

KEYNOTE ADDRESS

DOES LIVING A SPIRITUALLY ENGAGED LIFE MANDATE US TO BE ACTIVELY ENGAGED IN ISSUES OF SOCIAL JUSTICE?

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I want to thank the dean, the law review and all of you for the opportunity to share with you some important thoughts. I'd also like to particularly acknowledge the work of Judge Noonan, inspiring not only people here at the law school, but around the country on issues of morality and social justice.

I stayed up late last night working on my speech. In fact I was up until 3:00 at night typing on the computer, and got up early this morning to continue typing. Not uncharacteristic of myself, I reached a place where I felt pretty comfortable with my presentation—and then decided not to give it. If you want to have a sense of what I was doing late last night, I think it will be published—the written version—will be published at some point in the law review.¹ Instead I want to talk to you more directly building on the themes that I touched on.

This is a special occasion for me—special for a number of reasons. I'm coming back to Minnesota; coming here to this wonderful facility; having a chance to reconnect with friends such as Michael Jordan, such as Professor McGowans and the two of them, of course Marguerite, Justice Page, Terry Karis and many others in the room. But it's also important to me almost as a coming out.

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1. john a. powell, *Lessons From Suffering: How Social Justice Informs Spirituality*, 1 U. St. Thomas L.J. 104 (2003).

I have been concerned with issues of social justice and spirituality for most of my life. My father is a Christian minister. I got involved in civil rights issues when I was in high school. For most of my adult life these two strands have seemed largely disconnected. As I'm now on the other side of 50, it becomes urgent that I figure out a way to connect these strands before leaving this place. This provided me with an opportunity to publicly share with you what I have been thinking about for the last several years, not just in relationship to myself—and I think this will become increasingly clear—but in relationship to these two bodies of work that really have a common thread. I think that thread has to be more deliberately, more consciously lifted up if we are going to make the kind of progress that I think all of us want.

I've also been inspired by a number of people—Reverend Dr. King, not the least of which. He made the observation that we are inextricably linked through a web of mutuality. Thich Nhat Hanh says something very similar, when he coined the phrase that we are all “interbeings.”² My own father, when I asked him in his theological tradition, what is hell? He describes it as being permanently separated from God. One could substitute the word God for the Divine or one's deeper sense of oneself. In the few minutes I have I can't try to begin to unravel what even is meant by the terms spirituality and social justice. There's a rich tradition. I'll just sort of throw out some of the nuggets in the tradition and then define those terms how I'll be using them in the rest of my talk.

Part of the way we think about spirituality is connected from the Christian tradition of the spirit—typically the Holy Ghost—and being closely associated with the Divine or God. It is thought of as something different than the corporeal; something invisible; something that moves us. Of course there are many other traditions that also address the concept of spirituality. It is not limited to Christianity. Buddhism, Hinduism, Judaism, Islam—all of them have some concept of spirituality; something other than the corporeal, something beyond, something divine, something deep, something in silence. But the term spirituality, surprisingly, is not even limited to religion, as such. There's a humanist concept of spirituality; there's the Jungian concept of spirituality. And the list goes on. While there are many differences, there are also some similarities. Virtually all of these different traditions agree that, in terms of talking about spirituality, there's a sense of something deep; there's a sense of something authentic, and beyond the egoistic self.

So now let's turn for a moment to think about social justice. Not surprisingly, social justice also has many meanings. In fact, an important book written by MacIntyre, entitled *Whose Justice, Which Rationality?*, suggests that there is no uniform concept of justice; that it's always embedded in

2. Thich Nhat Hanh, *Interbeing* 6 (Fred Eppsteiner ed., 3d ed., Parallax Press 1993).

tradition; it's always embedded in a community and in time.³ So that it doesn't make sense to talk about justice writ large. We have to think about justice as it is implicated and teased out in real life situations and in real communities.

So why the tension? Why is it that it took me over 50 years to get to a place where I would talk about social justice and spirituality in the same platform? One reason is that St. Thomas Law School wasn't built 50 years ago, so I had to wait until they built it to have this conversation with you. But part of the reason is that traditions which I'll call modernism and secularism and religion have created a fairly sharp wall between what's called religion and public discourse. I understand that religion and spirituality are not the same. And of course, again, they implicate each other. But the notion that there's something called spirituality or religion that's consigned to private space and not to be engaged in public discourse is part of our very profound tradition. I was the legal director for the ACLU. For that reason and other reasons I don't want to suggest that there's something entirely wrong with that tradition. There's a reason for that. There's the old saying of "render to Caesar the things that are Caesar's, and to God the things that are God's."⁴ So going back certainly thousands of years, there's an understanding that there's a need to separate or at least have some distinction between the secular and the Sacred.

But having said that, it's not clear what that separation should be. Part of this is not just taking on the charges from the biblical text; part of it's also based on our history. We had the wars of religion for hundreds of years where all kinds of cruelty and injustice was done to humanity and each other in the name of religion. So part of the secular arrangement that came out of enlightenment was the understanding that the way you deal with spirituality—religion on one hand and the state and public space on the other hand—was to keep them separate, to build a wall between them. What I want to suggest is that there's a reason to respect and be cautious about the confounding of these two important trends, these two important aspects of life. And yet, I believe that keeping a wall—or trying to keep a wall—simply does not work. That something else has to take place. How have we built that wall? What does that wall mean?

One, of course, is the notion that justice is something that's a political issue, as opposed to a spiritual issue. In his important book *Theory of Justice*, Rawls talks about justice as fairness.⁵ He makes it clear that he's concerned with the political domain and not with the private domain. Part of it, of course, really refers back to—what are we as citizens, as people, as human beings? What does justice mean?

3. See Alasdair MacIntyre, *Whose Justice? Which Rationality?* (U. of Notre Dame Press 1988).

4. *Mark* 12:17 (King James).

5. John Rawls, *A Theory of Justice* (rev. ed., Harvard U. Press 1999).

I don't think we can begin to ask that question until we ask a deeper question of, who are we as people? In the liberal tradition, the modernist liberal tradition, we need to go back to Hobbes for the answer to that. Hobbes's concept of what it meant to be human, what it meant to be a person, what it meant to be part of society, has informed much of the way we have figured those important questions. Hobbes's notion of the self was what we might call today an egoistic individual; what some have called a possessive individual.⁶ This individual was not only separate from other individuals; this individual was threatened by other individuals. So the role of society was to protect that individual from the threat, from the terror, of other individuals; to allow that individual to keep whatever she or he had gained in fair exchange.

This individual is not only possessive; this individual is also extremely rational. It was this rationality as opposed to faith, as opposed to passion, that would rule public discourse. So the justice that derives from modernism is a justice that serves our separateness built on a sense of rationality, largely devoid of passion, and of spirit.

So this self—as Marguerite suggested, and as the Father [Araujo] suggested in his opening comments—this self is then to achieve justice in a limited, distributive way. It is—What do I get from society? How do you protect me from those others once I've gotten what I get? So property and contract become the main domains in liberal society of justice. We have a number of institutional arrangements that are designed to protect us in our aloneness, to protect us in our separateness.

This concept of the self has recently come under severe attack from a number of different quarters—from feminists, from communitarians, from late modernists, from post-modernists, and from people of faith. The reality is that we do not experience ourselves as totally separate. In fact, when we experience the separation in this egoistic sense, we also experience aloneness, terror, and dread.

This is part of the dilemma. On one hand, we have constructed a sense of self that is separate and isolated. On the other hand, we are concerned about engagement with others because of loss of self and domination. There's a saying that says, "Wherever there's self, there's fear. Wherever there's other, there's terror."⁷ Roberto Unger says the world is divided up into two categories—oneself and everybody else.⁸ It is these domains that we are trying to in some way bridge. How do we think about the self and others? How you ultimately think about yourself—the self—in the world

6. C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford U. Press 1962). This notion of the autonomous separate self was also explored by Hume. David Hume, *A Treatise of Human Nature* 260-64 (L.A. Selby-Bigge ed., Oxford U. Press 1888).

7. Ken Wilber, *A Sociable God* (New Sci. Lib. 1984).

8. See Roberto M. Unger, *Passion: An Essay on Personality* (The Free Press 1984).

will inform not only your sense of social justice, but also your sense of spirituality.

The heart of spirituality, as I will use it for the rest of the talk today, is the recognition that we are somehow interconnected; interbeing. That we're not simply egoistically separated. We cannot survive that way. Part of the challenge for us, as we think about social justice and spirituality, is to answer the question, is your brother and sister your brother and sister? If the answer to that is no, then the Hobbesian model will serve you well. But if the answer to that is yes, it seems to me it takes us in an entirely different direction.

What is that direction? What is it, then, that animates our notion of spirituality and our notion of social justice? If we recognize our interbeing; if we recognize our interconnectedness; what I want to suggest is that the deep part that animates our sense is suffering. Suffering is a complex set of feelings, of emotion. I want to talk about two types of suffering. What I will call ontological or existentialist suffering and what I will call surplus suffering.

Ontological suffering—the suffering that's associated with being; the suffering that's associated with having left the Garden of Eden; the suffering that's associated with having a physical distance from God and from others—is something that we must all struggle with. It seems to me all the great religions, all the great traditions in spirituality, and, indeed, all the great psychological movements, are in some ways trying to help us deal with the ontological issue, this aloneness and separateness. In fact, one could say spiritual growth in that sense is to move toward the reconnection with the Divine, the reconnection with something authentic, the reconnection with others.

How we define others that we're reconnecting with also defines the scope of our passion. If the others are our family, then we have the degree of care toward that family that's not extended beyond that. If the others that we see as part of ourselves are of the same race, same religion, that becomes the extent of our care. But to keep a boundary, however we think of the self, and who's included in that self defines the scope of our care.

That suffering of separation is one of the main tenets of all the major religions. What, then, do I mean by surplus suffering? The surplus suffering is not ontological; it's not existential; it's the suffering that we heap onto each other. It's the suffering caused by meanness; the suffering caused by racism; the suffering caused by sexism; the suffering that we inflict on each other unnecessarily.

That is the suffering that is largely addressed through social justice when we try to rearrange society in some way to eliminate that suffering. In fact, these two domains of suffering are related. Because any of the reasons

that we inflict surplus suffering on each other is because we don't include that *other* in our connectedness.

So then, how are we to address this suffering? It seems to me that this suffering is not simply caused by the lack of distribution of things. That, in a profound way, this suffering is caused by the lack of distribution of being. To put it more colloquially, one could say this suffering is caused by the lack of love. The fact that we fail to see the humanity in our brothers and sisters causes this surplus suffering. Then we have, starting to have, a merger of our spiritual challenge as well as our social justice challenge.

I want us to go one step further, because as the Father [Araujo] read to you, the Good Samaritan stopped to help the person who had been robbed. There are stories throughout the Bible, throughout the Koran, throughout the Sutras, throughout the Bhagavad Gita, of people extending help to those who had been fallen victim; to the poor, to the hungry, to the needy.

What is the main cause of this surplus suffering that so distorts our social life in our society today? I want to suggest it is not the robber; it is not the villain; it is institutional and social arrangements. That much of the suffering that we experience today in this surplus way is not personal, but mediated through institutional arrangements. If we are concerned about suffering in this surplus area then we can not only be concerned about the person who doesn't have enough to eat, but we have to look at what causes the person to be in a situation that they are hungry. What causes the person to be in a situation that they are homeless? Indeed some would say—and I would probably join with them—that if we are concerned about the earth, if we extend our interrelationship, our interbeing with the earth, then we have to look at what causes the earth to suffer. What causes the ozone to become depleted? What causes the oceans to risk death? Again, it is not simply a robber, an individual; it is our institutional arrangements themselves.

So my call to all of us—and I am part of this—is to think about how do we inform our spirituality by the cause of suffering; and how do we inform our social justice by suffering? How does spirituality inform social justice? How does social justice inform spirituality? I believe that, properly understood, that a deep spiritual practice necessarily must engage with suffering and must necessarily engage with concerns of social justice. On the other hand I believe a well-grounded sense of social justice must be deeply grounded in a sense of interbeing and spirituality. That they run in both directions.

Let me return back to the problem of what happens if you conflate these two domains. Walzer in an important book called *Spheres of Justice*, warns us that things in different spheres operate by different laws, cultures, and practices.⁹ It is not enough to conflate fears; that we have to understand

9. See generally Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (Basic Books, Inc. 1983).

that things in different domains have a different set of rules, even though things in one domain can affect things in another domain. Applied to spirituality and social justice, or religion and social justice, what this suggests to me is that we have to look at why; what are the reasons to be cautious about bringing spirituality into the public domain; and yet what is the need to bring spirituality into the public domain?

Again, the liberal approach to this is largely skepticism. That in terms of values, in terms of matters of faith, in terms of the good life, if you will, that the official liberal position is to be neutral and skeptical. That to consign this to the private world of each individual and leave it there. I've already suggested that such a private world doesn't really exist. That if we are not simply possessive beings, but if we are beings that are constantly constituted through our interactions with others, that we are saturated beings. We are saturated with each other. That this private sphere that Hobbes envisioned simply doesn't exist. The idea of consigning things to this sphere doesn't work. On the other hand there is a coercive nature about the state. There's a coercive nature in the public sphere. We pass laws; we pass rules; we coerce people with those practices. The way this coercive practice is mediated in the public space is through the doctrine of tolerance and democracy. That we will allow people to participate as equals in the creation of those rules. That's the theory. It ameliorates the sting of the coercive nature of the state.

But there also can be a coercive nature in religion and spirituality. And it's not necessarily mediated through democracy, and certainly not mediated through tolerance. It's not built on skepticism; it's built on faith. It's built on deep-held belief. So part of the challenge for us, then, is to figure out how to take these important deep beliefs that animate our spirituality and give it public space without becoming coercive; without it becoming totalitarianism; without it becoming mean-spirited. I don't think we've done that. In what John Rawls calls "a reasonable plurality" it is necessary to do that in order to understand how we will properly imbue the public domain with the spiritual domain.

On the other hand, it seems to me that, as one goes to move toward salvation, and that at least two great traditions, one is moving toward salvation, the other is moving toward enlightenment. But at least both of those traditions, in some way, are not singular enterprises. A lot of times there's talk about having a personal relationship with God. That's not necessarily the same as a private relationship with God; having a personal relationship with the Divine. But, as Spinoza suggested, Divine can be present in everything.¹⁰

10. Ken Wilber, *Up From Eden: A Transpersonal View of Human Evolution* 5-6 (rev. ed., Theosophical Publ. H. 1996).

Let me end by coming back to where I started. It seems to me that the challenge in this country and in this world is to acknowledge that we do occupy different spaces; but that these spaces are not hermetically sealed from each other. That we, in fact, infect each other; that we're part of each other; that we're constantly in the process of not just making a world to inhabit, but that we're constantly in the process of making ourselves. How do we do this in a way that is not oppressive? In a way that's respectful; but in a way that's deeper than skepticism? A way that's deeper than my simply tolerating you, or you simply tolerating me, so that our spirituality doesn't have to be closeted and privatized? That, I think, in a fundamental way, not only does injury to us as people, but does injuries to those deeply-held spiritual beliefs. How is it that the things I care about most I have to keep most secret? It seems to me that that's wrong. In her important book *The Battle for God*, Armstrong suggests that that is one of reasons for the rise of fundamentalism.¹¹ That liberal society has not found a space to give voice to our deeply held beliefs.

These are serious challenges. A lot of times when talking about issues of race I go back to *Dred Scot*.¹² It seems to me that this is one of the most important cases in U.S. history. I would say it's a case that we're still writing against, working against. Not *Plessy v. Ferguson*,¹³ but *Dred Scot*. Why *Dred Scot*? Because what *Dred Scot* stood for, what Judge Taney suggested was, that blacks, including free blacks, were not part of the political community.¹⁴ There were no rights that blacks had that needed to be respected by whites. That it was inconceivable that blacks and whites could live together in a political community. It seemed to me the way we arrange space, the way we arrange schools, the way we arrange neighborhoods, the way we arrange our religious communities, still reflects the shadow of *Dred Scot*. We still have not been able to acknowledge that our brother and sister is our brother and sister. That if we do acknowledge that, it has powerful implications. It means that we must try to do what we can to liberate them from both the surplus suffering as well as the ontological suffering.

I believe that if we can do that we enter into a new era. Because in some ways I think as long as I am cut off from the Divine I have to have this ontological suffering. The Divine for me doesn't just exist in some faraway place. But it exists right here. The Sacred is imminent. The Sacred is everywhere. To the extent that I cut part of that off it not only allows me to turn my back on this suffering it also inflicts suffering on me. As long as I'm encased in the shallow egoistic Hobbesian self there will be both ontological suffering and surplus suffering. And as long as the arrangement for

11. Karen Armstrong, *The Battle for God* (Ballantine Books 2000).

12. 60 U.S. 393 (1856).

13. 163 U.S. 537 (1896).

14. See 60 U.S. at 404-05.

maintaining this is by privatizing religion and making the public space skeptical, it seems to me that most fears will be inimical and suffering.

Finally, let me say that if we can take this huge challenge on—and it's a huge challenge, but I think it's a worthy one; I think it's a noble one—there is still one other thing to be done. It seems to me that our purpose, our goal, as we embrace the notion of liberation in the public sphere and salvation or enlightenment in the private sphere, we're not simply trying to move away from suffering. We're not simply moving away from something, we're moving toward something. What is that? For some it's God, for some it's others, for some it's the Divine. I won't try to answer that question for you, but I think it's important to pose it.