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PRAYER AT THE HEART OF JUSTICE

DEBORAH M. CERULLO*

INTRODUCTION

Recently, I was asked to give a talk to local law students on any topic related to faith and the law. With some trepidation, I chose the topic of prayer and justice. As a theologian rather than a lawyer, I wondered if I would have enough expertise to discuss spiritual issues in an academic setting. Then I realized that because I am a religious sister, I probably manage to pray quite a bit more than the average Catholic, and very likely more than the average Catholic law student, except perhaps at exam time. I also remembered that I have been a lawyer for over twenty years, longer than I have been a religious sister, and have probably learned something worth saying about the relationship between prayer and justice.

In my years as a lawyer, I have been an assistant district attorney, a legal services lawyer, and now a law professor in a clinical program. Integrating my faith with the practice of law has been an ongoing task for me. I have come to realize over the years, that whatever integration has occurred has primarily been the result of reflection and prayer. This was especially true during those times when it was difficult to apply the abstract and beautiful notion of justice to the very concrete and messy situations with which I was often dealing. The desire to share that struggle and the insights gained from it gave rise to this article.

I begin with the topic of justice by interweaving a bit of my

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own background and experience, as well as the notion of justice in the Biblical metaphor of the kingdom of God. Next, I talk about listening to God in prayer, particularly contemplative and incarnational prayer.¹ Finally, I attempt to speak to how justice and prayer come together, infusing each other with what scripture tells us is the greatest of all virtues: Christian love.

I. JUSTICE

The definition of justice that I will use throughout this article is a theological definition of the virtue of justice: “the doing of justice stems from the fundamental option for God, who loves me and wants me to love others as God loves them, and out of this love to give them full due in the community of social living.”²

I use this definition of justice because, for a believer, it grounds the many kinds of justice that we hear about these days. Social justice is addressed by the Church.³ Government has established systems and departments of civil and criminal justice. New developments in the criminal system promote restorative justice to emphasize healing through restoration and forgiveness.⁴ Another movement in legal circles, called

¹ As used throughout this article, contemplative prayer means listening to and reflecting on God speaking to us through scripture, ritual prayer (e.g. the mass or the liturgy of the hours), and the silence of our own hearts. Incarnational prayer means listening to God speak to us through other people, as well as acting as representatives of Christ.

² Philip Land, S.J., *Justice*, NEW DICTIONARY OF THEOLOGY (1991).

³ Major papal encyclicals over the past 110 years which have developed the Catholic Church’s teachings on social justice are: LEO XIII, ENCYCLICAL *RERUM NOVARUM : ON CAPITAL AND LABOR* (May 15, 1891); PIUS XI, ENCYCLICAL *QUADRAGESIMO ANNO: ON THE RECONSTRUCTION OF THE SOCIAL ORDER* (May 15, 1931); JOHN XXIII, ENCYCLICAL *MATER ET MAGISTRA: CHRISTIANITY AND SOCIAL PROGRESS* (May 15, 1961); JOHN XXIII, ENCYCLICAL *PACEM IN TERRIS: PEACE ON EARTH* (Apr. 11, 1963); PAUL VI, ENCYCLICAL *POPULORUM PROGRESSIO: ON THE DEVELOPMENT OF PEOPLES* (Mar. 26, 1967); JOHN PAUL II, ENCYCLICAL *LABOREM EXERCENS: ON HUMAN WORK* (Sept. 14, 1981); JOHN PAUL II, ENCYCLICAL *SOLLICITUDO REI SOCIALIS: ON THE SOCIAL TEACHING OF THE CHURCH* (Dec. 30, 1987); JOHN PAUL II, ENCYCLICAL *CENTESIMUS ANNUS: ON THE HUNDREDTH ANNIVERSARY OF RERUM NOVARUM* (May 1, 1991).

Additional material is also found in Pope Pius XII’s radio address of June 1, 1941 commemorating the fiftieth anniversary of *Rerum Novarum* in RICHARD W. ROUSSEAU, *HUMAN DIGNITY AND THE COMMON GOOD: THE GREAT PAPAL SOCIAL ENCYCLICALS FROM LEO XIII TO JOHN PAUL II* (Greenwood Press 2002).

⁴ See HOWARD ZEHR, *CHANGING LENSES: A NEW FOCUS FOR CRIME AND*

therapeutic justice, promotes the use of psychological categories to the application of dispute resolution and similar issues.⁵ And, there remains the traditional categories of distributive and commutative justice,⁶ as well as justice as the vindication or protection of human rights.⁷

I mention each of these categories because one of my early struggles with the notion of justice came as a young prosecutor listening to the Church's call to social justice and preferential option for the poor.⁸ I was immersed in our American system of criminal justice, and very perplexed by the Church's emphasis on justice and the poor which seemed to mean working to oppose systems that were in place to oppress the poor, including the system of which I was very much a part. Suddenly, I was cast on the side of injustice and oppression.

When fellow parishioners heard that I was a lawyer, they would often ask if I was a public defender, defending the poor and oppressed against government prosecutors. My newsletter introduction to the sisters of my order was put alongside an article by a sister which railed against the criminal justice system because of a poor inmate she knew in a prison ministry who she believed to be innocent.

My first response was to point to the many poor crime victims who were helped by my work. But, it also seemed to me that justice is, and must be, about more than poor perpetrators or victims since justice is a concern to everyone. As time has

JUSTICE 45 (1990).

⁵ Roberto P. Aponte Toro, *Sanity in International Relations: An Experience in Therapeutic Jurisprudence*, 30 U. MIAMI INTER-AM. L. REV. 659, 660 (1999) (defining therapeutic jurisprudence as "the study of the role of the law as a therapeutic agent" and "the use of social science to study the extent to which a legal rule or practice promotes the psychological or physical well-being of the people it affects." (citing LAW IN A THERAPUTIC KEY xvii (David B. Wexler & Bruce J. Winick, eds. 1996))).

⁶ ST. THOMAS AQUINAS, *THE SUMMA THEOLOGIAE*, pt. II-III, QQ. 63-64, at 186, 195 (Fathers of the English Dominican Province trans., Benziger Brothers, 1918).; see also *infra* note 10.

⁷ A recent application of this concept in the international arena is being called Transitional Justice, where societies in political transition after a period of violence or repression confront human rights abuses by prosecuting individual perpetrators, offering reparations to victims of state-sponsored violence, convening truth commissions, implementing institutional reforms, or removing human rights abusers from positions of power. *International Center for Transitional Justice 2001* at <http://www.ictj.org/> (last visited Oct. 21, 2002).

⁸ This description of my struggle was published earlier in Deborah M. Cerullo, *My Struggle With Justice*, AM., Oct. 23, 1999, at 22.

passed, I have spent many more years as a lawyer for the poor than I did as a prosecutor, but I have continued to struggle with God's call to justice in the concrete, day-to-day decision making of lawyering and life. As a Catholic Christian,⁹ I understand the need to integrate all aspects of my life in a meaningful way. As the American bishops tell us, "[t]he Gospel offers 'good news' and guidance not just for our spiritual lives, but for all the commitments and duties which make up our lives."¹⁰

II. THE KINGDOM OF GOD

To pursue the meaning of justice in my life, I began exploring the notion of justice found in the Biblical metaphor of the kingdom of God, where "God's ambition for a world transformed by justice and love"¹¹ will be fully realized. In the Hebrew scriptures, Wisdom, we are told, assists the virtuous person: "[s]he . . . [s]howed him the kingdom of God and gave him knowledge of holy things."¹² In the Christian scriptures, Jesus' ministry begins with the announcement: "[t]he kingdom of God is at hand."¹³ The coming of this new and transformed world is the very substance of Jesus' Good News.¹⁴

At certain times in history, Christians identified the kingdom with another world, far removed from this "vale of tears." Pessimistic about changing this sorry world, Christians longed for the realization of their dreams in heaven. At other times, the followers of Jesus have given a more earthly shape to their hope: God's dream of justice and peace is meant to be realized in our lives here and now. Social and political life is meant to reflect and pursue Christian values that have the power to change this world. This orientation to the dream of the kingdom, instead of counseling patience until the end, urges an

⁹ My references throughout the remainder of the article will be primarily to the broader category of Christians as a whole since the statements seem to apply to Christians of all denominations.

¹⁰ See United States Conference of Catholic Bishops, *Everyday Christianity: To Hunger and Thirst for Justice* (1998) at <http://www.nccbuscc.org/sdwp/projects/everyday.htm> (last modified Oct. 3, 2001).

¹¹ EVELYN EATON WITEHEAD & JAMES D. WHITEHEAD, *COMMUNITY OF FAITH* 75 (1982).

¹² *Wisdom* 10:10 (New American).

¹³ *Mark* 1:15 (New American).

¹⁴ WHITEHEAD, *supra* note 11, at 95.

energetic participation in changing society until God's hope for us becomes real.

The ambiguity of this dream—can it be realized in human history or does it lie totally beyond us?—reminds us that Christian responses to this dream will range along a continuum. At one extreme stand those Christians who are convinced that the kingdom of God has nothing to do with this sinful world; we can only hope and pray for deliverance and inclusion in God's heavenly kingdom to come. At the other extreme stand those Christians who are convinced that God's kingdom must be realized in this world through some specific political party or program. The former extreme neglects the connections between social responsibility and heaven's rewards; the latter extreme too easily identifies its own dreams and agenda with God's.¹⁵

Pope Paul VI expresses this tension by declaring that Christians, on pilgrimage toward the heavenly city, should seek and savor the things which are above, but that this duty in no way decreases, but rather increases, the weight of their obligation to work with all in constructing a more human world.¹⁶

III. PRAYER

Reconciling these extremes and finding our way through this paradox, happens, I believe, in prayer.¹⁷ For me, prayer at the heart of justice means that to be a person of justice, a goal that stems from my fundamental option for God, I must be a person of prayer. I must be open in prayer to being converted from my natural, and very human, inclinations toward my own ends or judgments and able to listen to God. "Christian faith requires conversion; it changes who we are, what we do, and how we

¹⁵ WHITEHEAD, *supra* note 11, at 97–98.

¹⁶ See SECOND VATICAN COUNCIL, PASTORAL CONSTITUTION ON THE CHURCH IN THE MODERN WORLD (Dec. 7, 1965).

¹⁷ Since confession is good for the soul, I will admit that my shortcomings tend to fall on the side of detaching from the pursuit of justice because it seems so impossible to achieve. This may be surprising since so much of my work is in legal aid and poverty law, an area aligned with energetic change on behalf of others to bring about justice. I suspect that is one reason God has put me there is to be challenged in my pessimism by so many dedicated and hope-filled people.

think.¹⁸ For followers of Christ, an essential part of what it means to be holy today is to strive to open our hearts to Christ's truth, love and justice.¹⁹

For a Christian, the question of social justice has to do not only with truth, but also with energy, with motivation for the quest. Not just any motion for justice is adequate since justice is first of all not just a question of politics and economics, but a question of helping God build a kingdom of peace and joy for all. Thus, for a Christian, the ultimate motivation in working for justice may never be simple ideology, irrespective of how noble that particular ideology may appear. Rather, both the truth that inspires the quest for justice, and the energy that fuels it, must ground themselves in something beyond any ideology.²⁰

The fuel that fires our quest for justice must be drawn from the same source as the truth of justice itself, namely, from the person and teaching of Jesus Christ.

So, how do we do that? Most especially I believe we do that through prayer, both in its contemplative and incarnational sense.²¹ St. Paul tells us that we must pray always,²² a daunting task in our very busy and fast paced world.²³ This is particularly difficult for us as attorneys, as there are always clients to serve, disputes to settle, injustices to overcome, decisions to make and causes to pursue. Why then make time for prayer amidst all the busyness and important work of our days? Because, if what we want is to pursue God's justice, rather than our own or that of anyone else who may have a notion of justice in the marketplace

¹⁸ United States Conference of Catholic Bishops, *supra* note 10.

¹⁹ *Id.*

²⁰ ROLAND ROLHEISER, THE HOLY LONGING: THE SEARCH FOR A CHRISTIAN SPIRITUALITY 173 (1999).

²¹ See *supra* note 1.

²² *Romans* 12:12 (New American).

²³ Henri Nouwen describes our contemporary lives as follows:

One of the most obvious characteristics of our daily lives is that we are busy. We experience our days as filled with things to do, people to meet, projects to finish, letters to write, calls to make, and appointments to keep. Our lives often seem like overpacked suitcases bursting at the seams. In fact, we are almost always aware of being behind schedule. . . . There is always something else that we should have remembered, done, or said. There are always people we did not speak to, write to, or visit.

HENRI J.M. NOUWEN, MAKING ALL THINGS NEWS: AN INVITATION TO THE SPIRITUAL LIFE 23-24 (1981).

of our times, we must take time to listen to God in prayer.

Why is this true? Because in addition to living in the tension of God's kingdom of justice present among us and yet not realized, we must also hold together the paradoxical notions of knowing ourselves to be good, made in the image and likeness of God,²⁴ while at the same time knowing ourselves to be limited and sinful, easily led by the power of our own egos rather than by the love of God.

But do we know this about ourselves? If we do not, what effect does that have on our ability to be open to the demands of justice in any given situation? A recent article in a leading Catholic magazine on the sacrament of penance reported the phenomenon of people coming to the sacrament saying they have nothing to confess.²⁵ We are reminded of the scripture passage of the righteous man who thanks God that he is not a sinner.²⁶ Another article reports on a recent survey which found that most Americans regard moral truth as relative, such that it "always depends on the situation." Further, the survey noted:

Teenagers and young adults were the most likely to reject moral absolutes and to say that their own moral decision making is based on feelings or self-interest rather than a set of principles . . . [while] [o]nly 13[%] of all adults . . . said they relied on principles from the Bible as the main basis for their own moral decisions.²⁷

Reflecting on these phenomena—people going to confession saying they have nothing to confess and moral decision-making based on personal feelings and self interest—it seems to me that they are two sides of the same coin. During both the decision making phase before action, and the consequences phase after decisions have been put into action, we may have lost the sense that our own egos can deceive us about the justice of our acts. Rather than seeking appropriate guidance before we act, we too often let events rush at us, making decisions in the moment as best we can, and then moving on to the next thing without any

²⁴ *Genesis* 1:27 (New American).

²⁵ Edward Vacek, *Do "Good People" Need Confession? Self-Deception and the Sacrament of Penance*, AM., Feb. 25, 2002, at 11.

²⁶ *Luke* 18:9–14 (New American).

²⁷ *Survey Finds Most Americans Regard Moral Truth as Relative*, AM., Mar. 4, 2002, at 4–5.

thought to their consequences in our own lives and, more especially, in the lives of others.

Rolheiser tells us that our age is the age of the “non-contemplative personality” whose ordinary awareness is distorted by an unhealthy narcissism which filters reality through the mirror of our own ego and its needs.²⁸ Within our culture, distraction and busyness are normal; contemplation, solitude, and prayer are not.²⁹ As a result, we do not have an interior life with God which has enough depth and knowledge to overcome our own self-interest when we are confronted with the urgent needs of the moment or just decisions to be made.

Because prayer is the place of encounter with the living God, it is only through prayer in all its many forms that we can maintain in healthy balance this tension between knowledge of ourselves as both good and sinful. The Catechism of the Catholic Church tells us that “in naming the source of prayer [s]cripture speaks sometimes of the soul or the spirit, but most often of the heart. . . . According to the [S]cripture, it is the heart that prays.”³⁰

The heart is our hidden center, beyond the grasp of our reason and of others; only the Spirit of God can fathom the human heart and know it fully. The heart is the place of decision, deeper than our psychic drives. It is the place of truth, where we choose life or death. It is the place of encounter, because as images of God we live in relation: it is the place of covenant.³¹

And the God that we encounter as Christians is the God of sacrificial love, especially as God is embodied in the life of Jesus Christ. Through scripture we learn of the importance of prayer in his life, since being fully human he was tempted in all things, though never sinned.³²

The Son of God, who became the Son of the Virgin, also learned to pray according to his human heart. He learned the

²⁸ RONALD ROLHEISER, *THE SHATTERED LANTERN: REDISCOVERING A FELT PRESENCE OF GOD* 44 (1995).

²⁹ *Id.*

³⁰ CATECHISM OF THE CATHOLIC CHURCH ¶ 2562 (2d ed. 2000) [hereinafter CATECHISM] (emphasis omitted).

³¹ *Id.* at ¶ 2563.

³² See *Hebrews* 4:15 (New American) (describing Jesus as a man who can sympathize with our weaknesses, but never gave into them.)

formulas of prayer from his mother, who kept in her heart and meditated upon all the “great things” done by the Almighty. He learns to pray in the words and rhythms of the prayer of his people, in the synagogue at Nazareth, and the Temple of Jerusalem.³³

Jesus often drew apart to pray in solitude, on a mountain.³⁴ The Gospel of Luke in particular “emphasizes the action of the Holy Spirit and the meaning of prayer in Christ’s ministry.”³⁵

IV. INCARNATIONAL PRAYER

So far, my main point of discussion regarding prayer is prayer that is contemplative—listening to and reflecting on God speaking to us through scripture, ritual, and the silence of our own hearts. But the type of prayer which calls us to listen to God speaking to us through other people and to act in a way that is consistent with the teachings of Christ is also a very important aspect of our call to be people of justice. As Christians, we believe that God became human in Jesus Christ, who died for us, was raised from the dead and ascended into heaven.³⁶ But we also believe that the physical presence of God is not only the Jesus who walked on earth two thousand years ago, or even the resurrected life of Christ in heaven, but also the body of believers physically present here on earth.³⁷ We are the Body of Christ, called to be Christ for others and to allow others to be Christ for us. We are called to incarnate God, just as Jesus did. A Christian believes in a God in heaven who is also physically present on earth through ourselves and other Christians. By communicating his Spirit, Christ mystically constitutes as his body those brothers of his who are called together from every nation.³⁸ Scripture scholar Jerome Murphy-O’Connor summarizes the importance of this as follows:

The community mediates Christ to the world. The word that he spoke is not heard in our contemporary world unless it is proclaimed by the

³³ CATECHISM, *supra* note 30 at ¶ 2599 (footnote and citation omitted).

³⁴ *Mark* 1:35, 6:46 (New American); *John* 6:15 (New American).

³⁵ CATECHISM, *supra* note 30 at ¶ 2600.

³⁶ *The Apostles’ Creed*, in CATECHISM, *supra* note 31, at 49.

³⁷ *The Dogmatic Constitution on the Church*, in THE DOCUMENTS OF VATICAN II (Walter M. Abbot ed. & Joseph Gallagher trans. 1966) at 16.

³⁸ *Id.* at 20.

community. The power that flowed forth from him in order to enable response is no longer effective unless manifested by the community. As God once acted through Christ, so he now acts through those who are "conformed to the image of his Son" and whose behaviour-pattern is in imitation of his. What Christ did in and for the world of his day through his physical presence, the community does in and for its world.³⁹

What this means is that not only am I called to be Christ for others, but I am called to recognize the Christ who speaks to me through others. So, when I pray as a Christian for guidance in my decision making and action on behalf of justice, as Rolheiser tells us, I must seek my guidance "through Christ," both in the historical Jesus, now exalted in heaven, and in the concrete, historical body of believers here on earth.⁴⁰ John of the Cross, a famous mystic, once said that the language of God is the experience God writes into our lives.⁴¹ God speaks to us both in the quiet of our hearts and also through circumstances, events, and most especially regarding justice, through people, if we will but take the time to hear it. For it is often the effects our decisions have on others with which we are most concerned when we are called to do justice.

V. THE RELATIONSHIP OF LOVE AND JUSTICE

And so I return to our definition of justice.

The doing of justice stems from the fundamental option for God, who loves me and wants me to love others as God loves them, and out of this love to give them full due in the community of social living.⁴²

And how does God love me and others? God loves me in Jesus Christ and through Jesus Christ. And Jesus, God incarnate, loves me sacrificially, accepting death on a cross ahead of his enlightened self-interest. This, as we are told in the

³⁹ JEROME MURPHY-O'CONNOR, *BECOMING HUMAN TOGETHER* 203 (1977) (citations omitted).

⁴⁰ ROLHEISER, *supra* note 28, at 94-95.

⁴¹ SAINT JOHN OF THE CROSS, *LIVING FLAME OF LOVE*, Stanza I ¶ 7 (E. Allison Peers ed. & trans., Image 1962) (1962).

⁴² See LAND, *supra* note 2.

Church's very first encyclical on social justice, is the true Christian love that is the fulfillment of the whole Gospel law, always ready to sacrifice itself for the other's sake, and which, is our surest antidote against worldly pride and immoderate love of self.⁴³ "[L]ove implies an absolute demand for justice, namely a recognition of the dignity and rights of one's neighbour."⁴⁴

A concluding sentence to the theological definition of justice states that it is love that informs the virtue of justice, lives in it and is its soul force, transforming it from within.⁴⁵ When we, as Christians, put prayer at the heart of justice in our lives, we let love transform us from within, moving us away from our natural inclinations of immoderate self-love and self-absorption. We become ready to sacrifice for our neighbors in order to give them full due in the community of social living. And every time we do that, in our personal encounters with others or through our attempts at social change, we contribute to making God's kingdom of justice, peace, and love alive in our world. This is our call as Christians lawyers and non-lawyers alike. For Christian lawyers, dedicated in a special way to the pursuit of justice, putting prayer at the heart of our work serves to integrate our lives so that we too may proclaim as Jesus did, the good news of God's reign in our midst.

⁴³ See LEO XIII, *supra* note 3.

⁴⁴ SYNOD OF BISHOPS, *Justice in the World, in THE MINISTERIAL PRIESTHOOD: JUSTICE IN THE WORLD* 42 (Nat'l Conference of Catholic Bishops 1972) (1967).

⁴⁵ LAND, *supra* note 2.

