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Secularism and the Limits of Community

Jeremy Waldron

I

“Convictions matter,” says George Rupp, whether we share the basis of those convictions or not. People need to say what they really think on issues like globalization, poverty, and social justice, and they need to listen to all the other convictions that are expressed on these matters even if the content and premises of these convictions challenge the secularism that some philosophers prescribe for the exercise of public reason.

I am heartened by Dr. Rupp’s argument against prescriptive secularism. I use the term “prescriptive secularism” rather than his term “secular liberalism,” because I think there are some who deny that religious convictions have any place in politics who would not describe themselves as liberals, and there are others who call themselves liberals but who have grave misgivings about any prohibition on the use of religious arguments in articulating and defending their liberalism. I number myself among the latter group, and in this essay I would like to

explore the idea that liberal views on inequality, social justice, and concern for the poor of the world might prove harder to promote politically if the secularist prescription were adopted. A secular political culture is not necessarily a friendly place for liberalism, at least on the issues I have mentioned. Purged of all trace of the view that there is something sacred in the poorest individual and something blasphemous in our indifference to human need, politics quickly becomes a playground for selfishness: it becomes much more hospitable to self-satisfied prosperity and self-righteous disdain for those who have not attained prosperity than a political environment ought to be.

I don't want to sell short the position of those who respond affirmatively to need without a grounding in religious faith. There are secular liberals and there have been fine and fiery secular theories of social justice in the liberal tradition: John Rawls's A Theory of Justice is the best known example from recent years.¹ But just because there can be a liberalism ungrounded in faith, doesn't mean that the restraints of prescriptive secularism are politically neutral. They are not. Prescriptive secularism deprives social justice of some of its most powerful advocacy, advocacy of a sort that is politically, if not philosophically, indispensable in the effort to open the eyes of the well-off to the plight of those who are marginalized by the very structures that guarantee our prosperity. In his book The Needs of Strangers, Michael Ignatieff

suggested that the great enemy of religious belief is not skepticism but the silent and pervasive plausibility of a life lived entirely in the glow of material comfort.² The converse is also true: material well-being in a prosperous market economy is always liable to remain lethally indifferent to the ocean of need that surrounds it, unless it is challenged by something that transcends its plausible comforts. The religious traditions of Judaism, Christianity, and Islam have been in the business of mounting this challenge, bitterly and persistently, in the name of God for a thousand generations:

For the needy shall not always be forgotten; The expectation of the poor shall not perish forever. ... He will bring justice to the poor of the people; He will save the children of the needy, [a]nd break in pieces the oppressor.³

To say now, at this late stage, that challenges like that are to be banned from the public square, that they are to be heard only in the churches, mosques, and synagogues, never in the marketplace and never in the legislature, is to yield the world to those who wallow heedlessly in their own contentment and are untroubled by purely philosophical theories of justice.

So far I don't think I am adding much to Dr. Rupp's analysis. He aims to broaden the terms of our debates about globalization. He is

worried about the flattening of value and the deadening of concern that are features of a landscape of market individualism dominated entirely by material considerations. He thinks, as I do, that if we silence our deepest convictions, we deprive ourselves of the resources we need to think richly and responsively about these matters. What I want to emphasize in addition, however, is the one-sidedness of this flattening of value, this deadening of concern. The philosophers that I talk to often take it for granted that prescriptive secularism is neutral. They assume that conservatives will suffer at least as much as liberals as a result of the exclusion of religious interventions from politics. Or they think perhaps that conservatives will suffer even more. I think this is an illusion, born of obsession with a very small range of cases – abortion, gay rights, and so on – in which religiously-based politics have been all too prominent. I think it is born too of a neglect of the role that religious arguments have played historically in upholding the claims of labor and welfare, in insisting on the demands of justice, and in making the case for those who live impoverished on the margins of a world of market prosperity. In the American context, Reinhold Niebuhr’s book Moral Man and Immoral Society is as good a starting point as any to remedy this neglect.⁴

II

There are parts of Dr. Rupp's analysis that I am less comfortable with. Rupp believes that in order to address the situation of those who are marginalized in the modern world we have to find a place for the language of community in the discourse of globalization. What he calls "[u]nrestrained individualism and market fundamentalism" are of little use to people who are poor, deprived, despised, and displaced; they make a mockery of their predicament. What we need is a greater sense of community, he says, and the strength of community depends in large part on the convictions with which the world's religious traditions have managed to constrain the excesses of economic self-interest. This is widely shared view and there is surely something to it. Religion and community often go together; deprived of religious support, the claims of community can come to seem like quaint and obsolete luxuries in the face of the implacable logic of market individualism.

But I want to register a warning about this view, and take a slightly different tack. Often the problem for those who are poor and marginalized is not that there has been insufficient assertion of the claims of community in the face of market individualism. The problem is rather one of exclusion or expulsion from community. For there are in fact forms of community which are perfectly at home with market

individualism and which sometimes repudiate any responsibility for deprived people in their vicinity. Let me take some time to explain what I mean, for it is not the usual point about different conceptions of community.

In his lectures, Rupp distinguished between two meanings of community, Gemeinschaft and Gesellschaft: Gemeinschaft is the community of deep solidarity and a shared way of life, whereas Gesellschaft is community constituted by the nexus of abstract toleration and mutual respect. Rupp's discussion of Gesellschaft is extremely interesting, particularly in its suggestion that market consumer society represents Gesellschaft stripped of its ethical underpinnings. But when I talk about forms of community which exclude the poor and the displaced and which take no responsibility for the despised and the marginalized, I am not talking about Gesellschaft (stripped or unstripped). I am talking about the cozy forms of Gemeinschaft-community in which those who are privileged as members enjoy one another's company, take responsibility for their neighborhood, get to know newcomers, are loyal to one other and to a shared way of life, look out for the interests of their neighbors, cherish the same values, support the establishment of public goods, pursue communal ends and activities – all the stuff that we are supposed to most admire about thick communal solidarity. They do all that, yet they still recoil (as a community) from the presence of (say)

homeless people and they will do everything in their power – including mobilizing the ideology of “community” itself – to ensure that those who are naked, shivering, filthy, unemployed, sick, foreign, and destitute come nowhere near their gates and nowhere near the public places where they walk their prams or hold their barbecues.⁵ They will campaign against the establishment of homeless shelters in their vicinity; they will protest about low-income housing if it is likely to impact their property values; they will wrap their children in a cocoon of protective outrage at any attempt to settle sex offenders in their municipality after they have served their sentences; they will campaign to deny to deny state and municipal services to illegal immigrants; they will look askance at those who question their traditions; and on and on. And they will do all this together, as a community, with great sensitivity, solidarity, loyalty, and mutual concern. These are small-scale neighborhood examples, but they have their counterparts too at a national level. Here I have in mind people who bind themselves together in political community to defend their own jobs and industries, no matter what the cost to poor people beyond their borders, who set up a fortress-mentality to deny the benefits of their economy to those they regard as outsiders, and who treat refugees with suspicion rather than compassion.

That I am afraid is the real logic of community in the modern West, and it’s a logic that reinforces market exclusion. This comfortable

form of community is not antagonistic to the prosperity that a market economy can secure. It depends upon market economy and it will uphold its prosperity against outsiders as the precondition of its own solidarity. It is a form of community that circles the wagons to defend those who are privileged as its members against any concerns beyond the community itself that might threaten the basis of its prosperity. This sort of community is incapable of mitigating the tendency of markets to neglect a whole range of interests.

I know George Rupp used the term “inclusive community” to refer to the kind of thing he had in view, and he did so with the best of motives. He had no intention of associating his argument in these lectures with communities that exclude people or cast people out. But whatever his intent, we cannot take the phrase "inclusive community" for granted. In the real world, the word “community” is found more commonly in the company of terms like “gated.” And this is not surprising. Communitarianism has an inherent “us”/“them” logic, a tendency to define itself by contrast with an “other.” Dr. Rupp said at the end of his lectures that he had in mind an inclusive global community, relative to which there would be no “them,” no “other.” I am with him on that. But the tendency of such inclusiveness is to challenge the very logic of community itself and replace it with the idea of humanity, much as the idea of cosmopolitanism challenges our

conventional idea of polity and citizenship and replaces it with something that transcends boundaries and franchises. The principle of Rupp's global community has to be understood in this light: "Nobody is to be left out, not even those whose inclusion tends to unsettle community (in the conventional sense), not even those whose exclusion would make communal goods easier to achieve." In other words, Dr. Rupp's community is dominated by the principle of humanity, and as such it is quite antithetical to the familiar communitarian idea of humanity having been sorted already into a number of separate and mutually exclusive communities.

What does all this have to do with the debate about secularism? My hunch is that familiar forms of exclusive community – comfortable neighborhoods of prosperity and solidarity among the well-off – need very little assistance from religious conviction. No doubt, within such groups it is important to motivate people's concern for one another and their concern for the neighborhood, so to speak; it is important to dissuade them from the logic of pure unmitigated self-interest that economists pretend is the building block of market economy. Most of the time, however, very little persuasion is necessary. People are naturally concerned for others who live as they do, especially their fellow-countrymen, and for those who do not already have that concern there is such an evident congruence between prosperity and medium-

term self-interest that the specter of blinkered selfishness doesn't really need much confronting. In other words, market individualism versus communal altruism is not the issue. It is the limited altruism of community that is the hardest to overcome for the sake of the outcast and the marginalized, because challenging it flies in the face of the conditions of shared communal comfort.

Challenging the limited altruism of comfortable community has been one of the great achievements of the Western religions. I know the Jewish and Christian traditions best, and what I have in mind are the prescriptions of the Torah, the uncompromising preaching of the Prophets and the poetry of the Psalmist aimed specifically to discomfit those whose prosperity is founded on grinding the faces of the poor, on neglecting the stranger, and on driving away the outcast.⁶ I have in mind too the teaching and example of Jesus Christ in associating with those who were marginal and despised, and in making one's willingness to feed the hungry, clothe the naked, take in the stranger, and visit those who are in prison a condition of one's recognition of Him.⁷ And it's not just scripture: it is the whole edifice of (say) Catholic natural law reasoning about need, and church doctrine on the perils of complacent and exclusive community.⁸

The claim that religion challenges community in this way may seem odd to those who are accustomed to thinking of religious groups as

themselves self-satisfied communities of belief, condemning all outsiders as damned. Certainly the exclusiveness of some of the communities I have been fulminating against has a tinge of religious self-righteousness. And it cannot be denied that religion is often associated with inter-communal violence, as believers band together against non-believers. Usually, however, in order to do that they have to ignore or sideline most of the teaching of their respective faiths, which insist in fairly uncompromising ways on the importance of not casting people out but rather taking care of outsiders, loving one's enemy, and responding positively to others' needs even at the risk of the conditions of one's own earthly comfort and solidarity. Anyway my point is a more modest one: even if religious conviction is no guarantee of an inclusivist mentality, it is well-nigh indispensable for it in regard to most people.

I suppose that on some interpretations of community, the religious injunctions of inclusion that I am referring to can be read as reinforcing the claims of community against the claims of the individual. But the better way to see them is that they add up to an uncompromising insistence on our duty to people and families, individuals and masses, who may seem to us to be beyond community, or outcast from community, or uncongenial or unpromising for the purposes of community-building. It is the ethic of the Good Samaritan, confronting the need of a injured Jewish traveler with the charity of a Samaritan, that

is, the charity of a member of a despised and outcast group – a story designed to shake the complacency of those who are sure they know what “neighbor” means.⁹ It is an insistence on seeing the human and discerning the sacred in the most derelict and despised individual. And it is the presentation of all that, not as a moral luxury, nor as a matter of self-congratulatory charity, but as a primal issue of justice and respect, inseparable from the meaningfulness of one’s life, the fate of one’s society, the destiny of one’s soul, and integrity of one’s relation with God. To see in a new and compelling light what one owes not to community but to the outcasts of community – that is the work of religious teaching and conviction. And that is what we stand to lose – at least in part – if we acquiesce with secularism in imposing a prescription against religious interventions in politics. It is not the bonds of community that will evaporate if the secular prescription is upheld. The ethic of community is based on the plausible comforts of shared prosperity. What is lost – or what is in danger of being lost – as a result of prescriptive secularism is the ability to shake up and challenge those comforts.

I said at the beginning that we should not sell short the position of those whose humanity is its own motivation and those who have developed secular theories of social justice that take into account the interests of all humans in the world, not just the members of a given

community.¹⁰ That needs to be repeated. Intellectually, cosmopolitan theories of justice can be built on purely secular foundations. Despite the recent turn to communitarianism, the claim that the needs of the stranger, the outcast, and the migrant are entitled to as much consideration as those of the most privileged member of our community is still sometimes heard in moral philosophy and its logic is impeccable. But the whole life of social justice is not logic. It is also a matter of what is felt, what can be made appealing and what – as I have said – can be put up to challenge the comfortable evasions of prosperity. In the book I referred to earlier, Michael Ignatieff remarked that the bare claim – the naked philosophical proposition – that because one is human, one deserves to live, often turns out to be the weakest not the strongest claim that people can make to one another.¹¹ Ignatieff thinks that outside a context of community, this claim is but words in the wind. I am saying that if ever such a claim has to be used to challenge community, then one will want something richer and more transcendent behind it than the abstract idea of humanity.

III

Many of those who listened to George Rupp's Schoff lectures asked questions at the end which reflected considerable unease about what public debate on these matters would be like if people of faith were to become less hesitant about expressing their religious convictions on issues such as markets, poverty, globalization, exploitation and development.

That unease is the core of prescriptive secularism. Public debate, say the secularists, should be conducted using forms of reasoning that are accessible to believers and non-believers alike, accessible to everyone irrespective of the tenets of their personal faith. They say that this means sometimes biting our tongue on certain matters and suppressing arguments that we would be otherwise inclined to make. As John Rawls put it in his 1993 book Political Liberalism, “[i]n discussing matters of basic justice we are not to appeal to ... religious or philosophical doctrines – to what we as individuals ... see as the whole truth.... [C]itizens are to conduct their fundamental discussions within the framework of ...values that the others can reasonably be expected to endorse.”¹² In public life, we need to talk and listen to another, we need to be able to understand the positions that we oppose, and we need to hold ourselves ready to compromise on some occasions and on other

occasions to live generously with outright political defeat. Bringing religious conviction into politics undermines all that, say the prescriptive secularists. Religious fanatics scream at one another but they are not known for their listening. Rival claims of revelation are mutually unintelligible, like the mysteries of competing theologies; they mean nothing except to their adherents. And if we make public policy a matter of religious conviction, we raise the stakes far too high: we pose fundamentalist obstacles of creed and conscience in the way of the moderation and compromise which are the hallmarks of responsible democratic politics.

These arguments are worth our consideration; certainly they should not be dismissed out of hand. My own view, however, is that the unease they express is based on a caricature of religious interventions, or on a generalization from a very small and distorted sample.

The secularist view seems to be that a person of faith engaged in a political debate will – if he is allowed – simply cite some verse of scripture which he finds dispositive of the issue and then stand pat, impervious to argument. Not only that but the passage of scripture in question – his “contribution” to the debate – will often be nothing but an aphorism or a commandment, not something in itself that one can engage with or argue with. For example, when an opponent of gay rights quotes a passage from Leviticus – “If a man lies with a male as

with a woman, both of them have committed an abomination”¹³ – there’s not much one can say in response. There doesn’t seem to be any point of access here for argument to the effect that homosexual intercourse is not an abomination at all, but actually rather pleasant and loving and fulfilling and valuable. The scripture saith to the contrary, and that seems to be that so far as the biblical fundamentalist is concerned. That’s the sort of thing the prescriptive secularist is worried about.

I wonder, though, how typical this is. When I read the Catholic case against gay marriage, for example, I am not convinced by it; but I find there is very little Leviticus-quoting or invocation of papal authority. What I read are elaborate tissues of argument and reason, open to disputation and vulnerable in the usual way to quibble, rejoinder, and refutation.¹⁴ Certainly the arguments have an infuriating quality – they read, as Richard Posner once said of John Finnis’s writings, as though they had been translated out of medieval Latin.¹⁵ But actually what’s infuriating about people like Finnis is not any adamant fundamentalism but their determination to actually argue on matters that many secular liberals think should be beyond argument, matters that we think should be determined by shared sentiment or conviction. My experience is that many who are convinced of the gay rights position are upset more by the fact that their argumentative religious opponents

refuse to take the liberal position for granted than they are by the more peremptory tactics of the “bible-bashers.”

Something similar is true of arguments about abortion. Occasionally you get fundamentalists trying to defend a pro-life position along the lines of the Leviticus condemnation of homosexuality. But at least on the basis of Christian and Jewish texts, it’s hopeless enterprise. There is a bit about unborn children in Exodus, but it is basic tort liability for injuries to pregnant women, which most pro-choice people are perfectly happy with (apart from its being exploited ideologically by pro-life advocates).¹⁶ I am not saying there is no religious case against abortion, nor am I saying that it has no biblical element. But most commonly it is an argued position, not a biblical one, and the doctrine about (say) the sacred personality or humanity of the foetus is a rationally-made case about something which is presented as an important moral as well as religious idea.¹⁷ Again, I don’t mean that is necessarily a compelling piece of argumentation. But argument is what it is and what it purports to be, and as such it is something that can be engaged with argumentatively in response.

I have focused so far on religiously defended positions (on gay marriage and abortion) that are not normally associated with liberalism. But what I have said against the caricature of religious fundamentalists’ simply screaming dogma or passages of scripture at one another (and at

us) applies I think very clearly to the liberal positions I talked about in section II of this essay.

When we turn to religiously grounded interventions on poverty and inequality, we are also dealing with argumentation – rich arrays of argument that include some specifically religious elements, some religious enrichments of more familiar moral elements, some religiously-motivated reminders of inconvenient factual truths, and some religiously scrupulous and uncompromising inferences from premises that we all pretend to accept. It is really not much different from any body of value-laden political argument. Sure there are elements in these arguments that may be unfamiliar to non-believers, elements whose resonance they may struggle to understand. But this is true of every argument premised on basic values. If I base my politics on the conditions of Kantian autonomy, my case will not be easy to engage with for a materialist who is uninterested in autonomy. Yet in arguments of this kind, we all do the best we can: sometimes we understand fully the concerns of our opponents, sometimes we understand imperfectly, sometimes we understand very little. It happens as much in secular politics as in religious politics. Argument is rarely a linear progression from shared and pellucid premises. It goes back and forth between disputable claims of fact and often unfamiliar claims of value. And it is none the worse for that

I actually think it does no harm to introduce into discussions about poverty, or about the obligations of our community to outsiders, something like the majestic passage from Matthew's Gospel about the sheep and the goats.¹⁸ But this is not because such citations are going to conclude anything or dispose of the matter; it is because the passages may stop us in our tracks for a moment, give us pause, and (as I argued in section II) perhaps shake up the deadly combination of contentment and self-righteousness which often characterizes the response of a prosperous community to the poor and the outcast.

One way they may help is by complicating and enriching the normative vocabulary that we use in discussing these matters. In practical deliberation, we don't just present propositions to one another, or evaluate one another's evidence or logic: we try to affect the way things are seen, the connections that are made, the value-language that is used, even the gestalts that are part and parcel of our estimations of the facts we are considering. For example: liberal philosophers and their opponents sometimes argue about whether we have strict or "perfect obligations" to the poor, which is also supposed to be a way of asking whether the poor have rights to our assistance. These juridical terms – "rights" and "obligation" – are the common currency of secular normative discourse. They have the advantage that they look towards the legal context in which policy outcomes might eventually be phrased;

but by the same token they represent a rather flat one-dimensional discourse. Either something is a perfect obligation (in which case there is a right to it) or it is not; if it is not, then no matter how important it is, it falls into the realm of the optional. Though the Biblical materials do sometimes present concern for the poor as a matter of justice (in which case the language of rights and obligations is appropriate), often they present it as a matter of love. Our impulse is to say, “Well, then it is optional, voluntary, a matter of charity, not compulsory.” The religious materials shake up that logic by presenting the claims of love as compelling in ways with which secular moral philosophy may not be comfortable, but in ways that may more accurately capture our sense of what is required of us than the flat logic of rights and perfect obligations.

Such presentation is not itself beyond challenge, and those who speak in the dry terms of rights and obligation are entitled to retort that the religious concerns are equivocal or confused. But just as progress can be made in theological thinking by subjecting it to the rigor of analytic philosophy, sometime progress is made in moral argument by developing new normative conceptions on the model of certain religiously-inspired concerns. I think for example of Ronald Dworkin’s attempt to develop a secular notion of the sacredness of life, and of the ambiguities in that notion, in his book Life’s Dominion.¹⁹ There are many other examples of religious argument enriching secular argument

(and vice versa), and I think it would be a shame to deprive ourselves of that enrichment because we feel we have to suppress the interventions of those whose religious rhetoric is shrill and conclusory.

IV

I have one other point to make about the real-world effects of all this. I said earlier that the concerns of the prescriptive secularists should not be dismissed out of hand. Prescriptive secularism looks for a public discourse that is tolerant and mutually respectful and does not simply batter people with slogans. These are reasonable concerns. But how are they likely to be received?

Some of those who are initially inclined to make religious interventions in politics will be dissuaded by these concerns; others will not be. Dr Rupp says that prescriptive secularism is “simply not acceptable to those whose deepest convictions would be relegated to the status of private preferences without any relevance to public policy.” Maybe this is true across the board. But my bet is that those who are silenced by prescriptive secularism are likely to be disproportionately liberal and disproportionately those whose religious arguments are complex, moderate, and open to engagement in the way I have just described.

In other words, there are certain religious interventions that are really not going to be excluded whatever the prescriptive secularists say. Religious extremists, religious fanatics are unlikely to be convinced by anything as delicate as Rawlsian political liberalism or secular theories of public reason. They will keep on shouting. Those, on the other hand, who are kept quiet in public by strictures of this sort are most likely to be those who are already convinced of the importance of moderation, tolerance, and compromise. They understand what the secularists are saying and they appreciate what underlies their view of public discourse. But there's the irony: it is exactly these moderate voices that need to be heard in politics, as a counterpoint to the dogmatism of their more fundamentalist co-religionists. Here I am absolutely at one with the case that George Rupp is making. We need to hear from moderate and thoughtful Christians as well as those who simply shout and wave their Bibles. We need people like Reinhold Niebuhr as well as Jimmy Swaggart. We need the voices of those Muslims who are willing to listen and learn from other traditions (including secular traditions as well as other Muslim and other religious traditions). What we don't need is a doctrine of public reason that silences them but not their fundamentalist counterparts. We need religious views in politics that are sensitive to the uses of criticism and compromise and we should not trade on that sensitivity to exclude them.

These are strategic matters, not matters of principle. But Rupp is right: one way or another, we have to try to broaden the terms of public debate about markets, globalization, and social justice. If our code of civic principles – our methodology of public reason – has the effect of making things worse, then it is time to rethink it. And if it makes things worse in fact, even though it makes things better in theory, it still needs to be rethought. I hope that what I have said here will be read as supporting and reinforcing George Rupp’s call for a politics of moderate conviction, open to participation by people of faith under a discipline of reason and mutual engagement. I have expressed some doubts about the communitarianism of Rupp’s approach, but I have no doubt at all that the core of his case is powerful and compelling: the predicament of the poor is too important to left to the mercy of a purely secular reason.

Notes:

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1. John Rawls, A Theory of Justice (Cambridge University Press, Revised edition, 1999) and Justice as Fairness: A Restatement (Cambridge University Press, 2001).
 2. Michael Ignatieff, The Needs of Strangers (Verso, 1084), p. 77.

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3. Psalm 9: 18 and 72: 4.
 4. Reinhold Niebuhr, Moral Man and Immoral Society (New York: C. Scribner's, 1932).
 5. I was involved briefly in the politics of homelessness in San Francisco in 1996, filing an amicus brief in opposition to "communitarian" groups who were seeking to reclaim public places for ordinary families as against the homeless inhabitants of those public places who had nowhere else to go. For a discussion, see Jeremy Waldron, 'Homelessness and Community,' University of Toronto Law Journal, 50 (2000), 371-406.
 6. I don't want to cite chapter and verse here; the passages are very familiar. See, for a very small sample: Deuteronomy 15: 1-11; Isaiah 3: 13-15; Psalm 72, 82, 109, etc.
 7. Again, for a sample, see Matthew 9: 10-13, and most particularly Matthew 25: 31-46.
 8. National Conference of Catholic Bishops, Pastoral Letter: Economic Justice for All (1986). The text of the Bishops' Letter is available online at <http://www.osjspm.org/cst/eja.htm>
 9. Luke 10: 25-37. See Jeremy Waldron, "Who is my Neighbor? – Proximity and Humanity," The Monist, 86 (2003), 333-54.
 10. See, e.g., Thomas Pogge, World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms (Cambridge: Polity Press, 2002).

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11. Ignatieff, The Needs of Strangers, op. cit., p. 51.
12. John Rawls, Political Liberalism (Columbia University Press, 1993), pp. 225-6.
13. Leviticus 20: 13.
14. See, for example, John Finnis, “The Good of Marriage and the Morality of Sexual Relations: Some Philosophical and Historical Observations,” American Journal of Jurisprudence, 42 (1997), 97.
15. Richard Posner, The Problematics of Moral and Legal Theory (Cambridge: Harvard University Press, 1999), p. 77.
16. Exodus 21: 22-23.
17. For example, John Finnis, “Public Reason, Abortion, and Cloning,” Valparaiso University Law Review, 32 (1998), 361.
18. Matthew 25: 31-46: “When the Son of Man comes in his glory, and all the holy angels with him, ... [a]ll the nations will be gathered before him, and he will separate them one from another, as a shepherd divides his sheep from the goats. And he will set the sheep on his right hand, but the goats on the left. Then the king will say to those on his right hand, ‘Come, you blessed of My Father, inherit the kingdom prepared for you from 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 took me in;

I was naked and you clothed me; I was sick and you visited me; I was in prison and you came to me.’ Then the righteous will answer him, saying, ‘Lord, when did we see you hungry and feed you, or thirsty and give you drink? When did we see you a stranger and take you in, or naked and clothe you? Or when did we see you sick, or in prison, and come to you?’ And the king will answer and say to them, ‘Assuredly, I say to you, inasmuch as you did it to one of the least of these my brethren, you did it to me.’ Then he will also say to those on the left hand, ‘Depart from me, you cursed, into the everlasting fire prepared for the devil and his angels: for I was hungry and you gave me no food; I was thirsty and you gave me no drink; I was a stranger and you did not take me in, naked and you did not clothe me, sick and in prison and you did not visit me.’ Then they also will answer him,[d] saying, ‘Lord, when did we see you hungry or thirsty or a stranger or naked or sick or in prison, and did not minister to you?’ Then he will answer them, saying, ‘Assuredly, I say to you, inasmuch as you did not do it to one of the least of these, you did not do it to me.’”

19. Ronald Dworkin, Life’s Dominion: An Argument about Euthanasia and Abortion (New York: Knopf, 1993), pp. 68-101.