, although Zagorin disagrees, as noted above. I believe that the best way to overcome the disagreements between Nussbaum, Zagorin, et al., is stressing the notion of cross-fertilization defended in this chapter. The emergence of the democratic culture is neither the sole expression of religious ideals, nor only the consequence of secular-political values. Rather, they mixed and influenced each other in history. In this sense, it is unlikely that the typological analysis of Moses and Christ developed by Williams could have had the political implications it had without some extra-biblical notions, like freedom of conscience.

for Williams when, facing persecution in Salem in 1635 to 1636, he had to flee before his imminent arrest. His rejection of the settlers' claims over the land and his permanent criticism of religious orthodoxy made him an uncomfortable figure. It is in this context that his story as the founder of Rhode Island begins.

One of the key aspects of Williams' vision for Rhode Island was a relationship of equality and friendship with Native Americans, a position for which he was rejected and persecuted in Massachusetts.<sup>176</sup> This was not only an issue of personal attitudes or social customs: the very charter of Rhode Island explicitly declared that it was unlawful to invade or molest the natives. Quite interestingly, and despite Williams' deep Christian convictions, there is no record that he attempted to convert the Native Americans. Not only that, but on more than one occasion he explicitly judged the Indians as better "Christians" than the settlers, based on the former's ethical behavior. As Nussbaum argues, "Williams' experience of finding integrity, dignity, and goodness outside the parameters of orthodoxy surely shaped his evolving views of conscience."<sup>177</sup>

More: these were not qualities found "outside of orthodoxy" as with Christian dissenters; these were virtues that he found in so-called pagans. Again, not unlike one of his forerunners, Bartolomé de las Casas, Williams saw in some of these basic human virtues elements that could not be separated from Christianity. As a matter of fact, both Las Casas and Williams saw these virtues as essential components of Christianity to the point that people who did not acknowledge Christ as their savior but behaved with "integrity, dignity, and goodness" they considered more

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<sup>176</sup> I will use here "Native American" and "American Indian" interchangeably, as is common use. I would also refer to "natives" or "Indians" for the sake of brevity or to avoid repetition. For lack of personal competence on the issue, but especially for its lack of pertinence for our discussion, I leave aside complex questions regarding the definition of "American" and "Indian" identities here.

<sup>177</sup> Nussbaum, *Liberty of Conscience*, 47.

worthy of the name “Christian” than those who “believed” in Christ but did not live a life of virtue.<sup>178</sup> More recently, the Jesuit martyr Ignacio Ellacuría has expressed this idea very sharply, indicating that justice can operate without religious faith and yet still embody that Christian faith. In contrast, a faith that claims to be Christian but does not practice justice is void and does not deserve that name.<sup>179</sup>

The Las Casas-Williams-Ellacuría tradition is a *humanist* tradition, or a tradition of “theological humanism.”<sup>180</sup> The point for these authors, with their own nuances and differences, is that it is impossible to conceive the Christian faith, that is, a *theo*-logical and *theo*-centric faith, without a Christian practice that puts as its center the respect for *human* dignity. This deep respect for the “sacredness of the person,” to use Joas’ terminology, finds its foundation in a faith in a God who is creator and sustainer of the created order. Moreover, the whole Christian tradition maintains that the human being was created in the image and likeness of God. Therefore, in all of us resides an inviolable sacred core that must be always respected, even if a person rejects God and God’s self-manifestation in Jesus Christ.<sup>181</sup> Further, the very practice of respect for human dignity is a fundamental marker of Christian discipleship for Las Casas, Williams, and many of those who

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<sup>178</sup> Indeed, Las Casas constantly spoke of the “Christian idolatry” of those who in the name of their true god—greed—performed significantly more evil and idolatrous deeds than the so-called Indians idolaters, see Gustavo Gutiérrez, *Las Casas in Search of the Poor of Jesus Christ* (Maryknoll, NY: Orbis Books, 1993), 175ff.

<sup>179</sup> Ignacio Ellacuría, “The Crucified People,” in *Ignacio Ellacuría: Essays on History, Liberation, and Salvation*, ed. Michael Edward Lee (Maryknoll, NY: Orbis Books, 2013), 223.

<sup>180</sup> On “theological humanism,” see William Schweiker, *Theological Ethics and Global Dynamics: In the Time of Many Worlds* (Malden, MA: Blackwell, 2004). Similarly, Charles Taylor defends a “humanism open to transcendence” (see, among several other places in his *oeuvre*, Taylor, “A Catholic Modernity?”).

<sup>181</sup> On religious grounds, Williams still believed that the non-believer lived in fundamental error. However, error in matters of religion did not undermine at all the preciousness and dignity of individual conscience. For him, conscience was the dignity of the person; the person itself. Hence, it could never be violated (Nussbaum, *Liberty of Conscience*, 51–52).

followed them. Hence, Williams was more often able to find Christians among the so-called “barbarians” and “savages” than among the so-called “Christians” of Massachusetts Bay.

Now, the Rhode Island project was not only about friendship with the Indians, although that was a key point. It was a vision of social organization based on principles of equal respect, especially respect for religious freedom. In this sense, Williams’ *The Bloody Tenent of Persecution* (1644) and the actual organization of the Rhode Island colony anticipated some of the key ideas on toleration and government expressed in the works of John Locke and other authors. Rhode Island’s charter clearly stated that nobody should be persecuted for matters of religion, protecting both beliefs and their expression, especially through worship. For this reason, Rhode Island became a haven for many Baptists, Quakers, and notably Jews who did not gain equal civil rights in England until 1858. This belief in religious freedom extended beyond equal treatment of Native Americans and respect for different religious confessions to the declaration as early as 1652 that slavery was illegal.<sup>182</sup>

As often happens with moral ideals, Williams’ vision was not fully implemented. Religious toleration remained a distinct mark of the colony, but the abolition of slavery was either short-lived or never really implemented. By the time of the reunification of the mainland (Providence and Warwick, led by Williams) and island (Portsmouth and Newport, led by William Coddington) settlements in 1654, the abolition of slavery was dead letter. In fact, Newport became one of the centers of slave labor before the American Revolution and Rhode Island became an epicenter of the slave trade in the following century. Yet, this does not render Williams’ ideals less powerful. It only shows the difficulty of their implementation due to the very common human incapacity to

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<sup>182</sup> Nussbaum, *Liberty of Conscience*, 47–49.

extend freedom beyond limited circles of care.<sup>183</sup> The larger abolitionist movement that developed and succeeded in the following two centuries would require the moral, cognitive, and transnational shifts that were only starting to emerge during Williams' time.<sup>184</sup>

Clearly, Williams' ideas on liberty of conscience were influential in the U.S. American tradition of religious freedom. Further, some of the nuances of those ideas are crucial. Williams, unlike the Stoics, did not conceive conscience, the faculty of moral choice, in static terms. Rather, he saw in conscience emotional and imaginative dimensions. Because Williams conceived human conscience as fragile and capable of being damaged, he saw religious impositions and persecution as great harms. By calling persecution "spiritual and soul rape," he expressed the violence done to our human agency and our freedom to flourish.<sup>185</sup>

For these reasons, Williams defended separate jurisdictions for church and civil government. Civil government should be in charge of safeguarding people's property and physical integrity, if necessary by the use of force. By contrast, the central mission of the church is to

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<sup>183</sup> More generally, even though Rhode Island was quite progressive in many regards, we should understand that in relative terms, in the context of the age. Hence, even though there was no religious persecution, access to full civil rights was not equal for a long time: only land-owning men were able to elect and be elected public officials, and this did not include Jews.

<sup>184</sup> On the changes required for the success of the abolitionist movement, see Joas, *The Sacredness of the Person*, 90 ff. For a compelling account of the role of religious ideals, especially Christian values, in the black abolitionist movement, see Gayraud S. Wilmore, *Black Religion and Black Radicalism: An Interpretation of the Religious History of African Americans*, Third Edition (Maryknoll, NY: Orbis Books, 1998), Chapters 3 and 4. Wilmore compellingly shows how the writings of authors like David Walker and William Lloyd Garrison, and the rebellions led by figures like Nat Turner were decisively motivated by an understanding of the Christian faith that rejected the one taught and imposed by white slaveowners and their preachers. The ideal of freedom was particularly important and allowed a powerful reinterpretation of the Gospel message, making it a source of liberation. For the historical development of this movement into the "New Abolition," namely, the end of segregation after the abolition of slavery, see Gary J. Dorrien, *The New Abolition: W. E. B. Du Bois and the Black Social Gospel* (New Haven, CT: Yale University Press, 2015). For the twentieth-century articulation of these ideals, see Gary J. Dorrien, *Breaking White Supremacy: Martin Luther King Jr. and the Black Social Gospel* (New Haven, CT: Yale University Press, 2018).

<sup>185</sup> Nussbaum, *Liberty of Conscience*, 52–54.



safeguard the soul, for which persuasion is the only valid method. Yet, Williams did not defend a radical wall of separation. In fact, he expected the civil government and church affairs to intersect in at least two ways: through protective laws that will guarantee that people can exercise their freedom of religion without disturbance, and through laws that will inevitably affect religious people. But this second area is of great significance because the government must legislate impartially: neither one or more than one religion should be targeted and negatively affected, nor should the religion of the majority enjoy privileges. Even if such impartial legislation were approved, Williams knew some religious believers or groups would still object on liberty of conscience grounds.<sup>186</sup>

Instead of dismissing objections of this kind, as Locke did, Williams favored their accommodation. Against those who believed that religious uniformity was necessary for social peace, he argued that the true enemy of peace was persecution. Social peace, in contrast, requires true respect for our most fundamental convictions. Interestingly enough, as Nussbaum notes, this was a fundamental conviction of Williams himself, perhaps even an act of hope. For before this time, a system of government in which equal respect for religious beliefs was central was unknown to Williams. He simply knew that the system of imposed uniformity repeatedly engendered violence. Trying an alternative seemed like a risk worth taking.<sup>187</sup>

It was truly an experiment—the daring idea that a nation could be formed based on a set of political ideals and not on religious or ethnic identity. Yet Williams also believed that politics and

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<sup>186</sup> Nussbaum, *Liberty of Conscience*, 59–60. In this regard, Williams’ ideas, one more time, overlap with Las Casas.’ In Las Casas’ famous treatise *De unico vocationis modo* (*The Only Way*) he defended that the only proper way to evangelize the Indians was through persuasion. See Gutiérrez, *Las Casas*, chap. 6.

<sup>187</sup> Nussbaum, *Liberty of Conscience*, 60–62. Of course Nussbaum notes that such experiments of religious toleration existed in other regions and moments of history, but the point here is that there is no evidence that Williams knew about them.

religion could inhabit a *shared moral space*: “Each religious person will connect this moral space to his own higher religious goals and ends, but within that space, we are all able to speak a common language and share moral principles.”<sup>188</sup> Nussbaum links these ideas to the Rawlsian notion of “overlapping consensus.”<sup>189</sup> Indeed, we see in the “Williams tradition” one of the clearest precursors of Rawls’ understanding of respect as presented in *justice as fairness*. My affirmative genealogy with special reference to Williams is an attempt to en flesh in a historical narrative the concepts Rawls developed.

Williams’ example is of a fruitful and nuanced approach to the relationship between religion and politics. On the one hand, Williams avoided the extreme of some figures of Enlightenment rationalism who often dismissed religion for the sake of their alleged defense of liberty, Thomas Jefferson being a relevant example for the American case. On the other, despite his deep religious convictions, Williams avoided favoring them and instead advocated for a system based on fairness to people’s liberty of conscience, regardless of their religious belonging.<sup>190</sup> Nussbaum notes that this mediating approach became deeply influential in the constitutional tradition of the United States. In addition, she notes that the deeply emotional account that Williams gives of the sacredness of our conscience became very influential. Hence, from the outset the American tradition has been very protective of each person’s space for religious belief and practice, which in turn has allowed a great respect for individual freedom and people’s rights.<sup>191</sup>

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<sup>188</sup> Nussbaum, *Liberty of Conscience*, 68.

<sup>189</sup> Nussbaum, *Liberty of Conscience*, 57–58.

<sup>190</sup> Nussbaum, *Liberty of Conscience*, 69–70.

<sup>191</sup> Not that Williams or the tradition that followed him are flawless and fully democratic. For example, neither in his time nor later did equal access to public office exist for men; and women had no access at all. Furthermore, slavery quickly ensued in Rhode Island and quickly stimulated the economy there and elsewhere for almost two hundred years. Yet, the seeds for democratic fruits were planted during these years.

### 3.3.2. The Principles of Justice of the U.S. American Democratic Tradition

Of course, the story of the formation of democratic values and institutions does not end here. After the American Revolution, the task of giving the new nation correspondingly new principles of social organization and a constitution became unavoidable. Examining the history of that process is of great interest, marked as it is by many failures which point to the need of going beyond these formative years to key moments of self-criticism, especially those moments when the brutal treatment of Native Americans and African Americans was acknowledged—and partially repaired. In what follows, I give an overview of the key ideals that motivated the processes of emancipation and democratization that I have been describing, paying particular attention to how these ideals started to be articulated in practices and institutions. Hence, instead of elaborating the complex history of the framing of the *magna carta* of the United States, and its amendments, I will present only its results—and the values that undergirded them. Then I will present the operational capacity of these values in the context of their legal (constitutional) institutionalization through a brief survey of judicial cases in which freedom of conscience was at issue. In so doing I hope to convey the importance of the principles of justice at the heart of this tradition and reaffirm our commitment to them. I find the American example particularly instructive for its attention to religious freedom.

Following Nussbaum, we can identify six general and often overlapping principles that guide the American constitutional tradition. First, we have the *Equality Principle* according to which “all citizens have equal rights and deserve equal respect from the government under which they live.”<sup>192</sup> Second, the *Respect-Conscience Principle*. Equal respect in the public sphere

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<sup>192</sup> Nussbaum, *Liberty of Conscience*, 22.

requires respect for people's fundamental commitments, those that have to do with the ultimate meaning of life. When those are at stake, government must proceed cautiously, doing as much as it can to avoid unfairly harming people. Note that the principle is intentionally not labeled "Respect-Religion Principle." Even though historically objections of conscience tend to come from deeply felt religious convictions, this is not necessarily so. Further, this could create a context in which the state favors religious over non-religious people. Sure enough, expanding the view and including non-religious conscientious objectors creates problems for the judiciary, undermining universal application of the laws and demanding case-by-case adjudications. However, Nussbaum favors the expansive instead of the restrictive path. As she notes: "The messy way seems the best way, all things considered, although we should grant that it is a pragmatic solution and not ideal theory."<sup>193</sup>

The key issue is that the Equality and Respect-Conscience Principles demand a kind of respect for people that takes into account their fundamental beliefs but does so without embracing or rejecting them. This is a key liberal, democratic ideal. However, this should not lead us to conclude that this ideal calls for a relativistic understanding of neutrality. In contrast, it is possible to develop a set of political principles that constitute a moral space, that have some basic ethical content. This is what John Rawls labeled his "Thin Theory of the Good" in *A Theory of Justice* and what he further developed under the notion of a "political conception" in *Political Liberalism*. Such theory is "thin" insofar as it appeals to some basic goods that we can all agree are necessary for our existence and flourishing. The acknowledgment of the need of those goods does not *require* a comprehensive justification of them (religious or otherwise), but it can *also* have such comprehensive justification. Williams clearly hints at this in his work and Rawls develops the idea

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<sup>193</sup> Nussbaum, *Liberty of Conscience*, 173.

with his notion of overlapping consensus: religious and non-religious people can see in the ethical content represented by the political conception principles that they can embrace because they overlap with their comprehensive conceptions of the good life. I have already made this point in reference to the theological humanism of Las Casas, Williams, and several others.<sup>194</sup>

Now, from the prior point follows that the actions of civil government should be guided by the ethical content of the political conception articulated in the constitution of the state. Hence, it would be a mistake to think that all forms of religious or conscientious conviction should be allowed to flourish. Even though government must take into consideration people's fundamental beliefs, people will only be allowed to act on them *if* they are compatible with the moral space delineated by the constitution. Some said and say that unequal rights for white and black people are part of their deeply felt religious convictions. Such a belief directly collides with the Equality Principle and must not be allowed.<sup>195</sup> The misguided notion of "neutrality" attributed to the liberal, democratic tradition by its opponents has led to the charge of incoherence or of illiberal persecution of religious believers by defenders of liberalism. Nonetheless, I have shown that these accusations are implausible. The democratic tradition, especially in its U.S. American trajectory, is particularly attentive to religious beliefs and it has been shaped by the careful respect given to them. The

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<sup>194</sup> Furthermore, this process of self-reinterpretation is common to most religious traditions and not only to Christianity. For an example in Islam, see Talal Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore, MD: Johns Hopkins University Press, 1993), Chapter 6, "The Limits of Religious Criticism in the Middle East: Notes on Islamic Public Argument." For the complexities of this process in Hinduism, see Wendy Doniger, "The Toleration of Intolerance in Hinduism," in *On Hinduism* (Oxford: Oxford University Press, 2014).

<sup>195</sup> Nussbaum, *Liberty of Conscience*, 23–24, 169–70. In Nussbaum, *Women and Human Development*, 188–91, the author expands on this issue. Religions are deeply valued because they are one of the most common venues for the ultimate search for meaning. However, that search must always be limited by two principles: *each person as an end* and *moral constraint*. Hence, "an organic group for the group is unacceptable if it does not do good for the members taken one by one" (188). Conversely, the religious good of a group or individual must be constrained by the limits imposed by the moral content of the political conception.

evidence in this regard is overwhelming. Yet, this has never implied that a democratic state should be laissez-faire. There must be limits to religious toleration and conscientious objection. Those limits are set by the moral space delineated by the political conception.

Noting the restrictions for extreme cases, a third principle should be added: The Liberty Principle. True respect for our conscientious commitments requires ample liberty: liberty of belief and speech, of religious practice, and of religious bodies to organize their own affairs. Now, the first three principles naturally point to a fourth one: The Accommodation Principle. Provided that we take into account the considerations just presented about the limits of freedom, government should do as much as possible to allow some people to be exempted from generally applicable laws for reasons of conscience. Fifth, we have the Nonestablishment Principle, according to which the state should not endorse any religion in order to avoid creating insiders and outsiders. The Equality Principle and the Respect-Conscience Principle clearly demand this. However, as with the Accommodation Principle, the limits are often blurry, and much debate has taken place over the centuries. Last is the Separation Principle according to which religious bodies and the state have separate spheres of jurisdiction.<sup>196</sup> Yet, as noted with Williams, the point originally was not separation for the sake of separation but to protect abuses in any direction. How do we apply these principles?

#### **4. The Institutionalization of Religious Freedom: Judgment-in-Situation**

Closing his reflections on the method of affirmative genealogy, Joas writes: “Values cannot remain mere values. They come alive only if they are defended argumentatively as values—but

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<sup>196</sup> Nussbaum, *Liberty of Conscience*, 24–25.

above all if they are upheld by institutions and embodied in practices.”<sup>197</sup> Institutions, of course, are of very different kinds: the family, churches, clubs, and so forth, can rightly be considered institutions, each of them with their distinct set of practices. However, since our guiding concern is the development of an adequate theory of social justice, it makes sense to focus on those forms of institutionalization that pertain to what Rawls calls the basic structure of society.

Hence, our focus should be on those principles that establish the conditions of possibility of basic social cooperation. In most modern democracies, those principles are expressed in a political constitution where the fundamental rights and duties of a nation’s citizenry are laid out. I have summarized these basic principles above for the case of the United States: Equality, Respect-Conscience, Liberty, Accommodation, Nonestablishment, and Separation.<sup>198</sup> My interest now is to examine their applicability in the context of judicial decisions where creativity and “wise practical reason”<sup>199</sup> are essential. For both Rawls and Ricoeur the judiciary is the paradigmatic context for the exercise of “public reason.” Hence, we will see how the principles of justice can be fairly applied to the contending parts in a trial drawing from arguments publicly available to all people; arguments coming, precisely, from the moral space delineated by the political conception expressed in the constitution of the state and the legislation derived from it.

Probably the best way to show how the six principles presented above are an effort to care about people’s most fundamental convictions is by paying attention to the Accommodation Principle, for it organizes the others in a two-fold manner. On the one hand, it shows the

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<sup>197</sup> Joas, *The Sacredness of the Person*, 135.

<sup>198</sup> It is worth noting that these principles are not identical to Rawls’ principles of equality and difference, although these two, without major stretches, can cover the ground of the six principles highlighted here. However, identity is not necessary for my argument, given that what is defended here is a family of democratic ideals that are articulated in different ways by different authors and traditions.

<sup>199</sup> Nussbaum, *Liberty of Conscience*, 256.

preciousness of conscience for the democratic tradition and, hence, the great care for religious convictions in it (this being especially true in the United States case). On the other, it reminds us that not all requests can be accommodated because some of them, despite their alleged religious basis, collide with the moral foundation of just social cooperation.

This second point is of great importance, as Nussbaum notes elsewhere, because it has a “social corollary.” The state, without judging the truth-value of a comprehensive view, may limit the implementation of some of its beliefs on, say, Equality Principle grounds. Yet, this also *may* become the context for religious immanent critique. For, after taking seriously the request for an exemption and denying it, the state indirectly brings the issue back to the religious community asking whether beliefs that violate the fundamental moral core of the political community are *really* fundamental beliefs for that religious community.<sup>200</sup> Historically, this has often been the case and religious groups have been able to reassess the way they organized their premises. But this is, of course, only a possibility. Many religious actors have instead used this questioning from the state as a sign of liberal ideology and as a pretext for further attacks on liberal democracy.<sup>201</sup>

To demonstrate this, let us briefly examine *Sherbert v. Verner*, one of the most paradigmatic examples of the Accommodation Principle. This famous Supreme Court case features Ms. Adell Sherbert, a member of the Seventh-day Adventist Church, who worked as a textile-mill operator. In 1959, due to economic constraints, her employer switched from a Monday-to-Friday to a Monday-to-Saturday workweek. Yet, Seventh-day Adventists are forbidden to work on Saturdays in order to keep the Holy Sabbath. Accordingly, she refused to work and was subsequently fired.

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<sup>200</sup> Nussbaum, *Women and Human Development*, 193–98.

<sup>201</sup> For a very well documented account of such attacks, see Almond, Appleby, and Sivan, *Strong Religion*.



Ms. Sherbert could not find any other work, since other mills in the area also implemented the same six-day workweek. She applied for unemployment compensation and her claim was denied. She went to court, “complaining that her ability to practice her religion had been unfairly burdened.”<sup>202</sup> In 1963, the U.S Supreme Court ruled in Ms. Sherbert’s favor.

What matters most here is the reasoning of the court, which developed the famous “Sherbert Test.” Given the importance of the Accommodation Principle, but also the importance of giving people equal treatment under the law, the Equality Principle, it was crucial to develop some criteria to navigate the potential tension between these two principles. Nussbaum summarizes the issue as follows:

The majority opinion articulates this in the form of a balancing test. First, it must be determined whether [the] government’s conduct imposes “substantial burden” on the person’s free exercise of religion. If it does, then we must ask whether that interference can be justified by a “compelling state interest.” In other words, no ordinary state interest will do to override a conscientious claim. It must be an unusually weighty interest. And the law must be narrowly tailored to achieve this interest in the least burdensome manner possible: “no alternative forms of regulation” could be envisaged that would advance that interest “without infringing First Amendment rights.”<sup>203</sup>

The influence of *Sherbert* was decisive for the defense of deeply held convictions, even when the result did not favor the appellants. For it recognized the crucial value of freedom of conscience and encouraged accommodation, but within certain parameters. For instance, in *U.S. v. Lee* (1982) the Supreme Court ruled in favor of the U.S. Government against Mr. Lee, an Old Order Amish farmer, who refused to withhold social security taxes from his employees or to pay the employer’s share of such taxes arguing that doing so would violate his Amish faith. The Court acknowledged

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<sup>202</sup> Nussbaum, *Liberty of Conscience*, 136. For a summary of the case and the highlights of the opinion, see “*Sherbert v. Verner*, 374 U.S. 398 (1963),” Justia Law, accessed May 22, 2019, <https://supreme.justia.com/cases/federal/us/374/398/>.

<sup>203</sup> Nussbaum, *Liberty of Conscience*, 135.

that there was burden imposed on Mr. Lee, but also that there was compelling state interest in collecting taxes in order to fund the social security system, which would be undermined if widespread individual voluntary coverage were allowed.<sup>204</sup>

Perhaps a more powerful example of the judgment-in-situation required to balance Free Exercise claims and equality claims is given by *Bob Jones v. United States* (1983). Here the Supreme Court ruled against the plaintiffs, denying Bob Jones University tax exemptions, and upholding the Internal Revenue Service's decision to revoke tax-exempt status to institutions practicing racial discrimination. Bob Jones University's argument was that its policy of forbidding interracial marriage to its students was based on its Christian faith and was thus protected by the First Amendment. The university won in the Federal District Court, but this decision was reversed by the Court of Appeals. The Supreme Court upheld the Court of Appeals' decision in a five-fold argument. Three key ideas are worth noting:<sup>205</sup> First, the court maintained that the tax-exempt institution "must demonstrably serve and be in harmony with the public interest, and the institution's purpose must not be so at odds with the common community conscience as to undermine any public benefit that might otherwise be conferred." Second, the Court stated that "it would be wholly incompatible with the concept's underlying tax exemption to grant tax-exempt status to racially discriminatory private educational entities. Whatever may be the rationale for such private schools' policies, racial discrimination in education is contrary to public policy." Lastly, referring to the Sherbert Test, the majority wrote: "The Government's fundamental, overriding interest in eradicating racial discrimination in education substantially outweighs

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<sup>204</sup> "United States v. Lee, 455 U.S. 252 (1982)," Justia Law, accessed May 22, 2019, <https://supreme.justia.com/cases/federal/us/455/252/>. See also, Nussbaum, *Liberty of Conscience*, 139.

<sup>205</sup> All citations come from "Bob Jones Univ. v. United States, 461 U.S. 574 (1983)," Justia Law, accessed May 22, 2019, <https://supreme.justia.com/cases/federal/us/461/574/>.

whatever burden denial of tax benefits places on petitioners' exercise of their religious beliefs. Petitioners' asserted interests cannot be accommodated with that compelling governmental interest, and no less restrictive means are available to achieve the governmental interest”.

The decisive role of *Sherbert v. Verner* as a form of institutionalization of the principles of justice orienting the U.S. American constitutional tradition should not give us the impression that there have not been setbacks. In fact, the tradition is notorious also for setbacks that threaten the fundamental gains obtained over more than a century of jurisprudence. One key example is *Employment Division v. Smith* (1990). In this case, Mr. Al Smith, a Native American of the Klamath tribe of southern Oregon, sued the Douglas County Council on Alcohol and Drug Abuse Prevention and Treatment, his employer, for firing him for the use of peyote. Mr. Smith’s argument was that his consumption of peyote was not like other use of drugs, for he used it only in Native American sacred ceremonies. In this case, the Supreme Court ruled against Mr. Smith. The gravity of the ruling, however, consists in its disregard for precedent, especially concerning the protections provided by the First Amendment and the role of the Sherbert Test in Supreme Court jurisprudence. Justice O’Connor concurred with the majority on “compelling state interest” grounds, but rebuked the reasoning of the majority opinion, written by Justice Scalia.<sup>206</sup> First, O’Connor noted the longstanding tradition according to which the First Amendment protects religious beliefs and practices. The majority opinion only considered the former. Second, she stressed the importance of accommodation against the majority’s emphasis on the inflexibility of the law and the overstated dangers ascribed to accommodation. Third, she vigorously rejected the idea that *Sherbert v. Verner* was inapplicable beyond the context of employment compensation, as the majority maintained.

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<sup>206</sup> Nussbaum, *Liberty of Conscience*, 153–56. For the case, see “Employment Div. v. Smith, 494 U.S. 872 (1990),” Justia Law, accessed May 22, 2019, <https://supreme.justia.com/cases/federal/us/494/872/>.

Lastly, O'Connor criticized Scalia's opinion for giving up on trying to accommodate the needs of the religious minority, since he maintained that the minority's "relative disadvantage" is a "unavoidable consequence of democratic government," for that would amount to a mild form of religious or non-religious establishment, against which the whole tradition has always stood. *Smith* remains a Supreme Court precedent to this day, although it has had a quite convoluted afterlife.<sup>207</sup> As it stands, it represents a setback for Freedom of Religion jurisprudence, but it is not the last word. Other rulings have returned to some form of the Sherbert Test and in subsequently rulings the late Justice Scalia appeared to depart sometimes from his *Smith* opinion.<sup>208</sup>

We can conclude that no democratic, constitutional tradition is free from setbacks, even major failures. Fear seems to be at the bottom of most of them: fear of the unknown, fear of accepting what has never been the norm. For this reason, it is essential to *affirm* the democratic tradition against the multiple forms of fear that endanger it. Here the institutionalization of democratic ideals in concrete and relatively stable legislation is essential. For, even though the law is not the only force upholding democracy, legislation has a crucial role in the process of deepening our understanding of democratic ideals and thus in expanding the protections for which they

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<sup>207</sup> For a summary of the tensions created by *Smith* between the three branches of government, see Nussbaum, *Liberty of Conscience*, 159–64. Interestingly, there is one recent case that, if heard by the Supreme Court, could allow the revision of this convoluted history and the establishment of more orderly jurisprudence. On Mr. Patterson's case, see Tom Gjelten, "How The Fight For Religious Freedom Has Fallen Victim To The Culture Wars," NPR.org, accessed June 10, 2019, <https://www.npr.org/2019/05/23/724135760/how-the-fight-for-religious-freedom-has-fallen-victim-to-the-culture-wars>.

<sup>208</sup> Other areas of the tradition are also worth studying. The complex disputes regarding whether some policies violate the Nonestablishment Principle are surely one of them. On these issues, see especially Chapters 6 and 7 of Nussbaum, *Liberty of Conscience*. Here, one of the key cases is *Everson v. Board of Education* (1947) where Justice Hugo Black in line with the Williams tradition rejects a forceful separation for the sake of separation, denying that providing public services (bussing, in this case) to religious schools was a violation of the First Amendment. For this case, the setbacks that followed, and the return to a more balanced view, see Nussbaum, 282–305.

stand.<sup>209</sup> However, the law is not the only form of institutionalization required to make a democracy stable. Providing the emotional underpinning to the law and the political ideals it embodies is essential. People must learn the history behind these ideals and the complex, always shifting process of their realization.<sup>210</sup> Further, people must learn to *love* these ideals as *theirs* in endless processes of creative re-articulation of them. Making the struggles for equal respect our own expands our understanding of justice. Further, learning about and participating in those struggles exposes our imagination to diversity which, in turn, allows us to see humanity where we may have failed to see it before: in indigenous peoples, blacks, gays and lesbians, and so forth.<sup>211</sup>

Given my interest in the role of religion, it is especially important to note that the institutionalization of democratic ideals through legislation and different forms of cultivation of our emotions may become an opportunity for self-criticism. Some democratic practices and institutions may allow us to reassess the importance of certain ideas that until then were dominant in a given religious tradition. Do Christianity and empire have to go together? Are love for the neighbor and slavery compatible? Can Christian *agape* tolerate racial segregation in schools and churches? Can we truly justify the unequal treatment of women under some biblical argument? Is

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<sup>209</sup> Nussbaum, *Liberty of Conscience*, 221–22.

<sup>210</sup> Nussbaum, *Liberty of Conscience*, 327.

<sup>211</sup> Nussbaum, *Liberty of Conscience*, 328. But this kind of exposure is especially important to counter the not-so-uncommon impulse among some religious groups to isolate themselves from democratic practices and institutions. Hence, rejecting some requests for accommodation may be considered a “compelling state interest” for the sake of the overall democratic culture. *Mozert v. Hawkins County Board of Education*, 827 F.2d 1058 (1987) stands as a good example of this. Here the U.S. Court of Appeals reversed a previous District Court ruling. The District Court granted accommodations to the children of a group of parents who sued the Hawkins County Public Schools System in Tennessee alleging that the elementary reading books chosen by the school constituted an affront to their religious beliefs. Some of the contentious issues were showing boys cooking, highlighting the achievements of women, the use of the word ‘comrade,’ the alleged promotion of Hinduism, etc. Chief Judge Lively denied the request, arguing that there was no substantial burden, but also making a strong case for the importance of exposure to diversity in fostering a democratic culture. For Nussbaum’s reflections on the case, see *Liberty of Conscience*, 330–334.

Christianity really opposed to same-sex relations?

My affirmative genealogy of the democratic culture has attempted to show the early process of self-questioning that the Christian tradition underwent. I will complete this narrative with my turn to liberation theology in the next chapters. However, even in the early stages of my genealogy it has become apparent that religions, and Christianity in particular, are perfectly capable of finding resources within themselves to validate democratic practices and institutions religiously, and to honor equality. John Rawls called this process of validation an overlapping consensus, but only stated the possibility. I have shown its reality in detail. Moreover, I have tried to complicate this somewhat unilateral approach by arguing that democratic ideals cannot be fully understood without paying attention to their at least partial religious origin. Following Joas, we should avoid monocausal explanations and stress the process of cross-fertilization that took place. More importantly, we should avoid any form of naïve triumphalism since none of these democratic achievements has been forever secured. In fact, they are permanently under attack and probably always will be. For the forces behind the attack are arguably older than their democratic counterpart and quite pervasive: “fear of the strange, a love of hierarchy, a desire to lord it over others.”<sup>212</sup> Hence the task of affirming and defending the democratic culture never ends and requires, as Michael Walzer has reminded us, “permanent vigilance.”

## **5. Conclusion**

Three main conclusions can now be established, the second of which will be subdivided in two. First, the ideal of emancipation or liberation is at the core of the democratic tradition. Hence,

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<sup>212</sup> Nussbaum, *Liberty of Conscience*, 359.

despite several moments in which this ideal has been abandoned, the motivational force of the ideal has been retrieved again and again in history in order to expand freedom and to make life flourish. Underscoring this point is essential since one of this dissertation's goals is to connect the project of *justice as fairness* with liberation theology. In this sense, this chapter has anticipated and partially responded to objections contemplated in the conclusion of Chapter 2: liberalism and the liberationist tradition are not rival traditions. Rather, they share the emancipatory thrust this chapter has identified.

Second, having established the limitations of argument alone in the pursuit of justice, this chapter developed an affirmative genealogy of the democratic tradition, with special attention to the political emotions required to give sustenance to democratic ideals. In this sense, this chapter has provided a relatively adequate solution to problems identified in Chapters 1 and 2. We can subdivide the solution in two different sub-conclusions.

First, this chapter has given great importance to the issue of moral imagination and creativity, and to the way in which ideals emerge and can be recreated, addressing issues highlighted in the conclusions of Chapter 1. In this sense, this chapter has developed themes that were indicated but not elaborated by Rawls. Further, I have done so addressing issues that were flagged in my critical retrieval of the objections to Rawls raised by his critics. Hence, this chapter has directly addressed questions pertaining to the narrative self and the issue of articulation by giving to Rawls' principles of justice a narrative structure and showing the complex process of articulation of values *vis-à-vis* pressing new realities. Moreover, by also addressing the objection according to which *justice as fairness* provides a truncated depiction of the self, this chapter has paid close attention to the complexity of our human emotions and their bearing in our political arrangements. By carefully studying emotions like fear, anger, and disgust, but also love, hope,

and compassion, this chapter has provided a more complete account of the self that more adequately considers the real limitations and possibilities in the pursuit of justice.

Second, this chapter has addressed the key issue of how traditions work, responding to key objections identified in the conclusions of Chapter 2. Indeed, by providing an intercontinental affirmative genealogy of the democratic tradition, it has demonstrated that there is no inherent opposition between religious and democratic ideals. Such antagonism is the reflection of certain ideals about how past and new values should relate. In contrast, my affirmative genealogy has shown that when confronted with new realities communities and individuals have found creative ways to re-articulate their previous values in dialogue with the new realities. Hence, this chapter has already provided a historical account of the way ideal-formation works, discrediting alternative approaches that take traditions as fixed sets of beliefs and practices. However, there is still a pending task, namely to systematize what has been shown historically. The following chapter is devoted to that task.

Lastly, this chapter has addressed a key issue noted in the preceding chapters, that of the tension between universal norms and their applicability in concrete situations. Examining concrete uses of public reason through decisions of the judiciary, this chapter has shown how the application of general principles is not an impossible task. Further, their development is key in order to give orientation to moments of concrete application. When these moments arise, “balancing tests” can be developed with ample margin for accommodation of difference, provided that the fundamental principles of the political conception are not violated. Moreover, I have noted how this is especially true in the case of liberty of conscience by showing how these principles were developed with the protection of religious believers at their core and how, overall, they have operated with that goal in mind since their inception.



## **CHAPTER 4**

### **IN PERMANENT REVOLUTION:**

#### **THE HERMENEUTICS OF THE CHRISTIAN TRADITION**

The previous chapters have proposed foundations for a theory of social justice that can deal productively with the tension between norms and values with which this dissertation started. Chapter 1 introduced John Rawls' work, presenting it as a compelling proposal for how to adjudicate fairly between different value-systems, namely, by foregrounding principles of equal respect and attention to the worst off in society. Chapter 2 examined Rawls' theory in dialogue with its main critics. It demonstrated that critics often misunderstand Rawls' key contributions, an issue further aggravated by those critics' lack of compelling alternatives to deal with the problem of conflicting accounts of the good in societies marked by a diversity of viewpoints. However, the chapter also noted that Rawls' theory has some important shortcomings, and that attention to these might produce a more compelling approach to adjudicating between value systems, especially when religious values are involved. Key among those shortcomings is the excessive emphasis on argument, which leaves undeveloped many questions about moral motivation, the formation of values, and the role of our emotions in the political sphere. Chapter 3 addressed these issues directly by providing an affirmative genealogy of Rawls' principles of justice, and inserting them in the trajectory of the revolutionary struggles for equality, freedom, and solidarity. The chapter particularly attended to the role of religion in those struggles in order to see the complex and fruitful interaction between democratic and religious ideals.

This fourth chapter takes this discussion a step further. Its goal is to produce a theory of interpretation of the Christian tradition that can present theological ideas that previous chapters have introduced philosophically (Chapters 1 and 2) and historically (Chapter 3). If successful, the theory will give us the needed rationale to understand the interaction of “secular” and “religious” ideals from a theological perspective.<sup>1</sup> In turn, such a rationale should dispel the assumption that the interaction of secular (especially political) and religious ideals are inherently negative and propose instead that the interaction is inevitable and should focus on producing criteria for better or worse interactions.

The central claim of that argument is that religious traditions are always already self-interpreting traditions, that they are always searching for definition, and that this fluidity is not the mere result of exogenous influences, but part of the very nature of what religious traditions are. Hence, religious traditions are in constant dialogue with their surroundings, permanently negotiating their loyalties, and trying to respond creatively to internal and external demands. Indeed, as H. Richard Niebuhr maintains (referring to the Christian tradition), religious traditions are in “permanent revolution.”<sup>2</sup> Of course, this is especially true about their relationship to the political and to issues relating to what Rawls called the “basic structure of society.” For questions of how to organize society justly will naturally touch on fundamental religious beliefs since

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<sup>1</sup> I use quotation marks here for two reasons. First, because even though “secular” and “religious” may refer to relatively identifiable objects, it is by no means clear that we can easily delimit their content and absolutely distinguish one from the other. Second and related to this, because within each field we can find a variety of forms of religious and secular expression. “Religion” may include views that range from New Age eclecticism to very strict forms of Tridentine Catholicism. Similarly, “secular” may refer to different forms of humanism that can easily coexist with religious views or can refer to active efforts to suppress religious beliefs as it happened with the Soviet “state atheism.” Thus, I keep these complexities in mind in the account I develop in this chapter.

<sup>2</sup> H. Richard Niebuhr, *The Meaning of Revelation* (New York: The Macmillan Company, 1941), x, 133 ff.

religious traditions attempt to give meaning to the entirety of our lives, which includes the political sphere.

My argument proceeds as follows: In the first section, I introduce a basic account of how religious experience takes place and is articulated. This requires first, some basic understanding of the role of experience in our attempts to interpret our surroundings and give meaning to our lives. Second, in order to produce such an account I put the traditions of pragmatism and hermeneutics into conversation, using as my guiding thread the problem-solving orientation of both. Third and finally, I identify a distinct pattern in the articulation of religious experience using Paul Ricoeur's dialectic of manifestation and proclamation.

In the second section, I draw from this basic blueprint and articulate religious experience in religious traditions, particularly in the Christian tradition. To that end, I first present a sociological account of how traditions work, in order to identify some of their key features. Central among them will be their problem-solving orientation, their plurality, and their tendency to change and innovate. Second, I turn to the concrete articulation of religious experience produced by the Christian tradition. Here, the contributions of theologian David Tracy are of great importance. My goal is to highlight that the "Christian classic"—the self-manifestation of God in the person and the event of Jesus Christ—is characterized by its permanence and excess of meaning, and to show that this leads to plurality and ambiguity in its interpretation. Hence, what is needed is the development of criteria for relatively adequate interpretations.<sup>3</sup> Lastly, I go beyond the criteria for

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<sup>3</sup> I understand the notion of "relative adequacy" as having two key components. On the one hand there is *general, public intelligibility* for which we consider ordinary criteria like internal coherence and intersubjective validation over time. On the other there is the *appropriateness to the object of study*. We cannot apply to poetry or painting the criterion of simplicity that is often used for logic and mathematics. Similarly, if our subject is an inherently metaphysical question like "the ultimate meaning of life" or "God" we cannot apply criteria solely from the empirical sciences. My main interlocutors here are Paul Ricoeur, *Interpretation Theory: Discourse and the Surplus of Meaning* (Fort Worth: Texas Christian University

relatively adequate interpretations, stressing the necessary conditions for a constructive Christian theological language. Here Tracy's concept of the "analogical imagination" is crucial. Furthermore, showing how this analogical task can be conducted in dialogue with political questions provides the necessary theological equipment to introduce liberation theology in the following chapter. I conclude Chapter 4 by summarizing its findings.

## **1. *Homo Interpretans*: On the Articulation of Religious Experience**

### **1.1. Experience as the Starting Point**

The tradition of American pragmatism inaugurated by William James gives us a prudential and even sobering entry point to the study of religious experience. In his methodological remarks in *The Varieties of Religious Experience*, James invites us in truly revolutionary fashion to consider religion as part of the general realm of experience.<sup>4</sup> For him, religion may have some distinct qualities, but should not be considered as something completely other. In his view, there is no such thing as an essentially religious act or sentiment. Rather, there are a variety of acts and sentiments that are common patrimony of the human experience; yet these are directed at objects that are considered religious, hence becoming religious acts or sentiments. Referring to one of several other

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Press, 1976), 75 ff; David Tracy, *Blessed Rage for Order: The New Pluralism in Theology: With a New Preface* (Chicago, IL: The University of Chicago Press, 1996), especially Ch. 4. But the tradition of American pragmatism is also crucial in this regard.

<sup>4</sup> In Lecture II, James writes: "Consider . . . 'religious sentiment' . . . There is religious fear, religious love, religious awe, religious joy, and so forth. But religious love is only man's natural emotion of love directed to a religious object; religious fear is only the ordinary fear of commerce, so to speak, the common quaking of the human breast, in so far as the notion of divine retribution may arouse it. . . As there thus seems to be no one elementary religious emotion, but only a common storehouse of emotions upon which religious objects may draw, so there might conceivably also prove to be no one specific and essential kind of religious object, and no one specific and essential kind of religious act." William James, *The Varieties of Religious Experience: A Study in Human Nature* (New York: Longmans, Green, and Co., 1916), 27–28.

examples, James writes: “[R]eligious awe is the same organic thrill which we feel in a forest at twilight, or in a mountain gorge; only this time it comes over us at the thought of our supernatural relations.”<sup>5</sup> In addition, what we may consider a “religious” object (the “supernatural” in this example) already supposes an interpretative moment where the language we speak and the history to which we belong, among other factors, play a key role.<sup>6</sup> I return to this topic in the following subsection.

What matters for now is that for James and for me, the starting point of any reflection about *religious* experience must be *experience*. Experience, of course, is no pure thing. Experience is always interpreted-experience.<sup>7</sup> Here we see one of the key contributions of American pragmatism, one that helps us to avoid two philosophical errors.

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<sup>5</sup> James, *Varieties*, 27.

<sup>6</sup> For a thoughtful historical and philosophical reflection on the definition of “religion,” see Jonathan Z. Smith, “Religion, Religions, Religious,” in *Critical Terms for Religious Studies*, ed. Mark C. Taylor (Chicago, IL: The University of Chicago Press, 1998). In this piece, Smith makes a compelling case for a cautious and historically conscious use of the terms in question, reminding the reader of the often biased projections that allowed the emergence of “religion” as a reflective category. Granting these complications, Smith concludes by defending the analytic relevance of the term to establish a disciplinary horizon without which the study of religion is not possible (281–82). I agree with Smith and will, aware of the limits of my task, attempt to proceed constructively using provisional definitions.

<sup>7</sup> It is worth noting that James puts forward a notion of “pure experience” in his *Essays in Radical Empiricism*. At least two points should be considered in this regard. First, James explicitly indicated in his Preface to *Pragmatism* that his metaphysics of experience (where “pure experience” appears prominently) should not affect his general pragmatic approach. He believed his pragmatic method could stand alone without a metaphysical grounding. Second, however, I also believe that the postulation of “pure experience” is not incompatible with the position taken on the role of experience in *Pragmatism*, *Varieties*, and elsewhere. In the *Essays*, James, rather unsystematically, advances the notion of “pure experience” as a way to indicate that the human mind permanently makes distinctions for the sake of understanding, distinctions that are abstracted from a continuum of pure experience. See William James, “Does Consciousness Exist?,” in *Essays in Radical Empiricism*, ed. Ralph Barton Perry (London, Bombay & Calcutta: Longmans, Green & Co., 1912), 5. His point here is mostly polemical, opposing the tendency to essentialize dichotomies in philosophical circles. More constructively, his point is also to advance a view according to which no trans-empirical (i.e., metaphysical) support is necessary to argue for the objective quality of experience. For more on James’ radical empiricism and his notion of pure experience, see the editor’s introduction to William James, *The Writings of William James: A Comprehensive Edition, Including an Annotated Bibliography Updated through 1977*, ed. John J. McDermott, A Phoenix Book (Chicago, IL: The University of Chicago Press, 1977), xli–l. For important considerations about the relationship between metaphysics and experience

The first error consists in the mistaken identification, mostly an inheritance of British empiricism, of sense-data with experience. According to this view, experience would not be more than “insubstantial, unstable, evanescent and, in the end, a tissue of subjective interest and feelings.”<sup>8</sup> But this view is untenable. Even the very possibility of perceiving sensory data as having some basic purposive unity requires the meta-sensorial presupposition of a self, a center of intention, as philosopher John E. Smith notes. Nonetheless, the unity of the self is never perceived in the way we perceive color or sound; we must *interpret* the sensory activity of ourselves and others *as being part of a unity*.<sup>9</sup> Meaningful interactions could not be conducted otherwise. Furthermore, meaning is indeed the key issue here. For beyond the question of the unity of the self, what we are calling here sense-data are not mere percepts that bring neutral content to the perceiver. While the same sensory content may remain invariant, the meaning may differ significantly depending on the observer. As Smith notes following William James, a tree can be seen “by the lumberman as yielding so many board feet for the sawmill, whereas the poet may see it as a lonely sentinel standing guard over the meadow rolling beneath.”<sup>10</sup> From this quick sketch two conclusions follow. First, that we are never passive recipients of sensory stimulation; and

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in the Jamesian corpus, see David C. Lamberth, *William James and the Metaphysics of Experience* (Cambridge, UK: Cambridge University Press, 1999), 111–12.

<sup>8</sup> John E. Smith, *The Analogy of Experience: An Approach to Understanding Religious Truth* (New York: Harper & Row, 1973), 33.

<sup>9</sup> Similar views of the unity of the self and the unity of our perception of things are essential for the phenomenological tradition started by Edmund Husserl, for whom there was no way to make sense of the world without meta-sensorial beliefs. And this is true whether these are thematized as an object of reflection (as I am doing now) or whether they are just experienced as such (as in our ordinary experiencing of the unity of the self). For a brief study of the influence of William James in Husserl’s conception of phenomenology, see Raúl Zagarra, “Dos versiones de psicología fenomenológica: En torno a la influencia de William James en las *Investigaciones Lógicas* de Edmund Husserl,” *Estudios de Filosofía* 9 (2011): 71–92.

<sup>10</sup> Smith, *The Analogy of Experience*, 35.

second, that “we apprehend, grasp, understand and interpret in accordance with many meaning patterns.”<sup>11</sup>

The second error is to assume that all experience is interpreted-experience in the sense of being submitted to some kind of theoretical reflection. Instead, experience always implies some form of discrimination, what John Dewey calls “selective emphasis.” We pay attention to certain events more than to other events; different people experience the same objects (the tree, for instance) in different ways. However, this is a pre-theoretical selectivity in the sense that “as social and cultural organisms we always confront a situation with a character (set of habits, emotions, beliefs) that to a certain extent determines the content of what is non-reflexively given and present.”<sup>12</sup>

In my view, this twofold argument about the nature of experience is crucial for our inquiry about *religious* experience and for the formation of religious traditions. James and Dewey believed that making experience the starting point of inquiry was essential in order to provide a basis for continuous criticism and evaluation. They did so by rejecting the reduction of experience to mere subjective states of mind and, at the same time, by rejecting the tendency to accept what we may call super-structural or metaphysical constructions (“Reason,” “Revelation,” “the Spirit”) as the ultimate arbiter of what is true or false, right or wrong. Instead, pragmatism attempts—in my view, successfully—to overcome the extremes of subjective relativism and trans-experiential objectivism. It does so by construing “objectivity” in terms of “intersubjective validation over time.”<sup>13</sup> Of course, some people may object that this does not guarantee that our experience

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<sup>11</sup> Smith, *The Analogy of Experience*, 36.

<sup>12</sup> Gregory Fernando Pappas, *John Dewey’s Ethics: Democracy as Experience* (Bloomington: Indiana University Press, 2008), 22.

<sup>13</sup> On this issue, and the significant overlap between Charles S. Peirce’s and James’ conceptions of

correlates with the actual “nature” of things. But one must wonder how that could be guaranteed unless we achieve a point of view *sub specie aeternitatis*. Since we cannot experience reality freed from our evolutionary, social, and cultural circumstances, instead, as pragmatists invite us to do, we should free ourselves from our anxieties about achieving “pure” objectivity.<sup>14</sup> We should trust our experience as our starting point, with the caveat that, insofar as it is always conditioned by our circumstances, it must be verified and validated intersubjectively and over time.

If these considerations are correct, their impact on the study of religion cannot be overstated. For any attempt to silence or suppress new interpretations and critical assessments of religious beliefs and practices would have to meet this pragmatist “reality check.” In doing so, such an attempt would have to provide some reasons for the desire to exclude or suppress dissenting voices. If the claim is something along the lines of “*x* is God’s will,” one could retort that “God’s will” is always interpreted through human means, and invite a humbler and less repressive approach to difference. If the critic counters that this approach is relativistic, one could reject that accusation by pointing to the fact that this is not merely *my* interpretation, noting instead the relative adequacy of the new interpretation or the criticism of the current one *based on the arguments and ideals of the tradition to which we all belong*. But this argument requires further development, so I will return to it later.

## **1.2. A Pragmatist Hermeneutics? On the Problem-Solving Character of Interpretation**

My last remarks about the central role of experience for James and Dewey should be put in conversation with another central contribution of American pragmatism, one that has been

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truth and objectivity, see Hilary Putnam, “James’s Theory of Truth,” in *The Cambridge Companion to William James*, ed. Ruth Anna Putnam (Cambridge, UK: Cambridge University Press, 1997).

<sup>14</sup> Pappas, *John Dewey’s Ethics*, 23.



stressed and expanded recently in philosopher Johann Michel's remarkable treatise on hermeneutics. The point is this: that despite the need for critical thinking, not *all* our experience can or should be subject to criticism. Gregory Pappas expresses this very clearly commenting on Dewey's methodological emphasis on experience:

[E]xperience as method relies on what is experienced; and what is experienced not only changes but can be modified and improved by the same method. Nevertheless, effective criticism and modification of what we experience needs to begin with what we do in fact experience in our ordinary practical situations. What we cannot do, however, is *simultaneously* subject all our primary experience to criticism. Reflective criticism always takes place in the non-cognitive context of a situation that cannot be transcended.<sup>15</sup>

Indeed, this is an essential tenet of American pragmatism since it was first expressed in Charles Sanders Peirce's superb refutation of René Descartes' project in the *Meditations on First Philosophy*. In the First Meditation, Descartes summarizes the motivation and goal of the project as follows: "I realized that it was necessary, once in the course of my life, to demolish everything completely and start again right from the foundations if I wanted to establish anything at all in the sciences that was stable and likely to last."<sup>16</sup> It is precisely this project of so-called radical or methodological doubt that Peirce questions. In his 1877 essay "The Fixation of Belief," Peirce addresses the issue directly, although without naming Descartes:

Some philosophers have . . . even recommended us to begin our studies with questioning everything! But the mere putting a proposition into the interrogative form does not stimulate the mind to any struggle after belief. There must be a *real and living doubt*, and without this all discussion is idle.<sup>17</sup>

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<sup>15</sup> Pappas, *John Dewey's Ethics*, 24.

<sup>16</sup> René Descartes, *Meditations on First Philosophy: With Selections from the Objections and Replies: A Latin-English Edition*, trans. John Cottingham (Cambridge, UK: Cambridge University Press, 2013), 23.

<sup>17</sup> Charles S. Peirce, "The Fixation of Belief," in *The Essential Peirce: Selected Philosophical Writings*, ed. Nathan Houser and Christian Kloesel, vol. 1 (1867–1893) (Bloomington: Indiana University Press, 1992), 115, my emphasis.

For Peirce, doubt cannot be imposed over experience; at least this is not the way we generally relate to the world that surrounds us. Indeed, the reverse is true of both regular experience and truly fruitful inquiry: we aim for the dissipation of doubt and the fixation of belief: “Doubt is an uneasy and dissatisfied state from which we struggle to free ourselves and pass into the state of belief; while the latter is a calm and satisfactory state which we do not wish to avoid, or to change to a belief in anything else.”<sup>18</sup>

William James expresses the same concerns, although more vividly and existentially, in his reflections about the genesis and legitimacy of (religious) belief. In his classic “The Will to Believe,” James takes his cue from Blaise Pascal’s famous “wager” in the *Pensées*. There, Pascal recommends that the unbeliever partake in religious rituals and acts of worship “as if” she believes in their meaning and with the expectation that they will ultimately elicit true belief in God. In Pascal’s view this is the only reasonable gamble since, if there is indeed a God, proceeding otherwise will risk that one be eternally damned.<sup>19</sup> James disagrees profoundly. Instead, he develops Peirce’s position, that neither doubt nor belief can be forced or instrumentally manufactured. Belief, as well as doubt, he insists, must be real and live, otherwise it is purposeless. In response to the “wager,” James cautions:

We feel that a faith in masses and holy water adopted willfully after such a mechanical calculation would lack the inner soul of faith’s reality; and if we were ourselves in the place of the Deity, we should probably take particular pleasure in cutting off believers of this pattern from their infinite reward.<sup>20</sup>

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<sup>18</sup> Peirce, “The Fixation of Belief,” 114.

<sup>19</sup> For Pascal’s wager, see Blaise Pascal, *Pensées*, ed. Louis Lafuma (Paris: Editions du Seuil, 1962), §418 (Brunschiwig Edition).

<sup>20</sup> William James, “The Will to Believe,” in *The Will to Believe, and Other Essays in Popular Philosophy*. (New York: Longmans, Green, 1912), 6.

As for Pierce in the case of doubt, so for James belief can only emerge when a situation genuinely demands that we take a stance. We cannot simply attempt to believe in God and act “as if” we do; belief in God must emerge, however progressively, from a genuine experience that demands a response from us. James calls this a “genuine option.” But for an option to be genuine it must be a decision between two (or probably more) possibilities we *actually* care about. James expresses the issue this way: “Options may be of several kinds. They may be—1, *living or dead*; 2, *forced or avoidable*; 3, *momentous or trivial*; and for our purposes we may call an option a *genuine option* when it is of the forced, living, and momentous kind.”<sup>21</sup> Hence, strictly speaking, a true experience, religious or otherwise, is an event that presents us with some kind of problem or disjunctive to which we must give a solution. The depth and complexity of the experiences before us will vary, but something that presents itself to ourselves as avoidable and trivial or simply as dead or irrelevant will not produce a response. In contrast—and this is especially true in the context of what Paul Ricoeur and others call limit-situations—some events *demand* a response:

Our passional nature not only lawfully may, but must, decide an option between propositions, whenever it is a genuine option that cannot by its nature be decided on intellectual grounds; for to say, under such circumstances, “Do not decide, but leave the question open,” is itself a passional decision,—just like deciding yes or no,—and is attended with the same risk of losing the truth.<sup>22</sup>

For this reason, social theorist Hans Joas rightly stresses that pragmatism is, above all, a philosophy of the situated creativity of action; a philosophical school oriented toward the solution of real problems emerging in experience through the development of new creative interpretations and rearrangements of prior experiences leading, ultimately, to new experiences as well.<sup>23</sup>

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<sup>21</sup> James, “The Will to Believe,” 3.

<sup>22</sup> James, “The Will to Believe,” 11.

<sup>23</sup> Hans Joas, *The Creativity of Action* (Cambridge, UK: Polity Press, 1996), 133–144.

These considerations find further confirmation and specification in the recent work of Johann Michel, one of the most persuasive interpreters of Paul Ricoeur's work and a leading figure of contemporary French hermeneutics. Michel's work represents a crucial intervention in debates internal to the hermeneutical tradition, but it is especially important for us for two reasons: First, because it explicitly establishes a connection with American pragmatism and its problem-solving orientation, inserting this concern in the heart of the hermeneutical tradition.<sup>24</sup> Second, because Michel further specifies and categorizes key intuitions of what we may call the pragmatist hermeneutics of experience, and these allow us to produce a coherent sketch of the factors at play in the hermeneutics of religious experience. Since my goal in this chapter is to explain how religious experiences are interpreted and to show how such interpretations can give birth to new creative developments, Michel's considerations will be of great help.

Perhaps one of the greatest accomplishments of Michel's work is to expand the hermeneutical tradition beyond Hans-Georg Gadamer's and Ricoeur's text-centered model, "making interpretation the entryway to every form of expression of human reality."<sup>25</sup> Such expansion of the hermeneutical tradition naturally leads Michel to a more fluid conversation with the social sciences, especially with anthropology. Thus, he moves from the model of textual interpretation to the whole complexity of human action, focusing on a model shaped by the emergence of spontaneous, creative responses to interruptions of meaning in the context of ordinary interactions instead of one informed by the solitary experience of the exegete dealing with an obscure text.<sup>26</sup> In addition, Michel also engages the disciplines of ethology, biosemiotics, and

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<sup>24</sup> For his own account of the overlap between his approach and that of American pragmatists, see, among other places, Johann Michel, *Homo Interpretans: Towards a Transformation of Hermeneutics*, trans. David Pellauer (London; New York: Rowman & Littlefield International, 2019), 24–25.

<sup>25</sup> Michel, *Homo Interpretans*, xx.

<sup>26</sup> Michel, 50. Of course, this movement from text to action was already present in Ricoeur's work

biology, among others, in an attempt to emphasize that the faculties of interpretation are not necessarily the sole domain of the human animal. In turn, these two correctives also naturally bring the hermeneutical tradition naturally closer to pragmatism insofar as the latter, as noted above, is primordially a philosophy of the creativity of human action that owes many of its insights to the study of other living organisms as well.

After identifying the presence of some forms of selective discernment in the interaction of all living organisms with their surroundings (*Umwelt*) in order to consider whether such interaction should count as “interpretation,” and after considering some alternative models, Michel proposes his own basic categorization of hermeneutics. In his view, a three-level model can generally account for our interpretative processes. Thus, he speaks of “proto-interpretations”, “interpretations” *strictu sensu*, and “meta-interpretations.” *Proto-interpretations* designate, “in the ethological, psycho-biological sense . . . the pre-reflexive operations, valid for every living organism, including human beings, of selecting among the signs that constitute an *Umwelt*.”<sup>27</sup> *Interpretation*, by contrast, is human activity proper, and emerges as a form of “qualifying the ordinary activity produced by human agents when they experience a breakdown in immediate understanding and bring into play reflexive procedures meant to remove a problem.”<sup>28</sup> Lastly, *meta-interpretation*, as an epistemological endeavor, consists in “the deliberate activity of

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(less so in Gadamer’s), but it is still the case that Ricoeur uses the “model of the text” as his dominant form of interpretation in ways that limit the capaciousness of his analysis. For Ricoeur’s classic statement of this approach, see Paul Ricœur, “The Model of the Text: Meaningful Action Considered as a Text,” in *From Text to Action*, vol. 2, *Essays in Hermeneutics* (Evanston, IL: Northwestern University Press, 1991).

<sup>27</sup> Michel, *Homo Interpretans*, 16.

<sup>28</sup> Michel, *Homo Interpretans*, 16. Michel adds that interpretation proper is intrinsically human not only for the reflexivity just described, but because such reflexivity is marked by an “openness to the world” which is capable of going beyond the world of perceptions referring to much broader symbolic universes (19). The role of our imagination in this transcending the actual world is central (20).

interpretation, as well as hermeneutic reflection on questions about interpretation that the sciences, beyond those that study texts, draw on.”<sup>29</sup>

According to Michel, this general scheme is present in the different realms of the *homo interpretans*’ life.<sup>30</sup> Hence, we see the same pattern in the experience of self-interpretation ranging from intuitive certainties about our selfhood (proto-interpretation) to moments of thematization of the self through the development of new frameworks that help us to make sense of “biographical events” (meta-interpretations). Between these two poles, we find those moments of ordinary self-reflection that attempt to adjust ourselves to suddenly discordant environments; the moments of interpretation proper.<sup>31</sup>

We see a similar pattern at the level of societies and cultures. Thus, collectives develop “cultural schemes” that shape the way in which their members relate to their surroundings. Such schematism is not universally present in all human collectives. Rather, it expresses certain form of “seeing as” developed in time and place.<sup>32</sup> Nevertheless, cultural schemes become second nature

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<sup>29</sup> Michel, *Homo Interpretans*, 16.

<sup>30</sup> Joas, who wrote the Preface to the English translation of Michel’s book, has a very similar account of the different layers intervening in the process of interpreting experience. In dialogue with Cornelius Castoriadis and writing about the “articulation of experience” instead of “interpretation,” Joas maintains that we should speak of the interplay of four components: “the situation experienced, our pre-reflective experience, our individual articulation, and the cultural repertoire of interpretative patterns.” Hans Joas, *Do We Need Religion? On the Experience of Self-Transcendence* (Boulder, CO: Paradigm Publishers, 2008), 46.

<sup>31</sup> Michel, *Homo Interpretans*, 25–32. Michel is keenly aware of the limitations of the model of the narrative self. Some forms of crisis (traumatic events, for instance) may be too disruptive and never fully integrated into a coherent depiction of who we are. Yet traumatic events *can* be integrated into a relatively coherent narrative or, at least, become sources of deep motivation for attempts to positively transform one’s world. See Chapter 3 in reference to the emergence of democratic ideals.

<sup>32</sup> Michel distinguishes “cultural” from “social” schemes (*Homo Interpretans*, 43–50), but the distinction is only of degree since both “have to do with an impersonal transcendental field as conditions of possibility of meaningful activities shared by members of cultures and related social groups” (45). The difference is that cultural schemes operate at a higher and more comprehensive level whereas social schemes apply to groups and subgroups within a given culture. In the context of the example of greeting people, a social scheme may be the way in which members of a group—a gang, for instance—greet each

to the members of a given culture, allowing the production of relatively immediate meanings. Cultural variations in the way people greet each other provides a helpful example. In Latin American culture, men and women habitually greet each other with a kiss on the cheek, this being true of first encounters as well as people who have known each other for a long time. In the United States, this is rare and surely unthinkable in the case of a first encounter. Now, these are not innate forms of conduct; they are taught. However, they do become “cultural schemes” because they are absolutely natural and not the subject of repeated reflection at each such greeting. As Michel notes, “cultural schematism intervenes in ordinary non-problematic situations.”<sup>33</sup> In this sense we are speaking of a pre-reflective, proto-interpretative, pre-propositional, habitual activity.

Yet individuals and collectives are often confronted with distortions of meaning in which “a properly interpretative activity is required to reestablish a continuity of meaning, to remove equivocations, to include an event in a symbolic order.”<sup>34</sup> Cultures usually develop relatively schematic ways (“ethnomethods”) to respond to these kind of distortions, provided that they are micro-distortions.<sup>35</sup> In my example, migration from a culture to another may confront us with the disruption of our native cultural schematism when we greet a person of the opposite gender in a

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other.

<sup>33</sup> Michel, *Homo Interpretans*, 41.

<sup>34</sup> Michel, *Homo Interpretans*, 42.

<sup>35</sup> Michel maintains that ethnomethods are universal mechanisms used by the human species to address problematic situations that demand interpretation. Among them, he highlights clarification, simplification, explication, exemplification, identification (with the correlatives categorization and classification), unveiling, symbolizing, contextualizing, narrating, and deciphering (*Homo Interpretans*, 77–80). However, the universality of ethnomethods does not preclude them from being expressed in culturally different forms (82). For instance, symbolization is present in all cultures as meaning-giving method. However, symbols have limited expressive capacity and usually work within the boundaries of cultures or groups. Furthermore, they also require the immersion of the interpreter in the “grammar” of culture or group. The understanding of the sacraments in Catholicism are a good example. As Joas notes writing about the Eucharist: “the consumption of bread and wine becomes an extraordinary experience only if the participant has a basic knowledge of the faith and the meaning of this ritual.” (Joas, *Do We Need Religion?*, 13–14).

way foreign to that person's culture. Faced with the problem, we may be able to find in our cultural repertoire some response. We may issue an apology, for instance, which may be formulaic, deeply felt, brief, long-winded, etc. Or we may joke about our misstep, diffusing any tension the incident has caused through an appeal to humor that, again, may be formulaic, inventive, and so forth.

Finally, the meta-interpretative level emerges in this context when "societies are faced with a problematicity of meaning sufficient to totally overturn preexisting cultural schemes and show them inadequate."<sup>36</sup> In such cases, we are dealing with the collapse of shared cultural meaning, usually due to major events like environmental crises, war, economic catastrophes, etc. In turn, this may lead to the formation of new cultures and the corresponding emergence of new schemes through processes of reconfiguration of meaning or "framing operations."<sup>37</sup> It is worth noting, however, that this would be impossible without the existence of previous cultural schemes. No culture starts from scratch—although new developments and new interpretations of previously held schemes may well lead to the eventual formation of new cultures whose resemblance to preexisting ones may be almost nil.

But this is not always the case, especially when there is relative continuity in time. This is an especially illuminating and sobering observation if we apply it to the emergence of revolutionary social movements, a key subject of this dissertation. As noted in Chapter 3, despite the genuine novelty that these movements represent and the new social developments they allow, it would be incorrect to judge them as an absolute innovation or interruption. Rather, what takes place in the context of revolutionary social movements is a re-framing operation in which prior meanings are reorganized and reinterpreted in order to produce new ones. Now we recognize the

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<sup>36</sup> Michel, *Homo Interpretans*, 42.

<sup>37</sup> Michel, *Homo Interpretans*, 53.



significant overlap of this critical pragmatist insight with Michel's account of the hermeneutical tradition. Such an appeal to the past, through a process of re-framing and re-creating, is crucial to mobilize people toward a new and better future.

It is not only that an absolute break with the past is epistemologically impossible, since we still use the same language, many of the same concepts, habits, etc.,<sup>38</sup> but that such a break can be a strategic liability when the task is to *revolutionize* one's own *tradition*. In such cases, it is imperative to re-interpret, re-signify, and re-create past values in order to provide the individual and the group a sense of continuity with the tradition to which they belong. Otherwise, the abandonment of the tradition by its members is a real risk, which in turn makes creative innovation less likely. Creative interpretations, however, can produce new meanings. Although these will never fully break with the past, they can move the tradition in new directions, for instance by intensifying and expanding the scope of ideals whose strength was curtailed by contingent factors.<sup>39</sup> But it is time to flesh out these ideas by studying religious experience directly.

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<sup>38</sup> On the question of whether radically new significations can be produced, see Michel's discussion of the debate between Ricoeur and Cornelius Castoriadis (Michel, *Homo Interpretans*, 92–94). Michel's conclusion and mine are very similar: "we cannot subscribe to the idea of a creation of meaning that does not proceed in one way or another from an already instituted meaning . . . but not every new production of meaning is equally possible, if we take into account given circumstances, preexisting schemes, and social and cultural constraints" (93–94).

<sup>39</sup> It is worth noting that the process of interpreting our experiences is neither teleological nor unidirectional. On the one hand, there are so many forces at play in the multiple forms in which we articulate our experiences that assuming that some simplistic means-to-ends type of rational choice theory is always directing our actions would be a mistake. Furthermore, there is the issue of the many ways in which our bodily reactions and emotions often proceed freely and can be only subjected to limited control. Lastly, we should note that no choices are solely "ours", since our sociality is primary and permanently shapes our decision-making (see Joas, *The Creativity of Action*, 154ff.). On the other hand, we should keep in mind that previous articulations of others may allow the articulation of experiences that we had, but had not yet the form to elaborate. Therefore, it is safe to say that the process of ongoing articulations and re-articulations is *bidirectional*. It can take place from percepts to concepts, but also from concepts to percepts (see Joas, *Do We Need Religion?*, 43).

### 1.3. The Manifestation and Proclamation of Self-Transcending Experiences

Paul Ricoeur's seminal essay "Manifestation and Proclamation" is a good starting point to address the articulation of what we may call "self-transcending experiences." By this term, Hans Joas means experiences that take the self out of the realm of its ordinary self-centeredness and confront it with what is beyond its boundaries, often leaving some kind of mark, strong memory, or affective attachment. These experiences do not have to be positive or moral in quality: self-transcending experiences can emerge out of profound suffering and can also lead to the infliction of suffering on others, to violence, etc.<sup>40</sup>

Hence, experiences of self-transcendence constitute special cases of those distortions of ordinary meaning described in my account of pragmatic hermeneutics above and, subsequently, they demand interpretation. In fact, in their deeper forms they demand what theologian William Schweiker calls moments of "radical interpretation," meaning "reflective, critical inquiry aimed at the question of what has constituted our lives in terms of what we care about and what ought to guide our lives."<sup>41</sup> What matters for now is that in the process of articulating these experiences, religious interpretations emerge. However, religious interpretations are not the only ones produced. Political, aesthetic, psychological, moral interpretations of the *same events* may develop as well. It is precisely this common ground that enables translation and communication using our analogical imagination, our capacity to see similarity-in-difference.<sup>42</sup> It is in this context that we should locate Ricoeur's pivotal essay.

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<sup>40</sup> Joas, *Do We Need Religion?*, 7–10.

<sup>41</sup> William Schweiker, *Responsibility and Christian Ethics* (Cambridge, UK: Cambridge University Press, 1995), 176.

<sup>42</sup> I will return to this key concept of David Tracy's theology later.

Even though Ricoeur perhaps too quickly identifies his object of study as “the sacred” instead of using a more encompassing category like “self-transcendence,” he still gives us a helpful blueprint for our own argument. In his essay, Ricoeur distinguishes two dimensions in the interpretation of the sacred: *manifestation* and *proclamation*. He also maintains that they can be associated with the disciplines of phenomenology and hermeneutics, respectively.<sup>43</sup>

“Manifestation” has four basic traits that emphasize its anti-hermeneutical side.<sup>44</sup> First, the manifestation of the sacred is “experienced as awesome, as powerful, as overwhelming.”<sup>45</sup> Here hermeneutics does not have a role because what we have is pure manifestation, a pure excess of givenness. Ricoeur here is trying to develop an analytical category accentuating difference, but he might have hardened the distinctions too much. For the intense manifestation of something that gives itself to us cannot be identified with the sacred if, for one, language and conceptual categories for the sacred are not already in place. It is probably wiser to speak of highly intense experiences of self-transcendence, perhaps experiences of effervescence as Émile Durkheim called them.<sup>46</sup> In addition, it is probably more accurate to insert “manifestation” in the level of Michel’s proto-interpretations, so that we can preserve Ricoeur’s intention correcting its ambiguity. Thus, we can certainly assert that here we have no hermeneutics if we subscribe to Michel’s restricted meaning of “interpretation,” as I think we should. Nevertheless, there is a proto-interpretative moment since

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<sup>43</sup> Paul Ricoeur, “Manifestation and Proclamation,” in *Figuring the Sacred: Religion, Narrative, and Imagination*, ed. Mark I. Wallace, trans. David Pellauer (Minneapolis, MN: Fortress Press, 1995), 48.

<sup>44</sup> Ricoeur, in fact, mentions five features, but the fifth one (which he calls the “logic of manifestation” or “logic of meaning”) is simply a summary of the first four. This fifth feature operates through a “law of correspondences.” He writes: “in the sacred universe the capacity for saying is founded on the capacity of the cosmos to signify something other than itself” (Ricoeur, “Manifestation and Proclamation,” 54).

<sup>45</sup> Ricoeur, “Manifestation and Proclamation,” 49.

<sup>46</sup> Émile Durkheim, *The Elementary Forms of the Religious Life* (New York: Free Press, 1965), 246–252.

the “pure givenness” Ricoeur stresses is always interpreted-givenness, although in ways that are not thematized and may well be the product of the cultural or social schemes discussed above. Noting this, Ricoeur is right to identify experiences of especially great affective intensity as one of the fundamental elements of what we tend to call *religious* experiences. Another key aspect implied in the notion of givenness is that, at least in principle, those who have these intense experiences do not see themselves as causing them. The experience comes from elsewhere; the spatial metaphor “from above” is commonly used to describe these experiences.

Second, Ricoeur describes this manifestation of the sacred or numinous as a *hierophany*. By this Ricoeur means that the sacred cannot be accessed directly by us, but that it can reveal itself to us through certain forms, structures, articulations. Rocks, trees, natural phenomena, but also certain cultural forms of behavior may become vehicles, “saturated with efficacy,”<sup>47</sup> by which the sacred manifests itself. Remaining in the world of the ordinary, the sacred becomes, at the same time, surreal (super-real). Here again linguistic articulations are largely unhelpful. The emphasis is on manifestation, on the intense experience of being seized by a powerful disruptive experience that pushes us to transcend the ordinary boundaries of the self.<sup>48</sup> Furthermore, these experiences can also transcend the *selves*. As Ricoeur here suggests and Durkheim’s work demonstrates, certain forms of ritual become efficacious vehicles for the kind of “collective effervescence” that takes people out of themselves and puts them in contact with a reality that seems greater and higher.

Third, Ricoeur highlights the importance of symbolism and ritual for the manifestation of the sacred. Some of these expressions (sacred spaces, liturgies, festivals) are forms of saturation

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<sup>47</sup> Ricoeur, “Manifestation and Proclamation,” 50.

<sup>48</sup> Here Ricoeur has in mind Immanuel Kant’s *Critique of Judgment*. Ricoeur sees a parallel between the hierophanies he is describing, and the surplus of experience given by the imagination that finds no correlate in the categories of understanding in Kant’s aesthetic judgment.

through which the sacred is revealed. It is true, Ricoeur acknowledges, that here discourse may have greater participation, in myth, especially. Yet he also claims that the linguistic dimension is not autonomous and that therefore the analysis of these forms of manifestation remains a phenomenological and not a hermeneutical task: “The function of the myth is to fix the paradigms of the ritual that sacralize action. Today we read myths, transforming them into literature, but we have previously uprooted them from the act of recitation that had bound them to ritual action.”<sup>49</sup>

Lastly, Ricoeur considers the role of the natural elements. Ricoeur admits again that the elements manifest insofar as they are interpreted symbolically. Thus, we have some “minimal hermeneutics.” However, this is a *bound symbolism*, i.e., a kind of interpretation that emerges *only* as a consequence of “the sacred valences of the elements themselves.” Put differently, if symbolic interpretations are possible it is because of the saturation of the phenomena themselves: “the showing founds the saying, not vice versa.”<sup>50</sup> Perhaps we should say that the “minimal hermeneutics” is present in all four stages of manifestation in the form of proto-interpretations of varying degree. However, Ricoeur’s overall point stands: At the phenomenological level, one of the most salient elements of what we often call religious experiences is the experience of being seized by a powerful encounter in which we are not primarily or actively using our cognitive interpretative functions.

This fundamentally phenomenological account of manifestation corrects Ricoeur’s own tendency to overstress the importance of the “model of text.” As Michel notes, this is a limitation of Ricoeur’s approach—hence Michel’s attempt to expand the scope of Ricoeur’s general hermeneutics, including pre-textual forms of interpretation. But this limitation equally has negative

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<sup>49</sup> Ricœur, “Manifestation and Proclamation,” 51.

<sup>50</sup> Ricœur, “Manifestation and Proclamation,” 54, 53, 54.

implications for the regional hermeneutics of the sacred in decisive, although perhaps less obvious, ways. Joas perceptively notes that Ricoeur tends to favor the hermeneutics of sacred *texts* in his writings about religion.<sup>51</sup> Of course, such an approach is perfectly valid, especially for religious traditions for which a sacred text is an essential part of their formation and self-interpretation. Nevertheless, this preference for the “model of the text” tends to leave aside another crucial component of religious traditions: religious *experiences*. Moreover, many forms of religious articulation emerge from experiences of self-transcendence in which there is no presence of a sacred text at all.<sup>52</sup> Hence, the importance of the account of “the logic of manifestation” above as an attempt to strike a balance between proto-hermeneutical and strictly-hermeneutical approaches to religious experience.<sup>53</sup>

To return to Ricoeur’s essay: The key issue here is that experiences of manifestation naturally lead to the need to stabilize and communicate them. We think here of Peirce’s “fixation of belief” as a sort of blueprint: experiences that create distortions of meaning demand interpretation precisely to restore understanding, to return to a point where things make sense again. But this often requires new articulations. In the context of religious experiences, Ricoeur calls this process the “logic of proclamation.”

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<sup>51</sup> For the text discussed by Joas, see Paul Ricoeur, “Experience and Language in Religious Discourse,” in *Phenomenology and the “Theological Turn”*: *The French Debate*, ed. Dominique Janicaud, 1st ed. (New York: Fordham University Press, 2000).

<sup>52</sup> Joas, *Do We Need Religion?*, 98–101.

<sup>53</sup> There is variety of experiences of “sacralization” that are by no means restricted to the world of sacred texts or conventionally understood “religious” traditions. In this sense, as Joas does, we can speak compellingly of the “sacralization of the person” in the culture of human rights. Accordingly, we can also defend an “overlapping consensus” between theological and secular discourses about the sacredness of human life, a core conviction of liberation theology’s understanding of social justice. I return to this point in the final sections of this chapter.

Here is where the hermeneutical stage proper emerges. Ricoeur uses the Judeo-Christian tradition as his main example. In the Hebraic faith, Ricoeur argues, we see a major transition from the logic of correspondences and numinous ritual manifestations to the linguistic articulation of the experience of the sacred. As he notes, in Judaism “the word outweighs the numinous.”<sup>54</sup> Moreover, following Gerhard von Rad, he claims that the whole faith of Israel is organized around certain fundamental *discourses*. But this idea applies to the Bible in general. What we see there is a variety of discursive modes that, in Ricoeur’s view, are “diametrically opposed to the logic of correspondences. This new logic is the logic of limit-expressions.”<sup>55</sup> Furthermore, this discursive articulation has a fundamental *ethical* substratum with concrete implications in history. The logic of proclamation implies a radical attempt to desacralize all sense of assurance, certitude, participation, or identity produced by the logic of manifestation. Instead, proclamation, paradigmatically expressed in the cry of the prophets, reminds all believers of the wrath of the Lord against those who adore idols and do not do justice.<sup>56</sup>

Against the sense of certainty and full participation in the sacred produced by the logic of manifestation, these discursive modes, parables, proverbs, and eschatological sayings attempt to

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<sup>54</sup> Ricœur, “Manifestation and Proclamation,” 56.

<sup>55</sup> Ricœur, “Manifestation and Proclamation,” 57. In Paul Ricœur, “Toward a Hermeneutic of the Idea of Revelation,” in *Essays on Biblical Interpretation*, ed. Lewis Seymour Mudge (Philadelphia, PA: Fortress Press, 1980), the author devotes more time to the variety of modes of discourse that we see in the Bible. Ricoeur singles out at least five: prophetic, narrative, prescriptive, wisdom, and hymnic. But his point remains basically the same as in “Manifestation and Proclamation”: “the literary genres of the Bible do not constitute a rhetorical façade which it would be possible to pull down in order to reveal some thought content that is indifferent to its literary vehicle” (91). Quite the contrary, all the different discourse modes in their interplay are constitutive of revelation and none of them suffices to actually reveal the fullness of God (93). Revelation, then, “takes place between the secret and the revealed” (94).

<sup>56</sup> Ricœur, “Manifestation and Proclamation,” 56–57. Ricoeur’s reflections here overlap considerably with Taylor’s characterization of the disembedding process that started taking place in the Axial Age. See Charles Taylor, “What Was the Axial Revolution?,” in *The Axial Age and Its Consequences*, ed. Robert N. Bellah and Hans Joas (Cambridge, MA: Belknap Press of Harvard University Press, 2012).

collapse our horizon of signification, to destabilize our religious assurance. Their goal is to interrupt the continuous sequence of life by dislocating our imagination, inviting us to pause and transcend the ordinary world of the self. This is accomplished through different rhetorical techniques where the appeal to paradox and to the “intensification” of proverbial formulas, for instance, is key.<sup>57</sup>

Take an example crucial for liberation theology, but also a formative text in the history of the Christian tradition: Matthew 25:31–46. This text, known in many translations as the “parable of the final judgment,” deserves particular attention given its location in the Gospel of Matthew, its focus on the poor, and its presentation of the ultimate limit-situation, namely, an eschatological judgment. The first thing we see in the passage is the Son of Man (*huios tou anthropou*) coming in his glory, something dramatically expressed by the presence of the angels and the throne (v. 31). Before him, all the nations (*panta ta ethne*, v. 31) will be gathered and the people will be divided much as when a shepherd separates sheep from goats (vv. 32–33).

A second sequence starts after the “then” (*tote*) at the very beginning of v. 34. The Son of Man is no longer mentioned and now “the king” becomes the center of the narrative. The king, however, is in continuity with the actions of the Son of Man given that he addresses those separated by him in vv. 32–33. Now moral judgment is explicit: those at the right of the king, “the righteous” (*hoi dikaioi*, v. 37), will inherit the kingdom (v. 34), the eternal life (v. 46); those at his left will

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<sup>57</sup> Ricœur, “Manifestation and Proclamation,” 59. On the role of paradoxes in the creation of limit-situations, the work of Jean-Luc Marion is also quite illuminating. However, Marion’s approach lacks the necessary hermeneutical dimension that allows a more adequate understanding of that surplus of meaning (which he calls, “saturated phenomenon”) when it is elicited by a text. For Marion’s account see, Jean-Luc Marion, *Being Given: Toward a Phenomenology of Givenness*, trans. Jeffrey Kosky (Stanford, CA: Stanford University Press, 2013), especially §§23–24. For his more recent account, see Jean-Luc Marion, *Givenness and Revelation*, trans. Stephen E. Lewis, First edition (Oxford: Oxford University Press, 2016).



inherit eternal fire (v. 41). What is the reason for this radical separation? The answer is provided by the two almost identical speeches of the king (vv. 34–40 and vv. 41–45).

In order to inherit the kingdom it is necessary to be merciful to the least of the king's brothers and sisters (*ton adelphon mou ton elachiston*).<sup>58</sup> This mercy, however, is not an interested and instrumental one: the righteous did not help the hungry, the thirsty, the stranger, the naked, the sick, and the imprisoned because they were expecting any reward, say by knowing in advance that by doing so they were helping the king himself. (This is proved by their surprise in vv. 37–39.) Their righteousness lies precisely in their lack of explicit knowledge: they were gratuitously merciful. In contrast, the ones at the king's left, without previous knowledge of reward or punishment, were uncompassionate with the suffering of the least of the king's brothers and sisters, and this is why they will perish.<sup>59</sup>

I use this example because it shows quite radically what Ricoeur has in mind with his idea that the limit-expressions of the sacred text are able to produce destabilizing limit-experiences. He writes:

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<sup>58</sup> The Greek only says “brothers” (*adelphoi*), but there is no reason to believe that there is an explicit gender distinction here. In fact, one would not make any sense. Hence the NRSV of the Bible correctly renders *adelphoi* as “these who are the members of my family.” I have opted for the less convoluted “brothers and sisters.”

<sup>59</sup> I do not engage here with the theological problems related to the status of *ta ethne* in v. 32 and *ton elachiston* in v. 40 and v. 45. I have studied this problem in detail as well as the importance of this text for liberation theology in Chapter 3 of Raúl Zagarra, *La subversión de la esperanza: diálogo contemporáneo entre teología de la liberación, filosofía y opción por los pobres* (Lima, Perú: PUCP; IBC; CEP, 2015). Let me simply indicate that I agree with the so-called “universalist interpretation” according to which “the king” will judge *all* the peoples (*ta ethne*) based on “the works of charity and mercy shown toward the marginal, the poor, and the suffering of the world, namely, the least of Jesus’ brothers and sisters.” Ulrich Luz, *Matthew: A Commentary*, vol. 3 (Matthew 21–28), Hermeneia, A Critical and Historical Commentary on the Bible (Minneapolis, MN: Augsburg Fortress, 2001), 267. Indeed, this is the most widespread interpretation. On this, see Sherman W. Gray, *The Least of My Brothers: Matthew 25: 31–46: A History of Interpretation*, vol. 114, Dissertation Series (Society of Biblical Literature) (Atlanta, GA: Scholars Press, 1989), 255.

[R]eligious language —at least *this* religious language— uses limit-expressions only to open up our very experience, to make it explode in the direction of experiences that themselves are limit-experiences. The parable, we said, redescribes experience. But it does not redescribe it in the fashion of one more poetic language among others, but according to its intending of the *extreme*.<sup>60</sup>

Ricoeur's point is that the biblical text presents to us a surplus of meaning that attempts to bring the reader or hearer of the word to a limit-situation. The text itself *qua* text, *qua* linguistic product, is saturated with meaning; but in its saturation it stops being *just* a text and becomes a limit-experience itself, which saturates *our horizon* as readers and hearers of the word.

Let us return to Matthew 25 to flesh out this idea. The text is inherently paradoxical because it makes possible what is impossible. For how is it possible to know what is unknowable? More clearly: How can we know *in the present* what is reserved for the *eschatological times*? We cannot. And yet the text tells us that we can. If we love the poor, the sick, the imprisoned, we will enjoy eternal bliss. If we do not, we will suffer eternal damnation. God's will reveals itself clearly in the text, it seems. Yet, the text also introduces a destabilizing element, since *not* knowing God's will but acting *as if* they did is what brought the gift of salvation to its recipients in the first place. We witness here a complex dynamic of veiling and unveiling of meaning, precisely due to the excess of signification presented through the text.<sup>61</sup>

Yet Ricoeur maintains that this excess of meaning and destabilizing power of the logics of proclamation allows it to fuse in several ways with the logic of manifestation:

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<sup>60</sup> Ricoeur, "Manifestation and Proclamation," 61.

<sup>61</sup> Of course, this is a common theme in the Christian mystical tradition since, at least, the writings of Pseudo-Dionysius. For his account of the impossibility of properly naming the divine, see "The Divine Names" and "Mystical Theology" in Pseudo-Dionysius, *Pseudo-Dionysius: The Complete Works*, ed. Paul Rorem, trans. Colm Luibhéid, The Classics of Western Spirituality (New York: Paulist Press, 1987). For a contemporary creative appropriation of the mystical languages of *apophasis* and *kataphasis*, see Jean-Luc Marion, "What Cannot Be Said: Apophasis and the Discourse of Love," in *The Visible and the Revealed* (New York: Fordham University Press, 2008).

All the antinomies upon which our mediation has been based now need to be reconsidered. The word, we said, breaks away from the numinous. And this is true. But it is not so to the extent that the word takes over for itself the functions of the numinous? There would be no hermeneutic if there were no proclamation. But there would be no proclamation if the word, too, were not powerful; that is, if it did not have the power to set forth the new being it proclaims. A word that is addressed to us rather than our speaking it, a word that constitutes us rather than our articulating it—a word that speaks—does not such a word reaffirm the sacred just as much as abolish it? It does so if hearing this word is impossible without a transvaluation of the values *tremendum* and *fascinosum* into obedience and fervor. For my part, I cannot conceive of a religious attitude that did not proceed from “a feeling of absolute dependence.” And is this not the essential relation of humankind to the sacred, transmuted into speech and, in this way, reaffirmed at the same time it is surpassed?<sup>62</sup>

Based on this citation and my prior remarks in this section, we can draw some important conclusions. Religious experiences appear to be founded on intense, affective, both subjective and collective, experiences of self-transcendence. Moreover, these experiences seize us and are not understood as produced by our own power. Lastly, they leave a mark on us, transforming—often radically—the way we see ourselves and our surroundings. Hence the presence of notions like “being born again,” “new beginning,” “conversion,” etc. as ways to describe religious experiences.<sup>63</sup>

These experiences are then further socialized and articulated. At some point, in some places, these experiences are recorded in writing. Now they do not depend solely on memory or the experience of the first witnesses. Now they can be shared beyond the originating context.

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<sup>62</sup> Ricœur, “Manifestation and Proclamation,” 65. Similar considerations in relation to language and revelation can be found in Martin Buber, “Biblical Humanism,” in *The Martin Buber Reader: Essential Writings*, ed. Asher Biemann (New York: Palgrave, 2002), where Buber writes: “In the Bible the voice of the speaker is not transformed; it remains as it is. Yet it seems removed from anything incidental; it is purely original [*ursprünglich*]. That is why it also became possible in the domain of this word for the humanized voice of God resounding in human idiom and captured in human letters, to speak not before us, as does a character in the role of a god in the epiphanies of Greek tragedy, but to us.” (48)

<sup>63</sup> Even though I draw this basic typology mostly from Joas and Ricoeur, it is worth noting that it also fits with William James’ own characterization of religion. For a summary of his findings, see James, *Varieties*, 485–86. It is important to underscore, though, that my account here pays great attention to the social dimensions of religious experience and its articulation in religious traditions, something significantly overlooked in James’ work.

However, that very process of recording these experiences in writing implies distancing oneself from the moment of original manifestation. Naturally, this destabilizes the original sense of full participation in and identity with the sacred. Self-doubt and criticism emerge in some of these writings. An ethic of suspicion develops, warning us of any attempt to identify human projects and actions with the divine will, undermining any self-assurance or self-righteousness. Yet, this ethic has positive content as well, as was evident in the example of Matthew 25. Further, the telling and retelling of some of these intense experiences may elicit new ones through intensification devices inserted in the texts themselves. The process can potentially be endless, depending on the intensity of the originating experience and its creative reception by future generations.

What matters at this point is that the dialectic of manifestation and proclamation gives us a sense of the general pattern taking place in the articulation of religious experiences. Since religious experiences are characterized for their self-transcending, intense, transformative character, it is natural that we will not be able to articulate and communicate them *fully*.<sup>64</sup> Rather, their surplus of meaning elicits a dialectic of disclosure and concealment that both undermines and allows the production of meaning. Hence the assurance of unity with the sacred elicited by the logic of manifestation and the vigorous undermining of that assurance in the logic of proclamation, reminding us of the radical distance between the human and the divine and the correlative divine command to protect human life.<sup>65</sup>

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<sup>64</sup> On the limits of articulation, see Joas, *Do We Need Religion?*, 44 ff.

<sup>65</sup> Ricoeur sees this pattern reiterated in the dialectic of sacraments and preaching. Sacraments replicate the intensity of the logic of manifestation whereas preaching performs the disembedding of the logic of proclamation, directing us to make the world sacred by bringing justice to it instead of taking its sacredness comfortably for granted (Ricoeur, "Manifestation and Proclamation," 67).

Now, these observations should make us consider whether a third element could be added to this dialectic. Although not radically different from the other two, I believe that there is room to consider the *institutionalization* of meaning. Here I have in mind a moment of distancing from the original disclosure that retains some of the commanding force of the originating event, as it happens with the logic of proclamation. However, the institutionalization of meaning operates at the level of explication and justification. This is precisely the role of the doctrinal genre in the Christian tradition: it depends on manifestation and is essential for proclamation, but it operates mostly at the level of rational justification. In this sense, the process of institutionalization of meaning has a central role in the development of religious *traditions*, but not so much in the emergence of religious *experiences*.<sup>66</sup> In conversation with Castoriadis, Joas further explains:

This does not imply that such rationalized discourse should not play any role at all. It is – in my eyes—the right instance for the justification and adjudication of cognitive and normative validity claims and thus crucial for parts of epistemology and moral philosophy. But Castoriadis’s philosophy of creativity, novelty, and articulation points out—like pragmatism—that there is a wider framework—a framework in which the emergence of new hypotheses, new values . . . is taken into account and in which thus justification plays the role of critique, but cannot be considered to be constitutive itself.<sup>67</sup>

Therefore, what we see here is a pattern in the articulation of religious experience marked by the triad manifestation-proclamation-institutionalization, in which each moment illuminates the other and becomes the precondition of any further articulations. Importantly, though, the same idea

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<sup>66</sup> Unless institutionalized meaning has become a “cultural scheme” (J. Michel) that now operates as the pre-reflective background of some experiences. In this sense, the example of the Eucharist used before is again helpful. For the doctrine of the Eucharist is clearly a theological, rational, elaboration of an initial religious experience that, in turn, becomes the pre-condition of new religious experiences. In this sense, manifestation, proclamation, and institutionalization find an illuminating parallel in Michel’s scheme for hermeneutics. Manifestation is the moment of fundamental givenness. Hence, here we only see proto-interpretations. Proclamation, by contrast, is the moment of interpretation proper. Institutionalization requires a higher level of reflection and matches with Michel’s meta-interpretative level. But, as noted, these moments are fluid and somewhat circular: interpretations and meta-interpretations can become proto-interpretations, and proto-interpretations are the condition of possibility of any active interpretative act.

<sup>67</sup> Joas, *Do We Need Religion?*, 45.

stated before still stands. Deeply affective and transformative self-transcending experiences, among which religious experiences have a key role, cannot be *fully* articulated. This creates plurality and ambiguity in the narrative we produce about ourselves, our societies, and our traditions, but this also allows for their creative renewal. As Joas notes: “We might constantly strive for attunement between these levels, but we will only rarely and never permanently attain it. But in this very process—in the attempts to achieve this attunement—new values are produced.”<sup>68</sup> To that effort to find attunement in the context of the Christian tradition I now turn.

## **2. Bounded Creativity: The Workings of Tradition and the Essence of Christianity**

My argument so far has produced the sketch of a theory of interpretation that allows us to understand just how complex the process of articulating our experiences is. This process incorporates several layers of meaning-making, some so pre-reflective that we often do not notice them. Making sense of our experiences, of course, is particularly relevant when we face self-transcending experiences. We have already noted how these experiences are of very different kinds and depths, ranging from the disorientation produced by not following cues in a foreign culture and language to radical limit-experiences in which the power of what we may call the sacred seems to disrupt all prior understanding of the meaning of our lives. The latter are often described as religious experiences. However, as noted before, even though many of these experiences happen to the individual subject, as in the famous cases of the “religious geniuses” described by William

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<sup>68</sup> Joas, *Do We Need Religion?*, 46. “These levels” refer to Joas’ four components in the process of articulation: “the situation experienced, our pre-reflective experience, our individual articulation, and the cultural repertoire of interpretative patterns” (46). Yet the point is equally valid for the articulation of religious experience in terms of the triad manifestation-proclamation-institutionalization.

James, none of them happen in true isolation. At the very least, they depend on certain evolutionary cognitive and linguistic developments, to which we must add prior cultural and social proto-interpretations. They also depend on the influence of some key meta-interpretations without which many of us could not even have certain experiences. Another way to express these ideas is to say that our efforts to articulate all our experiences, but especially those that we call “religious,” take place within the framework of a *tradition*.

## 2.1. Tradition, Traditional, Traditions

At its most basic level, a tradition is anything that is “transmitted or handed down from the past to the present.”<sup>69</sup> A tradition may imply material objects, beliefs, practices, institutions, and, very often, comprises all of them. Traditions must also have some recognizable elements, some basic patterns that establish continuity between past and present.<sup>70</sup> Yet, those recognizable elements cannot be determined in *fully* adequate ways. Traditions, if they are *living* traditions and not only objects of study belonging to a long dead past, have active participants in them. Traditions, therefore, are constantly subject to interpretation and re-creation. From this follows that only *relatively* adequate interpretations can be reached. These interpretations will identify the key elements of the tradition in a way that can be publicly acknowledged by the great majority of its adherents, always leaving room for creativity within certain general constraints, and room for disagreement. This is the *sociological* side of what we already examined in the case of the articulation of religious experience at a more personal level. The very nature of these experiences renders the task of their articulation always incomplete. Introducing the complexities of the

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<sup>69</sup> Edward Shils, *Tradition* (Chicago, IL: The University of Chicago Press, 1981), 12.

<sup>70</sup> As Shils notes, this often requires an external observer or at least some stepping back, since the immediate recipients of the tradition may lack the sufficient distance to see the patterns (*Tradition*, 14).

transmission of these experiences through history, from generation to generation, further aggravates the problem. However, the problem also becomes an opportunity for new creative developments. In this sense, it is more accurate to speak of traditions *within* a larger tradition which allows the identification of “family resemblances” among shared ideals and practices without assuming absolute uniformity. This is especially true in the case of traditions like Christianity that have extended greatly over space and time.

In this regard, it is worth noting that my approach to tradition is *pragmatic-hermeneutic* instead of normative or dogmatic. Consequently, I do not approach tradition (or the Christian tradition, more specifically) based on assumptions about what the tradition is or must be. Rather, I focus on the actual historical trajectory of the tradition, investigating whether the ideals developed by the tradition have been embodied over time in concrete *practices* that reflect them.

<sup>71</sup> In this sense, I embrace the relatively recent “turn” in the study of tradition, stressing the process of traditioning (*tradere*) over the content (*traditum*) that is supposed to be transmitted.<sup>72</sup> Of course, practices embody ideals and, in this sense, *tradere* and *traditum* cannot be completely separated. Nonetheless, the analytical distinction is important because it allows one to see if certain ideals

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<sup>71</sup> For a similar approach to tradition, see Jeffrey Stout, *Democracy and Tradition* (Princeton: Princeton University Press, 2004), 3–15. In the context of Catholic theology, this emphasis on practices is especially strong in Terrence W. Tilley, *Inventing Catholic Tradition* (Maryknoll, NY: Orbis Books, 2000). The pragmatic vein of Tilley’s work is present in the entirety of the book, although, surprisingly, without any reference to the American pragmatists.

<sup>72</sup> For one of the classic contributions to this “turn” in the context of Catholic theology, see Yves Congar, *Tradition and Traditions: An Historical and a Theological Essay* (New York: Macmillan, 1967). Congar’s influence cannot be overstated and has been decisive in more contemporary appropriations of *traditio* that stress issues like inculturation and popular religion. On these issues, see Orlando Espín and Gary Macy, *Futuring Our Past: Explorations in the Theology of Tradition* (Maryknoll, NY: Orbis Books, 2006). Espín’s essay as well as Nancy Pineda-Madrid’s are especially important in this regard. For perhaps the most comprehensive account of the debates over tradition in the twentieth century in Christian, especially Catholic, theology, see Jean-Georges Boeglin, *La question de la tradition dans la théologie catholique contemporaine* (Paris: Editions du Cerf, 1998).



have really been embodied, if they have been given up, or the many alternatives in between these two options.<sup>73</sup> Sometimes ideals are *stated* as central tenets of the tradition but are not materialized in practices.<sup>74</sup> The focus on practices, then, not only makes the study of tradition more historically accurate; it also gives the critical edge that the “hermeneutics of suspicion” encourages. The following chapter shows that this emphasis on practices and on the critical assessment of tradition is essential in the emergence of liberation theology.

Yet my pragmatic-hermeneutic approach recognizes the normativity of traditions and the importance of dogma in a different way. For adherents normally take the ideals (and practices) of a tradition as normative and substantial, as dealing with what is true and good and not merely with what we want truth and goodness to be. I believe that the pragmatic-hermeneutic approach developed here is particularly helpful in this regard. For it is in the combination of these two philosophical traditions that we find the most compelling understanding of objectivity and normativity, an understanding that has room for contingency, change, and innovation.<sup>75</sup> I elaborate on this topic in the following sections in dialogue with the work of David Tracy.

### **2.1.1. Jesus Christ: A Tradition**

I turn now to the concrete case of the Christian tradition in order to expand on my previous observations, and specifically to Ricoeur’s essay “Manifestation and Proclamation.” In so doing,

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<sup>73</sup> The classic study in this regard is still Ernst Troeltsch, *The Social Teaching of the Christian Churches*, trans. Olive Wyon, 2 vols. (New York & Evanston, IL: Harper Torchbooks, 1960).

<sup>74</sup> On this issue, see Joas, *Do We Need Religion?*, 46. Here Joas builds on the classic formulation of these tension between ideal and actual self in Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, MA: Harvard University Press, 1989).

<sup>75</sup> Similarly, for the case of the democratic tradition, Stout highlights that pragmatism is the philosophical approach that mediates between revolutionary egalitarianism and virtuous traditionalism (Stout, *Democracy and Tradition*, 13). I see the work of liberation theologians doing precisely the same in the context of the Christian tradition, particularly due their somewhat pragmatic emphasis on praxis. I return to this issue in the next chapter.

I keep in mind the value-formation framework developed in Chapter 3 in dialogue with Troeltsch and Joas. The point is not to produce a historically neutral account of the formation of Christianity, but to highlight some of the experiences that led to the formation of the key ideals of the Christian tradition in order to understand how the formation of new values can take place and, subsequently, properly situate the emergence of liberation theology.

In this sense, what appears to be undeniable is that Jesus of Nazareth left a powerful mark among his followers. Getting to know this man, listening to him, sometimes even just touching him, appears to have transformed many people's world in terms that very much resemble the overwhelming revelatory power that Ricoeur's describes as inherent to the logic of manifestation. Indeed, the event of encountering Jesus appears to have seized its witnesses and to have left them with a deep sense of affective and subjective certainty. Something true and powerful happened to them. Clearly, more than a few people thought this man was no ordinary man. Some thought that he might be a prophet, perhaps God's chosen one; some even started to consider that he might be the very incarnation of the divine. People found in Jesus' preaching something transformative. There was something about his understanding of our relationship with the divine and the neighbor that stuck with people—something about his idea of merciful justice; something about the absolute value of human life; something about the special care for the poor, the sick, and all those who were left behind.<sup>76</sup>

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<sup>76</sup> I am not particularly concerned with a very strict determination of the "essential" content of Jesus' preaching and practice; moreover the scholarship on this issue is voluminous. My brief characterization here suffices for the present context. For a classic account of the key ideals present in Jesus' preaching, see Troeltsch, *The Social Teaching of the Christian Churches*, 1:51 ff. For an account of the distinctiveness of Jesus' message vis-à-vis the Judaism of his time, with special emphasis on the question of radical forgiveness, see E. P. Sanders, *The Historical Figure of Jesus* (London: Allen Lane, 1993), esp. Ch 14, "Contention and Opposition in Galilee." For a feminist account of the key values of Jesus' preaching and the early Jesus-movement that pays special attention to the prominent role of women in the movement, see Elisabeth Schüssler Fiorenza, *In Memory of Her: A Feminist Theological Reconstruction of Christian*

In less than two generations, if we take Paul of Tarsus' letters as our referent, the self-transcending encounter with the person of Jesus became *kerygma*; proclaiming the good news became the standard way of sharing the Jesus-story. Theological constructions about the meaning of his life and death started to become more common too. Paul and many others started to see him as savior and justifier, forgiver of sins and giver of new life. This proclamation gave meaning to people's spiritual journeys and became a matrix by which to understand their place in the world, especially in a context where scarcity, foreign dominion, persecution, and death were part of their ordinary experience. But it did much more than that since the Jesus movement soon expanded beyond its narrow originating context, that of the Jewish people in the Galilean region. In just a few generations, the followers of "The Way" became a massive movement that incorporated many people of non-Jewish origin, many of whom were wealthy and powerful.<sup>77</sup> Moreover, the movement kept growing as a tradition that has lasted until today and has spread all over the world.

But all this should point to a crucial issue, namely that the Jesus we know is the *Jesus-of-the-tradition*.<sup>78</sup> We know him through the witness and narrations of others.<sup>79</sup> In a different piece of writing, perhaps one devoted to historical accuracy, that could be a liability. In our case,

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*Origins*, 10th Anniversary Edition (New York: Crossroad, 1994).

<sup>77</sup> For some of the most drastic transformations of the early Jesus-movement due to the incorporation of wealthy and powerful figures, see Jef Van Gerwen, "Origins of Christian Ethics," in *The Blackwell Companion to Religious Ethics*, ed. William Schweiker (Malden, MA: Blackwell, 2005).

<sup>78</sup> Of course, this does not have to undermine "the quest for the historical Jesus." It only shows that any attempt to find the most historically accurate facts about the person of Jesus of Nazareth depend on complex efforts of abstraction from the context of faith-based claims about him. On the differences between the "historical Jesus" and the "real Jesus," see John P. Meier, *A Marginal Jew: Rethinking the Historical Jesus*, First Edition, vol. 1 (New Haven and London: Yale University Press, 1991), 21–40.

<sup>79</sup> I take this to be compatible with Kierkegaard's famous dictum according to which there is no *second-hand follower*. For him, all followers receive their condition from "the god," which means that all followers regardless of the historical moment are *contemporary* followers. Yet it is not possible to become a contemporary follower without the mediation of the tradition *through which* we encounter the god-man. On this, see Søren Kierkegaard, *Philosophical Fragments, Johannes Climacus*, ed. Howard V. Hong and Edna H. Hong, vol. 7, Kierkegaard's Writings (Princeton, NJ: Princeton University Press, 1985), 55–88.

however, that very mediation reinforces the argument. For the very existence of such mediation and the presence of several accounts about the life and deeds of Jesus proves, from the value-formation point of view, that a powerful event indeed occurred. So powerful was it that it had to be shared. Using Ricoeur's language, the logic of manifestation naturally led to the logic of proclamation. The self-transcending experience of witnessing Jesus' deeds and listening to his words invited his followers to share what they saw.

Now a crucial element in this process of transmission of the Jesus-story is that it soon became *written* transmission. The written proclamation of the belief in the manifestation of God in Jesus, what is often called the Christ-event, became a *normative* element of the tradition.<sup>80</sup> Of course, the weight of the written word has varied over the centuries and varies still now depending on the different theological and idiosyncratic orientations of the multiple Christian denominations. What matters, however, is that, despite these differences, the written proclamation of the Christ-event, especially in the New Testament, is a *sine qua non* of the Christian tradition. First, because the tradition only exists as we know it because it has been mediated through the biblical text. But, second, because the tradition has always deemed the biblical text to be a sacred word, indeed God's word. Consider the central role that the Prologue to the Gospel of John has in the Christian tradition, and how there "*Logos*" (word) is both identified with God (John 1:1: "the Word was God") and with the principle without which creation could not take place (John 1:3: "All things came into being through him, and without him not one thing came into being."). Hence, as noted

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<sup>80</sup> As Shils notes, "normativity" is a key element of any tradition, although not all traditions aim to be explicitly normative. Yet regardless of the original intentions of the shapers of the tradition, the tradition must be taken as normative in some regard for its very existence. Otherwise, the tradition cannot be recognized as one and persist over time (*Tradition*, 23–25).

before with reference to Ricoeur, the written proclamation has also become a place of manifestation. The text itself is deemed *locus revelationis*; the *Logos*, Godself.

But the sacred text itself is a tradition,<sup>81</sup> or, more accurately, the product of multiple traditions within the canonical tradition. Here we face a complex and multi-layered phenomenon that confirms the pattern of *manifestation-proclamation-institutionalization* that we identified earlier. For the sacred text is always-already the product of an interpretation (in our case, the proclamation of the Christ-event), and, yet also the object that the subsequent tradition interprets. Hence, the text is *the product* of certain historical, cultural, social, and personal context; and the text is also *the producer* of new correlative historical, cultural, social, and personal contexts. As we studied in detail in Chapter 3, what we see here is an experience of creation and re-creation of values. It is precisely in the adequate correlation between originating events and the values they created, and subsequent new values that proceed from or give continuity to the original ones, that we find the substance and permanence of a tradition.

### **2.1.2. Tradition: Fundamental Tenets**

In this sense, we should find in the recognizable *continuity* between past and present a distinct feature of any tradition. Further, continuity is crucial for the sense of belonging of the adherents of a tradition, since tradition and identify-formation are closely linked. This continuity between past and present is one crucial element in discerning between better or worse interpretations of the tradition. But, as noted before, the determination of such continuity can only be *relatively* adequate, first and foremost because of the inherent surplus of meaning of the originating event. The meaning cannot be easily contained and naturally unfolds in a plurality of

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<sup>81</sup> Shils, *Tradition*, 17.

interpretations. But there is a more practical side of this relative adequacy in the context of Christianity and all major, long-standing traditions. No interpreter can possess the totality of the tradition because its content has grown beyond the cognitive capacities of all human beings. Selection is inevitable. In fact, *selectivity* is another key component of any tradition.<sup>82</sup> However, not all selections are equally adequate. The process of selection must be guided by some general norms and should develop some correctives as well.

This point is especially important in dealing with the “traditionalist” advocates of tradition, namely those who defend the “unchanging” or “perennial” character of a given tradition against so-called “modernizing” distortions. For traditions are always-already selective and their continuity over time requires selection as well. From this follows that different emphases on different aspects of the tradition are perfectly natural within some general constraints. *Plurality* and *ambiguity*, then, are key aspects of any long-standing and living tradition as well. No tradition is a single thing.<sup>83</sup> Hence, any attempt to deny the inherent plurality and ambiguity of tradition should be considered a selective emphasis itself often based on a somewhat arbitrarily *imagined* past.<sup>84</sup> This selective reconstruction of tradition comes, at best, from a desire to stabilize the tradition, giving its followers a sense of continuity and identity over time; at worst, it proceeds from a desire to manipulate people and accumulate power.<sup>85</sup> The latter point speaks to another important characteristic of any tradition, which connects to the prior normativity, continuity,

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<sup>82</sup> See Shils, *Tradition*, 25–27.

<sup>83</sup> Shils, *Tradition*, 45.

<sup>84</sup> Shils, *Tradition*, 53. Selective appropriations of the past are not the sole prerogative of “traditionalist” groups. “Progressive” figures and groups can also use this selective recollection and emphasis on certain aspects of the tradition to advance their causes (*Tradition*, 209–212).

<sup>85</sup> For a good study of the complex power dynamics of these selective emphases in the context of “fundamentalists” groups, see Gabriel Abraham Almond, R. Scott Appleby, and Emmanuel Sivan, *Strong Religion: The Rise of Fundamentalisms around the World* (Chicago, IL: University of Chicago Press, 2003).

selectivity, and plurality and ambiguity: *authority*.<sup>86</sup> Traditions, if they are living traditions, have power and authority over those who claim them. But as with selectivity and normativity, the authoritative character of a tradition is merely a descriptive feature. The *truth-value* of that authority, the question of whether it is well grounded or simply authoritarian, requires critical assessment.<sup>87</sup>

Therefore, the “modernization” of a tradition should be taken, *prima facie*, as a neutral phenomenon.<sup>88</sup> For *change* and *innovation* are not antithetical to the idea of tradition. They are, in fact, inherent elements of it—so much so that even traditionalist interpreters who attempt to adhere “strictly” to the tradition often end up producing change. For “‘strictness’ itself opens questions which are not already answered and which must be answered . . . which will require new formulations [which] will entail varying degrees of modification.”<sup>89</sup> Nonetheless, the inherent presence of change and innovation in traditions does not imply that all of them are appropriate, normative, or authoritative. Some may drastically contradict key tenets of the tradition, leading to the formation of something different. But that cannot be judged a priori; it requires the development of some basic criteria. Criteria, in turn, may well modify the tradition in unexpected

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<sup>86</sup> Shils, *Tradition*, 95.

<sup>87</sup> Such is also the position of Sandra M. Schneiders, *The Revelatory Text: Interpreting the New Testament as Sacred Scripture*, 2nd ed. (Collegeville, MN: Liturgical Press, 1999), 53–59. For a comprehensive account of the importance of authority and its relationship to freedom, see Yves R. Simon, *A General Theory of Authority* (Notre Dame, IN: University of Notre Dame Press, 1980).

<sup>88</sup> Further, the traditional vs. modern approach too easily presupposes “that ideas and patterns of simultaneous origin are consistent with each other: [whereas] those which originated at different times are necessarily in conflict” (Shils, *Tradition*, 39). We have already seen in Chapter 3 that many ideals find their finest articulations in non-contemporaneous historical contexts. For instance, it is clear that some of the ideals presented in the New Testament regarding the sacredness of human life find better articulation in the context of the democratic freedoms that started to emerge in the eighteenth century rather than in their contemporaneous highly hierarchical social structure of the first century.

<sup>89</sup> Shils, *Tradition*, 45.

ways, since the critical assessment of the ideals of a tradition may require its expansion and modification.<sup>90</sup>

Another way to express this is that “[e]very orthodoxy in tradition is in incessant danger of breaking into heterodoxy.”<sup>91</sup> Since traditions are never free from ambiguity, obscurity, and uncertainty, even the most well-intentioned attempts to maintain the core values of the tradition will naturally modify it in their effort to preserve it. In addition, we should note that the boundaries of a tradition are somewhat arbitrary and defined in different ways by people with varying degrees of authority. Often those holding positions of power in the tradition will define it “as homogeneous in composition and unilinear in interpretation.”<sup>92</sup> However, this assessment is factually incorrect. Any, even superficial, examination of traditions like “Catholicism,” or “liberalism,” or “Marxism” will quickly be confronted with significant heterogeneity in each of them, although not without important family resemblances as well.

Another essential element of traditions is that they are inherently *pragmatic*. At first glance, this may appear counterintuitive since traditions tend to be associated with the retention of the past and, hence, with the attempt to maintain prior patterns of belief and action despite the emergence of new contexts. But this attempt, when we look at it closely, is grounded in the until-then practical efficacy of a tradition to respond to a problematic situation. In this sense, traditions should be understood as problem-solving interpretations.<sup>93</sup> But it would be a mistake to assume that this

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<sup>90</sup> Shils, *Tradition*, 95.

<sup>91</sup> Shils, *Tradition*, 96. On the complex relationship between orthodoxy and heterodoxy, see Lester R. Kurtz, *The Politics of Heresy: The Modernist Crisis in Roman Catholicism* (Berkeley: University of California Press, 1986).

<sup>92</sup> Shils, *Tradition*, 97.

<sup>93</sup> Shils, *Tradition*, 41.



emphasis on the pragmatic dimension of traditions undermines their value, reducing our commitment to a tradition to its mere instrumentalization.

Traditions, especially religious traditions, attempt to provide a somehow coherent narrative that addresses some of the most fundamental questions about the orientation we give to our lives. Traditions deal with ideals, postulating values beyond their mere instrumentalization. And yet we cannot understand the stability and change of traditions if we do not pay attention to their pragmatic vein. For even the most precious *ideals*, like the Christian ideal of unconditional love for God and neighbor, must have some bearing in our *real* life. Otherwise the tradition stops being a living tradition and becomes a mere object of the historical past. Selectivity, normativity, authority, change and innovation respond to the need to provide a relatively adequate interpretation of the tradition that is able to speak to its practical needs. Moreover, as noted earlier, these are translated into *practices* that give life to the tradition: certain ways of reading and interpreting the sacred texts, certain forms of celebrating the sacred mysteries, and certain ways of relating to the adherents of the tradition and to strangers.

It is this pragmatic stream of tradition that pushes its adherents to find new resources and conversation partners to resolve problems for which the tradition does not have an immediately available solution. As sociologist Edward Shils notes, simply following and revering tradition is not the object of primary concern for most people.<sup>94</sup> Rather, their adherence to the tradition depends greatly on its problem-solving capacity ranging from the provision of resources to solve plainly everyday practical problems to the most fundamental questions about the meaning of life. If the tradition appears to have lost credit or capacity to give meaning to life, it may be abandoned

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<sup>94</sup> Shils, *Tradition*, 27–31.

all together.<sup>95</sup> On other occasions, the perceived lack of relevance of the tradition may lead to a path of innovation that will reassure its contemporary value, but rarely without modification. In this latter process, the conversation or confrontation with other traditions is crucial and the outcomes vary greatly.<sup>96</sup>

Whatever the case, it is undeniable that the exposure to other traditions is one of the most powerful driving forces of change and innovation in any given tradition. It may also be a main factor in the decline and extinction of a tradition, hence the frequent fear of exposure to alien worldviews among the strictest adepts of a tradition.<sup>97</sup> However, exposure to new methods, categories, and values may also be the saving grace of declining tradition and give it a new beginning.<sup>98</sup> Plus, the novelty brought to a given tradition should not be overstated. Granted that innovations do take place, much of the tradition is kept. In fact, this is a necessary feature, as noted before; otherwise the sense of continuity and of relative consensus over time is lost and, with it, the tradition itself.<sup>99</sup>

Lastly, this dialectic of continuity and innovation allows the emergence of *genuine* moments of creativity or re-creation.<sup>100</sup> Re-creation stands here for the process of creating

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<sup>95</sup> Shils, *Tradition*, 201–202.

<sup>96</sup> An alternative tradition may be considered a *valuable* alternative. In such case, its values can be assimilated through adaptation without major conflict. It may also be seen less favorably, but adapted still for strategic reasons in order to avoid the risk of revolutionary confrontation. If the competing tradition appears to be a dangerous threat, it may be discredited on rational or moral grounds. The threatened tradition may even attempt to physically annihilate its competitor, as has often happened in the context of wars of religion.

<sup>97</sup> Shils, *Tradition*, 98–99.

<sup>98</sup> Shils, *Tradition*, 127.

<sup>99</sup> Shils, *Tradition*, 167–69; 175 ff. Hence, even outlier groups or figures (Shils has in mind the “sect” and “mystic” types in Ernst Troeltsch’s famous typology) keep most of the tradition in their un-traditional ways.

<sup>100</sup> This dialectic is best identified and developed in Ernst Troeltsch, “What Does ‘Essence of

something new *out of something we already had*. But “re-creation” also involves the imaginative, almost playful faculty that we tend to associate with creativity, so that the outcome is never fully predictable or teleological, despite the intentions of the interpreters.<sup>101</sup> The key aspect of these genuine moments of creativity in the context of a tradition is that they do not attempt to get rid of what is given to us by the tradition. Rather, genuine moments of creativity aim to include the otherness of the tradition within its own-ness.<sup>102</sup> This often happens by re-interpreting texts, ideals, and the role of certain figures in order to make their meaning more current or to assert the “original” meaning, allegedly lost or made opaque due to the passage of time, problems in the transmission of the ideas, or the intentional corruption of the tradition.

### **2.1.3. Jesus Christ: Tradition, Person, and Event**

I conclude this brief taxonomy of tradition by returning to the Christian tradition and connecting our findings to its main figure, Jesus Christ. As has been established, traditions have among their main characteristics the following: selectivity, normativity, authority, pragmatism, plurality and ambiguity, and continuity and innovation. One of the main reasons why these features are constitutive of major traditions and, hence, of the Christian tradition, is because they originate in and permanently interpret events characterized by their surplus of meaning.

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Christianity’ Mean?,” in *Writings on Theology and Religion* (Atlanta, GA: John Knox Press, 1977).

<sup>101</sup> What better example than what we *now* call the Protestant Reformation, which very clearly started as a reformist movement *within* Latin/Roman Christianity and yet developed into a revolutionary new interpretation of the Christian tradition. On this issue, see Brad S. Gregory, *The Unintended Reformation: How a Religious Revolution Secularized Society* (Cambridge, MA: Belknap Press of Harvard University Press, 2012). For a less partisan approach that yet confirms the unintended outcome, see Susan E. Schreiner, *Are You Alone Wise?: The Search for Certainty in the Early Modern Era*, Oxford Studies in Historical Theology (Oxford: Oxford University Press, 2011).

<sup>102</sup> The otherness-ownness dynamic is essential for what Ricoeur describes as the dialectic of appropriation and distanciation. See Ricoeur, *Interpretation Theory*, 43 ff.

Theologian David Tracy has called these events “classics” assigning them two main notes: “permanence and excess of meaning,” which, in turn, “always demand interpretation, never mere repetition nor simplistic rejection.”<sup>103</sup> He adds: “what we mean in naming certain texts, events, images, rituals, symbols and persons ‘classics’ is that here we recognize nothing less than the disclosure of a reality we cannot but name truth.”<sup>104</sup> This permanent and excessive meaning not only demands interpretation but cannot ever reach a definitive one: the task of interpretation remains open, demanding that the interpreter enter the back-and-forth movement of disclosure and concealment of truth that takes place when we are confronted with a classic event.<sup>105</sup> In this sense, following Ricoeur, Tracy sees in the manifestation-proclamation dialectic a paradigmatic form of articulation of the classics.<sup>106</sup> Further, although without using that name, Tracy acknowledges the importance of the institutionalization of meaning in that dialectic as well. We will see shortly that for Tracy the disclosing of the truth of the classic event depends on the capacity of each tradition of interpretation to stabilize meaning and develop certain correctives. Key among them, in Christianity, is the doctrinal genre, which is a paradigmatic form of institutionalization of meaning.

Drawing from this framework, Tracy argues that we can identify *religious* classics as “the self-manifestation (and concealment) of the whole by the power of the whole.”<sup>107</sup> Tracy is well aware of the problems of providing a definition of religion, but after examining the issue in some detail concludes that religions tend to be marked by their concern “to articulate some sense of the

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<sup>103</sup> David Tracy, *The Analogical Imagination: Christian Theology and the Culture of Pluralism* (New York: Crossroad, 1981), 154.

<sup>104</sup> Tracy, David Tracy, *The Analogical Imagination*, 108.

<sup>105</sup> Tracy, *The Analogical Imagination*, 154.

<sup>106</sup> Tracy, *The Analogical Imagination*, 203–218.

<sup>107</sup> Tracy, *The Analogical Imagination*, 183, fn. 22.

whole” which, in turn, informs, transforms, and even forms all areas of life.<sup>108</sup> Moreover, this concern tends to emerge in limit-situations that pose limit-questions about the very meaning of everything and that, often, point to what may well be its source (“the whole;” “God,” for the monotheistic religions; etc.). It is in this context, with the already established permanence and excess of meaning, that we speak of “religious classics” as the self-manifestation (and concealment) of the whole/God by its own power. Hence, religious classics confront us with the *possibility* of revelation. Playing with Rudolph Otto’s famous definition, Tracy maintains that religious classics may, at least, confront us with the *tremendum*; but they can also elicit faith and lead us to the *fascinans*.<sup>109</sup>

When we turn to Christianity, the general definition of a classic is further specified. In Tracy’s view, the *Christian* religious classic is the *person* of Jesus of Nazareth and the belief in the *event* of the self-manifestation of the divine in him (the Christ-event).<sup>110</sup> This *person-and-event* piece is crucial. For, as the previous arguments have established, we only know the person *through the tradition* that believed and believes that Jesus was not only a man but the incarnation of the divine self. This means that our very access to the Christian religious classic is conditioned by a process of distancing from the original *manifestation* (the historical encounter with Jesus of Nazareth) through the oral and written *proclamation* of that experience (now turned, in faith, into the Christ-event). From this complex process follows that religious experience is characterized by both participation-nonparticipation in the self-manifestation of the whole and, in turn, that the

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<sup>108</sup> Tracy, *The Analogical Imagination*, 159; 154–66, for his examination of the definitions of religion.

<sup>109</sup> Tracy, *The Analogical Imagination*, 160–69.

<sup>110</sup> Tracy, *The Analogical Imagination*, 233.

religious *expression* (oral, written, or otherwise) of the originating experience can only be, at best, *relatively* adequate to the event of the self-manifestation of the whole/God.<sup>111</sup>

Yet, relative adequacy is achievable. It is, in fact, crucial to guarantee both continuity and innovation in the midst of a tradition like Christianity, marked by its plurality and ambiguity. Reaching a relatively adequate expression of the Christian classic helps us also to correct two possible extremes. On the one hand are those moments in which certain forms of religious expression (dogma, for instance) attempt to suppress experience, especially new religious experiences. On the other are those instances in which the excitement for what appears to be novel leads to the abandonment of core values of the tradition. Overall, the always-only relatively adequate articulation of the Christian classic must always remind the interpreter that the permanence and excess of meaning of all classics prevents them from being captured by once-and-for-all interpretations.<sup>112</sup> The Christian classic preserves its freedom to disclose itself anew. However, this never happens *totally* anew. The very notion of relative adequacy suggests that some articulations of the Christian classic are better than others. But this determination requires the criteria I have been announcing for quite some time. To it I now turn.

## **2.2. The Search for Criteria: Between Public Intelligibility and Appropriateness to the Tradition**

In Tracy's view, the plurality and ambiguity of the Christian tradition should not lead us to the belief that *all* is relative, and that this pluralism is inherently chaotic. The interpretation of the Christian classic is marked, instead, by certain *classic expressions* and *correctives* that have a

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<sup>111</sup> Tracy, *The Analogical Imagination*, 175.

<sup>112</sup> Tracy, *The Analogical Imagination*, 175–78.

normative role in the hermeneutics of the Christian tradition. As noted, the key normative role must be given to the Christian scriptures, since it is through them that we are acquainted with and are able to participate in the Christ-event; “an event that happened, happens and will happen.”<sup>113</sup>

Yet the Christian scriptures themselves are only a relatively adequate expressions of the Christ-event:

They remain open to new experiences—new questions, new and sometimes more adequate responses for later generations who experience the same event in ever different situations. Yet throughout the Christian tradition these scriptures will serve as finally normative: as that set of inspirations, controls and correctives upon all later expressions, all later classical texts, persons, images, symbols, doctrines, events that claim appropriateness to the classic witness to that event.<sup>114</sup>

From this follows, again, that we can only develop relatively adequate interpretations. No final interpretation is possible due to the very nature of the Christ-event, to which we must add the sociological and cognitive complexities described earlier. It is in this sense that Tracy prefers to speak of “canons within the canon” to emphasize the plurality of accounts of the Christ event.<sup>115</sup>

None of this implies giving up on the effort of producing better interpretations using a variety of tools, especially historical-critical, literary-critical, and social-scientific methods of analysis.<sup>116</sup>

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<sup>113</sup> Tracy, *The Analogical Imagination*, 249. Implied in this dynamism is the disclosure-concealment dialectical nature of the Christ-event. Hence, the reference to the normative role of the Christian scriptures should not be understood as an example of the genetic fallacy. Neither Tracy nor I assume that the earliest expression of the event is by definition the best. Rather, this is simply an empirical claim: the early articulation of the Christ-event through the Christian scriptures is the condition of possibility of later ones, even if the latter express more fully the intention of the former (see *The Analogical Imagination*, 263–64).

<sup>114</sup> Tracy, *The Analogical Imagination*, 249.

<sup>115</sup> Tracy, *The Analogical Imagination*, 250.

<sup>116</sup> Tracy, *The Analogical Imagination*, 233–41. Furthermore, we should always keep in mind that these methods of analysis work at the level of *explanation*, not at the *constitution* of meaning. From this follows that their role must be subordinated to the nature of the event they attempt to explain. *Criteria of appropriateness* to the event, then, is crucial. In Tracy’s view these criteria have two key components: “an interpretation whose understanding honors in practice the kind of fundamental existential religious questions these texts address, and an interpretation which recognizes that the fundamental disclosure of the text . . . is the world of a religious event: an event of disclosure and concealment from and by the power of the whole.” (259) Here Tracy builds on the understanding-explanation-understanding/comprehension

But even using those, the very nature of the event prevents final fixation of meaning.<sup>117</sup> This, in turn, should make us suspicious of any attempt of suppressing plurality on both the “progressive” (through “scientific” accounts of Jesus’ life and intent) and “conservative” (through authoritarian appeals to the “authority” of certain interpretations) ends of the spectrum. Avoiding these extremes, the interpreter stresses both the importance of the event and the possibility of its permanent re-articulation over time. Furthermore, ecumenism within each Christian denomination, among the denominations, and, possibly, inter-religious dialogue is fostered.<sup>118</sup>

The past-present-future, disclosure-concealment dialectic of the Christ-event is the general norm for its interpretation. But the event allows different forms of expressions, among which the following stand out: apocalyptic, proclamation-confession, gospel-narrative, symbol-images, reflective theology, and doctrine. Tracy argues that in this “basic compound” of forms of expression of the Christ-event we can find *correctives* that help us to find more relatively adequate interpretations.<sup>119</sup> Due to their importance, he highlights two of them: the *apocalyptic genre* and the *doctrines of early Catholicism*.

In Tracy’s view, apocalyptic is crucial because it operates through principles of intensification and negation that became “a major contextual presupposition of the intertestamental

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hermeneutics developed in, among other texts, Ricœur, *Interpretation Theory*.

<sup>117</sup> Among other reasons, because each theologian, even if they apply these critical methods, may come to different conclusions depending on their own hermeneutical situations and their own “working canon.” On this issue, see the fine analysis in Tracy, *The Analogical Imagination*, 252–58.

<sup>118</sup> Tracy, *The Analogical Imagination*, 252. On this issue, with special emphasis on dialogue with the Buddhist and Jewish traditions, see David Tracy, *Dialogue with the Other: The Inter-Religious Dialogue* (Louvain: Peeters Press, 1990).

<sup>119</sup> Tracy, *The Analogical Imagination*, 264–65. Moreover, for Tracy (196 ff.) the correctives stand as an example of “critique” as a classic form of religious expression itself in the Christian tradition. So, it is not only that any classic must be examined through critical reflection as a matter of principle and intellectual honesty, but that such criticism itself is a fundamental component of the Bible as a classic expression of the Christian faith. We see this in the books of the prophets, wisdom literature, Job, etc.



period and of the New Testament itself.” The apocalyptic genre is a “challenge to remember the eschatological ‘not-yet’ in every incarnational ‘always-already’ and even every ‘but-even-now’ resurrectional transformation.”<sup>120</sup> In short, the apocalyptic genre is a built-in reminder of contingency; of the contingency of our articulations of the self-disclosure and concealment of the divine.<sup>121</sup> Furthermore, we should not be misguided by the presence of the Book of Revelation (*Apocalypsis*, in the Greek original) in the Bible as if it could account for the entirety of the apocalyptic genre in the Christian scriptures. Rather, as Tracy notes, we should consider it as a fundamental premise in the articulation of the *all* New Testament writings.

The doctrinal genre of “early Catholicism” has a very different, but equally important role. Its main function is to articulate and organize the *extraordinary* witness of the first disciples in the context of the *ordinary* world in which the new Christians must live. In turn, this demanded a process of stabilization of the extraordinary Christ-event through clarification and explanation, the development of ordered institutions and practices, etc. This is precisely what I have called the institutionalization of meaning in my remarks on the triad manifestation-proclamation-institutionalization. Yet, as Tracy notes, “what [doctrines, analogy, institution] mediate is none other the same extraordinary event of God’s self-manifestation in Jesus Christ to and for the

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<sup>120</sup> Tracy, *The Analogical Imagination*, 265, 266.

<sup>121</sup> In his recent work, Marion distinguishes the logic of *apocalypsis* from the logic of *aletheia* going beyond the dialectic of disclosure-concealment of the latter, as developed primarily by Martin Heidegger, stressing instead the *triadic* nature of revelation in reference to the Trinity. However, Marion’s approach diverges significantly from Tracy’s in the apparent lack of historical and, especially, socio-political consciousness of the former. For Marion’s most explicit, although always nuanced denial of the historicity of revelation, see Marion, *Givenness and Revelation*, 99 ff. For an approach to revelation that takes the “historical turn” as a necessary premise of analysis, see Niebuhr, *The Meaning of Revelation*.

ordinary: that the event also happens in the everyday, the stable, the measured, the ordered, the nonintensive, nonchaotic world of the ordinary.”<sup>122</sup>

From these general considerations Tracy draws two main conclusions about the doctrinal genre. First, that the institutions, doctrines, and analogies produced by early Catholicism are “genuinely Christian and New Testament disclosures of the same event of Jesus Christ and merit the respect of all who honor that reality.” Second, that the doctrinal genre implies a process of abstraction from the originating event and, hence, the relaxation (yet, not elimination) of its original intensity. From this follows, Tracy argues, that “the confessions and doctrines of early Catholicism are not the primary place to locate the most relatively adequate expression of the New Testament event. Like apocalyptic, though in an exactly opposite sense, doctrine plays a corrective rather than a central constitutive role in the New Testament.”<sup>123</sup>

In contrast, the New Testament *proclamation-as-manifestation* of Jesus Christ has the central constitutive role in the interpretation of the Christ-event and the Christian tradition.<sup>124</sup> Here, proclamation has a twofold meaning. On the one hand, “a word of address with the claim of nonviolent appeal to listen and receive its gift and demand; a questioning, provocative, promising and liberating word that the event happens now; a judging forgiving word.” In this (primary) sense, proclamation is a word-event *from God*. On the other hand, a “word of preaching and response by the community and therefore also as a word of content in this Jesus as the Exalted One present now in word, sacrament and community, this Jesus Christ the Lord.”<sup>125</sup> In this sense, its secondary

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<sup>122</sup> Tracy, *The Analogical Imagination*, 267.

<sup>123</sup> Tracy, *The Analogical Imagination*, 268, 268.

<sup>124</sup> Tracy, *The Analogical Imagination*, 274.

<sup>125</sup> Tracy, *The Analogical Imagination*, 269, 274.

sense, proclamation is a word-event *from the community* of believers *about God*. Yet, to be able to proclaim to others the good news that God has proclaimed to us we need faith. For it is only *in faith* that we can be compelled to share the good news. Moreover, it is only *in faith* that we can see them as such, and as good news being proclaimed by the divine itself. Lastly, it is only in faith that we can proclaim the good news to others with such intensity and devotion that the proclamation, as Ricoeur also maintained, can become manifestation as well. From this follows that no interpretation that attempts to be relatively adequate will be so through bypassing the constitutive role of proclamation-as-manifestation. One could add: no interpretation that attempts to be relatively adequate will be so by disregarding the constitutive role of proclamation-as-manifestation-through-institutionalization.

Accordingly, approaches that attempt to interpret the Christ-event and the Christian tradition by reducing both to the faith *of* the historical Jesus are inadequate. Similarly, perspectives that aim to constrain the Christ-event and the Christian tradition to the boundaries of some official authority or some *theologia perennis* are also inadequate. In the first case, historical accuracy misses the constitutive role of faith-based proclamation, to which we should add the extreme difficulty of determining what Jesus' beliefs were. In the second case, in contrast, too much emphasis on orthodox interpretations of such faith undermines the manifestation of its originating, never fully understandable, event.

In addition to these somewhat formal considerations, Tracy provides further criteria that pay attention to the *content* of the proclamation-as-manifestation. In this sense, he stresses the centrality of three events in the life of the Jesus proclaimed by the tradition as the self-manifestation of God: the Incarnation, the death on the cross, and the resurrection. These events

have also become classic *symbols* for the interpretation of the Christian faith, going beyond the constraints of the historical context in which they originally took place.<sup>126</sup> Tracy expands:

All three form a dialectic unit to reveal the fuller range and meaning of [the event of God's self-manifestation in Jesus Christ]. The cross discloses the power, pain, seriousness and scandal of the negative: the conflict, destruction, contradiction, the suffering of love which is the actuality of life. The cross discloses God's power as love appearing as weakness to the powers of the world. It discloses the rejection incumbent upon the preaching and ministry of Jesus. . . . The cross discloses to the Christian the suffering love of God's own self by its intensified focus on that love as the ultimate, binding, internal relationship of the divine and the human.

The resurrection vindicates, confirms, and transforms that journey in and through its negations of the negations of a suffering love. The resurrection of Jesus by God grounds our hope in a real future for all the living and the dead where pain shall be no more. . . . Incarnation discloses the reality of the only God there is as here now, as here always, as here in past, present and future, through the decisive self-manifestation of that same God in the cross-resurrection of Jesus Christ. . . . The heart of the Christian symbol system is none other than the unbreakable dialectic of cross-resurrection-incarnation disclosing through its own internal tensions the fuller meanings of the event of Jesus Christ.<sup>127</sup>

Therefore, this *cross-resurrection-incarnation* dialectic operates both as the very content of the proclamation-as-manifestation of Jesus as Lord and as the norm that controls all relatively adequate interpretations of the Christ-event and the Christian tradition. However, two decades after the publication of *The Analogical Imagination*, Tracy felt the need to add a fourth symbol to these three. He developed his argument in an essay honoring liberation theologian Gustavo Gutiérrez, triggered quite explicitly by their common preoccupation with the situation of the poor and marginalized. Tracy's fourth symbol is the *apocalyptic of the Second Coming of Christ*,<sup>128</sup>

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<sup>126</sup> I am not arguing here for the historicity of the resurrection since it is the faith-event *par excellence*. Yet neither am I arguing for the historicity of the Incarnation and the death on the cross. Not because these events have no historical reality outside the context of faith, which does not seem to be the case, but because all three events are, above all, *faith-events* and, as such, from the value-formation point of view it is undeniable that they took place.

<sup>127</sup> Tracy, *The Analogical Imagination*, 281–82.

<sup>128</sup> This is not an isolated topic in Tracy's work, but instead part of his great interest in moments of radical interruption/disruption in human history that allow us to reconsider the meaning of things and the trajectory of human life. On this issue, see Dario Balocco, *Dal cristocentrismo al cristomorfismo: in dialogo*

which destroys at its core any Christian temptation to triumphalism, whether it be theological toward the Jews, as in supercessionism, or political, as in Christianity become Christendom and empire, ignoring the option for the poor and extending only special love. Without the symbol of the Second Coming, without apocalyptic, Christianity can settle down into a religion that no longer has a profound sense of the “not yet” and of God’s hiddenness in history, a religion without any sense of the need for action for justice in the option for the poor.<sup>129</sup>

In Tracy’s view, the symbol of the Second Coming has a decisive *fragmenting* role; *destabilizing* all Christian thought.<sup>130</sup> Even though this fragmenting power was already present in the dialectic tensions in the triad cross-resurrection-incarnation, Tracy believes that the triad alone may have some limitations. The resurrection has always been interpreted in terms of the final triumph of Christ over the power of death. Yet this triumph has often led to triumphalism. Introducing the symbol of the Second Coming and putting it *at the same level* as the other three classic symbols reminds the Christian that the God of love, the giver of life, is also a judge. Like the king in the earlier pericope of Matthew 25, God will come again to judge the living and the dead, the tradition holds. And, in that final moment of eschatological judgment, the way we treated the poor, the sick, the hungry, and all others who have been forgotten by society, will have a central role. Thus, Tracy writes: “Only the four symbols, united, of course, to the lives of Jesus they interpret, can bring Christian theology to the full-fledged option it needs now, the option for the poor.”<sup>131</sup>

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*con David Tracy*, vol. 48, Dissertatio. Series Romana (Milano: Glossa, 2012), especially Part II. For the importance of the Second Coming, see pp. 188–93.

<sup>129</sup> David Tracy, “The Christian Option for the Poor,” in *The Option for the Poor in Christian Theology*, ed. Daniel G. Groody (Notre Dame, IN: University of Notre Dame Press, 2007), 130.

<sup>130</sup> Tracy, “The Christian Option for the Poor,” 129. Even though this “fragmenting” role of certain symbols and correctives has always been present in Tracy’s career, it is true that Tracy has paid more attention to “fragments” in his later writings. On this issue, see Stephen Okey, *A Theology of Conversation: An Introduction to David Tracy* (Collegeville, MN: Liturgical Press Academic, 2018), especially Chapter 3, “The Classic and the Fragment.”

<sup>131</sup> Tracy, “The Christian Option for the Poor,” 128. Let me underscore that this emphasis on the “option for the poor” is not new in Tracy’s work. As an explicitly constructive element of his theology, the

We should not miss the critical importance of this hermeneutical move. The symbol of the Second Coming puts at the heart of the interpretation of the Christian tradition the question of social justice, especially the justice owed to the poor and most vulnerable. Tracy maintains that no relatively adequate interpretation of the Christian tradition can be produced if it does not listen to their cry. But this is not only a matter of love and compassion. It is a hermeneutical argument: Through the symbol of the Second Coming, Tracy makes the option for the poor a fundamental interpretative key of the Christian tradition and not only a matter of preference for the politically inclined. Though I will show in the next two chapters how this methodological contribution is enfolded in the liberation theology of Gutiérrez, its hermeneutical importance for *all* Christian theology should not be neglected.

### **2.3. Creative Fidelity: The Task of Constructive Theology**

My previous considerations have been fundamentally methodological, focusing mostly on criteria for relatively adequate interpretations of the Christ-event and the Christian tradition. However, important as method is, theology is fundamentally a *constructive* task. *Systematic* theology, especially, is a constructive task marked by the attempt to produce new meaning for the contemporary community of believers in fidelity to the tradition that has preceded them.

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concern for the poor is present, at least, since David Tracy, "On Naming the Present," in *On Naming the Present: God, Hermeneutics, and Church* (Maryknoll, NY: Orbis Books, 1994). However, less constructively, Tracy has been concerned with the situation of the marginalized since his first major publication, Tracy, *Blessed Rage for Order*. In this book, originally published in 1975, Tracy pays great attention to the "theologies of praxis," the term he uses to describe political and liberation theologies alike. Here, however, although he refers to liberation theology's key preoccupations approvingly (245 ff.), the main concern is to analyze them in the context of his theological method. Hence, he stresses certain uncritical appropriations of theological doctrines and symbols by liberation theologians, suggesting further dialogue with what at that time seemed to be a natural ally, namely, the Frankfurt School of "critical theory."

Therefore, I turn in closing to Tracy's reflections on the constructive task of theology; to his reflections on the *analogical imagination*. For all the criteria developed before have the role of making us cautious in our God-talk; perhaps even inviting the interpreter to remain silent vis-à-vis both the excess of meaning and the incomprehensible nature of the Christ-event. But theology is a *language* about God; theology is fundamentally interpretative *discourse*. Even the mystical invitations to contemplative *silence* as the most adequate form of speech for religion depend on the possibility of discourse. As Tracy puts it: "silence is possible as silence only to the speaker."<sup>132</sup> Hence the theologian must venture an interpretation; must *say* something beyond giving criteria for *how to say* or simply *not-saying*. In Tracy's view, the most relatively adequate way to say something in Christian theology is via the language of *analogy*, finding similarity-in-difference.<sup>133</sup> This, in turn, requires establishing critical correlations between the sources of theological reflection.

For Tracy, the two principal sources of Christian theological reflection are "the major expressions and texts of the Christian traditions" and "common human experience."<sup>134</sup> Both sources must be in permanent and critical conversation *if* religious claims are to become

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<sup>132</sup> Tracy, *The Analogical Imagination*, 174.

<sup>133</sup> Tracy also considers the option of "dialectical language" which stresses negations and the impossibility of fully grasping the meaning of revelation. Nevertheless, he argues that all theologians that stress these negations, from Karl Barth to Jürgen Moltmann, Johan Baptist Metz and some liberation theologians, *also* develop their own constructive projects, which are to some degree inevitably analogical (*The Analogical Imagination*, 414–421).

<sup>134</sup> Tracy, *Blessed Rage for Order*, 43; 44. Tracy considers both "texts" and "expressions," since "texts" sometimes appear to receive more attention in the commentary on his work. Moreover, the emphasis on multiple forms of religious expression beyond the important canonical texts is clear in Tracy's later writings. For instance, in David Tracy, *Plurality and Ambiguity: Hermeneutics, Religion, Hope* (San Francisco: Harper & Row, 1987), 102 ff., the author values the experiences of the poor in the process of interpretation of the Christian mystery. A similar approach is developed in the already cited piece, Tracy, "On Naming the Present." On Tracy's expansion of his initial emphasis on "the classic" to include "fragments" and more ordinary experience, see Okey, *A Theology of Conversation*, 86–97.

available to the wider public. Tracy, however, maintains that publicness is not really a matter of choice. Publicness is inevitable. What varies is the willingness of the theologian to acknowledge this fact or not; what varies is the degree to which the theologian is aware of the influence of non-faith-based understandings in her theological views.<sup>135</sup>

Interestingly, though, for Tracy the demand of publicness is not only the result of the theologian's moral and intellectual commitment to a culture of "autonomous critical inquiry" in which there is a "duty to provide the proper kind of evidence for whatever claim he advances." "Rather, the task is primarily demanded for inner theological reasons." Since Christianity claims to express "an understanding of authentic human experience as such, the Christian theologian is impelled to test precisely that universalist claim."<sup>136</sup> How this is tested will naturally vary,<sup>137</sup> but the key issue will always be to show to the world that Christianity truly provides an answer to the most fundamental questions about meaning and truth. It is in this most fundamental sense that publicness cannot be avoided: it is inherent to the Christian tradition's claim to be the answer to those questions.

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<sup>135</sup> Tracy, *The Analogical Imagination*, 25.

<sup>136</sup> Tracy, *Blessed Rage for Order*, 6, 44, 44.

<sup>137</sup> The *kind* of the publicness will vary depending on who is the theologian's principal addressee or public. According to Tracy, *The Analogical Imagination*, 56–79, the main public of the *systematic theologian* is the *church* and, hence, her main task is the re-interpretation of the ever-present truths of the tradition for the Christian community of faith. As a scholar, though, the systematic theologian remains loyal both to the tradition and to critical inquiry. Thus, she uses critical methods to disclose the truth of the tradition; but its truth is not questioned. In contrast, but not in contradiction, the principal public of the *fundamental theologian* is the *academy*. Therefore, she attempts to interpret the Christian classic in ways available to all reasonable people and not only already-believing Christians. Hence her emphasis on evidence, warrants, and her critical interrogation of the truths of the tradition without taking them for granted. Lastly, the main addressee of the *practical theologian* is *society*. Accordingly, she focuses on problematic dimensions of the social-political life, highlighting their religious import and the difference Christianity can make. In this case, the truth of the tradition is understood as showing itself in praxis, in the transformative efforts to make society more just and peaceful. Engagement with one of the publics does not preclude engagement with the others. In fact, all three publics are always in the theologian's mind. Yet the type of theological work the theologian conducts will be shaped by the public she engages the most.



Decisively, Tracy does not maintain that Christian beliefs should work *unilaterally* as the lens through which the world must be interpreted. For him, the world should have a role in the process of reshaping the Christian beliefs too.<sup>138</sup> In this sense, Tracy advocates for a method of *mutual* critical correlations in which the two main sources of Christian theology are submitted to a careful assessment of their internal coherence and practical applicability, so that they can illuminate each other in the effort to respond to a given situation.<sup>139</sup>

The overall goal is “refashioning of the original disclosure” through *analogy*, “a language of ordered relationships articulating similarity-in-difference.”<sup>140</sup> Moreover, Tracy maintains that a *theological primary focal meaning* or *prime analogue* is required to proceed with the systematic task. Hence, the theologian requires a key concept or doctrine able to analogically re-articulate the “permanence and excess of meaning” of the classic event. However, this must be done always keeping in mind that the event is marked by the dialectic of *disclosure-and-concealment*, that is, by the impossibility of grasping it fully because its own power of affirmation includes its power of negation.<sup>141</sup>

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<sup>138</sup> Tracy, *Blessed Rage for Order*, 46.

<sup>139</sup> For further criteria see Tracy, *The Analogical Imagination*, 422.

<sup>140</sup> Tracy, *The Analogical Imagination*, 410; 408. For another philosophical-theological project that sees in analogy the best way to approach the God-self-society relationship, see Smith, *The Analogy of Experience*. Smith’s project, however, is significantly different from Tracy’s in a couple of ways. First, Smith’s main interlocutor is American Pragmatism, not the tradition of philosophical hermeneutics. One of the key advantages of this approach is greater focus on the category of experience. Yet, Smith has very little to say about the interpretation of sacred texts in a way that renders some of his ways to describe God, Christ, and the Church unwarranted. Second, for similar reasons, Smith does not engage in any detail the tradition of interpretation of what we have called the Christ-event. His approach in this sense is rather abstract, dependent on the tradition, but without an account of his standing before it. That said, I believe Smith’s work nicely complements Tracy’s and further advocates for the complementarity of the pragmatist and hermeneutical traditions.

<sup>141</sup> Tracy, *The Analogical Imagination*, 409-410.

Therefore, any articulation of the Christ-event will always have a tentative and only relatively adequate character marked by the dialectic of manifestation-proclamation-institutionalization discussed before.<sup>142</sup> If this relatively adequate character is lost, “analogical concepts become mere categories of easy likenesses, falling finally into the sterility of a relaxed univocity and a facilely affirmative harmony.”<sup>143</sup>

I conclude by sketching out how the analogical imagination operates in the context of the constructive theological work of liberation theology as a preface to the last two chapters of this dissertation. Since the Christ-event is characterized by its permanence and excess of meaning, finding a primary focal meaning is crucial in order to develop a relatively adequate interpretation of the event.<sup>144</sup> In liberation theology, the prime analogue is “liberation.” Alternatively, we could also argue that the prime analogue is “Christ-the-liberator,” keeping the Christ-event as central, yet adding a crucial emphasis to develop a new set of ordered relationships. Now the primary focal

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<sup>142</sup> Only in the last chapter of *The Analogical Imagination*, Tracy adds to his own manifestation-proclamation dialectic a third element: *historical action* or *action* (425ff.). As Okey, *A Theology of Conversation*, 139–42, notes, “action” has played no systematic role until this moment and has not been fully integrated into the dialectic of manifestation-proclamation. It is clear, though, that action has a central role for Tracy and does so, especially, in dialogue with the work of liberation theologians, as Okey also notes. I believe that the best way to integrate “action” into Tracy’s own dialectic should be analogically similar to my own inclusion of “institutionalization.” Action, like institutionalization, is a fundamental moment of disclosure of the Christ-event. The former “does the truth” through kairotic events of liberating praxis that disclose *now, for us, always tentatively* God’s justice. Similarly, the latter “explains and stabilizes the truth” through key doctrinal developments, legislation, and ordinary practices that become the precondition for the disclosure of the Christ-event for the Christian tradition. In both cases, the relationship with manifestation and proclamation remains dialectical. Further, as I will argue at length in the next chapter, true and lasting transformative praxis requires institutions.

<sup>143</sup> Tracy, *The Analogical Imagination*, 410. Further, in the process of establishing correlations the very analogical concepts chosen can prove to be inadequate or, at least, in need of transformation (423).

<sup>144</sup> Of course, for Christians, the person and event of Jesus Christ is the prime analogue, *the* mediator in the interpretation of all reality. However, the Christ-event is also a *subject* of interpretation for theology as a second-order discourse (meta-interpretation, in Michel’s language). In this sense, other more particular prime analogues can take primacy in order to refashion the original disclosure (Tracy, *The Analogical Imagination*, 409).

meaning given to “liberation” cannot be a mere matter of theological preference; it must be appropriate to the original disclosure. In what follows, I show how that is indeed the case, appealing to the criteria developed in this chapter following Tracy’s work. In a second move, I show how the use of analogy *ad intra* also operates *ad extra*, thus grounding the relationship in the political that is so crucial for liberation theology and that is the subject of the following chapter.

As noted, there are four fundamental symbols without which no relatively adequate interpretation of the Christ-event is possible: cross, resurrection, Incarnation, and Second Coming. But the constructive theological task requires that we go beyond what those symbols disclose in general in order to produce an interpretation that responds to particular concerns and situations. In this sense, when we make “liberation” our primary focal meaning, a true moment of creative fidelity takes place by being both loyal to the tradition and yet innovative in its refashioning.<sup>145</sup>

Liberation theologians do stress the importance of the cross, with its negativity and tragic meaning. Yet they advance the interpretation by focusing on the journey that led to that tragic end. Hence they disclose for us that Jesus was killed because he preached a message and lived a life that became a major challenge to the powers that be, both religious and secular. The message was indeed revolutionary in its challenge of the Jewish authorities’ understanding of ritual order,

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<sup>145</sup> Here I draw freely from the following authors, among others: Gustavo Gutiérrez, *A Theology of Liberation: History, Politics, and Salvation*, Second Edition (Maryknoll, NY: Orbis Books, 1988); Ignacio Ellacuría, “The Crucified People,” in *Ignacio Ellacuría: Essays on History, Liberation, and Salvation*, ed. Michael Edward Lee (Maryknoll, New York: Orbis Books, 2013); Jon Sobrino, *Jesus the Liberator: A Historical-Theological Reading of Jesus of Nazareth* (Maryknoll, New York: Orbis Books, 1993); María Pilar Aquino, *Our Cry for Life: Feminist Theology from Latin America* (Maryknoll, NY: Orbis Books, 1993); James H. Cone, *A Black Theology of Liberation*, 20th Anniversary Edition (Maryknoll, NY: Orbis Books, 1990); J. Deotis Roberts, *Liberation and Reconciliation: A Black Theology*, Second Edition (Louisville, KY: Westminster John Knox Press, 2005); Delores S. Williams, *Sisters in the Wilderness: The Challenge of Womanist God-Talk* (Maryknoll, NY: Orbis Books, 1993); Kelly Brown Douglas, *The Black Christ* (Maryknoll, NY: Orbis, 1994); Schüssler Fiorenza, *In Memory of Her*. The next chapter focuses on the relevant distinctions among them. In this brief sketch, I focus solely on their shared theo/Christocentric liberationist thrust.

mercy, and justice, and, overall, of their role as true messengers of God. This message of liberation became a major challenge and ultimately led to Jesus' execution. Thus, the focus on liberation discloses aspects that have often been overshadowed by more spiritual interpretations of the crucifixion; it discloses the historical and political context of Jesus' execution and gives people today a framework to understand their own "crosses" and "executions." Furthermore, as most liberation theologians maintain, this emphasis also allows people to see God in a greater relationship of solidarity with them: the cross becomes a symbol of shared suffering. In the crucified Jesus, the poor and marginalized can see their own experiences of negativity taken to the highest degree. Indeed, the divine, the very source of being, can suffer as we all suffer; can experience the brutality of humiliation, abandonment, and death as we all can. God knows about our sufferings and experiences them in God's very flesh.

However, the death on the cross does not represent the end of the story. Jesus was resurrected because that message of liberation was, more than anything, a life-giving vision. Hence, his resurrection is the fundamental sign of the triumph of liberation. Those who fight for the kingdom of God and God's justice will not be defeated: that is the promise fulfilled in the resurrection. Certainly, there is suffering and negativity in the story of the cross, but the story keeps going. In fact, it is destined to a life of joy in communion with God that never ends. For we come from God and to God we shall return.

Cross and resurrection, in turn, cast light on Jesus' incarnation. The prime analogue of liberation allows us to stress Jesus' activity in the world instead of restricting the focus to the cosmological meaning of his incarnation *only* in terms of the salvation of the soul. Hence, great attention is given to his interactions with the poor, with the sick, with those who have been pushed to the margins of society due to their sexual impurity, but also with those, like tax collectors, who

holding economic and political power were considered incapable of conversion. The overall message is clear: Jesus preached a life-giving vision that was for all, but one that announced the good news of God's kingdom especially to the poor and marginalized. As with the cross and the resurrection, this new emphasis on liberation in the interpretation of the symbol of the Incarnation allowed liberation theologians to give people today new resources to reinterpret their lives and organize themselves to find a better future.

Lastly, the focus on liberation in the interpretation of the Second Coming becomes a permanent reminder that the story is not over, especially for those who interpret the resurrection as ultimate triumph and disregard their responsibilities in *this* world. Here, as we noted, Tracy actually elaborates the point in direct conversation with liberation theology, Gutiérrez's in particular, arguing that those responsibilities are fundamental to the poor and marginalized. Thus, liberation becomes a key by which to read salvation history from beginning to end, but with a particular emphasis on concrete actions that bring the values of God's kingdom closer to those who suffer the most.

What about the importance of Tracy's correctives for a relatively adequate interpretation of the Christ-event? The role of the apocalyptic genre should be already clear since the symbol of the Second Coming has a similar role. Yet we could expand upon it here in a way that also relativizes the primary focal meaning of "liberation." Since the apocalyptic genre is a permanent reminder of the not-yet, this should also apply to any liberationist interpretation that appears to be too certain about the path to follow. The prime analogue of liberation provides an appropriate focal meaning to refashion the original disclosure, but only *relatively*. The nature of the Christ-event does not allow fully adequate articulations, which in turn means that even those interpretations

that advocate for the poor and the marginalized have limitations—all the more so when they identify the Christian message of liberation with partisan political agendas.<sup>146</sup>

But the other corrective, the doctrinal genre, is particularly important here. For, as Tracy shows, doctrines as a genre allow the stabilization of the event over history, providing clarification and better understanding through a process of distancing. The doctrinal corrective, therefore, allows us to identify better or worse interpretations of the Christ-event, a discernment that applies to the field of liberation theology as well. Thus, liberation theologies that overemphasize “liberation” as the primary focal meaning in a way that reduces the importance of the four fundamental Christian symbols, the apocalyptic, and the interpretation of all of them through the doctrinal genre would be less relatively adequate. For instance, we may argue that the expression “Christ is the Che Guevara” is quite inadequate as a refashioning of the original disclosure, among other reasons, because it completely disregards key doctrinal developments like the identity of Jesus with God.<sup>147</sup> In contrast, the metaphors “Christ is black” or “God is black” are significantly more adequate because “black” in that phrase stands by “the oppressed” and the “is” has been always interpreted in the black theology tradition as “identifies with.” In this sense, “Christ is black” does not collide with the fundamentals of Christian self-understanding, although it requires

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<sup>146</sup> I expand on this issue in the next chapter, but it is key to distinguish two types of criticisms here. On the one hand are those criticisms that come from conservative politicians, intellectuals, and theologians who argue for the strict separation of political and spiritual affairs. Such critique is unsustainable since politics and religion are constantly mixed. In reality, what this criticism often shows is the non-explicit politics-religion entanglements of the critic. On the other is the immanent critique coming from liberation theologians themselves or their allies, who try to keep the right balance between politics and religion. In the latter group we could count J. Deotis Roberts’, and to a lesser extent, also Cecile Cone’s, critique of the identification of black theology with the “black power” movement. Similarly, we should consider the criticisms of Gustavo Gutiérrez’s to the identification of liberation theology with “Christian socialism.”

<sup>147</sup> José Míguez Bonino, *Doing Theology in a Revolutionary Situation*, Confrontation Books (Philadelphia, PA: Fortress Press, 1975), 2 ff.

some unpacking since the identity of God with blackness is not self-evident.<sup>148</sup> Therefore, I would argue that “Christ is the liberator” is a better relatively adequate articulation because it avoids some of the misunderstandings that the prior two examples elicit, stressing instead the key role of liberation in the Christian tradition that is perfectly compatible with its main symbols and correctives. But I will develop these points at length in the final chapter.

This kind of analogical imagination also operates *ad extra*. So that we can establish critical correlations between Christian symbols and doctrines, and ordinary human experience not only to interpret the Christ-event *within* the Christian tradition but also to see whether this event and its interpretation finds some correlation, some analogue in common human experience, I would like to suggest that the prime analogue for this task could be *human dignity*.<sup>149</sup>

We know well that one of the central concerns of the Christian faith is the dignity of life, especially human life. One of the most traditional ways to describe this concern is the Christian understanding of our being *imago Dei* (Gen. 1:27). The dignity we all share comes from God’s loving, creating act. Thus, human dignity is inherent to our condition as children of God and cannot be taken away from us.<sup>150</sup> Nevertheless, such a dignity can be barely experienced when extreme

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<sup>148</sup> For a compelling critique of some of the problems of this identification and the lack of plurality in the understanding of blackness, see Victor Anderson, *Beyond Ontological Blackness: An Essay on African American Religious and Cultural Criticism* (New York: Continuum, 1995).

<sup>149</sup> Such was the position taken quite explicitly by the bishops gathered at the Second Vatican Council. In §40 of *Gaudium et spes*, they write that the defense of human dignity, human community, and the meaning of human activity “lays the foundation for the relationship between the Church and the world,” see David J. O’Brien and Thomas A. Shannon, eds., *Catholic Social Thought: The Documentary Heritage*, 2010 ed., Expanded ed. (Maryknoll, NY: Orbis, 2010), 198.

<sup>150</sup> Even though the concepts of “image of God” and “children of God” are related, they are not identical and have received different emphases in the Christian tradition, often depending on the denominational theological orientations. “Image of God” refers to the presence of the divine essence in every human being, which, in turn, makes every person sacred. “Children of God” stresses that our lives are a gift from God, which, in turn, inserts us in a relationship of reciprocity with the creator and creates certain limits and obligations in our disposal over our life. We may say that the first concept determines the sacredness of the person *per se*: her sole existence makes the person sacred. Whereas the second concept

poverty, violence, discrimination, and death are the everyday experiences of so many people. In traditional Christian vocabulary, all this is the consequence of *sin*. Therefore, Christ's passion, death, and resurrection represent God's greatest sign of love in order to overcome sin and restore in us the experience of our dignity of being God's children. As noted, the focal meaning of liberation allows to pay special attention to the content of Jesus' life-giving vision and his particular care for the poor and marginalized. His preaching and his actions stress the evils of their condition, call for the reign of justice and love, and promise rewards and punishments depending on the way we treated "the least of his brothers and sisters." Accordingly, liberation theologians argue, all Christians should make God's message of liberation manifested in Jesus Christ their own by fighting for the eradication of the consequences of sin and inviting all to the fullness of life in communion with God. In the traditional theological language of Latin Christianity, our fully being *imago Dei* implies an *imitatio Christi*.

My argument now is that these concerns are *analogically* present in other approaches to human dignity. Key among them are *political* approaches, since politics deals with the basic structure of society, with the institutions that provide the context for the existence of a just society in which the dignity of all people must be respected. In this dissertation, we have studied in detail perhaps the most important twentieth-century philosophical approach to this topic: John Rawls'

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determines the sacredness of the person *per quod*: here relationality and reciprocity are crucial to give full meaning to the idea. Two additional considerations seem in place. First, that the notion of the gift can become an unbearable obligation, more so if this is an obligation toward God. We have seen the effects of this idea in Taylor's remarks on the juridical-penal model of Calvinism in Chapter 3. However, this seems to be a misguided assumption, possible only if we overlook that the relationship of reciprocity is established with a loving and benevolent God. Second, that this stress on the gift of a loving God is central for Gutiérrez's liberation theology. In fact, Gutiérrez's definition of "spiritual poverty" is essentially an articulation of the idea of being "children of God." For a careful discussion of the concepts of "image" and "children" of God, see Hans Joas, *The Sacredness of the Person: A New Genealogy of Human Rights* (Washington, DC: Georgetown University Press, 2013), chapter 5. For Gutiérrez's account of spiritual poverty, see *A Theology of Liberation*, 169–71.



theory of justice. Further, I have expanded it significantly by paying attention to tradition, narrative, the emotions, and the role of religion. My contention here, which I will develop in the next two chapters, is that the project of *justice as fairness*, expanded and corrected in this dissertation, finds important areas of agreement with the Christian concern for human dignity, especially as it has been articulated by liberation theologians.<sup>151</sup> Of course, this by no means implies that Rawls' *justice as fairness*, Nussbaum's Capabilities Approach, or other important alternatives present in the secular disciplines can exhaust the depth of the concept of human dignity in its Christian interpretation. Further, it does not mean that the Christian interpretation cannot elicit a better understanding of the political approach. (In fact, it does, as I will show.) But it *does* mean, as Rawls thought, that an overlapping consensus is possible because Christians and other believers can see in his (or others') political conception some crucial concerns of their faith genuinely represented. Such is the core conviction of Tracy's Christian theological-analogical imagination as well.

Yet, we should keep in mind that one of the key features of this analogical imagination is the presence of *mutual* critical correlations between the sources of theology. Accordingly, I will show in the next chapters how a political approach, like the one developed here in Chapters 1 to 3, can expand and correct some of the articulations of the Christ-event produced by liberation theologians. My contention in this regard is that even the finest liberation theologians have mostly focused on what Tracy calls the *mystical-prophetic paradigm*.<sup>152</sup> In doing so, they have rightly

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<sup>151</sup> Some decisive work has been done in this regard comparing the work of theologian Gustavo Gutiérrez and economist Amartya Sen in Javier Iguñiz, *Desarrollo, libertad y liberación en Amartya Sen y Gustavo Gutiérrez* (Lima, Perú: CEP, 2003). Sen, of course, is critical of Rawls' approach and has distanced himself from Nussbaum's commitment to normative claims, but the three of them are committed to the general defense of human dignity, which is what matters in this context.

<sup>152</sup> Tracy, *Plurality and Ambiguity*, 111 ff; Tracy, "On Naming the Present," 22 ff.; Tracy, "The Christian Option for the Poor," 120 ff. Tracy explicitly has in mind the work of Gustavo Gutiérrez and

stressed the importance of contemplation, prayer, and spirituality, on the one hand, and denunciation of the causes of evil and struggle for justice, on the other. However, very rarely had liberation theologies paid attention to the question of the *institutionalization* of justice. And one may pray to God to bring justice to the world, and one may protest the injustices of poverty and marginalization; but without an institutional framework for justice to be embodied in practices or everyday life, prayer and protest will not find ultimate fruition.

### 3. Conclusion

In this chapter I developed a theory of interpretation that provides the context for an adequate understanding of religious experience, its articulation in religious traditions generally and, in the Christian tradition in particular. All this in preparation for the final chapters of this dissertation, which examine the particular interpretation of the Christian tradition developed by liberation theology and its similarities-in-difference with the project of *justice as fairness*, as expanded and amended in the prior chapters of this dissertation. The goal is to advance a constructive proposal for a *mystical-prophetic-institutional paradigm*. Before moving forward, I recap this chapter's findings.

First, this chapter developed a theory of interpretation that argued that experience is the best starting point for studying religion. I insisted that this is the only compelling way to determine what the key components of religious experience are, instead of taking for granted whatever definitions are given to us by theologies or religious doctrines. But in doing so, this investigation

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Johann Baptist Metz in the formulation of the paradigm. For these authors' classic texts on the matter: Gustavo Gutiérrez, *On Job: God-Talk and the Suffering of the Innocent* (Maryknoll, NY: Orbis Books, 1987); Johannes Baptist Metz, *Faith in History and Society: Toward a Practical Fundamental Theology*, trans. J. Matthew Ashley (New York: Crossroad Pub. Co., 2007).

was able to identify at the root of religious experiences common ground with other forms of experience, including political and aesthetic experiences. This finding is central for this dissertation, since it is the basis for establishing analogies between different kinds of experiences.

Second, this chapter established that the fundamental feature of any act of interpretation is problem solving. Hence, interpretation was defined in pragmatic terms indicating that it only properly emerges when we are faced with problematic situations that demand inquiry and creativity in order to produce responses that can reestablish some order. However, this chapter also defended a complex theory of interpretation that distinguishes different layers of the interpretative process, some of which are pre-reflective (proto-interpretations) and some of which are of a higher theoretical order (meta-interpretations). Such a distinction allows one to identify better or worse interpretations, for it establishes criteria by which to navigate the three orders of interpretations rather than assume that since all experience is interpretative, all interpretations are equal. The general criterion was also stated in pragmatic terms: intersubjective validation over time. This criterion, however, will receive further confirmation and expansion in the context of the hermeneutics of the Christian tradition presented in the second part of this chapter.

Third, this chapter established that despite the complexity of defining religion and religious experiences, it is possible to produce a relatively adequate account. Such an account should have at its core what we have called experiences of self-transcendence. However, since this feature is shared with several other experiences, this chapter also noted that a key element of religious self-transcending experiences is that they are understood as coming from a power not our own and that they tend to leave some significant transformative mark, often reorganizing one's life around them. Moreover, there appears to be a common and dialectical pattern for these experiences. On the one hand, there are moments of *manifestation* characterized by great affective and subjective intensity

and certainty about what happened to us. On the other, there are moments of *proclamation* in which, by contrast, we need to distance ourselves somewhat from the intense experience of manifestation in order to be able to articulate it in such a way that we and others can understand its meaning. Proclamation is, thus, non-participatory and more reflective in nature. However, since this pattern is dialectical, it does not take place once and for all. Instead, manifestation reemerges through intense forms of proclamation, which in turn require distance for their interpretation. The process is, of course, potentially endless. In light of this two-fold pattern, this chapter suggested the addition of a third element that I called the “institutionalization of meaning,” which should also be considered in dialectical relationship with the other two. Yet institutionalization is a distinct moment insofar as it attempts to articulate reflectively, through argument, the experiences taking place in moments of manifestation and proclamation.

Fourth, this chapter characterized traditions, putting special emphasis on religious traditions and their articulation of religious experiences. This characterization highlighted several elements: normativity, selectivity, plurality and ambiguity, continuity and innovation, and pragmatism. The main takeaway of this account is that traditions interpret events that are characterized by a surplus of meaning, from which follows that univocal and once-for-all interpretations are not possible. But this descriptive claim also has an *ethical* implication, namely, that dogmatism should be rejected as an inadequate interpretation of traditions. Instead, the goal should be to develop criteria for interpretation that allow for some plurality within some constraints, in a way analogous to the validation of claims in pragmatism.

Fifth, having established that this general characterization applies to the Christian tradition as well, this chapter suggested some criteria for a relatively adequate interpretation of that tradition. I argued for the centrality of four Christian symbols: Cross, Resurrection, Incarnation, and Second

Coming. Similarly, I defended the importance of two major correctives: the apocalyptic and the doctrinal genre. If one takes these criteria into account, a plurality of interpretations is possible. None of them is essentially better or worse than another; each has to be examined on its merits and its capacity to re-fashion the original disclosure of the Christ-event in ways that can be recognized by the adepts of the traditions themselves.

Finally, this chapter argued that, drawing upon these criteria the constructive theological task requires a language of critical correlations or analogies. In this sense, meaning can be produced both with fidelity to the tradition and with openness to new situations. The language of analogy permits communication of diverse interpretations of the Christ-event *within* the Christian tradition, but it also allows communication *outside* that tradition. Such communication, through analogy, with ideas and values outside the tradition, allows growth and innovation but also understanding of what may appear divergent or contradictory at first glance. Such an effort of analogical imagination is what took place in the constructive work of liberation theologians. To this I now turn.

## CHAPTER 5

### RADICAL TRADITIONALISTS:

#### REINTERPRETING LIBERATION THEOLOGY (I)

In this chapter I focus on Catholic Latin American liberation theology, particularly on the work of Peruvian theologian Gustavo Gutiérrez and the communities of faith influenced by his contributions. I show how Gutiérrez's work was able to produce a theological account of the relationship between faith and politics that embodies and expands the model I have been building from the beginning of this dissertation. Throughout, I flesh out comparatively my rationale of selecting Gutiérrez as my main interlocutor while more briefly discussing the work of other liberation theologians.<sup>1</sup>

I divide this chapter as follows. First, I offer some preliminary remarks about what I mean by liberation theology. Second, I give some general context to understand both liberation theology's historical context and its place in this dissertation. Third, I study what I—and Gutiérrez himself more recently<sup>2</sup>— consider to be the foundational contribution of his work, namely, the

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<sup>1</sup> Succinctly, I believe that Gutiérrez's theology provides one of the most relatively adequate and systematic interpretations of the Christian mystery in its relation to socio-political history. His command of biblical scholarship, systematic theology, Catholic Social Teaching, the social and human sciences, the arts, and his immersion in the world of the poor make his work more comprehensive than the one produced by most of his colleagues. Other scholars, in addition to the lack of a comparable systematic perspective have less adequate accounts of specific issues. For instance, some overemphasize the political or the importance of the social sciences (C. Boff). Others have underdeveloped accounts of both (J. Sobrino). Others have systematic accounts but dispersed in hundreds of short pieces (I. Ellacuría). Others still have systematic accounts, but their focus on specific issues (feminism or popular culture) leads them to overlook key political or theological themes (M. P. Aquino, J. C. Scannone).

<sup>2</sup> See, for instance, Gustavo Gutiérrez, "The Option for the Poor and Christian Theology" (The 2019 Catholic Social Tradition Conference, Center for Social Concerns, University of Notre Dame, March 23, 2019), <https://www.youtube.com/watch?v=6G8xBPN-8o0&list=FL7rYWOajVMVDcKNJ-JXTrUA&index=11&t=1151s>. The relevance of this keynote address should be underscored since this is

notion of “one history.” This I understand to be the crux of his liberation theology. For the new awareness of the way in which “sacred” and “secular” histories relate is what allows Gutiérrez to make the transition to the political *as* a Christian transition, without perceiving it as a betrayal of Christian “religious” commitments. I close with some concluding remarks. Yet, since this chapter is the first of a two-part argument reinterpreting liberation theology, I will provide a general conclusion for Chapters 5 and 6, and the dissertation as a whole, at the end of Chapter 6.

### **1. What Is Liberation Theology?<sup>3</sup>**

I present here a very brief typology of liberation theology that is recognizable in all its forms. Note that “liberation theology” stands for a multiplicity of movements that developed in connection with the major religious confessions. In this sense, the use of the singular “liberation theology” should not imply a totally uniform school of thought or movement. Rather, they are what Ludwig Wittgenstein called “family resemblances.” Liberation theology, then, names a family of viewpoints that gather around certain basic principles:<sup>4</sup>

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Gutiérrez’s most recent presentation on liberation theology and its fundamental concerns. Here Gutiérrez decides to rearticulate those concerns using the notion of “one history” as his guiding thread and calls it “the foundation” of the preferential option for the poor.

<sup>3</sup> I should stress further that my work in this and the following chapter is limited mainly to Catholic and contemporary theology. So even though I briefly engage some contemporary Protestant theologians, my contention is neither that this is a comprehensive account of all forms of contemporary liberation theology nor that my work exhaustively studies liberationist insights throughout the history of all Christian theology. Such task is beyond my competence, but also beyond the interests of this dissertation. In this sense, I stand by my judgment that the *major* shifts regarding the identification of the causes of poverty and the subsequent cry for the reorganization of society, politics, and the economy are twentieth-century developments. If we limit the discussion to Protestantism and Catholicism, we only start seeing them in full force with the emergence of the Social Gospel and the Civil Rights Movement, and with important developments in Catholic Social Teaching and the emergence of liberation theology, respectively.

<sup>4</sup> This brief account is mine but draws freely from the work of the authors cited at the end of Chapter 4: Gutiérrez, L. Boff, Ellacuría, Sobrino, Aquino, Cone, Roberts, Williams, and Schüssler-Fiorenza, among others. For a more comprehensive approach that is focused mostly on the Latin American case, see

First, the radical opposition to all forms of oppression. Historically, in Latin America, this started with the problem of poverty, but over time it became a larger and international struggle that included issues like race, gender, sexual orientation, nonhuman animals, and the environment.<sup>5</sup> With time this became a struggle that exceeded the world of the Christian faith and extended to almost all religious confessions.<sup>6</sup>

Second, the formation of a movement of solidarity with and among the oppressed in the struggle for emancipation and social justice. Here it is important to stress the “social movement” dimension of liberation theology and its attentiveness to the agency of the poor and marginalized themselves. Even though it is true that many leaders of the movement were not poor and held advanced degrees, the majority of the movement was comprised of poor people who, through their own process of discernment and organizing, decided to fight collectively for a life with human dignity and access to basic social goods.<sup>7</sup>

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Leonardo Boff, “Libération” and Pierre Sauvage, “Genèse, évolution et actualité de la théologie de la libération,” in *Dictionnaire historique de la théologie de la libération: les thèmes, les lieux, les acteurs*, ed. Pierre Sauvage, Luis Martínez Saavedra, and Maurice Cheza (Bruxelles: Lessius, 2017).

<sup>5</sup> For a couple of examples on the last two topics, see Charles Robert Pinches and Jay B. McDaniel, eds., *Good News for Animals?: Christian Approaches to Animal Well-Being* (Maryknoll, NY: Orbis Books, 1993); Daniel P. Castillo, *An Ecological Theology of Liberation: Salvation and Political Ecology* (Maryknoll, NY: Orbis Books, 2019).

<sup>6</sup> Neither the scope of this investigation nor my competence allows me to expand beyond Christianity. However, here is where the notion of analogical imagination is helpful, for the prime analogue of liberation permits the establishment of an ecumenical dialogue at whose center is the eradication of all forms of oppression. Hence, despite the obvious differences, common ground can be achieved for the enhancement of life. On this topic, see Miguel A. De La Torre, ed., *The Hope of Liberation in World Religions* (Waco, TX: Baylor University Press, 2008).

<sup>7</sup> In this sense, accounts that focus too much on the role of the “intellectuals” (the theologians) can be misleading. Such is the case, at times, with the otherwise excellent book by Christian Smith, *The Emergence of Liberation Theology: Radical Religion and Social Movement Theory* (Chicago, IL: University of Chicago Press, 1991). Some go a step further to argue that liberation theology maintained a top-down organizational system. For example, see David Martin, “Thinking with Your Life,” in *David Martin and the Sociology of Religion*, ed. Hans Joas (New York: Routledge, 2018), 169. But there is little evidence for this, and Martin himself has argued the opposite in his earlier writings.



Third, the identification of different forms of structural oppression or institutional violence and the correlative call for structural and institutional reform. Indeed, instead of advocating for solidarity in the form of charity and individual acts of generosity, liberation theology's most decisive contribution is its advocacy for systemic reform, hence, its natural intervention in the political process in a variety of creative ways: through the churches, elected officials, policy proposals, nonprofits, human rights advocacy, etc.

Fourth and finally, the theological or religious commitments of the movement. Put briefly: the idea that opting for the poor and marginalized and against their oppression is an essential tenet of the faith of those who belong to the communities influenced by liberation theology. For them, ultimately, this is a theological, faith-based commitment grounded on the conviction that the liberation of the oppressed is not merely a political or moral obligation, but rather one of the most fundamental forms of expression of divine love and justice. The distinctiveness of liberation theology lies in this. The religious faith of the adepts of the movement is their strongest source of motivation and becomes also a place of spiritual nurturing in the struggle for a better life. Of course, the degree to which their faith shapes their politics varies, but what is undeniable is that their religious values are central to their political commitments.

From this characterization, a few relevant implications follow in terms of the approach of this and the next chapter. First, that despite my focus on Gutiérrez's work, I approach the movement constructively making connections to the work of other authors.<sup>8</sup> Second, that despite

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<sup>8</sup> Hence, my approach in this regard is mostly analytical. My attempt is to provide a cohesive view based on the shared concerns of the various currents of liberation theology. Closer attention to specific contexts would reveal important differences of tone and substance. For a comprehensive account of both differences and commonalities, see Lilian Calles Barger, *The World Come of Age: An Intellectual History of Liberation Theology* (New York, NY: Oxford University Press, 2018). I disagree, however, with Barger's meta-narrative, especially with her oversimplified conception of the secularization of religion in liberation theology. For a critical review of Barger's book, with which I strongly agree, see J. Matthew Ashley, "Book

the importance of the professional theologians, I try to give equal place in the argument to the theological reflection of regular people. This is especially important since priests, nuns, and bishops in the Catholic Latin American context are rarely visible or actively involved in politics. Hence, how lay people articulate faith and politics is crucial given that they are the ones making political choices on the ground.

Third and finally, that I must address the relationship of religion and politics directly in order to explain more clearly the distinct contributions of liberation theology and examine its possible futures. Central to that discussion will be the issue of systemic injustice and the correlative development of institutions that can help to eradicate it, a discussion that will allow me to return to my theory of justice and thus give closure to this investigation.

## **2. Liberation Theology's Background and its Place in the Dissertation**

How do this and the following chapter connect to the rest of the argument of this dissertation? In Chapters 1 to 3, this investigation was able to produce a relatively adequate theory of social justice that puts great emphasis on the balance between normative claims about the necessary conditions for the pursuit of justice and the creative freedom necessary to relate those norms to our deepest convictions and values. The never-fully-accomplished, always-perfectible task of building and sustaining a just society depends on that balance. I also studied how such a search for balance affects people of faith. However, without denying the tensions that often emerge between faith commitments and political arrangements, we also noted that, throughout history,

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Review of Lilian Calles Barger, *The World Come of Age: An Intellectual History of Liberation Theology* (New York, NY: Oxford University Press, 2018),” *Commonweal*, February 8, 2019.

individuals and communities have found creative ways to articulate those tensions. Not infrequently they were able to reach an adequate and fruitful balance.

In Chapter 4, I enquired about how such a balance was possible. That took us through a reflection about the act of interpretation in general, and the act of religious interpretation in particular. There I noted that a distinct element of religious interpretation is that the subject that religious people and communities interpret (the whole, the sacred, God, etc.) is often characterized by an excess and permanence of meaning, which does not allow adequate interpretations. Some criteria can be developed for relatively adequate interpretations, as I did for the case of the Christian tradition; but making room for creative, novel interpretations facing new contexts is not only necessary, but simply inevitable. The survival of any tradition depends on such creativity, which I have also strongly associated with the pragmatic, problem-solving vein of traditions.

In this chapter, I introduce the case of liberation theology as a creative new interpretation of the relationship between the Christian faith and the political. Liberation theology draws from the core values of the Christian tradition to reinterpret an old problem in a drastically new way. For the problem of poverty and marginalization has been a recurrent part of human history, and an issue that Christian leaders and theologians have repeatedly addressed since the inception of this religious tradition.<sup>9</sup> But their historical response has had a very restricted scope. The limited

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<sup>9</sup> For a superb history of the way Christianity related to poverty and wealth in antiquity, see Peter Brown, *Through the Eye of a Needle: Wealth, the Fall of Rome, and the Making of Christianity in the West, 350-550 AD* (Princeton, NJ: Princeton University Press, 2012). For a brief history that focuses on the centuries that followed the period studied by Brown up to the end of the Middle Ages, see Jorge V. Pixley and Clodovis Boff, *The Bible, the Church and the Poor: Biblical, Theological and Pastoral Aspects of the Option for the Poor* (Tunbridge Wells, Kent: Burns & Oates, 1989), 159–84. For the Modern period and beyond, see Philip F. Mulhern, *Dedicated Poverty: Its History and Theology* (Staten Island, NY: Alba House, 1973), Chapters 5–6. See also Leen van Molle, *Charity and Social Welfare*, vol. 4, *The Dynamics of Religious Reform in Northern Europe, 1780–1920* (Leuven: Leuven University Press, 2017). Brown (xxiv–xxvi) introduces a crucial point about the positive relevance of wealth in antiquity; a point, I believe, valid still today, namely, that Christianity would never have expanded without the development of institutions, which, in turn, required power and wealth. In this sense, Brown seeks to find a midpoint

information we have suggests that the church generally supported the poor and even defended them against the powerful. Church leaders and those among the Christian elites saw in the service to the poor a path to salvation, construing poverty itself through the lenses of Jesus' promises to the poor and demands on the better-off. However, the church never questioned the social systems that allowed the existence of such poverty in the first place. Moreover, the evaluation of poverty changed radically after the Reformation when the criticism of the monastic lifestyle led progressively to an emphasis on labor and economic prosperity in those regions influenced by Protestantism. Such prosperity was then theologically construed as a spiritual vocation and as a way of praising God. Here we see a transition from the medieval understanding of poverty as a path to salvation for the poor and the wealthy to a more negative approach in which poverty is seen as a sign of lack of religious fervor and hard work.<sup>10</sup> In neither case was the role of how certain social institutions beget poverty really considered. It would take a long time for the churches to start questioning the very organization of society and its unjust structures. Only new historical developments enabled churches to see the problem from a radically different viewpoint.

Key among those developments was the emancipatory thrust that emerged with the revolutionary struggles outlined in Chapter 3. This process expanded in complex ways that decisively touched the Christian tradition during the turn from the nineteenth to the twentieth century. A cry for freedom and equality slowly but compellingly permeated the minds of many groups of believers, lay people, theologians, clergy, and bishops. In the theological arena, these

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between the idea that radical poverty and renunciation is the only legitimate Christian way of living and the notion that the accumulation of wealth is not problematic at all. In this regard, the development of institutions that guarantee social justice is key. I return to this issue in Chapter 6 in conversation with Rawls' principles of justice.

<sup>10</sup> For the classic study of this transition, see Max Weber, *The Protestant Ethic and the "Spirit" of Capitalism and Other Writings*, trans. P. R. Baehr and Gordon C. Wells (New York: Penguin Books, 2002).

convictions emerged very clearly in the so-called Catholic “Modernist controversy,” which created an ultimately fruitful tension between the desire for free inquiry and the democratic organization of the Church, and the attempt to assert papal power and hegemonic authority.<sup>11</sup> Such new-found possibilities of freedom and equality shaped the convictions of many thinkers and activists in the first half of the twentieth century, and it led to the formation of important schools of thought that wanted to retrieve the value of the Christian tradition facing new dilemmas. Freedom and democracy were key among them, but the emancipatory and revolutionary thrust of these ideas in the Marxian critique of social organization was central as well. In the context of the Catholic tradition in Europe, this movement gave birth to the *nouvelle théologie*, with the Dominican School of Le Salchoir and the Jesuit School of Lyon-Fouvière as the standard bearers of a new intellectual and pastoral revolution.<sup>12</sup>

It is no coincidence that the key figures of these two schools (Marie-Dominique Chenu and Yves Congar, and Jean Daniélou and Henri de Lubac, respectively), were among the great theological minds that shaped the Second Vatican Council (1962–1965). In fact, Vatican II was for them a moment of personal and theological validation after years of censure and hostility. Just for that, Vatican II should be considered a moment of theological opening and democratization in the Catholic Church. But its consequences were and are still far greater, for Vatican II became a moment of “voluntary disestablishment” in which the Catholic Church freely embraced the values

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<sup>11</sup> On this, see Lester R. Kurtz, *The Politics of Heresy: The Modernist Crisis in Roman Catholicism* (Berkeley: University of California Press, 1986); Marvin Richard O’Connell, *Critics on Trial: An Introduction to the Catholic Modernist Crisis* (Washington, DC: Catholic University of America Press, 1994).

<sup>12</sup> For a brief theological background of liberation theology, particularly in Gutiérrez’s case, see Raúl Zegarra, *Una fe solidaria con el tiempo: los proyectos teológicos de Gustavo Gutiérrez y David Tracy en perspectiva* (Saarbrücken: Credo Ediciones, 2013), 44 ff. For a comprehensive history, see Rosino Gibellini, *La teología del XX secolo* (Brescia: Queriniana, 1992).

of democracy, ecumenism, and honest and horizontal dialogue with society in ways it had never done before.<sup>13</sup>

Such a new attitude toward the world is obvious, for instance, in the opening lines of one of the most consequential documents of Vatican II, *Gaudium et spes*: “The joys and the hopes, the griefs and the anxieties of the men of this age, *especially those who are poor* or in any way afflicted, these are the joys and hopes, the griefs and anxieties of the followers of Christ.”<sup>14</sup> Even though this new attitude toward the world is a crucial and new development, another issue related to that change of attitude is significantly less discussed. I am referring to the concern for the situation of the poor. It is worth keeping in mind that the twentieth century, especially its second half, is the century of the most innovative social teachings of the Catholic Church. One central element of these innovations is that the question of poverty is increasingly understood as a structural problem that cannot be solved only through charity.

These innovations directly shape the council and Pope John XXIII, its convener. Consider, for instance, the influential radio address of September 11, 1962, just a month before the opening session of the Council. In it, Pope John called for a “Church for all, but especially a Church of the poor.”<sup>15</sup> Indeed, the question of poverty became a central issue for many of the bishops in attendance, led by the Latin American bishops and some of their allies in the curia, like Cardinal

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<sup>13</sup> For this notion of “voluntary disestablishment” and its socio-political consequences for the global and Latin American churches, see José Casanova, “Parallel Reformations in Latin America: A Critical Review of David Martin’s Interpretation of the Pentecostal Revolution,” in *David Martin and the Sociology of Religion*, ed. Hans Joas (New York: Routledge, 2018).

<sup>14</sup> David J. O’Brien and Thomas A. Shannon, eds., *Gaudium et Spes*, in *Catholic Social Thought: The Documentary Heritage*, Expanded edition (Maryknoll, NY: Orbis, 2010), §1, my emphasis.

<sup>15</sup> See Felipe Zagarra, “Juan XXIII: Temas centrales de su teología y espiritualidad,” *Páginas 255* (March 2012): 12. Zagarra’s piece also gives more context to explain Pope John’s theological and ecclesial commitments and his concern for the poor.

Lercaro.<sup>16</sup> They formed the group that is often called “The Church of the Poor,” which famously committed to the “Pact of the Catacombs”: the forty bishops present in the Domitilla Catacombs outside Rome pledged to live a frugal life and to stand in solidarity with the poor.<sup>17</sup> Soon after, hundreds of bishops all over the world were joining in signing the document released by the original forty.

We should not be surprised that some of the Latin American bishops in attendance, most importantly Helder Câmara, were key players in the organization and execution of the Second General Assembly of Latin American Bishops in the city of Medellín, Colombia (1968). After Vatican II, Medellín was the most consequential gathering of bishops, a meeting conceived as a direct, indigenous, and creative response to the council’s calling to read the “signs of the times.” In Medellín, responding to that call, the Latin American bishops directly addressed issues like structural injustice, the causes of poverty, economic systems of oppression, land reform, and many others. In this new conception of the role of the Church, Christians were to be committed to the struggle for social transformation to bring justice to all, but specially to the poor. Later, in the Third General Assembly of Latin American Bishops in the city of Puebla, México (1979), the bishops defined this commitment as the “preferential option for the poor,” and this became one of the guiding principles of liberation theology. But Medellín was really the turning point. In sociologist Christian Smith’s words:

Medellín documents marked a radical departure from the rhetoric and strategy of an institution which, for centuries, had justified the killing of native peoples, provided a religious legitimation for an authoritarian, hierarchical social system, and aligned itself with conservative power elites . . . Medellín was made the official statement and position

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<sup>16</sup> See John W. O’Malley, *What Happened at Vatican II* (Cambridge, MA: Belknap Press of Harvard University Press, 2008), 122–23.

<sup>17</sup> For the document and some context, see Maria Clara Bingemer, *Latin American Theology: Roots and Branches* (Maryknoll, NY: Orbis Books, 2016), 46–54.

of the Latin American Church. Three months later, at the twelfth regular CELAM assembly, Medellín was reaffirmed as the norm for inspiration and action in the coming years.<sup>18</sup>

Recall that Gustavo Gutiérrez studied in Lyon, was close to Yves Congar and especially to Marie-Dominique Chenu, took classes with Henri de Lubac, and attended the Fourth Session of Vatican II as the theological adviser of Peruvian Cardinal Juan Landázuri Ricketts. Further, as Smith underscores, Gutiérrez was “the single most important person”<sup>19</sup> in the making of Medellín. He was indeed not only one of its greatest theological minds, but also a true organizer and mobilizer of people. Most of the key documents of Medellín were decisively shaped by Gutiérrez, but so too was the consensus that led to the approval of the documents.

In light of these events, how did Gutiérrez produce his *Teología de la liberación* (1971), the first systematic account of this complex theological and socio-political journey? I am particularly interested in how Gutiérrez justified expanding the Christian commitment to the political realm, the distinctions he was able to make, and how he differs from other authors in ways that position him as the foremost liberation theologian in the process of creatively but faithfully retrieving the key values of the Christian tradition in dialogue with a new situation. In the following chapter I examine how these ideas shaped the everyday choices of the faith communities formed by the preferential option for the poor.

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<sup>18</sup> Smith, *The Emergence of Liberation Theology*, 17. “CELAM” stands for “Consejo Episcopal Latinoamericano” (Latin American Episcopal Council).

<sup>19</sup> Smith, *The Emergence of Liberation Theology*, 153.



### **3. Liberation and Salvation: “A Single, Complex Process”**

#### **3.1. The New Christendom and the Crisis of the Distinction of Planes Model**

We need some further contextualization to understand Gutiérrez’s notion of the unity of history properly. The Latin American Wars of Independence of the nineteenth century and the geopolitical prominence of Britain and, later, of the United States, deeply affected the relationships of church, state, and society in the region. The Catholic Church, until then owner of the monopoly over religious belief, progressively started to lose its condition of state-church. Its alliance with the Spanish crown and its general opposition to independence were the main causes of this new situation. In a perhaps desperate effort to recover its old prerogatives, the Catholic Church often sided with the remaining conservative parties, eliciting more suspicion and animosity from the now liberal ruling elites. The result was the progressive erosion and ultimate dissolution of the Catholic monopoly.

However, this situation led neither to the secularization of Latin America nor to a drastic reduction of the Catholic presence in the region. Partly, this is explained by the Catholic Church’s ability to learn its lesson from the European experience of secularization. Initially, the learning curve was not so obvious, as the alliance with the conservative parties shows. The alliance, however, was in practice a bad choice. It only allowed the Church to retain some symbolic power, but the processes of modernization, urbanization, and migration started to show that

the Church had overestimated its popular influence. The Catholic Church increasingly found itself in the first decades of the twentieth century unsuccessfully competing for the allegiances of the people against secular unions, left-wing political groups, African-derived spiritualist cults, and newly arrived Protestant churches.<sup>20</sup>

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<sup>20</sup>Smith, *The Emergence of Liberation Theology*, 14.

The Catholic Church in Latin America decided to confront this problem and tried to recover the lost ground. Critical in that process was the “New Christendom” movement, which emerged in Europe in the 1930s and was imported by some Latin American bishops. Christian Smith notes that “This was, essentially, a strategy to establish Catholicism as a major institutional and cultural influence in Latin America’s modernizing society.”<sup>21</sup> Progressive for its time, the New Christendom movement was partially able to reverse the Catholic Church’s conservative alliances. In their place, the movement’s adherents defended the ideals of progress, science, modernity, and democracy. Catholic Action was the concrete articulation of the New Christendom movement. Catholic Action expanded rapidly in Latin America, with very significant success in the training of lay people, organizing them to participate actively as Catholics in the spheres of education, culture, and politics. Several Christian democratic parties emerged in the region fueled by this movement. The victory of Eduardo Frei in the Chilean presidential elections of 1964 was probably the high point of Catholic Action’s influence in Latin American politics.<sup>22</sup>

Despite its initial success, the New Christendom movement came under pressure in the 1960s. Fidel Castro overthrew Fulgencio Batista’s government in 1959, starting the first socialist revolutionary government of the region. Then, in 1964, a military *coup d’état* ended democracy in Brazil. Frei’s government in Chile started to receive strong criticism from the public and his political rivals. John F. Kennedy’s “Alliance for Progress” with Latin America began to show its significant limitations. Many people started to believe that the promise of democratic capitalism, fundamentally embraced by and associated with the New Christendom, was inadequate for Latin

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<sup>21</sup>Smith, *The Emergence of Liberation Theology*, 14.

<sup>22</sup>See Smith, *The Emergence of Liberation Theology*, 15; Todd Hartch, *The Rebirth of Latin American Christianity*, Oxford Studies in World Christianity (Oxford: Oxford University Press, 2014), 130–34.

America. The critics were not only among the masses. In Brazil, the outspoken Bishop Helder Câmara led the progressive Episcopal Conference of Brazil in its critique of the economic system, and many other bishops and members of the clergy joined them. Interestingly, Câmara (among many other critics of the New Christendom movement) was initially part of Catholic Action. The critical discernment of reality that this movement encouraged in its members later on led to a critical assessment of its own limitations in dealing with the new Latin American situation. Vatican II and the way it shaped the leadership of the Catholic Church in Latin America, especially from the time of the Medellín Conference on, had a decisive role in this new critical awareness.

It is in this context that Gutiérrez's notion of the unity of history is situated. He opens his reflection by asking: "What relation is there between salvation and the historical process of human liberation?"<sup>23</sup> Or, more generally: What is the relationship between faith and temporal or secular realities?<sup>24</sup> Yet, since the organization of temporal realities depends on "the construction of the 'polis' . . . which encompasses and severely conditions all human activity," this general question naturally becomes a question about the relationship between faith and politics, for politics is "the universal determinant and the collective arena for human fulfillment."<sup>25</sup> Thus, the real issue is not whether faith and politics, salvation and liberation, relate to each other: they always do. The real issue is how they *do* it and how they *should*.

Certain new conditions have emerged that frame these questions in a different way. Key historical transformations, among which the great social revolutions that we studied in Chapter 3 have a central role, have progressively developed into a new situation, Gutiérrez noted in 1971.

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<sup>23</sup> Gustavo Gutiérrez, *A Theology of Liberation: History, Politics, and Salvation*, Second Edition (Maryknoll, NY: Orbis Books, 1988), 29.

<sup>24</sup> Gutiérrez, *A Theology of Liberation*, 34.

<sup>25</sup> Gutiérrez, *A Theology of Liberation*, 30, 30.

People have become active subjects of their own histories, rejecting the idea that a ruling elite is destined to decide their future. Further, this has become especially true in the context of massive poverty and social injustice. In this new context, he maintains, we see an increasing radicalization of social praxis. People appear to be tired of reformist attitudes and demand a radical change in the social order. In Latin America, “this conflict revolves around the *oppression-liberation axis*.”<sup>26</sup> But Latin America is also a continent in which the majorities claim Christian identity. Further, many among these Christians are involved in the struggles to end oppression and achieve more just and human conditions of living. Therefore, our initial question starts taking a new form. Is the Christian faith compatible with the idea of radical social change? Can Gospel and social revolution go together?

In order to respond to these questions, Gutiérrez first examines some historical responses to the general question about the relationship between faith and politics. The primary and most pervasive one is what he calls the “Christendom Mentality.” According to this viewpoint, “participation in temporal tasks has a very precise meaning for the Christian: ‘to work for the direct and immediate benefit of the Church . . . assisting the Church in its evangelizing mission and safeguarding the Church’s interests.’”<sup>27</sup> But this approach was severely affected by the revolutionary wars of the eighteenth and nineteenth centuries. It depended heavily on the Catholic monopoly over religious belief and the role of Catholicism as state-church. Of course, this Christendom Mentality has not disappeared and remains alive among many conservative and “integralist” Catholics today.<sup>28</sup> However, it has lost its currency due to the progressive and

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<sup>26</sup> Gutiérrez, *A Theology of Liberation*, 31.

<sup>27</sup> Gutiérrez, *A Theology of Liberation*, 34.

<sup>28</sup> On the historical and theological flaws of integralism, see Massimo Faggioli, “A Church within the Church: Behind the New Integralism Is the Old Intransigentism,” *Commonweal*, January 8, 2019.

voluntary disestablishment of the Catholic Church during the twentieth century and especially after Vatican II.<sup>29</sup>

The new social challenges of the twentieth century led to the development of an alternative approach. The French Catholic philosopher Jacques Maritain made it well known, coining the term “New Christendom” to describe it. A detailed examination of this approach gives us a better understanding of its contrast with Gutiérrez’s theological outlook. Maritain’s New Christendom perspective is a response to what he perceived as a moment of cultural decay that he attributed to the tragic separation of human affairs from God’s plan for humanity. He calls it the “tragedy of God.” In this sense, Maritain’s relationship with the achievements of the modern era and the process of secularization is rather ambivalent. On the one hand, he praises humanism and the great regard for the rights of the person progressively achieved since the time of the great social revolutions. On the other, he sees in this anthropological turn severe errors and, in fact, the roots of the tragic separation just described. For humanism, either in its “mitigated” version of the sixteenth and seventeenth centuries, in its “absolute” version of the eighteenth and nineteenth centuries, or in its “atheist” version of the twentieth century, has the same fundamental problem: the idea that human fulfillment can be achieved without God’s grace.<sup>30</sup>

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<sup>29</sup> David Martin partially disputes the “voluntary” nature of this disestablishment in a recent exchange with José Casanova. But I take Casanova’s point to be quite subtle: The Catholic Church resisted disestablishment in the decades that followed the great social revolutions. However, when the “battle” was lost it could have simply tolerated the new democratic developments without affirming them. Vatican II, in this sense, was much more than mere toleration; it was a radical affirmation of the value of the secular world, the separation of church and state, the salvific power of other religions, and the value of democracy and human rights, among other issues. Therefore, a qualitative leap took place in the second half of the twentieth century that cannot be explained solely based on exogenous factors. On this, see Casanova, “Parallel Reformations in Latin America,” 85–88, 99–100; Martin, “Thinking with Your Life,” 169.

<sup>30</sup> See Jacques Maritain, *True Humanism* (New York: Charles Scribner’s Sons, 1938), 23–26.; J. Dean Brackley, “Salvation and the Social Good in the Thought of Jacques Maritain and Gustavo Gutierrez” (PhD Dissertation, The University of Chicago, 1980), 30–38. For a very similar view, see Pope Benedict XVI, *Values in a Time of Upheaval* (New York & San Francisco: Crossroad; Ignatius Press, 2006).

Maritain's New Christendom attempts to respond to this conundrum. It proposes a theocentric form of humanism that embraces the anthropological turn without the mistakes of its historical manifestations of it.<sup>31</sup> But in order to make this work, some fundamental distinctions must be introduced. In this sense, Maritain clearly distinguishes between the temporal and spiritual orders and between their correlative temporal or natural and spiritual or supernatural goods. Ultimately, this is a distinction between the human good and the good of salvation. What is key here is that for Maritain the temporal good is understood as the good of the community in which the fundamental rights of all are recognized and respected. But this is a *purely natural good*. For him, the supernatural good of salvation is so utterly different from any ordinary human good that these simply cannot be compared. In this sense, Maritain will speak of the "Kingdom of God" to refer to the good of the spiritual, supernatural order; a good that is "wholly eschatological" and, fundamentally, nothing other than the final beatific vision.<sup>32</sup> From this follows that the Kingdom of God cannot be realized in the temporal order; not even "partial" realizations are possible.<sup>33</sup>

Understandably enough, tensions emerge. They emerge, in fact, out of Maritain's own characterization of the relationship between the temporal and the spiritual order. For the Christian tradition maintains that "the Kingdom of God is at hand." Hence, Maritain must admit that the

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<sup>31</sup> We will see shortly that despite the similarities, this position differs in significant ways from Gutiérrez' and from Charles Taylor, "A Catholic Modernity?," in *Dilemmas and Connections: Selected Essays* (Cambridge, MA: Belknap Press of Harvard University Press, 2011).

<sup>32</sup> See Maritain, *True Humanism*, "Appendix," 288-304; *Man and the State* (Chicago, IL: The University of Chicago Press, 1951), 153; Brackley, "Salvation and the Social Good," 40-60.

<sup>33</sup> We should note that the background of Maritain's argument is his defense of democratic values against the experience of the European totalitarianisms. In this sense, his rejection of the idea that the Kingdom of God may find any realization in history is a response to what he sees as the implicit goal of Marxism and other forms of socialism (see *True Humanism*, 47-52.). Maritain sees the communist iteration of Marxism, with its atheist commitments and its rejection of true humanism, as especially dangerous. Gutiérrez' approach is rather different due to his chronological and geographical distance from the tragedies of World War II and the different impact of Marxist thought in Latin America.

Kingdom of God has already begun in history. And in fact he does, arguing that this has happened in the church. But since the tradition also holds, especially after the Reformation, that the *institutional* church itself should not be wholly identified with the Kingdom and that non-Christians may well represent an “invisible church” making present the “soul” of the church without belonging to it; since all this is true and Maritain embraces these ideas, he has trouble drawing a line between natural and supernatural orders.<sup>34</sup>

Maritain’s way out of this problem depends on his understanding of virtue and the way in which virtue allows us to enter into communion with God in the beatific vision. Relying on the classic Thomistic distinction between natural or acquired virtue and supernatural or infused virtue,<sup>35</sup> Maritain maintains that the temporal good, in principle, only requires natural virtue. In this sense, the ultimate temporal good is by no means comparable to the supernatural good of salvation because the latter requires grace, that is, supernatural virtue. However, no real good can be accomplished in the temporal order without God’s assistance. In this sense, the natural and supernatural order fundamentally relate to one another insofar as the latter infuses the former with grace so that it can accomplish its ultimate, although still temporal, good. Conversely, the natural order relates to the supernatural order (and, in this sense, the Kingdom “has begun”) insofar as in the pursuit of the natural good of the former the “environmental conditions” for the latter are

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<sup>34</sup> Brackley, “Salvation and the Social Good,” 71–80. Maritain conceives his approach as a rejection of old forms of Christian dualism. His is an attempt at a new Christian synthesis (see Maritain, *True Humanism*, 112). However, as these pages show, the synthesis is rather tense and has important limitations to explain the role of Christians in the political realm.

<sup>35</sup> On this distinction, see *Summa theologiae*, I–II, Q. 109–114, in: Thomas Aquinas, *Summa theologiae: Latin Text and English Translation, Introductions, Notes, Appendices, and Glossaries*, vol. 30 (Cambridge, England: Blackfriars, 1964). For more background with special reference to the scholastic theory of natural law, see Jean Porter, *Nature as Reason: A Thomistic Theory of the Natural Law* (Grand Rapids, MI: Wm. B. Eerdmans, 2005).

developed or prepared. They do so through the perfection of the virtues, which enrich and strengthen the inner life of the person, preparing her for the ultimate goal of salvation.<sup>36</sup>

This emphasis on virtue is of tremendous importance for our argument. For despite all the effort Maritain makes to underscore that the temporal order and the temporal good are not mere means and have value in themselves, their value ultimately lies in their capacity to prepare the soul for—to make it merit—salvation. As Dean Brackley explains discussing Maritain’s take on virtue in *Science and Wisdom*: “From the point of view of human agency, it is the intention of the will and not the external action that is decisive as to whether a given action is meritorious or not.”<sup>37</sup> From this follows why (as we will see shortly through Gutiérrez’ critique) Maritain had difficulties explaining the role of the church and the Christian in the world.

If what principally matters is our spiritual orientation and not so much our external actions, then the “construction of the world” becomes, strictly speaking, a temporal task. The Christian, *qua Christian*, must concern herself with spiritually “vivifying” or “inspiring” the temporal domain.<sup>38</sup> The transformation and liberation of the world from oppression and injustice is a temporal good not a spiritual one; it is, at best, preparation—insofar as spiritual disposition—for the supernatural good. So, at the level of Maritain’s *theological* articulation of the problem, such transformation is not a *spiritual* priority. Rather, it is a political, temporal responsibility in order to create the conditions for spiritual growth and salvation.

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<sup>36</sup> Brackley, “Salvation and the Social Good,” 80–110.

<sup>37</sup> Brackley, “Salvation and the Social Good,” 99.

<sup>38</sup> See Maritain, *Man and the State*, 164–65.



This by no means diminishes the great achievements of Maritain and his decisive support of democracy and human rights, which had enormous influence in Vatican II and beyond.<sup>39</sup> Yet his distinction between spiritual and temporal orders has important limitations. Most of them are related to the historical context and problems to which Maritain is responding. Indeed, he saw his Distinction of Planes model as a necessary development in order to preserve *both* the sacredness of the Kingdom of God (against atheist historicizations of the concept) *and* the sacredness of human conscience and human freedom (against attempts to return to some form of the *respublica Christiana*). However, what Maritain did not fully contemplate was the possibility of preserving the sacredness of both without a sharp distinction of planes. Moreover, he did not consider the possibility of a more expansive Christian self-understanding in which “temporal” and “spiritual” tasks could be more fully integrated *within* the political process.

Why? He writes: “it is impossible that a vitally Christian transformation of the temporal order can take place in the same way and by the same means as other temporal transformations

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<sup>39</sup> In this sense, we should distinguish Maritain’s approach from that of John Howard Yoder, *The Politics of Jesus: Vicit Agnus Noster*, Second Edition (Grand Rapids, MI: Eerdmans, 1994). For Maritain has trouble articulating his call to action in the world, but never denies the relevance of direct intervention in politics, especially when the dignity of the human being is under threat. In contrast, Yoder’s approach represents one of the most extreme and dangerous expressions of the Distinction of Planes Model. For him, Christians should be able to inhabit both the temporal order and the supernatural order in which Christ has already redeemed the world. The way to do so is through “revolutionary subordination,” refraining from direct intervention in the political. Instead, Christians must make the church an alternative polis marked by its non-conformity to the ways of the world and its humble submission to God’s sovereignty. Therefore, Christians must accept subordination when needed, knowing that this only happens in their present lot and not in the already-freed supernatural order (186). Regrettably, the examples used by Yoder are the abuses experienced by wives, children, and slaves, inviting the victims to submit without resentment (187). For a similar position, but without these explicit conclusions, see Stanley Hauerwas, *A Community of Character: Toward a Constructive Christian Social Ethic* (Notre Dame, IN: University of Notre Dame Press, 1981). For a powerful critique of both Yoder and Hauerwas in light of the abuses committed by the former and their relationship to his theology, see Janna Hunter-Bowman, “The Opportunity Stanley Hauerwas Missed,” *The Christian Century*, accessed November 11, 2017, <https://www.christiancentury.org/blog-post/guest-post/opportunity-stanley-hauerwas-missed>.

and revolutions. If this is to be it will be the fruit of Christian heroism.”<sup>40</sup> Indeed, Maritain’s immediate context is the kind of political transformation promoted by “the hammer and the sickle” and the “swastika,” and he wants to argue for a radically different form of political intervention of the Christian in the world. It must be one that avoids “the danger of seeking sanctity only in the desert, and the danger of forgetting the need of the desert for sanctity.”<sup>41</sup>

How can the Christian, the Church do that? His response is the noted “vivifying influence:” assisting the state and the body politic, radiating, “[stimulating] the inner forces and energies of other agents . . . whose place is less high in the scale of being.”<sup>42</sup> In this way, the Church neither becomes one with the state (the model of the *respublica Christiana*) nor gives up its responsibilities in the political realm. Yet, avoiding these extremes, Church and Christians also avoid the mistake of thinking that *Christian* social transformation can happen through the same means that other forms of social transformation pursue. Of course, this does not mean that the lay person cannot participate in politics, run for office, and the like. It means that in doing so and in her political activity she will be operating, at best, inspired by Christian ideals (“as a Christian”). For Christian action proper (“as a Christian as such”) is spiritual action related to Christ’s Church.<sup>43</sup>

But what if the temporal task of constructing a more just society could also be a *spiritual* task? Can political participation—not only vivification—be a manifestation of one’s faith, of one’s

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<sup>40</sup> Maritain, *True Humanism*, 114.

<sup>41</sup> Maritain, *True Humanism*, 115.

<sup>42</sup> Maritain, *Man and the State*, 164.

<sup>43</sup> Maritain, *True Humanism*, 291–98. It is worth noting that Maritain adds a third plane (although, as he indicates, it is really part of the spiritual plane, and only accidentally distinct): “the spiritual as adjoining the temporal.” To this realm pertain those matters that affecting the earthly city directly concern the good of the soul. Although Maritain maintains that in this intermediate plane the Christian can act in the temporal order “as a Christian as such,” this does not really solve the problem. For it remains unclear where one should draw the line that distinguishes “religious interests” from secular ones (293–94).

spiritual calling? Maritain's model has trouble accounting for these alternatives because he is worried about the assimilation of the Christian intervention in the temporal order into any (especially those of the totalitarian politics of his time) form of temporal intervention. Yet, keeping his caution, we do not have to be limited by his context. Instead, inspired by his democratic convictions, we could consider other possibilities.

As Gutiérrez notes, Maritain maintained that the "task of constructing the human city would consist above all in the search for a society based upon justice, respect for the rights of others, and human fellowship."<sup>44</sup> Gutiérrez believes that this approach helped to develop a position in which the terms of the church-world relationship were better defined. The mission of the church is now clearly conceived as one of "evangelization and inspiration of the temporal sphere" and not anymore one of isolation or total monopoly. However, as noted above, "the Church is not responsible for constructing the world."<sup>45</sup> The New Christendom approach held that the Church should only evangelize and inspire the temporal order, but never intervene directly in political action. The laity, in contrast, is called to the construction of the world, a process in which they can establish alliances with other Christians and non-Christians as well.

Nevertheless, some restrictions emerge in the case of the laity when they act as members of apostolic movements such as Catholic Action. When that is the case, they should not go beyond the mission of the Church and the clergy. Thus, for the laity an important distinction emerges: action "as a Christian as such" and only "as a Christian." Gutierrez clarifies: "In the first case, Christians act as members of the Church, and their actions represent the ecclesial community. . . . In the second case, Christians act under the inspiration of Christian principles, but assume

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<sup>44</sup> Gutiérrez, *A Theology of Liberation*, 35.

<sup>45</sup> Gutiérrez, *A Theology of Liberation*, 37; 37.

exclusive personal responsibility for their actions.”<sup>46</sup> This model quickly started showing theological and sociological limitations. One can easily perceive a certain arbitrariness and even rigidity in the distinction of the planes of action and the role of the actors allowed to participate in each plane. Further, there seems to be a division of spiritual “labor” between the clergy and the laity that implicitly suggests that the only true Christian action is the one either realized by the clergy or by the laity acting like the clergy. As I have observed, these tensions ultimately emerge from Maritain’s own difficulties in distinguishing the temporal and spiritual orders, and from the kind of value he attributed to social-political action vis-à-vis the supernatural good of salvation.

Indeed, the model became contested in the second half of the twentieth century due to its pastoral and theological limitations. From a pastoral point of view, the problem had to do with the relationship between lay apostolic movements and the institutional church; a relationship that could not be mediated any longer by the Distinction of Planes Model. Simply put, “the life of these movements overflowed this narrow and aseptic conceptual model.”<sup>47</sup> Initially, it was a question of pedagogy: the political moment appeared to make evident that no religious formation could take place without there also being some form of political conscientization. Some form of *religious* consciousness raising vis-à-vis the political upheaval of the region appeared to be unavoidable. Questions about the role of the Christian faith in the midst of poverty and oppression became unavoidable; a critical response coming from the sources of the tradition in dialogue with the moment became inevitable for many catechists and pastoral agents. However, this was only a sign of a larger problem: the moment of political radicalization that Latin America (and the globe) was experiencing demanded that the laity take a stand. The laity felt the gravity of the demand, but also

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<sup>46</sup> Gutiérrez, *A Theology of Liberation*, 36.

<sup>47</sup> Gutiérrez, *A Theology of Liberation*, 39.

felt more empowered and capable of responding with autonomy. The control of ecclesial hierarchy weakened; friction and division emerged.<sup>48</sup> In addition, this moment of political conscientization made evident “that a large part of the Church is in one way or another linked to those who wield economic and political power in today’s world.” Gutiérrez, of course, noted the irony: “Can it honestly be said that the Church does not interfere in the ‘temporal sphere’?”<sup>49</sup> Thus, Gutiérrez maintained that the scheme of the distinction of planes was an excuse “to dispense the ecclesiastical institution from effectively defending the oppressed and exploited and to enable it to preach a lyrical spiritual unity of all Christians.”<sup>50</sup>

From a theological point of view, other problems arose. Gutierrez deemed the Distinction of Planes Model untenable due to the decisive influence of the process of secularization in our contemporary social and theological sensitivities. For secularization, Gutiérrez mainly understood the process of differentiation of the secular sphere from religious institutions and norms.<sup>51</sup> The key difference with Maritain here is that overall Gutiérrez saw the process of secularization as a positive development that has given to the “temporal” order its due autonomy. In this sense, his

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<sup>48</sup> Gutiérrez, *A Theology of Liberation*, 39–40. For a comprehensive study of this moment focused on the basic ecclesial communities, see Catherine Ferguson, “The Poor in Politics: Social Change and Basic Church Communities in Santiago, Lima and Mexico City” (PhD Dissertation, University of Denver, 1990).

<sup>49</sup> Gutiérrez, *A Theology of Liberation*, 40; 40.

<sup>50</sup> Gutiérrez, *A Theology of Liberation*, 41.

<sup>51</sup> In this sense, Gutiérrez implicitly rejects the “secularization thesis” and is close to the positions developed by David Martin in *A General Theory of Secularization* (Oxford: Blackwell, 1978) and José Casanova, *Public Religions in the Modern World* (Chicago, IL: The University of Chicago Press, 1994), 6ff. In fact, Casanova’s study of liberation theology in Latin America is critical for his argument about “public” religions. Gutiérrez also comes very close to Martin in saying that the secularization process in Latin America is “uneven and combined” (*A Theology of Liberation*, 43). Martin describes it as “mixed” or even speaks of “religious reconfiguration” instead of “secularization.” See David Martin, “What I Really Said about Secularization,” and “Has Secularization Gone into Reverse?,” in *Sociology of Religion: A David Martin Reader*, ed. Dedong Wei and Zhifeng Zhong (Waco, TX: Baylor University Press, 2015), 218; 250; respectively.

evaluation of the “anthropological turn” is less ambiguous than Maritain’s.<sup>52</sup> In fact, Gutiérrez takes it as an opportunity for Christian theology and the Christian faith. For this emphasis on the temporal order, what Charles Taylor has called the “affirmation of ordinary life,” has made the concern for human dignity and the enhancement of life absolutely central—central both for the understanding of the temporal good *and* the supernatural good. Thus, any conception of the supernatural good that overemphasizes its spiritual dimensions without considering its temporal manifestations appears to be flawed. Put differently, any understanding of salvation that promises spiritual bliss in heaven without caring about the enhancement of life in earth seems indefensible from a Christian point of view given the anthropological and historical turns of the last few centuries.<sup>53</sup> This is especially true in the case of the poor and marginalized. For the Christian

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<sup>52</sup> However, his *sociological* evaluation of the process is at times ambivalent. For instance, despite my comment on differentiation and my previous note, he also speaks about a Christian community that “will have to live and celebrate its faith in a *nonreligious* world.” (Gutiérrez, *A Theology of Liberation*, 42). Yet this appears to be a mistaken generalization incompatible with his own claims here and his other writings on secularization. Gutiérrez does not correct it explicitly, but his general position on the topic advocates for a mixed pattern along the lines of Martin and Casanova. For a systematic account of Gutiérrez on secularization, see Raúl Zagarra, “¿Una edad secular? Hacia un lenguaje teológico solidario con la historia,” in *Religión y educación en contextos de transición*, ed. Álvaro Hernández and José María Siciliani (Bogotá: Editorial Bonaventuriana, 2013). More generally, it is fair to say that Gutiérrez’ account of secularization is rather thin and does not explicitly address several complex issues like the private/public distinction or the development of different theological publics and different forms of publicness as the result of the process of secularization. On this issue, in addition to my comments on Tracy’s publics in Chapter 4, see the more recent David Tracy, “Religion in the Public Realm: Three Forms of Publicness,” in *At the Limits of the Secular: Reflections on Faith and Public Life*, ed. William A. Barbieri (Grand Rapids, MI: Wm. B. Eerdmans, 2014), where the author complicates the idea of differentiation arguing for the presence of some forms of proto-theological reasoning in the public sphere: dialogue with the classics (Publicness 2) and interruption-paradox (Publicness 3). This to supplement the importance of deliberation and argument (Publicness 1). I cannot deal with these issues here, but can note that I generally agree with Tracy, although I have a hard time understanding how his notion of Publicness 3 is truly “public.” For a different critique of Tracy’s account of the publics, this time for his lack of nuance regarding how the very concept of publicness changes in meaning when used outside the United States or Europe, see Peter Casarella, “Public Reason and Intercultural Dialogue,” also in *At the Limits of the Secular*.

<sup>53</sup> Here I understand the “anthropological turn” in terms of Taylor’s “affirmation of ordinary life,” that is, the ethical concern for the enhancement of life and the avoidance of suffering, see Charles Taylor, *A Secular Age* (Cambridge, MA: Belknap Press of Harvard University Press, 2007), 13ff. For the “historical turn,” I fundamentally refer to an epistemological shift based on the acknowledgment that our historical context decisively shapes the task of understanding. On the historical turn and its influence in theology, see

tradition has often interpreted the promises of Jesus to the poor in terms of future, heavenly consolation, assuming that the condition of poverty is an unavoidable fact of human existence. Thus, the Christian tradition has always cared about the poor in some form or another, but not very often considered —until the emergence of the movements of liberation in the past century— the radical transformation of their situation because it trusted that the supernatural good would supersede any pains in this world.<sup>54</sup>

From this perspective, it is not surprising that Karl Marx called religion the “opium of the people.” In this sense, we should see liberation theology as a direct response to Marx’s charge, embracing the value of his ideological critique without siding with him in his atheist conclusions. Indeed, Gutiérrez is not ambiguous about this: through their struggle for liberation Latin Americans “are freeing themselves in one way or another from the tutelage of an alienating religion which tends to support the status quo.”<sup>55</sup> Perhaps, with Marx, liberation theologians could say that the critique of religion is “the premise of all criticism.”<sup>56</sup> Yet, for them criticism of religion is not

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H. Richard Niebuhr, *The Meaning of Revelation* (New York: The Macmillan Company, 1941).

<sup>54</sup> In this sense, Brackley (“Salvation and the Social Good,” 11 ff.) rightly notes that Maritain and Gutiérrez generally fit with the description given by H. R. Niebuhr of the “Christ above culture” and “Christ the transformer of culture” types, respectively. Niebuhr describes the first type as follows: “[Christ] is the fulfillment of cultural aspirations and the restorer of the institutions of true society. Yet there is in him something that neither arises out of culture nor contributes directly to it. He is discontinuous as well as continuous with social life and its culture. The latter, indeed, leads men to Christ, yet only in so preliminary a fashion that a great leap is necessary if men are to reach him.” It is not surprising that Niebuhr believes that Thomas Aquinas, one of Maritain’s greatest influences, is the main figure of this type. In contrast, Niebuhr defines the transformative or conversionist type as recognizing the fallenness of human nature and the tension between human institutions and Christ. “Yet the antithesis does not lead either to Christian separation from the world . . . or to the mere endurance in the expectation of transhistorical salvation . . . Christ is seen as the converter of man *in his culture and society*.” H. Richard Niebuhr, *Christ and Culture*, 1st ed. (New York: Harper & Brothers, 1951), 42; 43, my emphasis.

<sup>55</sup> Gutiérrez, *A Theology of Liberation*, 43. Indeed, for Gutiérrez, one of the key dimensions of the process of liberation is the critique of the old state-church alliance, moving from a reactionary or “ghettoized” church to a church engaged in the process of liberation that stands in solidarity with the poor (58 ff.).

<sup>56</sup> Karl Marx, “Contribution to the Critique of Hegel’s *Philosophy of Right*: Introduction,” in *The*

the same as its destruction or ultimate overcoming. Rather, liberation theologians see in religion—in a faith oriented toward the liberation of the oppressed—the potential for emancipation that Marx thought was impossible without getting rid of religion. I return to this topic in Chapter 6.

For all these reasons, Gutiérrez maintains that the process of secularization and the increasing autonomy and affirmation of ordinary life, far from becoming a threat to the Christian faith, both favor a more complete fulfillment of its core values: “the possibility of effectively concretizing the potentialities of the Gospel.”<sup>57</sup> As we know, this has been the argument of Chapter 3, which is summarized here in Taylor’s words:

In modern, secularist culture there are mingled together both authentic developments of the Gospel, of an incarnational mode of life, and also a closing off to God that negates the Gospel. The notion is that modern culture, in breaking with the structures and beliefs of Christendom, also carried certain facets of Christian life further than ever were taken or could have been taken within Christendom. In relation to the earlier forms of Christian culture, we have to face the humbling realization that the breakout was a necessary condition of the development.<sup>58</sup>

Indeed, for Gutiérrez the break with “the structures and beliefs of Christendom” was a necessary condition for the development of anything like a theology of liberation. Of course that break also implied the “closing off to God” that we see in what Taylor calls “exclusive humanism,” a form of humanism that Marxism represents so well. But this risk, that Maritain saw as a tragic development, is not the only possibility; neither is it its most likely outcome. The disestablishment of the Christian churches allowed the emergence of new forms of theological humanism in which the enhancement of life and the openness to transcendence can coexist, enriching each other.

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*Marx-Engels Reader*, ed. Robert C. Tucker, 2nd ed. (New York: Norton, 1978), 53.

<sup>57</sup> Gutiérrez, *A Theology of Liberation*, 43.

<sup>58</sup> Taylor, “A Catholic Modernity?,” 169–70.



Following Hans Joas' work, elsewhere I have called this "new forms of sacralization." I turn now to Gutiérrez's theological articulation of this new possibility.

### **3.2. Between Tradition and Innovation: The Roots of Integral Liberation**

As we have seen, prior to the emergence of liberation theology and to its fundamental theological contributions, two models for the relationship between salvation and the political prevailed. The first, the Christendom Mentality, was the most predominant, lasting roughly from the fourth century until the times of the revolutionary wars of the eighteenth and nineteenth centuries. It advocated a monopolistic model in which human and political activity was construed in terms of the interests of the institutional church. The second, the New Christendom, developed well into the twentieth century. It advocated for democracy and human rights, finding in Jacques Maritain its utmost representative. However, this kind of approach, although better than the prior one, remained too metaphysical and abstract. Further, it had several inconsistencies both at the abstract and practical levels. Yet this perspective opened the door to a new understanding of the relationship between natural and supernatural orders, and the correlative political and spiritual orders. Such new understanding gives priority to a historical and existential point of view that maintains that "there is no pure nature and never has been; there is no one who is not invited to communion with the Lord, no one who is not affected by grace."<sup>59</sup> For Gutiérrez, this points to an indisputable element of the Christian faith, namely that "All persons are in Christ efficaciously called to communion with God. To accept the historical viewpoint of the meaning of human

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<sup>59</sup> Gutiérrez, *A Theology of Liberation*, 44. It is worth noting that this turn also has clear pragmatist overtones, beyond the pragmatic vein of all traditions already noted in Chapter 4. For one of the most explicit and productive examples of the association of theology and pragmatism, see Niebuhr, *The Meaning of Revelation*. For a study of the structural similarities between Gutiérrez's and William James' emphasis on the practical consequences of theoretical production, see Raúl Zagarra, *Dos lenguajes teológicos: un ensayo sobre el carácter público de nuestras creencias religiosas* (Bogotá: Editorial Bonaventuriana, 2015).

existence is to rediscover the Pauline theme of the universal lordship of Christ, in whom all things exist and have been saved.”<sup>60</sup>

Such conviction permeated mainstream theological reflection in the Catholic tradition from the second half of the twentieth century onwards. Most importantly, it shaped and dominated the theology and key documents of the Second Vatican Council. Vatican II embraced the use of the term “integral” to refer to the relationship between natural and supernatural orders. Thus, it rejected prior dichotomies,<sup>61</sup> expressing its commitment to a unified perspective in which the history of salvation and human history are part of one single and complex process.<sup>62</sup> *Gaudium et spes* clearly expresses this idea:

This council exhorts Christians, as citizens of two cities, to strive to discharge their earthly duties conscientiously and in response to the Gospel spirit. They are mistaken who, knowing that we have here no abiding city but seek one which is to come, think that they may therefore shirk their earthly responsibilities. For they are forgetting that by the faith itself they are more obliged than ever to measure up to these duties, each according to his proper vocation. Nor, on the contrary, are they any less wide of the mark who think that religion consists in acts of worship alone and in the discharge of certain moral obligations, and who imagine they can plunge themselves into earthly affairs in such a way as to imply that these are altogether divorced from the religious life. This split between the faith which many profess and their daily lives deserves to be counted among the more serious errors of our age.<sup>63</sup>

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<sup>60</sup> Gutiérrez, *A Theology of Liberation*, 45.

<sup>61</sup> But not without ambiguities, as always happens in these church documents. See Gutiérrez, *A Theology of Liberation*, 195, fn. 38.

<sup>62</sup> Several decades earlier, Ernst Troeltsch developed this point compellingly in Ernst Troeltsch, “Historical and Dogmatic Method in Theology,” in *Religion in History*, Fortress Texts in Modern Theology (Minneapolis, MN: Fortress Press, 1991). In this essay, Troeltsch rejects dualistic understandings of history, which, in his view, insert dualism into God’s will. Instead, he argues for the idea “that history is not a chaos but issues from unitary forces and aspires towards a unitary goal.” (27) Further, he defends “a conception of history as a disclosure of the divine reason.” (27). Yet we should note that Troeltsch does not conceive this process naively, as a pure progression. Rather, he conceives of it as a trajectory where there is plenty of “struggle and error” (27).

<sup>63</sup> O’Brien and Shannon, *Gaudium et spes*, §47.

In this sense, the council speaks of the “integral vocation” of all Christians, attempting to overcome prior dichotomies, thus unifying “sacred” and “profane” histories.<sup>64</sup> Similarly, Pope Paul VI stresses that the Christian vision of human development must be one of “integral development” in which “the good of every man and of the whole man” is promoted. Hence, although the integral development of the human being is only completed in the ultimate communion with God, it must include “economic, social, cultural, and spiritual aspects” as well.<sup>65</sup> Further, it is again Vatican II that gives us a clue as to how this process of integration takes place both theologically and practically: through the defense of the dignity of the human person which is the “foundation for the relationship between the Church and the world, and provides the basis for dialogue between them.”<sup>66</sup> As I noted in my concluding remarks to Chapter 4, “human dignity” should be interpreted as a prime analogue that allows us to correlate secular and theological understandings of the sacredness of the person.

The impact of these theological innovations and doctrinal statements cannot be overstated. Their most immediate consequence was the development of a more fluid relation between church and world. Yet Gutiérrez highlights another consequence: the *religious* re-valorization of human action in history. Thus “the building of a just society has worth in terms of the Kingdom, or in more current phraseology, to participate in the process of liberation is already, in a certain sense, a salvific work.”<sup>67</sup> As I noted before, the Latin American church took these developments with tremendous seriousness and creatively translated the insights of Vatican II into the social and

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<sup>64</sup> O’Brien and Shannon, *Gaudium et spes*, §57.

<sup>65</sup> David J. O’Brien and Thomas A. Shannon, eds., *Populorum progressio*, in *Catholic Social Thought: The Documentary Heritage*, 2010th, Expanded edition ed. (Maryknoll, NY: Orbis, 2010), §14, §13, respectively.

<sup>66</sup> O’Brien and Shannon, *Gaudium et spes*, §40.

<sup>67</sup> Gutiérrez, *A Theology of Liberation*, 46.

political fabric of its region. Bishops, clergy, religious and lay leaders understood that the situation of Latin America was one of severe poverty and inequality, and assumed responsibility both for reflecting on the duty of Christians in such context and for acting on it. Recognizing the pervasive situation of “institutionalized violence” in Latin America,<sup>68</sup> these actors decided to stand in solidarity with the cry and struggles of the poor.<sup>69</sup> Such was the context of the emergence of the theology of liberation and the social movement it was able to expand and deepen.

But as happened with black theology of liberation in the United States, despite the social, political, cultural, and ecclesial developments just noted, further theological systematization was still required.<sup>70</sup> These were indeed “signs of the times,” but still lacking a theological argument that would elaborate and specify *how* to fight for human dignity *as a Christian*, beyond the somewhat vague declarations of the bishops or the insights and praxis of the laity. In this sense, Gutiérrez’s great achievement—parallel to James Cone’s—was both giving expression to an already existing experience and giving orientation to it. This contribution was critical at the time, since many saw the political activism of Christians as incompatible with their faith, especially when they aligned with socialist parties. Thus, Gutiérrez writes:

This book is an attempt at reflection, based on the gospel and the experiences of men and women committed to the process of liberation in the oppressed and exploited land of Latin

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<sup>68</sup> Gutiérrez, *A Theology of Liberation*, 63. For his account of the social process of liberation taking place at the time, and the role of the clergy and lay people, see Part 3 of the book entitled, “The Option Before the Latin American Church.”

<sup>69</sup> We should not conclude from this that the majority of the bishops, clergy, and lay people were involved in the process of liberation. As Gutiérrez notes, the situation of Latin America in the 1960s to 1970s was one of intense conflict and division within society and the church. In fact, his work is an attempt to find unity amid conflict. See Gutiérrez, *A Theology of Liberation*, 75.

<sup>70</sup> On the history that preceded the publication of James H. Cone, *Black Theology and Black Power* (Maryknoll, NY: Orbis, 1997), originally published in 1969; and James H. Cone, *A Black Theology of Liberation*, 20th Anniversary Edition (Maryknoll, NY: Orbis Books, 1990), originally published in 1970, see Gayraud S. Wilmore, *Black Religion and Black Radicalism: An Interpretation of the Religious History of African Americans*, 3rd. Edition (Maryknoll, NY: Orbis Books, 1998).

America. It is a theological reflection born of the experience of shared efforts to abolish the current unjust situation and to build a different society, freer and more human. Many in Latin America have started along the path of a commitment to liberation, and among them is a growing number of Christians; whatever the validity of these pages, it is due to their experiences and reflections. My greatest desire is not to betray their experiences and efforts to elucidate the meaning of their solidarity with the oppressed.<sup>71</sup>

How does Gutiérrez take these experiences to the level of reflection and argue for the *Christian* need for a political commitment to the liberation of the oppressed? Gutiérrez takes his cue from the aforementioned Vatican documents. He says that the answer must lie in an integrated vision of history in which the process of political liberation and the goal of eschatological salvation meet. But this, in turn, requires a transformation in our understanding of salvation, a transformation that the Vatican documents already imply. The point lies in the transition from what Gutiérrez calls a “quantitative” view of salvation to a “qualitative” approach. The quantitative viewpoint, which overlaps with the Christendom Mentality, focuses on the “number” of people saved. Its main concern is the question of *who* will be saved, struggling with the problem of the salvation of those who do not know Christ (so-called pagans, other religions, etc.). This is the church of the “*extra ecclesiam nulla salus*.” In twentieth-century Catholic theology, Gutiérrez notes, this problem has been basically settled. All people are called to communion with God, regardless of their religious affiliation. Since God’s grace is present in all things and moves all creatures, sometimes secretly, religious belonging cannot be the determining factor.<sup>72</sup> Instead, salvation becomes a qualitative issue; the question is about the *how* of salvation.

Yet this requires revisiting what constitutes sin, since salvation is ultimately the redemption of the creature from sin in order to attain full communion with its creator. The Christian tradition

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<sup>71</sup> Gutiérrez, *A Theology of Liberation*, xiii.

<sup>72</sup> Gutiérrez, *A Theology of Liberation*, 85. For a very recent statement of this theological consensus, see David Bentley Hart, *That All Shall Be Saved: Heaven, Hell, and Universal Salvation* (New Haven, CT: Yale University Press, 2019).

has always held that sin is at its most fundamental level breaking with God *and* neighbor. It follows that returning to communion with God implies reconstituting *both* relationships. But this cannot be accomplished trans-historically or, at least, not *only* in that way. The tradition is also clear in this regard. No sacrifice to God is legitimate if there is hatred among brothers and sisters; first, reconciliation must take place (Matthew 5:23–24). Further, the attention given to our brothers and sisters, especially to the “least among us,” is essential for our salvation; significantly more essential than our “religious” beliefs (Matthew 25:31–46). Salvation, then, understood as redemption from sin is not an otherworldly pursuit: “Salvation—the communion of human beings with God and among themselves— is something which embraces all human reality, transforms it, and leads it to its fullness in Christ.”<sup>73</sup>

This approach decisively affects the religious significance of human action in history. As Gutiérrez stresses: “The absolute value of salvation —far from devaluating this world— gives it its authentic meaning and its own autonomy, because salvation is already latently there.”<sup>74</sup> Salvation, therefore, becomes an “intra-historical reality . . . [that] orients, transforms, and guides history to its fulfillment.” Or, put differently: “The salvific action of God underlies all human existence. The historical destiny of humanity must be placed definitively in the salvific horizon.”<sup>75</sup>

Gutiérrez’s approach to history and, therefore, to the social-political history of Latin America, is decidedly *theocentric*; or perhaps more specifically, *Christocentric*. Gutiérrez reaches his conclusions about the role of the Christian believer in the struggles of liberation not from his

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<sup>73</sup> Gutiérrez, *A Theology of Liberation*, 85.

<sup>74</sup> Gutiérrez, *A Theology of Liberation*, 85.

<sup>75</sup> Gutiérrez, *A Theology of Liberation*, 86, 86.

political analysis, but from his “critical reflection on praxis *in light of the Gospel*.”<sup>76</sup> Social and political analysis are crucial, but ultimately they are subsumed in the theological analysis that gives priority to the authority of the Christian scriptures and their interpretation by the tradition:

The ultimate reason for commitment to the poor and oppressed is not to be found in the social analysis we use, or in human compassion, or in any direct experience we may have of poverty. These are all doubtless valid motives that play an important part in our commitment. As Christians, however, our commitment is grounded, in the final analysis, in the God of our faith. It is a theocentric, prophetic option that has its roots in the unmerited love of God and is demanded by this love.<sup>77</sup>

The novelty of Gutiérrez is that he creatively reinterprets the Christian tradition’s construal of key biblical themes and their theological developments in order to create an opening for a radically different, indeed revolutionary, construal of the relationship between Christian faith and social justice. However, as I noted in Chapter 4, crucial innovations must take place *within* the recognizable parameters of a tradition in order to be effective agents of change. The reason why I believe Gutiérrez’s liberation theology has been such a crucial agent of change is because it was able to remain within the boundaries of still recognizable mainstream Christian theological reflection. Yet it took the Christian tradition to a qualitatively different moment of reflection by making the question of poverty and social injustice a fundamentally systemic and structural issue.

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<sup>76</sup> Gutiérrez, *A Theology of Liberation*, xxxiv, my emphasis.

<sup>77</sup> Gutiérrez, *A Theology of Liberation*, xxvii. Yet, these remarks should not suggest that the liberation of the poor and the construction of a more just society are not worthy ends in themselves. Gutiérrez’s point simply is that, from the standpoint of the Christian faith, justice is only completed in God’s kingdom. However, as Ignacio Ellacuría notes, faith must be completed in history *through* justice. In fact, if faith is only devotion and piety without caring for the just distribution of social goods; faith is incomplete. In contrast, the Christian tradition holds that justice alone, even without faith, has value in God’s eyes and may merit salvation, see “Fe y justicia,” in *Escritos teológicos*, vol. 3 (San Salvador, El Salvador: UCA Editores, 2000), 315. It is precisely the centrality of this *human* dimension of justice in the Christian tradition (which extends to the care for nonhuman animals and the planet) what allows practical and theoretical cooperation with other traditions that care for justice and the enhancement of life. Hence my proposal to put in conversation liberation theology and *justice as fairness*. But I will expand on this issue in Chapter 6.

In this sense, liberation theology has been crucial in a still-in-the-making transformation of Christianity, in which the response to the systemic problem of social inequality is no longer solely charity and almsgiving, but a correlative systemic critique and proposal of new social structures.<sup>78</sup>

### **3.3. The Unity of History: Creation, Recreation, and Integral Liberation**

Finally, I turn to the last steps of Gutiérrez's justification of the political role of the Christian believer. The key issue is a new reading of the relationship between so-called profane and sacred histories. Instead of embracing that dichotomy, Gutiérrez builds on and expands the insights provided by some of the key documents of Vatican II. Thus, he advances an integrated approach in which history is unified. In order to do so, Gutiérrez must justify his argument, appealing to the tradition itself in order to transform it. Gutiérrez's innovation consists of drawing conclusions that were implicit in the tradition yet never fully embraced. His accomplishment was to maintain that true salvation requires historical liberation, and that historical liberation cannot happen only through charity. Rather, it requires the undoing of all forms of institutionalized oppression: economic, political, racial, sexual, and so forth.

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<sup>78</sup> In this sense, as we will see later, Gutiérrez's dogged insistence to remain within the tradition is an important reason to focus on his work. Gutiérrez, despite the unfair treatment he received from many bishops, scholars, and the Vatican, decided to clarify and revise his ideas over the decades because he was simultaneously committed to the values his theology defended and to the importance of them for the church. This is evident in the long theological exchange, started in 1995 and ended in 2004, between the Congregation for the Doctrine of the Faith (chaired by then-Cardinal Joseph Ratzinger) and Fr. Gutiérrez. In 2004, after a long back-and-forth, the CDF concluded that there were no theological or pastoral objections to Gutiérrez's theology, thus officially lifting the burden that Gutiérrez carried for several decades. In contrast, the theology of the Boff brothers is a good example of a less successful approach. Leonardo Boff was not able to persuade the Catholic magisterium of the soundness of his theological approach, ultimately leaving the Franciscan order and the priesthood to advocate for liberation but outside the boundaries of the "official" church. In turn, Clodovis Boff gave up his liberationist convictions because, he maintains, liberation theology originated from a "fatal error." That error, he said, was making the poor the center of theology, not God. For a brief account of the current stances of the Boff brothers and their own theological confrontation, see Sandro Magister, "Clodovis e Leonardo Boff, Hermanos Separados," *Chiesa*, accessed March 18, 2020, <http://chiesa.espresso.repubblica.it/articolo/205773ffae.html?sp=y>.



This new creative interpretation was decisively prompted by a new awareness of the traumatic experiences caused by the massive poverty and marginalization of millions in Latin America. In this sense, what we see here is the transformation of institutionalized forms of violence into positive value-commitments through the development of a new narrative, a new Christian narrative. Accordingly, liberation theology stands in between the creation of something new and the re-creation of already existing values, becoming a prophetic voice that sets in motion a major process of moral reorientation.<sup>79</sup> In an analogous context, Hans Joas writes:

[This] underlines the fact that there are impulses at work within processes of cultural innovation that change publicly established situational interpretations. This may involve attempts to articulate experiences that the subject feels are not adequately expressed by public interpretations. But may also be that the potential of an already available interpretative system is mobilized afresh; this often entails taking more seriously perceptions that were already possible, and indeed existed previously, but whose explosive force was suppressed by prevailing interpretations.<sup>80</sup>

Gutiérrez was able to produce this new prophetic narrative through his reinterpretation of the Christian understanding of salvation history.<sup>81</sup> According to his proposal, we should understand the act of creation as the first “salvific act.” For creation is the beginning of human history and, itself, is a historical act. More importantly, the tradition teaches that this is not an isolated act that lacks intentionality or continuity in time. Rather, creation is an invitation to ultimate communion with God at the end of time, an invitation that is assisted by God throughout history. God intervenes

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<sup>79</sup> Hans Joas, *The Sacredness of the Person: A New Genealogy of Human Rights* (Washington, DC: Georgetown University Press, 2013), 90. Yet, as Joas also notes, this process could not have been set in motion without certain structural preconditions. In the case of liberation theology, at the ecclesial level, these were the preconditions created by the trajectory of Catholicism in the twentieth century, especially after Vatican II.

<sup>80</sup> Joas, *The Sacredness of the Person*, 85.

<sup>81</sup> Note that Gutiérrez advances a biblical theology of salvation without accounting for the status of the biblical text, simply assuming its authoritative role. In Chapter 4, in contrast, I developed a comprehensive account of the formation of religious traditions, including the Christian tradition, in order to supplement what I see lacking in Gutiérrez’s argument. With the caveats added there, I believe it is now safe to follow Gutiérrez’s position without asking for the warrants he does not offer, but Chapter 4 does.

in history, though historical acts that we should understand as permanent moments of re-creation in which the divine gives the creature sustenance to fulfill its goal.<sup>82</sup>

But the ultimate goal of salvation and communion with God is undermined by sin. Sin disrupts our relationship with God and the neighbor, as we noted above. Therefore, salvation requires liberation from sin; from our personal sin and from all captivities that the sins of others may produce as well.<sup>83</sup> In the Christian scriptures, this liberation takes several forms. However, its most paradigmatic moment in the Old Testament (and *the* most fundamental moment for the Jewish faith) is the liberation of the people of Israel from their Egyptian captivity. Gutiérrez highlights two key aspects of this. First, that it is a historical event: the divine intervenes in history to liberate God's people from concrete situations of oppression. Second, that this is not merely an act of inward, spiritual liberation, but that the liberation from Egypt is a *political* act: "It is the

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<sup>82</sup> Gutiérrez, *A Theology of Liberation*, 86–87. Here we see another reason to focus on the work of Gutiérrez instead of the otherwise remarkable oeuvre of James Cone. Even though Gutiérrez and Cone agree on the basics, Cone's treatment of salvation history or eschatology is rather brief. Consequently, in my view he has some difficulties at the level of *theological* articulation to defend his otherwise sound *ethical* claim that liberation must be a "black event." (On his eschatology, see Cone, *A Black Theology of Liberation*, 135–42.) In addition, Cone also has a more tense relationship with the Christian tradition and what he often calls "white theology," which leads to some debatable choices that Gutiérrez avoids. One of them is to prioritize "blackness" over everything else in his theology, at least in his later writings. In contrast, Gutiérrez does not make "the poor" the primary source of his work, but one among several others. On this issue, see James H. Cone, *God of the Oppressed*, Revised Edition (Maryknoll, NY: Orbis Books, 1997), "Preface to the 1997 Edition", especially x–xi. On some of the problems associated with the prioritization of blackness, see Victor Anderson, *Beyond Ontological Blackness: An Essay on African American Religious and Cultural Criticism* (New York: Continuum, 1995).

<sup>83</sup> Perhaps due to his Protestant background, James Cone's reflections on sin, especially on the sin of "whiteness," are more comprehensive and insightful than Gutiérrez's. However, the rhetoric of Cone's criticism of whiteness leads him at times to collapse whiteness (white supremacy) with being white (a phenotypical feature) in ways that suggest that both should be rejected. Such an approach makes Christian reconciliation difficult to understand, but also appears to make blackness dependent on whiteness. On the first issue, see J. Deotis Roberts, *Liberation and Reconciliation: A Black Theology*, Second Edition (Louisville, KY: Westminster John Knox Press, 2005). On the second, see Anderson, *Beyond Ontological Blackness*.

breaking away from a situation of despoliation and misery and the beginning of the construction of a just and fraternal society. It is the suppression of disorder and the creation of a new order.”<sup>84</sup>

Indeed, the Book of Exodus makes this plain. Yahweh is keenly aware of the situation of oppression of the people of Israel and knows that this oppression is caused by the abuses of Pharaoh and his system of slavery. So, Yahweh gives to Israel a liberator: Moses. It is through the leadership of Moses and the permanent sustenance of Yahweh that the people of Israel will be ultimately liberated.<sup>85</sup> Not, of course, without pain and hesitation; for even with Israel’s attempts of returning to slavery instead of believing in the promises of Yahweh. As Gutiérrez notes, the liberation from Egypt is not an immediate and difficulty-free process:

A gradual pedagogy of successes and failures would be necessary for the Jewish people to become aware of the roots of their oppression, to struggle against it, and to perceive the profound sense of the liberation to which they were called. The Creator of the world is the Creator and Liberator of Israel, to whom is entrusted the mission of establishing justice.<sup>86</sup>

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<sup>84</sup> Gutiérrez, *A Theology of Liberation*, 88. I have amended the translation which instead of “fraternal” uses “comradely” without reason.

<sup>85</sup> It is worth noting that occasionally it is unclear whether Moses and Yahweh are different characters. At times, they seem to be identical. I believe this gives further strength to the idea that the liberating power of God acts in history—and perhaps even more directly than what we may expect from our conventional reading of the Exodus narratives. On this topic, see Gary Anderson, “Moses and Jonah in Gethsemane: Representation and Impassibility in Their Old Testament Inflections,” in *Seeking the Identity of Jesus: A Pilgrimage*, ed. Beverly Roberts Gaventa and Richard B. Hays (Grand Rapids, MI: Wm. B. Eerdmans, 2008).

<sup>86</sup> Gutiérrez, *A Theology of Liberation*, 88. The critique that Delores S. Williams, *Sisters in the Wilderness: The Challenge of Womanist God-Talk* (Maryknoll, NY: Orbis Books, 1993) provides to Black theologians on their interpretation of Exodus is equally valid for Gutiérrez and his Latin American colleagues. In this sense, with Williams, we should advocate for a “hermeneutic of identification-ascertainment” (144–49). In doing so, we become keenly aware of our position as interpreters of biblical texts and of the position of those producing the texts so that, unlike Black and Latin American liberation theologians, we will not overestimate the liberating power of certain narratives without considering who are the oppressed in those very same narratives. Indeed, Cone and Gutiérrez give great importance to the liberation from Egypt but have nothing to say about the genocide of the Canaanites in the taking of the Promised Land.

Gutiérrez sees this as a process of re-creation in history: “The God who makes the cosmos from chaos is the same God who leads Israel from alienation to liberation.”<sup>87</sup> Hence the importance of this event, celebrated in the Jewish Passover. Indeed, the centrality of this liberating narrative permeates the memory and biblical texts of the Jewish tradition, but it is also present in the New Testament through new readings and retrievals. The writings of Saint Paul are clear in this regard. In them (Colossians 1:15–20; 1 Corinthians 8:6; Hebrews 1:2; Ephesians 1:1–22; for instance), we see Paul inserting the work of Christ in this trajectory of creation and re-creation starting from the beginning of time by God the Father. Ultimately, it is in the redemptive action of Christ that the act of recreation-through-liberation finds its complete fulfillment.<sup>88</sup>

For Gutiérrez, the theme of creation-liberation-recreation is fundamentally connected to another major theme in the interpretation of the biblical tradition. He writes: “The Bible is the book of the Promise, the Promise made by God to human beings, the efficacious revelation of God’s love and self-communication; simultaneously it reveals humankind to itself.”<sup>89</sup> In the

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<sup>87</sup> Gutiérrez, *A Theology of Liberation*, 89.

<sup>88</sup> Gutiérrez, *A Theology of Liberation*, 90. Gutiérrez’s treatment of “Christ the liberator” is rather brief in his oeuvre, often stating the key ideas I will note in this section and then inserting them into a larger account of the process of liberation-salvation. For more on the “Christology of liberation,” see Ignacio Ellacuría, “The Crucified People,” in *Ignacio Ellacuría: Essays on History, Liberation, and Salvation*, ed. Michael Edward Lee (Maryknoll, NY: Orbis Books, 2013); Jon Sobrino, *Jesus the Liberator: A Historical-Theological Reading of Jesus of Nazareth* (Maryknoll, NY: Orbis Books, 1993). For these authors, keeping together the historical and spiritual interpretations of the death of Jesus is crucial. In their view, in the Christian tradition the spiritual or cosmological interpretation has dominated, making Jesus’ death a matter of inward justification required by God for the forgiveness of sins. Without denying this interpretation, these authors advocate for a historical reading. According to this, Jesus was killed because he put forward a vision of human liberation that became a threat to the Roman and Jewish establishments. To acknowledge this historical dimension, they argue, allows us to see in the struggles for liberation of our day not merely a political act, but continuity with Jesus’ vision. It is worth noting that both Ellacuría and Sobrino offer an underdeveloped account of the “historical Jesus,” which leads to certain hermeneutical problems related to our access to Jesus’ vision. The theological hermeneutics developed in Chapter 4 of this dissertation, in dialogue with David Tracy, Ernst Troeltsch, and others, solves this problem without denying the central claims of Ellacuría and Sobrino.

<sup>89</sup> Gutiérrez, *A Theology of Liberation*, 91.

Christian tradition, the belief in a God who promises good news (*eu-angelion*) has a central role. Yet, since there is sin and injustice in the world, these loving promises can only take place through a process of liberation-recreation through which each person and the human family as a whole will truly be able enter into communion with each other. Further, since in a world of great injustices some suffer more than others, this love and these liberating promises have a preferential addressee: the poor and marginalized. However, these are *eschatological* promises:

The Promise is revealed, appeals to humankind, and is fulfilled throughout history. The Promise orients all history towards the future and thus puts revelation in an eschatological perspective. Human history is in truth nothing but the history of the slow, uncertain, and surprising fulfillment of the Promise.<sup>90</sup>

We should draw two important points from this citation. The first is that “The Promise is a gift accepted in faith.”<sup>91</sup> In this sense, the belief in God’s promises of ultimate liberation, communion, and love is based on deep commitment to realities that we have not seen yet fulfilled, but that we expect in hope. However, as I have noted in previous chapters, both sociologically and philosophically, faith in ideals beyond the real has great impact in human affairs. Ideals give us orientation and motivation to enact them in practice, even if they cannot ever be fully achieved. On the other hand, precisely due to these reasons, we should keep in mind that the political engagement advocated by liberation theologians was always very aware of the incomplete nature of any human attempt to achieve liberation. Liberation can only find its fullest form eschatologically, in Christ. However, this does not mean that Christians should remain passive vis-à-vis the many forms of captivity and oppression people experience in the world. It only means

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<sup>90</sup> Gutiérrez, *A Theology of Liberation*, 91–92.

<sup>91</sup> Gutiérrez, *A Theology of Liberation*, 92.

that all works of liberation will always be inherently limited, awaiting their complete fulfillment in the end times.

In this sense, Gutiérrez attempts to find balance between those who believe that the Christian faith is inherently spiritual and inward, and those who naively maintain that social-political change is enough for liberation. Gutiérrez interprets both the Old and New Testament traditions as rejecting this dichotomy, arguing instead for the progressive fulfillment of God's promises throughout history. Progression here neither should be identified with a naïve conception of progress nor with theological supercessionism.<sup>92</sup> Great moments of interruption like the Shoah and the steady presence of injustice are permanent reminders of the existence of human tragedy all over history.<sup>93</sup> Nevertheless, the point here is that a faith-based interpretation of history may still find hope in a God of Life and in the eventual fulfillment of the divine promises. Some, always partially, in human history; some only in the final encounter between creator and creature.

#### **4. Conclusion**

I conclude summarizing my previous points through Gutiérrez's threefold definition of the process of liberation. For Gutiérrez, first:

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<sup>92</sup> On this, see Gutiérrez, *A Theology of Liberation*, Chapter 2 and *The God of Life* (Maryknoll, NY: Orbis Books, 1991). The latter book is Gutiérrez's articulation of a faith in a life-giving God in the midst of the times of political violence in Perú, when the terrorist group Sendero Luminoso (Shining Path) brutally killed thousands of Peruvians, most of them poor.

<sup>93</sup> On this issue, see David Tracy, "The Christian Option for the Poor," and the insightful response of J. Matthew Ashley, "The Turn to Apocalyptic and the Option for the Poor," both in *The Option for the Poor in Christian Theology*, ed. Daniel G. Groody (Notre Dame, IN: University of Notre Dame Press, 2007).

*liberation* expresses the aspirations of oppressed people and social classes, emphasizing the conflictual aspect of the economic, social, and political process which puts them at odds with wealthy nations and oppressive classes.<sup>94</sup>

Gutiérrez makes central to the process of liberation the struggle of the oppressed themselves. They are the main agents of the process; the theoretical work of theologians and intellectuals attempts to articulate that foundational experience. For this reason, Gutiérrez's liberation theology understands theological reflection as a "second act." The "first act" is constituted by a contemplative attitude toward the experiences of faith, solidarity, and commitment of the believer, especially the poor.<sup>95</sup> He has called these experiences the "irruption of the poor,"<sup>96</sup> referring to the new recognition of the active presence of the marginalized in history and the growing awareness among them about their rights. Such awareness, however, makes explicit the latent conflict that exists in all societies, but especially those marked by massive systemic injustices. In this sense "liberation" means the end of a life lived in alienation, poverty, and disenfranchisement. Liberation here stands for the eradication of poverty understood as an evil that ultimately means anticipated and unjust death.<sup>97</sup>

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<sup>94</sup> Gutiérrez, *A Theology of Liberation*, 24.

<sup>95</sup> See Gustavo Gutiérrez, *On Job: God-Talk and the Suffering of the Innocent* (Maryknoll, NJ: Orbis Books, 1987), xiii. Gutiérrez also notes here, and especially in *We Drink from Our Own Wells: The Spiritual Journey of a People* (Maryknoll, NY: Orbis Books, 1984), that this methodological distinction is a sign of a spiritual commitment. I will return to this issue in Chapter 6, but my point is this: Liberation theology is an attempt to understand and proclaim a God (*theo-logy*) of love and life in the midst of hatred and death. Such spiritual, theological commitment leads to the conviction that such love and life-giving vision cannot take place without radical structural change to improve the lives of the poor.

<sup>96</sup> Gutiérrez, *A Theology of Liberation*, xx.

<sup>97</sup> Gutiérrez, *A Theology of Liberation*, xxi. Here, precisely for the importance of the dialogue with the tradition, is important to see how Gutiérrez expands the Christian understanding of poverty. He distinguishes three forms. First, "material or real" poverty, the one described above. For him, this poverty is always a sin and Christians must work toward its eradication. Second, "spiritual" poverty, the most emphasized in the tradition. We see it in the gospels, especially in Jesus' beatitudes. For Gutiérrez, this is the fundamental idea at the root of all Christian spirituality: it calls for our full trust in and dependence on God. Lastly, poverty as "solidarity and protest": a lifestyle of simplicity in solidarity with the poor and active engagement in the eradication of poverty. The first and last definitions expand the tradition by making

Second, Gutiérrez continues: “At a deeper level, *liberation* can be applied to an understanding of history. Humankind assuming conscious responsibility for its own destiny . . . The gradual conquest of true freedom leads to the creation of a new humankind and a qualitatively different society.”<sup>98</sup> Here liberation focuses on the agency of individual and community, understood as the expansion of freedoms or capabilities to determine people’s own destiny. We return here to the issue of a new creation. Yet, this is a new creation that Gutiérrez does not understand in solely spiritual, inward, or individual terms. We find ourselves anew in the historical process. Gaining new awareness of our dignity and the sacredness of all human life, we decide to build a new society in which broken relations can be reestablished and justice can reign. In this context we should situate what Gutiérrez and several others call “the preferential option for the poor.” For this option, made by the poor themselves but also by all those who stand in solidarity with them, implies a moment of decision-making in which individual and community become true agents of their own destiny. In doing so, people establish links of solidarity and decide to struggle together to make society more just, paying special (preferential) attention to those who suffer the most (the poor, broadly understood).<sup>99</sup> One may say that this is the moment for the creation of the conditions for the fulfillment of our freedom. Since the conditions do not fully exist and in many places are largely lacking, the process requires struggle. The goal is to have the possibility to choose the path that will bring to each of us fulfillment and happiness.

Finally, Gutiérrez concludes:

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solidarity and protest a form of deep spirituality that nurtures the struggle against injustice. (See *A Theology of Liberation*, 162–73).

<sup>98</sup> Gutiérrez, *A Theology of Liberation*, 24–25.

<sup>99</sup> Gutiérrez, *A Theology of Liberation*, xxvi. For a defense, but also critical analysis of the ethical and theological underpinnings of the “preferential option for the poor,” see Stephen J. Pope, “Proper and Improper Partiality and The Preferential Option for the Poor,” *Theological Studies* 54 (1993): 242–271.



the world *development*<sup>100</sup> to a certain extent limits and obscures the theological problems implied in the process designated by this term. On the contrary, the word *liberation* allows for another approach leading to the Biblical sources which inspire the presence and action of humankind in history. In the Bible, Christ is presented as the one who brings us liberation. Christ the Savior liberates from sin, which is the ultimate root of all disruption of friendship and of all injustice and oppression. . . . This is not a matter of three parallel or chronological successive processes, however. There are three levels of meaning of a single, complex process, which finds its deepest sense and its full realization in the saving work of Christ”<sup>101</sup>

Here, Gutiérrez returns to some of my earlier observations, but the contrast with the second level of liberation is worth noting. Liberation in its second meaning points to freedom or the expansion of capabilities. That alone makes liberation a worthy goal. The same should be said about the struggle against oppressive structures, the first level. However, in Gutiérrez’s view that is not enough—at least not from a theological viewpoint. In Christian theological terms, true liberation is salvation in Christ, in whom all history is recapitulated. Therefore, the process of historical liberation, of the struggles for emancipation and freedom, should be inserted within the larger single, but complex process of divine creation and re-creation.

I take this point to be of great importance in two respects. First, it stands as a cautionary remark. So that no effort to bring liberation to our historical realities should ever be understood as final. This is an especially powerful word of caution against ideological coaptations of the message of Christian liberation that attempt to identify this process with the agenda of some political

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<sup>100</sup> In this chapter, Gutiérrez critically engages the concept of development. But he discusses the concept as it was understood in the context of the theories of development of the 1960s, widely applied in Latin America. However, the new approach to human development, focused on the expansion of freedom and capabilities coheres with the proposal advanced by Gutiérrez. On this issue see, Raúl Zagarra, *La subversión de la esperanza: diálogo contemporáneo entre teología de la liberación, filosofía y opción por los pobres* (Lima, Perú: PUCP; IBC; CEP, 2015), Chapter 6, “¿Desarrollo o liberación? Repensando los alcances de la *Populorum progressio*.”

<sup>101</sup> Gutiérrez, *A Theology of Liberation*, 25.

project. Instead, the eschatological horizon makes the believer more contingency-conscious and perhaps humbler in regards to the depth of the transformations that can be produced.

Second, this is also an invitation to remain hopeful. No human action can produce the kind of transformation we would like to see realized. Yet the believer may indeed have faith that for God nothing is impossible. Such belief can become a source of nurturing and strength, especially in the context of repression and death that often accompanies the struggle for liberation.<sup>102</sup> As we will see in the next chapter, such faith has been a key component in the activism of liberation theologians and lay people who have remained committed to the preferential option for the poor even under the most dangerous, pressing, and disheartening circumstances.

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<sup>102</sup> Historically, as I noted in Chapter 3, the nurturing and sustenance provided by religious values and practices had great importance in the struggles of liberation. The same can be said of more relatively recent struggles like those of the Civil Rights Movement in the United States or for democracy and poverty-eradication in Latin America. However, as the editors of Vincent W. Lloyd and Andrew L. Prevot, eds., *Anti-Blackness and Christian Ethics* (Maryknoll, NY: Orbis Books, 2017) argue, this may be changing today with movements like Black Lives Matter. In this sense, Lloyd and Prevot maintain that the new more “secular” movements would do well to pay attention to their religious counterparts, and learn from their history, institutional resources, and spiritual practices. Plus, paying attention to religion may also give them resources to address anti-blackness since, arguably, its genesis may be connected to religion (xviii–xix).

## CHAPTER 6

### THEOLOGY ON THE GROUND

#### REINTERPRETING LIBERATION THEOLOGY (II)

In this concluding chapter, I focus on the experience of the basic ecclesial communities. I investigate how their members appropriated Gutiérrez’s contributions—directly or indirectly—and creatively articulated the tension between political and religious values in their own experiences. Here I rely, first, on data collected from the Peruvian case during the time of political violence. I supplement this material in the second section with data collected from interviews I conducted between December of 2019 and February of 2020. In these interviews, which include a long conversation with Fr. Gutiérrez, I pursue the same basic question: that of the articulation of the possible tensions between the religious and the political. The great advantage of this recent material is that— although in a rather limited way—it also attempts to address what I see as a gap in scholarship devoted to liberation theology: The lack of information and reflection on what has happened to liberation theology in the last twenty or thirty years. My interviews with several of the key figures of *la corriente*, most of them lay people, attempt to get at this question directly.<sup>1</sup> In the subsequent section, I step back and attempt to provide a more systematic view of the challenges ahead, arguing that liberation theology is well equipped to meet them. The chapter—and dissertation—concludes by returning to John Rawls and the theory of justice I have sketched in dialogue with his work. In this final section, I advance a proposal of critical correlation showing

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<sup>1</sup> “La corriente” (“current,” “stream”) is the shortened version for “La corriente de Iglesia” or “la corriente teológica” (“the church current” or “the theological current”). It refers to the theological current that liberation theology represents within the Catholic Church. This is the way most people who are consciously related to liberation theology refer to themselves; as members or part of *la corriente*.

in which ways a theory of justice inspired by Rawls', put in conversation with liberation theology, can be further enriched. Similarly, I show how Gutiérrez's liberation theology can be further expanded and specified in dialogue with the theory of justice. Thus, liberation theology would be able to produce what in Chapter 4 I called a *mystical-institutional-prophetic* paradigm.

## 1. "A Time of Small Heroic Acts:" The Response of the Faithful to Political Violence

Three misconceptions have often been attributed to liberation theology. In the time of its greatest and more noticeable public influence (1970s to 1980s), two main charges were advanced. They came from many fronts but were paradigmatically summarized by three critical documents issued by the Congregation for the Doctrine of the Faith in the Vatican, led by then-Cardinal Joseph Ratzinger.<sup>2</sup> The first two (1983, 1984) were harshly disapproving; the last one (1986) was significantly more positive.<sup>3</sup> In summary, the charges were, first, that liberation theology politicizes the Christian faith, and most grievously that in doing so it makes Marxism "the determining principle from which [it] goes on to reinterpret the Christian message."<sup>4</sup> The implication is also that liberation theology embraces Marxism's materialist and atheist interpretation of human history directly opposing key aspects of the Christian faith. In addition, it

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<sup>2</sup> For an excellent study of Ratzinger's disagreements with Gutiérrez, see James Corkery, "Joseph Ratzinger on Liberation Theology: What Did He Say? Why Did He Say It? What Can Be Said About It?," in *Movement or Moment?: Assessing Liberation Theology Forty Years after Medellín*, ed. Patrick Claffey and Joe Egan, vol. 1, Studies in Theology, Society, and Culture (Oxford: Peter Lang, 2009).

<sup>3</sup> The three documents are "Ten Observations on the Theology of Gustavo Gutiérrez" (1983), "Instruction on Certain Aspects of the 'Theology of Liberation'" (1984), and "Instruction on Christian Freedom and Liberation" (1986). For Gutiérrez's response to these documents, see *The Truth Shall Make You Free: Confrontations* (Maryknoll, NY: Orbis Books, 1990), especially the essay "Theology and Social Sciences."

<sup>4</sup> Congregation for the Doctrine of the Faith, "Ten Observations on the Theology of Gustavo Gutiérrez," in *Liberation Theology: A Documentary History*, ed. Alfred T. Hennelly (Maryknoll, NY: Orbis Books, 1990), 349, §2.

highlighted serious concerns about the role of violence in social transformation for the theology of liberation. Second, that liberation theology creates division and advocates for a “church of the poor,” in so doing allegedly promoting schism and dissent from the authority of the Roman church.<sup>5</sup> The third charge, more common after the 1990s, is that liberation theology failed as a theological and social movement. Some may argue that the pressure coming from the Vatican, the transformation of the Latin American episcopal landscape, the censure of many priests and nuns, the repression of subversive and military forces, and the democratization and modernization of society in the region, led to liberation theology’s demise.<sup>6</sup>

My goal in this section is to address the two first charges directly. In the subsequent section, I deal with the third one. However, I do so not by analyzing each and responding through argument alone, partly because that has been done for the first two charges in Chapter 5. Instead, my focus will be on *narrative*; on the way in which ordinary people balance their religious and political commitments in concrete situations. Put differently, I will take a “lived religion” approach in order to examine in which way the ideas developed by the theology of liberation were lived out by ordinary people of faith.<sup>7</sup>

I begin by addressing this issue in the specific context of political violence in Perú during the times of vicious confrontation between Sendero Luminoso (Shining Path) and the state forces

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<sup>5</sup> Congregation for the Doctrine of the Faith, “Ten Observations,” 350, §9; §8, c; respectively.

<sup>6</sup> Partly, this is the argument of Ivan Petrella in *The Future of Liberation Theology: An Argument and Manifesto* (Aldershot, England: Ashgate, 2004) and *Beyond Liberation Theology: A Polemic* (London: SCM Press, 2008).

<sup>7</sup> On the “lived religion” approach, see the Introduction to Hugo H. Rabbia et al., eds., *La religión como experiencia cotidiana: Creencias, prácticas y narrativas espirituales en Sudamérica* (Lima, Perú: PUCP, EDUCC & Universidad Católica del Uruguay, 2019). See also Susan C. Sullivan, *Living Faith: Everyday Religion and Mothers in Poverty* (Chicago, IL: The University of Chicago Press, 2011).

(1980–1992).<sup>8</sup> Such analysis will allow us to address the first two charges. In a nutshell, the answer is this: the communities of faith that embraced the option for the poor neither embraced Marxism nor any form of political violence. Rather, they relied on their faith to defend life and attend to the needs of the poor and marginalized. Ultimately, they were always communities of faith, not political cells. Their political activism was the manifestation of those deep faith commitments. In the following section, I address the third charge, that about the demise of liberation theology. The short answer to that charge is that liberation theology did not disappear but changed the way of communicating its message in three important regards. First, liberation theology’s work was “outsourced” to entities not directly connected to the Catholic Church. Second, liberation theology’s key insights were integrated into the mainstream teachings of the Catholic church. Third, liberation theology found in the new context of democratization and modernization a different space for the articulation of its ideals.

## **1.2. Background: Terrorism, State Repression, and the Role of Faith**

On May 17<sup>th</sup>, 1980 in the town of Chuschi in the region of Ayacucho, the recent history of Perú changed dramatically. On that day the Sendero Luminoso first attacked the Peruvian state. Sendero’s members burned ballot boxes on election day, declaring open war against the Peruvian government and the democratic process. After a cruel war that lasted more than a decade (1980–1992), the magnitude of violence reached brutal levels. On August 28<sup>th</sup>, 2003, the Comisión de la Verdad y Reconciliación (CVR), the Peruvian Truth Commission, presented its final report on the period of violence that the Ayacucho attack started. The final death toll reached almost 70,000

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<sup>8</sup> Active political violence in Perú basically ended with the capture of Abimael Guzmán, the leader of Sendero Luminoso, on September 12<sup>th</sup>, 1992, although some attacks continued after 1992, most notably the 1996 Japanese Embassy hostage crisis led by the Túpac Amaru Revolutionary Movement (MRTA).

people. Of all deaths, 40 percent happened in Ayacucho. But 85 percent of all victims lived in the poorest regions of Perú. In addition, most of the victims were rural farmers and, at 75 percent, were disproportionately non-native speakers of Spanish, a large group of people historically disenfranchised. The picture this information draws is terribly grim. During the times of political violence, the poorest among the poor were the principal victims, despite Sendero allegedly confronting the state in order to improve their lives.<sup>9</sup>

What was the role of the faith communities in this context?<sup>10</sup> The CVR Report gives us a general sense of the answer:

Institutionally, the Catholic Church early on condemned the violence of the subversive groups as well as the human rights violations committed by the state. Its position materialized through actions defending human rights and condemnations of their violation. These actions and condemnations started very early through organizations like the Comisión Episcopal de Acción Social (CEAS) and others. The CVR concludes that many lives were saved, and many other violations were prevented due to the efforts of these organizations, as well as the actions of individual members of religious orders, the clergy, and the laity that went beyond theological and pastoral orientations. . . . [Their presence] contributed to the strengthening of social networks and to building a barrier that weakened the advancement of Sendero Luminoso and the “dirty war.”

The CVR, however, has found that during most of the conflict the defense of human rights was not firm in the Archdiocese of Ayacucho. During a significant part of the conflict, the archdiocese obstructed the work of human rights organizations related to the church while denying the existence of human rights violations.<sup>11</sup>

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<sup>9</sup> See Comisión de la Verdad y Reconciliación, *Hatun Willakuy: Versión abreviada del Informe Final de la Comisión de la Verdad y Reconciliación, Perú*. (Lima, Perú: Comisión de la Verdad y Reconciliación, 2004), 1–24.

<sup>10</sup> Since Perú is a majority Catholic country and since Catholics were the most active respondents to the time of political violence, I will focus on them. For more details on religious diversity in Perú, see Catalina Romero, “El Perú, país de diversidad religiosa,” in *Diversidad religiosa en el Perú: Miradas múltiples*, ed. Catalina Romero (IBC, CEP & PUCP, 2016).

<sup>11</sup> Comisión de la Verdad y Reconciliación, *Hatun Willakuy*, 460. All translations in this chapter are mine, unless otherwise indicated. Here I translate with minor alterations to properly convey the intent of the authors. The CVR Report also notes the important work of Evangelical Churches in the defense of human rights, especially at the level of national coordinating boards. But many pastors and farmers in peripheral areas committed to this defense as well (460).

Based on this report, I focus on the Episcopal Commission of Social Action (CEAS) and, especially, on one of its key arms, the Coordinación de Pastoral de Dignidad Humana (Coordination of the Pastoral of Human Dignity, CPDH).<sup>12</sup> The history of CEAS is directly connected to the importance of Vatican II and the Conference of Medellín. Vatican II's invitation to all people of faith to discern the "signs of the times" and to involve themselves directly in social and political matters, elicited among the Peruvian bishops the desire to form an organism that would help them to deal with social issues. In 1965 they formed CEAS, but it was after the Medellín Conference in 1968 that CEAS started displaying its real force under the leadership of Bishop Luis Bambarén. After that, CEAS' mission became to "advise the hierarchy of the church on issues relating to the social problems of the country and help in the formation of the clergy, religious, and lay people on social issues." Historian Jeffrey Klaiber notes that soon "CEAS turned into the principal channel through which the concerns and problems of the marginalized classes became known to the hierarchy of the church."<sup>13</sup> Further, after 1974, when the military junta of the time became a more repressive regime, CEAS devoted increasing attention to human rights abuses.

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<sup>12</sup> There are several other organizations that deserve attention, but for the sake of brevity I focus only on the CPDH. For other emblematic cases, see the studies presented in Cecilia Tovar, ed., *Ser Iglesia en tiempos de violencia* (Lima, Perú: CEP&IBC, 2006). For a general history of the role of the church during the time of political violence in Perú, see Jeffrey L. Klaiber, *Iglesia, dictaduras y democracia en América Latina* (Lima, Perú: PUCP, 1997), Chapter 8. For the role of the Jesuits, see Emilio Martínez, *Los jesuitas en tiempos de violencia (1980–1992)* (Lima, Perú: Compañía de Jesús en el Perú; UARM, 2018). For the Centro de Estudios y Publicaciones and its newsletter *Signos*, a key source of information during this period, see Pablo Espinoza Espinoza, *Signos: Una voz de la iglesia de los pobres en el Perú, 1980–2008* (IBC & CEP, 2008).

<sup>13</sup> Jeffrey L. Klaiber, *Historia contemporánea de la Iglesia Católica en el Perú* (Lima: Fondo Editorial de la Pontificia Universidad Católica del Perú, 2016), 140; 140, my translation.



## 1.2. The CPDH: A Faith-Based Defense of the Dignity of Life

Indeed, human rights lawyer and activist Pilar Coll locates the origins of the CPDH in the 1977 National Strike and the subsequent repressive response of the Military Regime headed by General Francisco Morales Bermúdez.<sup>14</sup> Several members of CEAS started gathering to reflect on the increasing repression. Quite organically, the CPDH started forming between 1978 and 1979. About twenty people could be counted as its initial members. The goal was to provide a response to state repression and to the situation of marginalization of many Peruvians. Perhaps more importantly, the goal was also to use the credibility and institutional strength of the Catholic Church to support the cause of human rights, since civil society organizations like the Comisión Nacional de Derechos Humanos (National Commission of Human Rights) were perceived as too political and failed.<sup>15</sup>

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<sup>14</sup> As far as I know, Coll's account is the only available relatively comprehensive history of the CPDH. That alone, and Coll's central role in the formation and preservation of the institutional memory of CPDH, makes her work relevant here. However, there is a more fundamental reason that explains my engagement with many of the figures with whom I converse in this chapter: my philosophical stance on the formation of ideals and the role of reconstructive scholarship. In presenting Joas' method of affirmative genealogy in Chapter 3, I noted that ideals ("democracy," "liberation," for instance) open a moral space. In turn, this demands that the interpreter engaged in historical reconstruction takes a stance (Joas calls this the "self-positioning of the historian"). Of course, this does not mean that fact corroboration, comparison of sources, and such, are not required. It simply means that the interpreter participates in the process of reconstruction bringing to it certain moral commitments. When this is done consciously, the process constitutes an affirmative genealogy. In this sense, my recourse to Coll, Gutiérrez, and others in this chapter has a twofold motivation. First, using them as already self-positioned sources for the historical reconstruction of liberation theology. In many ways, these figures have shaped the history of Peruvian liberation theology and their voices bring to the fore not only data, but evaluation. I take this to be central for the approach to justice which this dissertation advances, one in which the balance between facts and values is key. Second, appealing to them is my own attempt of self-positioning and affirmation of the ideals of liberation theology. For this dissertation not only studies social justice or liberation theology; rather, it is also an expression of commitment to human liberation and the enhancement of life.

<sup>15</sup> Pilar Coll, "Coordinación de Pastoral de Dignidad Humana," in *Ser Iglesia en tiempos de violencia*, ed. Cecilia Tovar (Lima, Perú: CEP&IBC, 2006), 40–43.

In this early stage, actions were modest, but of great importance were actions such as bringing food and assistance to the strikers arrested and jailed by the regime, providing accurate information, and legal assistance. All these actions were conceived as forms of *Christian* solidarity. Fr. Daniel Panchot, a leading voice during this early stage, makes clear that the point was to awaken among the Christians communities the need to stand in solidarity with workers, teachers, and miners, whose needs the government dismissed and whose rights it continually violated. Similarly, Fr. Felipe Zegarra notes that the interventions promoted by CPDH were not merely decided in administrative or coordinating meetings. Rather, he stresses the communal dimension of CPDH. He notes that CPDH became for him his second spiritual community, the first being his parish.<sup>16</sup>

But things quickly became bleak. The already noted attack in Chuschi, Ayacucho, launched a time of great political violence marked by terrorist attacks perpetrated by Sendero and the repressive response of the state. This situation elicited a massive migration of people from the countryside to the cities, especially the city of Lima, the capital. The situation of displacement of many became evident in the city. What started as the migration of individuals soon became the massive migration of entire families. The poverty and displacement generated by this situation was disheartening. Sister Natividad Ollo, then working in the newly created slums, shares her memories of a woman telling her: “Sister, take my child, I have no means to raise him.” Similarly, Sister Juanita Kilduf shares the tragic story of a boy she met in the county of Canto Grande who survived a massacre perpetrated by the military in his town in Ayacucho only because he spent the

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<sup>16</sup> Coll, “Coordinación de Pastoral,” 44; 45.

entirety of a night running away. Sister Kilduf notes, “I have never been to Ayacucho, but Ayacucho has come to Lima due to the violence.”<sup>17</sup>

In this context, the members of the CPDH took a more active role. Some, as Ms. Hortensia Moncloa notes, were “little heroic acts” like producing informative bulletins with news updates and social analysis, along with reports with information about the displaced, the disappeared, and those who were killed. Some of these reports were produced and compiled by volunteers like Ms. Moncloa on kitchen tables and carried to the post office in the very same bags used for groceries. For people like Ms. Moncloa, these “little heroic acts” were conceived as a natural extension of their life of faith. The concerns of the CPDH were always shaped by a sense of belonging to the Christian faith community. Similarly, all CPDH’s interventions were an attempt to act on those commitments in a concrete historical and political context.<sup>18</sup> Coll maintains that one of the main reasons that explains the success of the CPDH was that it was a community marked by friendship and emotional support, but especially by faith and hope: “Some of the interviewees affirm that [the CPDH] was an authentic community and the place where the synthesis between professional work and their experience as Christians could take place, a place that allowed them to see the Gospel from a different perspective.”<sup>19</sup>

Indeed, Coll reminds us that at the foundations of the CPDH was its commitment to a mystical and prophetic understanding of the Christian faith that was linked to a great concern for the poor. It is therefore not surprising that most of the CPDH’s actions were clearly “religious” in the sense of not having obvious “political” implications. Among the main tasks of the CPDH we

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<sup>17</sup> Coll, “Coordinación de Pastoral,” 45; 46.

<sup>18</sup> Coll, “Coordinación de Pastoral,” 46; 47.

<sup>19</sup> Coll, “Coordinación de Pastoral,” 49.

can count establishing networks of communication between bishops and parishes, celebrating masses to accompany the victims, planning days of fasting and prayer in response to violence, and providing biblical education on issues relating to human rights.

Yet even though the public interventions of the CPDH were patently religious in the sense described, they were also moments of denunciation and protest and in that sense both Sendero and the military interpreted them as being “political.” Furthermore, the CPDH also had an ecumenical and welcoming approach. Consequently, despite the pastoral motivation of its activities, the CPDH was always open to working with other non-Catholic organizations to defend the sacredness of human life.<sup>20</sup> This collaboration many interpreted politically, but at the core the rationale of the members of the CPDH was clearly theological. As Coll writes, “the defense of human rights was not one more task for the [faith] communities, but something related to the most profound dimensions of their identity, capable of giving them depth and consistency.”<sup>21</sup> Ultimately, what motivated this radical defense of the dignity of life was their commitment to a God of Life who gives preferential attention to those lives most endangered and threatened. Behind these apparently politically motivated actions was a profound spirituality sustaining the option for the poor and

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<sup>20</sup> Coll, “Coordinación de Pastoral,” 50–51.

<sup>21</sup> Coll, “Coordinación de Pastoral,” 52. In this sense, I take issue with the interpretation of liberation theologians’ defense of human rights presented in Carlos David Castro-Gómez, “La opción por los pobres: Análisis crítico de sus posibilidades y limitaciones en un mundo globalizado,” in *¿El reino de Dios es de este mundo?: El papel ambiguo de las religiones en la lucha contra la pobreza*, ed. Genaro Zalpa and Hans Egil Offerdal (Bogotá: Siglo del Hombre; CLACSO & CROP, 2008). In this otherwise fine study, Castro-Gómez suggests that the defense of human rights became the way through which the conservative-traditional wing of the Catholic Church strategically tamed the more radical discourse of liberation theology. Thus, reducing the influence of this theology incorporating its positive aspects into official Vatican teaching. However, my account in this chapter tells a different, less Machiavellian story: liberation theologians responded to the needs of their people in a new social situation. Gaining intra-ecclesial power or become a hegemonic theological school were never the driving forces of their work.

marginalized.<sup>22</sup> As noted, Gutiérrez called it the “spirituality of liberation,” a spirituality of solidarity with the marginalized and protest against their marginalization.

The work of Gutiérrez and other liberation theologians was therefore decisive in establishing the spirituality of liberation behind the option for the poor. Coll maintains that liberation theology was decisive: It produced the theological foundations for the option for the poor that the CPDH practiced every day. As she notes, it was a theology that “summoned us to encounter God in the thickness of social conflict and the suffering of a people, a theology that gave depth to everyday tasks related to the defense of life and human rights.” Ms. Laura Vargas, a member of the CPDH, agrees: “Even though we did not talk about the theology of liberation, we were inspired by it, because we were nurtured by a great closeness to the suffering poor.” Similarly, Ms. Moncloa shares: “In my whole process, the accompaniment of a live church, [walking] in the path of the theology of liberation, has been very important. I had three wonderful professors of theology at the Catholic University: Gustavo Gutiérrez, Felipe Zegarra, and Luis Fernando Crespo. They taught me about a religion committed to life.”<sup>23</sup>

But it was not only a general sense of a commitment to the poor and the importance of social transformation that liberation theology taught these persons. It also taught them to balance these qualities; it taught them spiritual discernment. For liberation theologians and those in the CPDH it was clear that

The option for people’s integral liberation demanded the mediation of a political and social project, which was not identified with the Kingdom [of God] without reservations. Christians wanted to be part [of that project], precisely because they were the church, because they were disciples of Jesus. Not for mere political reasons, but because this was a demand of their faith. They saw that the work of the church had political consequences,

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<sup>22</sup> Coll, “Coordinación de Pastoral,” 68–69.

<sup>23</sup> Coll, “Coordinación de Pastoral,” 72; 72; 72.

but that it was precisely the pastoral work of the church that allowed them to see that the political work was insufficient to transform reality. It was the work done as church that became a key factor in the affirmation of its identity and its mission of being a community at the service of the Kingdom.<sup>24</sup>

These testimonies point to a crucial idea—that despite the great importance of radical social and political transformation, people in la corriente understood the ultimate eschatological horizon of such transformation. Ultimately, liberation as salvation can only be accomplished in Christ. The relevance of these testimonies, coming from ordinary believers and activists, is that they confirm that this eschatological orientation remained central without losing sight of the need to struggle for liberation in the present. The evidence suggests that the members of the communities shaped by the option for the poor were quite able to balance their political and religious commitments in organic ways.

In this sense, we should dismiss some of the initial charges leveled. As we have seen through the example of the CPDH, communities and organizations influenced by liberation theology do not politicize the Christian faith. They see in the political arena a place for the realization of social justice and they regard their religious faith as demanding that they fight for a more just society. The key factor is the profound and theocentric conviction that the God of Life cares for all lives, but especially those of the poor and marginalized. Similarly, there is no reason to associate these practices with Marxism or its materialist and atheist currents. Marxism was never a key player in the writings of most liberation theologians nor in the practice of the communities of faith shaped by the option for the poor. Further, there is no historical materialism or atheism in liberation theology.<sup>25</sup> In addition, there is no evidence at all that these faith communities conceived

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<sup>24</sup> Coll, “Coordinación de Pastoral,” 72–73.

<sup>25</sup> Alistair Kee, *Marx and the Failure of Liberation Theology* (London: SCM Press, 1990), confirms this assessment, although he interprets it as a liability.

the process of social transformation as requiring a violent revolution. Quite the contrary: they opposed Sendero Luminoso at the cost of their own lives, and developed a vocal campaign in favor of life and against violence. Lastly, even though rhetoric of the “church of the poor” existed, it never really meant schism but referred to a kind of pastoral orientation that paid special attention to the poor. Certainly in this context the authority of church was called into question. But the problem was never authority itself, but the kind of authority exercised and the type of alliances it required. When authority was claimed in order to dismiss and displace the severe need of the poor, and to defend the repression of the government, liberation theologians protested. They protested, for instance, against the Archbishop of Ayacucho, Juan Luis Cipriani. Cipriani, as the CVR Report shows, denied that there were human rights violations and obstructed the work of human rights activists. But liberation theologians and practitioners did not attempt to break with tradition or disrupt the church. Instead, they wanted to radicalize it, to make it return to its prophetic and mystical roots. Proof of this is that the CPDH was a church-based organization. In fact, it was a branch of the Peruvian Conference of Bishops, the highest hierarchical organization of the Catholic Church in the country.<sup>26</sup>

## **2. “Learning to be Church Outside the Church:” The New Revolutions of Liberation Theology**

In this section I present an interpretation of liberation theology that attempts to address its trajectory beyond the years of social revolution and political violence. My focus here is on the role

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<sup>26</sup> After the times of political violence, the CPDH stopped working as such and instead became a permanent workshop at the IBC in Lima in 1993. Since then it has operated under the Institute’s umbrella as the Taller de Iglesia y Derechos Humanos (Church and Human Rights Workshop). The *taller* still meets today.

of liberation theology during the convergence of democratization and modernization that started to shape Latin American in the 1990s. Since there is not a lot of scholarship devoted to this issue, I rely here on interviews I recently conducted with key figures of the movement in Perú, as well as other works that indirectly address the issue.<sup>27</sup>

The 1990s and the decades that followed represented a challenge for liberation theology and the faith communities that promoted the option for the poor. On the one hand, there were important changes at the ecclesial level with the appointment of new conservative bishops by Pope John Paul II and a backlash that started, at least, in the years between the Conferences of Medellín (1968) and Puebla (1979). This created a hostile context for liberation theology but, more generally, it significantly wounded its institutional strength. There was significantly less support among the bishops; thus, less room to work within the structures of the church. On the other hand, the social-political context changed. From the time of social revolutions and political violence we slowly move to a new season, a season in which the goals of modernization and democratization started shaping the region and the Peruvian experience as well.<sup>28</sup> Therefore, liberation theologians

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<sup>27</sup> In terms of systematic approaches to this topic, the works of Ivan Petrella, *The Future of Liberation Theology* and *Beyond Liberation Theology* are perhaps the most notable exceptions. In fact, Petrella addresses some of the very same issues I am concerned with in these pages. However, I consider his interpretation flawed due to his uncritically examined premises about what liberation theology is or is supposed to be. I will engage his work in footnotes to show the contrasts between his interpretation and mine. Enrique D. Dussel, *Ethics of Liberation: In the Age of Globalization and Exclusion*, ed. Alejandro A. Vallega (Durham, NC: Duke University Press, 2013) is another exception, but it only addresses my questions indirectly. First, Dussel's *Ethics* was originally published in 1998, which means that it leaves over two decades of argument and events unexamined. Second, Dussel's *Ethics* is a philosophical treatise, not a theological piece. But even in its philosophical depth it leaves aside key issues like the role of tradition and genealogy that I consider essential for my approach to liberation theology. Put differently, Dussel's work is representative of a problem already detected in Rawls' theory, a problem this dissertation attempts to overcome. It is too focused on argument and does not properly address questions of moral motivation. Two compilations of essays are worth consulting as well: Patrick Claffey and Joe Egan, eds., *Movement or Moment?: Assessing Liberation Theology Forty Years after Medellín*, vol. 1, Studies in Theology, Society, and Culture (Oxford: Peter Lang, 2009), and Christopher Rowland, ed., *The Cambridge Companion to Liberation Theology*, Second Edition (Cambridge, UK: Cambridge University Press, 2008).

<sup>28</sup> On this issue, see Rolando Ames, "La realidad nacional desde el límite: Riesgos y horizontes,"



faced a twofold challenge: First, the need to expand and continue the struggle for social justice without the important institutional support of the Catholic Church. Second, the need to do so in a post-revolutionary context in which the prevalence of the market economy, the spirit of entrepreneurship, the distrust of politicians and the political process, and the emergent but weak process of democratization became the new horizon for the option for the poor.

How did liberation theologians and the faith communities address these problems? We find some hints in the prior section. They mobilized to support the cause of democracy and the defense of human rights. Yet, some issues remain unanswered: How did they deal with the new economic and political horizon? What kind of new creative balance developed between religious and social-political commitments? Where did they find the appropriate context to materialize them? In order to respond to these questions, I turn to the interviews I conducted between December 2019 and February 2020 with Gustavo Gutiérrez and some of his closest collaborators.

Two clarifications about them are warranted. First, that this is a small (6) sample of interviews. However, these are long conversations in which significant details were provided on the issues just raised. Therefore, although limited in the range of actors that they cover, these interviews give us insight about the process. Second, that these interviews were conducted with some of the most important leaders of la corriente in Perú. I take this to be both an advantage and disadvantage. On the one hand, these conversations provide deep insight into the trajectory of liberation theology since the interviewees have accompanied the process from its very beginning. On the other, these conversations would benefit from being supplemented by further interviews

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and Sinesio López, “Una modernización frustrada (1930–1991),” in *Desde el límite: Perú, reflexiones en el umbral de una nueva época* (Lima, Perú: Instituto Democracia y Socialismo, 1992); and Sinesio López, “La reinención de la historia desde abajo: autoría y lectoría,” in *Entre la tormenta y la brisa : homenaje a Gustavo Gutiérrez*, ed. Catalina Romero and Luis Peirano (Fondo Editorial de la Pontificia Universidad Católica del Perú, 2010).

conducted with people of the “base.” Indeed, all the interviewees are either theologians, university professors, or professionals belonging to the middle class of Perú. They have been active participants in the struggle for liberation, standing in solidarity with the poor for decades. However, the perspective of working-class people would definitely enrich these reflections. Such a project will have to wait for now, but I feel confident that the reflections provided here are an accurate representation of the trajectory of liberation theology since they clearly overlap with those gathered by other works that have focused on the experiences taking place at the “base” level.

In addition, it is worth noting that this investigation attempts to correlate critically two *theoretical* articulations of the question of social justice (Rawls’ and Gutiérrez’). Therefore, as fundamental as it is for the struggle for justice, the articulation of this question at the grassroots level is not and cannot be the main focus of *this* project. For the understanding of the struggle for justice at that level will still need theoretical articulation for any constructive project like mine. Nevertheless, the experiences and voices of people at the grassroots level are incorporated here (through Coll’s interviews, above, or Tom Powers’ ethnographic work, below) to give a narrative and context to the theoretical developments and to exemplify them. So that theory is informed and held accountable to practice, and practice is also shaped and assessed through theory. The process is dialectical, as it is the process of interpreting history and religious traditions as I noted in Chapters 3 and 4.

Before moving to my interviews, then, I turn briefly to the ethnographic and theological research conducted by Tom Powers with women in the poor neighborhood of El Agustino, in Lima, Perú.<sup>29</sup> In this study, Powers conducts numerous interviews that provide great insight into the

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<sup>29</sup> Tom Powers, *The Call of God: Women Doing Theology in Peru* (Albany, NY: State University of New York Press, 2003).

social, political, and economic context of these poor women and the role of faith in their lives. As we will see shortly, there is substantial overlap among these interviews, those conducted by Pilar Coll for her account of the CPDH, and mine. In all three cases we see that people's intervention in political affairs was motivated by faith, by a belief in a God who loves all, but especially the poor. Politics is a means, not an end, at least not from the perspective of their faith. In the case of the women interviewed by Powers, they organized themselves through Servicios Educativos El Agustino (SEA, Educational Services El Agustino), a foundation created by the faithful of La Virgen de Nazareth Parish in 1978. Using SEA as their platform, these women created mothers' clubs, communal dining rooms, communal banks to support small businesses, occupational education centers, infant nutrition programs, health committees, neighborhood organizations, and so forth.<sup>30</sup>

Yet a second issue is also worth highlighting, and here we see an important element that does not appear as explicitly in my interviews or Coll's: the eminently pragmatic, problem-solving nature of these women's articulations of their experience of faith, of their theologizing.<sup>31</sup> As Powers notes, these women do theology because, faced with the massive problems created by internal displacement, poverty, and violence, they want to interrogate their faith to find answers.<sup>32</sup> In this process, their reading of the Bible and their retrieval of key biblical liberating themes is crucial. In many cases, such retrieval is directly influenced by the work of Fr. Gutiérrez.<sup>33</sup> Indeed,

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<sup>30</sup> Powers, *The Call of God*, 35–36. For more on their projects and workshops, see pp. 106–113.

<sup>31</sup> However, the pragmatic vein of religious traditions and, especially, of liberation theology, has been already noted throughout this investigation. I simply attempt to highlight here that when the theologizing comes directly from the poor, the need to solve immediate problems is more evident.

<sup>32</sup> Powers, *The Call of God*, 5–6.

<sup>33</sup> Powers, *The Call of God*, 88.

with him, these women ask: How are we to talk about a God of love in the midst of poverty and oppression, premature and unjust death, and the suffering of the innocent?<sup>34</sup>

In their reading of the Bible, these women find some answers, but they especially find hope, empowerment, and liberation. Not infrequently they do so with a critical attitude toward the church, noting the limitations of its pastoral work, preaching, and its treatment of women.<sup>35</sup> In some cases, this has translated into a decline in attendance of regular church services. However, several women still strongly claim their Christian identity and see in their work to improve the life of others and their own “the recognition of God’s sacred gift of life.”<sup>36</sup> Indeed, as we have seen before and will see again in my interviews, the theme of a life-giving God is central for these women as well. The sacredness of the person is a precious value to them, and the defense of this sacredness is one of their most fundamental commitments to the God of Life. Moreover, this is the case even if it takes place through less ordinary “religious” activities. Reflecting on her work at SEA and her spiritual journey, Ms. Relinda Sosa shares:

I think we all understand that there is a great deal about life that we do not understand. Why am I working here instead of trying to get a job that pays more money? Why was I dedicating more and more of my time to the *comedor* without really knowing whether it was good or bad? Why am I Catholic but I do not go to Mass? Why do I go to the church to cry and pray when I feel depressed? Why has my relationship with my children and my husband improved since I started working with the projects of SEA? Why do I feel closer to God than I ever have before?

I think the answer lies in the fact that, after years of fighting what I thought I should be doing, I have made myself available to Jesus. I am not perfect. I make many mistakes. But I keep on trying to hear the voice of God directing my work.<sup>37</sup>

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<sup>34</sup> Gustavo Gutiérrez, *On Job: God-Talk and the Suffering of the Innocent* (Maryknoll, NY: Orbis Books, 1987), xiv.

<sup>35</sup> Powers, *The Call of God*, 89–101.

<sup>36</sup> Powers, *The Call of God*, 94.

<sup>37</sup> Powers, *The Call of God*, 95. “Comedor” is a popular dining hall that was organized by poor women, mostly in urban areas, as a survival strategy to provide meals in their neighborhoods. Comedores populares still exist today, but were especially important in the decades of greatest poverty in Perú. Carmen

## 2.1. Gustavo Gutiérrez: “What Saved this Project Was Our Persistence”

I turn first to my interview with Fr. Gustavo Gutiérrez, conducted on December 20<sup>th</sup>, 2019, at the Instituto Bartolomé de las Casas (IBC) in Lima, Perú. I then turn to the other five interviews, which will add detail and context to some of the issues initially discussed with Gutiérrez. Three main and overlapping areas of interest guided my interview with Gutiérrez. First, the situation of the church in Perú from the 1990s to the present and the role of liberation theology in it; second, the political and economic situation of Perú in the same period and the role of liberation theology in it; third and lastly, the way in which Gutiérrez and the people of la corriente found new creative balances between faith and politics in the new ecclesial and national situation. All three issues, however, will require some historical contextualization. For contrast and clarification, I go back to the prior decades to begin my discussion.

Despite the already noted changes in the hierarchy of the Latin American church since the election of Pope John Paul II, drastic transformations only started late in the 1990s when the former Opus Dei Archbishop of Ayacucho, Juan Luis Cipriani became Archbishop of Lima in 1999. Before that, the two previous archbishops were either fully supportive of Gutiérrez and liberation theology (in the case of Cardinal Juan Landázuri Ricketts, 1955–1990) or supportive or somewhat neutral (in the case of Cardinal Augusto Vargas Alzamora, 1990–1999).<sup>38</sup> Other bishops in Perú, most notably the former Bishop of El Callao and former President of the Peruvian Conference of Bishops, Ricardo Durand, were quite hostile, but never to the point of having sufficient strength for a full frontal attack on Gutiérrez and liberation theology. The appointment of Cipriani,

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Lora, one of my interviewees, had a prominent role working with the poor women of these comedores.

<sup>38</sup> On Landázuri and Vargas Alzamora, see Klaiber, *Historia contemporánea*, 98–99; 221–23, respectively.

however, changed things dramatically. Lima has always been one of the most important episcopal sees, so its influence should not be underestimated. In addition, at the time Perú had an overrepresentation of Opus Dei bishops, who worked as allies of Cipriani in his quite open effort to eliminate or at least weaken the work of liberation theologians and the base communities.<sup>39</sup>

As Gutiérrez notes, Cipriani was able to remove him and several other priests from their pastoral work in Lima. Further, Cipriani made it increasingly difficult for them and for lay leaders to organize events in Lima. For Gutiérrez there is no doubt that “Cipriani really wanted to eliminate everything.” He adds: “It definitely was a struggle. Undoubtedly, there was suffering.” He continues: “We were on the edge. There were doubts about what to do next.” Yet, Gutiérrez also highlights that there were ways to persist in the struggle. Cipriani did not take away all their agency. Using an image, Gutiérrez asserts: “He beat us but did not kill us.”<sup>40</sup>

Indeed, Cipriani did not have control over everything. Some things were beyond his reach. And although Cipriani had allies, he also had significant opposition in the Episcopal Conference. Hence, other bishops defended Gutiérrez and the perspective of the option for the poor either openly or by opening their dioceses for the work done by him and his colleagues. In addition, Gutiérrez stressed that the theological and ecclesial current shaped by the preferential option for the poor was larger than the experience of the Peruvian church. Such an approach was already

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<sup>39</sup> For more context on Cipriani’s tenure, see Luis Pásara and Carlos Indacochea, *Cipriani como actor político*, First Edition (Lima, Perú: IEP, 2014). For Durand’s critique of Gutiérrez and liberation theology, and a critical examination of Durand’s writings on the subject, see Raúl Zagarra, *Dos lenguajes teológicos: un ensayo sobre el carácter público de nuestras creencias religiosas* (Bogotá: Editorial Bonaventuriana, 2015), 182–84. For broader contextual information on the hostility toward liberation theology and the role of the Sodalitium Christianae Vitae in that process, see Pedro Salinas and Paola Ugaz, *Mitad monjes, mitad soldados: El Sodalitium Christianae Vitae por dentro*, First Edition (Lima, Perú: Planeta, 2015).

<sup>40</sup> All citations and references come from Gustavo Gutiérrez, interview by Raúl Zagarra, December 20, 2019. This and all the interviews were conducted in Spanish. The translations are mine.

widely disseminated in the Latin American church, which prevented the possibility of all being lost despite Cipriani's efforts. In this sense, Gutiérrez does not see his work as an outlier but as a way of being church that was already part of important sections of the church in Latin America. Thus, he notes, "we fought a battle from within."

Many things remained despite Cipriani's resistance. For instance, the famous "Curso de teología" (Course of Theology), a gathering of theologians, lay leaders, and pastoral agents started by Gutiérrez and his colleagues in 1971, never really stopped.<sup>41</sup> Rather, it migrated to the Diocese of Chosica, just a few miles from Lima, where Cipriani lacked jurisdiction. Similarly, Cipriani's pressure forced Gutiérrez and his colleagues to reconsider how to practice and defend the option for the poor in this new, more hostile context. The protagonism of the IBC in this process should not be underestimated. Established by Gutiérrez in 1974 as a nonprofit, the institute was conceived from the beginning as a sort of think tank for liberation theology, supportive of the church but independent of it.<sup>42</sup> When Cardinal Cipriani's hostility increased, such independence was crucial in order to produce resources that would defend the option for the poor as a sound theological perspective. In this sense, its publishing arm, the Centro de Estudios y Publicaciones (CEP, Center for Studies and Publications) was crucial as well.

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<sup>41</sup> The "Curso de teología," initially sponsored by the Pontifical Catholic University of Perú under the name "Jornadas de reflexión teológica," began in 1971 and has continued to this day with only occasional interruptions. Klaiber notes that up to 1995 over 18,000 people attended the course (*Historia contemporánea*, 174–75). The curso was and still is one of the most important ways to share some of the key theological insights of liberation theology among pastoral agents and lay people in Perú and Latin America. For a careful study of the cursos, see Juan Miguel Espinoza Portocarrero, "Las 'Jornadas de Reflexión Teológica' y el desarrollo de un proyecto eclesial posconciliar asociado a la teología de la liberación en el Perú: Discurso teológico, redes sociales y cultura eclesial (1969–2000)" (Master of Arts Thesis, Lima, Perú, Pontificia Universidad Católica del Perú, 2015).

<sup>42</sup> On the institute, its history, and mission, see Eddy José Muskus, *The Origins and Early Development of Liberation Theology in Latin America: With Particular Reference to Gustavo Gutiérrez* (Carlisle, UK: Paternoster Press, 2002), appendixes A and B.

As Gutiérrez notes, his own books and the works of others, the publication of newsletters and magazines, all advocating for the option for the poor, were critical in the survival of this theological perspective. The newsletter *Signos* and the slightly more academic but still popular journal, *Páginas*, were and are still key parts of that publishing effort.<sup>43</sup> Similarly, his lectures all over the world, his academic position at the University of Notre Dame, and the fact that many of his colleagues were university professors, enabled la corriente to persist and survive in its darkest hours. Despite the fact that liberation theology was overall a basic ecclesial movement, in this new moment of greater hostility the institutional and academic developments of this theological approach were decisive for its survival. In fact, Gutiérrez himself notes that he saw his intellectual production as a form of validation of this project, not so much as an end in itself. He has also shared with me in the past that finally obtaining his doctoral degree in theology in 1985, a project he abandoned for years after the conclusion of his coursework, was mainly driven by the desire to give scholarly and ecclesial validation to liberation theology.<sup>44</sup>

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<sup>43</sup> For an excellent study on the contributions of *Signos* to the option for the poor in Perú, see Espinoza Espinoza, *Signos*.

<sup>44</sup> For a transcript of his dissertation defense, see Gutiérrez, *The Truth Shall Make You Free*, Chapter 1. In this sense, Petrella, *Beyond Liberation Theology*, 113–17 misconstrues liberation theology and the goals of theologians like Gutiérrez. It is not the case that Gutiérrez and his colleagues decided to live comfortably in the academy (117) and to dialogue merely among privileged minority scholars (113). Instead, they saw academic production as a vehicle for social transformation, especially in the time of greater hostility. But more importantly, at least for Gutiérrez, it was always crucial to produce social change as the Christian community. For this reason, Petrella's broad diagnosis is mistaken: liberation theology always aimed for integral liberation, not only "historical projects." Petrella misunderstands liberation theology when he maintains that it did not bring about the change it promised. The change was never supposed to be fully accomplished in human history; although it should start here. Similar views are espoused by Kee, *Marx and the Failure of Liberation Theology*. However, Kee's interpretation is closer to mine. Liberation theology is ultimately a theological project whose engagement with Marx was always partial and critical, and whose sense of social transformation was always mediated by theological concerns. The difference is that Kee believes that such engagement and mediations are a mistake. True transformation requires a full embrace of Marx's ideological critique and giving up on theological commitments. That said, Kee defends a non-reductionist interpretation of "historical materialism" (278–83) that is open to religious experience, rendering his view more compatible with liberation theology than it may seem at first. In fact, his view of the role of religion in our "new epoch" appears at moments very close to that of American



The social and political context presented its own challenges. The 1990s witness a new landscape in Latin America. The neo-liberal economic agenda started eroding certain forms of organization and solidarity. In Perú, this also overlapped with the collapse of Izquierda Unida (IU, United Left), the organization that gathered the most important parties of the Left. Such a context generated a sense of distrust in the traditional political parties and a loss of hope in the big structural changes promised by the Left. In part this is what explains the election of Alberto Fujimori in 1990, a newcomer who had never previously held public office or belonged to a political party. According to Gutiérrez, the culture of entrepreneurship that started forming during these years came with important problems. In his view, a certain tendency to individualism and greater ambition emerged, even among the poor. In our conversation, he referred to Luigi Zoja's *La morte del prossimo* (The Death of the Neighbor) to highlight that we may be in a situation where solidarity ties have greatly weakened.

A certain pessimism seems to have overcome Gutiérrez: "Some of the things we used to do, do not work as much anymore. There is less community." Yet he immediately continued in a more hopeful vein: "But we never know. What we do know —Gutiérrez claims, recalling how inspiring the work of Marie-Dominique Chenu was for him— is that life is not separated: the life of prayer from the life of politics. They are different, of course; but there is unity as well." In fact, he maintains, when we break that unity, terrible things start happening. For people want to limit the things God cares about just to those understood as traditionally religious, instead of believing that nothing escapes God's gaze and concern. But people often resist this unity, Gutiérrez shares. We tend to overstress themes like sin or the cross when we think about faith. "Sin is, of course,

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pragmatists, especially William James. In that sense, I take his approach to be compatible with the theological framework I developed for liberation theology in Chapter 4 of this dissertation.

important; but it has to be contextualized. Devotion is important, but [it is] not enough,” he asserts. Yet fully separating this from our political responsibilities appears to him to be a mistake, a theological mistake. “Yet,” he adds, “we should acknowledge that there is lack of trust in the political process. And that lack of trust is legitimate.”

Therefore, the new ecclesial and social-political situation demanded a change of strategy. It also demanded new forms of articulation of our fundamental question, that of the relationship between faith and politics. As Gutiérrez stresses, the new situation required “a transformation of our way of living out our Christian faith. We kept the same beliefs, but there were changes: we had to find new meeting places and areas of outreach, we had to add nuances, some things [like their parishes] were taken away from us.” A spirituality of resistance and persistence had to develop. Lay people, for instance, migrated to nonprofits in which they continued to live out the values of their Christian faith. The IBC was vital in that process. It became a place of resistance that gave resources to many people, lay and religious, to defend the option for the poor. One central aspect of such formation was the study of magisterial documents so that people could understand that the preferential option for the poor was deeply embedded in the social teachings of the Catholic Church, Gutiérrez claims.

At a more personal level, Gutiérrez shares: “For me the question was if all this was worth doing. I decided to do it. But many friends in Latin America decided to leave [the church, the project]. I tried to convince them to stay. But I do not blame them; the conditions were worse in other places.” Gutiérrez also had great trust in the soundness of his theological work, despite all the criticisms. He adds: “What saved [this project] was our persistence. We learned how to be Christians in difficult times. We learned from the example of Jesus: there is suffering, but we can also have joy, hope, and celebration. That is the way you resist.”

## 2.2. Friends of Life, Friends of the Poor: The Witness of La Corriente<sup>45</sup>

### 2.2.1. “Faith Leads to Commitment, and the Commitment Is Political:” The Early Years

The experience of some of his closest collaborators over the years confirms and expands Gutiérrez’s observations. I begin with some contextual remarks about the relationship between faith and politics prior to the 1990s. Fr. Andrés Gallego maintains that most students he advised in the Unión Nacional de Estudiantes Católicos (UNEC, National Union of Catholic Students) and the Movimiento de Profesionales Católicos (MPC, Catholic Professionals Movement) had some form of political affiliation. The conviction was that “faith leads to commitment, and that the commitment is political.”<sup>46</sup> Gallego immediately adds: “But the theological basis [of this political commitment] always was that the Kingdom of God is larger than any political party.” Later he adds: “In Perú being a Christian did not imply having a particular kind of political position. What led to such a position was the nature of [the Christian] commitment.”

All interviewees agree on this. Catalina Romero also stresses that in the faith communities “politics was always interpreted critically, from the perspective of faith. Liberation theology did not identify with any political party. What was central was the defense of life, especially during the times of terrorism. There were tensions between faith and politics, and these were often

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<sup>45</sup> All citations and references in this section come from my interviews, unless otherwise indicated. Therefore, for the sake of avoiding excessive footnotes, I will cite them fully only the first time.

<sup>46</sup> Gallego is a diocesan priest, a professor of theology at the Pontifical Catholic University of Perú (PUCP), a key figure of the pastoral work done in the “Sur Andino”, and one of Gutiérrez’s closest collaborators since the mid-1970s. All citations and references come from Andrés Gallego, interview by Raúl Zagarra, January 7, 2020. The Sur Andino (the South of the Andes, covering the prelatures of Juli and Ayaviri, Puno, and Sicuani, Cusco) was one of the areas of greater development and creativity for the option for the poor for several years due to the presence of great missionary activity (Fr. Gallego is himself a Spanish missionary) and support of the bishops in the area. For more on the experience of the Sur Andino, see Lupe Jara, “El Sur Andino: Una iglesia que responde a los signos de los tiempos,” in *Ser Iglesia en tiempos de violencia*, ed. Cecilia Tovar (Lima, Perú: CEP & IBC, 2006).

discussed, but political affiliation itself was not discussed in community.”<sup>47</sup> Ultimately, these were first and foremost *faith* communities. On political affiliation, Romero stresses, “there was no global or official view.”

Javier Iguíñiz further confirms and contextualizes some of these remarks:

In UNEC there was great closeness to the ecclesial process [Vatican II], and great spiritual dedication, with constant retreats, for instance; but there was also great attention to politics. We paid attention to the political process, but it was always critical attention. We were critical of Velasco,<sup>48</sup> critical of the Cuban Revolution, because we saw the poor as historical subjects. So, we did not support any form of statism or authoritarianism despite there [being] many church-currents that favored Cuba.<sup>49</sup>

Drawing a contrast with the Chilean experience of *Cristianos por el Socialismo*” (Christians for Socialism), something also mentioned in my interviews with Gallego, Carmen Lora, and Rolando Ames, Iguíñiz adds:

Our Christian values always made us suspicious of any official political position. There was a fear of identifying our faith with any concrete political project. We rejected political labels, and especially rejected the use of ‘Christian’ in political labels. . . . [We thought] that political affiliation must be totally plural, open, although open to perspectives with a social orientation.

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<sup>47</sup> Romero, a student of José Casanova, is a professor of sociology at the PUCP, a former member of UNEC and a current member of the MPC, and a former president of the IBC. All citations and references come from Catalina Romero, interview by Raúl Zagarra, January 8, 2020.

<sup>48</sup> In 1968, General Juan Velasco Alvarado overthrew the democratically elected government of President Fernando Belaúnde Terry. However, Velasco’s was an atypical military coup. His “revolutionary government of the armed forces” developed key social reforms not unlike those of left-wing revolutionary movements, including massive land reform. For this reason, the relationship with the progressive, left-wing groups was somewhat friendly. Yet, as Iguíñiz notes, people in *la corriente* were suspicious of this top-down revolution and very critical of its authoritarianism. For more on the Velasco regime, see Carlos Aguirre and Paulo Drinot, eds., *The Peculiar Revolution: Rethinking the Peruvian Experiment under Military Rule*, First Edition (Austin, TX: University of Texas Press, 2017).

<sup>49</sup> Iguíñiz is professor of economics at the PUCP, a former member of UNEC, and a current member of the MPC. He has been active in politics for many decades, and is currently the Chair of the Acuerdo Nacional (National Agreement), a multi-party, multi-institution board in which most Peruvian political parties, institutions of civil society, and the three branches of government gather to build consensus over policy. All citations and references come from Javier Iguíñiz, interview by Raúl Zagarra, January 9, 2020.

Carmen Lora confirms this point:

No [political] position had the monopoly over faith. We had long discussions about this with our Chilean friends . . . in Christians for Socialism . . . for us that was a kind of assimilation of faith into politics that we did not live in the same way and did not perceive as the healthiest or most appropriate relationship. For us, faith had other dimensions, and that was key among us to maintain [a] certain plurality, but also to have respect for people who, being conservative from our political perspective, had an authentic experience of faith. . . . This was very characteristic of the Peruvian experience. Here the contributions of Gustavo [Gutiérrez] were very important to understand that religious experience cannot be reduced to only one [political] option<sup>50</sup>

In contrast, she adds that this plurality was not as common in certain conservative circles that saw left-leaning groups as inherently non-Catholic. The Sodalitium Christianae Vitae, a lay apostolic movement which was antagonistic toward liberation theology since its inception, was the standard bearer of this position. As Lora notes, things were aggravated with the emergence of Sendero Luminoso, which led to the identification of the Left with terrorism among many Peruvians, a problem that persists to this day.

Lastly, Rolando Ames expands on some of these same issues.<sup>51</sup> In his view, “following Jesus means giving up one’s life through active fraternity.” But he sees in the Christian faith a “more comprehensive, long-term view . . . a greater awareness” than that of Marxism or even movements that appeared to be shaped by fraternity and solidarity, like the Cuban Revolution. For him, there were greater demands of personal consistency and intimate, personal sharing in the context of the Christian faith community. “We had political commitments, but our Christian

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<sup>50</sup> Lora is a social psychologist, a former member of UNEC, and a current member of the MPC. She is the current Director of the CEP, a long-time editor of Gutiérrez’s publications in Spanish, and a religious journalist who attended the Episcopal Conferences of Puebla (1979), Santo Domingo (1992), and Aparecida (2007). All citations and references come from Carmen Lora, interview by Raúl Zegarra, January 13, 2020.

<sup>51</sup> Ames is a lawyer and political scientist, a professor of political science at the PUCP, a member of the MPC, a former senator of Lima, and a former commissioner of the CVR. All citations and references come from Rolando Ames, interview by Raúl Zegarra, February 16, 2020.

community was that, Christian; it was nurtured by prayer, prayer was like our ‘vitamin.’” Groups of Marxist orientation knew that and regarding this Christian commitment with suspicion, as lacking loyalty to the revolutionary project. “Marxists,” Ames adds, called it ‘double affiliation’ (*doble militancia*). Christians were somewhat rejected because Marxists believed they ‘sugarcoated’ class struggle.” Interestingly, though, Ames maintains that there was great respect for Christians as well.

For instance, Ames recalls the admiration with which Javier Diez Canseco, one of the greatest leaders of the Left in Perú and a long-time congressman, spoke about left-wing Christians at the funeral of Henry Pease’s spouse. Pease, a Christian close to Gutiérrez and la corriente, and later a President of the Congress of Perú, decided to continue with his candidacy for the Peruvian presidency at that time. Diez Canseco shared with Ames: “This is why I feel admiration for Christians. You persist despite the suffering.” Fr. Gutiérrez also remembers a similar expression of admiration in an exchange with Diez Canseco in which the latter noted: “Most people leave [the struggle for justice], but you Christians stay.”<sup>52</sup>

Why was this the case? Ames believes that the Christian horizon to understand the political realm was more comprehensive, wider. Christians in la corriente were not ideological; they did not consider themselves as an “enlightened” group, as some orthodox Marxists believed to be themselves, just trying to intensify social contradictions in order to bring about the revolution. In this sense, he claims that left-wing Christians had a mediating role among other groups in the Left. They did so before the breakup of IU in 1995, but also afterwards. Ames shares his memories of a conversation with a fellow ex-member of IU: “You [the Christians] were a small group, but you

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<sup>52</sup> Gutiérrez, interview, December 20, 2019.

created the context for people to come together. There was something about your consistency, your behavior.”<sup>53</sup>

Fr. Gallego believes that this mediating capacity and the less ideological stance in politics is connected to the importance of liberation theology in Perú:

In Perú people did not feel the need to leave the church to engage in politics. Probably this was the case due to the strong theological accompaniment, to a type of theological reflection capable of accompanying the political commitment. . . . There was a lot of theological work on the notion of the Kingdom of God. . . . Being a Christian implies a commitment to the creation of social, historical conditions for the presence of the Kingdom. Gustavo [Gutiérrez] has always been very careful [about this issue]. He never said, ‘the construction of the Kingdom of God.’ [For him] we do not build the Kingdom. We build a church; the Kingdom we receive. Nevertheless, it is possible to create conditions for receiving the gift of the Kingdom through the struggle for justice, for truth. And these [struggles] are what many experienced in their political affiliations.

Iguñiz agrees and expands on these issues:

We experienced great unity between our political and Christian identities. We combined commitment, prayer, and theological reflection. The central issue was that our Christian commitment must have relevance in our social life. . . . The openness of our Christian commitment was disconcerting for some on the Left. They had trouble understanding that we were not interested in taking over political power. . . . The work of Gustavo [Gutiérrez] was key in this regard, opening new possibilities. Thus, we avoided oversimplifications, theological or sociological. By reading social reality from the perspective of the Bible, we were able to see the poor in more complex ways than Marxists and without political instrumentalization.

All interviewees agree on this issue: their political commitment was less ideological and did not imply the embrace of any form of political orthodoxy about social change or power-building,

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<sup>53</sup> All these observations on the greater horizon of liberation theology should also operate as a rebuke of Petrella’s interpretation. People committed to the option for the poor understood the formation of “historical projects” within the complex fabric of their own faith in God’s project. In this sense, Petrella might invite liberation theologians to go “beyond theology” in order to accomplish its promises (*Beyond Liberation Theology*, 148). But, in doing so, he plainly shows his selective reading of liberation theology, dismissing it as a theological, faith-based project. Further, perhaps more anecdotally, it is worth noting that in recent years Petrella decided to serve in a high-ranking position in the administration of President Mauricio Macri of Argentina, one of the most neo-liberal administrations in Latin America. One wonders if his cry for the formation of “historical projects” in liberation theology led him to forget not only the *theological* nature of this movement, but also its *political* orientation.

Marxist or otherwise. Lora, discussing the importance of the Cuban Revolution, summarizes the position of Christian leftists at the time with a question: “Why would the revolution have to be an atheist revolution?”

### **2.2.2. Ecclesial Hostility, Neoliberalism, and Depoliticization: The Middle Years**

The situation of liberation theology changed drastically starting in the 1980s. In the Peruvian context, the situation became especially aggravated during the 1990s and the long tenure of Cardinal Cipriani as Archbishop of Lima (1999–2019). Yet some of the issues mentioned before had great importance in controlling the impact of what became a full-frontal attack. Key among them was the nuanced theological work of Gutiérrez and his colleagues. Gallego notes:

It was hard to delegitimize liberation theology theologically. So other attacks were put forward: they called us Marxists, for instance. . . . Gustavo [Gutiérrez] was theologically more thorough than others, but he was also wiser in his way of handling the internal politics of the church. . . . We developed responses, mainly to avoid provocation . . . We kept in mind that we were part of a social fabric. So, we became more careful, but without giving up on our ideals.

In this context we should keep in mind that for Gutiérrez and *la corriente*, theology is a service to the church. He has called it “an ecclesial function.”<sup>54</sup> In this sense Gallego’s comment on being part of a “social fabric” is particularly illuminating. For Gutiérrez and the faith communities influenced by his thinking, being part of the larger community of the church is an essential component of their identity. As Gallego also notes, this does not mean giving up on their critical approach to the church and society, but it does mean finding that balance between belonging and criticism is essential. Breaking from the church was never a desirable goal.

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<sup>54</sup> Gustavo Gutiérrez, “Theology: An Ecclesial Function,” in *The Density of the Present: Selected Writings* (Maryknoll, NY: Orbis Books, 1999).



Nevertheless, the hostility toward the work of liberation theologians and the base communities did have an impact on the organization of pastoral work and on Christian identity. As Gutiérrez noted, many restrictions were imposed, and new creative responses were necessary. Romero confirms, for instance, that after the fall of several centers and missions that for years had been the institutional embodiment of the option for the poor,<sup>55</sup> the work of many committed Christians migrated to nonprofits: “In the NGOs we gave continuity to our practice of fraternity.” Iguñiz agrees: nonprofits, the state apparatus, and academia became new spaces, but not only due to the hostility of certain sectors of the Catholic Church. It was also because political affiliation started declining in the 1990s after the global collapse of socialism and the failure of the IU project in Perú.

Romero adds: “Christian values became secularized facing a church that became more hierarchical and more focused on sacramental piety.” Lacking a context to embody the preferential option for the poor through the means provided by the institutional church, Christians did not give up their Christian identity or values. Rather, they found new ways to express them outside the institutional context, in the *saeculum*. This notion of secularization was already present in the work of Gutiérrez, but in this new moment it became more than a theological approach. It was forced by the circumstances because the “religious” spaces for the embodiment of the preferential option for the poor started to disappear. Hence the work *had* to migrate to the “secular” organizations of civil society.<sup>56</sup> In the interview, Gallego described this process quite tellingly as “learning to be

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<sup>55</sup> She mentions the Instituto de Pastoral Andina (Institute for Andean Pastoral Work) and the work of the Maryknoll Order, both in the Sur Andino, as two examples of major spaces for the embodiment and development of the option for the poor. These and other initiatives were either progressively deactivated or undermined by the presence of more conservative bishops in the country.

<sup>56</sup> For instance, in Perú several institutions and organizations were created during the time of political violence (1980–1992) and in its aftermath: AFAVIT (Association of Families Victims of Terrorism), APRODEH (Association Pro-Human Rights), IDL (Institute of Legal Defense), the Vicariates

Church outside the Church.” Telling indeed, because this assertion reframes the religious-secular dichotomy. Instead of conceiving the sacred and the temporal as fixed realms, Gallego’s perspective implies that the creative agency of individuals and communities can sacralize experiences and institutions. In this sense, these “secular” institutions of civil society become “sacred” in some regard through the kinds of activities and goals they pursued, and the intentions behind the actors working in these spaces.<sup>57</sup> Romero adds: “The key intuitions were already present, in principle, in the Gospel, but they required updating. In this context, values like liberty and equality become central.”

Changes in the church and the state, respectively, both forced and facilitated all this. The return to a more hierarchical and less democratic church, on the one hand, and the slow but important democratic gains in the country, on the other, created a new space. Romero notes that the presence of democratic deliberation, after years of military dictatorship, and the rebuilding of institutions allowed Christians to participate in the democratic process and become involved in government. Both Iguñiz and Romero note that this transition took place almost in parallel to the emergence and expansion of Sendero Luminoso. Therefore, a large part of the work developed in this newly created democratic space focused on the defense of human rights and the defense of the democratic institutional framework required for that task. In this sense, Iguñiz adds, “the focus of

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of Solidarity, and some Evangelical institutions also focused on human rights. All of these were gathered under the umbrella organization called CNDDHH (National Coordination of Human Rights), whose first Executive Secretary was Pilar Coll. Sixty percent of the members of these organizations were connected to churches, the vast majority to the Catholic Church and to the groups influenced by liberation theology. On this, see Catalina Romero, “Religión y política en el Perú, 2000–2010,” in *Cruces, intersecciones, conflictos: Relaciones político religiosas en Latinoamérica*, ed. Aldo Rubén Ameigeiras (Buenos Aires: CLACSO, 2012), 125.

<sup>57</sup> On the question of sacralization, with direct focus on human rights, see Hans Joas, *The Sacredness of the Person: A New Genealogy of Human Rights* (Washington, DC: Georgetown University Press, 2013).

‘liberation’ changes from an emphasis on ending the dependency [on global economic and political oppressive systems] to an emphasis on human freedom and citizenship. . . . In this context, the notion of individual rights becomes central.”

I suggested to Iguíñiz that such a shift of emphasis appears to overlap significantly with some of the key concerns of liberalism. Was this the embourgeoisement of liberation theology, as some have argued? In what could be taken as a direct response to the critiques of Iván Petrella, Iguíñiz elaborates quite insightfully. I cite *in extenso*:

Not if ‘liberalism’ here stands for ‘individualism.’ In this sense, we should keep in mind that Gustavo [Gutiérrez] has distanced himself from [some aspects of] modernity but has always claimed to belong to it as well. [Remember that the notion of] ‘the individual as the subject of their own history’ has been present in liberation theology from the beginning. . . . In this sense, such critique comes from those who were instrumentalizing liberation theology in order to advance a simplistic approach, an approach that still exists in Latin America according to which ‘liberation’ is national liberation, liberation from imperialism, from transnational corporations, from economic systems. . . . But liberation theology inserted itself in the changes [dictatorship vs. democracy] that we were experiencing in reality. It was not held back by the theoretical framework of a prior moment. So, yeah, if [the defense of] democracy means embourgeoisement, sure, liberation theology adopted bourgeois values . . . it is not hard for me to imagine such a reading. But what this critique shows is a frustration . . . that liberation theology was not the tool that outlived the decline of socialism, the decline of Marxism in the political practice of Latin America. . . . Even though I am not familiar with this formulation of the critique . . . my provisional interpretation is that this possibly is the reaction of those who did not realize that liberation theology was not the replacement of the fervor, the militance typical of the traditional way to deal with the Latin American problem . . . [of those who did not realize] that liberation theology was not a conceptual framework dependent on the Cuban Revolution. . . . It became clear that liberation theology was not easily [politically] instrumentalized . . . because liberation theology did not reinforce the old way of doing things. In this regard, it also helps that in Gustavo [Gutiérrez] the more “Latin Americanist” social analysis of reality is present in 1971, but not after. . . . What really happens, more than changes at the theoretical level, is that the agenda becomes more complex after the end of the dictatorships. . . . I believe that [Gutiérrez’s work on] Bartolomé de Las Casas is an important intermediate moment in this regard . . . about claims of national sovereignty . . . and indigenous vindications vis-à-vis Latin American thought. [There we see] a liberationism with one foot on the classical [systemic, structural approach] and the other on more personal, spiritual approaches, on an inward experience of our solidarity with the oppressed.

But the religious and political landscapes changed in other regards as well. For liberation theology's challenges were not only the emergence of a hostile conservative wing of the Catholic Church and the "sacralization" of certain forms of "secular" human rights activism. The 1990s was also the time in which Evangelical Christians started showing their true strength while the political process becomes more and more "apolitical" due to the failure of socialism and the triumph of the neoliberal economic model in Latin America. Not surprisingly, these two phenomena seem to be deeply interrelated. Lora notes that the breakup of IU in 1995 deeply wounded the Left, but especially and negatively affected the relationship between politicians on the Left and the masses. Ames, who was actively involved in the process, agrees. The distance that emerged between the two created a political space for the movement represented by then-President Alberto Fujimori, who started enacting neoliberal reforms in the country in 1990 and whose government was becoming increasingly authoritarian. Lora maintains that during this time many people left the socialist model of political organization, giving the Fujimori model of individual progress and distrust of government and progressive politics a chance.

For Lora, this political reality was somewhat replicated in the ecclesial context, that was already quite unfriendly toward liberation theologians. The church started losing contact with the popular world, and pastors and pastoral agents had trouble understanding the news situation: "The people's option for Fujimori left many of us perplexed," Lora notes.<sup>58</sup> In agreement with Gutiérrez's interpretation about the growth of individualism, Lora maintains that people in la corriente had to find new ways to express their commitments. Pastoral work continued but focused

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<sup>58</sup> Lora points to the work of the Jesuit Francisco Chamberlain as one of the most important figures attempting to find theological answers to this moment. See, for instance, his "¿Qué queda por hacer en la perspectiva de la teología de la liberación?," in *Francisco Chamberlain, testigo del evangelio*, ed. Carmen De los Ríos and Santiago Paz (Lima, Perú: CEP, IBC & Centro Loyola Ayacucho, 2019).

on specific themes. Healthcare, for instance, became an important issue. The work on education remains central. Lora singles out the important contribution of the Jesuits and their vast network of projects in the whole country, key among them being the *Fe y Alegria* (Faith and Happiness) schools that offer quality education to kids in poor and underserved areas.<sup>59</sup> The prevention of violent social conflict is another area where people influenced by the option for the poor played an important role. The problem of inequality and the abuses of the government in tandem with big corporations always has potential for protest and conflict, so the church uses its still extant moral legitimacy to mediate and prevent violence.

More generally, in the last couple of decades the church has approached and helped those left behind by the economic “boom.” For Lora, it is undeniable that important changes took place and that “the poor” do not have the same sense of solidarity that was typical in prior decades. Indeed, “poor” in the 1990s and still now is equated to being a “loser”; it is no longer an expression of class solidarity, she maintains. Nevertheless, here is where the theological work of Gutiérrez becomes important again. For in his oeuvre the notion of the poor is always multidimensional, Lora adds. Perhaps many are not economically poor any longer, but many of them are still left-behind, marginalized. Liberation theology still has something to say to them.

The growth of Evangelical Christianity is also an important phenomenon of this period. As a matter of fact, Evangelicals had a decisive role in the election of Alberto Fujimori in 1990 and have been an important force in the consolidation of neoliberalism and the culture of entrepreneurship in Perú since then. The most recent surveys suggest that Evangelical Christians

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<sup>59</sup> On *Fe y Alegría*, see Klaiber, *Historia contemporánea*, 230–32. The model of these schools is based on a *sui generis* state-church collaboration. The Jesuits build the schools, select the staff and the teachers, but the state pays them. The schools are Catholic, and shaped by the ideals of the preferential option for the poor, but they are also ecumenical and focused on serving their communities.

comprise around 17 percent of Perú's national population, most of them Pentecostals and among the poor.<sup>60</sup>

A brief discussion of the saying according to which “In Latin American, the Church opted for the poor and the poor opted for Pentecostalism” is pertinent here. As Romero notes, what we started seeing since the 1990s, especially, is the opening of new political spaces together with the opening of the religious marketplace.<sup>61</sup> Of course, the opening of the latter is the consequence of the progressive growth of Protestant Christianity in the region since the late nineteenth century. However, the already discussed changes in ecclesial and secular politics elicited more rapid growth in the last few decades. The deliberate weakening of the base communities directed by the hierarchy of the Catholic Church and the little interest of the latter in a kind of evangelization that could go beyond the mere administration of the sacraments, created a vacuum.

As Lora notes, this also overlapped with the departure of many foreign missionaries who were clearly aligned with the option for the poor. Many of them were removed by unfriendly bishops, but some also finished their tenure and were sent to new missionary regions by the superiors of their religious orders. Hence, lack of religious personnel and lack of interest in attending to the problems of poverty and marginalization fostered the growth of Evangelical Christianity. We must keep in mind that Evangelical Christians are traditionally well equipped for the creation of networks of solidarity and small businesses. Moreover, in the context of the new

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<sup>60</sup> See Romero, “El Perú, país de diversidad religiosa.”

<sup>61</sup> For a global history of Evangelical Christianity and Pentecostalism, see David Martin, *Tongues of Fire: The Explosion of Protestantism in Latin America* (Oxford, UK: Blackwell Publishers, 1993) and David Martin, *Pentecostalism: The World Their Parish* (Oxford, UK: Blackwell Publishers, 2002). For their role in the Peruvian context, see Véronique Lecaros, *La conversión al evangelismo*, trans. Gustavo Martínez Sánquiz (Lima, Perú: PUCP, 2016). See also the essays of Rolando Pérez, José Sánchez, and Uta Ihrke-Buchroth in Catalina Romero, ed., *Diversidad religiosa en el Perú: Miradas múltiples* (Lima, Perú: IBC, CEP & PUCP, 2016).

economic model of Perú, they were especially well prepared to offer spiritual and economic support to those among the poor that were left behind by their church and the political parties.

None of this means that the work of liberation theology was extinguished, but this new situation represents a challenge to which people in la corriente are still attempting to respond. One way to do so is through the creation of Evangelical-like networks of solidarity and entrepreneurship, but with a more holistic sense of the political and a less individualistic sense of economic growth.<sup>62</sup> In this regard, Romero has also noted that Peruvian Evangelicals represent a challenge due to their understanding of political power. Even though they use democratic channels, their view of the political is monopolistic. In this sense, they aim to accumulate political power via democratic means in order to enforce their religious views in society legally.<sup>63</sup> The issues of gender equality, same sex relations, and abortion are some of those that receive special attention. In these areas they have, until recently, received important support from the conservative wing of the Catholic Church led by Cardinal Cipriani.

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<sup>62</sup> Such is the approach advocated for Chamberlain, “¿Qué queda por hacer?”

<sup>63</sup> Noting these challenges should not overshadow the crucial contributions of Evangelical Christianity to the Latin American and Peruvian religious landscapes. Overall, the presence of Protestantism in its different varieties made the religious marketplace more plural and helped to weaken the Catholic monopoly. In addition, the inward focus of Evangelical Christians, especially Pentecostals, and the tendency to form strong networks of social cooperation has helped millions of people to improve their lives by creating “microsocial change.” On this issue, see Philip Wingeier-Rayo, *Where Are the Poor?: A Comparison of the Ecclesial Base Communities and Pentecostalism, a Case Study in Cuernavaca, Mexico* (Eugene, OR: Pickwick Publications, 2011), 76. However, the migration of Pentecostalism from the democratic culture of the United States to the more vertical culture of Latin America has created some tensions, among them the monopolistic tendencies noted above. On this, with emphasis on the Chilean and Guatemalan cases and the relationship between dictators and Pentecostals, see Martin, *Tongues of Fire*, 240ff. and 253–55, respectively. In all fairness, Martin also points out (254) that despite the generally favorable situation of Pentecostals during General Ríos Montt's tenure, thirty members of a Pentecostal Church in El Quiché were killed, suspected of radicalism. On Pinochet's and Ríos Montt's complex relationship with Pentecostals, see also Hartch, *The Rebirth of Latin American Christianity*, 82–87; 60–61, respectively.

In this sense, Ames suggests that Christians of *la corriente* must redefine their political activity. In fact, many are already doing so by working in government, trying to keep the ideals of the option for the poor alive but now with certain distance from the remaining parties of the Left. For Ames, this is important insofar as some of these parties remain too ideological, unable to recognize that despite all its faults, the Fujimori regime was able to bring economic stability to the country and end terrorism. Agreeing with Lora, Ames stresses that a context like this is where the strengths of Gutiérrez's theology become more apparent. For his approach does not depend on some ideological political, or economic framework, say Marxism or Dependency Theory. Rather, Gutiérrez's understanding of the poor is more complex: the poor are really the marginalized, the nonpersons. Hence, the option for the poor is an option for those who suffer. For Ames this has immense political potential because it allows us to read history against the grain, from the bottom up.<sup>64</sup> Therefore, the same principles remain, but they can converse with a new situation. The option for the poor can still take place in a framework shaped by capitalist macroeconomics, for instance, but with the same critical distance it had from the socialist framework. Thus, liberation theology is well equipped to lead the anticorruption and antiplutocracy fights. More generally, it will continue fighting for a more just, less unequal society.

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<sup>64</sup> On this issue, see López, "La reinención de la historia desde abajo," where he identifies the work of Gutiérrez as one of the most important intellectual contributions to interpretations of Latin American and Peruvian history "from the bottom." López, however, concludes his reflections on Gutiérrez in a somewhat critical fashion, noting that his is still a "divine history" and that we really need a truly "human history" (58). In my view, López's analysis is inadequate in two regards. First, it appears to assume that either such distinction is possible (between divine and human histories) or that there is only human history. But, of course this is a metahistorical judgment that cannot be warranted. Plus, at the very least, we know with certainty that numerous people believe in the existence of a divine history, a belief that affects their human choices. Hence, dismissing the existence of a divine history appears to be an unjustified move even on sociological grounds. Second, and perhaps more importantly, López does not truly acknowledge that the interrelation of these two histories is perhaps *the* central contribution of Gutiérrez's theology. Understanding the underpinnings of that contribution, as I have tried to do here, could have enriched López's approach and allowed him to give Gutiérrez's work even greater credit.



### 2.2.3. Aparecida, Pope Francis, and the Challenges Ahead: The Later Years

All interviewees agree that liberation theology has the theological and spiritual resources to face the challenges of our present situation. Yet, they have slightly different interpretations of how those resources can be deployed to meet these challenges. Further, their different approaches seem to depend on their evaluation of the institutional church. More independence from the church often translates into a more optimistic tone. Less independence tends to translate into a slightly less hopeful outlook.

Iguñiz points to the end of the 2000s as a place to find some answers. The Latin American and Caribbean Bishops Conference of Aparecida, Brazil, in 2007, is for him a key moment. There, the preferential option for the poor was praised and affirmed as a fundamental element of the experience of the Latin American church. Pope Benedict XVI, the former prosecutor of liberation theology, was central in that moment of praise and affirmation.<sup>65</sup> Initially, Iguñiz shares, people of *la corriente* approached the conference with suspicion and, then, when the conference unfolded and the documents were published, they were slightly surprised. But then everything made more sense. The results were the consequence of the type of work Gutiérrez and his colleagues pursued for decades, especially in times of hostility. Gutiérrez's sound theological work was able to become part of the theological consensus among a minority of the bishops. Indeed, Iguñiz adds, his theology was deeply present, unanimously, among a minority who, yet, had power in the hierarchy. Thus, without any prior coordination, when the bishops gathered in Brazil, this minority organically and spontaneously coalesced behind the prophetic perspective of the option for the poor, showing the consensus Gutiérrez and others were able to build over the decades. Then-

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<sup>65</sup> On this, see Gustavo Gutiérrez, "La opción preferencial por el pobre en Aparecida," in *De Medellín a Aparecida: Artículos reunidos* (Lima, Perú: IBC, PUCP & CEP, 2018).

Cardinal Jorge Bergoglio was part of that consensus. The generational change and the loss of power among some of John Paul II's appointees, especially those of the Opus Dei, also favored such theological agreement. According to Iguíñiz:

They [the conservative group] only thought about the numbers because they had a bureaucratic understanding of the church, whereas the vision of Gustavo [Gutiérrez] and many others was an inspirational, creative, principled, dedicated vision . . . that was meant to give meaning and orientation to the life of people. In this sense, Gustavo has been the vigilant guardian of the core of this vision. . . . Not everything is easy . . . but this [vision] continues to be what has given meaning to many lives in the church . . . a little part of which became bishops . . . which is like, at the institutional level of the history of the church, the ripening of a fruit whose seeds were planted [long time ago] and that was able to keep alive the motivations, enthusiasm,, and dedication of an ecclesial commitment.

Iguíñiz sees the future with hope, but not naively. He believes that the papacy of Pope Francis has great potential for reform in the church, to which we should add the importance of Francis' pastoral style. But many challenges persist: celibacy and gender relations are central among them. Iguíñiz believes that liberation theology has many resources to deal with these issues because, as all the interviewees noted, its subject is not merely the economic poor. Rather, its main concern is the unquenchable problem of exclusion and marginalization. However, he believes this is mainly in the hands of the laity since there is always great resistance to change in the hierarchy of the church.

Romero and Lora agree, adding a more local perspective. According to Romero, the appointment of Fr. Carlos Castillo as Archbishop of Lima in 2019 has created a new and favorable context. It is worth noting that Castillo is a longtime friend of Gutiérrez, a theology professor at the PUCP, and very close to *la corriente*. In addition, Pope Francis has appointed several new bishops in Perú whose pastoral work, like Castillo's, has been shaped by the preferential option for the poor. Many of these bishops have reestablished connections with some of the pastoral agents that were central to the success of liberation theology in the past. Romero sees a quite productive context in this new moment. Lora notes also the global importance of Pope Francis and

the local role of Archbishop Castillo and other authorities. Yet, she highlights the presence of a generational gap between this generation of bishops and the potential new ordained and lay leaders. Further, like Iguíñiz, Lora notes that there is great sense of responsibility among the laity, but that their professional responsibilities are extremely demanding, leaving little time for pastoral work. In addition, due to the prior time of hostility, many spaces for such pastoral work do not exist anymore. Hence, there are new possibilities, but also a lack of clarity of what is next.

Romero adds some perspective based on her scholarly work on religious pluralization in Perú. She uses the concept of “diffuse religion” to describe the kind of religious belonging common among Peruvians these days. By this she means a kind of religiosity that is handed on by family members, not by clerics or the institutional church. Diffuse religion is fundamentally about cultural values and identity, not so much about theological beliefs. For this reason, Romero sees it as the foundation of the faith of both Evangelical and Catholic Christians in Perú. In this sense, she believes that we should acknowledge that this is the basis for any kind of “evangelization” project. But if such a project were to take place, it must do so always respecting and trusting people’s freedom, paying attention to the way communities organize their life instead of simply bringing something to them from outside. Romero’s approach is somewhat pragmatic, noting that this diffuse religion is part of the new religious landscape in Perú. It is not necessarily a good or bad thing, simply a fact.

In contrast, Gallego’s perspective is more somber and shows a certain degree of perplexity, not unlike Gutiérrez’s own take. Asked about our present situation and the future, Gallego shares:

More than a prospective vision, I can share with you my concerns. I feel that in this moment we have a problem, a problem about how to make our faith explicit. We have progressively lost the contexts and the ways to express our religiosity, to express our faith. To give you an example, the Course of Theology was a way of making explicit our faith, the faith of la corriente, sometimes gathering two thousand people. Well, that has shrunk. But I think it

has shrunk due to the strong penetration of neoliberalism, and certain kind of secularization and egoism in our culture. . . . [In this context] it is very difficult to express the concern for a way to understand faith as shaped by community, by solidarity. I feel that to be community today is harder than before. And I also believe that there is less commitment. . . . We have a meeting this upcoming Saturday where I have to present on how to encounter God today, in these times and in the situation of our country . . . and I do not know what I am going to say. It is not an easy topic for me.

After a pause, Gallego elaborates:

When I refer to the problem that we have to make our faith explicit . . . what I am saying is that we have a problem [doing] theology today. Making faith explicit is not simply going to mass, although that [is important] too; making faith explicit is knowing how to pray, knowing how to confront your life with the practice of Jesus . . . this is what I see today as lacking . . . we do not have the appropriate ways to do this. And then we return to old formulations, but today they are empty.

An emotional pause follows, then Gallego adds in a more hopeful tone: “I was recently reading about [Mario] Vargas Llosa’s newest book . . . *Tiempos recios* [*Tough Times*]. I do not know if he has read Saint Teresa [of Ávila], but that is a phrase of Saint Teresa: ‘in tough times, strong friends of God.’ And I believe that we are in tough times.”

I bring this section to a close with some concluding remarks. First, the testimonies of the interviewees substantially agree on their assessment of the relationship between faith and politics in liberation theology. The central issue is to express their commitment to the Gospel and to the poor through the transformation of society, a transformation that requires political, systemic change.

Second, that in doing so there was ample room for disagreement and different political affiliations. The main reason for this is that most of liberation theology’s advocates understood that the political was only one area for the manifestation of their commitment to the Gospel and the poor. Faith is always more profound and comprehensive than politics. Christians should create the conditions of the advent of the Kingdom of God. But, ultimately, the Kingdom is always a gift; never something we can create.

Third, that since there was no dogmatic political or theoretical affiliation, liberation theology was able to navigate different historical circumstances, modifying its strategies without giving up its core concerns. Plainly, this happens in the transition to a post-revolutionary moment in which the reconsideration of socialists' hopes and the emergence of democratic alternatives in the region changed the political landscape. In this new era, Liberation theologians and their communities focused on democracy building and the defense of human rights, first, against obvious violations and abuses, later, against more subtle forms of abuse like poverty and social inequality.

Fourth, that liberation theologians have been particularly well-equipped to deal with intra-ecclesial conflict. On the one hand, this was possible due to their relative autonomy via the foundation of centers and institutes, their publishing, teaching, and so forth; and on the other, because liberation theology was able to penetrate the official teachings of the Catholic church over the decades. In this sense, the key ideas of this theological tradition, the preferential option for the poor and the need to make such option pay attention to systemic change, have become important parts of magisterial teaching, especially with Pope Francis.<sup>66</sup>

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<sup>66</sup> On the affinities of Pope Francis' teachings and liberation theology, see "David Tracy, Ignacio Ellacuría y el método de correlación crítica en la *Evangelii gaudium*," chapter 8 of Raúl Zegarra, *La subversión de la esperanza: diálogo contemporáneo entre teología de la liberación, filosofía y opción por los pobres* (Lima, Perú: PUCP; IBC; CEP, 2015). For a more detailed account of Francis' pastoral concerns and theological background, see Rafael Luciani, *El Papa Francisco y la teología del pueblo* (Madrid: PPC, 2016); Juan Carlos Scannone, "Hacia una colaboración teológica con la pastoral del Papa Francisco," in *Desafíos de una teología iberoamericana inculturada en tiempos de globalización, interculturalidad y exclusión social: Actas del Primer Encuentro Iberoamericano de Teología*, ed. Luis A. Aranguren Gonzalo and Félix Palazzi (Miami, FL: Convivium Press, 2017). For a study of the *teología del pueblo* (theology of the people), arguably the most important form of liberation theology that directly influenced Francis' theological outlook, see Michael Candelaria, *Popular Religion and Liberation: The Dilemma of Liberation Theology* (Albany, NY: State University of New York Press, 1990), especially chapter 2, "People as the Subject of Liberation, Popular Religion and Popular Culture: The Liberation Theology of Juan Carlos Scannone."

Lastly, we can detect a slightly different approach to the future among our interviewees. Interestingly, there seems to be a pattern of response depending on the ecclesial role of the interviewee. Gutiérrez and Gallego, both priests, seem to have a gloomier, but still hopeful approach to the future. It appears to be the case that their slightly somber tone is related to what they perceive as the erosion of certain forms of community, to the progressive decline of the type of faith communities they were able to form and nurture in their pastoral work. Some sense of concern for the institutional church and the kind of communities it can produce and sustain appears to be important in their reflections.

In contrast, the other interviewees, all of them lay people, seem to see the situation with certain cautious optimism. Nobody denies the challenges that Gallego and Gutiérrez detect, but they do not seem to see the situation of the church with similar concern. Instead, as Romero pointed out, there seems to be a more sociological approach that acknowledges the changes and sees in them opportunities for the formation of new communities and new forms of faith expression. Yet these new forms may look very different from the ones common among the base communities of the past century. The same may be true for the political, as Ames suggested in the interview. We may imagine that a “spiritual but not religious” model (or what Romero called “diffuse religion”) can continue growing, but we should not necessarily see in this the death of community-oriented faith and political engagement. Rather, we may see them as new forms of expression and, perhaps, new forms of sacralization as well.

### 3. Stepping Back: The Possible Futures of the Christian Option for the Poor<sup>67</sup>

Let me elaborate on these issues in conversation with Hans Joas and Ernst Troeltsch. Some of the questions and challenges raised by the interviewees are not only pertinent for liberation theology, but for the Christian faith as a whole. Although all the interviewees are part of the church current, *la corriente*, shaped by liberation theology, they are first and foremost *Christians* and face the new challenges as such, not only as members of a theological school of thought or social movement. Fundamentally, they do so because they believe that the preferential option for the poor is not just a passing theological fashion or fad. Rather, they believe it to be at the core of the Christian gospel. Therefore, these are challenges for the Christian faith as a whole, not only for liberation theology. Interestingly, though, liberation theology's radicalization of the Christian tradition may function as a blueprint of how to meet the challenges confronting the tradition.<sup>68</sup> The answers for the future may lie in interpreting the tradition as being in permanent revolution, permanently going back to its core values and reinterpreting them creatively in order to solve new problems generated by new historical conditions. I now turn to a more systematic identification of these challenges in dialogue with Joas' own discussion of the "possible futures" of Christianity initially addressed by Troeltsch. Joas' focus is on Europe, mine is on Perú and Latin American.

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<sup>67</sup> On occasion, I use the phrase "option for the poor" instead of "preferential option for the poor" for the sake of brevity. For a comprehensive study of the preferential option for the poor as an ethical and theological concept, see Stephen J. Pope, "Proper and Improper Partiality and The Preferential Option for the Poor," *Theological Studies* 54 (1993): 242–271. I will return to this piece in my concluding remarks.

<sup>68</sup> As noted at the beginning of this chapter, my focus here has been the Latin American, mostly Peruvian, *Catholic* milieu. Hence, my comments here apply more accurately to that context. However, since parallel processes of radicalization took place in the Protestant milieu through the efforts of black liberation theology, and in both milieus through feminist theology, it is not implausible to extend some of my conclusions beyond Latin American Catholic theology. For the African American context, see Gayraud S. Wilmore, *Black Religion and Black Radicalism: An Interpretation of the Religious History of African Americans*, Third Edition (Maryknoll, NY: Orbis Books, 1998). For the intersections of these three processes of radicalization, see Lilian Calles Barger, *The World Come of Age: An Intellectual History of Liberation Theology* (New York, NY: Oxford University Press, 2018).

Yet, the issues converge organically. Following Joas, I divide my account into sociological and cultural-intellectual challenges.

At the sociological level, Joas identifies three major challenges: the dissolution of traditional milieus, implicit religion, and globalization. As Joas notes, referring to Germany,<sup>69</sup> “the dissolution of confessional milieus has indeed made it more difficult for families to pass on their faith. . . . But if we take account of differing degrees of the intensity of religious practice, a different picture emerges.”<sup>70</sup> In my interviews with Gutiérrez and Gallego a similar concern emerged. Gallego offered a somewhat bleak assessment: we no longer seem to know how to express our faith, be a community, or do theology. But perhaps we should consider if he is not collapsing two different issues. Sociologically, it is certainly true that a more confessional “Catholic milieu” is in decline. This is true of Perú and Latin America, and importantly true regarding the poor. In Perú this can be partly explained by the process of neoliberal modernization and attributed to the growth of Evangelical Christianity, especially Pentecostalism. However, from the perspective of Christian value-formation, this may offer an opportunity: “the question must be how values can be passed on in new ways amid such [a] change of milieu and how they can arise anew through new experiences. It may be that values and faith are sometimes poorly transmitted precisely because they are in a sense shut up in a milieu.”<sup>71</sup> Therefore, the decline of certain forms of Christian life may be an opening for new options. Further, the fundamental concern for the poor and marginalized can be an especially powerful thread to guide this transition.

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<sup>69</sup> I will not discuss the question of globalization because its relevance in the context of Joas’ study is to present a challenge to the false equation of Christianity with Europe. Since my whole investigation is predicated on the idea that such equation is indeed false, I do not find necessary to dwell on this topic.

<sup>70</sup> Hans Joas, *Faith as an Option: Possible Futures for Christianity*, Cultural Memory in the Present (Stanford, CA: Stanford University Press, 2014), 118.

<sup>71</sup> Joas, *Faith as an Option*, 119.



This point directly connects to “implicit religion,” which “refers to the multifarious values and practices that constitute an ‘ultimate point of reference’ . . . for those concerned.”<sup>72</sup> We may connect this sense of “implicit religion” to what Romero calls “diffuse religion.” In both cases what remains central is a fundamental sense of self-transcendence that is yet lived through spiritual practices and values that are not directly connected to formal religious affiliations. Now, it is worth noting that the losses in formal church affiliation are not balanced out by these new forms of “casual piety.” However, these new forms of spirituality do exist, and not only in Europe or the United States, but also in Latin America.<sup>73</sup> Thus, the question is how this implicit or diffuse religiosity affects the old. Further, the question is whether the alleged individualistic tendencies of the new spiritualities are somehow related to the erosion of community and solidarity, a key concern of Gutiérrez and Gallego.

These questions take us to the cultural-intellectual challenges that Joas identifies in conversation with Troeltsch.<sup>74</sup> First, for Joas, two modern forms of egocentric individualism challenge the Christian ethos of love: utilitarian and self-expressive individualism.<sup>75</sup> Similar concerns have been raised by my interviewees. In contrast, Joas notes (drawing from Robert Bellah et al.,<sup>76</sup>) that there are two other viewpoints that focus on the individual in non-egocentric ways. One is republicanism, understood as virtuous action for the common good of the political body. However, Joas notes that republicanism has particularistic propensities, often deriving in

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<sup>72</sup> Joas, *Faith as an Option*, 120.

<sup>73</sup> For a very recent study on this topic, see Rabbia et al., *La religión como experiencia cotidiana*.

<sup>74</sup> For Troeltsch’s presentation of some of these issues, other than the *Logos* article referred to by Joas, see *The Social Teaching of the Christian Churches*, trans. Olive Wyon, vol. 2 (New York & Evanston, IL: Harper Torchbooks, 1960), 993–1013.

<sup>75</sup> Joas, *Faith as an Option*, 127–28.

<sup>76</sup> See Robert N. Bellah et al., *Habits of the Heart: Individualism and Commitment in American Life: With a New Preface* (Berkeley: University of California Press, 2008).

nationalistic tendencies. For this reason, the biblical concern for the individual is a crucial alternative tradition. For in this tradition moral decentering is crucial: “when making decisions people are morally obliged to consider, not only those of their fellows who belong to the same family, republic, nation, religion, or class, but everyone, every human being, including future generations.”<sup>77</sup> Philosophically, this universalist intuition has been elaborated (among others) by John Rawls, as Joas notes, also raising some important critical questions. I will return to them in the concluding section of this chapter.

What I want to highlight now is that individualism and chauvinistic republicanism are true challenges for the Christian faith, but they are not insurmountable—especially not if the preferential option for the poor is stressed. The key to revealing the limits of individualism and chauvinistic republicanism may lie in the way Christians articulate the interdependence of love and justice, as Joas maintains. I profoundly agree. In my view, following the insights of liberation theology, we may reach a high point of articulation of these two ideals. Ignacio Ellacuría quite aptly expressed this by noting that justice is the historical manifestation of love.<sup>78</sup> Put differently:

Abstractly, distinctions between what love is and what justice is can take place both as psychological and Christian outlooks. But, concretely, love must manifest itself as justice in a world of injustice. [Love] is not a prior stage or something that must be completed, as often happens in the social teachings of the church. Neither justice is prior to love, nor is love the supplement of justice. In justice we see the materialization of love, the realization of love in a historical situation.<sup>79</sup>

The unity of love and justice may also represent one of those exceptional contexts in which norms and values converge.<sup>80</sup> In this sense, the Christian tradition, especially with the radicalization of

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<sup>77</sup> Joas, *Faith as an Option*, 129.

<sup>78</sup> Ignacio Ellacuría, “Fe y justicia,” in *Escritos teológicos*, vol. 3 (San Salvador, El Salvador: UCA Editores, 2002), 315.

<sup>79</sup> Ellacuría, “Fe y justicia,” 316, my translation.

<sup>80</sup> On this, see Hans Joas, *The Genesis of Values* (Chicago, IL: University of Chicago Press, 2000),

the ethos of love taking place in liberation theology, can produce such integration of the valuative dimensions of love and the normative dimensions of justice.<sup>81</sup> But this requires further clarification, to which I will turn shortly. The point for now is that the integration of love and justice is indeed a challenge that may require the formation of *sui generis* forms of community and a more flexible approach to what we consider the Christian faith. However, the craving for community and self-transcendence is always there, as is also the cry of the poor and marginalized. We are seeing some of this, right now, during the global spread of COVID-19. New forms of community and solidarity are forming. Perhaps they will give us a blueprint for what is next.

And perhaps the blueprint already exists, in principle, in the tradition, if we think about churches not so much in terms of confessions or denominations, but as “networks of agape.”<sup>82</sup> Such an approach would definitely represent a challenge if we think about faith and community in terms of “milieus” with which we have been familiar. However, if a more “diffuse” understanding emerges, new spiritual possibilities emerge as well. From the perspective of a network of agape, confessional differences become less relevant. What remains central is the values that all Christians share. Further, it also matters greatly what Christians share with other religions and

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172–73.

<sup>81</sup> Of course, the relationship between love and justice is one of the most discussed topics in the Christian tradition. It is not my intention here to address those discussions, but to restrict the scope of my inquiry to liberation theology’s articulation of these values. My reasons have already been presented in my explanation of the transformation of the understanding of justice brought about by liberation theology: The kind of relationship between love and justice this dissertation is concerned about is one that incorporates the idea of systemic injustice and structural reform. For two important studies of the love-justice relationship that also address some of the historical figures and debates, see Nicholas Wolterstorff, *Justice: Rights and Wrongs* (Princeton: Princeton University Press, 2008); and *Justice in Love* (Grand Rapids, Mich.: William B. Eerdmans, 2011). My main difference with Wolterstorff is that I find his argument against the “secular” foundation of human rights implausible, especially when the solution proposed is a theistic foundation. One of the goals of this dissertation is to show that neither foundation is solid and that secular and theological approaches need each other in order to advance the cause of human rights and democracy.

<sup>82</sup> Joas, *Faith as an Option*, 132–33. Joas builds on this notion drawing from Charles Taylor, *A Secular Age* (Cambridge, MA: Belknap Press of Harvard University Press, 2007), 282.

nonreligious worldviews. In this sense, the church can still hold to be one, but not uniform; holy, but also sinful, and in need of permanent reform; missionary, but in a dialogical, inclusive, and inculturated form; and Catholic in the sense of embodying moral universal values in concrete situations.<sup>83</sup> Therefore, a new spirituality of agape may develop as an alternative to egocentric forms of individualism and nationalistic forms of solidarity.<sup>84</sup> Again, liberation theology seems to be particularly well equipped to meet this challenge since its history has always been one of ecumenism and collaboration with nonreligious people, bringing people together around the values of love and justice for all, but especially for the poor and marginalized.

Joas also highlights the challenges to the Christian understanding of the sacredness of the person. Here, again, the perspective provided by liberation theology is particularly illuminating. Beyond the different forms of reductionist naturalism often attacking Christian personalism, the real issue is Christianity's own historical failure in defending the sacred core of every human being. We may say that this is a challenge related to the legitimacy of the Christian faith, about its moral authority and credibility. In this sense, the longstanding defense of the rights of all, but especially of those of the poor and marginalized, puts liberation theology in a strong place. Further, liberation theology historically emerged as a form of immanent critique of the church's betrayal of its own commitments to the values of the gospel. In this sense, it became a radicalization of values already existing in the tradition, but rarely fully embodied.

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<sup>83</sup> Joas, *Faith as an Option*, 132.

<sup>84</sup> For the globalization of these forms of solidarity, see Dussel, *Ethics of Liberation*. See also Eduardo Mendieta, *Global Fragments: Globalizations, Latinamericanisms, and Critical Theory* (Albany, NY: State University of New York Press, 2007). Where the author discusses the idea of a "critical cosmopolitanism" as a form of self-critical moral universalism that takes as its point of departure the situation of "the subaltern, the excluded other, the stranger, the marginalized." (11) Put simply, this would be a "cosmopolitanism from below." (11)

Therefore, a Christian faith oriented by the preferential option for the poor can meet this challenge in a two-fold way. First, by giving orientation to the church through its example of a longstanding commitment to the sacredness of life, going even beyond the person to include the sacredness of all creation. Second, by remaining a self-critical voice that condemns any form of triumphalism, reminds the church of its failures, and keeps it accountable. But in doing so, a faith shaped by the notion of liberation could also become a strong defense of the idea of transcendence understood as the “radical desacralization of all structures of political domination and social inequality.”<sup>85</sup> Joas has in mind such a defense of transcendence vis-à-vis the totalitarianisms of the twentieth century, but the same is true in the context of terrorist attacks of Sendero Luminoso in Perú. A Christian faith shaped by the notion of a God of Life who unconditionally loves all, but especially the poor, appears to be particularly well equipped to advocate for the transcendent sacredness of life against all those who instrumentalize it for political, ethnic, or any other reasons.

#### **4. General Conclusion: Toward an Institutional Paradigm for Liberation Theology**

I bring this investigation to a close by connecting these reflections on liberation theology with the previous chapters, especially those devoted to *justice as fairness* and my expansion of Rawls’s project. I do so using Tracy’s notions of analogy and critical correlation. In a nutshell, my suggestion here is that there is significant overlap between the theory of justice developed in the first three chapters of this dissertation and liberation theology. We may indeed speak, as Rawls does, of an overlapping consensus. However, the notion of a consensus or identifying similarities-in-difference may appear a bit static. Hence, the notion of a critical correlation between these two

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<sup>85</sup> Joas, *Faith as an Option*, 133.

frameworks is especially helpful to see how they can actively, mutually, and permanently illuminate and correct each other.

As discussed in the first chapter of this dissertation, the two principles of John Rawls's theory of justice are the principle of equality and the principle of difference. Briefly stated, these principles can be explained as follows. The first focuses on the "equality in the assignment of rights and duties." The second "holds that social and economic inequalities, for example inequalities of wealth and authority, are just only if they result in compensating benefits for everyone, and in particular for the least advantaged members of society."<sup>86</sup> Without getting further into my own expansion of Rawls' theory in Chapters 2 and 3 of this investigation, we should note the fundamental common ground between Rawls' approach and Gutiérrez's. Such common ground is especially clear after the study of liberation theology pursued in this chapter. For here I have stressed liberation theology's democratic convictions against the charges of some of its critics.<sup>87</sup>

My contention is that there is a strong analogy between Rawls' and Gutiérrez's frameworks. The principle of equality finds its analogue in the second level of liberation discussed by Gutiérrez, that of people being able to become the agents of their own destiny. In fact, Gutiérrez' oeuvre should be considered an elaboration of this idea in terms of equal liberty: Yet in order to

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<sup>86</sup> John Rawls, *A Theory of Justice*, Original Edition (Cambridge, MA: Belknap Press of Harvard University Press, 1971), 14–15.

<sup>87</sup> In addition to the already listed critics, see Humberto Belli and Ronald H. Nash, *Beyond Liberation Theology* (Grand Rapids, MI: Baker Book House, 1992) for a clear example of this interpretation of liberation theology as Marxist, anti-democratic, and anti-capitalist movement. Based on the arguments presented in this chapter and Chapter 4, the authors plainly have a very rigid understanding of the formation and development of traditions. Hence the rigid distinction between "old" and "new" liberation theologies, instead of a more nuanced approach in which thinkers and theoretical frameworks creatively interpret and reinterpret ideas. Further, the authors never make a compelling case to suggest that "old" liberation theology was inherently Marxist. For studies on liberation theology's critical reception, see Arthur F. McGovern, *Liberation Theology and Its Critics: Toward an Assessment* (Maryknoll, NY: Orbis Books, 1989) and Craig L. Nesson, *Orthopraxis or Heresy: The North American Theological Response to Latin American Liberation Theology* (Atlanta, GA: Scholars Press, 1989).

experience equal liberty in a world beset of injustice, we must move beyond liberty to liberation of all forms of oppression. For liberation theologians, the liberation from oppression operates through the option for the poor, through the conscious decision of standing in solidarity with the poor against their poverty and subjugation.

In this sense, Rawls' principle of difference finds its theological analogue in the preferential option for the poor. Indeed, for both Rawls and Gutiérrez no just society can exist if its basic structure does not guarantee access to basic social goods for the "least advantaged members of society." The principle of difference is Rawls' political-philosophical articulation of this issue. The preferential option for the poor is a political-theological articulation of the same problem. The preferential option for the poor becomes a call and method for action whose ultimate goal is to achieve integral liberation by modifying the basic structure of society so that its least advantaged members can live without oppression, truly enjoying equal liberty and equal respect. Therefore, we should see in the notion of liberation the thread weaving together the principles of equality and difference. Such was my argument in Chapter 3 while studying the emancipatory thrust of liberalism. Otherwise, we are left with a naïve defense of liberty that does not acknowledge how limited such liberty still is and how necessary it is to make institutions and the law sources of liberation.<sup>88</sup>

Of course, since this is an analogy, we should not dismiss the differences found amid the already noted similarities. The most salient difference is that Gutiérrez' is a Christian theological project that interprets history eschatologically. Therefore, as he often argues, his is a theocentric

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<sup>88</sup> In this sense, Enrique Dussel, *Para una política de la liberación* (Buenos Aires: Editorial Gorla, 2013) argues for the transformation of the ideals of "equality, fraternity, and liberty" into a new triad: "alterity, solidarity, liberation" (203).

approach. The option for the poor is not *merely* a political approach to social change. Rather, it is a perspective based on and motivated by God's love for humanity and the believer's love for God. Yet, it is a political approach as well. In fact, this is exactly the kind of comprehensive doctrine Rawls had in mind when explaining his notions of overlapping consensus and reflective equilibrium. Rawls' whole theory of justice is fundamentally based on creating the conditions of possibility for "thick" conceptions of the good. Gutiérrez' theocentric approach is one of those "thick" conceptions, a comprehensive doctrine. Nevertheless, it is a comprehensive doctrine that understands that the creation of just social arrangements is the precondition of any thick conception of the good. Without these conditions, no integral liberation is possible. For this reason, Gutiérrez does not develop a theology whose trust is only in a God who saves in the eschatological future. Rather, his is a theology that advocates for a God who liberates now in order to create the conditions for the ultimate eschatological liberation. In this sense, political liberation from all forms of oppression is key. It is key as a political end in itself, but it is also crucial as the precondition for any thick conception of liberation, theological or otherwise.

But when we move from identifying the points of similarity-in-difference to a more active sense of critical correlation, we can also find spaces of mutual correction and illumination. I begin with *justice as fairness*, following the trajectory of my argument in this dissertation. In Chapters 2 and 3, I attempted to correct and expand Rawls' theory by addressing a series of missing links in the chain. Key among them were Rawls' lack of explicit dialogue with the democratic tradition to which his work belongs, the advantages of presenting this dialogue in terms of an affirmative genealogy, the centrality of emotions in political motivation and decision making, and the critical importance of the law and its application in the design of just social institutions. I would like to suggest now that all these aspects missing in Rawls' theory are strongly present in the practice of



liberation theology. Moreover, since this dissertation is especially interested in the relationship between norms and values vis-à-vis the role of religion in the public arena, the case of liberation theology is particularly illuminating.<sup>89</sup>

Liberation theology gives to Rawls' principles of justice a powerful narrative, inserting them not only in the trajectory of the democratic tradition, but in the history of struggles for justice that had religious values at their core. We already saw this in the history of the revolutionary wars of the eighteenth and nineteenth centuries, but liberation theology gives continuity to this trajectory. Moreover, it shows how certain religious ideals can be creatively reinterpreted over time to produce new developments facing new action situations. In the case of liberation theology, this meant confronting the values of the Christian tradition with the situation of extreme poverty and marginalization of millions of people. In doing so, liberation theologians and the faith communities to which they belong produced a new interpretation of the notion of social justice that saw in the transformation of social structures the natural extension of the old commandment to love God and neighbor.

But the affirmative genealogy of liberation theology speaks also to another missing aspect of Rawls' theory, namely, the question of moral motivation. One of the great advantages of movements like liberation theology vis-à-vis the ideal of social justice is that people committed to this movement were not there only for political reasons. Certainly, political reasons may be powerful enough. But one of the strengths of liberation theology, especially after decades of

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<sup>89</sup> The following argument operates also as a response to the concerns raised by Joas, *Faith as an Option*, 129: "Yet it remains unresolved in these impressive intellectual edifices [Kant's, Rawls', Habermas'] why people should, in fact, be motivated to enter into such processes of reflection when it comes to leading their own lives in a moral way. It is also unclear how sensitization to the suffering of others, which is not after all, the result of rational argument, is achieved." These concerns have been addressed throughout this dissertation, but now I summarize the answers in direct dialogue with liberation theology.

ensorship, persecution, and even torture and death, is that the source of motivation of this movement was its belief in a God of love, a God of life who wants justice in the world to prevail. This is the source of liberation theology's sensibility to suffering, not argument alone. Similarly, God's unconditional love for creation is the ultimate ground for what Joas calls "moral universalism" and for engaging in a morally universalist praxis when leading one's life. Put differently, the commitment to social justice we are discussing is based on affective, intense experiences of self-transcendence in which a deep sense of subjective certainty about God's love for all of us, but especially for the poor and marginalized, reorients people's life and inspires them to act accordingly.

As Charles Taylor suggests, this is a superbly powerful idea that may go far beyond any form of philanthropy or solidarity driven by secular humanism. For the notion that we should love each other unconditionally because each of us at our core is made in the image and likeness of God can hardly find a comparably strong source of motivation to treat each other justly.<sup>90</sup> Sure enough, this is a millennia-old idea in the Christian tradition and has only been imperfectly practiced. But the idea is there, and when it finds even partial realizations, it can produce profound change. I maintain that liberation theology has produced some of those occasions for change. Further, conceiving of the process of social transformation in an eschatological perspective becomes itself a source of motivation not only for action, but for endurance and sustenance in the face of human failure.<sup>91</sup> Let us not forget that liberation theologians and members of the base communities have

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<sup>90</sup> Charles Taylor, "A Catholic Modernity?," in *Dilemmas and Connections: Selected Essays* (Cambridge, MA: Belknap Press of Harvard University Press, 2011), 183–87. For a very similar point, see Joas, *Faith as an Option*, 129.

<sup>91</sup> Taylor insightfully writes about the "tragic irony" of exclusive-humanist philanthropy: "faced with the immense disappointments of actual human performance and with the myriad ways in which real, concrete human beings fall short, ignore, parody, and betray this magnificent [human] potential, one experiences a growing sense of anger and futility. Are these people really worthy objects of all these efforts?"

suffered a great deal of censorship and persecution, often at the cost of their own lives. Yet the faith in a God of life who will not abandon God's creation has nurtured their persistence in the past and still does so today.

But Rawls' theory, especially with the correctives added in Chapters 2 and 3, illuminates important underdeveloped aspects of liberation theology. Perhaps the most important issue here is that liberation theology lacks a fully developed theory of justice.<sup>92</sup> Arguably, this is one of the honest reasons that led to some of the criticisms it received. The use of some elements of Marxist social analysis, and the rhetoric of class struggle and revolution, paired with their defense of human rights and their critical distance from orthodox Marxism often left early critics and supporters of the movement perplexed. Furthermore, this lack of clarity became even more evident when liberation theology transitioned to a post-revolutionary era in which the framework of Marxism became less relevant and liberation theologians decreased their focus on social analysis.<sup>93</sup>

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Perhaps in the face of all this stupid recalcitrance it would not be a betrayal of human worth, or one's worth, to abandon them—or perhaps the best that can be done for them is to force them to shape up" (Taylor, "A Catholic Modernity?," 183).

<sup>92</sup> In this sense, I agree with S. Pope's main criticism of liberation theology, namely, that it has an underdeveloped theory of justice. In his view this becomes evident when one examines the ethical and theological implications of the "preferential" dimension of the option for the poor. A more systematic approach, he argues, could account for preference ("partiality") in distributive justice without merely making it an act of faith. Commenting on what appears to be the radical discontinuity between human and divine justice in regards to the poor, he writes: "A theory of justice that acknowledges the importance of need, however, would not conflict so strikingly—indeed, at all—with the intended point that God favors the poor" (Pope, "Proper and Improper Partiality," 256). Surprisingly, though, Pope never mentions Rawls' theory, perhaps the most important systematic effort to acknowledge need in the context of distributive justice. My approach here attempts to solve this issue.

<sup>93</sup> In this context, Clodovis Boff, *Theology and Praxis: Epistemological Foundations* (Maryknoll, NY: Orbis Books, 1987) deserves mention. Although not a theory of justice for liberation theology, this work is perhaps the most systematic attempt to address the conditions of possibility of a theology of the political among liberation theologians. However, the book has important methodological and normative problems. Methodologically, it is unclear whether we can or should analyze "social reality" without any theological prejudices, as the author suggests. Normatively, it is unclear why Christians should accept Boff's claim about the role of the social sciences, which he calls the "indispensable theoretical condition today for rigorous theological discourse." (11) As a matter of fact, while Boff expressly discards the model of Saint Augustine's *De civitate Dei* as a paradigm for a theology of the political, John Milbank has done

Unfortunately, in the development of their ideas and their response to their critics, liberation theologians addressed theoretical issues about justice only in piecemeal fashion. Moreover, most of them left behind the project of developing a more systematic theory of justice in order to focus on more classical theological themes or simply because they decided to focus on improving the lives of the poor. I believe that this has left both a theoretical and a practical gap that must be filled. Gutiérrez, in his most recent public address, seems to agree. The title of his speech is telling in this regard: “There Is Nothing More Practical than a Good Theory.”<sup>94</sup>

A theory like Rawls’ gives to liberation theology the systematic approach to justice that it requires. This is especially true in our present situation, when the focus of liberation theology has increasingly turned to democracy-building and the defense of human rights. Iguíñiz, one of my interviewees, has already hinted toward a similar answer connecting the work of Gutiérrez and Amartya Sen. He argues that both thinkers advocate for a conception of development that implies expansion of freedoms and capabilities.<sup>95</sup> By doing so, Iguíñiz maintains that Gutiérrez’ notion of liberation and Sen’s understanding of liberty overlap because both conceive human development as requiring a basic threshold without which no freedom or real justice can emerge. Philosopher

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exactly the opposite. Indeed, in *Theology and Social Theory: Beyond Secular Reason*, Second Edition (Oxford: Blackwell, 2006), Milbank favors this “radically orthodox” move against approaches like Boff’s which ideologically assume that the social sciences are value-neutral. There is no need to get into Milbank’s own very problematic argument, but his critique here stands. For a careful criticism of Boff’s work, see Tim Noble, *The Poor in Liberation Theology: Pathway to God or Ideological Construct?* (Sheffield, UK: Equinox, 2013). For an alternative to Boff’s analysis that is more attentive to the valuative dimensions of the social sciences, see John R. Pottenger, *The Political Theory of Liberation Theology: Toward a Reconvergence of Social Values and Social Science* (Albany: State University of New York Press, 1989).

<sup>94</sup> Gustavo Gutiérrez, “No hay nada más práctico que una buena teoría” (Universidad Ricardo Palma, Doctor Honoris Causa Awards Ceremony, Lima, Perú, December 11, 2019).

<sup>95</sup> Javier Iguíñiz, *Desarrollo, libertad y liberación en Amartya Sen y Gustavo Gutiérrez* (Lima, Perú: CEP, 2003).

of liberation Enrique Dussel makes similar points, advocating for an understanding of liberty as liberation in which the subjective satisfaction of our capabilities is essential.<sup>96</sup>

In fact, careful study of the early development of liberation theology shows the same basic intuitions. In agreement with my initial point, theologian Ismael García takes as his starting point the lack of a “explicit, complete and well-argued statement of what [liberation theologians] mean by the term justice.”<sup>97</sup> Noting this, García undertakes a meticulous reconstruction of liberation theology’s theory of justice as presented in the works of Hugo Assmann, Gutiérrez, José Míguez Bonino, and José Porfirio Miranda. Interestingly, García’s research, which only covers the early development of liberation theology (up to 1982), demonstrates that even then liberation theologians defended a conception of justice in which formal freedom is expanded and given material content through an understanding of equality that takes into account the needs of the worst-off in society. As Iguñiz and Sen argue, true freedom requires greater social-economic equality in order to fulfill our capabilities.<sup>98</sup> Considering the normative role of basic need in liberation theology’s theory of justice, García writes:

A human need, thus, is defined in terms of what is necessary for a person to . . . be *capable* of fulfilling his/her plan and share in that of his/her community. It is defined in terms of what will make it possible for a person to have some control over his/her destiny and that

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<sup>96</sup> Dussel, *Para una política de la liberación*, 199. For a summary of Dussel’s proposal in this book for the transformation of the institutions of the state, see “Proposición 20.” Ultimately Dussel maintains that in the political arena justice is never fully achieved. Instead he argues for a “critical-political aspiration to justice” (*pretension política-crítica de justicia*). By this he means the *honest* aspiration to act justly knowing, however, that all our actions are imperfect and entail unforeseen negative consequences. In this sense, persons or institutions that honestly aspire to justice will always remain self-critical, open to improvement and correction. Only in this way will our institutions be able to realize the ideal of liberty by enacting it through a praxis of liberation (200–203). For another approach to the reformation of democratic institutions in terms of human liberation, see Cornel West, *Democracy Matters: Winning the Fight against Imperialism* (New York: The Penguin Press, 2004).

<sup>97</sup> Ismael García, “The Concept of Justice in Latin American Theology of Liberation” (PhD Dissertation, The University of Chicago, 1982), 2.

<sup>98</sup> García, “The Concept of Justice,” 147, 274–278, 368.

of his/her community. Not to have them, thus, would be injurious to the person's sense of self-respect, dignity, and freedom.<sup>99</sup>

In this sense, the unearthing of liberation theology's early theory of justice already shows its great concern for an expansive sense of liberty that is expressed through the need of liberation from unjust limitations of our capabilities. Moreover, like Rawls, liberation theology rejects the idea that access to social goods should be based on merit or desert. Rather, the basic needs of survival, self-respect, dignity, and freedom are sufficient warrant for this access.<sup>100</sup> Since the goal, theologically and politically, is the enhancement of life, access to basic social goods cannot be conditional; it is required in order to have a just society.<sup>101</sup> In order to make this happen, social institutions must be developed so that they can further elaborate and enforce the conception of justice we are discussing, a conception in which freedom and well-being, especially that of the most vulnerable, is guaranteed.<sup>102</sup>

My contention here is that the most compelling theory of justice developed in the last few decades that systematically addresses all these issues through the connection between liberty and liberation is Rawls' *justice as fairness*.<sup>103</sup> Such a theory can be expanded in many different

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<sup>99</sup> García, "The Concept of Justice," 315, my emphasis.

<sup>100</sup> García, "The Concept of Justice," 269–82, 311–15.

<sup>101</sup> García, "The Concept of Justice," 322.

<sup>102</sup> García, "The Concept of Justice," 333–37, 366.

<sup>103</sup> Systematicity here is essential. For despite the overlap between Rawls' theory and the concerns of liberation theologians, these concerns are not ones they have articulated systematically in a theory of justice. García's archeological work (and Pope's, to a lesser extent) is important, because it shows that my attempt of critical correlation and analogy is warranted, but his is still a reconstruction. An explicit theory is missing. Moreover, his reconstruction also shows some issues that must be worked out. For instance, there seems to be a naïve or, at least, undertheorized understanding of social equality among liberation theologians that has difficulties accounting for *just* social and economic differences ("The Concept of Justice," 280). Similarly, there are issues regarding the adjudication of competing claims and too much trust in our capacity to care for others in that process (365–67). The account of justice that I have developed in this dissertation—building on Rawls'—addresses, and attempts to solve, these problems.

directions, I have done my part in Chapter 3. Yet the core elements for a theory of justice are there: the principles of equality and difference must be respected in order to prevent any violation of our human dignity. This is what justice requires. This is what love demands. Yet, these principles must be specified in order to produce a relatively adequate theory of social justice. Further, they must be fleshed out so that we can see how justice becomes the historical embodiment of love, as Ellacuría maintains.<sup>104</sup>

I propose doing this by focusing on Martha Nussbaum's Capabilities Approach, one of the most compelling current expansions of Rawls' theory.<sup>105</sup> As discussed in Chapter 3, Nussbaum's approach to justice takes seriously the normative core of Rawls' principles, yet expands them. She does so not only giving them more specific content (going beyond Rawls' "indexes"), but considering them in the context of non-ideal theory, in the context of societies marked by their failure to meet the moral core these principles embody. Hence, the Capabilities Approach gives us a blueprint to consider the question of the specification of the principles of justice that keeps the core of Rawls' ideas and, therefore, *analogically*, shares some of the fundamental concerns of liberation theology.

Nussbaum puts forward a list of ten "central capabilities" to flesh out her understanding of social justice.<sup>106</sup> The list includes: being able to live a normal-length life; enjoying bodily health

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<sup>104</sup> In addition to the concerns noted before, Joas maintains that one of the key challenges for contemporary Christianity is how to connect justice (understood as a concept of legal and moral universalism) with love (a key concept of the Christian ethos). The Christian belief in a God who loves human beings unconditionally has the potential to solve this issue. "[H]owever, it does not provide us with complete instructions on how to strike the balance between 'love' and 'justice'" (Joas, *Faith as an Option*, 129). What follows is my attempt to "strike the balance."

<sup>105</sup> But Amartya Sen, *Development as Freedom* (New York: Anchor Books/Random House, 2000); and Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, 2nd ed. (Cambridge, UK: Polity, 2008), among others, also offer important and complementary perspectives.

<sup>106</sup> She defines capabilities as "a set of opportunities to choose and to act. . . . [T]hey are not just

and adequate shelter; bodily integrity, which entails free mobility and freedom from violence; being able to use our senses, imagination, and thought; being able to freely experience our emotions; being able to use our practical reason, which may allow us to develop a conception of the good life and to plan accordingly; the right of affiliation, both in terms of living with and toward others, and in terms of having the social bases for self-respect and non-humiliation; concern for other species; being able to play; and being able to control our own environment by having access to political participation and having property and labor rights on an equal basis with others.<sup>107</sup>

For Nussbaum, all these capabilities are interconnected and necessary. They operate as a threshold, an ample social minimum, below which a society cannot be considered just. Now, as a minimum, the logical implication is that richer conceptions of justice are possible. In line with Rawls, Nussbaum's approach is not a comprehensive doctrine.<sup>108</sup> But liberation theology is. Thus a theory of justice like Rawls' or Nussbaum's gives to liberation theology the fundamental threshold it needs at the foundations of its maximalist, comprehensive understanding of the preferential option for the poor. In this context, opting for the poor goes beyond a prophetic admonition and turns into a specific set of principles and actions that guarantee justice for all, but

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abilities residing inside the person but also the freedoms or opportunities created by a combination of personal abilities and the political, social, and economic environment," see Martha C. Nussbaum, *Creating Capabilities: The Human Development Approach* (Cambridge, MA: Harvard University Press, 2011), 20.

<sup>107</sup> Nussbaum, *Creating Capabilities*, 33–34.

<sup>108</sup> Rather, Nussbaum's approach is "pluralistic about value," although that does not mean it lacks a normative core. Rawls makes a similar argument. Just societies must respect the freedom of all its members to pursue the life they want, but there must be restrictions. Therefore, Rawls' principles of justice or Nussbaum's central capabilities operate as a threshold for justice. In this sense, she is critical of the work of Sen because he excessively stresses the importance of freedom without sufficiently discussing how to limit it (Nussbaum, *Creating Capabilities*, 70ff).



especially for the poor and marginalized since the realization of their capabilities is the most endangered.

As noted while discussing Rawls' work in Chapters 1 and 2, this is *required* in order to produce just social arrangements. It should not be construed as a mere invitation to charity or as the result of the benevolence of good political authorities.<sup>109</sup> *Nevertheless*, this “thin” understanding of justice gives to liberation theology additional grounds to establish the soundness of the *theological* preferential option for the poor. For this theory of justice justifies on political, philosophical grounds what liberation theology advocates on prophetic, theological ones. In doing so, this theory allows a more concrete balance between justice and love in liberation theology. For it stresses the crucial role of the formation and reformation of social institutions (whether this is legislation, the economy, education, or anything else) understood as moral spaces through which we are held accountable to and express care for each other, especially the most fragile among us.<sup>110</sup>

Consider poverty as an example to which the Capabilities Approach can be applied as a framework to embody the balance between justice and love. When we construe life as a capability it becomes clear that life is not mere subsistence. It must be a life worth living. Hence, when we consider that in many places living conditions are so precarious that the worth of life can barely be perceived, this central capability invites us to examine critically a series of political and

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<sup>109</sup> On this issue, Pope writes: “Other things being equal, Christians should assign priority to addressing the needs of the poor and otherwise powerless rather than to the needs of others because the former are by definition less capable of providing for themselves than are the latter. As a principle of justice rather than simple charity, this preference is not only morally justifiable, it is morally required” (“Proper and Improper Partiality,” 252).

<sup>110</sup> In this sense, social institutions become both moral spaces for responsibility-as-imputation and responsibility for the fragile other. On this two-fold sense of responsibility, see Paul Ricœur, *The Course of Recognition* (Cambridge, MA: Harvard University Press, 2005), 108–109; and Michael Le Chevallier, “The Stain of Association and the Burden of Membership: Institutional Ethics in Paul Ricoeur and Catholic Social Thought” (PhD Dissertation, The University of Chicago, 2019).

economic issues ranging from the flaws of free-market economy, the quality of the social services provided by the state, possible problems of corruption, the priorities of the allocation of money in the national budget, issues of international trade and geopolitics, and so forth. A similar argument can be made regarding bodily health and bodily integrity. Severe poverty certainly undermines people's health and often makes them vulnerable to different forms of violation of their physical integrity. Therefore, to consider the quality and nature of the healthcare system becomes a central policy issue. In the United States we are seeing this playing out right now due to the threat of COVID-19, the unpreparedness of the health system, and the way the virus (and its repercussions, economic and otherwise) is more severely affecting the poor.

Consider now the senses, imagination, and thought. Further, consider them in tandem with practical reason as the capability articulating them all. Basic education is often inaccessible to poor households. Moreover, the possibility of expanding one's imagination through music and literature, and play (another central capability) represents a chimera for many children and adults in situations of poverty. Recognizing these capabilities as necessary in order to live a life with dignity may lead us to push for educational reform both in terms of formal education in schools but also in terms of the importance of public museums and parks as spaces for leisure and the development of the imagination. Here we could include the emotions as well. Poverty is emotionally disruptive for individuals and families. Hence the issue is not only lifting people out of poverty, but also providing the conditions for healing and regaining self-respect. Further, as noted, self-respect is a key dimension of affiliation and relates also to the control over our environment. People must be able to associate freely and to participate effectively in the political process. Acknowledging these as rights may lead us to work on electoral reform, challenging

gerrymandering and voter suppression, and making sure that the political system represents fairly the will of the people.

In addition, respect for other species and the environment deserves attention. For not all parts are affected equally. Animal farming, for instance, is fundamentally an economic issue based on demand and the lack of regulation of the state. But the poor often cannot even afford animal meat, yet they are forced to participate in such an economic system. Similarly, the term “environmental racism” has been coined recently to highlight the disproportionate ways in which pollution and other forms of environmental threat affect the poor and racial minorities.

My presentation above does not attempt to be exhaustive, but I believe it makes my point clear: Liberation theology lacks the theoretical apparatus to allow it to explain and materialize the preferential option for the poor beyond the field of theology. Theologically, liberation theology has produced one of the most compelling articulations of love and justice.<sup>111</sup> However, liberation theology has not been able to translate—make “public,” to use Rawls’ language—such an articulation into the political arena providing criteria for its powerful prophetic denunciation of injustice. Put differently, it has not been able to balance God’s unconditional love for us and the correlative command to love each other unconditionally with the demands of legal and moral universalism. Further, such balance is especially missing in this post-revolutionary context in which democracy and free markets have a central, although quite imperfect role. In this context, what is necessary is a theory that considers democracy as its base and free markets as one of its

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<sup>111</sup> Although, even theologically, there are some issues that require clarification, as Pope, “Proper and Improper Partiality,” notes. However, what Pope demands is greater systematization à la Thomas Aquinas; not giving up the ideal. Rather, his article is a critical defense of the preferential option for the poor, providing compelling clarifications on questions of partiality and impartiality, especially in regards to God’s love for creation. His use of Aquinas to develop the distinction between universal *love*, but preferential *care* for the poor is particularly helpful.

conditions, and yet still advocates for justice for all, but especially for the least advantaged members of society.<sup>112</sup>

My contention is that the basic principles of that theory have been developed by Rawls and specified and expanded by Nussbaum and others. I believe these principles, organized as the central capabilities, for instance, give liberation theology the institutional framework to continue its defense of the poor and marginalized in this new historical moment. In this context, such a framework operates as the political embodiment of legal and moral universalism, as the necessary mediation for the expression of liberty as a praxis of liberation through which we actualize the basic good of living together.<sup>113</sup>

In turn, this framework functions, *analogically*, as the political embodiment of Christian *agape*. In other words, working on capability-expansion gives concretion to the notion of liberation. It gives to the preferential option for the poor a more tangible action plan; and tentatively strikes the balance between Christian love and political justice. Certainly, as a comprehensive doctrine, the *Christian* preferential option for the poor will never end there. Yet in making sure that all people meet the threshold of justice, we will make sure that they can experience a glimpse of God's unconditional love, awaiting its fullness in the ultimate communion with the divine.

This may add to the mystical-prophetic paradigm of liberation theology an institutional element. Therefore, to the important contemplative-spiritual dimension that I have described

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<sup>112</sup> As noted before, this does not mean that the *practice* of the preferential option for the poor was not able to find the adequate balance between political and theological demands. However, it is clear that such a balance has been undertheorized. The goal of this dissertation has been to bring this balance to the level of reflection to clarify and systematize its driving ideas and motivations.

<sup>113</sup> See Paul Ricœur, *The Just* (Chicago, IL: The University of Chicago Press, 2000), 5–10; Le Chevallier, “The Stain of Association,” 16.

before as a deep source of motivation, and to the prophetic denunciation of the evils of poverty and oppression, we may want to add the need for institutional thinking and design. A clear theory of social justice allows us to design institutions that produce and sustain just social arrangements. This is a critical issue in the design and amendment of a nation's constitutional framework, but it is also true of all legislation that such a framework elicits and controls. Moreover, this is true of all institutions large and small that become the mediating spaces through which we live together. The point is that in a democracy, institutions must work to guarantee social justice. But, in a world beset with injustices, institutions and the law must specify, make explicit, and implement the demand for liberation.<sup>114</sup>

But after this relatively general dimension of institutional thinking and design comes the formation or reformation of smaller-scale institutions that strengthen the permanent struggle for justice. I have briefly described some of them in my discussion of Nussbaum's work on political emotions in Chapter 3. The family, schools, churches, museums, public parks, and many others are key institutions that can be designed and reformed according to the principles of justice to produce human liberation. And, of course, there may well be institutions yet to come, especially in this new moment of high technological advancement in which old forms of community seem to be disappearing and new forms appear to be emerging.

Nonetheless, some things remain the same. Millions are still disenfranchised, living paycheck to paycheck, if not unemployed and lacking a safety network. Tremendous amounts of wealth have been produced in the last few decades, but the distribution of this wealth has become

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<sup>114</sup> See Robert E. Rodes, *Law and Liberation* (Notre Dame, IN: University of Notre Dame Press, 1986), 8. Rodes' book is especially helpful because it directly engages liberation theology and produces a systematic legal theory that makes liberation the ultimate end of the law.

scandalously unequal. Contradictions like these remind us of the contingency of our human achievements, and perhaps alert us to more fundamental questions about the meaning of human existence and the inescapable presence of evil. I have discussed the focus on democracy and the defense of human rights in liberation theology, but this should not suggest that these are taken as already realized ideals. We are far from that; we will always be. Moreover, these are by no means stable gains. We see their contingent nature all over the globe. No political victory, no economic improvement, should lead to naïve triumphalism. The struggle continues; it never ends.

Yet the never-ending nature of the struggle should not lead us to despair either. In fact, it can and should be a source of profound hope. As Gutiérrez recently told me: “Hope must be created.”<sup>115</sup> To speak of hope only vaguely and somewhat romantically will not do. It is true that victories are feeble, and that backlash seldom disappears, but it is also true that the capacity of people to organize themselves to struggle for a better future is always there, creating hope. And when people come together, organize, and mobilize, they can win, even if the gains are modest and temporary. Liberation theology has been part of these struggles for decades, proving the strength and depth of its vision by listening to the cry of the poor and giving them resources to become subjects of their own destiny. Among those resources perhaps the greatest is the simple yet daring idea that God does not forget the sufferings of the poor, that God loves them, and that God stands by their side while they tirelessly fight for God’s Kingdom to come.

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<sup>115</sup> Gustavo Gutiérrez, conversation with Raúl Zegarra, March 25, 2020.

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