



JOURNAL of CHRISTIAN LEGAL THOUGHT

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CHRIST AND THE COMMON LIFE

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VOL. 15, NO. 1 | 2025

PUBLISHED BY

Christian Legal Society (CLS), founded in 1961, seeks to glorify God by inspiring, encouraging, and equipping Christian attorneys and law students—both individually and in community—to proclaim, love, and serve Jesus Christ through the study and practice of law, through the provision of legal assistance to the poor and needy, and through the defense of the inalienable rights to life and religious freedom.

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“For we are co-workers in God’s service; you are God’s field, God’s building.” (1 Corinthians 3:9)

STATEMENT OF PURPOSE

The mission of the *Journal of Christian Legal Thought* is to equip and encourage legal professionals to seek and study biblical truth as it relates to law, the practice of law, and legal institutions.

Theological reflection on the law, a lawyer’s work, and legal institutions is central to a lawyer’s calling; therefore, all Christian lawyers and law students have an obligation to consider the nature and purpose of human law, its sources and development, and its relationship to the revealed will of God—as well as the practical implications of the Christian faith for their daily work. The *Journal* exists to help practicing lawyers, law students, judges, and legal scholars engage in this theological and practical reflection, both as a professional community and as individuals.

The *Journal* seeks, first, to provide practitioners and students a vehicle through which to engage Christian legal scholarship that will enhance this reflection as it relates to their daily work; and, second, to provide legal scholars a medium through which to explore the law in light of Scripture, under the broad influence of the doctrines and creeds of the Christian faith, and on the shoulders of the communion of saints across time.

While the *Journal* will maintain a relatively consistent point of contact with the concerns of practitioners and academics alike, it will also seek to engage outside its respective milieu by soliciting work that advances the conversation between law, religion, and public policy. Given the depth and sophistication of so much of the best Christian legal scholarship today, the *Journal* recognizes that sometimes these two purposes will be at odds.

EDITORIAL POLICY

The *Journal* seeks original scholarly articles addressing the integration of the Christian faith and legal study or practice, broadly understood, including the influence of Christianity on law, the relationship between law and Christianity, and the role of faith in the lawyer’s calling. Articles should reflect a Christian perspective and consider Scripture an authoritative source of revealed truth. Protestant, Roman Catholic, and Orthodox perspectives are welcome as within the broad stream of Christianity.

However, articles and essays do not necessarily reflect the views of Christian Legal Society or any of the other sponsoring institutions or individuals.

To submit an article or offer feedback to Christian Legal Society, email us at CLSHQ@clsnet.org.

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FAITH MISPLACED: WORKING OUT THE ROLES OF FAITH AND LAW IN PLURALIST DEMOCRACIES

Seow Hon Tan*

Introduction

In pluralist democracies where legal and constitutional rights to freedom of conscience and religion exist, one can too readily—and sometimes, misguidedly—conclude that faith-based arguments, or arguments made by those who are religiously motivated, have little or no place in lawmaking. For example, it may be thought that free and equal citizens have been accorded the freedom (not) to profess and practice a religion. Given the ubiquity of law and its impact on all, including those without a religion, if the religious were to shape the law from religious perspectives, freedom of others may be negatively impacted or rendered nugatory as laws were justifiable by contentious moral values thought to be affirmed only by those with religious beliefs.

Some well-meaning and sincere Christians, especially when it pertains to what is commonly classified as “culture war” issues relating to abortion or LGBTQ+ rights, take the view that there is no good reason for government to interfere in the private lives of citizens through restrictive laws that enforce moral norms that may not be affirmed by other free and equal citizens. They suggest the role for inculcating moral values in the next generation is to be undertaken by parents and the local church. Anecdotally, I have seen this view taken by some whom I have encountered in multi-religious, pluralist, democratic Singapore.

In this article, I explicate how such a view is problematic. First, it is an abdication of Chris-

tian witness and responsibility. Second, it is unrealistic because of the way law shapes the moral ecology of society, with consequences on the chances people have of cultivating virtues, developing character, and living good lives. Third, it concedes unnecessarily to the problematic political liberalism propounded by John Rawls. In the concluding section, I expound on a biblical account that I suggest foreshadows the options that political liberals, unfortunately, tend to present to Christians. I conclude with a suggestion of what we can learn from that account about the challenge we face and the posture we can adopt.

Christian Witness and Responsibility

Well-meaning Christians commonly cite various biblical passages to justify or rationalize the diminution of their role in relation to legal and political institutions and processes. I suggest these passages do not limit our roles in this manner.

The first is Peter's exhortation for Christians to submit to “every human institution, whether to a king as the one in authority, or to governors as sent by him for the punishment of evildoers and the praise of those who do right.”¹ The context of the exhortation must be borne in mind. The submission is for the Lord's sake,² and the will of God in this matter is, accordingly, explained: by doing right, ignorance of the foolish may be silenced.³ The passage speaks of suffering for doing right. Peter reminds one that there is no value in suffering for sinning.⁴ We are not dealing with heinous, unjust, or

* Associate Professor of Law, Yong Pung How School of Law, Singapore Management University.

¹ *1 Peter* 2:13–14 (NASB). All Scripture references are to the NASB unless otherwise indicated.

² *See 1 Peter* 2:13.

³ *See 1 Peter* 2:15.

⁴ *See 1 Peter* 2:20.

poor laws here. Laws posited by secular political authority may in fact command what is in line with God's law or Thomist natural law. There are also matters not explicitly commanded by God, which are for political authorities to decide, such as the appropriate scheme of taxation to generate income for running the country. We can at best use this to make a case that Peter called for submission to political authorities in such matters where there is no specific command of God from which the command of the political authority could be deduced. There was a need for Peter to say this because the people of God in those times were living under a political authority that was ruling by a law other than that which was passed down through Moses, and thus unlike the times of Moses, the judges, or the kings of Judah and Israel. Peter had to explain God's role in relation to allowing such political authorities to be constituted and the extent to which they were His delegates.

Another passage in Romans written by Paul suggests that governing authorities existed as established by God, and all were to be subject to such authorities rather than resist them.⁵ But Paul similarly said that those who did right would not fear such authorities, but those who did wrong would.⁶ Following upon this was Paul's reminder to pay taxes and what was due to human authorities.⁷ The structure of the passage supports the inference I proposed, which is that authority may decide on matters in a manner that does not violate God's law. Their decision also did not have to be deductively arrived upon from the precepts of God's law. For example, they may be a case of what Aquinas calls *determinatio*—the constructional implementation of a general directive.⁸

The apostles' refusal to submit to religious authorities in Acts of the Apostles further shows that Peter and the apostles would not obey the

commands of the temple courts not to teach about Jesus. They recognized that they had to obey God rather than men.⁹ One might argue that this would apply with equal force to secular political authorities' commanding acts that were in direct conflict with God's laws. Aquinas and Finn- is explicate this in a different way, and other complexities are presented by the view I have taken of natural law theory and what is known as Radbruch's formula, which relates to whether posited laws lose legal validity when they are intolerably unjust. I have argued that intolerably unjust laws are not truly laws—they do not have legal validity. I will not elaborate on this here but leave those who are interested to pursue further reading.¹⁰

Crucially, Paul, in Romans, also reminds us that we are not to be conformed to the world and its values to which we are continuously exposed. We are to be transformed by the renewing of our minds.¹¹ Jesus did not seclude or isolate His disciples but sent them into the world. He emphasized they are "not of the world" just as Jesus is not "of the world," even though they have been sent into the world.¹² The command is to be sanctified even as one is in the world. Given that all will be exposed to the values of society within which we live, and laws contribute to a moral ecology, Christians should consider what part they can play to ensure that laws made by political authorities contribute to a sound moral ecology that facilitates the pursuit of good and the development of good character. This is the subject of the second main section of this article.

Indeed, the very fact that we are not taken out of the world would suggest we should also participate in civic life as citizens, to shape the moral ecology for society. Some Christians seem all too ready to assume that no civic engagement is called for on their part. The assumption is befuddling.

⁵ See Romans 13:1-2.

⁶ See Romans 13:3-4.

⁷ See Romans 13:6-7.

⁸ THOMAS AQUINAS, SUMMA THEOLOGICA I-II, Question 95, Article 2.

⁹ Acts 5:29.

¹⁰ See generally Seow Hon Tan, *Radbruch's Formula Revisited: The 'Lex Injusta Non Est Lex' Maxim in Constitutional Democracies*, 34 CANADIAN J. L. & JURISPRUDENCE 461 (2021).

¹¹ See Romans 12:2.

¹² John 17:15-19.

One conjectures that it may be because of the commonly bandied notion of the separation of church and state in popular parlance. However, the doctrine of separation of church and state was intended to protect the religious from political authorities assuming religious functions or interfering with religion or, worse, claiming divine authority. It should not be taken to suggest that Christians should not be active citizenry. Indeed, if political authorities should not assume divine authority, then checks are necessary, and an active citizenry provides such a check. The citizenry should participate in a democratic polity by standing for the values they hold dear. How they may do so is considered in the third main section of this paper.

Second, the readiness to assume that silence is called for is overly convenient. We should be mindful that it does not arise from laziness or being too busy with one's own business, like the tribes that Deborah, in the book of Judges, identified as refusing to arise and play their part in the battle God's people had to fight.¹³ The temptation to attend to one's own business by default and "pray about" whether one should attend to the Lord's business is troubling. Should not the reverse be expected of the servant of a master, who should attend to the master's business before their own?

Third, and relatedly, we may have misunderstood what consecration—being set apart for God—requires. We eat, drink, and enjoy entertainment like the rest of society, while insulating our minds from the philosophies of the world in which we live. This would be a misunderstanding of Paul's caution about the philosophies of the world. Paul speaks disparagingly of the "philosopher of this age" and notes that God has made foolish "the wisdom of the world."¹⁴ This passage speaks of the superiority of God's wisdom but

does not mean that those with aptitude should not master the philosophies of the world to counter it. Paul himself debated vigorously with the Hellenistic philosophers—the Stoics and the Epicureans—in Athens.¹⁵ Paul cautioned against being taken captive by "hollow and deceptive philosophy, which depends on human tradition . . . rather than on Christ."¹⁶ But much of such philosophical ideas have already made their way into popular culture even though the origins of popular thinking can only be traced to such roots by those who are discerning and schooled in philosophy. Thus, those with aptitude should in fact develop their learning and expose fundamental assumptions contrary to God's Word and the truth. We should take a leaf from the young Daniel and his friends, exiled to Babylon. They did not shun the pagan education¹⁷ but were found to be much wiser than their contemporaries—without equal¹⁸ and ten times better than all the magicians and enchanters of the kingdom on any matter on which the king quizzed them.¹⁹ They denied themselves the pleasures of delicious food and wine that was likely to have been sacrificed to idols.²⁰ It is highly concerning if Christians today, who are well-placed to think and play a part in civic engagement, are unwilling to do so given that mastering the arguments and skills are not always pleasurable, while they readily partake of food and wine in the manner of their culture.

Fourth, perhaps the expectation that the world would get increasingly lawless in the last days²¹ has led to fatalism. But the anticipated moral degeneration of the world does not mean there is no point for influencing the law to secure a moral environment that is conducive to people being virtuous and leading good lives. Indeed, given moral decay, the legal framework becomes more important as social mores can no longer

¹³ These tribes of Reuben, Dan, Asher, and the tribes in Gilead region are mentioned in this vein. *Judges* 5:16-17.

¹⁴ *1 Corinthians* 1:20 (NIV).

¹⁵ *See Acts* 17:18.

¹⁶ *Colossians* 2:8 (NIV).

¹⁷ *See Daniel* 1:4.

¹⁸ *See Daniel* 1:19.

¹⁹ *See Daniel* 1:20.

²⁰ *See Daniel* 1:8.

²¹ *See 2 Timothy* 3:1-4.

be counted upon to educate people, and the law must send a stronger moral signal. And who knows if one's nation may not be hosting the remnant in the last days and that the church's cry to the Lord for mercy would not see His hand upon a particular nation.

Another reason for civic engagement by influencing law and policy decisions is that we are called to be advocates for the voiceless, such as the poor, the weak, the orphans, and the widows.²² We should rise to fulfill the role of watchman for the people.²³ Permissive laws on abortion, for example, render the safest place for an unborn—the womb—a dangerous one, and the unborn is an example of one who is unable to speak up for their own rights. Permissive surrogacy laws, even with checks built in to supposedly ensure consent of the surrogates, can naively lend to the exploitation of poor women and lead to the bringing into existence of children with a view to cutting them off from their gestational mother.²⁴ Civic engagement to shape the law is concerned with such issues of biblical injustice.

Law and the Moral Ecology

Law profoundly shapes social norms by signaling what is morally accepted or frowned upon. This is one reason why LGBTQ+ activists, for example, are not content with civil union and want laws to equalize the status of same-sex couples and opposite-sex couples by granting same-sex marriage. Affording the same legal recognition, alongside the incidents of marriage, signals an endorsement of the equivalent value of both types of relationship.

In Singapore, a criminal law provision inherited from British colonial times had prohibited male homosexual acts. After intense parliamentary debate in 2007, section 377A of

Singapore's Penal Code was retained with the government suggesting that it would not be proactively enforced.²⁵ This was a gesture of compromise from the government's point of view. Moral conservatives were not ready for the repeal of the law that, in their view, would signal moral endorsement of same-sex acts. Such normalization would further lead to more positive rights to be pushed for. The law was seen as a moral signpost. It served also as a legal safeguard.²⁶ If male same-sex acts were criminalised, there would be a bar in principle from moving in the manner that other jurisdictions in the world had—of approving same-sex marriages and recognising other LGBTQ+ rights such as adoption of children, giving legal benefits related to housing and tax, and so on. While heteronormativity might have carried a negative connotation in some jurisdictions, it was thought that the majority in Singapore viewed “a heterosexual stable family” as a “social norm,” which was desirable to teach in schools and which parents sought to foster in their children.²⁷ Eventually in 2023, section 377A of Singapore's Penal Code was repealed as the government was concerned that the court would take a different view from the legislature and strike the provision down for being unconstitutional. To signal that repeal did not mean an endorsement of same-sex relations, the government passed a constitutional amendment to introduce a new constitutional provision. This new provision protected laws and policies that defined, or were based on, opposite-sex marriage from being invalidated for seeming to be inconsistent with Part 4 of the Singapore Constitution, which constitutionally guaranteed a list of fundamental liberties.²⁸

More generally, beyond the unique case of a law that was retained for moral signposting

²² See Isaiah 1:17; Zechariah 7:9-10; James 1:27.

²³ See Ezekiel 33.

²⁴ See also Seow Hon Tan, *Surrogacy and Human Flourishing*, 45 J. OF LEGAL PHILOSOPHY 49 (2020); Seow Hon Tan, *How Surrogacy Arrangements Fail Children*, PUBLIC DISCOURSE: J. OF THE WITHERSPOON INST. (Feb. 16, 2021), <https://www.thepublicdiscourse.com/2021/02/74041/>.

²⁵ See *Full Parliamentary Speech by PM Lee Hsien Loong in 2007 on Section 377A*, THE STRAITS TIMES (Oct. 24, 2007, 5:00 P.M.), <https://www.straitstimes.com/politics/full-parliamentary-speech-by-pm-lee-hsien-loong-in-2007-on-section-377a>.

²⁶ See *Parliamentary Debates Singapore* (Oct. 22, 2007) (speech by Christopher de Souza).

²⁷ See *Full Parliamentary Speech*, *supra* note 25.

²⁸ CONST. OF THE REPUBLIC OF SING. (Amend. No. 3, Act 2022, Art. 156); CONST. OF THE REPUBLIC OF SING. (2020).

but not actually enforced, the objective of law according to virtue jurisprudence is to facilitate human flourishing and an excellent (in the *aretaic* sense) life. Thus, laws can legitimately serve to preserve a moral ecology that enables people to develop good character, or at least reduces the temptation to engage in vices. For example, the prohibition by law of vices such as prostitution or gambling gives people a chance at avoiding tempting vices.²⁹ In this vein, too, Singapore has prohibited access to the website of extra-marital dating agency Ashley Madison, the slogan of which is “Life is short. Have an affair.”³⁰ There are also codes that regulate advertising on television that protect moral standards and social norms.³¹ One should not be naïve as to how one—children, youth, and adult alike—can be shaped by one’s environment with immoral slogans on advertisements and obscene material easily available. The fact that legal and policy regulation cannot entirely stamp out vices is no reason not to use laws, policies, and governmental decisions for some form of moral signposting purposes.

The situation with respect to children also deserves special mention. Parents are instructed to bring children up in the training and instruction of the Lord.³² From the time of Moses, parents have been told to impress the commandments of God upon their children.³³ However, the primary responsibility of the parents does not mean that we shun civic engagement to influence the law. First, it would be naïve to assume that what is taught in church and at home suffices to shape children. Children interact within their schools and in larger society. Social media is pervasive. Second, Christians should also be concerned with the next generation, not just their own children. They may be able to build a strong foundation in the lives of their own children, but what of those who are too

busy to do so, or who do not share biblical values? A moral ecology that is shaped by law and conducive to the development of moral character and acquisition of truth is invaluable. Third, laws are founded on some moral value or other. If not shaped for good, laws can in fact be shaped to counter the effect of home and church education, for example, by requiring certain norms to be taught as part of mandated sex education in public schools; or laws can contract the role of parents by denying custody, for instance, if they resist the gender transition of a child.

The Culture of Political Liberalism

In a pluralist democracy, it is commonly argued that one should not impose one’s personal (especially, religious) beliefs on others. What is tantamount to imposition of one’s religious beliefs on others who do not share the same religion, however, needs to be unpacked. It cannot be that religious persons are not allowed to share their points of view to shape the law or public decisions. Nor should the religious be constantly subject to questions of their motivation if they framed their arguments according to accessible reason. Denying someone the right to participate in public discourse if they are religiously motivated or influenced does not make sense. We reasonably expect people to treat their religions more seriously than hobbies and to be influenced by their religion on the views they hold. Furthermore, as much as the religious have foundational values that are based on their religious worldview, so too does everyone else have foundational values based on a contentious worldview that is not accepted by all. The scientific naturalistic worldview competes on the same plane as the biblical worldview. Those embracing different worldviews are free and equal citizens. Bearing in mind the clash of worldviews

²⁹ See, e.g., ROBERT P. GEORGE, *MAKING MEN MORAL* (1993); Robert P. George, *The Centrist Tradition, Its Value and Limits*, in VIRTUE JURISPRUDENCE (Colin Farrelly & Lawrence B. Solum eds., 2008).

³⁰ See Meghan Daum, *Adultery 2.0*, L.A. TIMES (Jan. 10, 2009), <https://www.latimes.com/archives/la-xpm-2009-jan-10-oe-daum10-story.html>.

³¹ See, e.g., TELEVISION AND RADIO ADVERTISING AND SPONSORSHIP CODE, INFOCOMM MEDIA DEV. AUTH., <https://www.imda.gov.sg/-/media/imda/files/regulation-licensing-and-consultations/codes-of-practice-and-guidelines/acts-codes/tv-and-radio-advertising-and-sponsorship-code.pdf> (last visited Mar. 16, 2025) (the code of the info-communications Media Development Authority regulating TV and radio advertising and sponsorship).

³² See *Ephesians* 6:4.

³³ See *Deuteronomy* 6:6-7.

and a pluralist democracy's commitment to freedom of religion, the real issue is what argument may legitimately be offered in public discourse as a justification for laws and policy decisions that affect everyone.

It is fair to expect a religious person offering reasons for justifying laws and policies not to simply cite a religious text as if its authoritative-ness were also applicable to those not of the religion in a pluralist society. Their arguments for laws and policies should be made in terms that are, broadly speaking, accessible to our common human reason.

However, John Rawls's idea of public reason and limitations should be rejected. According to Rawls, the reasons for the restriction of liberty of free and equal citizens and for restrictive laws should be framed in terms of what he calls political values. Political values are contained within a political conception of justice, which is worked out for a limited object of having a basic structure of government, rather than the entirety of one's comprehensive doctrine or worldview, which concerns what is of value in personal life and ideals of virtue and character, and may be founded on one's religion. Religious persons are free to live in accordance with religious beliefs, but they have no right to impose religious values on others by restricting their liberty based on values that may not be justifiable by what Rawls calls public reason. Citizens should act reasonably by offering one another fair terms of social cooperation that others may reasonably be expected to endorse. Rawls's political liberalism purports to be neutral amongst the conceptions of the good life, which hinge on the comprehensive doctrine of each person. He purports to ground laws and policy decisions on political values, which persons having different comprehensive doctrines can be expected to endorse.³⁴

Rawls's reliance on public reason is problematic. For example, restrictive laws on abortion constrain pregnant women who want to

terminate their pregnancy by suggesting that the unborn is a life worth protecting. But Rawls would be of the view that the question of when life begins is a metaphysical question that can be properly settled only by contested comprehensive doctrines such as religious ones. Rawls asserts that women who reject the claim that fetuses have a right to life from the point of conception are not "unreasonable."³⁵ Hence, laws may not wholly restrict the liberty of women to terminate their pregnancy. Each woman should be left to decide such questions according to their comprehensive doctrines through permissive laws, at least in the first trimester. John Finnis has argued that Rawls's approach results in basic questions being remitted to hunches, as one is not allowed to resolve them by reference to what is true, which turns on comprehensive doctrines. Finnis, in contrast, thinks it is arbitrary to deny the unborn the rights of free and equal citizens—rights accorded to newborns—by allowing women to abort them. Finnis suggests that medical science shows the difference between the unborn and the newborn to be no more and no less than the difference between being inside and outside the mother's body.³⁶ Permissive abortion laws in fact settle the metaphysical question of the moral status of the unborn by deciding that an unborn is not worthy of the same protection as a newborn.³⁷ Robert P. George has argued—without relying on any religious comprehensive doctrine—that a human embryo is already a human being in the earliest stage of its natural development, as it has the unique genetic material distinct from either parent and contains all information that causes it, by an internally directed process of "integral organic functioning," to develop to each more mature developmental stage along the "gapless continuum" of a human life.³⁸ The embryonic, fetal, infant, child, and adolescent stages are "stages in the development of a determinate and enduring entity—a human being—who comes

³⁴ See JOHN RAWLS, *THE LAW OF PEOPLES: WITH "THE IDEA OF PUBLIC REASON REVISITED"* 131-48 (1999).

³⁵ See JOHN RAWLS, *POLITICAL LIBERALISM* 243-44, n.32 (Colum. Univ. Press, 1996).

³⁶ See John Finnis, *Abortion, Natural Law, and Public Reason*, in *NATURAL LAW AND PUBLIC REASON* 75-84 (Robert P. George & Christopher Wolfe eds., Georgetown Univ. Press, 2000).

³⁷ See Seow Hon Tan, *Religion in the Abortion Discourse in Singapore: A Case Study of the Relevance of Religious Arguments in Law-Making in Multi-Religious Democracies*, 26 J. L. & RELIGION 505, 528 (2010).

³⁸ Robert P. George, *Embryo Ethics*, 137 *DAEDALUS* 23, 25 (2008).

into existence as a single-cell organism (zygote) and develops, if all goes well, into adulthood many years later.”³⁹ Inferring that life begins at the earliest developmental stage of this entity, identifiable by its unique genetic material, is accessible to our common human reason.

In short, we should not concede to the Rawlsian view that basic questions of justice and constitutional essentials should be resolved by reference to political values. Indeed, as Finnis notes, the tradition that Rawls thought was opposed to liberalism was in fact relying on moral knowledge accessible to our common human reason. Aquinas’s natural law is distinct from divine law. While the latter arises from the Bible, the precepts of the former are formulated by man’s participation through reason in eternal law.

Conclusion: Clash of Cultures

When the king of Assyria, Sennacherib, was expanding his empire during the reign of King Hezekiah of Judah, he launched an attack on Judah, which had refused to pay tribute to Assyria. Sennacherib attacked all the fortified cities of Judah and captured them. Instead of turning to the Lord their God for help, Hezekiah attempted to fend off further attacks by apologizing to Sennacherib for having done wrong (even though he had done no wrong in God’s view) and promising to repay all that Sennacherib demanded of him. Sennacherib responded by demanding gold and silver that Hezekiah obtained from the temple of the Lord and the treasuries of his palace. He went as far as to strip the gold off the doors and doorposts of God’s temple. Despite this conciliatory gesture (or one might say, *because* of it), Sennacherib did not retreat but demanded even more of Hezekiah. Through his commander whom he sent to Jerusalem with a large army, he challenged Hezekiah’s confidence and mocked the weakness of his army by taunting Hezekiah with the promise of a supply of horses if Hezekiah could find riders. The As-

syrian commander further called out to all the people and told them to surrender.⁴⁰ In return, Sennacherib promised them peace:

Make peace with me and come out to me. Then each of you will eat fruit from your vine and fig tree and drink water from your own cistern, until I come and take you to a land like your own—a land of grain and new wine, a land of bread and vineyards, a land of olive trees and honey. Choose life and not death!⁴¹

The statement that they should choose life could not be more ironic in Sennacherib’s perception of what life consisted of—the satisfaction of the people’s material needs. The command of the Lord to His people, given through Moses, had been against assimilation into the cultures and civilizations of the day—God’s people were more than material beings and they were called to “lov[e] the Lord [their] God, [obey] his voice, and [hold] close to Him.”⁴² They had to be set apart for God. In Deuteronomy, Moses had told them to “choose life”⁴³ by wholly obeying God’s commandments, that the blessings of life would follow them.⁴⁴ God was their sovereign provider. The threat of annihilation by Sennacherib’s superior military might was being “tempered” in Sennacherib’s view with his far more desirable and gracious alternative of being able to continue with their common life—living the same way in the ordinary day-to-day in their own homes, provided they assimilated into the new land. They could not remain in their own land—the land God promised to give to them. They could not be set apart as a covenant people under God. They were to be taken to a land ostensibly like theirs—at least where material provisions were concerned. They were to live amongst a people whose culture and moral norms were entirely different from theirs. Apart from the promise of being well-provided for materially, no promise

³⁹ *Id.*

⁴⁰ This account can be found in 2 Kings 18:13-37.

⁴¹ 2 Kings 18:31-32 (NIV).

⁴² Deuteronomy 30:20 (NIV).

⁴³ Deuteronomy 30:19 (NIV).

⁴⁴ See Deuteronomy 30:15-20.

was made to them that they could retain their unique covenant way of life under the Lord their God. Rather, the inference, given the context of that time, given that God's people had to worship in Jerusalem but would be taken to another land with foreign gods, was the expectation of assimilation and syncretism.

Sennacherib's delineation of the boundaries within which God's people can live—for all purposes, his insistence that they be assimilated—is poignantly like the postmodern liberal's suggestion that the religious keep their values within the confines of their place of worship and their homes but not have their values shape the law and society at large. This substantially requires Christians to live within a larger moral ecology of society shaped by law that is not value-neutral to begin with, much as Rawls claims that his political liberalism is attractive because it properly respects all as free and equal. As the moral ecology of society within which individuals "live and have their being"⁴⁵ impacts upon and shapes individuals, law that has abdicated its responsibility to help individuals be moral and virtuous ultimately still affects individuals in the manner of the morals by which those laws are justified. Individuals are thereby assimilated into the culture. Like Sennacherib, the Rawlsian liberal entices Christians with peace and prosperity in the material sense but requires assimilation and syncretism, making it harder for Christians to live their lives in a way that is a witness to their faith. Just as Sennacherib's offer cannot be accepted by God's people, Christians should also be cautious that backing off from civic engagement to shape the laws, and thereby the moral ecology, diminishes Christian witness and is a step towards assimilation in pluralist society. We do well to bear in mind that the Lord Jesus calls us to be salt that does not lose its saltiness, the city on the hill that cannot be hidden, and to let our light shine before others.⁴⁶

⁴⁵ I use this phrase in an ironical way, as Acts 17:28 states that "in Him, we live and move and have our being" (KJV).

⁴⁶ See *Matthew* 5:13-16.

ADVOCATING FOR JUBILEE IN THE MIDST OF COLONIZATION

Alvin Velazquez*

"For I know the plans I have for you," declares the Lord.

JEREMIAH 29:11(A)

Introduction

When I was nine years old, I had a sepia-toned dream. In that dream, I found myself in the coffee fields of Puerto Rico. I was wearing a white oxford shirt with my sleeves rolled up and sweating profusely as I encouraged workers to come together and seek justice. I have no clue what justice I was seeking for those workers (especially as a precocious nine-year-old). I can tell you that growing up in the Catholic Church in the 1980s in Chicago, I heard the song "Blessed Are They" and a homily on Jesus's Sermon on the Mount at least once a month. The words "[b]lessed are the meek, for they will inherit the earth. Blessed are those who hunger and thirst for righteousness, for they will be filled" led me to a foundational conclusion: Jesus is especially concerned for the weak and the poor, and, if I wanted to follow his example, I should align myself with these values.¹ In my estimation, the twin concepts of 1) debt jubilee and 2) concern for the poor (including the working poor) served to reinforce the conclusion that to align my heart with

Jesus' thinking I had to care about these issues. I eventually chose to be a union side attorney.² For me, foregoing a more remunerative legal career was part of the "cost of discipleship."³ These biblically based values inspired me to advocate for some rather controversial positions such as an 80% reduction on Puerto Rico's debt as a form of debt jubilee, supporting a congressional bill that would empower U.S. territories to walk away from certain debts, and litigating to ensure that public sector pensioners received zero cuts to their retirement benefits.

Growing up in a lower-working class Puerto Rican home in Chicago shaped my concern for the island. We had all the trappings of a Puerto Rican family. The kitchen was filled with the smell of fried plantains and the sounds of salsa music. My mother would share her dream about going back to Puerto Rico when she retired.⁴ It was not until adulthood that my family began to talk about two uncomfortable facts: 1) they left to escape grinding poverty, and 2) Puerto Rico is a colony of the United States.⁵

* Associate Professor of Law, Indiana University Maurer School of Law. Thank you to the editor-in-chief of *The Journal of Christian Legal Thought* for inviting me to write this short autobiographical essay. I also want to thank Christopher Hampson, Michael Oswalt, and C.J. Ryan for their comments on this essay. I served as chair of the Unsecured Creditors' Committee for the Puerto Rico Bankruptcy Proceedings and participated as counsel for the Service Employees International Union at that time. Any comments I make here are in my own capacity and should not be attributed to any other person or organization.

1 Matthew 5:5-6 says, "Blessed are the meek, for they will inherit the earth. Blessed are those who hunger and thirst for righteousness, for they will be filled." All citations to Scripture are from the NIV unless otherwise indicated.

2 Alvin Velazquez, *Advocacy for Workers as a Spiritual Calling*, HARV. L. SCH.: PROGRAM ON BIBLICAL L. & CHRISTIAN LEGAL STUD.: LIVING L. BLOG (Apr. 11, 2022), <https://pbclslaw.harvard.edu/blog/advocacy-for-workers-as-a-spiritual-calling/>.

3 See generally DIETRICH BONHOEFFER, *THE COST OF DISCIPLESHIP* (1937).

4 She eventually returned to Puerto Rico after passing away from amyotrophic lateral sclerosis, also known as Lou Gehrig's disease.

5 See *Downes v. Bidwell*, 182 U.S. 244, 287 (1901) ("If those possessions are inhabited by alien races, differing from us in religion, customs, laws, methods of taxation, and modes of thought, the administration of government and justice according to Anglo-Saxon principles may for a time be impossible, and the question at once arises whether large concessions ought not to be made for a time, that ultimately our own theories may be carried out and the blessings of a free government under the Constitution extended to them. We decline to hold that there is anything in the Constitution to forbid such action."). The topic of Puerto Rico's status as a colony of the United States has received extended scholarly criticism. See, e.g., Guy-Uriel Charles & Luis Fuentes-Rohwer, *No Voice, No Exit, But Loyalty? Puerto Rico and Constitutional Obligation*, 26 MICH. J. RACE & L. 133 (2021).

Strains of Catholic Social Teaching (CST) and liberation theology have shaped my approach to the interpretation of Scripture.⁶ They have shaped how I think about labor law and legal theory.⁷ They have also governed how I thought about economic issues and shaped my faith identity. Like many other Christian law students, I spent time pouring over Joseph Allegretti's book "The Lawyer's Calling."⁸ I was trying to discern how to apply its teachings to my life within the context of Jesus' Sermon on the Mount.⁹ However, I never would have imagined my identity as a person of Puerto Rican descent coming together with my religious faith if you had spoken to me as a student at Harvard Law School. At that time, I was too busy practicing my faith by participating in the Harvard Law School Christian Fellowship and speaking with janitors as part of an effort to get Harvard University to pay them a living wage.¹⁰ Little could I have conceived of the journey that the Lord had for me or the controversy that applying Christ's teaching would entail years later.

What I am most interested in is sketching out how the teachings contained in Scripture guided me into supporting causes advocating for structural justice. I spent my time working on the Puerto Rico debt crisis by calling for debt forgiveness and the protection of pensioners in Puerto Rico. Those calls were rooted in the twin, biblically based concepts of 1) jubilee and

2) concern for the least of these as Jesus articulated them in the Beatitudes. They were also motivated by the fact that Puerto Rico's status as a colony of the United States meant that its residents' interests were economically subordinated to that of the mainland United States. I will provide a bit of background on Puerto Rico's financial crisis before delving into how jubilee and the Sermon on the Mount guided my calls for action on debt cuts, protecting pensions, and advocating for workers.

Some Context on the Puerto Rico Debt Crisis

The United States annexed Puerto Rico in 1898 as a spoil of the Spanish American War and imperialist fervor that existed at the time. Puerto Rico is poor. The median income in Puerto Rico is less than half that of Mississippi, the poorest state on the mainland.¹¹ By the time Puerto Rico filed for bankruptcy, the average police officer made about \$25,000 a year, and the average public-school teacher made about \$21,000 a year.¹² The average pensioner in Puerto Rico earned less than \$13,200 dollars per year.¹³ The cost of living in the San Juan metro area is on par with the median U.S. national cost of living.¹⁴

For years, Puerto Rico's economy relied on tax breaks to produce economic activity. Once congressional repeal of an important tax break took effect in 2006, leading to decreased

⁶ In particular, Dorothy Day's Catholic Worker Movement influenced me greatly. For a good summary of her thought, see MARK & LOUISE ZWICK, *THE CATHOLIC WORKER MOVEMENT: INTELLECTUAL AND SPIRITUAL ORIGINS* (2005).

⁷ See generally Alvin Velazquez, *Drawing on the Christian Tradition as a Source for the Renewal of Labor Law Theory*, 69 ST. LOUIS U. L.J. 285 (WINTER 2025).

⁸ See generally JOSEPH G. ALLEGRETTI, *THE LAWYER'S CALLING: CHRISTIAN FAITH AND LEGAL PRACTICE* (1996).
⁹ Mark 5-7.

¹⁰ See Prince A. Williams, *Lessons from the Living Wage Campaign: A People's History of Harvard*, THE HARV. CRIMSON (Mar. 29, 2024), <https://www.thecrimson.com/column/a-peoples-history-of-harvard/article/2024/3/29/williams-student-labor-movements-lessons/>.

¹¹ D. ANDREW AUSTIN, CONG. RSCH. SERV., R46788, *PUERTO RICO'S PUBLIC DEBTS: ACCUMULATION AND RESTRUCTURING* 3 (2022); *Poorest States 2024*, WORLD POPULATION REV., <https://worldpopulationreview.com/state-rankings/poorest-states> (last visited Jan. 23, 2025).

¹² See Dánica Coto, *Puerto Rico to Increase Teachers' Salaries by \$1K a Month*, ASSOCIATED PRESS (Feb. 7, 2022), <https://apnews.com/article/caribbean-puerto-rico-f3e871cf314fd794f633b74498447e0>.

¹³ Dánica Cotto, *Pension Crisis Forces Puerto Rico Retirees to Rethink Future*, ASSOCIATED PRESS (Feb. 9, 2017), <https://apnews.com/general-news-953b77e8ffc84f3789097dcad7088b32>.

¹⁴ *Cost of Living in San Juan, Bayamón & Caguas Exceeds National Average*, SAN JUAN STAR (July 11, 2024), <https://www.sanjuandailystar.com/post/cost-of-living-in-san-juan-bayam%C3%B3n-caguas-exceeds-national-average#:~:text=The%20data%20indicate%20that%20the,living%20in%20the%20United%20States.>

economic activity, Puerto Rico's borrowing increased.¹⁵ I started thinking about Puerto Rico's economic crisis in 2009 shortly after I joined the legal department of the Service Employees International Union (SEIU). That is when Puerto Rico laid off over 20,000 government employees in one day and raised taxes to address its crisis.¹⁶ Alas, it was to no avail. People in Puerto Rico also called for an audit of the debt to determine whether the government had legally authorized the debt.¹⁷ I served as a lead drafter of a report that identified legal concerns about whether the Government of Puerto Rico had issued its debt lawfully.¹⁸ If that report was right, then billions of dollars of Puerto Rico's debt could have been declared by a court to be null and void.¹⁹ Shortly after that report was published, an ex-bankruptcy judge in Puerto Rico noted that it raised important questions and that local government officials were understandably reticent to act on the questions raised.²⁰ As a legal professional, the nuanced validation and critique that the ex-judge raised was not only important for my own psyche, but also for giving the idea intellectual purchase. Unfortunately, Puerto Rico faced a major challenge when it was hit with two Category 5 hurricanes within the span of weeks while it was going through its bankruptcy proceedings. These climate disasters caused severe challenges

to Puerto Rico's complicated restructuring and delicate economic situation.

I learned quickly that not everyone thinks about the intersection of faith and debt policy. Puerto Rico's political class seemed quick to invoke faith, but appeared not to allow the Scripture to affect their views on economic policy and debt forgiveness. For example, I remember meeting with one relatively senior elected official. I was eager to make conversation and assumed that the Bible sitting at the front of their desk would give us something in common to discuss. In the spirit of seeking fellowship amongst believers, I explained that my favorite verses included Romans 8:28, James 2:26, the Beatitudes, and the Levitical laws having to do with jubilee. I then asked him to identify his favorite verse. He demurred, so I asked him to consider supporting the bringing of an arbitration claim against a major financial sector actor. The elected official quickly ended the meeting.

Federal law, including the Supreme Court's decision in *Franklin Templeton*, blocked Puerto Rico from seeking bankruptcy relief.²¹ In response, Congress enacted the Puerto Rico Oversight, Management, and Economic Stabilization Act (or "PROMESA," Spanish for the word "promise").²² Through that Act, Congress granted the unelected members of the Financial

¹⁵ AUSTIN, *supra* note 11, at 3-5.

¹⁶ See Yarimar Bonilla & Rafael A. Boglio Martínez, *Puerto Rico in Crisis: Government Workers Battle Neoliberal Reform*, NACLA (Jan. 5, 2010), [https://nacla.org/article/puerto-rico-crisis-government-workers-battle-neoliberal-reform#:~:text=Officially%20described%20as%20a%20E2%80%9Cspecial,fiscal%20problems%20facing%20Puerto%20Rico;see%20also%20Thousands%20Protest%20Government%20Layoffs%20in%20Puerto%20Rico,THE%20GUARDIAN\(May%201,%202009,2:36%20P.M.\),https://www.theguardian.com/world/2009/may/01/puerto-rico-protest-government](https://nacla.org/article/puerto-rico-crisis-government-workers-battle-neoliberal-reform#:~:text=Officially%20described%20as%20a%20E2%80%9Cspecial,fiscal%20problems%20facing%20Puerto%20Rico;see%20also%20Thousands%20Protest%20Government%20Layoffs%20in%20Puerto%20Rico,THE%20GUARDIAN(May%201,%202009,2:36%20P.M.),https://www.theguardian.com/world/2009/may/01/puerto-rico-protest-government).

¹⁷ See AUSTIN, *supra* note 11, at 47-48 (noting controversy regarding commission to audit).

¹⁸ Joel Cintrón Abrasetti, *Funcionarios Se Lavan Las Manos Tras Autorizar Deuda Que Podría Ser Illegal*, CENTRO DE PERIODISMO INVESTIGATIVO (June 14, 2016), <https://periodismoinvestigativo.com/2016/06/funcionarios-se-lavan-las-manos-tras-autorizar-deuda-que-podria-ser-illegal/>.

¹⁹ PUERTO RICO COMMISSION FOR THE COMPREHENSIVE AUDIT OF THE PUBLIC DEBT, *PRE-AUDIT SURVEY REPORT* (2016), <https://periodismoinvestigativo.com/wp-content/uploads/2016/06/InformeFinal.pdf>.

²⁰ See Gerardo A. Carlo Altieri, *The Comprehensive Audit of the Public Credit of Puerto Rico: Pre-Audit Survey Report and Possible Effects*, MICROJURIS (June 24, 2016), <https://aldia.microjuris.com/2016/06/24/the-comprehensive-audit-of-the-public-credit-of-puerto-rico-pre-audit-survey-report-and-possible-effects/>.

²¹ *Puerto Rico v. Franklin Cal. Tax-Free Trust*, 579 U.S. 115 (2016) (holding that Chapter 9 barred Puerto Rico's instrumentalities from restructuring its debt).

²² Several scholars also supported the imposition of a control board on Puerto Rico as a solution for its financial and governance problems. See, e.g., Clayton P. Gillette & David A. Skeel, Jr., *Governance Reform and the Judicial Role in Municipal Bankruptcy*, 125 YALE L.J. 1150, 1198-1206 (2016); Clayton Gillette, *Dictatorships for Democracy: Takeovers of Financially Failed Cities*, 114 COLUM. L. REV. 1373 (2013) (arguing that the case for financial control board being anti-democratic is overstated); Clayton P. Gillette & David A. Skeel, Jr., *How the U.S. Can Help Puerto Rico*, N.Y. TIMES (Sept. 14, 2015), <https://www.nytimes.com/2015/09/14/opinion/how-congress-can-help-puerto-rico.html> (urging for the imposition of a financial control board on Puerto Rico).

Oversight and Management Board of Puerto Rico (“FOMB”) with the power to veto decisions taken by Puerto Rico’s elected representatives and granted Puerto Rico bankruptcy-like protection.²³ Several scholars have criticized Congress’ action as an exertion of colonial power.²⁴ While the Catholic Archbishop of San Juan supported PROMESA for pragmatic reasons, he called the imposition of that board quite “humiliating” and an “indignity.”²⁵

At times, I felt very alone in this work, but in reality, I was not. The Catholic and Evangelical churches came together to support deep cuts to Puerto Rico’s debt burden and supported many of the same calls that I was making.²⁶ However, on a more personal level, I received the support of many coalition partners across the political left in Puerto Rico. I had many dark nights of the soul during this trying process and was frequently the object of some ridicule, but their friendships sustained me. Many of them do not agree with the Christian faith that I profess and may even be hostile to it; however, my faith gave me a basis for which to build common cause. I know several people who would normally not associate with evangelical Christians due to the political connotations that the word has today, to say nothing of the theological commitments. However, they were able to find common cause with me. The joining of causes brought me many new

friendships and allowed me to share my faith in a way that spoke in a way that was relevant to the challenges we were facing at that time.

The Biblical Basis for Significant Debt Forgiveness While Protecting Workers and Retirees

One of the principles that guided my actions during the Puerto Rico bankruptcy and a call for economically sustainable debt relief was that of jubilee. I was not alone in invoking the biblical concept of jubilee. Both Catholic and Evangelical leaders in Puerto Rico had turned to the Bible as a justification for debt relief.²⁷ Pope Francis has declared 2025 to be a year of jubilee so it is fitting to consider the biblical roots of debt forgiveness now.

As David Skeel observed, “[o]ther than sex, almost no other feature of daily life figures so prominently in Scripture as debt.”²⁸ In the Old Testament, there are three sets of codes dealing with jubilee.²⁹ The first is rest from work every seven days, also known as the Sabbath.³⁰ The second is based in Deuteronomy and builds further on the number 7.³¹ It says in no uncertain terms “[a]t the end of every seven years you must cancel debts.”³² As Skeel observes, “the release after seven years was unconditional, as was the release for ordinary debts and the release in the

23 48 U.S.C. § 2144(a)(5); 48 U.S.C. §§ 2161-2178.

24 Adriel I. Cepeda Derieux & Neil C. Weare, *After Aurelius: What Future for the Insular Cases?*, THE YALE L.J. FORUM (Nov. 2, 2020), <https://www.yalelawjournal.org/forum/after-aurelius-what-future-for-the-insular-cases>; Julia R. Cummings, Comment, *Broken PROMESA: Why the United States Should Abandon Its Use of the Territories Clause to Control the Local Affairs of Puerto Rico*, 87 BROOK. L. REV. 349 (2021).

25 David Skeel, *Citizenship without Statehood: An Interview with Archbishop Roberto Gonzalez Nieves of Puerto Rico*, COMMONWEAL (Dec. 19, 2024), <https://www.commonwealmagazine.org/citizenship-without-statehood>.

26 Michael Sean Winters, *Religious Leaders Critical to Success of Puerto Rico Debt Restructuring*, NAT’L CATHOLIC REP. (Jan. 26, 2022), <https://www.ncronline.org/news/opinion/religious-leaders-critical-success-puerto-rico-debt-restructuring>.

27 *Declaración de Líderes Religiosos de Puerto Rico y EE. UU. Sobre el Acuerdo de Deuda y el Camino a Seguir* (Mar. 14, 2022), https://www.usccb.org/resources/PR_Religious_Leaders_Statement_on_Debt_Deal_SPA.pdf; see also *Puerto Rico Religious Leaders Criticize Debt Plans and Negotiations*, JUBILEE USA NETWORK (Nov. 16, 2018), https://www.jubileeusa.org/pr_pr_statement_rel.

28 David A. Skeel, *Christianity and Bankruptcy*, in CHRISTIANITY AND MARKET REGULATION 2 (2019).

29 Christopher D. Hampson, *The Spirit of Jubilee*, at 8-9 (unpublished manuscript on file with the author; cited with permission).

30 *Id.*

31 *Id.*

32 Deuteronomy 15:1.

Jubilee.”³³ The third legal code in Leviticus covers the Year of Jubilee—a profound and extraordinary celebration that sets into motion a series of events, including the debt relief that Deuteronomy calls for every seven years. As Christopher Hampson observes, “[a] jubilee is a generational redistribution of the private property most central to economic creativity, to ensure equitable opportunity for every community.”³⁴ Hampson’s observation could apply with force to Ezekiel’s explanation for the destruction of Sodom and Gomorrah. The prophet states that God destroyed those communities because their residents were “arrogant,” “overfed,” and refused to care for the poor and needy.³⁵

The concern for debt forgiveness and the poor does not stop in the Old Testament. In the New Testament, Jesus tied debt relief to forgiveness, including in the Lord’s Prayer where He spoke about the need to forgive our debtors.³⁶ It is also the case the debt forgiveness should not be separated from the idea of poverty, especially as it relates to the conditions of those who work for a wage to meet their obligations (including obligations of debt). Efforts to bifurcate the Old Testament and New Testament will find no solid ground on which to build a proper theology of debt in relation to the character of God and our obligations to those in need. Jesus announces his entry into ministry in jubilee-like terms.³⁷ He comes to proclaim “good news to the poor” and to “set the oppressed free.”³⁸ He demands Christians to do the same in various contexts. As I described in another personal reflection:

God cares about justice generally, but He also cares about workplace conditions specifically (Jeremiah 22:13). God calls out the religiously pious who oppress their workers. (Isaiah 58:3). God cares about workers’ ability to make a living and consistently states that he hears the cries of workers who are victims of employer wage theft. (James 5:1, 4; Jeremiah 22:13; Deuteronomy 21:14-15).³⁹

In the Lord’s Prayer, Jesus tells us to pray that God will “forgive our debts, as we forgive our debtors.”⁴⁰ Similarly, Jesus tells a parable in which a master punishes a servant who refuses to show mercy in handling a debt.⁴¹ Taken together, these principles indicate that the forgiveness of debt, like the forgiveness of sins, is important spiritual business.

Applying the Scripture to Puerto Rico’s Debt Context

My application of these principles was and is admittedly controversial.⁴² Over the course of several years, I took the rather controversial position that Puerto Rico’s financial creditors should take an 80% cut on their loans. In fact, I testified before Congress urging that it pass the Territorial Relief Act, a bill sponsored by bankruptcy law expert Senator Elizabeth Warren.⁴³ That bill would have allowed Puerto Rico to eliminate, via a vote of its legislature, all of its unsecured, bonded debt.⁴⁴ Additionally, I called for pen-

³³ Skeel, *supra* note 28, at 7.

³⁴ Hampson, *supra* note 29, at 20.

³⁵ Ezekiel 16:49-50.

³⁶ Skeel, *supra* note 28, at 1-2.

³⁷ Hampson, *supra* note 29, at 36 n. 168.

³⁸ Luke 4:18.

³⁹ Velazquez, *Advocacy for Workers as a Spiritual Calling*, *supra* note 2.

⁴⁰ Matthew 6:12.

⁴¹ Matthew 18:21-35, *see also* Skeel, *supra* note 28, at 8.

⁴² The timing of this essay coincided with the passing of former U.S. President Jimmy Carter. His deeply personal reflections on how his faith and prayer life informed his career choices and the controversial positions he took over his life deeply resonated with my own. *See* JIMMY CARTER, *LIVING FAITH* 34-36, 97-98 (1996).

⁴³ PROMESA Discussion Draft—Day 2, *H. Comm. on Nat. Res.*, 116th Cong. (2019) (testimony of Alvin Velázquez, Associate General Counsel, Service Employees International Union).

⁴⁴ S. 1312, 118th Cong. §102(a).

sioners, lower-wage workers, and trade creditors who provided important services to the Government of Puerto Rico to escape unimpaired.⁴⁵ After the bankruptcy concluded, I called for a complete rethinking of how the United States manages federal grants post-Hurricane Maria to ensure creditors do not benefit from federal spending when a government is bankrupt.⁴⁶ I will not relitigate the legal, financial, or political merits of those positions here. There are other forums to do that.

What I want to do here is explain how the certain passages in the Bible shaped my thinking and to inspired me to carry on. Throughout the years that I worked on Puerto Rico's financial crisis, I lived in the grip of fear. I was especially concerned about potential blowback by powerful political and monied interests and looked to the Bible for help. For example, years before Puerto Rico filed for bankruptcy, I participated in a press conference calling for the Government of Puerto Rico to bring FINRA ("Financial Industry Regulatory Authority") arbitration against the bank UBS for allegedly selling improper financial products to it. I did not want to do it.⁴⁷ I was nervous about speaking publicly. A family member encouraged me to study the Book of Nehemiah. In it, Nehemiah left his position as the king's cupbearer to rebuild his home country and took bold stands despite the plotting of Sanballat, Tobiah, and Geshem.⁴⁸ This exhortation hit home. I had cried about Puerto Rico's condition just like Nehemiah cried when he heard about the condition of his home country.⁴⁹ Additionally, I knew Puerto Rico's financial crisis would only get worse, and I feared that refusing

to speak would put me in a Jonah-like situation, where events would keep reminding me that I needed to participate even if I personally did not want to do so.⁵⁰ In the end, the Government of Puerto Rico never brought forth those claims or explained why they declined to do so.

Once the bankruptcy proceedings under PROMESA began, I spoke in favor of Puerto Rico receiving a major debt write-down of 73%, a number advocated for by Nobel prize-winning economist Joseph Stiglitz as needed for economic sustainability.⁵¹ In my mind, Puerto Rico had suffered under the chains of colonization for over 500 years. Once Spain ceded the island to the United States, Congress engaged in an uneven program of development. For example, it had invested in it during the heights of the Cold War, but engaged in a disinvestment project as Cuba's salience in world affairs declined after the collapse of the Soviet Union. Once Congress repealed tax breaks that Puerto Rico relied on, it left the island without a key economic development tool.⁵² These events demonstrated that Puerto Rico needed a true jubilee—a real redistribution—to achieve the "fresh start" that the U.S. bankruptcy code is supposed to supply.

Even though I felt alone, I knew I could draw strength from Scripture and from the strength of character the members of SEIU's locals in Puerto Rico showed. The fact that the members of my employer, SEIU's locals, refused to negotiate until the FOMB sought more aggressive debt cuts filled my heart with pride. These were the workers who had seen the effects of debt austerity firsthand. I briefed them on the very serious choice they were thinking about taking. They were the ones who had survived

⁴⁵ Joanisabel Gonzalez, *Emplazan a Pierluisi con la Ley de Retiro Digno*, EL NUEVO DIA (Mar. 4, 2021), <https://www.elnuevodia.com/negocios/economia/notas/emplazan-a-pierluisi-con-la-ley-de-retiro-digno/>.

⁴⁶ See generally Alvin Velazquez, *Broke(n) Governments and Disaster's Dollars*, MAURER SCH. OF L., (Dec. 2024).

⁴⁷ *Sindicatos reclaman al Gobierno para que demande a UBS*, NOTICEL (Oct. 14, 2013), <https://www.noticel.com/economia/20131014/sindicatos-reclaman-al-gobierno-para-que-demande-a-ubs/>.

⁴⁸ *Nehemiah* 1, 4.

⁴⁹ *Nehemiah* 1:4: "When I heard these things, I sat down and wept. For some days I mourned and fasted and prayed before the God of heaven."

⁵⁰ *Jonah* 3:3: "Jonah obeyed the word of the Lord and went to Nineveh" and *Jonah* 4:1: "But to Jonah this seemed very wrong, and he became angry."

⁵¹ Francine McKenna, *Economists Including Stiglitz Recommend Up to 73% Puerto Rico Debt Write-Down*, MARKETWATCH (Nov. 19, 2018, 3:11 P.M.), <https://www.marketwatch.com/story/economists-including-stiglitz-recommend-up-to-73-puerto-rico-debt-write-down-2018-11-19>.

⁵² ED MORALES, COLONIALISM, EXPOLITATION, AND THE BETRAYAL OF PUERTO RICO (2019).

the massive layoffs that occurred in 2009 to satisfy the debt, and they truly understood the cost of standing firm. They decided to refrain from engaging with the unelected FOMB board until it had proposed a debt repayment schedule that aligned with the type of debt write-down that Stiglitz had called for.⁵³ In that way, the union was bargaining not just for itself, but also for the common good.⁵⁴

I advocated for a massive write-down of Puerto Rico's debt because the poorer population had no realistic chance of paying back the massive debt the country had accumulated. It was also the economically sound thing to do. Puerto Rico had engaged in almost 10 years of "belt-tightening" by the time it had filed for bankruptcy. I called for retirees and lower-wage workers to be exempt from these cuts because they had already felt austerity's sting. I could not square away continued austerity when, on balance, the Bible calls Christians to be especially solicitous of the poor, the widowed, the orphaned, or the oppressed.⁵⁵ In my view, the law had already provided creditors with significant protections, such as the right to receive payment on the interest of their debt before the government could pay wages.⁵⁶ Workers and non-investors had already suffered; it was time to share the pain.⁵⁷

Puerto Rico's passage of the Law for a Dignified Retirement ("LDR") met many of these biblical principles. That the LDR embraced the

full restoration and preservation of public employee pension rights. Specifically, it proposed "a return to a defined-benefit public employee pension structure funded by money on debt service if certain bond issues that had been challenged during the court proceedings were invalidated as having been issued as ultra vires under Puerto Rico's Constitution."⁵⁸ It also served as a peaceful act of resistance against the colonial oversight of the FOMB by forbidding the Government of Puerto Rico from devoting funds to supporting or implementing the FOMB financial plans unless they complied with the LDR.⁵⁹ I came out in favor of the bill.⁶⁰

Just because I came out in favor, or that I believed the LDR could be justified theologically, does not mean others see it that way. As the Bible teaches, our ways are not always God's ways.⁶¹ When we think we are advocating for God's ways, we may actually look like a fool. In fact, that is exactly how I felt. Even though I believed that the LDR had a sound legal basis under PROMESA, neither the FOMB nor the judge presiding over the bankruptcy viewed it that way.⁶² She immediately nullified the Act for being inconsistent with PROMESA. The TV punditry had argued that the Act would get immediately nullified, and, in the days after the judge rendered her ruling, I felt like a fool. Shortly after that ruling, I retreated into

53 Roberto Pagan, *Porque No Negociamos Con La Junta*, VOCERO (June 22, 2019), https://www.elvocero.com/opinion/por-qu-no-negociamos-con-la-junta/article_5cef0202-948f-11e9-854f-c34e8ea9058d.html.

54 See Alvin Velazquez, *Bargaining for the Common Good in Bankruptcy* (outlining techniques that unions could use to bargain for the common good in bankruptcy) (on file with author).

55 Luke 4:18-19: "The Spirit of the Lord is on me, because he has anointed me to proclaim good news to the poor." He has sent me to proclaim freedom for the prisoners and recovery of sight for the blind, to set the oppressed free, to proclaim the year of the Lord's favor." Jeremiah 5:25-29: "Like cages full of birds, their houses are full of deceit; they have become rich and powerful and have grown fat and sleek. Their evil deeds have no limit; they do not seek justice. *They do not promote the case of the fatherless; they do not defend the just cause of the poor....*" (emphasis added).

56 P.R. CONST. ART. VI, § 8: "In case the available revenues including surplus for any fiscal year are insufficient to meet the appropriations made for that year, interest on the public debt and amortization thereof shall first be paid, and other disbursements shall thereafter be made in accordance with the order of priorities established by law."

57 Of course, one could argue that I took positions that were convenient for my employer. However, that does not change the fact that I made these statements in public, and that there is a strong theological basis for them.

58 Alvin Velazquez, *Lucha Si, Entrega No: How an "Awkward Power Sharing Arrangement" Enabled Retirees to Upend a Plan of Adjustment*, 97 AMER. BKRT. L.J. 826, 898 (2023).

59 *Id.*; see also P.R. Act 7 of 2021 at Art. 3.01-3.02.

60 Gonzalez, *supra* note 45.

61 Isaiah 55:8: "'For my thoughts are not your thoughts, neither are your ways my ways,' declares the Lord."

62 Understandably, both parties remained quiet regarding the law's spiritual values or basis.

a metaphorical cave because of embarrassment I felt as I read the judge's opinion. Now, as I tell the story in a different paper, in the end, the nullified Act ended up serving as the first legislative offer of what came to be the "grand bargain" of Puerto Rico's bankruptcy proceedings.⁶³

Conclusion

I wrote this essay as a testimony to the role that God's Word had on me in shaping my thinking about debt forgiveness, especially the debt of the poor. I also wrote it as a testimony to the role that Scripture had in giving me strength for the journey of taking unpopular positions that, if correct, would have affected billions of dollars. Jubilee can be expensive. So can helping the poor. However, the fact that such things are expensive does not undermine their biblical basis. Ultimately, the bankruptcy resulted in Puerto Rico receiving a debt reduction of 31%.⁶⁴ The FOMB sponsored an independent investigation into the claims made in the audit report. Some of the creditors brought forth legal challenges to Puerto Rico's debt raised in the pre-audit survey, which the parties settled.⁶⁵ Several unions received agreements that protected their interests,⁶⁶ while others escaped the bankruptcy without having their collective bargaining agreements impaired. The FOMB threatened to cut retiree pensions by 8.5% at the beginning of the bankruptcy.⁶⁷ That did not happen. Instead, the parties all arrived at a sort of "grand bargain" that was achieved because of organized retiree opposition. The bankruptcy ended with locally enacted legislation that traded zero pension cuts in exchange for the Puerto Rico legislature authorizing bonds.⁶⁸

As an attorney, all I could do was advocate for my client's interests and find those with whom I could make common cause. It just hap-

pened that those interests aligned with what I saw as the just result. I advocated despite the many professional challenges that came my way (many of which I did not discuss in this essay). I pray that other readers take encouragement from this and remember that "we know that in all things God works for the good of those who love him, who have been called according to his purpose."⁶⁹ I always prayed that I was walking in His calling and according to His purpose even during dark and trying times, and that I was both a good witness, and good partner, to the many friends I made along the way.

⁶³ Velazquez, *Lucha Si, Entrega No*, *supra* note 58, at 898.

⁶⁴ AUSTIN, *supra* note 11, at 2.

⁶⁵ See KOBRE & KIM, THE FINANCIAL OVERSIGHT & MANAGEMENT BOARD FOR PUERTO RICO: INDEPENDENT INVESTIGATOR: FINAL INVESTIGATIVE REPORT (2018), <https://bibliotecaap.wordpress.com/wp-content/uploads/2018/09/fomb-final-investigative-report-kobre-kim-20180820.pdf>.

⁶⁶ Mark McCollough, *Puerto Rico Members Win Big In New Agreement*, AM. FED'N OF STATE, COUNTY, & MUNICIPAL EMPLOYEES (Apr. 13, 2022), <https://www.afscme.org/blog/puerto-rico-members-win-big-in-new-agreement>.

⁶⁷ Dánica Cotto, *Retirees Defy Puerto Rico Govt, Get Pension Deal with Board*, ASSOCIATED PRESS (June 12, 2019, 12:50 P.M.), <https://apnews.com/general-news-005edd5adc6d4fe8a8549383d2117a9e>.

⁶⁸ Velazquez, *Lucha Si, Entrega No*, *supra* note 58, at 908.

⁶⁹ *Romans* 8:28: "And we know that in all things God works for the good of those who love him, who have been called according to his purpose."

THE SHAPING OF LAW THROUGH IMAGINATION: A POETIC APPROACH TO CHRISTIAN COMMUNITY ENGAGEMENT

by Emily A. Cole*

Introduction

Community is not simply a legal or physical place; it is an emotional, interactive, and cognitive space where individuals' identities and lives are interwoven. Community is relational by nature and, at its best, fosters a shared sense of collective responsibility to a larger social order, helping shape legal norms. Any one community is shaped by values and practices that emerge organically from the ground up, situated within a particular social, cultural, and historical context, having the capability to foster moral relationships and, ideally, a developed sense of civic duty. Community is "the milieu wherein the dignity of the person is realized,"¹ and, in the context of the Christian faith, one of both command and obedience, of authority and a juridical order.²

Christians should seek to understand the role their faith can play in reacting to, stepping outside of (when necessary),³ and ultimately playing a part in reforming what Spanish philosopher and theologian Francisco Suárez called "unjust laws"⁴—especially in the context of pluralistic societies. Indeed, beyond the law-giver, Suárez argues there should be a dialogue between the people and the ruler (lawmaker) as laws are received. In other words, the way community—here, local Christian community—interacts and receives law within their lived experiences influences how laws are applied and how faithful engagement can give way to a better, restorative justice.⁵

This concept is especially true in Latin America—and not only because it is home to nearly 40% of the world's total Catholic population.⁶ Recent history reveals the important role

* Emily A. Cole is a human rights attorney with Pepperdine University's Program on Global Faith and Inclusive Societies, where she focuses on international religious freedom and human rights advocacy, primarily in Latin America. A former Fulbright scholarship recipient to Ecuador, she received her J.D. from the University of Wisconsin Law School in 2022, where she served as co-president of the Christian Legal Society chapter and was selected as a CLS Law School Fellow in 2021.

¹ John Courtney Murray, *Freedom, Authority, Community*, 15 *THE CATHOLIC LAW* 158, 161 (1969).

² *Id.* at 163. Authority elicits from the charismatic community of Christian faith "the insights of each into the faith, for the enlightenment of all," and "the informed concern of the community for the work of the community in its relations with the world." *Id.* at 165.

³ ELISABETH RAIN KINCAID, *LAW FROM BELOW: HOW THE THOUGHT OF FRANCISCO SUÁREZ, SJ, CAN RENEW CONTEMPORARY LEGAL ENGAGEMENT* 74-75 (2024). Kincaid notes that this is not protest but rather taking issue with the portion of the law that goes against the practices of equity, for example. Notably, if an injustice is unclear, "a subject [i.e., a Christian community] should be motivated [to engage] by a general concern for the common good." *Id.* at 74.

⁴ See generally KINCAID, *supra* note 3.

⁵ Jordan Steffaniak & Brandon Ayscue, *Law from Below with Elisabeth Kincaid*, *THE LONDON LYCEUM* (Dec. 4, 2024), <https://thelondonlyceum.com/the-podcast/>.

⁶ *Religion in Latin America*, PEW RSCH. CTR. (Nov. 13, 2014), <https://www.pewresearch.org/religion/2014/11/13/religion-in-latin-america/>. I will discuss Latin America broadly only for purposes of this short article, recognizing this discussion does not take into account the diversity and religious nuances of its 20 countries, including its 13 additional Caribbean countries each with distinct political and cultural identities. For this reason, it's important, when speaking of Latin America, to not overstate conclusions about the region.

the Church⁷ plays in the stability and prosperity of local communities considering its role as mediator and advocate, especially in rural neighborhoods.⁸ Christian leaders are at the forefront of human rights advocacy in many Latin American countries, acting as interlocutors between government and congregants and standing against corrupt or anti-democratic governments, while also providing shelter from violence and criminal activity—sometimes at the cost of their own freedom or even their lives. Cuba⁹ and Nicaragua¹⁰ are recent examples of the former and Mexico¹¹ the latter.

The Church's leadership in advancing respect for just societies and, specifically, human rights, is not new. Like the United States, Latin America's history is full of contributions by Roman Catholic thinkers and jurists who were influenced by moral beliefs rooted in a framework of biblical justice.¹² Indeed, founded in part as “a

new set of ecclesiastical provinces of the Roman Catholic Church,”¹³ two important legal movements—codification and constitutionalism—dominated the development of modern Latin American law.¹⁴ John Witte, Jr. further articulates how throughout its history, the influence of the Church in Latin America “was not only direct and institutional, but also indirect in shaping the culture, education, and values of the legal and political leaders and the people.”¹⁵

Still, scholars recognize a type of legal pluralism that has emerged where, for example, state law and Indigenous laws coexist, either in tension or with overlapping jurisdictions. Particularly in countries with large Indigenous populations,¹⁶ the relationship to land and territory has become a crucial aspect of communal legal engagement in the region.¹⁷ This concept lends to the idea of collective well-being and the protection of community interests (such as land,

7 For purposes of this article, “the Church” in Latin America refers to the Roman Catholic Church, while “the church,” “Christianity,” or “Christian community” refers to Catholic, Protestant, and Evangelical communities broadly. Indeed, even in Latin America, Protestant Christianity has grown substantially since the 1960s. See M.C. MIROW & RAFAEL DOMINGO, *LAW AND CHRISTIANITY IN LATIN AMERICA: THE WORK OF GREAT JURISTS* 10 (2020).

8 Justin McLellan, *Latin American Bishops Launch Campaign to Protect Human Rights Activists*, NAT’L CATHOLIC REP. (Feb. 5, 2020), <https://www.ncronline.org/earthbeat/justice/latin-american-bishops-launch-campaign-protect-human-rights-activists> (e.g., Cuba for many decades and more recently, Nicaragua and Venezuela).

9 KRISTEN LAVERY, *FACTSHEET: CUBA*, U.S. COMM’N ON INT’L RELIGIOUS FREEDOM (2021), <https://www.uscifr.gov/sites/default/files/2021-09/2021%20Cuba%20Factsheet.pdf>.

10 The situation in Nicaragua is telling. Clergy (in addition to nuns and Evangelical pastors) who sheltered political protestors during the bloody 2018 ordeal have been imprisoned, exiled, and/or stripped of their citizenship over the past six years as they continue to call out the injustices of the Ortega regime. With this, thousands of religiously affiliated institutions and NGOs across the country—including all Catholic universities—have been shut down, while civic space is almost completely closed off. Many religious processions are also now prohibited, especially around holidays. In some cities, like Matagalpa, the Ortega regime has set up Sandinista flags in front of cathedrals of imprisoned bishops. Walter Sánchez Silva, *Nicaraguan Dictatorship Places Sandinista Flags in Front of Cathedral of Imprisoned Bishop*, CATHOLIC NEWS AGENCY (June 27, 2023, 4:20 P.M.), <https://www.catholicnewsagency.com/news/254675/nicaraguan-dictatorship-places-sandinista-flags-in-front-of-cathedral-of-imprisoned-bishop>.

11 Teresa I. Flores, *Regulation of FoRB Rights by Organized Crime in Mexico: A Real Although Largely Overlooked Issue*, CANOPY FORUM (Dec. 12, 2024), <https://canopyforum.org/2024/12/12/regulation-of-forb-rights-by-organized-crime-in-mexico-a-real-although-largely-overlooked-issue/>.

12 MIROW & DOMINGO, *supra* note 7, at 10.

13 *Id.* at xiv.

14 John Witte, Jr., *Preface* to M.C. MIROW & RAFAEL DOMINGO, *LAW AND CHRISTIANITY IN LATIN AMERICA: THE WORK OF GREAT JURISTS* (2020).

15 *Id.*

16 E.g., Ecuador and Bolivia.

17 Legal scholars emphasize that the recognition of collective land rights—such as through the ILO Convention 169 or national constitutional reforms—has been a major area of legal reform, where communities have been able to reclaim legal recognition of their traditional territories and governance systems. See generally MULTICULTURALISM IN LATIN AMERICA: INDIGENOUS RIGHTS, DIVERSITY AND DEMOCRACY 3-4 (Rachel Sieder ed., 2002).

resources, and culture), rather than individual ownership or rights. In this sense, Latin America tends not only to emphasize collective rights and social cohesion among individuals, but also provide space for robust grassroots engagement, social movements, and a more cognitive lens both within and outside the Church. Again, without overly generalizing, Latin America is somewhat unique in this way.

Still, while there are various factors that might impair local Christian communities from engaging with law in Latin America (e.g., organized crime, political corruption, social-economic status), the question I want to consider is this: How can the poetic imagination renew a faithful engagement with legal systems and advance a public policy consistent with the view that law is a moral endeavor that can and should reflect the character of God?

When it comes to communal engagement with law, I propose that the modern Church can be strengthened by reconnecting the imagination to the sacred.¹⁸ Specifically, I seek to offer a renewed vision for the imagination in conversation with the nurtured writing of George MacDonald,¹⁹ C.S. Lewis,²⁰ and Malcolm Guite. Specifically, I find the contribution of Guite of particular use as he seeks to articulate his notion of poetry as a “truth-bearing faculty.”²¹ I take the foundational aspects of these writers and introduce them further to the work of Francisco Suárez in an attempt to meld poetry and imagination, asking how his theology of law can enhance the connection between humanity, emotion, and experiential knowledge as part of the legal process. While Suárez offered a rational, theological foundation for law, the integration of poetry and imagination allows for a richer, more

lived and embodied experience of justice that can help guide communities in the “final shaping” of law. By emphasizing human flourishing, poetry serves as a powerful tool to strengthen the “law from below,” to borrow from the title of a recent work of Elisabeth Rain Kincaid. Ultimately, Christian communities, inspired by poetry, could foster more inclusive, compassionate, and transformative legal systems that reflect both divine and human justice in profound and imaginative ways.

Redressing Imbalances in Law

It was the Irish poet Seamus Heaney who claimed that poetry “offers a clarification, a fleeting glimpse of a potential order of things ‘beyond confusion,’ a glimpse that has to be its own reward.”²² Here, Heaney, born four-hundred years after Francisco Suárez, compliments Suárez’s view that law, as a living process entailing social and moral purposes, should bring clarity to the complexities and injustices of the human experience. Because law, like poetry, can serve as an instrument of clarification for the good of a community. This concept reinforces the idea of the poetic imagination as truth-bearing, offering “not just some inner subjective experience but . . . a redress of an imbalance in our vision of the world and ourselves.”²³ In this way, the poetic imagination is a tool for Christian community and for the Christian attorney to (freshly) consider and engage with the law, using intellect. In both law and poetry, we cannot experience this “glimpse” Heaney describes without active reflection—a moral imagination of sorts.

Indeed, divine creativity inspires ethical living: creatures made in the *imago Dei* share not only a creative capacity, but also a desire for

¹⁸ A concept proposed by G.K. Chesterton throughout much of his writings.

¹⁹ A deep and lasting influence on the use of fantasy and imaginative storytelling in literature and with concepts of faith, specifically through children’s books and fairy tales. And importantly, his influence on C.S. Lewis, who considered MacDonald a spiritual mentor and inspiration.

²⁰ See Mark Neal, *The Surprising Imagination of C.S. Lewis*, C.S. LEWIS INST. (Sept. 7, 2016), <https://www.cslewisinstitute.org/resources/the-surprising-imagination-of-c-s-lewis/>.

²¹ MALCOLM GUITE, *LIFTING THE VEIL: IMAGINATION AND THE KINGDOM OF GOD* 11 (2021); see also *Lifelong Learning: The Laing Lectures*, REGENT COLL. (Apr. 2019), <https://www.regent-college.edu/lifelong-learning/laing-lectures/the-laing-lectures-2019> (delivered by Guite).

²² SEAMUS HEANEY, *THE REDRESS OF POETRY* xv (1990).

²³ MALCOLM GUITE, *FAITH, HOPE AND POETRY: THEOLOGY AND THE POETIC IMAGINATION* 1 (2012).

reconciliation and righteous justice,²⁴ which, though imperfect, is nevertheless important for us to pursue.²⁵ That God has “put eternity into man’s heart” reveals, at least in part, that He has also placed the ability to recognize a fallen and broken world that surrounds.²⁶ While there are things this world cannot give us because of its fallen state, God, in His grace, has provided us language and the ability to feel wonder through its expression.²⁷ Importantly, we have the privilege of feeling wonder in community. Indeed, “[w]e (Christians) are more complete because we are united, as part of a diverse community with one another.”²⁸ In this way, there is a role for compassion and empathy to influence legal norms and frameworks and, in my current position, promote human rights. Poetry can be a good teacher or facilitator for this.

In the sections that follow, I hope to emphasize poetry’s value in helping develop a renewed sense of purpose in shaping legal norms. Notably, I place it within the framework of Elisabeth Rain Kincaid’s “law from below” in her conceptual animation of the theology of Francisco Suárez.²⁹ With this, I offer the example of Latin America as a region where the use of poetry to cultivate renewed community engagement may be successful because of its juridical history, Catholic influence, esteemed poets, deep traditions of collective action, and contributions to the international human rights framework.

While I am cognizant of the fact that many Christian attorneys don’t read poetry, I hope to change their minds, if only for a moment, to help them behold the creative imagination of God in

His capacity to turn a verse into the platform for legal engagement. And though poetry is just one avenue to reigniting our imagination, it offers a palpable “connection to the cosmos” and a communion with our neighbors left distant by the patterns of less aesthetic approaches.³⁰

Creative Engagement with the Law

A leading scholar and theologian of the late sixteenth and early seventeenth centuries, Francisco Suárez’s work significantly influenced early modern philosophy and legal theory through contributions to natural law and the philosophy of law. Specifically, lawful authority is derived from the consent of the governed, underpinning collective obligations within society together with individual rights. In this way, Suárez understood that the way people receive and follow the law in their specific communities (custom) can act as “the final shaping of the law.”³¹ And if local Christian community is unified and recognizes what it means to pursue a just and good society (with their fellow neighbors in mind), then their final shaping will naturally display greater mercy and a concerted appreciation for dialogue around the ethical dimensions, and implications, of law. Indeed, the refining of a communal vision of justice.

But how can the poetic imagination help sharpen this communal vision of the law?

Importantly, I do believe poetry positions Christians to better see “beyond confusion” into the truth of God’s perfect peace and justice. It was William Wordsworth, together with Samuel Taylor Coleridge, who helped me see this con-

²⁴ 2 Corinthians 3:4-18; Matthew 5:23-25; John 7:24.

²⁵ Proverbs 16:7; Luke 10:25-28; Ephesians 4:22-24; Micah 6:8.

²⁶ Ecclesiastes 3:11.

²⁷ See, e.g., G.K. CHESTERTON, ORTHODOXY 81 (B&H Academic, 2022). “Because children have abounding vitality, because they are in spirit fierce and free, therefore they want things repeated and unchanged. They always say, ‘Do it again’; and the grown-up person does it again until he is nearly dead. For grown-up people are not strong enough to exult in monotony. But perhaps God is strong enough to exult in monotony. It is possible that God says every morning, ‘Do it again’ to the sun; and every evening, ‘Do it again’ to the moon. It may not be automatic necessity that makes all daisies alike; it may be that God makes every daisy separately, but has never got tired of making them. It may be that He has the eternal appetite of infancy; for we have sinned and grown old, and our Father is younger than we.”

²⁸ MICHAEL P. SCHUTT, REDEEMING LAW: CHRISTIAN CALLING AND THE LEGAL PROFESSION 118 (2017).

²⁹ KINCAID, *supra* note 3.

³⁰ See generally CHARLES TAYLOR, COSMIC CONNECTIONS: POETRY IN THE AGE OF DISENCHANTMENT (2024).

³¹ Steffaniak & Ayscue, *supra* note 5.

nection when he wrote that poetic imagination “awakens the mind’s attention from the lethargy of custom . . . to the loveliness and the wonders of the world before us,” calling it “an inexhaustible treasure, but for which in consequence of the film of familiarity and selfish solicitude we have eyes, yet see not, ears that hear not, and hearts that neither feel nor understand.”³² It is through poetry that we cultivate revitalized eyes and refreshed minds, causing a “stirring, or awakening, of the mind’s attention,” which can lead to a more active, compassionate, and creative engagement with the law, especially from the ground up.³³ To borrow from Coleridge himself, it is in poetry that we can fully appreciate “a repetition in the finite mind of the eternal act of creation in the infinite I AM.”³⁴

Certainly, engaging with laws from the ground up requires clear vision. In fact, as a people bearing the image of God, we remember our purpose is a “relational in-going and out-going ministry of community with others and with God.”³⁵ In other words, we are capable of imaginative, communal living in the pursuit of just societies. Not only cultivating our sense of wonder through the lenses of imagination, but also through our legal faculties we are able to fully step into the bridging of reason and verse. C.S. Lewis writes that “[r]eason is the natural organ of truth; but imagination is the organ of meaning.”³⁶ Neither organ can be dispensed with

and when both work together, it only further enhances the vitality of our body of understanding. Again, a sharpening of a communal vision of justice.

For Christian advocates of religious freedom, this pursuit is particularly clear. As Alex Deagon notes, our faith fosters a genuine freedom within a democratic way of life by pursuing the tools of peaceful persuasion instead of using coercive measures.³⁷ In fact, one could argue that poetry is a form of peaceful persuasion. Indeed, “true poetry is always in the nature of a gift” and, therefore, “presupposes the dignity of its recipient.”³⁸ Still, it is Christ who “reconciles the height and depth, who brings all that is invisible and intuited into the realm of the visible and the known.”³⁹ When we truly see Christ as the Word made flesh,⁴⁰ we see Christ as the incarnation of God’s meaning in all things—including law. And in the process, we see our neighbor through dignified lenses and embrace, with Wordsworth, the loveliness and wonders of the world.

A Renewed Communal Vision: Unity through Pluralism & Poetry

Various writers and poets across centuries have explored the connections between faith and law through verse, including throughout the twentieth century. While C.S. Lewis explored the tension between human law and divine law,⁴¹ poet and essayist T. S. Eliot reflected briefly on

32 SAMUEL TAYLOR COLERIDGE, *II BIOGRAPHIA LITERARIA* 7 (James Engell & W. Jackson Bate eds., 1983). Coleridge characterizes this “film of familiarity” as a dulling of our own vision of the world, as if there existed a veil between us and the “radiant reality of things.” As a result, Guite explains we “avoid being challenged by the radiant beauty and otherness of nature” and, because we eventually forget that the veil is even there, come to believe nature is actually “as dull as we are” without considering its purpose or intrinsic value. This concept of ‘dulling’ lends to a detachment from engaging with law and its application (or effect on society) because it is not seen as a moral endeavor.

33 This concept of “awakening or stirring” comes from Malcolm Guite, though he does not attribute its value to any one vocation or act. See also GEORGE F. THOMAS, *CHRISTIAN ETHICS AND MORAL PHILOSOPHY* 379-80 (1955). Since faith is a source of truth about reality, it naturally involves an act of insight. He asserts that all moral striving “seems to presuppose a . . . perfect goodness that is never fully realized in men’s conduct but that haunts them and beckons them on.”

34 GUITE, *LIFTING THE VEIL*, *supra* note 21, at 13; COLERIDGE, *II BIOGRAPHIA LITERARIA*, *supra* note 32, at 7; see also *Exodus* 3:14; *John* 8:58, 14:6.

35 SCHUTT, *supra* note 28, at 118.

36 C.S. LEWIS, *SELECTED LITERARY ESSAYS* 265 (Walter Hooper ed., 1969).

37 ALEX DEAGON, *A PRINCIPLED FRAMEWORK FOR THE AUTONOMY OF RELIGIOUS COMMUNITIES: RECONCILING FREEDOM AND DISCRIMINATION* 21 (2023).

38 DANTE ALIGHIERI, *THE DIVINE COMEDY* 32 (Eugenio Montale trans., 1995).

39 GUITE, *LIFTING THE VEIL*, *supra* note 21, at 18.

40 *John* 1:1-14.

41 Suggesting that while human law is a necessary framework for society, it must align with higher principles of truth and morality. C.S. LEWIS, *MIRACLES: HOW GOD INTERVENES IN NATURE AND HUMAN AFFAIRS* 34-36 (1947); C.S. LEWIS, *MERE CHRISTIANITY* 21-23, 27-32 (2001).

the need for a moral order that can guide both society and its legal structures, suggesting that culture and, by extension law, must reflect spiritual and ethical values.⁴² “I have tried to restrict my ambition of a Christian society to a social minimum,” Eliot writes, “to picture, not a society of saints, but of ordinary men, of men whose Christianity is communal before being individual.”⁴³ Indeed, some of Eliot’s well-known poems suggest a vision where poetry, culture, and law influence each other in the formation of a just and moral society.⁴⁴ We likely recognize these ideas more clearly in the prophets of the Old Testament, who used poetic language to call for justice,⁴⁵ thus illuminating a vision that reflects God’s will for His creation.

Today, the poetic imagination can still reveal both beauty and truth, contemplate and express the Divine, and point us towards the mysteries of the heavens. The poetic imagination provides renewed vision of the world, a world filled with meaning, possibility, and, importantly, a sense of (and desire for) wholeness and harmony through Christ’s peace.

When thinking of peace and the role of the local church in pluralistic societies, Christianity indeed promotes peace through unity of individuals in the community, providing “a more peaceful framework” for pluralism to exist.⁴⁶ Poetry also unifies, supporting the vision of thoughtful pluralism. And if Christian communities must strive for solidarity and trust in order for confident engagement with the law to exist, then the poetic imagination can assist. In fact, Alex Deagon asserts that trusting and relying on those

around us is “the only reliable way in which the individual can extend his or her own power” and “attain collective strength.”⁴⁷ In this sense, some form of unity becomes necessary to begin engaging with law. Following this, Deagon also notes that because peace is “beyond virtue”—being the “final end and condition in which virtue can flourish”—the new “Christian imagination of peace is more elegantly defined as ‘the reconciliation of virtue with difference.’”⁴⁸ And because, according to C.S. Lewis, imagination is “the organ of meaning,” Christians can cultivate that muscle to engage with one another on a variety of topics, including the law, and importantly, grow in a unity that is perceptive and diverse enough to pursue the common good through interactions in which virtue indeed can flourish.

Certainly, Christians tend to understand better than others that community exists for the common good rather than just for self-interest, and that pluralistic societies should aim to promote the collective welfare and not only protect individual freedoms. In John Inazu’s framework of “confident pluralism,” he grounds this on the idea that confidence (in our own beliefs and firmly held convictions) without pluralism can suppress differences (so as to miss the reality of politics), whereas pluralism without confidence misses the reality of people, thus creating a sense of false unity.⁴⁹ This echoes an engaged pluralism, or “covenantal pluralism,” that Chris Stewart, Chris Seiple, and Dennis R. Hoover describe as imbuing the principles of pluralism with the practicalities of real relationships and a responsibility to engage one another—indeed, “a holistic vision

42 See, e.g., T.S. ELIOT, *THE IDEA OF A CHRISTIAN SOCIETY* (1939).

43 *Id.*; see also T.S. Eliot, *The Idea of Christian Society*, HUMANUM REV. (Aug. 2, 2016), <https://humanumreview.com/articles/the-idea-of-a-christian-society>.

44 See, e.g., *Ash Wednesday* or *The Waste Land*.

45 For example, consider the vivid imagery of Amos depicting the “day of the Lord” as a time of judgment or his condemnation of Israel for committing social injustice with these infamous words: “let justice roll down like waters, and unrighteousness like an ever-flowing stream!” See Amos 5:11, 24; see also Joel 2 (using the imagery of locusts to represent the violence of nations that oppress the people).

46 DEAGON, *supra* note 37, at 17.

47 *Id.* (emphasis added) (citing John Milbank, *Paul Against Biopolitics* in JOHN MILBANK ET AL., *PAUL’S NEW MOMENT: CONTINENTAL PHILOSOPHY AND THE FUTURE OF CHRISTIAN THEOLOGY* 42-43 (2010)).

48 DEAGON, *supra* note 37, at 16.

49 *Id.* (citing JOHN D. INAZU, *CONFIDENT PLURALISM: SURVIVING AND THRIVING THROUGH DEEP DIFFERENCE* (2016)).

of citizenship that emphasizes both legal equality and neighborly solidarity.”⁵⁰

It is, in some way then, reciprocal: to engage with law, there must be, at some level, equality through opportunity, but to have said opportunity, Christian community must act out of a confidence in what they believe about justice. Thus, it is imperative communities have the freedom to share and express their convictions without fear of retaliation in an environment where they are, in one way or another, connected to others. This is true even in Latin America, where religious landscapes, together with generational practices, are changing.

Poetry offers a sensitive form of connection and communion, providing a more responsive space for engagement. Still, the “connection” I speak of here is at its strongest when laws and policies accurately reflect the values of the communities in which they were created to serve—that is, when laws are truly shaped from below.

A Theological Jurisprudence of Law From Below

The political theology of Spanish philosopher, theologian, and Jesuit priest Francisco Suárez ultimately asks how the political and legal frameworks of a particular society can procure the most amount of beauty and goodness. Elisabeth Rain Kincaid offers a starting point in Suárez’s theory, noting that law is not only imposed from above, but, due to its constant state of development, is the result of a “dialogical process of discernment by the community that can constructively advance the common good and promote

justice.”⁵¹ In this sense, law (like poetry) is an interpretive act.⁵² And pluralistic societies, fused by “real relationships” and confidence, pursue better, more just interpretations through communal standards.

Indeed, the notion of “law from below” considers that law should be a communal standard that looks upward.⁵³ In other words, the lawmaking capacity of a community should be viewed separately from the laws enacted by the lawmaker because members, both individually and collectively, can respond to the creation of “unjust laws” and their negative effects on fundamental rights.⁵⁴ Of course, Suárez recognized that an “unjust law” cannot by definition be an actual law because, being unjust, it only resembles a law by dictating a certain course of action toward an end.⁵⁵ But because a perfectly just law would “always have to be obeyed for righteousness’ sake,” determining how to engage with a middle type of law is where Suárez’s theory is most useful today.⁵⁶

There are two main concepts of his relevant for this article. First, by recognizing law as activity, Suárez understood the foundational role of the people in discerning the natural law and the legitimacy of legal authority displayed through the recognition, and consent, of a law by its subjects.⁵⁷ While the natural law requires all laws be just and instituted for the common good, the lived experiences of the people within a particular community, together with convention, will ultimately shape those laws.⁵⁸ This is the interplay between lawmaker and community that Suárez describes.⁵⁹

⁵⁰ W. Christopher Stewart et al., *Toward a Global Covenant of Peaceable Neighborhood: Introducing the Philosophy of Covenantal Pluralism*, REV. OF FAITH & INT’L AFFS., Winter 2020, at 2.

⁵¹ KINCAID, *supra* note 3, at 48.

⁵² *Id.* at 144.

⁵³ *Id.*

⁵⁴ KINCAID, *supra* note 3, at 61 (citing FRANCISCO SUÁREZ, *DE LEGIBUS*, l.vii.2 (1612)). Kincaid notes that in this, Suárez quotes Aristotle: “The laws should be adapted to the commonwealth [*republicam*], and not the commonwealth to the laws.”

⁵⁵ *Id.* at 73, 75 (“When applied generally laws may also not be unjust as far as subject matter but still be unjust in relation to ap articular subject, unduly burdening her without forcing her to fall into sin.”).

⁵⁶ *Id.*

⁵⁷ *Id.* at 48 (emphasis added).

⁵⁸ *Id.* at 70-71.

⁵⁹ Specifically, a “constant dynamic interplay between a lawmaker’s will and intellect and the community’s will and intellect.” *Id.* at 65.

The second is that because law is also a process, law always requires interpretation.⁶⁰ Indeed, interpretation is an “intrinsic element of lawmaking and of law’s reception in which all citizens . . . are actively engaged.”⁶¹ In this respect, law is dialectic. This mirrors poetry’s invitation to reflect and enter a dialogue with the words and emotions, or images, that are evoked. In a way, Suárez saw law as a conversation between a lawmaker’s intent and a community’s understanding or practices. That is to say constant interaction, engagement, and reinterpretation—echoing poets new and old who write to reflect, reflect to reimagine, and reimagine to seek truth.

Ultimately, we remember that a community’s contextual interaction and reception of the law does make a difference in how the law is to be applied. Similar to the way a custom must reflect the political wisdom of a community to become law, it strives to balance specific communal needs.⁶² In short, there remains a symbiotic relationship between the community and the legal structure as both seek to perceive and shape the other through an interpretative commitment toward common life.

(Poetic) Roots in Latin America: Human Rights & Ordering of Feelings

Given its history, Latin America possesses a culture that unites a blending of two communities. As Steven Ambrus explains, it is a blending of “the extended family traditions of the Spaniards and the communal traditions of the indigenous,”

creating a unified mix that binds the people through “warm and supportive relationships.”⁶³ For this reason, poetry, which enlightens and gathers, has deep roots in Latin American political and social history, including aspects touching on land and a juridical history rooted in the Christian tradition.⁶⁴

Indeed, with the early legal movements of codification and constitutionalism across Latin America also came a commitment to the idea of universal human rights grounded in human dignity. Strong human rights protections invariably play a crucial role in enabling communities in the region to engage meaningfully with policy by ensuring individuals and groups are granted the legal space, safety, and mechanisms to assert their rights. Often forgotten, the founding document of the Organization of American States (OAS) actually predates the Universal Declaration of Human Rights by several months.⁶⁵ Thus, although the region’s contribution may be overlooked by the influence of Western thought, Latin America was and remains an important contributor to the development of an international human rights framework. In regions with histories of social and political struggles, human rights frameworks are essential for fostering inclusive and just governance that upholds human dignity.

Still, while laws and policies should be shaped by an understanding of human dignity, they also exist out of an awareness of human limitations. The nineteenth century Chilean theologian and legal philosopher Rafael Fernán-

⁶⁰ *Id.* at 144. Suárez defines interpretation either as “the clarification and comprehension of the true sense, and, so to speak, the immediate sense of that law, considering only the usual and proper sense of the words and the meaning of the law which results from them so understood,” or, in a broader sense, it defines law and “acts in some manner around the law.” *Id.* at 145 (citing FRANCISCO SUÁREZ, *TRACTATUS DE LEGIBUS AC DEO LEGISLATORE* VI.ii.1 (Carlos Baciero eds., Consejo Superior de Investigaciones Científicas, 2010)).

⁶¹ *Id.* at 144.

⁶² *Id.* at 131. This is why the development of custom, according to Suárez, remains “fundamentally social” because “legal custom always advances the common good.” As Kincaid articulates, the development of custom indeed depends upon the actions of the whole community.

⁶³ Steven Ambrus, *How Latin American Countries Became World Champions of Happiness*, IDB IDEAS MATTER BLOG (Sept. 17, 2021), <https://blogs.iadb.org/ideas-matter/en/how-latin-american-countries-became-world-champions-of-happiness/>.

⁶⁴ See, e.g., Gabriela Mistral wrote of her beloved Chile as “land that breeds a people sweet of heart and speech,” a people so intertwined with their land that “[o]ur laughter’s made of its rivers, our cheeks of its dusty earth.” GABRIELA MISTRAL, *Chile’s Land*, SELECTED POEMS OF GABRIELA MISTRAL 75 (Ursula K. Le Guin trans., 2003).

⁶⁵ The American Declaration of the Rights and Duties of Man was adopted in May 1948, and the UN Declaration of Human Rights was adopted in December of the same year. Of course, centuries before this, Spanish Dominican friar Bartolomé de Las Casas had long noted the integral relationship between freedom, dignity, and community as he advocated for, primarily, the rights of Indigenous peoples in the Americas. See generally BARTOLOMÉ DE LAS CASAS, *IN DEFENSE OF THE INDIANS* (1552).

dez Concha explains this through a special interpretation of the law (*epikeia*), which presupposes that human law “is naturally imperfect,”⁶⁶ allowing for a more liberal interpretation and flexible application. Concha defined law as “that part of morality whose compliance cannot be left to the mere awareness of those bound by duty, and whose fulfillment demands that social good be made effective by the public force.”⁶⁷ In this way, Concha implies that laws are inherently subject to error, change, and development—an acknowledgment that supports criticism of laws or public policies believed to be unjust, discriminatory, or inconsistent with moral or ethical teachings. Because laws are fallible, legal engagement based on an understanding of godly principles is key. And this is precisely where a poetic imagination provides an avenue for a communal discussion of said principles.

Among subtle guides, one need not look further than the Colombian poet, Miguel Antonio Caro Tobar, who saw law not just as a set of rules, but as something that reflects deeper ethical principles. Tobar wrote that “only religion can awaken a feeling or an attitude of generosity towards the pain and misery of one’s neighbor”⁶⁸—a characteristic seen in Catholic charity. He believed Christianity “harmonizes man’s faculties, illustrates his reason, moves his will, and orders his feelings.”⁶⁹ Indeed, his poetic works provided a medium through which he could explore issues of justice, morality, and human dignity. These ideas connect well to Suárez’s own theology as discussed by Kincaid when she articulates his take on the lawmaking role of communities—weaving together the views of Concha and Tobar:

In considering both the subject and the lawgiver, as well as the limits on and con-

tents of the subject matter of law, Suárez performs a careful balancing act. Law must obligate morally but cannot be totalizing. Law must not violate natural or divine, but is not coextensive with natural law in every way. Law makes humans into good citizens, but not good persons as such. Law advances the common good and justice, but cannot create an abstractly ideal society. Rather, law must always legislate in a way appropriate for each unique cultural and political context. The lawgiver must possess actual power, but that power comes from the people on its most basic and foundational level and therefore can be limited by the people.⁷⁰

Concha and Tobar allude to Suárez’s idea of law as both activity and a process that centers on the good of others. Suárez recognized that the Christian community, particularly its leaders and the faithful, could play a key role in the interpretation and application of the law. Still, in order for law to meet the needs of a community and resonate deeply with those it will touch, the engagement with it must foster a renewed, or new, sense of justice and goodness that goes beyond mere form or sensation of moral order. The dialectic nature of law implies that it, like poetry, cannot be imposed. Rather, it must be lived and understood by its recipient. Indeed, the poetic imagination can act as a source of ethical insight and stimulate moral sensitivities necessary for such a pursuit.

The “Final Shaping” of Law through the Poetic Imagination

For Suárez, the community’s role in shaping the law was not just passive; it involved active engagement through reflection on moral

⁶⁶ MIROW & DOMINGO, *supra* note 7, at 288. This is because human law is “brief, general and consequently incapable of taking cognizance of all possible cases,” which is “the core of natural law,” or “against rationalism and legal formalism.”

⁶⁷ *Id.* at 286 (emphasis added). “[T]he contemplation of principles and the good organization of the different areas of law will enable the jurist to unite the historicity of positive norms with the justice immanent in nature,” requiring the need for historical-legal studies as part of lawyer’s curriculum.

⁶⁸ *Id.* (citing M.A. Caro, *Non in solo pane vivit homo*, 1-3).

⁶⁹ *Id.* (citing M.A. Caro, *El Darwinismo y las misiones*, 1098-107 (emphasis added)).

⁷⁰ KINCAID, *supra* note 3, at 72 (emphasis added).

principles and the human condition, later applying those principles to the governance and well-being of society. Particularly, Suárez emphasized that moral reasoning and theological insights were crucial for the interpretation of laws in their alignment with the divine will. The Christian community (especially its moral theologians and church leaders) must ensure that laws serve the common good and respect human dignity. How that is done is an important *process of interpretation*: not solely done by the application of fixed rules, but again, through a *continuous dialogue* between natural law, divine law, and *the needs of the community*. This is where poetry steps in.

I propose that under Suárez's framework (especially the act of interpretation), poetry can help foster (or add to) the renewed engagement with law that Kincaid asserts, both for Christian communities and for the Christian jurist within a context of a custom-driven Latin America and all of its culturally rich characteristics. I argue for the following:

1. Engaging the Poetic Imagination as a Source of Ethical Insight:

By seeing the world through the poetic imagination, Christians will understand the law not just as a static set of principles but as a dynamic force in relation to lived human experiences. Poetry offers a vivid portrayal of moral dilemmas and human experience. For Suárez, legal reasoning and moral action were often bound by rational principles derived from natural law and divine law. By incorporating poetry and the imagination, Christian attorneys, in particular, can highlight the emotional and experiential dimensions of moral reasoning that might otherwise be reduced to abstract principles.

2. Poetry and the Imagination in Shaping Justice:

Poetry has long served as a vehicle for expressing moral visions and in-

spiring action, especially in terms of grassroots advocacy in Latin America.⁷¹ Suárez's jurisprudence might be further developed by understanding the ways in which artistic expression can serve as a form of critique. Again, poetry empowers Christian communities to imagine new possibilities for justice and legal engagement in a way that goes beyond rigid principles.

3. Imagination as a Form of Empathy:

Christian communities are tasked with practicing solidarity and compassion as Christ did. Much like reading the Gospels or specific teachings of Jesus, forms of poetry can encourage Christians to empathize deeply with those who suffer and are oppressed under the law or burdensome policies. Natural law emphasizes human reason, but it also assumes a moral sense that is influenced by divine grace. By engaging with poetry, Christians might strengthen this moral sense through a deeper empathy for others, as poetry often invites readers to enter the emotional and experiential worlds of the marginalized, the oppressed, and the vulnerable. Indeed, it seems imagination continuously opens up a broader view of the common good, which is probably part of what first attracted MacDonald, Lewis, and Guité to its shores as they grew in their own faith. An emotional development of this kind could make engagement with law not just a theoretical or abstract effort but a profoundly human and compassionate one that attends to the realities of people's lives.

4. Poetry as a Path to Spiritual and Legal Transformation:

For some people, poetry has served as a means of spiritual transformation. As Christian communities live out their faith in the world, their engagement with poetry may enhance

⁷¹ See, e.g., Alanís Pulido famously showcased this through his movement "Acción Poética," which originated in Mexico in the early 1990s as a form of street art: "Sin poesía no hay ciudad" (Without poetry, there is no city). See *Poetry in the Streets Celebrated at IMAS*, RG VISION MAG. (July 6, 2016), <https://rgvisionmagazine.com/poetry-streets-celebrated-imas-armando-alanis-pulido/>. Or, in Ecuador, Oswaldo Guayasamín, an "indigenous expressionist," portrayed the pain of the Kichwa and Mestizo heritage alongside the poor and oppressed of South America stating, "My art is a prayer, a cry . . . and the most elevated result of love and solitude." Like poetry, Guayasamín believed art reflects life. See Oswaldo Guayasamín, ART OF THE WORLD GALLERY, <https://www.artoftheworldgallery.com/represented-artists/oswaldo-guayasamin/> (last visited Mar. 8, 2025).

their spiritual capacity to reimagine the law—not just in abstract or intellectual terms but as a tool for redemption, healing, and restoration of human dignity. By encouraging Christians to think poetically, local communities can (perhaps better) shift their perspective from law as mere enforcement to law as a path to reconciliation, peace, and love.

Within this developing framework, Christians cultivated by an appeal to imagination might be able to engage more clearly with what Kincaid recognizes as a middle type of law by breaking free from a dulling of one's legal vision or fixed understanding of justice. The natural tendency of some modern Latin American communities to live collectively (at least more so than in the United States) due to a host of historical and traditional factors, makes this approach ripe for the region. Additionally, because Christian leaders, such as priests and pastors, often serve as mediators between government and citizens, poetry may act as a refining tool for a more robust dialogue among Latin Americans, especially as these societies, like the United States, adjust to advances in technology, effects of transnational crime, migration, and shifts in the general religious landscape. Given the rich poetical tradition that has come out of Latin America and the Caribbean in the last hundred years, these social dynamics need to be further explored through the lenses of developments in religion, law, and social life. Poetry spans across all three—providing a divine thread by which we can weave an intellectual history for the development of a more just society.

Conclusion

James K.A. Smith in his work on cultural liturgies delivers a poetic call to the Christian community to serve as witness to a more just society where law and policy are shaped by principles that honor human dignity and community

flourishing.⁷² Human desires and identities are shaped not just by intellectual beliefs, but also by the rituals and practices we engage in. These practices—often unnoticed—form us in ways that influence our values, behaviors, and understanding of the world.⁷³

Through the poetic imagination, we can begin to perceive a deeper truth and cultivation of new habits for a renewed sense of engagement with law from below. Indeed, the use of imagination to appeal to the Kingdom of God requires a vision of justice that reflects God's perfect nature.⁷⁴ The poetic imagination can help us envision that truth—one rooted in a social structure that derives from an understanding of restorative and redemptive justice. Suárez's theory, through Kincaid's clear articulation, gives us the framework under which to start our engagement. With poetry as a truth bearing faculty, we can further sharpen our senses and enhance our understanding of the legal and cultural dynamics that shape the lives of Christians, especially in the broad context of Latin America.

72 See generally JAMES K.A. SMITH, *DESIRING THE KINGDOM: WORSHIP, WORLDVIEW, AND CULTURAL FORMATION* (2009).

73 While in this context Smith is talking mostly about liturgical practices such as prayer, worship, and communion, he examines how these practices shape individuals and ultimately impact culture at large. The consistent practice of legal engagement is important to consider.

74 See THOMAS, *supra* note 33, at 380. "But the man of faith has caught a vision of possibilities that go far beyond anything in the world of actuality... faith transforms the moral will by setting before it higher and broader purposes than those of the self."

JESUS IS THE BLUEPRINT OF MY HEART: IN SERVICE TO MIGRANTS ON THE BORDER OF EL PASO AND JUAREZ

By *Destiny Herndon-De La Rosa**

A few months ago, I was asked to write a piece for this fine publication about the work my nonprofit is doing at the border. They said I should co-write it with my partner, Karina Breceda. She is a walking, breathing saint. She's the one who actually runs our shelters for pregnant migrant mothers in Juarez, Mexico, day in and day out, but, more importantly, she's also Catholic, and because this is a Christian publication, she was going to be our in. The only problem is, as previously mentioned, she's busy running our shelters. She doesn't have time to wax poetic about the work. She's too busy doing it.

So, alas, y'all just get me—a former Protestant, raised by a pastor grandfather who, before he died, was my favorite human in the universe. And, I'm now turned agnostic—while at the same time attempting to be more like the Jesus I came to love as a child, even if I don't hang out with His followers as often these days. The hard reality is I personally struggle to find that version of Christ in the Church. Jesus' way is solid. He fed the poor. He clothed the hungry. He saw the human dignity in all human beings, especially in those stripped of their dignity. And that's what my nonprofit, New Wave Feminists, attempts to do.

We are a pro-life feminist group. I'll give you a second to wrap your head around that sentence because I know for most people, "feminism" is synonymous with abortion. But here's the thing: we believe "patriarchy," or rather patriarchal systems, are the epitome of "might makes right." They have always promoted a belief that, because men are bigger and stronger, traditionally, that meant men could treat women as property. Women were status-less for most of history and, because of that, often voiceless. It's what's created an empathy in so many females for the vulnerable and marginalized in so many areas of society—except for, surprisingly, in the womb.

And honestly, that's predominately because of really good marketing from those with special interests—whether it be eugenics, population control, men who want to sexually exploit women, or even simply a late-stage capitalist mindset built on maintaining the status quo, which says it's too expensive to create a socially equitable world for women to exist in if they're also bearing children while in the workforce and academia and, most especially, if they need further economic assistance while doing so. Because, by definition, many abortion-vulnerable women are experiencing unplanned (for) pregnancies. That means they will likely need some sort of financial support. And if that's the case, then it's much cheaper to subsidize a five-hundred-dollar abortion than to potentially support a human life for upwards of eighteen years.

So, rather than smash these patriarchal systems, they marketed abortion to third-wave feminists and got them to buy in. "Sacrifice your child at the altar of equality." "In a world built for men, by men, become like a man, and leave any semblance of your female fertility behind because it doesn't belong in the boardroom, academia, or society . . . without a penalty." As a feminist, I guess I think that's bogus.

So, New Wave Feminists was born. Much of its inception came from my own lived experience. My mother was a teen mom. She had to drop out of college when she became pregnant with me. In the 1983 world feminists had given us, as a *mea culpa* with patriarchy to simply be able to participate fully in society, I shouldn't have existed. It certainly would've been much easier for her to terminate me and stay in school, but she didn't. She dropped out, and it ended up taking her 10 years and a lot of struggles to complete her degree. And then I turned around and became pregnant myself at 16. So, I've been

* Destiny Herndon-De La Rosa is the founder of the organization New Wave Feminists.

on both sides—the child who should’ve been aborted (except my mother, a lover of science and basic biology, already recognized my human dignity at 9 weeks) and also a terrified teen who felt like she’d just blown up her life and her future progeny’s, even though she knew better as the product of this very same struggle. But there was one very important thing that my mother and I both had—actual choice. We had a roof over our heads, healthcare, supportive family units, and our basic needs met. Something so many expectant mothers don’t have. And because they don’t have that, they also don’t have a “choice.” Abortion is often seemingly their only option.

At New Wave Feminists, we don’t focus on the laws because I can honestly tell you, when that second line showed up indicating I was pregnant, I wouldn’t have cared what my senator thought about abortion. I was in such a fear and chaos tornado; my family was the only calm I felt amidst the storm. Had I not had people supporting me emotionally and practically, I would’ve found a way to abort. No doubt. But I did have that, and now I also have a brilliant 24-year-old son. And not a day goes by that I take that privilege I had for granted. It’s what’s motivated so much of my work. Well, that . . . and Jesus. But not in a religious way. More in a, “I think Christians are actually getting this all wrong” sort of way.

There are a lot of “pro-life” “Christians” making laws about abortion right now that can be seen as inhumane, especially when they have the power to create just as many laws creating new policies to support pregnancy. They are cutting off all access to terminations and saying it’s to “protect the life of the unborn,” which I also want to protect, but in the process, they’re completely forgetting not just about the child’s mother, but also the life that child will be welcomed into once they are born. Especially if they are born poor. Or disabled. Or undocumented. And that’s where that pesky Jesus blueprint comes in.

Few of us fit into either extreme of the binary that’s been created by modern politics. Most of us, especially if we were raised in the church,

truly do have a heart for our neighbors, yet we feel compelled to pick one side or the other constantly. I just quit a while back and started putting people before politics. I can tell you, there are a lot of good people on the pro-choice side too. They truly believe they are loving women well. Many will also acknowledge that in a perfect world, abortion doesn’t exist. It’s always the symptom of some sort of breakdown. It’s a tragedy. But to them, it also feels like a necessity.

Simply cutting off the supply—especially when people in crisis will always find a way to access abortion no matter what—without addressing the demand side is incomplete. It’s not working. Abortion rates are up.

So, now what?

Well, at New Wave Feminists, knowing that we had zero political power to reform the un-reformable at this point, we decided to look for a space to serve the most vulnerable women and children who were falling through the cracks, and we found those sweet souls at the border.

When it comes to immigration, there are many pro-choice organizations clambering to “support” asylum-seeking women with accessing abortion, but very few offering resources for them to continue their pregnancies if that’s their desire. And it makes sense because it’s expensive. The biggest expense we found was in housing. We purchased a shelter in Juarez, Mexico, a hotbed for femicide,¹ because pregnant women and mothers are particularly vulnerable to this type of violence.

Just think about it: a trafficker tells a woman she must perform an incredibly dehumanizing act. Many women would simply choose death over such a thing. But when the captor tells her if she doesn’t he will kill her child in front of her, she has no choice. A mother’s heart for her child is the most powerful force in the world, and, at the border, it’s far too often used against her, and women know that. They know, just like in America, continuing their pregnancies in Juarez is also a liability, but with an even higher cost.

Something as simple as a safe shelter and access to prenatal care means many of these moms have a choice for the first time in their lives and, because of that, are able to keep their children. And those mothers and children have

1 If you’re unfamiliar with this term, it’s the epidemic of murdering women in many impoverished or crime ridden parts of the world.

filled our shelter. The mothers who greet me with a warm smile when I walk through our doors make me feel right at home. The sound of giggling toddlers running up and down the halls, and women gently chatting in Spanish as they nurse their babies is better than any worship music I've ever heard. And Karina sitting in a circle with all our moms, leading a group discussion on parenting as so many of them work through the trauma from their journeys, is the most powerful preaching anyone could ask for.

So, while I may be an agnostic, I still love Jesus, and I find Him more here than I do anywhere else. The way, the truth, and the life. Check, check, and check (in my spirit). Sorry, former Protestant joke, because y'all, I tell you what, you can take the girl out of the church, but not the church talk out of the girl . . . trust me, I've tried.

FROM BARTOLOMÉ DE LAS CASAS TO THE UNIVERSAL DECLARATION: A BRIEF SURVEY OF CHRISTIAN LEGACY IN SHAPING MODERN HUMAN RIGHTS

Kristina Arriaga*

Introduction

Next year marks the two hundred and fiftieth anniversary of the signing of the Declaration of Independence. Across the nation, celebrations will honor the foundational principles that distinguished both the Declaration and the country it shaped.

Today, in this room, we have the privilege of hearing from Professor John Witte, whose scholarship ensures the recognition of the role of religious freedom in the Declaration. I concur wholeheartedly with Nicholas Wolterstorff, who recently noted: “We would be much the poorer in our knowledge of the history of human rights and religious freedom, and in our grasp of their importance, had John Witte not devoted his prodigious skills and energy to exploring the legal history of rights and freedoms in the West.”¹

It is an honor to participate in this notable conference series. I extend my thanks to Christian Legal Society, Trinity Law School, Anton Sorkin, and Josh and Justice Jamie Grosshans for their gracious invitation.

As the two hundred and fiftieth anniversary of the Declaration approaches, preparations will be made nationwide, from refurbishing monuments to organizing statewide celebrations and school competitions.

Meanwhile, my community—the Cuban American community—will surely find a way to

make a significant claim to American freedom. While I may be indulging in a bit of hyperbole, it’s true that many Cubans, when asked, will enthusiastically recount the achievements of various historical and cultural figures of Cuban descent, from actor Sammy Davis Jr.—whose father was Cuban—to singer Gloria Estefán.

One legend you may hear relates to the so-called “Ladies of Havana.” According to popular lore, George Washington’s Continental Army faced a dire shortage of funds in 1781, prompting him to dispatch Admiral de Grasse to the Caribbean in hopes of securing financial assistance. While many locales proved fruitless, Havana purportedly responded with generosity. Admirers of the French and American forces—women who both loved freedom and disliked the English due to their previous occupation of Cuba—are said to have donated their jewelry, reportedly raising approximately one million silver pounds for the American cause with the declaration: “So the American mothers’ sons are not born as slaves.”

Although historians debate the precise details, there is little doubt that, just prior to the Battle of Yorktown, substantial funds were indeed channeled from Havana to Washington’s troops, possibly through Spanish colonists in Cuba.² Regardless of its precise historical contours, the story underscores how Cuba, before it

* Kristina Arriaga is a scholar and advocate for religious freedom with 30 years of experience. She has served as a U.S. delegate to the United Nations Human Rights Council (UNHRC), as vice chair of the U.S. Commission on International Religious Freedom (USCIRF), and as executive director of Becket Law. The author wishes to thank Stephanie Barclay, Anton Sorkin, Josh Grosshans, Jamie Grosshans, David Nammo, John Witte, Eric Halvorson, Gloria Moran, Paolo Carozza, Mary Ann Glendon, Julia Bucholz, Brody Sloan, Habib Malik, Peter Petkoff, Brett Scharffs, Dennis Hoover, and Kathryn Cromack. The content of this article was delivered on January 24, 2025, at the Hyatt Regency Huntington Beach, California, as part of the John Witte, Jr. Lecture Series on Christianity & Law.

¹ Nicholas Wolterstorff, *Witte’s Contribution on Human Rights and Religious Freedom*, CANOPY FORUM (Aug. 15, 2024), <https://canopyforum.org/2024/08/15/wittes-contribution-on-human-rights-and-religious-freedom/>.

² James A. Lewis, *Las Damas de la Havana, el Precursor, and Francisco de Saavedra: A Note on Spanish Participation in the Battle of Yorktown*, 37 THE AMERICAS 83 (1980).

became synonymous with repression, was both an observer of and a participant in shaping modern human rights theory.

This evening, I wish to reflect on two pivotal events rooted in Cuban history but separated by more than four centuries that profoundly shaped the human rights framework we recognize today. These events highlight the ongoing intersections between Christian thought and human rights discourse. The first centers on Bartolomé de Las Casas and his sixteenth-century debates on Indigenous rights, which offered foundational theological arguments later echoed in the twentieth century. The second examines the drafting of the Universal Declaration of Human Rights (UDHR) in 1948, where a largely forgotten Cuban delegate played a critical role in embedding Christian principles into that defining document.³

Bartolomé de Las Casas and the Roots of Human Rights

Scholar Paolo Carozza asserts that modern human rights experienced “a period of gestation lasting a millennium.”⁴ He contends that the actual birth of these rights can be traced, in significant part, to sixteenth-century debates between Spanish authorities and Bartolomé de Las Casas, a Dominican friar and missionary.⁵ Las Casas initially traveled to the Caribbean in 1502, participated in the Spanish conquest of Cuba, and, like most colonists, lived in an *encomienda*. After witnessing atrocities committed against Indigenous peoples, he underwent a profound conversion experience in 1514, freeing his enslaved laborers and dedicating his life to the cause of Indigenous rights.⁶

Las Casas’s escalating advocacy resulted in accusations of treason, culminating in the 1550–1551 debates at Valladolid, where he confronted Juan Ginés de Sepúlveda. There, Las Casas drew upon law, philosophy, theology, and personal testimony to argue for Indigenous equality, freedom of conscience, and opposition to coercion.⁷ In narrowing our analysis to two essential contributions, we see that Las Casas (1) employed a novel, multifaceted methodology by utilizing Thomistic theology, philosophy, legal principles, and eyewitness accounts to advance the rights and dignity of Indigenous peoples; and (2) affirmed a fundamental Christian truth that Indigenous persons were “our brothers,” rooted in the premise that “Christ died for them,” thereby placing their spiritual equality beyond dispute.⁸

This theological and philosophical insistence on equality foreshadowed broader principles that would be codified centuries later in human rights instruments like the Universal Declaration of Human Rights.

The Universal Declaration of Human Rights (UDHR) and the Christian Intellectual Tradition

The UDHR, adopted in 1948, is widely regarded as a cornerstone of modern human rights law. It has directly influenced over eighty international human rights treaties and declarations, as well as numerous regional conventions, national legislation, and constitutions.⁹ Beyond its legal significance, it has also become a global cultural reference, invoked in educational systems and public discourse.

As Carozza notes, the Declaration functions as “the most recognizable and influential reference point for cross-cultural communication

3 For an excellent account of how the faith of each of the delegates shaped their contributions to the Universal Declaration of Human Rights, see *Faith and the Founding Fathers of Human Dignity*, 21 THE REV. OF FAITH & INT’L AFFS. (2023).

4 Paolo G. Carozza, *From Conquest to Constitutions: Retrieving a Latin American Tradition of the Idea of Human Rights*, 25 HUMAN RIGHTS Q. 281, 289 (2003).

5 *Id.* at 290–91.

6 *Id.* at 290.

7 See BARTOLOMÉ DE LAS CASAS, IN DEFENSE OF THE INDIANS (Stafford Poole trans. & ed., 1974).

8 Carozza, *supra* note 4, at 293.

9 See WILLIAM A. SCHABAS, THE UNIVERSAL DECLARATION OF HUMAN RIGHTS: THE TRAVAUX PREPARATOIRES (2013).

about humanity's longing for justice and freedom—universal in more than just name.”¹⁰ Yet, it is often presented in isolation from the religious beliefs that shaped many of its drafters. Delegates representing diverse faith traditions—Muslim, Hindu, Jewish, and Christian—grappled with the profound question of what makes us human. For many, the prevailing answer was indebted to a Christian conception of the human person, understood as created *imago Dei* and, therefore, possessed of inherent worth and dignity.¹¹

Among the most influential figures in steering the conversation toward a dynamic Christian anthropology was Charles Malik, a devout Greek Orthodox Lebanese diplomat. Drawing from existentialist philosophy and Chalcedonian theology, Malik believed that the Declaration could enable personal growth and transformation.¹² He emphasized a concept of human dignity that transcended political and cultural barriers, contending that the debate on human rights necessarily involved deep reflection on human nature and destiny. Although he largely avoided explicitly religious language during drafting, he advanced the idea that every individual is “endowed with reason, with inherent dignity, and with [an] immortal soul.”¹³

Malik also rejected an overly individualistic interpretation of human rights, believing individuals to be partially constituted through relationships with family, community, nation, and God.¹⁴ For this reason, he forged alliances—including with Hernán Santa Cruz of Chile and Guy Pérez Cisneros of Cuba—to incorporate references to familial and social bonds into the UDHR's provisions.

The Often-Forgotten Role of Cuba's Guy Pérez Cisneros

Born in Paris to a Cuban diplomat father and a French mother, Guy Pérez Cisneros returned to Cuba during an optimistic phase in the island's political history. By the time he served as a Cuban delegate to the United Nations in 1945, Cuba was enjoying a period of democracy, including the adoption of a new constitution in 1940 and electoral reform in 1944.¹⁵ Pérez Cisneros drew extensively on Catholic social teaching, particularly the 1891 encyclical *Rerum Novarum*, which called for a new social order that recognized both rights and duties.¹⁶

Persuaded that the UDHR placed excessive emphasis on individualism, Pérez Cisneros insisted on clarifying that every right implicitly carried a corresponding responsibility. This conviction led him to propose including “and his family” in Article 23, thus ensuring that rights to just remuneration extended to one's dependents.¹⁷ His firm stance left an impression on other delegates, including the Canadian John Humphrey, who recorded in his diary that Pérez Cisneros “caused more difficulties than any other member,” yet indirectly acknowledged Pérez Cisneros's significant influence on the final wording.¹⁸

Upon his return to Cuba, Cisneros advanced Catholic social teaching and helped establish the Christian Democratic Party. Tragically, he died at thirty-eight from a brain aneurysm. A bust commemorating his contributions was destroyed when Fidel Castro transformed Havana's main square into the Plaza de la Revolución.¹⁹ His legacy, however, endures through the UDHR text itself, which continues to under-

¹⁰ Carozza, *supra* note 4, at 293 (“They are our brothers, and Christ gave His Life for them.”).

¹¹ See JACQUES MARITAIN, *MAN AND THE STATE* 84 (1951); CHARLES MALIK, *THE CHALLENGE OF HUMAN RIGHTS* 419-20 (1951).

¹² See Peter Petkoff, *Being and Becoming: The Human Person and Human Dignity in Charles Malik's Contribution to the UDHR*, 21 *THE REV. OF FAITH & INT'L AFFS.* 32 (2023).

¹³ CHARLES MALIK, *CHRIST AND CRISIS* (1962); Petkoff, *supra* note 12, at 35.

¹⁴ See MALIK, *supra* note 11, at 419-20.

¹⁵ Mary Ann Glendon, *The Forgotten Crucible: The Latin American Influence on the Universal Human Rights Idea*, 16 *HARV. HUM. RTS. J.* 27, 29 (2001).

¹⁶ For a full account and primary sources, see Kristina Arriaga, *Lives on Hypens: Contributions of Hernan Santa Cruz from Chile and Guy Perez Cisneros from Cuba to the UDHR*, 21 *THE REV. OF FAITH & INT'L AFFS.* 41 (2023).

¹⁷ *Id.*

¹⁸ See JOHN P. HUMPHREY, *HUMAN RIGHTS & THE UNITED NATIONS: A GREAT ADVENTURE* 122 (1984).

¹⁹ La Esquina de Padura, *Guy Perez Cisneros, Humanista*, *INTER PRESS SERV. EN CUBA* (Mar. 3, 2015).

score the importance of family and community in discussions of individual dignity.

Enduring Legacy: From Las Casas to the Present

From Bartolomé de Las Casas in the sixteenth century to Charles Malik, Hernán Santa Cruz, and Guy Pérez Cisneros in the twentieth century, Christian thought has repeatedly informed the development of modern human rights. Las Casas highlighted a moral imperative that Indigenous peoples fully deserved Christian solidarity and equality. Centuries later, Latin American delegates like Pérez Cisneros and Santa Cruz championed the inherently communal dimensions of rights, drawing on Catholic social teaching to buttress the UDHR. Simultaneously, Malik instilled the Declaration with a profound Christian anthropology: human persons created in God's image, inherently dignified, and bound together by social and spiritual ties.

These contributions underscore an often-overlooked facet of modern human rights: it remains profoundly indebted to centuries of Christian reflection on human dignity. Recognizing this heritage does not diminish the Declaration's universal appeal; rather, it illuminates the historical, theological, and moral wellspring from which it draws.

On a personal note, this narrative resonates deeply with my own family's experience. I keep on my desk a photograph of my father, taken in 1957 aboard the RMS Queen Mary, wearing a tuxedo and brimming with optimism. Only four years later, Fidel Castro's regime would expropriate his wealth, forcing him into exile and poverty. Yet my father—descended from a lineage of Cuban Catholics and inheriting the convictions of Las Casas—never relinquished his belief in human dignity as *imago Dei*. He sold his possessions, including the watch he was wearing in that photo, to provide for his family in exile, refusing to abandon the principle that no state authority could negate his God-given dignity. This steadfast faith, grounded in Christ's Incarnation, fortified his spirit and our family's resolve.

In closing, let us remember that our dignity is intrinsic, "endowed by our Creator," as the Declaration of Independence puts it, and eternal by virtue of the theological underpinnings that

continue to shape our shared moral imagination. May we honor that legacy by protecting and defending the inalienable rights of all.

NO ROOM FOR CHRIST: A CLOSER LOOK AT MEXICAN LAICISM

By Jose Pablo Sanchez*

The Complexity of Mexican Identity

Mexico is a complex and diverse nation, a surreal nation some would say.¹ It must not be understood as a homogeneous entity; it is a land where, as Octavio Paz observed, people live with “different heroes, customs, calendars, and moral notions.”² This diversity is not merely a coexistence of varied perspectives but a reflection of a deeply fragmented history. The clash of disparate societies—imperialists and republicans, Jacobins and Catholics, federalists and centralists—has left a legacy of wounds, some ancient yet still bleeding, shaping the cultural and moral fabric of the nation.

These old wounds have rarely healed, and their effects remain evident in the layered contradictions of Mexican identity. Like the pre-Columbian pyramids that often conceal older structures beneath them, Mexico’s culture and soul are built upon overlapping and often conflicting notions and sensitivities. This interplay of opposing ideas has seldom fostered a unified ethos. Instead, the nation’s history has been marked by a convulsive cycle of regime changes—with each political order imposing its vision of what the country ought to be—only to be dismantled by the next wave of opposition.

This has caused the law to become mainly an instrument of power to coerce and dominate rivals rather than a tool to pursue the common good. This conceptualization of the law and its consequences (although ignored by most Mexican legal scholars) lacerates the proper exercise of the fundamental freedoms of Mexican citizens for the development of a complete democracy, a democracy that today more than ever agonizes and cries out for the manifestation of the sons and daughters of God who will speak life into it, whose voices can revitalize it with the infinite power of heaven, who will speak truth, justice, and peace to a nation currently torn by violence and riddled with historical resentments.

Laicism in the Mexican Constitution

With that cultural backdrop, this article will carry out a brief analysis of events that will allow us to reflect on the particular ways in which the modern Mexican state has implemented one of its most emblematic constitutional principles: laicism.³ The concept is enshrined in articles 24, 40, and 130 of the Mexican Constitution (hereinafter “Constitution”), which establishes that people in the Mexican Republic shall enjoy “freedom of ethical convictions, conscience and religion,”⁴ and

* Jose Pablo is a Mexican attorney specialized in constitutional law and human rights with experience both in the private and public sector. He obtained his law degree from Universidad Autónoma de Nuevo León in 2020 and is a Blackstone Legal Fellow. He is pursuing his LL.M. this fall at Notre Dame Law School.

¹ André Breton, father of the Surrealist Movement, said, “Don’t try to understand Mexico with reason; you’ll have more luck looking to the absurd—Mexico is the most surrealist country in the world.” See Alvaro Amador Muniz, *Mexico, The Most Surreal Country in the World*, YUCATÁN MAG. (July 16, 2022), <https://yucatanmagazine.com/mexico-the-most-surreal-country-in-the-world/>.

² OCTAVIO PAZ, *THE LABYRINTH OF SOLITUDE: LIFE AND THOUGHT IN MEXICO* (1961).

³ From the French *laïcité*, a form of secularism. See S.P., *What is French Laïcité?*, THE ECONOMIST (Nov. 23, 2020), <https://www.economist.com/the-economist-explains/2020/11/23/what-is-french-laicite>.

⁴ Political Constitution of the United Mexican States, Article 24.

that said republic is constituted to be “representative, democratic, secular, and federal.”⁵

Ideally in a republic, laicism should be understood as an attitude of neutrality by the state, in which it refrains from imposing any particular religion (as a tyrant would do) while fostering an environment that upholds religious freedom. Rather than excluding religion from public life, laicism in a republic recognizes the role of religion in shaping a moral and civic order. As Alexis de Tocqueville observed:

Despotism may govern without faith,

but liberty cannot. Religion is much more necessary in the republic which they set forth in glowing colors than in the monarchy which they attack; and it is more needed in democratic republics than in any others. How is it possible that society should escape destruction if the moral tie be not strengthened in proportion as the political tie is relaxed? And what can be done with a people which is its own master, if it be not submissive to the Divinity?⁶

From the reading of articles 24 and 40 of the Constitution, one could argue that this is exactly the path taken in the Mexican Magna Carta.

However, a reading of article 130 of the Constitution will help us realize that is not the case. The article, while establishing the basis for the separation of church and state in Mexico, chooses to specifically discriminate against clergyman when it states the following:

Church ministers cannot join together for political purposes nor proselytize in favor of certain candidate, party or political association or against them. Neither may they oppose the laws of

the Nation or its institutions, nor insult patriotic symbols in any form, in public meetings, in worship or in religious literature.⁷

Judicial Applications of Laicism: Case Studies

Now, it's important to mention that this concept of laicism has been applied in a categorical manner by Mexican courts, particularly by electoral courts who have only widened the separation of church and state in the country, making it look more like a messy divorce rather than an amicable separation of spheres of influence and mutual autonomy. These courts have spared no arguments to invalidate whole electoral processes because of the involvement of religious figures or characters throughout local elections. The following cases are offered as an example:

- *Chiautla Case, State of Mexico (2015)*: The election for mayor and members of city hall was declared invalid because the winning candidate participated in a Catholic mass at the beginning of his campaign. Invitations to the mass were distributed among the people of the town, encouraging people to attend a “mass to bless our (political) project.” The then candidate played a protagonist role in said mass and the priest directed prayers and a message to bless the political project.⁸
- *Yurécuaro Case, State of Michoacan (2007)*: The election for mayor and members of city hall of the town was declared invalid because, allegedly, the winning candidate violated the laicism provisions of the Constitution by using images of St. Jude Thaddeus and the Virgin of Guadalupe during his campaign and for holding a thanksgiving mass for those who voted for him.⁹

⁵ Political Constitution of the United Mexican States, Article 40.

⁶ See ALEXIS DE TOCQUEVILLE, *DEMOCRACY IN AMERICA* (1835).

⁷ Political Constitution of the United Mexican States, Article 130(e).

⁸ Sala Superior del Tribunal Electoral del Poder Judicial de la Federación, Exp. SUP-REC-1092/2015 y SUP-REC-1095/2015 ACUMULADOS, 22 de diciembre del 2015, <https://www.te.gob.mx/sentenciasHTML/convertir/expediente/SUP-REC-01092-2015> (Superior Chamber of the Electoral Tribunal of the Judicial Power of the Federation, Court Docket No. SUP-REC-1092/2015 y SUP-REC-1095/2015 ACUMULATED (Dec. 22, 2015)).

⁹ Sala Superior del Tribunal Electoral del Poder Judicial de la Federación, Exp. SUP-JRC-604/2007, 23 de Diciembre del 2007, <https://www.te.gob.mx/sentenciasHTML/convertir/expediente/SUP-JRC-0604-2007> (Superior Chamber of the Electoral Tribunal of the Judicial Power of the Federation, Court Docket No. SUP-JRC-604/2007 (Dec. 23, 2007)).

- *Zamora Case, State of Michoacan* (2003): The elections for a seat at the federal congress were declared invalid because a political party broadcasted propaganda that included religious references and used a leaflet with Catholic religious icons to promise that, if their candidate was elected, a Church that had been in construction for years would be finished.¹⁰
- *Tepotzotlán Case, State of Mexico* (2003): The municipal election was declared invalid because the propaganda of a candidate contained religious symbols and highlighted that, in his previous term as mayor, the candidate had built a Catholic church.¹¹
- *Tlaquepaque Case, Jalisco* (2021): The municipal election was declared invalid because a Catholic priest made public statements through social media against communism and socialism during the electoral process, warning of the dangers that ensued if a party with such ideologies won. He, however, never spoke against any party or candidate.¹²

It's important to mention that, in these cases, the elections were declared null and void after the votes had been cast by the population and that the population was given the opportunity to vote again.

A Missed Opportunity: The Nativity Scene Case and the Unfulfilled Promise of Religious Expression

A case that could have set an important precedent for religion in the public square came in 2022 when, during the Christmas season, the city government of *Chocholá, State of Yucatán* set up a nativity scene in public, as it had been doing for years.¹³ In response, an NGO filed a lawsuit against the city government, arguing that since municipal governments are subject to article 40 regarding laicism, they should never place decorative objects referring to the birth of Christ in public places—much less so at the expense of taxpayers.¹⁴ The NGO argued that by doing so, non-believers were simultaneously being driven away from public life and forced to change their way of thinking through the spread of the gospel.

This case eventually made its way to the Supreme Court of Justice of the Nation (the highest court in Mexico) and caused strong reactions from the catholic population and from clergy members¹⁵ as it had the potential to be used as an example for or against public religious expressions by government authorities. As is customary, the Court published the draft resolution before deliberation. The draft argued that the city government did not act with a religious purpose but instead maintained a secular one: decorating the city in the context of December celebrations, thus acting within constitutional parameters.

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- ¹⁰ Sala Superior del Tribunal Electoral del Poder Judicial de la Federación, Exp. SUP-REC-034/2003, 19 de Agosto del 2003, <https://www.te.gob.mx/sentenciasHTML/convertir/expediente/SUP-REC-00034-2003> (Superior Chamber of the Electoral Tribunal of the Judicial Power of the Federation, Court Docket No. SUP-REC-034/2003 (Aug. 19, 2003)).
- ¹¹ Sala Superior del Tribunal Electoral del Poder Judicial de la Federación, Exp. SUP-JRC-069/2003, 26 de Junio de 2003, <https://www.te.gob.mx/sentenciasHTML/convertir/expediente/SUP-JRC-0069-2003> (Superior Chamber of the Electoral Tribunal of the Judicial Power of the Federation, Court Docket No. Exp. SUP-JRC-069/2003 (June 26, 2003)).
- ¹² Sala Superior del Tribunal Electoral del Poder Judicial de la Federación, Exp. SUP-REC-1874/2021 Y ACUMULADO, 30 de Septiembre de 2021, <https://www.te.gob.mx/media/SentenciasN/pdf/Superior/SUP-REC-1874-2021.pdf> (Superior Chamber of the Electoral Tribunal of the Judicial Power of the Federation, Court Docket No. Exp. SUP-REC-1874/2021 AND ACUMULATED (Sept. 30, 2021)).
- ¹³ “People of Chocholá, Yucatán, asks the Supreme Court to respect their traditions which have been transmitted by generations.” See *Los nacimientos son una bella tradición en Chocholá, aseguran pobladores*, SIETE24 NOTICIAS, <https://siete24.mx/mexico/estados/los-nacimientos-son-una-bella-tradicion-en-chochola-aseguran-pobladores/>.
- ¹⁴ See Miguel Fernando Anguas Rosado, *¿La Suprema Corte pretende prohibir los nacimientos de Jesucristo?*, EL JUEGO DE LA CORTE (Nov. 1, 2022), <https://eljuegodelacorte.nexos.com.mx/la-suprema-corte-pretende-prohibir-los-nacimientos-de-jesucristo/>.
- ¹⁵ See Ana Paula Morales, *Mexican Bishops Demand Respect for Religious Freedom, Secular State in Nativity Scene Case*, CATHOLIC NEW AGENCY (June 28, 2023), <https://www.catholicnewsagency.com/news/254685/mexican-bishops-demand-respect-for-religious-freedom-secular-state-in-nativity-scene-case>.

This could have set a binding precedent for all levels of government and government officials in Mexico, affirming their ability to publicly express their faith as part of their culture and marking a step forward for religion in the public square without violating the separation of church and state. However, just hours before the Court's official decision, the plaintiff withdrew the lawsuit after receiving threats against himself and his family.¹⁶

The Double Standard: Christianity vs. Indigenous Spirituality

The Constitution is clearly contradictory when it establishes explicit neutrality and guarantees protection for those who choose to exercise their religious freedom (articles 24 and 40 of the Constitution), while directly discriminating against those who, exercising their religious freedom, choose to become priests or pastors and, while doing so, also attempt to exercise other freedoms guaranteed by the Constitution, e.g., freedom of speech or political rights.¹⁷

This contradiction, worthy of its own analysis, has allowed for antireligious interpretations of the Constitution in a general sense and an antichristian interpretation in a specific sense as we have seen. On paper, any community could be hurt by this; however, so far only Christian communities have been victims when they are practically prohibited from choosing leaders that openly share their Christian convictions and are told by courts that their elections are in-

valid because they voted for a candidate for the wrong reasons and that they must vote again, but now taking steps to separate their decisions from their deeply held beliefs about how or what their leaders should think or believe.

October 1, 2024: Indigenous Spirituality in Public Office

Having all this in mind, it's interesting that on October 1, 2024, the day the new president-elect of Mexico, Claudia Sheinbaum, was sworn into office, one of her first public acts as president was to participate in what was named a "Ceremony for the Delivery of the Staff of Command,"¹⁸ where representatives of Indigenous tribes gifted a wooden staff to the new president. In their own words, this staff is a "symbol of political power and spirituality of indigenous and afromexican tribes." In this ceremony, mythical creatures like the "Nahuales"—considered to be supernatural beings capable of shapeshifting into animals—were invoked.¹⁹ These creatures are also considered to be protective spirits and spiritual guides.²⁰

In this ceremony, a deity called "Ometeotl" was also invoked. According to available literature, he "resides in Omeyoacan, in the highest celestial strata and in the center of the universe" and is credited with "the origin of all other gods and human beings."²¹ Finally, it's important to mention that prior to this ceremony, the president submitted herself to a public "spiritual cleansing" or "limpia" ritual, which, according

¹⁶ "The matter has been exhausting. It has affected me and my family in Chocholá. There have been threats, hate messages and intimidation," the plaintiff said. See Ruben Mosso, *Se desisten de amparo contra nacimientos con alusiones religiosas en espacios públicos en Yucatan*, MILENIO (June 13, 2023), <https://www.milenio.com/policia/yucatan-se-desisten-de-amparo-contra-nacimientos-religiosos>.

¹⁷ This contradiction is the product of poor constitutional design, at best, and anti-clerical sentiments that can be traced back to the Reform War and its consequential laws, at worst. For background, the Reform War was a civil war fought between conservatives, composed mainly of clergy and landowners, and liberals. The war ended with the triumph of the liberals who enacted laws which, among other things, ended special jurisdiction for the clergy; limited the power of the church; placed the army under ultimate civilian control; established that church property, except for places of worship, was to be confiscated without compensation; suppressed monasteries, nationalized cemeteries; and instituted civil marriage. See *La Reforma*, BRITANNICA, <https://www.britannica.com/event/La-Reforma#ref1218817> (last visited Jan. 10, 2025).

¹⁸ See Canal Catorce, *Entrega de Bastón de Mando y Mensaje a la Nación de la Presidenta de la República Claudia Sheinbaum*, YOUTUBE (Oct. 1, 2024), <https://www.youtube.com/watch?v=ZlrV2IxILzI>.

¹⁹ Isabel Carrasco, *Meet the Nahuales, The Legendary Mesoamerican Shapeshifters*, CULTURA COLECTIVA (Jan. 22, 2023), <https://culturacolectiva.com/en/history/nahuales-legendary-mesoamerican-shapeshifter-mythology-animals/>.

²⁰ See *id.*

²¹ Miguel León Portilla, *Ometeotl, El Supreme Dios Dual, Y Tezcatlipoca*, ESTUDIOS DE CULTURA NÁHUATL (1999), <https://nahuatl.historicas.unam.mx/index.php/ecn/article/view/9201>.

to the encyclopedia of traditional Mexican medicine, is a

ritualistic procedure whose purposes is to prevent, diagnose and/or alleviate a lot of diseases. . . . particularly those produced by invisible beings with a will that circulate through the winds, those caused by witchcraft, specially those where the sorcerer sends fragments of trash that settle inside the victim; and pernicious emanations that are transmitted by some people because of their jealousy.²²

The participation of the president in such an event forces us into the following questions: Should the expressions of “Indigenous spirituality” portrayed on October 1 be considered something different from religion for the purposes of the strict laicism principle enshrined in the Constitution? And, accordingly: Does Claudia Sheinbaum’s participation in these expressions of spirituality constitute a violation of the principle of laicism, as it has been applied in the past by Mexican courts?

Defining Religion in Constitutional Terms

To answer those questions, it’s necessary to have a clear concept of religion in a constitutional context. Religion, after all, is expelled from public life in articles 40 and 130 of the Constitution, and it’s the freedom to have a religion that is protected in article 24. In this context, religion should be understood as:

a set of systematic beliefs in relation to a transcendent being, thing, or principle. An essential aspect of a religion is exercise or practice based on those beliefs. Exercising a religion involves engaging in formal or informal conduct to give effect to/manifest those beliefs, privately or publicly and in private or public interactions, and in community with others.²³

In light of a clear definition of what religion is, it’s evident how the acts carried out by the president on October 1 were religious acts because they were directed towards transcendent beings that don’t live in the material plane. Besides, these expressions of Indigenous spirituality are not just *ad hoc* or random ideas; the acts in which she participated belong to a coherent system that reinforces itself and is clearly documented in the sources we have quoted above.

Furthermore, all of this happens in a communal context because the celebration of the ritual was done to symbolize an agreement between Indigenous tribes or communities, and the government; which means that this religious practice is developed and adopted by several social groups. Finally, we have numerous acts based on specific beliefs about transcendent beings and a supernatural view of reality, e.g., handing of the staff, the invocation of deities, and the purification rituals.

Under this lens, and taking into consideration the way in which Mexican jurisprudence has addressed manifestations of religious expressions in public life, it’s clear that the spiritual practices on October 1 can and should be considered as a violation of the laicism principle because Claudia Sheinbaum not only participated in the acts as a private citizen, but also in her role as a president. If this wasn’t enough, the ceremony was financed by the government, which, under the logic of Mexican law, is a threat to those who prefer a different expression of faith from those practiced by Indigenous tribes.

The absence of a response from political actors and defenders of the secular state in Mexico—calling out the illegal use of taxpayer money for the promotion, celebration, and manifestation of religious expressions in public spaces such as the one carried out on October 1—sends a clear message: the legal culture and politics in Mexico have space for religions in the public square, ex-

22 *Limpia*, DICCIONARIO ENCICLOPÉDICO DE LA MEDICINA TRADICIONAL MEXICANA, <http://www.medicinatradicionalmexicana.unam.mx/demtm/termino.php?l=1&t=limpia>.

23 Alex Deagon, *Towards a Constitutional Definition of Religion*, BYU LAW: INT’L CTR. FOR L. & RELIGIOUS STUD. (July 21, 2020), <https://talkabout.iclrs.org/2020/07/21/towards-a-constitutional-definition-of-religion-challenges-and-prospects/>.

cept for Christianity, which is expelled, shamed, and scowled when it peeks its head out.

tribute to public life, we can begin to mend the historical wounds that have shaped our nation.

The Way Forward: A Proper Sense of Laicism

In this scenario, there are some who call for a return to the Mexico of 1824, when the Constitution stated that the religion of the Mexican nation would “perpetually be” Catholic, apostolic, and Roman. Others celebrate the expulsion of Christianity from public spaces and champion indigenism as a vindictory act because of the systematic injustice and discrimination they’ve suffered since the Conquista.

Both sides act as though victory over the other will usher in a better future, but both fail to recognize this fundamental truth: behind every religion are human beings, each with an infinite value and a thirst for truth. They forget that to pursue truth, one needs freedom—freedom of expression to share and hear it, freedom of thought to process it, and freedom of beliefs to adopt it.

We need laicism but in a proper sense—one that doesn’t banish any specific culture or religion from the public space, but that invites them to bring forward the best they have to build a better country through “the art of the possible, the attainable.”²⁴ To build a nation where we can live peaceful lives regardless of our deep differences.

Mexican laicism proposes none of that. It doesn’t offer true freedom; it offers a zeal for the dominion of religious symbols for the advancement of an “acceptable” form of public influence. A model like this condemns nations to sow resentment that eventually flourishes into discrimination driven by a desire to break the oppressor-oppressed dynamic, not to establish a society of healthy coexistence. It is premised on a vision of converting the oppressed into the oppressor. In such a cycle, no one ever wins: freedom is never truly achieved.

Mexico’s rich tapestry of cultures and beliefs calls for a model of laicism that does not deepen our divisions, but instead celebrates our shared humanity and diverse traditions. By allowing all voices—religious and non-religious—to con-

²⁴ Otto von Bismarck, CONTEMPORARY QUOTATIONS, <https://contemporaryquotations.blogs.american.edu/blog/quotes/politics-is-the-art-of-the-possible-the-attainable-the-art-of-the-next-best/> (last visited Jan. 10, 2025).

CHRIST & THE COMMON LIFE

A Conversation with Luke Bretherton on
Political Theology, Community, and Grassroots Democracy*

Interviewer: Anton Sorkin

Q. Luke, thank you so much for taking some time to talk to me about your seminal work from 2019 entitled *Christ and the Common Life: Political Theology and the Case for Democracy*. My first question is: Why did you write this book?

A. I wrote the book to address two interlaced problems I kept encountering doing workshops in churches and among the students in my classes. The first problem was the very negative association most people had with politics and, increasingly, with democracy. When I used those terms what came to mind for them was party politics, the machinations taking place in Washington, rage tweets, and the intractable debates that fill the news cycle. And for some, what they thought of as politics had failed and in its place they were being drawn to more authoritarian solutions (whether of the left or right). The book is something of a pastoral response that recovers a different, ancient, and richer way of understanding politics as a moral good and as essential to live, let alone live well.

At the heart of the book is a basic challenge we are confronted with when encountering someone who is a stranger, or who one disagrees with, dislikes, or finds threatening—eventualities that are inevitable in any form of human society that extend beyond the immediate family. When we meet a stranger, we can do one of four things: we can kill them; we can create a structure of domination so we can control them; we can make life so difficult that they run away; or we can do politics. That is to say, we can form, norm, and sustain some kind of common life

amid asymmetries of power, competing visions of the good, and our own feelings of fear or aversion—without killing, coercing, or causing others to flee. Human history and the contemporary context are full of examples of the first three approaches. Politics is the other option. I think Christians should be invested in the last option for both practical and theological reasons. And, so, the book sets out how and why Christians should do politics, and in particular, democratic politics, and, in doing so, fulfil the command to love God and neighbor.

The second problem I wrote the book to address was observing how most Christians were doing politics in ways that, at least to me, seemed to undermine and were contrary to bearing faithful witness to the good news of Jesus Christ. Influenced as they are by dominant church cultures of being polite and deferent to those in authority, some engage in what can be called a politics of respectability. As my mother made sure I understood, being courteous to everyone, no matter their station or identity, is a basic virtue. Moreover, the loss of an ethic of politeness is to the great detriment of politics in general. But respectability and politeness go wrong when we end up with churches and a theology that teach us how to govern ourselves better instead of how to seek better forms of government and more just and loving forms of shared life.

Others practice a politics of denunciation that refuses to listen to, let alone learn from, others because they already know what the answer is and refuse to acknowledge that the wrong is

* Luke Bretherton is the Regius Professor of Moral & Pastoral Theology at Christ Church, Oxford. His primary areas of research, supervision, and teaching are Christian ethics, political theology, the intellectual and social history of Christian moral and political thought, missiology, interfaith relations, practices of social, political, and economic witness, and the relationship between Christianity and capitalism, as well as between Christianity and democracy.

not all on one side (somehow, they are not sinners). Anyone who asks questions or tries to have a more nuanced understanding of an issue is denounced as either a reactionary or a progressive—depending on your ideology. A polarizing and denunciatory politics sees any form of compromise as a failure or, worse, treachery.

Still others avoid listening to and learning from their neighbors or addressing the need for change if some kind of just and loving form of shared life is to be cultivated by retreating into sectarian enclaves, gated communities, escapist theologies, or conspiratorial fantasies.

Against these all-too-common approaches, this book outlines what a faithful, hopeful, and loving form of politics that bears witness to the gospel can involve. As part of this, it sets out the different traditions that articulate such an approach to politics and theologically examines the different issues and questions that confront a faithful, common life orientated approach to politics.

Q. I want to begin by spending some time dissecting the meaning of “political theology.” In your introduction, you write that you see political theology as an “interpretative art” and a way of “loving judgment.” In light of those two ideas, can you give me a rudimentary framework for how you approach and apply this vast concept?

A. Political theology is a formal way of reflecting on and making sense of what it means for humans to be political animals and for Christians to be a particular kind of political animal. It does so through reflecting on the quality and character of good political relations as well as the meaning and purpose of politics in light of the revelation of who God is and who we are as humans given in the life, death, and resurrection of Jesus Christ.

Political theology is an inevitable and necessary fruit of Christian reflection, one constituted through the inherent symbiosis between talk of God and talk of politics. Many of the terms Christians use to talk about who God is and who we are in relation to God are also political terms. Words like “ruler” and “kingdom” have obvious political overtones. But even seemingly churchy words like “liturgy,” “ecclesial,” and “bishop” are explicitly political in origin. The symbiosis

between talk of God and talk of politics means political concepts can illuminate but also be overidentified with theological ones, and vice versa. For example, when we talk of God’s sovereignty, is that the same as talking about the sovereignty of a state? Or should we understand these uses of “sovereignty” very differently? The attempt to talk rightly about the interaction between Christianity and politics generates different schools of thought. For example, how Calvinists frame church-state relations (as involving a connected but mutually disciplining relationship) differs markedly from how Anabaptists understand it (as necessitating separation).

Embedded in the descriptive statement that talk of God and talk of politics are mutually constitutive is a more substantive claim that politics is a crucial arena of human activity through which we come to grasp the truth of many theological concepts. It was not merely for convenience’s sake that those who wrote the New Testament foraged Greco-Roman ideas about political life. The prevailing forms of political life was a crucible through which the New Testament writers articulated what it meant to be the church; for example, *ekklesia* (church) and *leitourgia* (liturgy) are political terms turned to ecclesial ends. Early theologians continued this process of converting political categories into ecclesial ones and thereby reorienting and recalibrating them. A paradigmatic example is Augustine’s reconceptualization of Cicero’s definition of a people in his discussion of what it means to be the people of God. The nature and form of political life were crucial to understanding something about the nature and form of divine-human relations. Conversely, participation in ecclesial practices enabled new kinds of moral and political judgment to be made, generating new understandings of what it means to be human. The symbiosis of talk of God and talk of politics is thus a seedbed from which *all* theology grows. Political life is therefore a fundamental basis for Christian talk, while in contexts where Christianity is a major influence, political life inevitably comes to be saturated with Christian beliefs and practices.

My contention in the book is that politics is a primary way we discover and fulfill what it means to be a creature, answer the call to love God and neighbor, and witness to distinctively

Christian forms of life called “church.” In relation to this last point, to be a Christian political animal is to be a member of the people of God—a distinctive kind of political community that can only be formed and sustained through a particular kind of politics.

Now what I have just given is a confessionally Christian definition of political theology, one that orientates it towards articulating what faithful, hopeful, and loving judgments about how best to live together would look like. But political theology today is also a multi-disciplinary, cross-cultural, and multi-faith academic field.

Q. Throughout your book, you tie political theology with the flourishing of common life. Why is this connection important?

A. As animals, we are interdependent creatures who need the care of others to survive, let alone thrive. This care can be organized at various scales and enacted through myriad means, but some kind of shared life or life-in-common is a material and social condition for human life to be possible. Without it we die. Foundational to political theology is the question of what it means to form a common life through which we can live and move and have our being.

Intrinsic to this question is a second question: namely, how should we relate to those who are not part of “our” common life? How should our own roots, our sense of what counts as home, identity, or belonging—that is, our way of life, our distinct and particular way of doing life-in-common—be coordinated with and ordered alongside those we find strange or who don’t share our beliefs and practices or who are not part of “our” shared life? In political theology, this second question is framed in terms of the friend-enemy relation and the ways in which those we find strange are seen as a threat to what makes “our” life possible.

A third question directly relevant to the formation of a political community is: How should its common life be ordered so as to prevent either the death of those we care for or its collapse into chaos? At the heart of this question is the question of how power is organized and ordered among these people in this place so as to enable this form of life to go on. Political theology frames the answer to this third question

in terms of sovereignty. However, sovereignty, whether ancient or modern, entails the coercive use of power and a monopoly of violence. The experience of domination by the sovereign forms of power and the ways political life is structured by enmity and violence gives rise to a final set of questions: What would a political life, which is to say a common life, look like free from enmity, chaos, and modes of domination and exploitation? Is such a realm possible here and now? And what is the role of existing forms of politics in realizing such a realm? Driving this last set of questions is an eschatological longing for a peaceable kingdom and a time and place without suffering or division or domination.

To unpack this a bit, a key focus of the first question is how politics is the means through which humans build up and sustain a shared world of meaning and action that make life possible through forms of mutual care and the pursuit of goods in common. This shared world of meaning and action constitutes a distinct common life or polity. According to Aristotle’s succinct formulation, humans are political animals, which is to say, humans are animals who cannot survive, let alone thrive, without some form of common life. In other words, a particular common life is the condition for human life itself. And beyond mere survival, flourishing depends on being embedded in just and generous forms of common life. Alongside the term “political life,” other terms for this common life include the “commonwealth,” “commonweal,” “public life,” or *res publica*.

To pursue this common good, politics must be directed to the flourishing of the whole rather than the part, the common rather than either a factional or private interest. When political life serves only the interests of the one, the few, or even the many, rather than what is common or shared, then politics is corrupted into a form of tyranny such as plutocracy, oligarchy, or majoritarianism.

Politics as the way human creatures organize and sustain care for one another through forms of ongoing association is not reducible to the exercise of unilateral, dominatory forms of power. Rather, it is more fundamentally about how we love and desire each other. Of course, this raises questions about who is loved and desired (and who is not) and what the character

and form of this love should be. These questions, as well as a conception of political life that centres love and desire, is at the heart of Augustine's political theology, which itself casts a long shadow over all subsequent political theology in the west. For Augustine, conflict and domination are not part of creation, but they are an inherent part of all earthly forms of political life east of Eden. However, these conflicts centre on what is loved, while domination emerges from who is loved and how our loves are ordered. Is love of God the fundamental orientation of the political community or love of self? If the latter, then political relations will be characterized by the *libido dominandi*, a "lust for the domination" of not only others, but also of ourselves. But whatever the character of the polity, for Augustine, all forms of political life are a response to a prior act of love, namely creation (as Creator, God is the source of all that exists). Moreover, the true end of all politics is the city of God, a political community based on the right ordering of its loves. Bad politics arises from loving the right things the wrong way.

Q. On this question of domination, you have an interesting section where you allude to the fact that Christians don't need to covet "control." Can you explain to me what you mean as it relates to time and eschatology?

A. Eschatology is key here. But it is a particular way of understanding the relationship between the now and the not yet. In the book, and in my work more generally, I have drawn extensively on Augustine's eschatology. Augustine frames the relationship between how the Kingdom of God is present here and now in this age before Christ's return but also not yet fully realized and present as a relationship between two cities, i.e., the city of God and the earthly city. These two cities are two political entities coexisting in time and space and thus part of this non-eternal age or *saeculum*. Within this framework, human history is "secular" (rather than neutral): that is, it neither promises nor sets at risk the kingdom of God. The kingdom of God is established, if not fully manifest, and the "end" of history is al-

ready achieved and fulfilled in Christ. Thus, the Church can reside in this age regarding its structures and patterns of life as relativized by what is to come and therefore see them as contingent and provisional. And so, a faithfully Christian attitude to politics, and to all that takes place in history, should not be one of anxious grasping after control. Christians do not need to secure the "end" of history—its end is already secured in and through Christ. Instead, the faithful Christian posture towards history should be characterized by a pragmatic and faithful witness that anticipates the new creation Christ and the Holy Spirit are bringing to birth.

Such a posture is neither one of pessimistic despair about things getting worse (the sin of the reactionary) nor a hubristic assertion that things can only get better (the sin of the progressive). Rather, a pragmatic and faithful witness emphasizes that just and loving forms of life in the earthly city are discoverable. And of necessity, if this process of discovery is to be faithful, it entails rendering ourselves vulnerable to God and neighbor. Approaches that pre-determine what is to be discovered by over-identifying Christianity with either a prior cultural-historical form or fixed set of ideals is a refusal to pragmatically discover and bear witness to what Christ and the Spirit are doing among these people in this place. Such a move also denies how loss, vulnerability, and lack of control are central to the experience of acting faithfully, lovingly, and hopefully with and for others. Indeed, as Rowan Williams argues, the most intense moment of divine presence and agency in human history is one in which "the sheer historical vulnerability of the human is most starkly shown, where unfinishedness, tension, the rejection of meaning and community are displayed in the figure of a man simultaneously denied voice and identity by the religious and political rationalities of his day."¹

For Christians to live out of control and so live in collaborative and mutual partnerships with others is to witness to the Lord of history, whose rule over all things is manifested through a cruciform life of love and fellowship.

1 ROWAN WILLIAMS, *Hegel and the Gods of Postmodernity*, in *WRESTLING WITH ANGELS: CONVERSATIONS IN MODERN THEOLOGY* 32 (Mike Higton ed., 2007).

Q. You write that “all political theologies . . . exist on an axis between death and hope.” Can you talk to me about this statement and how it connects with the idea of conversion in the context of a theological vision that is “simultaneously retrospective and prospective”?

A. Politics is, at its most basic, a form of action in time. And as shared action over time it seeks to change something. This is so even if it is about stopping one kind of change or seeking to change things around so as to restore a previous way of doing things. And so, politics is about change in time and another word for that is “conversion.” As action in time orientated toward changing things, politics exists on the cusp between the world as it is and a different, hoped-for world that will come to be through shared political action. Therefore, central to politics is hope for a better way of living together or doing things. But also, death. Death is central to all forms of politics: the death of the current order, the dead whose way of life we inherit and must live within and either honor or reject, and our own death and thus our own finitude, frailty, and mortality. Politics always sits on this axis of death and hope, sometime emphasizing one more than the other or holding up one against the other.

Let me say something more about conversion. As already noted, conversion is simply a way of talking about change. And change, especially political change, always involves a temporal and spatial shift of one kind or another. But what is the nature of this temporal and spatial shift? In classical philosophies, conceptions of conversion and the forms of temporal and spatial change it brought tended to take two forms. On the one hand there was conversion understood as the turning back to, rediscovery, or recollection of one’s true self that has been lost or marred because of poor formation or living in a bad society. A modern literary example is the famous “Proustian moment” when the author smells the madeleines and thereby recollects his authentic self and identity through going back in time to a more innocent and truer version of himself. The structural analogue of personal renewal is *revival*, *regeneration*, *reformation*, or *renaissance*: the recovery or re-discovery of what was lost or corrupted through the return to an earlier, purer form of political

order, institution, or practice. The temporal shift envisaged is backwards (e.g., to a Golden Age), while the spatial shift is a return to an older better place (e.g., an Eden or Arcadia) or the repriming or repair of an existing place (e.g., re-wilding industrial farmland).

On the other hand, conversion could also be envisioned as a turning *away from* what is and was to begin anew. It involves a fundamental reorientation of one’s self. A classical parable of this kind of conversion is Plato’s cave: one leaves behind a realm of shadows through ascension to a new place or level so one can see what is really going on and live life more truly. To put it another way: I am awakened to enlightenment. Drawing on Marx’s ideas about waking up from false consciousness, the contemporary use of the term “woke” deploys a parallel idea of conversion. The structural analog of personal conversion understood in these terms is revolution: the refounding of society, a radical rupture with the past, and a movement into a new, better, or more enlightened form of political order. The temporal shift envisaged is forward (e.g., to become modern rather than medieval), while the spatial shift is to a different place (e.g., from England to New England). There is also a shift of vision, often marked by language of a transition from darkness to light (e.g., from the Dark Ages to the Age of Enlightenment).

Conversion, understood theologically, incorporates both these dynamics. The Hebrew Scriptures/Old Testament understanding of conversion denotes not only a turn back or return to something, but also a change of heart or consciousness—for example, the prophets calling the people to return to covenantal faithfulness as a way of going forward in their relationship with God. The same is true in the New Testament, which builds on this understanding. There, conversion means to turn around, whether that indicates a turn back, a turn away from, a turn toward something new, or a change of course. Exemplified in the notion of repentance (*metanoia*), this can also refer to a change of mind, consciousness, or way of being in the world. All these facets of conversion are captured in the various motifs for conversion strewn throughout the New Testament: a change from fruitlessness to fruitfulness, blindness to sight, lost to found, darkness to light, sick to healed,

and being born again and becoming a new creation. These combine a sense of either recovery or rectification with a transformational sense of both newness and fullness.

A theological understanding of conversion cuts against the two dominant contemporary frames of reference for imagining and narrating change at work in politics today. I would contend that attitudes to change are the fault line shaping the contemporary culture wars. Is the answer to resist change and return to a previous era, thereby making America great again? Or is the only way to go forward, leaving behind the past so that society can progress?

Reactionary politics are often fueled by a resistance to change and the desire to recover an imagined past that is envisioned as lost or stolen. Such movements fetishize the past and seek to reconnect with an illusory point of origin before things went bad. A Christian theology of conversion points to how a healthy body and a healthy body politic involve a dynamic interplay between homeostasis and morphogenesis—that is, between continuity and the ability to keep things steady, on the one hand, and the ability to grow, change shape, and adapt on the other.

A theology of conversion also challenges all forms of progressive politics. Progressive ideologies depend on a particular conversion narrative. Conceptions of progress tell a story about throwing off our old, irrational selves, the foul accretions of religious superstition, and the dead end of tradition so we can become rational, autonomous, and enlightened selves able to enter into emancipated ways of life. Following this narrative, progressives see the past in Oedipal terms: it is a rival that must be killed or left behind for us to grow up and become what we should be. Change for the better necessitates a competitive, destructive process that abolishes the present in the name of future bliss. By contrast, Christian conversion looks to the transfiguration of the old, however weak, painful, or horrific, as part of the formation of the new: even crucifixion can be redeemed through resurrection.

Against both reactionary and progressive ideologies shaping the contemporary culture wars, a Christian theology of conversion recognizes there is always a dynamic interplay between past and present, conservation and innovation, tradition and revolution, death and hope.

It demands being salt, working with others to preserve what is good and upholding peace and justice where possible; and light, pointing the way in the darkness and to the possibilities for the redemption of all things in Christ.

Q. On this question of conversion and the resistance to change, I am reminded by what you write on poverty being not merely a material lack, but also a “lack of agency.” Many here in America feel this tension of lacking agency in not only employment, but also in the exercise of liberty in public life. Naturally, to restore their unique forms of liberty, many resist change or seek to return to, as you note, a previous “golden” era. Can you talk to me about the role of agency in your vision for common life?

A. Agency is central to my understanding of what it means to be made in the image of God. Humans are created as free and responsible moral agents whose distinct and specific way of being a human is cultivated through giving to and receiving from a common life with others. This vision of human being rejects both individualism and collectivism, advocating instead for humans as persons constituted in and through relationship with others.

Politics should ensure that everyone can participate in forming a common life and so fulfill their personhood. To deny them agency in forming a common life with others is to deny them the ability to fulfill their personhood. Rather than be acted on and having their world determined and controlled by the one or the few, all should have agency in cultivating and contributing to shared worlds of meaning and action. Politics needs to provide the conditions and means through which human personhood is actualized in and through free and mutually responsible relationships with and for others. It should make provision for each and every person to have a hand in shaping and benefitting from the material and social conditions under which they live and work. Political systems that inhibit such participation and thereby prohibit the full realization of human personhood are oppressive and dehumanizing.

Within this framework we should reject both individualism (*no relation, just difference*) and collectivism (*all relation, no difference*), ad-

vocating instead for how as humans we are persons constituted in and through relationship with others. The quality and character of the relationships between distinct persons determines the quality and character of our personhood, as well as the nature and form of our common life within which we come to be as persons. Examples of political forms that enable this are community organizing, unions, and cooperatives as they uphold and enable humans to participate forms of shared responsibility.

We currently have a crisis of agency and thus a crisis of what it means to be human. This crisis is brought on by the investment in systems and structures that inhibit each and every person from contributing to their living and working conditions—whether in the family, firm, or farm. Instead of decentralized, highly participatory forms of institution that centre human agency and the capacity to create shared worlds of meaning and action, we are treated as either units to be socially administered, data points to be analyzed, or commodities to be bought and sold in a world structured to benefit the few. This is exemplified in how we eat. Instead of the family farm—a highly decentralized, agency-centric form of institution—being at the centre of how we produce food, we have industrial scale, pharmacologically dependent, technologically driven forms of agriculture that leave farmers in debt and depressed feeding systems that produce highly processed food that is mostly toxic to our bodies and our planet. And instead of each of us have the time and knowledge to cook and sit and eat that food we make with friends and family, we increasingly depend on the labour of underpaid, badly treated workers to make food delivered to us through platforms that treat our eating habits as data points to be bought and sold. The capacity to cook good food and eat it with others—and thereby generate shared worlds of meaning and action—is increasingly becoming the preserve of highly educated elites for whom such an activity is a leisure and a luxury rather than an existential necessity.

Q. Let me ask you about another aspect of political theology rooted in conflict and conciliation. Because you're at Oxford, I know that Britain is undergoing a sensitive period of

political change with the Labour Party now in charge. The U.S. has done itself no favors re-electing Donald Trump as it relates to decreasing polarization. You note the need to find a balance between “too much conflict” and “too much conciliation.” A need to navigate well the tensions of common life. Can you talk to me about some of the ways we can do that?

A. Before responding with examples of where the dance of conflict and conciliation are lived out, let me begin by explaining the context of what I say about conflict and conciliation and how these are central to the formation of a just and generous common life.

A Christian account of politics must give a central place to the command to love our neighbors. And within it must hold fast to how love of neighbor necessitates love of enemies. But Christian enemy-love tends to fall into one of three traps. Either we make everyone an enemy (the sectarian temptation to denounce anyone who is not like “us”), or we make no one an enemy, denying any substantive conflicts and pretending that if we just serve soup and pray, things like racism and economic injustice will get better by means of some invisible process (the temptation of sentimentalism). Or we fail to see how enemies claim in problematic ways to be our friend (the temptation of naïveté that ignores questions of power). In relation to this last trap, we must recognize that the powerful mostly refuse to recognize they are enemies to the oppressed and claim they are friends with everyone.

A loving act in relation to those in power who refuse to acknowledge their oppressive action is to force those who claim to be friends to everyone (and are thereby friends to no one) to recognize that their actions perpetuate domination and need repenting of. This involves struggle culminating in an ongoing dance of conflict and conciliation. With too much conflict, we cannot hear each other. Politics thereby dissolves into sloganeering, polarized denunciation, and eventually violent strife. With too much conciliation, we paper over real points of disagreement, foreshortening the debate, and concealing the truth of what is going on. Like any good dance, politics as a form of neighbor love requires cultivating a sense of motion in balance through learning cer-

tain moves, fostering specific dispositions like patience and courage, and developing the ability to live with tension. But, for a dance of conflict and conciliation to be formational of holiness, we must learn to see enemies as neighbors capable of change and recognize that we ourselves must move and change.

Building any form of loving and just common life through a dance of conflict and conciliation entails reckoning with a hard truth: everyone must change, and in the process, we must all lose something to someone at some point. Change is part of what it means to live as frail, finite, and fallen creatures who are nevertheless open to new ways of being alive. If some kind of shared flourishing is to emerge, loss—and therefore negotiation and compromise—are inevitable. The temptation for those with concentrations of power is to fix the system so that they lose nothing, and others always lose, no matter how hard they work. The fight is to ensure that the loss is not borne disproportionately by the poor and marginalized. The fight also includes holding accountable those who in the words of the prophet Jeremiah, train “their tongues to speak falsely” (Jeremiah 9:3-4), who humiliate and demean others, and who intend evil to secure themselves. Such a fight is a critical part of what it means to love our neighbor in a way that is faithful to the life, death, and resurrection of Jesus Christ. To use Martin Luther King, Jr.’s formulation, such agitation and protest is “love correcting that which revolts against love.” Political struggles for a more loving and just common life are thereby a defining feature of neighbor love in this age before Christ’s return.

Now examples of the dance of conflict and conciliation are all around us. Appropriately enough for this journal, a form it takes are law courts, which entail contestation amid conciliation and a shared commitment to justice. Likewise, parliaments and councils involve sharp disagreement, contestation, and compromise as members seek to deliberate and discern a good judgment. Parliaments, congresses, and council are built on a beautiful paradox which is central to the dance of conflict and conciliation: the notion of the loyal opposition. That is, when you lose an election, you don’t have to take to the hill with an AR15 or AK47, but you stay loyal to the good of the nation even

as you profoundly oppose the current party in power. The party in power shares the same commitment to the good of the nation and won’t use the state to persecute or imprison the losing party. The problem with the current U.S. Congress is that they are very bad dancers, and the notion of the loyal opposition seem almost forgotten. A more radical embodiment of the dance of conflict and conciliation is found in the practice of community organizing. Saul Alinsky who is the “dean” of community organizing encapsulates this dance in his *Rule for Radicals* (1971). His infamous thirteenth rule is “Pick the target, freeze it, personalize it, and polarize it.” Polarize, compromise a beautiful word. Elsewhere in the book he says that to the organizer, compromise is a “key and beautiful word.” Community organizing teaches that art of politics is the capacity to know when to polarize and when to depolarize, compromise and reconcile with those that one opposes.

The moral good the dance seeks to fulfil is wise decisions about what the good of the community is and what needs to be done to pursue that good. The virtue the dance cultivates is what Aquinas, following Aristotle, calls *euboulia*, which is the ability to seek good or right counsel. Being *euboulos* involves the ability to deliberate well about what truly benefits you or your community, as well as the ability to recognize and receive good advice from others, even those you disagree with or who oppose you. As a virtue, *euboulia* (the disposition to wise judgment) entails being able to consider different options and viewpoints empathetically. As a virtue, it points to the symbiotic link between listening, communicating well, giving and receiving advice, and coming to make wise judgments.

In an institutional or communal setting, the deliberative process of coming to judgment entails a complex interplay of factors. It entails:

- a) listening to everyone affected by a decision, especially those mostly likely to be negatively impacted by its effects;
- b) the capacity and means for those consulted to speak freely and truthfully; and,
- c) the need for coherent arguments that make a clear case.

These three elements must be in play if institutional processes of coming to judgment (whether in Congress, a court, or a boardroom) are to be directed to the good of all or the common life rather than privileging the interests of the one, the few, or the majority. Conflict and conciliation are central to each of these elements.

Q. I hope readers come to appreciate the scale of your approach given its nuances and complexities. This is something I really enjoyed in reading the book: it really felt like you're considering the entire scope of the question regarding Christian political engagement. Perhaps here at the end you can offer some guidance on virtues you deem essential to sustain a politics of common life?

A. Echoing what I said earlier, we currently face three intersecting crises that undermine our ability to engage in a meaningful and moral politics of common life. The first is a lack of trust. We don't trust our institutions (schools, hospitals, corporations etc.), the media (fake news), politicians, each other, let alone other nations. Conspiracy theories and endless suspicion and critique are but one manifestation of this lack of trust.

The second is anxiety and fear. We fear for the future of the planet, for our economic security, for what it means to be human with the advent of AI, for our culture with mass migration and changing attitudes to gender and sexuality. It seems to many that their way of life is under threat, and that generates fear of others whose way of life is different. The mental health crisis and deaths of despair are a manifestation of this second crisis.

The third is a crisis of relationship and solidarity evidenced in the polarization, demonization and scapegoating of political and ideological opponents, and the anomie, alienation, inter-generational conflict we see, as well as the crisis of intimacy and long-term relationships.

To each of these, the classic theological virtues are a response: faith is the answer to a lack of trust, hope to fear and anxiety, and love to the breakdown of relationship and solidarity.

STEVEN T. COLLIS, *HABITS OF A PEACEMAKER: 10 HABITS TO CHANGE OUR POTENTIALLY TOXIC CONVERSATIONS INTO HEALTHY DIALOGUES* (SHADOW MOUNTAIN PUBLISHING, 2024). 226PP.

*Book Review by Candace McCune**

When asked to review this book, I was hesitant because while I love to read, my “to read” stack looms high. But the title intrigued me—*10 Habits of a Peacemaker* by Steven T. Collis.

I have been a member of CLS for years and served a couple of times on the board. So, I’m thinking I was asked to review this book because of my involvement with Ken Sande and his book, *The Peacemaker*, and my Christian conciliation certification training through Peacemaker Ministries. You know what I assumed—that this book was about Christian peacemaking work with which I was so familiar.

Wrong assumption! At over halfway through the book, along with having listened to a YouTube interview with the author,¹ I was blown away by this man and his writing! AND . . . there was not a single Scripture reference even that far into it!!

Now let me give you the book’s subtitle—*10 Habits to Change Our Potentially Toxic Conversations into Healthy Dialogues*. Make no mistake. This is a book about building bridges and healing relationships.

My thinking was “Where is the Scripture? Isn’t that the basis of peacemaking?”

The glowing book reviews on the back cover are from a former president of the ACLU (American Civil Liberties Union), a fellow at Brookings Institution, and the former chair of the U.S. Commission on International Religious Freedom (USCIRF), with a final promo review by a U.S. Court of Appeals judge and lecturer at Harvard Law School.

But the introduction itself by the author, Steven T. Collis, added the coup de gras, which knocked me over in surprise—and yes, delight!

Steven says when most people hear what he does for a living, they think he is insane. He is a law professor at a leading law school where he specializes in the First Amendment. He gets paid to discuss, full-time, the most pressing and divisive issues in our society today: abortion, LGBTQ+ rights, racism, religious freedom, free speech, academic freedom, the role of the media in our society, and constitutional law.

He travels all over the world, speaking to a whole range of audiences—the media, academics, diplomats, foreign and domestic judges, high schoolers, religious leaders, college and graduate students, devout churchgoers, devoted atheists, and agnostics . . . a full list ranging the ideological spectrum.

Here is what he shared that hooked me:

[A]s of yet, neither I nor the people I speak with have experienced a negative outcome in our conversations. We have not been shouted down or cancelled. No one has pivoted on anyone in a rage. Our conversations have not devolved into shouting matches or accusations. In truth, they have always been productive. I often come away with a sense of mutual respect, having learned something new; and, hopefully, my interlocutors have felt the same. Together, almost always we have inched a

* Candace is a Colorado attorney and a certified Relational Wisdom 360 Christian conciliator.

¹ See What Drives You, *10 Habits Of A Peacemaker: Being Right vs Making a Difference with Steven T. Collis*, YouTube (Oct. 28, 2024), <https://www.youtube.com/watch?v=drtU1j6LAiU>.

bit closer to finding solutions to some of society's most pressing problems (1).

Blown away yet? Just in case you're not yet, I will share "Habit One." It is, I believe, the key place to start.

The short title of Habit One is "Intellectual Humility and Reframing," and the author takes 18 pages to treat this subject properly. Trust me. By the end of this chapter, it is so much clearer than I can paint for you in these few words. He captures a key aspect of communicating respectfully and effectively on any subject in the most difficult settings.

I love his beginning illustrative story; it sticks with me as the key point for me to remember.

When he was nine, Steven lived in a time and a small town that sounds similar to where I grew up, and, as my brother did, Steven believed it was cool to spike up his hair with mousse. His family shared a bathroom just as my family did. One day, after Steven used a generous portion of mousse, massaging it into his hair and spiking it, feeling good, he exited the bathroom. His mom was nearby, sniffed the air, and asked, "What's that smell?" He answered that it was the mousse. She gasped, spun him around, and pushed him back to the bathroom, rinsing his head in the sink as fast and hard as she could. It turns out what he thought was mousse was actually Nair—his mom's hair-removal product! Yes, within days he had patches of hair missing, which lasted through the summer leaving anyone who saw him thinking he had some horrible disease.

The wisdom to pull and hold onto from this? Steven says, "We get in trouble in life when we're dealing with something we think we understand but don't" (9).

Let this soak in. As attorneys, we want to engage in productive, healthy conversations with those close to us, those on the opposite side of a case from us, and even those who come marching up to us ready to fire off salvos before even being introduced. The first step, according to Steven, is for everyone involved to recognize how little they often know about many topics. He is so right! I have watched this through many years of mediations and conflict trainings. He makes it clear that this is the starting point we need to have so that we approach our interactions with

others with a better perspective. OK, that's our desired mindset, right?

Next, he says we must realize that conversations are more likely to deteriorate when participants are acting with too little information. I know we have all witnessed or even been a part of this. If you want to guarantee a fight between two people, throw out a controversial subject about which neither knows much, then stand back and watch them take positions and try to justify those positions. I have watched so much defensiveness and digging into positions in situations like this—and no quarter given (or even heard).

Steven then spends the remainder of the chapter successfully illustrating his two stated goals: (1) to help you recognize the lack of knowledge in yourself and others (but mostly yourself); and (2) to provide you with a method for turning that recognition into a tool for constructive conversation.

As you can imagine, anyone reading Steven's bio (especially attorneys) would say he is an out-of-sight expert in constitutional law, particularly, the First Amendment. But he works through demonstrating that he knows only a fraction of what he could know about the First Amendment, and he makes the point that even if we might be an expert on a broad subject, we will not be an expert regarding someone else's experiences. That gets us into the right frame of mind.

As he deftly demonstrates, being an expert just means you have many more tools for doing the reframing that needs to occur—not to showboat or be the know-it-all in the room. Instead, hold your fire and use your expertise to (re) frame the conversation, which will get you one step closer to a productive and enjoyable conversation (as opposed to a shouting match).

Habit One: Intellectual Humility & Reframing:

- means we remind ourselves how little we know and how much we still can learn about the topic at hand,
- and that we frame or reframe conversations to make them productive (acknowledge our lack of knowledge),
- and we use our expertise wisely (leading to constructive discourse regarding solutions).

But WAIT! What about that lack of Scripture? Steven addresses this in Habit 9: Seek Inner Peace. In this chapter, he says many peacemakers find inner peace through spiritual practices, and he goes into more depth on this as we who have come from a spiritual foundation in learning about peacemaking would recognize.

And here is where he shares that he wrote this book for everyone, regardless of whether they see themselves as spiritual or not and regardless of what religious beliefs they hold—he does not emphasize just one faith tradition. Moreover, he recognizes that this Habit 9 may not resonate with those who do not value religion or who are hostile to it.

So, it pushed me even further to put this book on my stack of books to read yearly—or more frequently. I know I need to have tough conversations with people of no spiritual leaning, or even hostility toward religion, as well as those who profess Christianity. Steven lays it out beautifully. I now realize why he can successfully converse with such a wide range of audiences!

The very same day as I struggled with the lack of Scripture in Steven's book, I was directed by Henry Blackaby's devotional to remember that as a Christian, I have everything I need to live a holy and abundant life.² Second Peter starts with this great reminder: "His divine power has given us everything required for life and godliness, through the knowledge of Him who called us by His own glory and goodness" (2 Peter 1:3-11).

And it suddenly came to me. I remember as I viewed the YouTube interview thinking that Steven exhibited an amazing calmness, respectful tone, and presence I wish I had when engaging in a difficult conversation. Blackaby reminded me that I can have that when I access, by faith, the qualities I have inherited through Christ, namely, self-control. God makes it available to me, along with the qualities needed to be a peacemaker as outlined in this book. I just need to claim it—access it by faith and use it with the leadership of the Lord.

Here's my challenge to you: not only get this book and read it (maybe repeatedly, as I have committed to do), but also, as you read it,

think through and make note of the Scripture that is applicable to each of the 10 habits Steven identifies. Identify the heart of the behaviors he describes and nail down the scriptural guidance. Then consider how you would frame or reframe the words you would use with a person whose spiritual beliefs are unknown to you.

Imagine turning what could be a contentious conversation into a fruitful exchange that enlightens everyone's minds and inches both of you toward a solution. As promised on the cover of the book, Steven T. Collis is one of the world's leading experts on civil discourse and in this book reveals 10 practical habits that can help you navigate the potential minefields of hard topics, leaving you and those with whom you converse feeling thoughtful and productive.

² See HENRY T. BLACKABY, *EXPERIENCING GOD DAY BY DAY DEVOTIONAL* (2006).

JESSE COVINGTON, BRYAN MCGRAW, AND MICAH WATSON.
HOPEFUL REALISM: EVANGELICAL NATURAL LAW AND
DEMOCRATIC POLITICS (IVP ACADEMIC, 2025). 264PP

*Book Review by Daniel Darling**

The Bible and Creation: A Durable Political Framework for Evangelicals

As disruption, polarization, and secularism have plagued the West in the twenty-first century, conservative Christians have cast about for a durable political theology. Some, surveying the negative effects of classical liberalism, have sought refuge in revisions or even rejection of the American experiment. Others have held firm that a doubling down on the constitutional order, though buttressed by a thick cultural Christianity, is the answer to American renewal. These debates will continue apace as believers wrestle with the proper arrangement between the church and the state and, more specifically, their role in shaping the future of the West, particularly America.

Parallel to these debates is a recovery, by evangelicals, of the usefulness of natural law. Whereas many twentieth century leaders eschewed natural law as a Catholic philosophy, many now see it as a worthy framework in making arguments in a noisier and less Christian twenty-first century public square. Many social factors have led us to this moment, including the reliable co-belligerence of evangelicals and Catholics on social issues such as the sanctity of human life, religious liberty, and the goodness of the nuclear family. Decades of formation from and interaction with Catholic scholars such as Princeton's Robert P. George, J. Budziszewski of the University of Texas has catechized a new generation of evangelical thinkers.

What's more, natural arguments are not only convenient, but also necessary for a society less familiar with Christian teaching. Consider two recent data points: (1) the conversion of some former atheists to Christianity and (2) the ongoing debate about transgenderism. First,

conversions such as Ayan Hirsi Ali, who was attracted to Christianity first through its moral framework, a framework that made sense to her from her own intuitions about the world. She is among a few intellectuals who have made this journey. The ship of modernity—with its never-ending expansion of moral boundaries—crashed on the rocks of universal reality. Those realities, natural lawyers would argue, are God's signpost of himself embedded in creation and written on human hearts. Many ignore those clues and continue on in moral anarchy, but many others have recognized the sheer insanity and unworkableness of the progressive project.

Which brings us to our second data point affirming the usefulness of natural law: the widespread rejection of the Orwellian regimen of transgender ideology, which until recently demanded that humans reject the reality in front of them and pretend to believe the foolishness that men can become women and women can become men if we all pretend it to be so. Republicans won their election in 2024 largely by appealing to "common sense," which can be a sectarian way of describing God's immutable laws of the universe.

Into this conversation are new and fruitful discussions about the usefulness of natural law in shaping Christian political theology. Contemporary thinkers such as David VanDrunen and Andrew Walker have applied a distinctly evangelical approach to applying both the specific revelation of Christ and Scripture to the law of God embedded in nature and written on human hearts. Each has posited that natural law offers both a useful tool and limits to political activity in a fallen world.

* Daniel is an author, pastor and thought leader. He currently serves as the director of The Land Center for Cultural Engagement at Southwestern Baptist Theological Seminary and assistant professor of Faith and Culture at Texas Baptist College.

It's this last idea that animates a new volume from three evangelical scholars: Jesse Covington at Westmont College, Bryan McGraw at Wheaton College, and Micah Watson at Calvin University. Their aim is to show that "the Christian natural law tradition, in the context of evangelical theological distinctives, offers something important both for evangelicals and the broader political community" (6). The promise of such a project is to combat, the authors assert, both utopianism and cynicism among Christians who engage in the public square.

Such a posture is necessary because of what we know from Scripture about human fallenness. Too often, Christians enter into the fray without a proper anthropology and eschatology. Young activists, charged up on dreams of changing the world and the temporary adrenaline of electoral success, move from utopian visions to cynical nightmares after running headlong into the stubborn reality of politics in a sinful world.

The witness of Scripture and natural law provide a bulwark against both maladies. Scripture tells us to both pray "as in heaven so on earth," while also reminding us repeatedly that until Christ returns in all of his glory, even the best good we can do in the most ideal environment with the best of all motives is limited. This summation is good:

Our realism is also hopeful because we can indeed know things, including moral things, and claim them as public knowledge, if not always common sense. More importantly, the object of our ultimate hope, God the Father, Son, and Holy Spirit, calls us to steward his good creation, love our neighbors, pray for those in authority, champion justice, protect the weak, feed the hungry, visit the prisoner, and promote the well-being of the city (8-9).

In developing its political theology, *Hopeful Realism* sees biblical revelation and natural law as partners in shaping Christian activism. From Scripture, they assert over the chapters, we see a clear affirmation of natural law from traditional texts such as Psalm 19, Romans 1, Jeremiah 8, Acts 17 and others. Natural law not only affirms the goodness that God's law has revealed in Scripture but also, in the view of the authors,

provides a durable framework for Christians to distinguish between an ethic for the church as God's redeemed people and a policy prescription for society writ large. They write, "We also distinguish between scriptural teaching for the people of God as the church proper, and what Scripture teaches about creational goods that can be pursued, promoted, and protected in the public square for all people" (26).

The authors make a persuasive, though not necessarily original, case for this distinction. It's the answer to the simple question: To what standards of behavior can and should Christians realistically expect non-Christians to adhere? Natural lawyers, such as VanDrunen in *Politics After Christendom*, point to the modest expectations in places like the Noahic covenant (Genesis 9), Romans 13, and 1 Timothy 2. *Hopeful Realism* expands this conversation and offers natural law as a baseline political framework.

They employ the terms "redemptive" to refer to church specific ethics and "creational" to refer to beneficial society-wide norms. One example they cite is the prohibition against stealing (creational) and expectations for Sabbath keeping (redemptive), which invites more questions, e.g., What to do about Sunday blue laws? Nevertheless, as a Baptist, this articulation against compulsory Christian worship made me smile.

In my view, the first half of the book, which lays out their thesis, is the most valuable part of the book. The second half is where interlocutors might offer disagreements on the specific ways in which hopeful realism might be applied to actual policy. And, true to their own thesis, they invite such pushback.

Regardless of your perspective, you'll find *Hopeful Realism* a serious effort at developing a robust political theology and a useful guide for Christians considering how to steward their citizenship well in this moment. It persuasively makes the case that natural law is useful both as social arguments for creational goods in a pluralistic democracy. And yet, it is also useful in demonstrating that without the contagious witness of a prophetic church, such a political arrangement is doomed to fail.

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