

Audience Participation

Panel Two Audience

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AUDIENCE PARTICIPATION

DAVID GREGORY: Father Richard John Neuhaus was here a few weeks ago with pro-life students. He talked about the increasing criminalization of many aspects of our religious beliefs and practice. I think the first panel might be able to also comment on a couple of the similar situations.

This university, for decades, had a practice of quite meticulously not taking direct government funds because there were concerns about that relationship perhaps debilitating aspects of the Vincentian Mission. I understand those concerns; I do not know if the concerns still exist.

Today's gospel tells us that we ought not to exhort the formality of the law at the expense of human need. I suspect the first opportunity to respond ought to go to our graduate, my former student, because in your work you represent what clearly are marginalized people, folks who are forced to be more counter-cultural. I would at least pose a tangible alternative to the tangible.

SISTER BREZLER: I guess I can speak a little bit to this. I have found that in trying to represent marginal clients directly, I do not have the time to do advocacy. Sister Margaret John and I have on occasion battled this back and forth as to what is more important—advocacy, working to change the system, or direct service? I think some people are good at one and not at the other. I need to give direct service. I was pleased when I saw that I was sitting on a panel with three academics. I noted that this was not a usual situation for me.

I need to work in the trenches. We, our community, also have sisters who are very good at advocacy. We are trying to advocate more. I know it is important and I have dabbled in it. As to what is God asking of me and what flourishes my faith? I believe it is the contact with the client. I probably did not answer your question but that would be my response.

MR. ALLEGRETTI: It seems to me the first obligation of the Church is to be a church. We have got to be thinking about a visible witness. That is more important in many ways than very

laudable efforts, which I often support to pass certain kinds of laws or legislation.

I recall a piece I did for National Catholic Reporter on the debate about euthanasia in Oregon. I was playing around with the idea of how much money had been spent to oppose the so-called Right to Die proposition. How much money had Catholic groups spent? They had spent a lot of money. I acknowledged my own opposition to that Right to Die legislation, but I tried to think of other ways in which that money might have been spent.

For example, care for the elderly in hospices and so forth. It seems to me that there is a great debate in Catholicism between those who support the Church's public ministry, which certainly seems reasonable, and those who say that first we have got to be an alternative witness to what we believe in. We are always intentioned, balanced back and forth. It seems to me that what Baxter and others have suggested makes a lot of sense to me. The counter-cultural edge of the Gospel has been blunted too often and in an increasingly materialistic world, we need to get back to those basics of expressing a witness of somebody different. We should not always win the fights, but be a beacon and say, "Here is a foretaste of the Kingdom; here is a group of struggling, failing people." We are all failing all the time but somehow we are trying to express a foretaste of what it is about.

MR. LESNICK: I was focusing on individual lawyers. Counter-cultural is a little too combative and fits with my image of Father Neuhaus, but I will pass on that one. Individual lawyers, and certainly law students, should be more willing not to be swept along by the culture, but to stand out from it. To stand out from culture sometimes takes more grit than being "counter-cultural." I think to do that is essential or else you just go for the money and prestige.

AUDIENCE MEMBER: Along the same lines, I kind of like the sound of that, Professor Allegretti. Is there a danger in this Religious Lawyering Movement that the counter-cultural message in people like Father Baxter's work gets sort of co-opted so that what religious lawyers end up meaning is that lawyers who are coming out of a faith tradition are taught to accommodate their religion to the felt demands of law practice rather than to transform the demands of law practice? Is there a danger that a movement like the Religious Lawyering Movement will domesticate the edges of the Gospel?

MR. ALLEGRETTI: There is a message that people like myself are too wishy-washy, tell lawyers yes, you can be a Christian or Jew and a lawyer. It is not impossible, I began thinking about this in 1986, at Yale Divinity School, where I met a former lawyer who said they quit being a lawyer because they realized that they could not be a Christian and a lawyer. I think everything I have written since then was my response to that. The first wave was just to be able to say let's talk about these things.

I think the second wave is to look more carefully and to be concerned about the ways in which saying something like, do what you think is right, is often better than saying nothing at all. There is a risk but that is the exciting moment we are in, where people are starting to really get down to the nitty-gritty.

MR. PEARCE: I did not directly respond to David's question because I think I generally addressed the question in my comments. But following up on this particular question, I agree that there is a risk, however, I think that it actually goes to some of Joe's earlier work relating to the question of how you see yourself as a religious person in the secular world. That is the only risk of living in a secular world. I do not see it as being any different for a lawyer.

I think the first wave in and of itself really is a move against co-optation. In addition to the Tennessee opinion, I offer another example: A few years ago at Fordham, at the First National Interfaith Conference on Religious Lawyering, I asked the A.B.A. Center on Professional Responsibility to co-sponsor the conference. After taking months to consider it, they responded that we could not possibly co-sponsor the conference because religion and ethics did not have anything to do with each other.

PARTICIPANT: The panelists have mentioned the word quality a couple of times. For those of us who consider ourselves Christian lawyers, if God is a part of that calling, then I think it tells us that we have to connect with God as to our particular calling. But first, I think we have to consider what is our calling.

