A RELIGIOUS BASIS OF LIBERAL DEMOCRACY*

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Not every country that advertises (or advertised) itself as a democracy is (was) in fact a democracy.1 Two examples: The official name of North Korea, translated into English, is the Democratic People’s Republic of Korea; the official name of East Germany, translated into English, was the German Democratic Republic. And not every country that can plausibly advertise itself as a democracy2 is a liberal democracy: a democracy committed,

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1. “As the Burmese junta rounded up protesting monks and violently suppressed dissent, it spoke of the need for ‘disciplined democracy.’ China has long promoted ‘socialist democracy,’ by which it means a top-down centrism that eliminates minority views.” Kenneth Roth, Despots Masquerading as Democrats, in HUMAN RIGHTS WATCH, WORLD REPORT 2008, at 1, 7 (2008); see also Western Democracies Undermine Civil Rights, Watchdog Group Says, N.Y. TIMES, Mar. 1, 2008, available at http://www.nytimes.com/2008/01/31/world/americas/31iht-rights.3.9646136.html. The article states:

Authoritarian rulers are violating human rights around the world and getting away with it largely because the United States and European and other established democracies accepts their claims that merely holding elections makes them democratic, Human Rights Watch said in its annual report Thursday.

By failing to demand that offenders honor their citizens’ civil and political rights and other requirements of true democracy, Western democracies risk undermining human rights everywhere, the international rights watchdog said. Still, Kenneth Roth, Human Rights Watch’s executive director, wrote in a segment of the report called “Despots Masquerading as Democrats”: “It is a sign of hope that even dictators have come to believe that the route to legitimacy runs by way of democratic credentials.”

Id.

2. For a “modest” definition of democracy, see Andrew Koppelman, Talking to the Boss: On Robert Bennett and the Counter-Majoritarian Difficulty, 95 NW. U. L. REV. 955, 956–57 (2001), which states:

[Joseph] Schumpeter . . . proposes the following, more modest definition of democracy: “the democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote.” The people influence political decisions by voting in elections and “do not control their political leaders in any way except by refusing to reelect them or the parliamentary majorities that support them.”

. . .

The politician is vulnerable to losing his office unless he continuously manages to attract votes. This creates an incentive for him to pay attention to what voters want. And this incentive guarantees that, in a democracy, the government will

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first, to the proposition that each and every human being has inherent dignity and is inviolable and, second, to certain human rights against government—that is, against lawmakers and other government officials—such as the right to freedom of religion.3

The union of the two most widely affirmed political-moral ideals of our time—democracy and human rights—yields a third great polit-

not act in a way that attracts the wrath of an electoral majority—or, if it does, that it won’t keep it up for long.

Id. (quoting JOSEPH A. SCHUMPETER, CAPITALISM, SOCIALISM, AND DEMOCRACY 269, 272 (3d ed. 1950)). According to Koppelman, “[Joseph] Schumpeter is entirely free of . . . mushy sentimentalism about majoritarianism . . . .” Id. at 956; see also Richard A. Posner, Enlightened Despot, NEW REPUBLIC, Apr. 29, 2007, at 53–54 (“Political democracy in the modern sense means a system of government in which the key officials stand for election at relatively short intervals and thus are accountable to the citizenry.”).

3. Not that this is the only way to conceive of what makes a democracy a liberal democracy: Not everyone who affirms liberal democracy also affirms the idea of “inherent human dignity”. Nonetheless, the conception of liberal democracy articulated in the text is not only common; it is, for many, the most morally attractive conception. Philosopher Thomas Nagel has written that “[t]he term ‘liberalism’ applies to a wide range of political positions . . . [b]ut all liberal theories have this in common: they hold that the sovereign power of the state over the individual is bounded by a requirement that individuals remain inviolable in certain respects . . . . The state . . . is subject to moral constraints that limit the subordination of the individual to the collective will and the collective interest.” Thomas Nagel, Progressive But Not Liberal, N.Y. REV. OF BOOKS, May 25, 2006, at 45. Similarly, philosopher Charles Larmore has argued that “our commitment to [liberal] democracy . . . cannot be understood except by appeal to a higher moral authority, which is the obligation to respect one another as persons.” Charles Larmore, The Moral Basis of Political Liberalism, 96 J. PHILO. 599, 625 (1999); see also Jeffrey Stout, A House Founded on the Sea: Is Democracy a Dictatorship of Relativism?, 13 COMMON KNOWLEDGE 385, 387 (2008) (“[D]emocracy, rightly understood, derives its legitimacy in part from the affirmation that the human person, unlike animals and things, cannot be subjected to domination by others.” (quoting POPE JOHN PAUL II, THE GOSPEL OF LIFE: EVANGELIUM VITAE 33 (1995))). Compare Samuel Brittan, Making Common Cause: How Liberals Differ, and What They Ought To Agree On, TIMES LIT. SUPP., Sept. 20, 1996, at 3, 4:

[P]erhaps the litmus test of whether the reader is in any sense a liberal or not is Gladstone’s foreign-policy speeches. In [one such speech,] taken from the late 1870s, around the time of the Midlothian campaign, [Gladstone] reminded his listeners that “the sanctity of life in the hill villages of Afghanistan among the winter snows, is as inviolable in the eye of almighty God as can be your own . . . that the law of mutual love is not limited by the shores of this island, is not limited by the boundaries of Christian civilization; that it passes over the whole surface of the earth, and embraces the meanest along with the greatest in its unmeasured scope.” By all means smile at the oratory. But anyone who sneers at the underlying message is not a liberal in any sense of that word worth preserving.

Listen, too, to Herman Melville:

But this august dignity I treat of, is not the dignity of kings and robes, but that abounding dignity that has no robed investiture. Thou shalt see it shining in the arm that wields a pick or drives a spike; that democratic dignity which, on all hands, radiates without end from God; Himself! The great God absolute! The centre and circumference of all democracy! His omnipresence, our divine equality!

HERMAN MELVILLE, Moby Dick 126 (Penguin Classics 2009).
ical-moral ideal: liberal democracy. Or, as Aidan O’Neill has termed it: post-Nuremberg democracy.  

To say that a democracy is committed to the proposition that every human being has inherent dignity and is inviolable is to say that in the political culture of the democracy, the proposition is axiomatic. To say that a democracy is committed to a human right against government is to say that in the legal system of the democracy, the right is recognized and protected as a fundamental legal right. More precisely, a democracy is committed to a human right against government, understood as a moral claim of a special sort—a moral claim about what government may not do to human beings, or about what government must do for human beings, given that every human being has inherent dignity and is inviolable—if in the legal system of the democracy the moral claim is recognized and protected as a fundamental legal claim.

I want to focus in this essay on the proposition to which, as I said, liberal democracy is, as such—as liberal democracy—committed: Every human being has inherent dignity and is inviolable. I call that proposition, for a reason that will soon be apparent, “the morality of human rights.”

I. The Morality of Human Rights

By “the morality of human rights,” I mean the morality that, according to the International Bill of Human Rights, is the principal ground of—the principal warrant for—the law of human rights. The morality of human rights is not the only ground of the law of human rights, but it is, according to the International Bill of Human Rights, the principal ground, as I am about to explain.

The International Bill of Human Rights, as it is known, consists of three documents: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights.

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6. Id. at 1. The Universal Declaration was adopted and proclaimed by the General Assembly of the United Nations on December 10, 1948. Id. The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which are treaties and as such are binding on the several state parties thereto, were meant, in part, to elaborate the various rights specified in the Universal Declaration. See id. at 2. The ICCPR and the ICESCR were each adopted and opened for signature, ratification, and accession by the General Assembly of the
The Universal Declaration refers, in its preamble, to “the inherent dignity . . . of all members of the human family” and states, in Article 1, that “[a]ll members of the human family are born free and equal in dignity and rights . . . and should act towards one another in a spirit of brotherhood.” The two covenants each refer, in their preambles, to “the inherent dignity . . . of all members of the human family” and to “the inherent dignity of the human person”—from which, the covenants insist, “the equal and inalienable rights of all members of the human family . . . derive.”

According to the International Bill of Human Rights, then—and also according to the constitutions of many liberal democracies—the morality of human rights consists of two connected claims, the first of which is this: Each and every (born) human being has equal inherent dignity.


7. The relevant wording of the two preambles is as follows:  
The State Parties to the present Covenant,  
Considering that . . . recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world,  
Recognizing that these rights derive from the inherent dignity of the human person.

. . . .

Agree upon the following articles: . . . .


9. As a descriptive matter, the morality of human rights holds not that every human being has inherent dignity, but only that every born human being has inherent dignity. See Michael J. Perry, Toward a Theory of Human Rights 54 (2007). Except when discussing
The Oxford English Dictionary gives this as the principal definition of “dignity”: “The quality of being worthy or honourable; worthiness, worth, nobleness, excellence.”

To say that every human being has “inherent” dignity is to say that the fundamental dignity every human being possesses, she possesses not as a member of one or another group (racial, ethnic, national, religious, etc.), not as a man or a woman, not as someone who has done or achieved something, and so on, but simply as a human being.

To say that every human being has “equal” inherent dignity is to say that, like being pregnant, being “inherently dignified” is not a condition that admits of degrees: Just as no pregnant woman can be more—or less—pregnant than another pregnant woman, no human being can have more—or less—inherent dignity than another human being. According to the morality of human rights, “[a]ll members of the human family are born . . . equal in dignity . . .” Hereafter, when I say “inherent dignity”, I mean “equal inherent dignity.”

This is the second claim: The inherent dignity of human beings has a normative force for us, in this sense: We should—every one of us—live our lives in accord with the fact that every human being

abortion, I generally bracket the born/unborn distinction and say simply that according to the morality of human rights, every human being has inherent dignity. I have argued elsewhere that one who affirms that every born human being has inherent dignity has good reason to affirm as well that every unborn human being has inherent dignity. See id. at 54–59.

10. OXFORD ENGLISH DICTIONARY 656 (2d ed. 1989).

11. The International Covenant on Civil and Political Rights, in Article 26, bans “discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” ICCPR, supra note 7, art. 26; see Peter Berger, On the Obsolescence of the Concept of Honor, in REVISIONS: CHANGING PERSPECTIVES IN MORAL PHILOSOPHY 172, 176 (Stanley Hauerwas & Alasdair MacIntyre eds., 1983) (“Dignity . . . always relates to the intrinsic humanity divested of all socially imposed roles or norms. It pertains to the self as such, to the individual regardless of his position in society. This becomes very clear in the classic formulations of human rights, from the Preamble to the Declaration of Independence to the Universal Declaration of Human Rights of the United Nations.”); cf. CHARLES E. CURRAN, CATHOLIC SOCIAL TEACHING: A HISTORICAL AND ETHICAL ANALYSIS 1891–PRESENT, at 132 (2002) (“Human dignity comes from God’s free gift; it does not depend on human effort, work, or accomplishments. All human beings have a fundamental, equal dignity because all share the generous gift of creation and redemption from God . . . . Consequently, all human beings have the same fundamental dignity, whether they are brown, black, red, or white; rich or poor; young or old; male or female; healthy or sick.”).

12. For a discussion of the concept of human dignity, and of the role the concept has played in various contexts (Western thought, legal discourse, judicial discourse, and transnational judicial conversations), see generally Christopher McCrudden, HUMAN DIGNITY AND JUDICIAL INTERPRETATION OF HUMAN RIGHTS, 19 EUR. J. OF INT’L L. 655 (2008), and Doron Shultziner, HUMAN DIGNITY—FUNCTIONS AND MEANINGS, 3 GLOBAL JURIST TOPICS 1 (2005). For a skeptical account of talk about human dignity, see Bagaric & Allan, supra note 8, at 269. “Dignity is a vacuous concept.” Id.
has inherent dignity; we should respect—we have conclusive reason to respect—the inherent dignity of every human being.

There is another way to state the second claim: Every human being is “inviolable”: not-to-be-violated.\(^{13}\) According to the morality of human rights, one can violate a human being either explicitly or implicitly. One violates a human being explicitly if one explicitly denies that she (or he) has inherent dignity. (The Nazis explicitly denied that the Jews had inherent dignity.\(^{14}\)) One violates a human being implicitly if one treats her as if she lacks inherent dignity, either by doing do to her what one would not do to her, or by refusing to do for her what one would not refuse to do for her, if one genuinely perceived her to have inherent dignity. (Even if the Nazis had not explicitly denied that the Jews had inherent dignity, they would have implicitly denied it: The Nazis did to the Jews what no one would have done to them who genuinely perceived the Jews to have inherent dignity.) In the context of the morality of human rights, to say that (1) every human being has inherent dignity and we should live our lives accordingly (namely, in a way that respects that dignity) is to say that (2) every human being has inherent dignity and is inviolable: not-to-be-violated, in the sense of “violate” just indicated. To affirm the morality of human rights is to affirm that every human being has inherent dignity and is inviolable.

II. A Religious Basis

One sometimes encounters the ignorant sentiment that persons of deep religious faith cannot truly embrace liberal democracy. My principal concern is with the liberal democracy of which I am a citizen: the United States. Most citizens of the United States are religious believers,\(^{15}\) and for most of them, their religious faith

\(^{13}\) For a general definition of what it means to say that one is “inviolable,” see OXFORD ENGLISH DICTIONARY, supra note 10, at 51 (“not to be violated; not liable or allowed to suffer violence; to be kept sacredly free from profanation, infraction, or assault”).


\(^{15}\) Of the world’s liberal democracies, the United States is one of the most religious. See Jeffrey L. Sheler, Faith in America, U.S. NEWS & WORLD REP., May 6, 2002, available at http://www.usnews.com/usnews/culture/articles/020506/archive_020704.htm (“The United States may well be, as many experts claim, the most religious of the Western democracies.”). Moreover, the United States, although predominantly Christian, has become one of the most religiously diverse countries in the world. See generally DIANA L. ECK, A NEW RELIGIOUS AMERICA: HOW A “CHRISTIAN COUNTRY” HAS BECOME THE WORLD’S MOST RELIG-
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gives them a powerful reason to hold liberal democracy within their embrace:

1. It is a part of the content of the religious faith of most citizens of the United States that every human being has inherent dignity and is inviolable.

2. A liberal democracy is, as such—as a liberal democracy—committed to the proposition that every human being has inherent dignity and is inviolable.

3. So the religious faith of most citizens of the United States gives them a powerful reason to embrace liberal democracy.

Let me elaborate.

The morality of human rights is as close to a global morality as we human beings have ever achieved (or probably will ever achieve); and, relatedly, the language of human rights has become the moral *lingua franca*. Nonetheless, this fundamental question remains: Is the morality of human rights true?

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16. See Jürgen Habermas, *Religion and Rationality: Essays on Reason, God, and Modernity* 153–54 (Eduardo Mendieta ed., 2002) (“Notwithstanding their European origins, . . . in Asia, Africa, and South America, [human rights now] constitute the only language in which the opponents and victim of murderous regimes and civil wars can raise their voices against violence, repression, and persecution, against injuries to their human dignity.”) The morality of human rights is not new; in one or another version, it is a very old morality. See Leszek Kolakowski, *Modernity on Endless Trial* 214 (1990):

It is often stressed that the idea of human rights is of recent origin, and that this is enough to dismiss its claims to timeless validity. In its contemporary form, the doctrine is certainly new, though it is arguable that it is a modern version of the natural law theory, whose origins we can trace back at least to the Stoic philosophers and, of course, to the Judaic and Christian sources of European culture. There is no substantial difference between proclaiming “the right to life” and stating that natural law forbids killing. Much as the concept may have been elaborated in the philosophy of the Enlightenment in its conflict with Christianity, the
Recall that the morality of human rights consists of two connected claims:

1. Every human being has (equal) inherent dignity.
2. Every human being is inviolable; that is, the inherent dignity that every human being has, has a normative force for us, in this sense: We should—every one of us—live our lives in accord with the fact that every human being has inherent dignity; we should respect—we have conclusive reason to respect—the inherent dignity of every human being.

If it is true, why is it true—in virtue of what is it true—both that every human being has inherent dignity and that we should live our lives accordingly? That the International Bill of Human Rights is (famously) silent on that question is not surprising, given the plurality of religious and nonreligious views that existed among those who bequeathed us the Universal Declaration and the two covenants.17

I am about to articulate a religious response to the question. For purposes of exposition, I attribute the religious response to an imaginary “Sarah,” who is a religious believer. No one who is not a religious believer will accept Sarah’s response (or any other religious response); indeed, even some who are religious believers will not accept it. Nonetheless, Sarah’s response is an intelligible, coherent response to the question, a response that for many religious believers is conclusive reason to live the kind of life the morality of human rights claims they (and we) should live.

Although she is a Christian, Sarah is sufficiently familiar with Judaism and Islam to know that her religious response, which she is about to elaborate, is not one that just Christians (not all Christians, but many) affirm; many religious Jews and Muslims affirm it

17. See generally Jacques Maritain, Introduction, in HUMAN RIGHTS: COMMENTS AND INTERPRETATION 9–17 (1949). Maritain notes the consensus of the UNESCO National Commission: “[W]e agree about the rights but on condition that no one asks us why,” id. at 9. However, Maritain was wrong: There was agreement not only about “the rights” but also about a part of the “why”: namely, that every human being has inherent dignity. Again, the Universal Declaration explicitly refers, in its preamble, to “the inherent dignity . . . of all members of the human family” and states, in Article 1, that “[a]ll members of the human family are born free and equal in dignity and rights . . . and should act towards one another in a spirit of brotherhood.” Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948). So Maritain should have said something to this effect: “We agree not only about the rights but also that every human being has inherent dignity—but on condition that no one asks us why every human being has inherent dignity.”
too.\textsuperscript{18} So, notwithstanding her Christian vocabulary and scriptural references, Sarah’s religious response is ecumenical as among the three great monotheistic faiths.\textsuperscript{19} 

Sarah affirms that every human being has inherent dignity and that we should live our lives accordingly. (For a reason that will soon be apparent, Sarah prefers to say that every human being “is sacred”. Nonetheless, for Sarah, each predicate—“has inherent dignity”, “is sacred”—is fully equivalent to the other; Sarah translates each predicate into the other without remainder.) In affirming this, Sarah affirms the morality of human rights. Predictably, Sarah’s affirmation provokes this question: “Why—in virtue of what—does every human being have inherent dignity?” Sarah gives a religious explanation: Speaking the words of The First Letter of John, Sarah says that “God is love.” (“Whoever fails to love does not know God, because God is love.”\textsuperscript{20} “God is love, and whoever remains in love remains in God and God in him.”\textsuperscript{21})

\textsuperscript{18} On Islam and the morality of human rights, see generally Recep Senturk, Sociology of Rights: “I am Therefore I have Rights”: Human Rights and Islam between Universalistic and Communalistic Perspectives, 2 Muslim World J. Hum. Rts. 1 (2005). \textit{See also} Khaled Abou El Fadl, Islam and the Challenge of Democratic Commitment, in DOES HUMAN RIGHTS NEED GOD? 58 (Elizabeth M. Bukar & Barbara Barnett eds., 2005). On Judaism and the morality of human rights, see Asher Maoz, Can Judaism Serve as a Source of Human Rights?, 64 Heidelberg J. Int’l L. 677, 680 (2004). \textit{See also} Michael Lerner, Jesus the Jew, Tikkun, May/June 2004, at 33–34: Jesus’ message of love is . . . an intrinsic part of Torah Judaism . . . . It was the Torah, not Jesus, that first taught “Thou shalt love thy neighbor as thyself” and “Thou shalt love the Lord your God with all your heart, with all your soul, and with all your might.” It was this same Judaism which taught a truly revolutionary message: “Thou shalt love the stranger” (Hebrew: \textit{ger}, which might also be translated as “The Other,” or “the Powerless one,” based on the follow-up point made in Torah, “Remember that you were a Ger in Egypt” when the Jewish people were enslaved). \textit{See generally} Robert Traer, Faith in Human Rights: Support in Religious Traditions for a Global Struggle (1991) (discussing broad support for human rights across a wide range of religious traditions).

\textsuperscript{19} If we listen carefully to what Sarah is about to say—and if we refrain from imputing to Sarah standard Christian positions on theological issues Sarah does not address, such as the divinity of Jesus—we will not assume that Sarah identifies herself as a Christian in the conventional sense (though for all we know she may).

\textsuperscript{20} 1 John 4:8 (The New Jerusalem Bible) (Doubleday 1985). Unless otherwise noted, the translations of biblical passages here and elsewhere in this article are those of The New Jerusalem Bible.

\textsuperscript{21} 1 John 4:16; \textit{see also} John D. Caputo, The Experience of God and the Axiology of the Impossible, in RELIGION AFTER METAPHYSICS 123, 138 (Mark A. Wrathall ed., 2003):

There is no name more closely associated in the Christian Scriptures with “God” than love. That is what God is, and this comes as close as the New Testament comes to a “definition” of God, as opposed to defining God ontologically in terms of possibility and actuality, essence and existence. Even so, it would be at best a quasi-definition because in saying that God is love one is not defining God in the sense of setting forth God’s limits and boundaries, but saying that God
Moreover, God’s act of creating and sustaining the universe is an act of love, and we human beings are the beloved children of God and sisters and brothers to one another. (As Hilary Putnam has noted, the moral image central to what Putnam calls the Jerusalem-based religions “stresse[s] equality and also fraternity, as in the metaphor of the whole human race as One Family, of all women and men as sisters and brothers.”) Every human being has inherent dignity, says Sarah, in the sense that every human being is a

is unbounded and unlimited and unconditional excess, for love is love only in excess and overflow, not in moderation.

So the experience of God is given in the experience of love. But love is perfect not when love is drawn around a closed circle of friends and intimates, which makes perfect sense and is perfectly possible, but precisely when love is stretched to the breaking point of loving when love is mad and impossible. The God of love and the God of the impossible seem like a nice fit, a kind of pre-fit.

22. Simone Weil wrote: “God created through love and for love. God did not create anything except love itself, and the means to love.” Simone Weil, Waiting for God 123 (Emma Craufurd trans., Harper Colophon ed., 1973) (1951). Sarah doesn’t mean to put much weight on the distinction between (a) God’s “creating” and (b) God’s “sustaining” the universe. See Brian Davies, Creationism and All That, The Tablet, May 11, 2002, at 16:

In the thirteenth century, St Thomas Aquinas, though himself believing that the world had a beginning, argued that this is seriously irrelevant to the doctrine of creation. He said that to believe that the world is created is chiefly to believe that its being there at all and at any time is God’s doing.

And this, too, is what we find biblical authors teaching . . . . In these texts God is intimately involved with the world as its ever-present cause.

At the end of his Tractatus Logico-Philosophicus Ludwig Wittgenstein wrote: “Not how the world is, is the mystical, but that it is.” For Wittgenstein, how the world is is a scientific matter with scientific answers (even if we do not have all the answers as yet). But, he insists, even when the scientific answers are in, we are still left with the thatness of the world, the fact it is. And it is with this fact that we surely need to grapple if we are reasonably to arrive at the notion of creation apart from the testimony of Scripture.


[It is the [altruistic] perspective itself that constitutes the heart of altruism. Without this particular perspective, there are no altruists . . . . [The perspective] consists of a common perception, held by all altruists, that they are strongly linked to others through a shared humanity. This self-perception constitutes such a central core to altruists’ identity that it leaves them with no choice in their behavior toward others. They are John Donne’s people. All life concerns them. Any death diminishes them. Because they are a part of mankind.

24. Hilary Putnam, The Many Faces of Realism 60–61 (1987). In an essay on The Spirituality of The Talmud, Ben Zion Bokser and Baruch M. Bokser state: “From this conception of man’s place in the universe comes the sense of the supreme sanctity of all human life. ‘He who destroys one person has dealt a blow at the entire universe, and he who saves or sustains one person has sustained the whole world.’” Ben Zion Bokser & Baruch M. Bokser, Introduction: The Spirituality of the Talmud, in The Talmud: Selected Writings 7, 30 (1989) (footnote omitted). They continue:

The sanctity of life is not a function of national origin, religious affiliation, or social status. In the sight of God, the humble citizen is the equal of the person who occupies the highest office. As one talmudist put it: “Heaven and earth I call to witness, whether it be an Israelite or pagan, man or woman, slave or maidservant, according to the work of every human being doth the Holy Spirit rest upon him.” . . . As the rabbis put it: “We are obligated to feed non-Jews residing among us even as we feed Jews; we are obligated to visit their sick even as we visit the
beloved child of God and a sister/brother to every other human
being.\textsuperscript{25} Sarah is fully aware that she is speaking analogically, but
that’s the best anyone can do, she insists, in speaking about who/
what God is\textsuperscript{26}—as in “Gracious God, gentle in your power and
strong in your tenderness, you have brought us forth from the
womb of your being and breathed into us the breath of life.”\textsuperscript{27}

Sarah’s explanation provokes a yet further question, about the
ground of the normativity—of the “should”—in the claim that we
should live our lives in a way that respects the inherent dignity of
every human being: “I’ll assume, for the sake of our discussion,
that every human being has inherent dignity in the sense that every
human being is a beloved child of God and a sister/brother to
every other human being. So what? Why should it matter to me—
to the way I live my life—that every human being has inherent dig-

\textsuperscript{25} Id. at 30-31.

\textsuperscript{26} Cf. DANIEL C. DENNETT, DARWIN’S DANGEROUS IDEA: EVOLUTION AND THE MEANINGS
OF LIFE 474 n.5 (1995) (quoting Lee Kuan Yew, Senior Minister of Singapore, on the outcry over the sentence of flogging given to Michael Fay for vandalism: “To us in Asia, an individual is an ant. To you, he’s a child of God. It is an amazing concept.”).

\textsuperscript{27} U NITED CHURCH OF C HRIST, BOOK OF W ORSHIP 111 (1986).

\textit{analogy}, a comparison in the form of “A is to B as C is to D,” e.g., God is to the
world as the artist is to her work.”

All theological language is analogous since we can compare God only to the cre-
ated things we know; we cannot speak of God except in human terms. The
Fourth Lateran Council (1215) declared that “No similarity can be found so great
but that the dissimilarity is even greater” (DS 806). Thus every similarity between
God and creatures (God is wise; humans are wise) is understood to include a
greater dissimilarity (God’s wisdom is unlike human wisdom in that it infinitely
surpasses it). Thomas Aquinas (d. 1274) is particularly well known for developing
the role of analogy in theological discourse.

(Not all theological language is analogical, however; some is negative: e.g., God is not
finite, God is not comprehensible.) Continuing to speak analogically, Sarah says that every
human being is created “in the image of God.” See id. at 654:

\textit{imago Dei} (Lat., “image of God”), theological concept that denotes the likeness
of the human creature to God. According to Gen 1:26, humanity was created “in
[God’s] image, according to [God’s] likeness.” Found sparsely in the Hebrew
Scriptures, the word “image” was often used in Pauline writings in the NT to
interpret Christ’s work and became central to early Christian reflections on the
human condition, the meaning of redemption in Christ, and hope for
humankind. . . .

Early theologians did not consistently separate “image” from “likeness” in inter-
preting human existence, and they saw the image of God variously in God’s intel-
lect, the capacity for moral decision, and the ability to rule over creation; but
these theologians usually agreed that it implied a kinship between God and
humankind and a call for the imitation of God.

For a discussion of different understandings and uses of the “image of God” language, see

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nity, that every human being is a beloved child of God and a sister/brother to me? Why should I respect—why should I want to be a person who respects—the inherent dignity of every human being?” In responding to this important question about the ground of normativity, Sarah—who “understands the authority of moral claims to be warranted not by divine dictates but by their contribution to human flourishing”28—states her belief that the God who loves us has created us to love one another. (We are created not only to achieve union, in love, with one another; we are also created, Sarah believes, to achieve union, in love, with God. Sarah understands that state to be “not an ontological unity such that either the lover or the beloved ceases to have his own individual existence[, but rather] a unity at the level of affection or will by which one person affectively takes the other to be part of himself and the goods of the other to be his own goods.”29) Given our created nature—given what we have been created for—the most fitting way of life for us human beings, the most deeply satisfying way of life of which we are capable, as children of God and sisters and brothers to one another, is one in which we embrace Jesus’ “new” commandment, reported in John 13:34, to “love one another . . . just as I have loved you.”30 By becoming persons of a certain sort—persons who discern one another as bearers of inherent dignity and love one another as such—we fulfill our created nature.31 “We are well aware that we have passed over from death


In the course of reviewing recent work on the biological roots of morality, Stephen Pope contrasts divine command approaches to ethics to the revised natural law theory currently being developed by some contemporary Catholic moral theologians, including himself, observing that this latter approach “understands the authority of moral claims to be warranted not by divine dictates but by their contribution to human flourishing.” The Thomistic theory of natural law to be developed here shares in this fundamental approach, insofar as it takes happiness to be the aim of, and correlative to the ultimate criterion for, moral behavior.

Id.


30. For Christians, the basic shape of the good life is indicated by the instruction given by Jesus at a Passover seder on the eve of his execution: “I give you a new commandment: love one another; you must love one another just as I have loved you.” John 15:34; see also John 15:12, 17.

31. In his book After Theory, Terry Eagleton writes, “Aristotle thought that there was a particular way of living which allowed us . . . to be at our best for the kind of creatures we are. This was the life conducted according to the virtues. The Judaeo-Christian tradition considers that it is the life of charity or love. What this means . . . is that we become the occasion of each other’s self-realization. It is only through being the means of your self-
to life because we love our brothers. Whoever does not love, remains in death.” (1 John 3:14.) Indeed, Sarah believes that in fulfillment that I can attain my own . . . .” Terry Eagleton, After Theory 122 (2004), quoted in David Lodge, Goodbye to All That, N.Y. Rev. of Books, May 27, 2004, at 39, 41.

32. 1 John 3:14. In the Gospel, there are two great commandments, not one. See Matthew 22:34–40 (“But when the Pharisees heard that he had silenced the Sadducees they got together and, to put him to the test, one of them put a further question, ‘Master, which is the greatest commandment of the Law?’ Jesus said to him, ‘You must love the Lord your God with all your heart, with all your soul, and with all your mind. This is the greatest and the first commandment. The second resembles it; You must love your neighbor as yourself. On these two commandments hang the whole Law, and the Prophets too.’”); see also Mark 12:28–34; Luke 10:25–28; cf. J.L. Mackie, Ethics: Inventing Right and Wrong 243 (1977) (“D.D. Raphael, in ‘The Standard of Morals’, in Proceedings of the Aristotelian Society 75 (1974–75) follows Edward Ullendorff in pointing out that whereas ‘Thou shalt love thy neighbor as thyself’ represents the Greek of the Septuagint (Leviticus 19:18) and of the New Testament, the Hebrew from which the former is derived means rather ‘You shall treat your neighbor lovingly, for he is like yourself.’”).

What is the relation between the two commandments? In the view of great German Catholic theologian Karl Rahner, not only is there no tension between the commandment to love God and the commandment to love one another, there is “a radical identity of the two loves.” Karl Rahner, Theological Investigations 234–36 (1969). In his Reflections on the Unity of the Love of Neighbor and the Love of God, Rahner wrote: “It is radically true, i.e. by an ontological and not merely ‘moral’ or psychological necessity, that whoever does not love the brother whom he sees, also cannot love God whom he does not see, and that one can love God whom one does not see only by loving one’s visible brother lovingly.” Id. at 247. Rahner’s reference is to a passage in John’s First Letter in which it is written: “Anyone who says ‘I love God’ and hates his brother, is a liar, since whoever does not love the brother whom he can see cannot love God whom he has not seen.” 1 John 4:20. In Rahner’s view, it is only by loving one’s neighbor that one has achieves the ontological/existential state of being/consciousness that constitutes “love of God”, even though one may not “believe in God.” See Rahner, supra note 32, at 238–39. If Rahner is right, then there is, in the following sense, not two great commandments, but one: Compliance with the first great commandment (to love God) requires compliance with the second (to love one another), and compliance with the second entails compliance with the first. See id. at 232. Consider, in that regard, the Last Judgment passage in Matthew’s Gospel:

When the Son of man comes in his glory, escorted by all the angels, then he will take his seat on his throne of glory. All nations will be assembled before him and he will separate people from one another as the shepherd separates sheep from goats. He will place the sheep on his right hand and the goats on his left. Then the King will say to those on his right hand, “Come, you whom my Father has blessed, take as your heritage the kingdom prepared for you since the foundation of the world. For I was hungry and you gave me food, I was thirsty and you gave me drink, I was a stranger and you made me welcome, lacking clothes and you clothed me, sick and you visited me, in prison and you came to see me.” Then the upright will say to him in reply, “Lord, when did we see you hungry and feed you, or thirsty and give you drink? When did we see you a stranger and make you welcome, lacking clothes and clothe you? When did we find you sick or in prison and go to see you?” And the King will answer, “In truth I tell you, in so far as you did this to one of the least of these brothers of mine, you did it to me.” Then he will say to those on his left hand, “Go away from me, with your curse upon you, to the eternal fire prepared for the devil and his angels. For I was hungry and you never gave me food, I was thirsty and you never gave me anything to drink, I was a stranger and you never made me welcome, lacking clothes and you never clothed me, sick and in prison and you never visited me.” Then it will be their turn to ask, “Lord, when did we see you hungry or thirsty, a stranger or lacking clothes, sick or
some situations, we love most truly and fully—and therefore we live most truly and fully—by taking the path that will probably or even certainly lead to our dying. “No one can have greater love than to lay down his life for his friends.” (John 15:13.)

(Sarah also believes that the ultimate fulfillment of our created nature—which, Sarah believes, is mystical union, in love, with God and with one another—can be neither fully achieved nor even fully understood in our earthly life. “Now we see only reflections in a mirror, mere riddles, but then we shall be seeing face to face. Now, I can know only imperfectly; but then I shall know just as fully as I am myself known.” (I Corinthians 13:12.) But in our earthly life, Sarah believes, we can make an important beginning.)

in prison, and did not come to your help?” Then he will answer, “In truth I tell you, in so far as you neglected to do this to one of the least of these, you neglected to do it to me.” And they will go away to eternal punishment, and the upright to eternal life.

Matthew 25:31–46. In Matthew’s Gospel, these are Jesus’ final words to his disciples before the beginning of the passion narrative. See id. Matthew 26:1–2 states: “Jesus had now finished all he wanted to say, and he told his disciples, ‘It will be Passover, as you know, in two days’ time, and the Son of Man will be handed over to be crucified.’” Matthew 26:1–2.

It seems to follow, from Rahner’s view, that it is a mistake, a confusion, to say that we should love one another because we love, or should love, God and God wants us to—or because we fear, or should fear, God and God wants us to. We should say, instead, that for us to love one another is also for us to love God—and that we should achieve the ontological/existential state of being/consciousness that constitutes “love of one another” (= “love of God”) because that state is the highest human good; to have achieved that radically unalienated condition is to have become truly, fully human.


The central doctrine of Christianity . . . is, in the words of the late Dominican theologian Herbert McCabe, that if you don’t love you’re dead, and if you do, they’ll kill you. Here, then, is your pie in the sky and opium of the people. It was, of course, Marx who coined that last phrase; but Marx, who in the same passage described religion as the ‘heart of a heartless world, the soul of soulless conditions,’ was rather more judicious and dialectical in his judgment on it than the lunging, flailing, mispunching Dawkins.


35. See Byron L. Sherwin, Jesus and the World to Come, First Things, June/July 2006, at 14–15; cf. Graham Greene, Monsignor Quixote 221 (1982): “The Mayor didn’t speak again before they reached Orense; an idea quite strange to him had lodged in his brain. Why is it that the hate of a man—even of a man like Franco—dies with his death, and yet love, the love which he had begun to feel for Father Quixote, seemed now to live and grow in spite of the final separation and the final silence—for how long, he wondered with a kind of fear, was it possible for that love of his to continue? And to what end?”

36. Compare, to Sarah’s eschatological vision, the view of Jürgen Habermas:
The “love” in Jesus’ counsel to “love one another” is not eros or philia, but agape.37 To love another in the sense of agape is to see her (or him) in a certain way (namely, as child of God and sister/brother to oneself) and, therefore, to act toward her in a certain way.38 Agape “discloses to us the full humanity of others. To become properly aware of that full humanity is to become incapable of treating it with contempt, cruelty, or indifference. The full awareness of others’ humanity that love involves is an essentially motivating perception.”39

[By confronting] the conscientious question about deliverance for the annihilated victims[,] we become aware of the limits of that transcendence from within which is directed to this world. But this does not enable us to ascertain the countermovement of a compensating transcendence from beyond. That the universal covenant of fellowship would be able to be effective retroactively, toward the past, only in the weak medium of our memory, of the remembrance of the living generations, and of the anamnestic witnesses handed down falls short of our moral need. But the painful experience of a deficit is still not a sufficient argument for the assumption of an “absolute freedom which saves in death.”

HABERMAS, supra note 16, at 80.


38. For Sarah, to love another, in the sense of agape, is not to feel a certain way but to act in a certain way. Cf. Jeffrie G. Murphy, Law Like Love, 55 SYRACUSE L. REV. 15, 21 (2004):

There are, of course, many fascinating questions that could be raised about the love commandment. Does it command love as an emotion or simply that we act in a certain way? Kant, convinced that we can be morally bound only to that which is in our control . . ., called emotional love pathological love and claimed that it could not be our duty to feel it. What is actually commanded he called practical love—which is simply acting morally as Kant conceived acting morally. Murphy explained to me in discussion that by “pathological” (which is the English word commonly used to translate the German word Kant used) Kant did not mean diseased or sick, but simply something from our passions with respect to which we are passive and thus not in voluntary control.

39. Timothy Chappell, Book Review, 111 MIND 411, 412 (2002) (reviewing RAiMO GAITA, A COMMON HUMANITY: THINKING ABOUT LOVE AND TRUTH AND JUSTICE (2000)). Chappell is here describing “Gaita’s view” and says that it is “reminiscent of course of Simone Weil and Iris Murdoch.” Id.; see also GAita, supra, at xxxiii:

Iris Murdoch said that understanding the reality of another person is a work of love, justice and pity. She meant, I believe, that love, justice and pity are forms of understanding rather than merely conditions that facilitate understanding—conditions like a clear head, a good night’s sleep, an alcohol-free brain. Real love is hard in the sense of hardheaded and unsentimental. In ridding oneself of sentimentality, pathos and similar afflictions, one is allowing justice, love and pity to
The “one another” in Jesus’ counsel is radically inclusive: “You have heard how it was said, You will love your neighbor and hate your enemy. But I say this to you, love your enemies and pray for those who persecute you; so that you may be children of your Father in heaven, for he causes his sun to rise on the bad as well as the good, and sends down rain to fall on the upright and the wicked alike. . . . You must therefore set no bounds to your love, just as your heavenly Father sets none to his.”

As it happens, Sarah embodies Jesus’ extravagant counsel to “love one another just as I have loved you.” She loves all human beings. Sarah loves even “the Other”: She loves not only those for whom she has personal affection, or those with whom she works or has other dealings, or those among whom she lives; she loves even those who are most remote, who are unfamiliar, strange, alien, those who, because they are so distant or weak or both, will never play any concrete role, for good or ill, in Sarah’s life. Sarah loves do their cognitive work, their work of disclosing reality. It is the same love, [Simone] Weil tells us, that sees what is invisible.

Cf. Alain Finkielkraut, In the Name of Humanity: Reflections on the Twentieth Century 2 (Judith Friedlander trans., 2000) (1996) (commenting on Primo Levi’s encounter, at Auschwitz, with the German chemist Doktor Engineer Pannwitz): “To Doktor Pannwitz, the prisoner standing there [Levi], before the desk of his examiner, is not a frightened and miserable man. He is not a dangerous or inferior or loathsome man either, condemned to prison, torture, punishment, or death. He is, quite simply, not a man at all.”

40. Matthew 5:43–48; see also Luke 6:27–35. Recall here the Parable of the Good Samaritan:

But the man was anxious to justify himself and said to Jesus, “And who is my neighbour?” In answer Jesus said, “A man was once on his way down from Jerusalem to Jericho and fell into the hands of bandits; they stripped him, beat him and then made off, leaving him half dead. Now a priest happened to be travelling down the same road, but when he saw the man, he passed by on the other side. In the same way a Levite who came to the place saw him, and passed by on the other side. But a Samaritan traveller who came on him was moved with compassion when he saw him. He went up to him and bandaged his wounds, pouring oil and wine on them. He then lifted him onto his own mount and took him to an inn and looked after him. The next day, he took out two denarii and handed them to the innkeeper and said, ‘Look after him, and on my way back I will make good any extra expense you have.’ Which of these three, do you think, proved himself a neighbour to the man who fell into the bandits’ hands?” [The man] replied, “The one who showed pity towards him.” Jesus said to him, “Go, and do the same yourself.”

Luke 10:29–37. In The New Jerusalem Bible, a note attached to “Samaritan” explains that “[t]he contrast is between the element in Israel most strictly bound to the law of love, and the heretic and stranger, . . . from whom normally only hate could be expected.” Luke 10:33 n.h.

41. See Norman Geras, The Contract of Mutual Indifference: Political Philosophy after the Holocaust 67 (1998) (“The claims of the intimate circle are real and important enough. Yet the movement from intimacy, and to faces we do not know, still caries the ring of a certain local confinement. For there are the people as well whose faces we never encounter, but whom we have ample means of knowing about. . . . [T]heir claims too, in trouble, unheeded, are a cause for shame.”).
even those from whom she is most estranged and toward whom she feels most antagonistic: those whose ideologies and projects and acts she judges to be not merely morally objectionable, but morally abominable. Sarah loves even her enemies; indeed, Sarah loves even those who have violated her, who have failed to respect her inherent dignity. Sarah is fond of quoting Graham Greene to her incredulous friends: “When you visualized a man or a woman carefully, you could always begin to feel pity . . . When you saw the . . . corners of the eyes, the shape of the mouth, how the hair grew, it was impossible to hate. Hate was just a failure of imagination.”

Such love—such a state of being, such an orientation in the world—is, obviously, an ideal. Moreover, it is, for most human beings, an extremely demanding ideal; for many persons, it is also an implausible ideal. Why should anyone embrace the ideal? Why should anyone want to be (or to become) such a person—a person who, like Sarah, loves even the Other? This is, existentially if not intellectually, the fundamental moral question for anyone:

42. See GAITA, supra note 39, at xviii–xix (“[T]he language of love . . . compels us to affirm that even . . . the most radical evil-doers, are fully our fellow human beings.”).

43. GRAHAM GREENE, THE POWER AND THE GLORY 131 (Penguin Books 2003) (1940); see also DENISE LEVERTOV, THE POET IN THE WORLD 53 (New Direction Books 1973) (1960) (“Man’s capacity for evil . . . is less a positive capacity . . . than a failure to develop man’s most fundamental human function, the imagination, to its fullness, and consequently a failure to develop compassion.”). For a dissenting view on hate, see Meir Y. Soloveichik, The Virtue of Hate, FIRST THINGS, Feb. 2003, at 41. As the Chronicle of Higher Education stated, in an e-mail notice on this article dated February 13, 2003:

Rabbi Soloveichik asks: “Is an utterly evil man . . . deserving of a theist’s love?” and, reflecting on his conversations with Christian clergymen, concludes that there is “no minimizing the difference between Judaism and Christianity on whether hate can be virtuous.” He examines the “theological underpinnings” for each faith’s approach to hate and notes that “the crucifixion is a story of a loving God seeking humanity’s salvation,” but that “not a single Jewish source asserts that God deeply desires to save all humanity.”

44. It seems to have been an implausible ideal for Ivan Karamazov:

I have never been able to understand how it was possible to love one’s neighbors. And I mean precisely one’s neighbors, because I can conceive of the possibility of loving those who are far away. I read somewhere about a saint, John the Merciful, who, when a hungry frozen beggar came to him and asked him to warm him, lay down with him, put his arms around him, and breathed into the man’s reeking mouth that was festering with the sores of some horrible disease. I am convinced that he did so in a state of frenzy, that it was a false gesture, that this act of love was dictated by some self-imposed penance. If I must love my fellow man, he had better hide himself, for no sooner do I see his face than there’s an end to my love for him.

Why should I want to be the kind of person who makes the choices, who does the things, I am being told I should make/do. And, in fact, Sarah’s interlocutor presses her with this question: “Why should I want to be the kind of person who, like you, loves the Other? What reason do I have to do that?” Because that is essentially the question about the ground of the normativity in the claim that we should live our lives in a way that respects the inherent dignity of every human being, Sarah is puzzled; she thought that she had already answered the question. Sarah patiently rehearses her answer, an answer that appeals ultimately to one’s commitment to one’s own authentic well-being: “The most deeply satisfying way of life of which we are capable is one in which we ‘love one another just as I have loved you.’ By becoming persons who love one another, we fulfill—we perfect—our created nature and thereby achieve our truest, deepest, most enduring happiness.”

It is now Sarah’s turn to ask a question of her interlocutor: “What further reason could you possibly want for becoming (or remaining) the kind of person who loves the Other?”

When he was deliberating about how to live, St. Augustine asked, “What does anything matter, if it does not have to do with happiness?” His question requires explanation, because he is not advising selfishness nor the reduction of other people to utilities, and even qualification, because other things can have some weight. All the same, the answer he expects is obviously right: only a happy life matters conclusively. If I had a clear view of it, I could have no motive to decline it, I could regret nothing by accepting it, I would have nothing about which to deliberate further.

45. Thus, Sarah rejects as false Vacek’s distinction between “natural-law ethics” and “mutual-love ethics.” See Edward Collins Vacek, Divine-Command, Natural-Law, and Mutual-Love Ethics, 57 THEOLOGICAL STUDIES 633, 633 (1996) (“In natural-law ethics, something is right because it fulfills human nature, and the task is to discover and realize that nature. In mutual-love ethics, something is finally right because it is appropriate to our love relationship with God, and the fundamental moral task is to live in accord with this relationship.”). For Sarah, what fulfills human nature is to live in a relationship of love with God and with other human beings. Vacek’s “mutual-love ethics” seems to me better understood not as an alternative to, but as a version of, “natural-law ethics.” For an excellent explication of Aquinas’s understanding of the relation between self-love and other-love (and also between self-love and love of God), see generally Gallagher, supra note 29; see also Porter, supra note 28, at 209–10.

46. Stephen Scott, Motive and Justification, 85 J. Phil. 479, 499 (1988). On the term “happiness,” see Julia Annas, Virtue and Eudaimonism, 15 Soc. Phil. & Pol’y 37, 53 n.35 (1998) (“Despite the differences between eudaimonia and happiness which I have explored in this essay, and which are striking to philosophers reflecting on virtue and happiness, ‘happiness’ is clearly the correct translation for eudaimonia in ancient literature of all kinds, and it would be a mistake to conclude that we should translate
A clarification may be helpful here. Does Sarah do what she does for the Other—for example, does she contribute to Bread for the World as a way of feeding the hungry—for a self-regarding reason? Does she do so, say, because it makes her happy to do so? No. Although feeding the hungry does make Sarah happy, that is not why she does it. Given the kind of person she is, the reason—the other-regarding reason—Sarah feeds the hungry is this: “The hungry are my sisters and brothers; I love them.” Now, a different question: Why is Sarah committed to being the kind of person she is, and why does she believe that everyone should want to be such a person? Pace Augustine, Sarah’s answer to that question is self-regarding: “As persons who love one another, we fulfill our created nature and thereby achieve our truest, deepest, most enduring happiness.”47 According to Sarah, it is not individual acts of love that necessarily make one happy; it is, rather, becoming a person who loves the Other “just as I have loved you.” “[S]elf-fulfillment happens when we are engaged from beyond ourselves. Self-fulfillment ultimately depends on self-transcendence. This is essentially the claim that is made by religion, that the meaning of our lives is to be found beyond ourselves.”48


The Greek eudaimonia is always translated “happiness,” which is unfortunate, for the meaning we attach to the word happiness is thin indeed compared to what the ancients meant by eudaimonia. Fulfillment might be a better term, though this, too, fails to capture the richness of the original term.

. . .

The concept of happiness in modern philosophy, as well as in popular thinking, is superficial indeed in comparison.

47. Sarah’s eudaimonistic, love-animated morality will not sit well with those whose thinking is under the influence of Kant. For an insightful, clarifying discussion of how sharply Kant’s understanding of happiness differs from Aristotle’s, see James Bernard Murphy, Practical Reason and Moral Psychology in Aristotle and Kant, 18 SOC. PHIL. & POLY 257, 273–76 (2001).

48. GRANT, supra note 37, at xix. Sarah agrees with Grant. She understands Aquinas to have defended substantially the same position. See Porter, supra note 28, at 210; Gallagher, supra note 29, at 41; cf. David O. Brink, A Puzzle about the Rational Authority of Morality, 6 PHILO. PERSP. 1, 22 (1992) (“Unless agent-neutral reasons are necessarily superior reasons, the best solution would be to argue that agent-relative reasons, properly understood, support other-regarding moral requirements as well. So friends of agent-neutrality would do well to cultivate the resources of strategic and metaphysical egoists, even if they reject the rational egoist assumption that all reasons for action are agent-relative.”). For Brink’s discussion of “metaphysical egoism,” see id. at 18-22; David O. Brink, Self-Love and Altruism, 14 SOC. PHIL. & POLY 122, 123-24 (1997). Augustine, Aquinas, and Sarah are all what Brink calls “metaphysical egoists.” So too, apparently, are some “neo-Confucian” thinkers. See Yong Huang, ‘Why Be Moral?’ The Cheng Brothers’ Neo-Confucian Answer, 36 J. RELIGIOUS ETHICS 321, 347–48 (2008).
It bears emphasis that Sarah does not believe that she should be the kind of person she is because God has issued a command to her to be that kind of person—a command that, because God is entitled to rule, to legislate, she is obligated to obey. For Sarah, God is not best understood in such terms. A theistic religious vision does not necessarily include, though some conventional theistic religious visions do include, a conception of God as supreme legislator, issuing directives for human conduct.49 For Sarah, for whom God is love, not supreme legislator, some choices are good for us to make (or not to make)—and, therefore, we ought (or ought not) to make them—not because God commands (or forbids) them, but because God is who God is, because the universe—the universe created and sustained by God who is love in an act that is an expression of God/love—is what it is, and, in particular, because we human beings are who we are. For Sarah, “[t]he Law of God is not what God legislates but what God is, just as the Law of Gravity is not what gravity legislates but what gravity is.”50 Sarah believes that because God is who God is, because the universe is what it is, and because we are who we are, and not because of anything commanded by God as supreme legislator, the most fitting way of life for us human beings—the most deeply satisfying way of life of which we are capable—is one in which we children of God, we sisters and brothers, “love one another just as I have loved you.”

Sarah’s religious worldview reminds us that in the real world, if not in every academic moralist’s study, fundamental moral questions are intimately related to religious (or metaphysical) questions; there is no way to address fundamental moral questions without also addressing, if only implicitly, religious questions.51 (That is not to say that one must give a religious answer to a religious question, like the question, for example, Does God exist?)

49. Indeed, for some religious believers, such a “God” is an idol. Cf. Charles Larmore, Beyond Religion and Enlightenment, 30 San Diego L. Rev. 799, 799–802 (1993).
50. John Dominic Crossan, Case Against Manifesto, 5 L. Text Culture 129, 144 (2000). For a version of Divine Command Theory—albeit, an unconventional version—that has a strong affinity with Sarah’s moral “theory,” see Martin Kavka & Randi Rashkover, A Jewish Modified Divine Command Theory, 32 J. Religious Ethics 387, 411 (2004). In discussion, Recep Senturk said that he does not see any conflict between a loving God and a legislating God. The holy scriptures of Judaism, Christianity, and Islam (Senturk said) always portray God as both a loving God and a legislating God. I do not mean to suggest that there is a conflict. For Sarah, nonetheless, “the Law of God is not what God legislates but what God is, just as the Law of Gravity is not what gravity legislates but what gravity is.” Crossan, supra, at 144; cf. Kavka & Rashkover, supra note 50, at 411 (“[W]e think that there is no philosophical ground for understanding ‘obedience to God’ in the sense . . . [of] ‘obedience to propositional sentences uttered by God.’”).
Obviously many people do not give religious answers to religious questions. In the real world, one’s response to fundamental moral questions has long been intimately bound up with one’s response—one’s answers—to certain other fundamental questions: Who are we? Where did we come from; what is our origin, our beginning? Where are we going; what is our destiny, our end? What is the meaning of suffering? Of evil? Of death? And there is the cardinal question, the question that comprises many of the others: Is human life ultimately meaningful or, instead, ultimately bereft of meaning, meaning-less, absurd? If any questions are

52. Jürgen Habermas has acknowledged “that a philosophy that thinks postmetaphysically cannot answer the question that [David] Tracy . . . calls attention to: why be moral at all?” Habermas, supra note 16, at 81. What Habermas then goes on to say is really quite remarkable:

At the same time, however, this philosophy can show why this question does not arise meaningfully for communicatively socialized individuals. We acquire our moral intuitions in our parents’ home, not in school. And moral insights tell us that we do not have any good reasons for behaving otherwise: for this, no self-surpassing of morality is necessary. It is true that we often behave otherwise, but we do so with a bad conscience. The first half of the sentence attests to the weakness of the motivational power of good reasons; the second half attests that rational motivation by reasons is more than nothing [auch nicht nichts ist]—moral convictions do not allow themselves to be overridden without resistance.

Id. Let’s put aside the fact that “we” acquire our moral “intuitions” in many places besides (or in addition to) our parents’ home—in the streets, for example. The more important point, for present purposes, is that we don’t all acquire the same moral intuitions. Some of us acquire moral intuitions that enable us to ignore, and perhaps even to brutalize, the Other without any pangs of “conscience.” It is incredible that in the waning days of this unbearably brutal century, Habermas—writing in Germany of all places—could suggest otherwise. We need not even look at the oppressors themselves; we need look only at those whose passivity makes them complicitors. The real world is full of what Primo Levi called “us-ism”:

Those on the Rosenstrasse who risked their lives for Jews did not express opposition to anti-Semitic policies per se. They displayed primarily what the late Primo Levi, a survivor of Auschwitz, called “selfishness extended to the person closest to you . . . us-ism.” In most of the stories that I have heard of Aryans who risked their lives for Jews to whom they were married, they withdrew to safety, one by one, the moment their loved ones were released. Their protests bring home to us the iron limits, the tragically narrow borders, of us-ism.


53. “In an old rabbinic text three other questions are suggested: ‘Whence did you come? ’ ‘Whither are you going? ’ ‘Before whom are you destined to give account?’ ” Abra- ham J. Heschel, Who Is Man? 28 (1965). “All people by nature desire to know the mystery from which they come and to which they go.” Denise Lardner Carmody & John Tully Carmody, Western Ways to the Center: An Introduction to Western Religion 198–99 (1983). “The questions Tolstoy asked, and Gauguin in, say, his great Tahiti triptych, com- pleted just before he died (‘Where Do We Come From? What Are We? Where Are We Going?’), are the eternal questions children ask more intensely, unremittingly, and subly than we sometimes imagine.” Robert Coles, The Spiritual Life of Children 57 (1990).

54. Communities, especially historically extended communities (“traditions”) are the principal matrices of religious answers to such questions:
fundamental, these questions—"religious or limit questions"—are fundamental. Such questions—"naive" questions, "questions with no answers", "barriers that cannot be breached"—are "the most serious and difficult . . . that any human being or society must face . . . ." John Paul II was surely right in his encyclical, Fides et Ratio, that such questions "have their common source in the quest for meaning which has always compelled the human heart" and that "the answer given to these questions decides the direction which people seek to give to their lives."

Not the individual man, nor a single generation by its own power, can erect the bridge that leads to God. Faith is the achievement of many generations, an effort accumulated over centuries. Many of its ideas are as the light of the star that left its source a long time ago. Many enigmatic songs, unfathomable today, are the resonance of voices of bygone times. There is a collective memory of God in the human spirit, and it is this memory which is the main source of our faith.

Perry, supra note *, at 43 n.43 (quoting Abraham Heschel, Faith, THE RECONSTRUCTIONIST, Nov. 3 & 17, 1944. For a later statement on faith, incorporating some of the original essay, see ABRAHAM JOSHUA HESCHEL, MAN IS NOT ALONE 159–76 (1951).


56. In Milan Kundera’s The Unbearable Lightness of Being, the narrator, referring to the “questions that had been going through Tereza’s head since she was a child,” says: [T]he only truly serious questions are ones that even a child can formulate. Only the most naive of questions are truly serious. They are the questions with no answers. A question with no answer is a barrier than cannot be breached. In other words, it is questions with no answers that set the limits of human possibilities, describe the boundaries of human existence.


57. DAVID TRACY, THE ANALOGICAL IMAGINATION 4 (1981). Tracy adds: “To formulate such questions honestly and well, to respond to them with passion and rigor, is the work of all theology.” Tracy explains: “Religions ask and respond to such fundamental questions . . . . Theologians, by definition, risk an intellectual life on the wager that religious traditions can be studied as authentic responses to just such questions.” Id.

58. POPE JOHN PAUL II, ON THE RELATION BETWEEN FAITH AND REASON: FIDES ET RATIO 3 (1998). In the introduction to Fides et Ratio, Pope John Paul II wrote:

Moreover, a cursory glance at ancient history shows clearly how in different parts of the world, with their different cultures, there arise at the same time the fundamental questions which pervade human life: Who am I? Where have I come from and where am I going? Why is there evil? What is there after this life? These are the questions which we find in the sacred writings of Israel, as also in the Veda and the Avesta; we find them in the writings of Confucius and Lao-Tze, and in the preaching of Tirthankara and Buddha; they appear in the poetry of Homer and in the tragedies of Euripides and Sophocles, as they do in the philosophical writings of Plato and Aristotle. They are questions which have their common source in the quest for meaning which has always compelled the human heart. In fact, the answer given to these questions decides the direction which people seek to give to their lives.

Id.; see also id. at 42. Fides et Ratio would more accurately be named Fides et Philosophia. We find a similar statement in the Second Vatican Council’s Declaration on the Relation of the Church to Non-Christian Religions:

People look to their different religions for an answer to the unsolved riddles of human existence. The problems that weigh heavily on people’s hearts are the same today as in ages past. What is humanity? What is the meaning and purpose of life? What is upright behavior, and what is sinful? Where does suffering origi-
III. A CONCLUDING THOUGHT

We can now see why it is that for most citizens of the United States, their religious faith gives them a powerful reason to hold liberal democracy within their embrace.

Indeed, we may fairly wonder what reason those who lack religious faith have for embracing liberal democracy’s constitutive commitment to the inherent dignity and inviolability of every human being. Listen, in that regard, to Jürgen Habermas, who is not a religious believer:

Christianity has functioned for the normative self-understanding of modernity as more than a mere precursor or a catalyst. Equalitarian universalism, from which sprang the ideas of freedom and social solidarity, of an autonomous conduct of life and emancipation, of the individual morality of conscience, human rights, and democracy, is the direct heir to the Judaic ethic of justice and the Christian ethic of love. This legacy, substantially unchanged, has been the object of continual critical appropriation and reinterpretation. To this day, there is no alternative to it. And in light of the current challenges of the postnational constellation, we continue to draw on the substance of this heritage. Everything else is just idle postmodern talk.59

59. JÜRGEN HABERMAS, TIME OF TRANSITIONS 150–51 (Polity 2006) (2001); see also HABERMAS, supra note 16, at 162 (“[T]he basic concepts of philosophical ethics, as they have developed up to this point, also fail to capture all the intuitions that have already found a more nuanced expression in the language of the Bible, and which we have only come to know by means of a halfway religious socialization.”). Listen, too, to Australian philosopher Raimond Gaita, who, like Habermas, is not a religious believer. See GAITA, supra note 39, and accompanying text.