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PILGRIM LAW:
OVERCOMING FALSE CONSCIOUSNESS THROUGH THE
WITNESS OF LONDON'S ECONOMIC MIGRANTS

*Vincent D. Rougeau**

It is both an honor and a pleasure to be asked to participate in this *festschrift* for my friend and colleague, Robert E. Rodes, Jr. Since I joined the Notre Dame Law School faculty in 1998, Bob has been an inspiration to me in so many different ways, and in my opinion, he exemplifies the best tradition of an American man of letters. It is a rare American law school that can boast a faculty member whose interests range from medieval French and English law to modern civil procedure, legal ethics, poverty law and liberation theology. But we at Notre Dame have all this in Bob, and it is through these wide-ranging interests that I found not only intellectual common ground with him, but also a mentor and a friend.

It just so happens that Bob and I received our undergraduate and law degrees from the same institutions, Brown University and Harvard Law School. Although our experiences at both places were separated by almost forty years, I like to think that our shared educational provenance links us in a special way. In addition, for the last five years or so, we have belonged to the same parish and, more often than not, we attend the same mass. This has offered our professional relationship the wonderful counterpoise of the fellowship of our parish community, and it has given me and my wife, Robin, a chance to spend more time with Bob's delightful wife Jeanne, to whom he has been married over fifty years.

It is in the powerful link of faith and professional life that Bob's work has been particularly important to me. In this essay, I would like to offer three points for reflection based on that connection. First, I will discuss Bob's concept of "pilgrim law," which, of all his work, has been particularly influential on my work and my thinking about the relationship between the professional roles of a lawyer and a call to a lived Christian faith. Second, I will describe my own involvement in a project in London, England during the 2005-06 academic year that is working to pursue social justice through law and Catholic social

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teaching—in effect, pilgrim law in action. I hope this work might be the beginning of an ongoing community service outreach in the deprived communities of London through Notre Dame's London Law Programme. Third, I will reflect on the challenges Bob's vision of pilgrim law and the Catholic teaching on the "preferential option for the poor" present for a Catholic law school like Notre Dame, and offer a few reflections on Bob's witness in this regard.

PILGRIM LAW

In his 1998 book, *Pilgrim Law*¹ Bob took on the formidable task of extending the principles of the theology of liberation to American jurisprudence. The time was ripe for a critical assessment of the role of the law, and the legal profession, in the exacerbation of economic and social divisions in American society. The 1980s had witnessed an explosion of wealth and economic inequality in the United States that remains with us to this day.² Although there are myriad explanations for why this has occurred, the triumph of the neo-liberal global economic model and the growing prevalence of libertarian individualism in social and political life have no doubt played some role in creating a climate in which increased inequality has not occasioned much protest or outrage, particularly in the United States.³ Today the United States has the lowest rate of social mobility—as determined based on the relationship of a child's income to that of his or her parents—of all the OECD nations, and social mobility is particularly difficult for Americans at the bottom of the income scale.⁴ Furthermore, the law has become an important tool in the service of economic deregulation and consumer-oriented capitalism, both of which have helped to push wealth upwards. Bob has described how modern American legal thought has been given

1. Robert Rodes, *Pilgrim Law* (U. Notre Dame Press 1998).

2. Robert Rodes rather argues:

We can debate a lot of economic data but not income inequality. Every serious study shows that the US income gap has become a chasm. Over the past 30 years, the share of income going to the highest earning Americans has risen steadily to levels not seen since shortly before the Great Depression.

Steven Rattner, *The Rich Get (Much) Richer*, Bus. Week 90 (Aug. 8, 2005). For a perspective on the issue that attributes the phenomenon to skill-based technological change, see Aaron Steelman & John Weinburg, *What's Driving Wage Inequality?*, F. Reserve Bank of Richmond, Econ. Q. 1 (Summer 2005).

3. It is noteworthy that during the same period, similar rises in income inequality to those in the United States have been observed in the United Kingdom, where the American economic model has been embraced with some enthusiasm, whereas there has been almost no increase in income inequality in the peer wealthy economies of continental Europe, where there has been some attempt to maintain the idea of a "social market." Steelman & Weinburg, *id.* at 4.

4. *Snakes and Ladders*, Economist 52 (May 27, 2006).

over to a “rigorous instrumentalism” that:

concentrates on realizations with only token regard for the values being realized It licenses the deployment of more and more sophisticated legal technologies with less and less regard for what they are supposed to be accomplishing. Some authors happily characterize this state of affairs as the “end of ideology.” Others content themselves with simple ideologies of giving as many people as possible whatever they want, or, under some doctrines, whatever they want and can pay for. But whether you accept one of these ideologies or opt for no ideology at all, the end result of your technical skill is apt to be increasing legal support for consumerism, the one value whose hold on our people does not take much philosophical reflection to discern.⁵

Today in 2006 we are confronted with a nation in complete thrall to the marketplace, and one in which the market imperatives of an economy based on consumer spending drive much of our lawmaking and public policy. Decades of easy credit have made America a nation of debtors, and have brought record profits to the financial services industry.⁶ When heavy consumer indebtedness and increasing numbers of bankruptcies began to threaten bank profits, the federal bankruptcy laws were tightened to make it more difficult for people in financial distress to gain full relief from their debts.⁷ One might ask where legal changes such as these leave the poor, the weak, and the marginalized, not to mention the increasingly debt-burdened middle-class. In a society where the needs of the wealthy and powerful come first, the position of the weak is bound to deteriorate, and indeed it has. Prior to passage of the federal bankruptcy reform legislation, Professor Elizabeth Warren called the legislation “a hard-to-explain bill that favors big banks over families in terrible financial trouble.”⁸ Divorced and separated women with children, she argued, would be harmed disproportionately by bankruptcy reform, because they were “facing a rapidly growing risk of economic collapse.”⁹ Far from being “deadbeats,” most of these women

5. Rodes, *supra* n. 1, at 9-10.

6. In 2006, both Lehman Brothers and Goldman Sachs announced near-record profits—the second best results ever in the case of Lehman Brothers. See Susanne Craig, *Moving the Market: Lehman Reports 47% Surge in Profit*, Wall St. J. C3 (June 13, 2006); Susanne Craig, *Goldman's Earnings Surge but Shares Drop 4 %*, Wall St. J. C4 (June 14, 2006).

7. See Michael Schroeder & Susan Hwang, *Sweeping New Bankruptcy Law to Make Life Hard for Debtors*, Wall St. J. A1 (Apr. 6, 2005); see also Eric Dash, *Size of Bankruptcy Bubble Surprises Banks*, N.Y. Times C1 (Oct. 25, 2005).

8. Elizabeth Warren, *What is a Women's Issue? Bankruptcy, Commercial Law, and Other Gender-Neutral Topics*, 25 Harv. Women's L.J. 19, 22 (2002).

9. *Id.* at 25.

have had serious interruptions in income that have made it difficult for them to cope with mortgages and car payments, which has caused them to rely heavily on credit cards to pay for basic expenses.¹⁰

If the example of “bankruptcy reform” were not enough to demonstrate the orientation of the lawmaking process to the desires of the powerful as opposed to the needs of the poor (what Bob has called the “special option for the rich”), events of the past year have given us other, more dramatic, facts to make the case. Hurricanes Katrina and Rita reminded Americans that our nation has large numbers of people who live on the margins and whose needs are not typically an important part of major public policy initiatives or infrastructure planning. More recently, we have been confronted by a debate on immigration in which poor Mexicans and Central Americans have become the scapegoats for a nation that refuses to have an honest conversation about the social costs and moral implications of cheap labor, cheap goods, and more broadly, American-led economic globalization. Here it is helpful to think of globalization not simply as the growing interconnectedness of the world economy in general,

but more precisely [as] to the increased integration of first world economies, their heightened dominance over world economic processes, their increasing reliance on third world labor, and the contraction of time and space through communication and transportation technologies that make such integration and dominance possible.¹¹

Since the fall of communism in Europe, it has become somewhat *de rigueur* to accept the inevitability of global, free-market capitalism as the only economic model consistent with democratic institutions and human freedom. Although there is broad acceptance of capitalism around the world as a basic model for organizing an economy, there is still a great deal of debate on the details of how a market economy should be structured, as France, Germany, India, China, and various parts of Latin America continue to demonstrate, albeit with varying degrees of success. Despite all these alternative visions of capitalism, and sustained critiques of aspects of capitalism from the Catholic Church, the fall of communism in Europe has meant that fewer scholars today remain willing to draw on insights from Marxist analysis in an effort to understand some of the limitations of the free-market. Fortunately, Bob is not one of them, and in *Pilgrim Law* he uses the

10. *Id.* at 26.

11. Kitty Calavita, *Immigrants at the Margins: Law, Race, and Exclusion in Southern Europe* 160-161 (Cambridge U. Press 2005).

concept of “false consciousness” to reveal the inability of those who benefit the most from the power structures of free market capitalism to recognize the system’s deficiencies or injustices. As was true with feudal lords, or with the European aristocrats resisting democratic reforms in the nineteenth century, Bob notes that people in power tend to limit their accountability to the wider society in predictable ways, primarily by asserting that:

1. The system currently in place is basically beneficent.
2. The sufferings experienced by some people under this basically beneficent system are unfortunate but inevitable.
3. The people who suffer under the system cannot be expected to appreciate its basic beneficence. They must therefore be kept from destroying it, as they would do if they could.¹²

To demonstrate the phenomenon with current examples, we can go back to the immigration debate. One key reason the United States has eleven million undocumented aliens within its borders is the incessant demand of the American business model to show profit. Highly regulated industries with well-paid workers who are protected by unions and collective bargaining are expensive. Over the last several decades, a “new” economy has burgeoned that has depended on highly deregulated markets for capital *and* labor, forcing many Americans out of highly-paid, unionized jobs. Many of these workers moved on to lower-paying and/or less secure employment. Meanwhile, there was an ongoing demand for low-cost labor, but “redundant,” highly-skilled American workers were not going to pick lettuce, wash dishes, clean hotels, or slaughter cattle. As has long been the case in the United States, immigrants were more than willing to do this work, often at a low wage, and generally without the interference of a union.

At least on this level, the free-market system works. Those who are willing to work cross the border to do jobs others cannot or will not do, at a wage that allows the employers to show a profit. But of course the workings of the market are not that simple. Are workers the real beneficiaries of this system? American workers may be employed elsewhere, but they have less security of employment and, in real terms, less income than they have had in decades. Average and median real wages have barely changed since the 1970s, and the wages of the bottom ten percent of American wage earners have fallen during most of this

12. Rodes, *supra* n. 1, at 56.

period.¹³ American workers, already treading economic water, are refusing to take the low-paying jobs that the globalized economy is creating, the jobs that Mexicans and Central Americans come across the border to fill. In the meantime, corporate profits and executive salaries continue to reach dizzying heights. Instead of exercising the kind of leadership the nation needs to adjust to new economic and social realities, or perhaps even question the “inevitability” of this market paradigm, the House of Representatives has trod the much less difficult terrain of demonizing undocumented immigrants as “criminals.”¹⁴ Not only do America’s corporate mandarins and their political allies refuse to deal responsibly with the inherent injustices of the global economic model in which they are so deeply invested, they quickly allow the nation’s frustrations to be foisted upon the weakest possible scapegoats. This, of course, is an acceptable, if not completely desirable way of preserving their privileges. False consciousness tells them that yes, some do suffer under American-led global capitalism, but in the end the system is basically beneficent and, surely, there is nothing better. What *Pilgrim Law* helps us to understand is that, as power is currently constructed, undocumented immigration is a necessary component to the maintenance of elite privilege in a global economy. Not only should we doubt the ability of Congress to address undocumented immigration in any satisfactory way, we should expect more of it in the future.

For Christians, this moral blindness of privilege is unacceptable. Bob tells us why, and in so doing, moves beyond a Marxist understanding of false consciousness rooted in the inevitability of class conflict to a vision of human relations more consonant with Christian ethics. First, he gives us his own definition of false consciousness, *viz*, “adherence to a purported value that in fact supports the ruling class in its freedom from accountability to the wider society.”¹⁵ Thus, America’s political and money elites, fiercely committed to a coalescence of the values of the free market with the values of liberal democracy, find themselves confronted with an immigration “problem” that they have no interest in solving since undocumented immigration is a key link in the ongoing creation of the corporate wealth that keeps both groups in

13. Steelman & Weinberg, *supra* n. 2, at 4.

14. See e.g. *Not Criminal, Just Hopeful*, *Economist* 33-34 (Apr. 15, 2006). It is typical for immigrants to be criminalized in societies that perceive an economic, cultural, and racial threat in foreign newcomers. For a discussion of the criminal and racial “otherness” of recent immigrants in Spain and Italy, and the phenomenon’s important link to politics, see Calavita, *supra* n. at 125-156.

15. Rodes, *supra* n. 1, at 85-86.

power.¹⁶ Free markets for labor also justify their privilege by suggesting that these elites have “earned” their positions through their ability to claw their way up through the competitive marketplace based on skill and merit. American political and money elites are the new ruling class of what has increasingly become a money culture in which extraordinary wealth is not only a source of power, it also controls and corrupts the political system, creating what William Pfaff has called “a form of plutocracy.”¹⁷ It is, however, a wealth that knows few obligations to others, engendering a ruthless selfishness that is justified based on the existence of “equality of opportunity”:

All the conditions that allowed postwar social mobility have . . . disappeared. A new elite has emerged, more confident than its predecessor because it has passed all the right exams. It is also more competitive, not least in its ambitions for its children The contemporary climate favours individual aspiration rather than social solidarity or obligation All this shows why we so badly need a revitalised social democratic politics, based on ideals of equality of worth not just equality of opportunity.¹⁸

The apparatus of law and public policy perpetuate the interests of the elites that define and dominate the culture. Lawyers, in particular, become victims of a false consciousness that tends to align their professional training and self-interest with the values of those most likely to be their clients. Yet,

as a Christian, I must believe that right and wrong are the same for everyone, and I must value my neighbor’s flourishing as I do my own. A spurious value is just as spurious for the beneficiaries of the system it supports as it is for the victims, and the beneficiaries have a stake in replacing it with true values just as the victims do.¹⁹

How, then, does one break out of this false consciousness and work toward a system in which the powerful are accountable to the wider society and in which moral truths apply to the lives of the haves as well as to those of the have-nots? Should a Christian speak truth to power when, realistically, it is unlikely that the system will change?

16. Richard Dunham, *Immigration Reform: Why Business Could Get Burned*, Bus. Week 41 (Apr. 10, 2006); John O’Sullivan, *The GOP’s Immigration Problem: Will the elites get a clue?* Natl. Rev. 34-37 (Sept. 12, 2005).

17. William Pfaff, *Clash of Cultures: Globalization and the March of Western Values*, Commonweal 13, 15 (June 16, 2006).

18. Peter Wilby, *All You Need to Succeed in Our Meritocracy is Privilege*, Guardian 30 (June 17, 2006).

19. Rodas, *supra* n. 1, at 89.

Through its engagement of liberation theology and the preferential option for the poor, pilgrim law attempts to create a corrective for false consciousness. The concept of a preferential option for the poor, announced in Catholic social teaching by Pope Paul VI and developed most notably by theologian Gustavo Gutierrez, has become firmly entrenched in Catholic doctrine. Gutierrez has noted that,

an essential clue to the understanding poverty in liberation theology is the distinction . . . between three meanings of the word "poverty": real poverty as an evil—that is something that God does not want; spiritual poverty, in the sense of a readiness to do God's will; and solidarity with the poor, along with protest against the conditions under which they suffer.²⁰

For Bob's work, the final understanding of poverty becomes particularly relevant to the concept of pilgrim law:

When we are considering legal dispositions and legal transactions, there is probably no need to use an across the board definition of the poor [for example, as developed by Gutierrez, above]. It should be enough for us to see who is being marginalized, treated as irrelevant, or deprived of some condition for a fully human existence by the particular project we have in mind. If it is a corporate merger, the poor will be the workers made superfluous by newfound economies of scale. If it is a conversion of rental housing into condominiums, the poor will be the tenants who cannot afford to buy their apartments. If it is charging a book fee in the public schools, the poor will be those who cannot afford to pay it. If it is a change in the divorce laws, the poor will be middle aged housewives with no marketable skills. If it is a war on drugs, the poor will be Bolivian peasants with no cash crop except coca leaves.²¹

An important question that Bob attempts to answer in *Pilgrim Law* is whether the preferential option for the poor can be institutionalized. He sees the option as an "asceticism" for the ruling class, which can help them avoid the pitfalls of false consciousness.²² It also exists as a sign to the poor themselves of their inherent worth before God, and of the unacceptability of the situations in which they often find themselves.²³ Bob ultimately contends that the option can only be institutionalized

20. Gustavo Gutierrez, *A Theology of Liberation: History, Politics, and Salvation* xxv (Sister Caridad Inda & John Eggleston ed. & trans., rev. ed., Orbis Books 1988) (originally published 1973).

21. Rodes, *supra* n. 1, at 99.

22. *Id.* at 137.

23. *Id.* at 104.

through case-by-case application in which the needs of the poor are given priority and decisions are taken with a sense of responsibility and accountability to the weak and the habitually excluded. It is this aspect of *Pilgrim Law* that connects so well with the community organizing work amongst economic migrants in London.

ECONOMIC MIGRANTS AND COMMUNITY ORGANIZING IN LONDON

On May 1, 2006, a “Mass in Support of Migrant Workers in London” was held at Westminster Cathedral as part of the celebration of the feast of St. Joseph the Worker. Cardinal Cormac Murphy-O’Connor, Archbishop of Westminster, was the principal celebrant, along with bishops and priests from all over Greater London. The mass assembled representatives from many of London’s largest immigrant and migrant communities. The booming economy of southeast England is now heavily dependent on low-wage labor performed by Brazilian, Polish, Nigerian, Portuguese, Lithuanian, Filipino, and Chinese migrants, just to name some of the many groups who are now integrated into the fabric of London’s urban life. Many of these migrants are Catholic, so Westminster Cathedral was an appropriate place to celebrate their contribution to the economic and cultural life of the city, and to the growing vibrancy they have brought to the Catholic church in the United Kingdom. The mass was followed by a rally in the cathedral piazza during which the Cardinal committed the church’s support to a living wage campaign organized by a group called London Citizens. The campaign is striving to create an alliance of London’s low-wage workers to fight for a living wage and fair employment conditions, while at the same time integrating these workers into the fabric of British society through a continuing emphasis on the common good.²⁴

London Citizens is a diverse civic alliance of faith congregations, school groups, unions, and businesses organized for the purpose of developing skills and leadership capacity within the communities in which they work. These communities tend to be the more economically deprived and socially diverse areas of London, places where the multicultural reality of the global metropolis is inescapable. Through formal training and the work of professional organizers, London Citizens helps people in local communities identify and work for change and social justice, relying heavily on themes of Catholic social teaching and the community organizing model pioneered by Saul Alinsky in

24. London Citizens Workers Association, www.livingwage.org.uk/campaign.html (accessed Mar. 26, 2007).

Chicago.²⁵ Over the last two years, community meetings and organizing activities identified low wages and insecurity of employment as major concerns for many of London's economic migrants, and London Citizens began a campaign to promote a living wage, sick leave, and holiday pay for these workers. Among the campaign's early successes was making London the host of the first "Living Wage Olympics." London Citizens encouraged the London Olympic Committee to include a living wage clause for all employment related to London's preparations to host the 2012 Summer Olympic Games, and also secured affordable housing and jobs for working people as part of the urban redevelopment necessary for hosting the event.

Although Bob is probably correct that pilgrim law cannot be institutionalized through community organizing movements, London Citizens provides an excellent example of an opportunity for lawyers and law students to practice pilgrim law case-by-case. Through my course on law and Catholic social thought, students were able to work with community group members of London Citizens. Their primary role was to assist the groups in formulating and articulating concerns they wished to move through the community organizing network. In other words, the students were avoiding one of the key traits of false consciousness—a refusal or inability to recognize failures within the dominant system—by serving as facilitators for a process that allowed individuals from marginalized groups to define and identify problems for themselves. However, if we lawyers are to work for the inclusion of the excluded, the issues the excluded identify as items for action may cause those of us who live and work amongst the privileged to encounter some discomfort.

One of the prime targets of the living wage campaign was the financial services industry. A key component of London's economic renaissance has been the city's growth as an international financial center. Major banks from around the world, and particularly New York, have set up shop in the Canary Wharf area on the River Thames, which abuts some of East London's most deprived areas. Many of the economic migrants to the city have found employment as cleaners in the gleaming office towers that house accountancy firms, international banks, and investment firms like Merrill Lynch and Morgan Stanley, companies that have also contributed to an explosion of growth and profits for many American and British law firms. By interceding on

25. Alinsky's model was identified by Bob in *Pilgrim Law* as "sporadically successful," but not capable of providing the kind of complete institutionalization of pilgrim law that Bob was seeking. Rodes, *supra* n. 1, at 107.

behalf of the migrants, lawyers could well be seen as biting hands that have long fed them. There was no legal obligation for these firms to pay above the market rate for their cleaning services, and any moral impetus to do so might well be contested by their diverse shareholders and managers. Yet, by working on behalf of the cleaners, lawyers helped to hold some of the most powerful members of society accountable to the weakest, and humanized an issue that might have been explained away theoretically by those in power as an inevitable, though perhaps unfortunate, reality of what is overall a beneficent system. Ultimately, several firms were convinced to pay their cleaners a living wage, with the global accountancy firm of KPMG receiving a “Living Wage Employer” award at the May 1st rally.

Realistically, a one or two pound per hour rise in the rate of pay for cleaners will have little or no impact on the profit of an international financial services conglomerate, but it will change fundamentally the life of the worker who receives it. Not only will his or her material position improve, but this worker now is much more likely to become invested in life of the community instead of remaining on its margins in a day-to-day struggle for economic survival. This movement towards solidarity and participation for the poor is at the heart of Catholic social teaching. As noted by the U.S. Catholic Bishops in their pastoral letter, *Economic Justice for All*:

Social justice implies that persons have an obligation to be active and productive participants in the life of society and that society has a duty to enable them to participate in this way. This form of justice can also be called “contributive,” for it stresses the duty of all who are able to help create the goods, services, and other non-material or spiritual values necessary for the welfare of the whole community.²⁶

By embracing pilgrim law, members of the legal profession who seek to live out a Christian vocation in their profession and to avoid false consciousness should seize opportunities to hold themselves and other privileged members of society accountable to the poor. This has to be done in ways that move beyond charitable acts of service which, although necessary, do nothing to promote an idea of social justice that brings the poor into the life of the community in a meaningful way. The demand is for solidarity and participation in a community where the poor are valued for who they are and for what they can contribute. It is

26. U.S. Bishop’s Conference, *Economic Justice for All* ¶ 71 (1986) (available at http://www.osjspm.org/economic_justice_for_all.aspx).

only when the powerful have a meaningful engagement with the poor as real human beings with whom they share a communal life that any real attempt can be made to correct systemic social and economic injustices. London Citizens is not going to change the system, but it may well help to change the fabric of London society by giving a meaningful citizenship role to the city's economic migrants and immigrants.

SOCIAL JUSTICE AND LEGAL EDUCATION

Catholic social teaching is a central part of a lived Catholic faith, and "insofar as it is part of the Church's moral teaching, the Church's social doctrine has the same dignity and authority as her moral teaching. It is authentic Magisterium, which obligates the faithful to adhere to it."²⁷ This means that a commitment to solidarity with the poor, and a commitment to efforts to increase their meaningful participation in the broader community, are obligations for Catholics and their institutions. Catholic law schools are thus obliged to make appropriate demonstrations of the centrality of social justice and Catholic social teaching to their mission. I believe this means more than simply sponsoring a legal aid clinic, or offering courses in poverty law and immigration law. It means dedication to the ideal of service embodied in pilgrim law. It requires a recognition of the centrality of the other to our salvation and to any real understanding of justice. It is, as the philosopher Emmanuel Lévinas tells us, moving toward the person from whom we would normally recoil and reworking the intellectual or instinctual justifications for ignoring, rejecting, or hating him.²⁸ This requires an understanding of the role of lawyer as more than simply an agent of the system—he or she is also an agent of change.

As we consider the state of our nation in 2006, can we say that Catholic law schools have given active witness to the reality of human solidarity through the special option for the poor? As John Paul II noted in *Centesimus Annus*:

Today more than ever, the Church is aware that her social message will gain credibility more immediately from the *witness of actions* than as a result of its internal logic and consistency. This awareness is also the source of her preferential option for the poor, which is never exclusive or discriminatory toward other groups In the countries of the West, different forms of

27. Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church* 80 (2005) (available at http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/re_pc_justpeace_doc_20060526_compendio-dott-soc_en.html).

28. Emmanuel Lévinas, *Alterity and Transcendence* 87-88 (Colum. U. Press 1999).

poverty are being experienced by groups which live on the margins of society, by the elderly and the sick, by the victims of consumerism, and even more immediately by so many refugees and migrants.

Love for others, and in the first place love for the poor, in whom the Church sees Christ himself, is made concrete in the *promotion of justice*. Justice will never be fully attained unless people see in the poor person, who is asking for help in order to survive, not an annoyance or a burden, but an opportunity for showing kindness and a chance for greater enrichment.²⁹

What do Catholic law schools have to say about the impoverishing effects of consumerism and materialism and the “reform” of the federal bankruptcy laws? Where do Catholic law schools stand in an immigration debate that has directed increasing intolerance and hostility toward a foreign “other” from a population that refuses to recognize the human cost of cheap goods, and from a Congress in thrall to special interests that depend on cheap labor to produce the profits that ultimately fund political campaigns? Why does a poor Mexican become a criminal for crossing a border without documents while the managers and executives of the firms that depend on his labor become iconic multi-millionaires?

Bob Rodes has challenged us to ask those questions, and in his quiet way, he has pushed his faculty colleagues at Notre Dame to think more critically about our mission as a law school. Bob is never afraid to express an opinion that confronts the received wisdom about the nature of our academic enterprise. Sometimes, when I have found myself disagreeing with him initially, upon reflection I have later realized that there was an important, disquieting truth in what he had said. Although I might have an alternative view on the appropriate response to the issue in question, it generally becomes clear to me that Bob often makes plain the fundamental challenges of being a “premier Catholic law school.” Ultimately, whom do we serve and what are the core values that will animate our enterprise? The Church has told us that our commitment to solidarity with the poor is an expression of our commitment to Christ Himself. Are we listening?

29. Pope John Paul II, Encyclical Letter *Centesimus Annus* 57-58 (1991) (available at http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus_en.html).

