

The Teachings of Pope Francis Symposium: Toward a Common Good for Our Common Home

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INTRODUCTION

Prompted by the teachings of Pope Francis conveyed through such writings as the *Evangelii gaudium* and *Laudato si'*, the symposium—titled *The Teachings of Pope Francis: Towards a Vision of Social Justice and Sustainable Capitalism?*—brought an impressive and diverse array of interdisciplinary scholars to Seattle University School of Law in February 2017. Speakers included economists, law professors, and theologians with a wide array of expertise on daunting policy issues facing the Global South and North. Fittingly, a Jesuit law school with a diverse faculty hosted the symposium centering, critiquing, and expanding the teachings of the first Jesuit Pope.¹ Many of our law students, and those elsewhere, enter law school, in part, to use and transform law toward the betterment of society. As a law school with a social justice mission at its core, Seattle University was a natural choice for a conference examining the social justice lessons of a Pope who so well embodies the Jesuits' own attention to social justice imperatives.²

The symposium speakers connected the Pope's teachings to law and legal outcomes, answering questions of what changes in law would further the Pope's social justice vision, and whether and how those changes were feasible in the face of entrenched interests. Relatedly, the symposium participants situated the Pope's teachings within disciplines outside, but often allied with, the law by asking and answering such questions as whether the Pope's teachings were consistent with established Catholic social teachings and whether the Pope was anticapitalist or instead merely seeking to reform that economic system.

Before introducing the seven articles in this written symposium that well represent the larger group of scholars who participated in the oral

1. Previously, Seattle University Law Review published a religion symposium in 2009. Symposium, *Pluralism, Religion & the Law: A Conversation at the Intersection of Identity, Faith, and Legal Reasoning*, 32 SEATTLE U. L. REV. 271 (2009).

2. See also David Gibson, *To Understand Pope Francis, You Need to Know About the Jesuits*, HUFFINGTON POST (Sept. 21, 2015, 3:38 PM), http://www.huffingtonpost.com/entry/to-understand-pope-francis-you-need-to-know-about-the-jesuits_us_5600543de4b00310edf807d7 [<https://perma.cc/MA9J-49FU>] (Sept. 21, 2015) (describing the social justice mission of the Jesuit order). See generally 32d Gen. Congregation of the Soc'y of Jesus, *Our Mission Today: The Service of Faith and the Promotion of Justice in DOCUMENTS OF THE 31ST AND 32D GENERAL CONGREGATIONS OF THE SOCIETY OF JESUS* 411–40 (John W. Padberg, S.J. ed., Jesuit Conference trans., 1977) (detailing the Jesuit mission to promote justice).

symposium, I offer my own comments and critique of the teachings of Pope Francis from the perspective of a U.S. law scholar who writes critically in the genre of outsider jurisprudence. Initially, I identify the transnational thread that links the social justice issues at the symposium's center, and compare the nationalist "teachings" of Donald Trump. Next, I offer some suggestions for enacting the Pope's teachings into U.S. law, and more generally for achieving enduring and fundamental change for vulnerable populations. At the same time, I examine how the Church might better serve as a catalyst and partner for some of the allied social change sought by critical legal scholars.

I. MAKING OUR COMMON HOME GREAT AGAIN

*We want a change which can affect the entire world,
since the global interdependence calls for global
answers to local problems. –Pope Francis³*

Pope Francis' *Laudato si'* details a globalized vision of care, opening with a prayer in praise of "Mother Earth, who sustains and governs us."⁴ Speaking on a global stage for a global religion, it is unsurprising that his social teachings transcend national borders. Concentrating on global warming and environmental degradation, *Laudato si'* situated climate as a common good and supplied the framework for symposium discussions on the role and values of the Global North in unleashing climate change that disproportionately impacts the South.⁵ In addition to these teachings, the symposium participants also centered the social justice issues of, and papal teachings on, poverty and economic inequality and survival migration, which equally transcend borders both in their effects and their potential solutions. Thus, the common thread of the social justice issues engaged by the symposium participants was their transnational nature, in many cases calling for transnational solutions starting with the Global North.

Contrasting the Pope's global vision on the subjects of poverty and economic inequality, the environment, and migration is the nationalism surrounding Donald Trump's goal to seal off the United States from the

3. Pope Francis, Speech at World Meeting of Popular Movements in Santa Cruz, Bolivia (July 9, 2015) (transcript available at *Pope Francis: Speech at World Meeting of Popular Movements, Santa Cruz, Bolivia*, VATICAN RADIO (Oct. 7, 2015, 12:30 AM), http://en.radiovaticana.va/news/2015/07/10/pope_francis_speech_at_world_meeting_of_popular_movements/1157291 [<https://perma.cc/89TL-FWAE>]) [hereinafter Pope Francis, Speech].

4. Pope Francis, *Encyclical Letter, Laudato si': On Care for Our Common Home* para. 1 (2015), http://w2.vatican.va/content/dam/francesco/pdf/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si_en.pdf [<https://perma.cc/ZR4S-T3J4>] [hereinafter Pope Francis, *Laudato si'*] (quoting 1 Francis of Assisi, *Canticle of the Creatures*, in FRANCIS OF ASSISI: EARLY DOCUMENTS 113–14 (1999)).

5. *Id.* para. 23.

world while failing to take responsibility for the externalities of our economy.⁶ Among the manifestations of nationalism in the Trump regime that connect to the core symposium issues are his claim that human-caused climate change is a “hoax”⁷ and his campaign threat to abandon responsibility for U.S. emission reduction: “We’re going to cancel the Paris Climate Agreement and stop all payments of U.S. tax dollars to U.N. global warming programs.”⁸ Similarly, the United States’ contribution to uplifting the global poor will likely fall victim to the vexing math of an increasing military and national security budget while delivering Trump’s promise of “massive” tax relief.⁹ Most vividly displaying nationalism in the face of social justice issues of global proportions is Trump’s imperative to literally wall off the United States from the Global South and his executive orders freezing refugee entry.¹⁰ In sum, Trump’s pledge to

6. See generally Father Dan Millisor, “*Crusaders for Justice, Pilgrims for Peace*”: *Global Human Rights and Catholic Social Teaching*, 25 OHIO N.U. L. REV. 315, 317 (1999) (contrasting nationalism from its opposite of the Catholic social teaching principle of universalism).

7. Steven Salzberg, *Trump’s EPA Chief is a Climate Change Denialist. Why is Anyone Surprised?*, FORBES (Mar. 13, 2017, 8:00 AM), <https://www.forbes.com/sites/stevensalzberg/2017/03/13/trumps-epa-chief-is-a-climate-change-denialist-why-is-anyone-surprised/#4ed9a51f22fc> [<https://perma.cc/AVR3-6R4L>]. Compare the teachings of Pope Francis. See Pope Francis, Laudato si’, *supra* note 4, para. 23 (recognizing the scientific basis for human-caused climate change).

8. *Trump Camp Reportedly Split on Paris Agreement, Climate Change*, AOL (Mar. 3, 2017, 10:50 AM), <https://www.aol.com/article/news/2017/03/03/trump-camp-reportedly-split-on-paris-agreement-climate-change/21872826/> [<https://perma.cc/9EWJ-4NEX>]. Trump’s 2017 budget proposal eliminated funding for the Global Climate Change Initiative that supported the Paris climate agreement. Nell Greenfieldboyce, *Trump’s Budget Slashes Climate Change Funding*, NPR (Mar. 16, 2017, 12:32 AM), <http://www.npr.org/sections/thetwo-way/2017/03/16/520399205/trumps-budget-slashes-climate-change-funding> [<https://perma.cc/CAQ7-3Y8L>].

9. Steve Coll, *What Trump Means for the World’s Poorest People*, THE NEW YORKER (Feb. 22, 2017), <http://www.newyorker.com/news/daily-comment/what-trump-means-for-the-worlds-poorest-people> [<https://perma.cc/UX8N-K8Z>] (speculating that U.S. aid to poor countries like Haiti will decline in the years ahead); Tony Nitti, *Trump’s ‘Massive’ Middle Class Tax Cuts Are Tiny Compared to Those Promised to the Rich*, FORBES (Mar. 1, 2017, 9:26 AM), <https://www.forbes.com/sites/anthonyнити/2017/03/01/president-trump-promises-massive-middle-class-tax-cuts-but-will-he-deliver/#18a797ec6b9e> (opining on Trump’s Congressional address where he promised “massive tax relief for the middle class”).

10. See generally Gilbert Paul Carrasco & Iryna Zaverukha, *Mercy Versus Fear, or Where the Law on Migration Stands*, 40 SEATTLE U. L. REV. 1283 (2017). While visiting Mexico in 2016, Pope Francis condemned any border wall, contending that “[a] person who thinks only about building walls, wherever they may be, and not building bridges, is not Christian.” Jim Yardley, *Pope Francis Suggests Donald Trump is “Not Christian”*, N.Y. TIMES (Feb. 18, 2016), https://www.nytimes.com/2016/02/19/world/americas/pope-francis-donald-trump-christian.html?_r=0. Trump replied he thought the Pope was “a very political person.” *Id.* This is the same criticism that Trump heaped on the federal judges who enjoined his travel ban. See Ariane de Vogue & Laura Jarrett, *Trump Furious After Court Upholds Block on Travel Ban*, CNN (Feb. 10, 2017, 7:56 AM), <http://www.cnn.com/2017/02/09/politics/travel-ban-9th-circuit-ruling-immigration/> [<https://perma.cc/2W9Q-MCSM>] (reporting that Trump called the decision of the Ninth Circuit “a political decision”); Andrea Noble, *Federal Judge in Hawaii Blocks Trump’s Revised Travel Ban*, WASH. TIMES (Mar. 15, 2017), <http://www.washingtontimes.com/news/2017/mar/15/trumps-revised-travel-ban-blocked-by-federal->

“Make America Great Again” looks inward to isolate the United States from its current reliance on cheap imported goods and cheap U.S. labor from migrants, and from any moral obligation to the rest of the world and its refugees.

On a simplistic level, putting aside Trump’s racism-laden tirades against migrants,¹¹ decent arguments can be made that much of foreign production destined for export has caused its oppressed foreign workers more harm than good,¹² and that unfettered migration sometimes lowers wages for U.S. workers.¹³ Thus far, the globalization experience has done little to advance the core tenet of Catholic social teachings of the recognition and fostering of human dignity.¹⁴ There is little dignity found in sweatshops in converted warehouses with guarded entrances exposing underpaid workers to dangerous chemicals and suppressing labor organizing, all in the aim of providing U.S. consumers (or more likely, U.S. retailers and intermediaries who scoop up the profits) with cheap goods.¹⁵ But Trump’s nationalistic vision is no panacea for worker (or migrant) dignity.

Within the United States, Trump opposes unionization¹⁶ and is opposed to raising the federal minimum wage, preferring to defer to states, several of which have no laws whatsoever, to supply wage floors.¹⁷ In contrast, consistent with the vantage point of Catholic social teachings that first look to the poor, Pope Francis has emerged as a champion of worker

judge/ [https://perma.cc/34CQ-9ZJ9] (reporting that Trump rhetorically asked a crowd at a rally if they thought the U.S. District Judge for Hawaii issued the ruling “for political reasons”).

11. See John Shuford, *The Compassion of “Compassionate Migration”*, in COMPASSIONATE MIGRATION AND REGIONAL POLICY IN THE AMERICAS (Steven W. Bender & William F. Arrocha eds., forthcoming 2017) (discussing Trump’s hateful rhetoric).

12. See Steven W. Bender, *Guatemala Labor as an Extractive Industry: Critiquing the Precarity of the Maquiladora Export Model in the Neoliberal Era*, in FROM EXTRACTION TO EMANCIPATION: DEVELOPMENT REIMAGINED (Raquel Aldana & Steven W. Bender eds., forthcoming 2018) [hereinafter Bender, *Guatemala Labor*] (discussing the relative harms and benefits of foreign-owned apparel factories in Guatemala).

13. See STEVEN W. BENDER, RUN FOR THE BORDER: VICE AND VIRTUE IN U.S.–MEXICO BORDER CROSSINGS 161 (2012) (discussing the current dynamic where U.S. employers rely on the precarity of undocumented labor to pay the least wages and benefits).

14. See generally PONTIFICAL COUNCIL FOR JUSTICE AND PEACE, COMPENDIUM OF THE SOCIAL DOCTRINE OF THE CHURCH 63 (2005) (addressing the equal dignity of all people and the need for community promotion of dignity).

15. See Bender, *Guatemala Labor*, *supra* note 12.

16. Ted Hesson, *Trump Launches War on Unions*, POLITICO (Dec. 8, 2016, 5:56 PM), <http://www.politico.com/story/2016/12/trump-unions-war-232382> [https://perma.cc/5QH4-XH8M]; Penny Lewis, *Viewpoint: What’s Coming for Unions Under President Trump*, LABORNOTES (Jan. 19, 2017), <http://www.labornotes.org/blogs/2017/01/viewpoint-whats-coming-under-president-trump> [https://perma.cc/SZM9-C3KL].

17. Editorial Board, *What Donald Trump Doesn’t Get About the Minimum Wage*, N.Y. TIMES (Jan. 2, 2017), <https://www.nytimes.com/2017/01/02/opinion/what-donald-trump-doesnt-get-about-the-minimum-wage.html>.

rights and fair wages over spiraling corporate profits.¹⁸ Despite the perils of globalization, Pope Francis recognizes that global interdependence calls for global solutions to global (and local) problems,¹⁹ and his focus on worker rights offers a potential, and maybe the only, pathway to dignity in our connected world.

Moreover, Pope Francis understands the connectedness of the social justice issues that were at the core of the symposium—not merely the common thread of their transnationality as global problems, but that global poverty, environmental degradation, and migration are linked, among other ways, by the pursuit of profits over dignity. When “money rules,”²⁰ not only does the economic system fail to lift people from poverty, it puts our common home at risk through environmental crises, which disproportionately affect the poor and in turn prompt their migration.²¹ The culture and supporting structures of our unfettered pursuit of profit, then, lie at the center of blame for the social justice crises the symposium confronted. With this background, the next section suggests how enduring and meaningful change might spring from the teachings of Pope Francis.

II. THE MORAL VOICE OF POPE FRANCIS AS A CATALYST FOR CULTURAL CHANGE

[T]he strongest moral voice in the globe today calling us to action.

—New York City Mayor Bill de Blasio remarking on Pope Francis²²

18. Pope Francis, Speech, *supra* note 3. His position is consistent with recent Catholic social teaching. See U.S. CATHOLIC CONF., SHARED CATHOLIC SOCIAL TEACHING: CHALLENGES AND DIRECTIONS, REFLECTIONS OF U.S. CATHOLIC BISHOPS 5 (1998) (detailing the basic rights of workers to include decent and fair wages and the right to organize and join unions).

19. Pope Francis, Speech, *supra* note 3 (“It must be acknowledged that none of the grave problems of humanity can be resolved without interaction between states and peoples at the international level.”). See also Pope Francis, *Apostolic Exhortation*, *Evangelii gaudium* para. 190 (2013) [hereinafter Pope Francis, *Evangelii gaudium*], http://w2.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.html [https://perma.cc/XUY9-CQET] (“To speak properly of our own rights, we need to broaden our perspective and to hear the plea of other peoples and other regions than those of our own country.”).

20. Pope Francis, Speech, *supra* note 3.

21. Pope Francis, *Laudato si'*, *supra* note 4, paras. 23–25, 48.; see also *To Combat Terrorism, Reject 'Unfettered Pursuit of Profit,' Vatican Envoy Tells UN*, CATHOLIC CULTURE (Feb. 13, 2017), <https://www.catholicculture.org/news/headlines/index.cfm?storyid=30741> [https://perma.cc/K8HF-5CXD] (Vatican representative links terrorism to the unfettered pursuit of profit).

22. Bill de Blasio, Mayor of New York City, Media Availability at the Vatican (July 21, 2015), (transcript available in *Transcript, Mayor de Blasio Holds Media Availability at the Vatican*, NYC (July 21, 2015), <http://www1.nyc.gov/office-of-the-mayor/news/503-15/transcript-mayor-de-blasio-holds-media-availability-the-vatican> [https://perma.cc/3KA5-ZT2C]).

History and experience have demonstrated that enduring social change requires both a change of law and of culture.²³ In a prominent example, the watershed U.S. civil rights legislation of the 1960s was unaccompanied by a widespread societal readiness for equality, and thus the laws' implementation was contested, muted, and ultimately failed to significantly improve the everyday lives of black residents.²⁴ As one philosophy professor connected social readiness to meaningful social change: "To put it bluntly, a law cannot change people's hearts."²⁵ Particularly in the case of migration policy, but also from the broader vantage point of the poor and of the working class, transformative and effective legal change rarely comes without societal readiness. Rather, politicians tend to be unmoved from the entrenched powers behind preserving the status quo absent a societal outpouring of compassion toward vulnerable populations.²⁶ Societal readiness for social change is nurtured through means such as shared experiences and dialogue between vulnerable groups and the larger community.²⁷ But the most critical element in fostering a climate of caring that shifts culture is moral leadership—the kind of moral leadership that Pope Francis supplies on a global stage that resonates with everyday problems and crises at the local level.

Rather than build a societal readiness to act based on hate and fear, Pope Francis relies on our natural predilection for love²⁸ to summon our greater angels toward care for the most vulnerable populations, and for our common home. By focusing on the poor, he lifts them from the margins of political and societal discourse to the center. At this critical crossroads on so many pressing social justice issues, indeed during what symposium speaker Carmen Gonzalez discussed for the global environment as the Anthropocene Era of human-induced catastrophic change,²⁹ moral leadership is needed more than ever. Particularly through his efforts to

23. See Francisco Valdes et al., *Critical Justice and Social Impact Advocacy* (unpublished manuscript) (on file with author) [hereinafter *Critical Justice*].

24. Maurice Hamington, *Social Readiness: Care Ethics and Migration in COMPASSIONATE MIGRATION AND REGIONAL POLICY IN THE AMERICAS*, *supra* note 11, at 237, 243.

25. *Id.*

26. In the case of refugees and more generally migration, one of the first glimmers of societal compassion and readiness for change (in the form of comprehensive immigration reform) was seen in the airport protests of Trump's initial executive order in January 2017, halting migration from seven designated countries as well as all refugee entry. For a discussion of the executive order see Carrasco & Zaverukha, *supra* note 10, at 1294–1300.

27. See STEVEN BENDER, *MEA CULPA: LESSONS ON LAW AND REGRET FROM U.S. HISTORY* 177–79 (2015) [hereinafter BENDER, *LESSONS ON LAW*].

28. See Michael J. Kaufman, *Social Justice and the American Law School Today: Since We Are Made for Love*, 40 SEATTLE U. L. REV. 1187 (2017).

29. Carmen G. Gonzalez, *Bridging the North-South Divide: International Environmental Law in the Anthropocene*, 32 PACE ENVTL. L. REV. 407 (2015).

speak across religious as well as national divides, Pope Francis has emerged as the world's strongest moral voice toward social justice. But law, particularly U.S. law, has not only failed to move toward those teachings, it is poised under the Trump regime as detailed above to move farther away from basic human dignity and care.³⁰ The next section supplies some suggestions, particularly directed at the Church, on how to help convert the burgeoning societal readiness that comes from moral leadership into actual legal change.

III. THE CHURCH AS A CATALYST FOR LEGAL CHANGE TOWARD SOCIAL JUSTICE

Informed by critical outsider scholarship, I offer the following suggestions on the enactment of social justice initiatives into law. Although focused on U.S. law, many of the dynamics behind these suggestions are present in other jurisdictions. Further, while some of the suggestions include a critique of the role of the Church in past social justice struggles, Pope Francis has proven himself both aware of that history and willing to change it. Additionally, although these suggestions are directed at the Church and the Pope as moral leaders, they should have resonance for other catalysts and actors for social change such as government officials, community organizers, activists, and others.

A. Leadership from the Top, Looking to the Bottom, and Connected to Other Voices

We tend to look to the “top” for tone- and agenda-setting, both in public and private spheres. Moral leadership, too, needs to come from the highest source within the particular institution or enterprise. In the case of the Church, the Pope must set that tone and agenda, as Pope Francis has ably done. At the same time, when leaders focus on those most detrimentally affected by current policies, they lend a special legitimacy to the campaign for justice. As detailed above, the social justice crises addressed in the symposium disproportionately impact the poor, heightening the need for solutions that ease their burden.³¹ Consistent with the imperative Catholic social teachings place on the special concern for the poor (known as the preferential option),³² the social justice teachings

30. See discussion *supra* Part I.

31. See discussion *supra* Part I.

32. See generally PONTIFICAL COUNCIL, *supra* note 14, at 79. See also Vincent D. Rougeau, *Catholic Social Teaching and Global Migration: Bridging the Paradox of Universal Human Rights and Territorial Self-Determination*, 32 SEATTLE U. L. REV. 343, 347 (2009) (explaining that preferential “is not a preference in the sense that the poor are ‘better’ than other people or more loved by God. Preferential means that a Christian’s attention must first be directed to the weak, the outcast, and the marginalized”).

of Pope Francis confront the excesses of unfettered capitalism, environmental degradation, and the perils of migration from the vantage point of the poor (and other vulnerable groups),³³ while at the same time challenging the wealthy and powerful interests to consider the interests of the vulnerable.³⁴

Moral voices are particularly influential when they cross disciplines to find connections and unite in message. For example, when Pope Francis linked his religious teachings on climate change and environmental degradation to the findings of almost all scientists,³⁵ it lent a special credibility to both the religious and scientific voices. When scientific and humanistic voices and disciplines are united and produce a shift in culture, law enacted in this receptive societal setting can be transformative rather than complicit in global oppressions.³⁶

B. Local Church Officials Must Supply Specific Policy-Making Guidance

Popes necessarily speak in global terms when confronting global problems such as migration and poverty.³⁷ Even when singling out the responsibilities of the Global North, the Pope's imperatives are not always addressed to a specific country and are often too general to translate into specific legislation.³⁸ For example, Pope Francis has spoken of the need for Christians to "embrace with affection and respect Muslim immigrants to our countries."³⁹ Even if extrapolated to a particular country, such as

33. *E.g.*, Pope Francis, *Laudato si'*, *supra* note 4, para. 246 ("O God of the poor, help us to rescue the abandoned and forgotten of this earth.").

34. *Id.* para. 246 ("Enlighten those who possess power and money that they may avoid the sin of indifference, that they may love the common good, advance the weak, and care for this world in which we live.").

35. *Id.* para. 23 (aligning with scientific studies that conclude most current global warming results from human activity). *See also* Russell Powell, *To Si': Engaging Islamic Tradition and Implications for Legal Thought*, 40 SEATTLE U. L. REV. 1325 (2017) (discussing how the Islamic Declaration of Global Climate Change is similarly grounded in climate science, and suggesting how secular arguments of scientists can be bolstered when placed within the context of a religious or moral imperative).

36. *See* discussion *infra* Part III.F.

37. Inés San Martín, *New Flash: When the Pope Speaks, It Isn't Always About the U.S.*, CRUX (Feb. 16, 2017), <https://cruxnow.com/analysis/2017/02/16/news-flash-pope-speaks-isnt-always-u-s/> [<https://perma.cc/VZ5U-S6PA>].

38. *E.g.*, Adam Sasiadek, *Varieties of Catholic Social Justice Initiatives Since Rerum Novarum and Their Implications for Contemporary Labor and Employment Policy*, 50 J. CATH. LEGAL STUD. 257, 264–65 (2011) (discussing the statement of Pope Paul VI that "[i]n the face of such widely varying situations [around the world] it is difficult for us to utter a unified message and to put forward a solution which has universal validity").

39. Pope Francis, *Evangelii gaudium*, *supra* note 19, para. 253. Still, the Pope's condemnation of walls, made while returning from Mexico, and thus obviously directed at the cornerstone of Trump's anti-immigrant campaign at the time, was a specific statement about the potential direction of U.S. policy. *See* discussion *supra* note 10.

our predominantly Christian nation, this moral imperative of acceptance of the Muslim religion does not readily translate into specific legal policy. Nor do papal imperatives for countries to take in their fair share of refugees displaced from their homelands.⁴⁰ Although such teachings can surely be read to give pause to sweeping policies like Trump's executive orders targeting migration from some Muslim-majority countries, the Pope's statements do not, for example, give specific guidance on the appropriate immigration policies for refugees—specifically from where should we be accepting refugees, who qualifies for refugee status, and in what precise numbers should we open our doors. To accompany societal readiness, then, is the need for a more specific policy-oriented script for policymakers to adopt.

In the United States, Catholic bishops are well situated to supply specific policy guidance to translate broader papal teachings to specific and concrete legal terms, both to weigh in on existing proposals and to supply the template for new legal measures.⁴¹ For example, a 1976 resolution of the National Conference of Catholic Bishops spoke specifically to such immigration issues as the harmful impact of the 1965 Immigration and Nationality Act on Mexican immigration,⁴² calling for increased quota numbers and unrestricted parental reunification allowances that have never been enacted, as well as for expansion of the United States' definition of refugee status and broad scale amnesty for undocumented immigrants.⁴³ Particularly in the current immigration crisis, where proposals in Congress for comprehensive immigration reform have floundered for decades while security-oriented measures such as the Secure Fence Act of 2006 have found favor, specific proposals are needed from the unified Catholic bishops at a national level⁴⁴ and from local

40. Cf. Pope Francis, *Evangelii gaudium*, *supra* note 19, para. 210 (“I exhort all countries to a generous openness [to migrants].”).

41. See generally TIMOTHY A. BYRNES, *CATHOLIC BISHOPS IN AMERICAN POLITICS* (2014).

42. For discussion of that impact, see STEVEN W. BENDER, *ONE NIGHT IN AMERICA: ROBERT KENNEDY, CÉSAR CHÁVEZ, AND THE DREAM OF DIGNITY* 106–07 (2008) [hereinafter BENDER, *ONE NIGHT IN AMERICA*].

43. NAT'L CONF. OF CATHOLIC BISHOPS, *THE PASTORAL CONCERN OF THE CHURCH FOR PEOPLE ON THE MOVE, THE CHURCH AND THE IMMIGRANT TODAY* (1976). A widespread amnesty program did emerge under President Reagan, who signed the Immigration Reform and Control Act in 1986 that resulted in millions of undocumented immigrants obtaining legal status and eventually, for many, U.S. citizenship.

44. Catholic bishops have not always spoken with specificity, as in the case of their 1986 pastoral letter on Catholic social teaching and the U.S. economy, titled “Economic Justice for All,” which rather than supplying specific solutions, chose to articulate moral considerations. U.S. Catholic Bishops, *Economic Justice for All*, in *CATHOLIC SOCIAL THOUGHT: THE DOCUMENTARY HERITAGE*, 689, 757 (David J. O'Brien & Thomas A. Shannon eds. 2010). In contrast, the U.S. Bishops' Committee on Migration responded in 1995 to the prevailing anti-immigrant climate, particularly the sentiment behind California's Proposition 187 to deny public benefits to undocumented migrants, by

church leaders at the city and town level⁴⁵ toward compassionate migration policy reform at whatever level is receptive to the budding societal readiness for care of migrants.⁴⁶

Some controversy exists, particularly within the theological community, on the appropriateness of the Church lending specificity to its general moral imperatives.⁴⁷ Here, I support specificity connecting broader moral imperatives to legislation-ready frameworks—a recognition that religious traditions belong in the marketplace of policymaking ideas,⁴⁸ which is consistent with the approach of the U.S. Conference of Catholic Bishops.⁴⁹ This approach to translating Catholic social teachings to law is:

based on the conviction that the strength of the Catholic moral tradition resides in *two* factors: a systematic body of principles *and* an ability to illustrate the meaning of principles through casuistry. In short, [this] legislative-policy model believes that Catholic social teaching should be *both* systematic and specific.⁵⁰

C. The Church Needs to Arrive Early to the Social Justice Party

In my book on the social justice implications of the 1960s friendship of Robert Kennedy and César Chávez, I criticized the Catholic Church for arriving late to support the United Farm Workers' (UFW) struggle for fair wages and the right to organize farm laborers.⁵¹ Emanating from Delano,

issuing a statement, “One Family Under God,” that specifically opposed the prevailing anti-immigrants models and proposals. See Terry Coonan, *There Are No Strangers Among Us: Catholic Social Teachings and U.S. Immigration Law*, 40 CATH. LAW. 105, 147–50 (2000).

45. In the case of resistance to the xenophobia of Donald Trump, some Catholic bishops have spoken individually, which helps situate the sanctuary nature of their local parish. For example, San Diego's Bishop McElroy called Trump's travel ban executive order a “shameful” exercise of xenophobia and religious prejudice. Peter Rowe, *San Diego's Catholic Bishop Condemns Trump's Immigration Order*, SAN DIEGO UNION-TRIB. (Jan. 30, 2017, 7:45 AM), <http://www.sandiegouniontribune.com/news/immigration/sd-me-refugees-20170130-story.html>. Similarly, the Jesuit college presidents who spoke against the travel ban helped create a sanctuary climate for migrants on their campus.

46. See generally Steven W. Bender, *Sourcing Compassionate Migration Policies: Searching for Venues of Humanity*, in COMPASSIONATE MIGRATION AND REGIONAL POLICY IN THE AMERICAS, *supra* note 11, at 279, 284–86 (detailing compassionate migration policies that local jurisdictions as well as private actors might implement).

47. See Coonan, *supra* note 44, at 158–63 (contrasting the educational-cultural model of Catholic social teaching with a legislative-policy model). There is also concern of endangering the Church's U.S. tax-exempt status if the Church becomes too partisan, such as by supporting specific political candidates, rather than speaking more broadly from a position of morality.

48. *Id.* at 159.

49. J. Bryan Hehir, *The Right and Competence of the Church in the American Case*, in ONE HUNDRED YEARS OF CATHOLIC SOCIAL THOUGHT: CELEBRATION AND CHALLENGE 55, 67 (John A. Coleman ed., 2d ed. 1991).

50. *Id.* at 67–68.

51. BENDER, ONE NIGHT IN AMERICA, *supra* note 42, at 145. Compare the role of the black church at the forefront of the civil rights era. See generally Marilyn Mellowes, *The Black Church*, PBS

California, the farm worker struggle initially went unsupported by the local Church, which was beholden to the wealthy local growers.⁵² Eventually, in 1966, when Kennedy came to Delano as a U.S. Senator and expressed support for the farm worker campaign, the Catholic Church broke its official neutrality and, through its California officials, backed collective bargaining rights and a minimum wage for the workers.⁵³ But the U.S. Catholic bishops failed to endorse the late 1960s nationwide grape strike and only did so in 1973 for a subsequent lettuce and table grape strike,⁵⁴ followed in 1974 by Pope Paul VI issuing a statement honoring Chávez for having applied “the principles of Christian social teaching” in the farm worker movement.⁵⁵ As I critiqued, although the Church eventually joined the struggle for farm worker rights (and later for immigration rights), “it rarely takes the lead on human rights issues that intersect with Latinos and other marginalized groups.”⁵⁶ Refreshingly, Pope Francis has situated himself and the Church squarely and timely within the global struggles over economic inequality, climate change, and survival migration—issues of concern to Latinos and other vulnerable groups.

As the Church eventually did with Chávez and the UFW union he created with Dolores Huerta, the Church should connect with grassroots organizers in social justice movements that relate to the issues that resonate with Catholic social teachings and the Church’s regard for the poor and other vulnerable groups. As with the UFW union, whose affiliations with the Church, Robert Kennedy, and other notable supporters lent a legitimacy to the struggle,⁵⁷ early outreach by the Church can better situate these organizations within the public consciousness, and thereby contribute to societal readiness for change. As an example, the unfairly maligned Black Lives Matter movement might benefit from explicit support of the Church, as part of the larger suggestion addressed next: the importance of recognizing the role of race in social justice issues.

(Oct. 11, 2011), <http://www.pbs.org/godinamerica/black-church/> [<https://perma.cc/NK6U-M3AJ>]. But black churches have lost much of their leadership role in the post-civil rights era marked by Black Lives Matter and other campaigns. See Adelle M. Banks, *Black Churches Are No Longer Ground Zero for Civil Rights Activism*, RELIGION NEWS SERV. (Dec. 18, 2014), <http://religionnews.com/2014/12/18/black-churches-no-longer-ground-zero-civil-rights-activism/> [<https://perma.cc/2G7L-44VX>].

52. BENDER, ONE NIGHT IN AMERICA, *supra* note 42, at 145.

53. *Id.* at 146.

54. *Id.*

55. *Id.* at 147 (quoting Pope Paul VI, Statement by Pope Paul VI at Private Audience for César Chávez and Party (Sept. 25, 1974) (on file at Wayne State Library)).

56. *Id.* at 154.

57. *Id.* at 26 (detailing the mutual benefits of friendship for the farm worker union and Kennedy). See also *id.* at 94–95 (discussing the broad constituency of the UFW farm labor movement).

*D. The Church Should Always Acknowledge the Racial Justice
Dimensions of Social Issues*

Racism survived the civil rights era and remains embedded in U.S. institutions and culture. As early as 1979, the U.S. Catholic bishops recognized that the civil rights laws of the 1960s had merely covered up but not fundamentally changed the climate of racism.⁵⁸ In his first trip as Pope to the United States in 2015, Pope Francis (the first Latino pope) visited Washington, D.C., a Harlem school, and other northeastern U.S. locations where he invoked the legacy of Martin Luther King Jr. to acknowledge we had failed to honor the promise of equality for our residents of color.⁵⁹ In that trip, the Pope emphasized the themes of economic inequality, environmental degradation, and welcoming of immigrants that he had articulated earlier in *Laudato si'* and the *Evangelii gaudium*.⁶⁰ But neither *Laudato si'* nor the *Evangelii gaudium* mention race (apart from the "human race"), nor do they connect racism to the material injustices Pope Francis articulates. Earlier, in their 1979 letter, the U.S. Catholic bishops had recognized the connection between racism and economic injustice, writing that "[r]acism and economic oppression are distinct but interrelated forces which dehumanize our society."⁶¹ Critical race scholars appreciate the complex ways in which those privileged economically, and those subordinated, align and combine with long-prevailing identity supremacies, mostly along racial lines.⁶² These subordinations play out in the settings of everyday life from employment and education to housing and health care. In any discussion of economic injustice, and even environmental degradations,⁶³ race must be present and part of that dialogue, with social change to overcome racism as part of the solution. Accordingly, the Church should acknowledge the salience of race in the various oppressions it decries. Although Pope Francis generally speaks on a global stage, the racialized dimensions of economic and

58. *U.S. Catholic Bishops Pastoral Letter on Racism, Brothers and Sisters to Us*, U.S. CONF. OF CATHOLIC BISHOPS (1979), <http://www.usccb.org/issues-and-action/cultural-diversity/african-american/brothers-and-sisters-to-us.cfm> [<https://perma.cc/VS7R-FLVM>] [hereinafter *Pastoral Letter*, USCCB].

59. Aaron Morrison, *Pope Francis And Black Lives Matter: For African-Americans, Pope US Visit Puts Focus On Social Justice and Racial Disparity*, INTL. BUS. TIMES (Sept. 25, 2015, 7:35 PM), <http://www.ibtimes.com/pope-francis-black-lives-matter-african-americans-pope-us-visit-puts-focus-social-2114749> [<https://perma.cc/9SF6-YS37>] (reporting Pope Francis while in Washington, D.C. invoked King's 1963 "I Have a Dream" speech, using King's reference to a promissory note of equality the United States promised to black residents but never fulfilled).

60. *Id.*

61. *Pastoral Letter*, USCCB, *supra* note 58.

62. See Critical Justice, *supra* note 23.

63. For example, environmental racism is embedded in everything from the siting of toxic factories to the water supply of Flint, Michigan.

environmental injustices in the neoliberal, globalized economy are no less evident outside the United States.⁶⁴

*E. The Church Should Remain Cognizant of Systems
that Drive Oppression*

Embedded in most every social justice oppression, including those emphasized by Pope Francis such as poverty and economic injustice, are systems that privilege and subordinate certain groups of people (usually based on identities as addressed above).⁶⁵ These systems are often so carefully disguised that they are rendered invisible so that outcomes, particularly in the case of economic inequality and poverty, are seen as deserved and natural rather than the result of calculatedly oppressive systems designed to preserve and protect the status quo.⁶⁶ Unless these systems are recognized, exposed for their illegitimacy, confronted, and dismantled, fundamental social change will not occur. Fortunately, Pope Francis recognizes the systems and structures at work in the oppressions he addresses, calling out economic systems and the financial system as pulling the strings of oppression. For example, in *Evangelii gaudium*, Pope Francis critiqued the trickle-down theory of economic growth as placing a naïve trust in the prevailing economic system,⁶⁷ and he rejected our current financial system “which rules rather than serves.”⁶⁸ Ultimately, he called for attacking the structural causes of inequality,⁶⁹ which he echoed in his 2015 Bolivia speech:

In your letters and in our meetings, you have mentioned the many forms of exclusion and injustice which you experience in the workplace, in neighborhoods and throughout the land. . . . [T]here is an invisible thread joining every one of those forms of exclusion: can we recognize it? These are not isolated issues. I wonder whether we can see that these destructive realities are part of a system which has become global. Do we realize that that system has imposed the mentality of profit at any price, with no concern for social exclusion or the destruction of nature?

If such is the case, I would insist, let us not be afraid to say it: we want change, real change, structural change. This system is by now intolerable: farmworkers find it intolerable, laborers find it

64. See Bender, *Guatemala Labor*, *supra* note 12 (addressing the impacts of mining and other extractions on indigenous communities in Guatemala).

65. See Critical Justice, *supra* note 23, ch. 7.

66. Peggy McIntosh, *White Privilege: Unpacking the Invisible Knapsack*, PEACE & LOVE MAG. 10 (July–Aug. 1989).

67. Pope Francis, *Evangelii gaudium*, *supra* note 19, para. 54.

68. *Id.* para. 57.

69. *Id.* para. 59.

intolerable, communities find it intolerable, peoples find it intolerable . . . The earth itself—our sister, Mother Earth, as Saint Francis would say—also finds it intolerable.

We want change in our lives, in our neighborhoods, in our everyday reality. We want a change which can affect the entire world, since global interdependence calls for global answers to local problems. The globalization of hope, a hope which springs up from peoples and takes root among the poor, must replace the globalization of exclusion and indifference!⁷⁰

Systems are the bridge to my prior and to my next suggestion: systems use identities such as race to produce widespread oppression and suffering, and systems are embedded and hidden throughout society, particularly the system that critical legal scholars readily accuse of perpetuating unjust hierarchies—law.

*F. The Church Should Acknowledge the Complicity of
Law in Global Oppressions*

Seen most favorably and innocently, law has proven insufficient at tackling and preventing local and global oppressions. Seen more realistically through a critical lens, law in its current state actually enforces and reinforces other systems in the external social order used to oppress vulnerable groups, such as the financial and economic systems.⁷¹ Moreover, law, as an intertwined but independent system, works its own oppressions on these groups. Further, U.S. law is often inconsistent with the values of Catholic social teachings in ways that oppress locally as well as on a global level. Examples can be given for virtually every venue and manner of oppression,⁷² but consider briefly U.S. economic inequality and poverty. Law does little or nothing to regulate income differentials, as mandated minimum wages fall below a viable living wage at the bottom end.⁷³ Furthermore, U.S. corporate law does almost nothing to reign in the

70. Pope Francis, Speech, *supra* note 3.

71. See, e.g., Danielle Kie Hart, *Contract Law Now—Reality Meets Legal Fictions*, 41 U. BALT. L. REV. 1 (2001) (revealing how contract law promotes and privileges power imbalances and preserves societal inequities); Tayyab Mahmud, *Precarious Existence and Capitalism: A Permanent State of Exception*, 44 SW. L. REV. 699 (2015) (exposing how immigration limits and the criminalization of immigration create precarious labor markets that oppress workers).

72. One example would be migration, for which the courts generally have deferred to the plenary power of the Executive and Congress to dictate who can enter and who can be excluded from the United States. Victor C. Romero, *The Power of Exclusion: Congress, Courts, and the Plenary Power*, in *COMPASSIONATE MIGRATION AND REGIONAL POLICY IN THE AMERICAS*, *supra* note 11, at 21. Yet, this potential deference to exclusionary policies is inconsistent with Catholic social teaching that would grant the migrant a preferential option to preserve his or her dignity and to exercise the fundamental right to migrate to protect himself or herself. Rougeau, *supra* note 32, at 352.

73. See BENDER, *LESSONS ON LAW*, *supra* note 27, at 76–92.

top end of outrageous corporate officer salaries,⁷⁴ effectively leaving regulation on both ends of the pay scale to the private marketplace. U.S. law generally refuses to recognize a legal right to decent housing⁷⁵ and instead criminalizes the homeless.⁷⁶ In this way, contrary to the Catholic social teaching principle of the universal or common destination of goods, in which all residents are entitled to share in the earth's fruits without exclusion, the law regards and protects private property in near absolute terms.⁷⁷ The umbrella Catholic principle of the common good is inconsistent with U.S. law, which identifies the core purpose of the corporation as maximizing shareholder wealth to the exclusion of inconsistent societal interests.⁷⁸ Further, the Catholic principle of the universal destination of goods ensures a preferential option for the poor, requiring that "the poor, the marginalized and in all cases those whose living conditions interfere with their proper growth should be the focus of particular concern."⁷⁹ The refusal under U.S. law to regard the poor as a protectable suspect class for constitutional equal protection purposes⁸⁰ is but one compelling illustration of the law's failure to honor the poor. In implicating systems of oppression, then, the Church should not omit or excuse the role and rule of law,⁸¹ which is both a vehicle of oppression and

74. On the unwillingness of courts to scrutinize executive compensation, see Lawrence Lederman, *Disney Examined: A Case Study in Corporate Governance and CEO Succession*, 52 N.Y.L. SCH. L. REV. 557 (2007–2008) (discussing the Disney litigation after its fired CEO walked away with \$130 million in severance compensation).

75. *Lindsey v. Normet*, 405 U.S. 56, 74 (1972) (concluding the U.S. Constitution has no guarantee of adequate housing).

76. See Sara K. Rankin, *The Influence of Exile*, 76 MD. L. REV. 4 (2016).

77. See Pope Francis, *Laudato si'*, *supra* note 4, paras. 93–95 (discussing the golden rule of social conduct that private property is subordinate to the universal destination of goods and stating that the Christian tradition "has never recognized the right to private property as absolute or inviolable"); see also PONTIFICAL COUNCIL, *supra* note 14, at 77 ("Private property, in fact, regardless of the concrete forms of the regulations and juridical norms relative to it, is in its essence only an instrument for respecting the principle of the universal destination of goods; in the final analysis, therefore, it is not an end but a means.").

78. For the seminal judicial opinion establishing the primacy of shareholder wealth maximization, see *Dodge v. Ford Motor Co.*, 170 N.W. 668, 680 (Mich. 1919). See generally Susan J. Stabile, *A Catholic Vision of the Corporation*, 4 SEATTLE J. FOR SOC. JUST. 181 (2005) (suggesting that a business world infused with Catholic social teaching would consider other interests—particularly, how corporate policy would affect those at the bottom—and noting that Pope John Paul II criticized an exclusive focus on profit maximization).

79. PONTIFICAL COUNCIL, *supra* note 14, at 79.

80. *E.g.*, *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 28–29 (1973).

81. See Lucia A. Silecchia, *Pope Francis and the Vocation of the Lawyer: Reflections on Service and Responsibility*, 54 J. CATH. LEGAL STUD. 23, 28–34 (2015) (discussing the optimism Pope Francis places in the law to remedy or ameliorate social justice problems).

an avenue toward dignity,⁸² depending on whether power (and therefore the law) tilts toward the wealthy or the poor.

G. The Church Should Continue to Confront and Acknowledge Its Own Complicity in Global Oppressions

The systems at work in today's oppressive globalization are descendants of colonialism. Indeed, they are what Pope Francis called the "new colonialism."⁸³ In addressing the oppressions of new colonialism, which smack of "old" colonialism that similarly was identity-based, religious leaders must rightfully acknowledge the role of the Church in old colonialism.⁸⁴ To his great credit, Pope Francis has already done this as he apologized to an audience in Bolivia: "Some may rightly say, 'When the Pope speaks of colonialism, he overlooks certain actions of the Church.' I say this to you with regret: many grave sins were committed against the native peoples of America in the name of God."⁸⁵ Such self-reflection is the gateway to authentic social change, particularly through expressing genuine regret, as an initial step toward fostering the culture for transformative social change.

IV. OVERVIEW OF SYMPOSIUM CONTRIBUTIONS

The seven symposium contributions focus on the themes of economic inequality, environmental degradation, and welcoming of migrants; they also extend beyond those themes to encompass interreligious engagement and the implications of the Pope's social justice teachings for tort law and, more generally, for legal education. The contributions include a strong critique of the Pope's social justice proposals as well as praise for the Pope's cosmopolitanism in the face of rising nationalism. Together, they ably represent the oral symposium's

82. Voicing this tension, Sumudu Atapattu, one of the symposium participants, remarked that in some instances in the face of oppression the law is present but does not go far enough, and in other instances the law is present but unjust. I would add that in some instances the law is sufficiently present as written but simply unenforced, as is the case for labor and environmental laws in the Global South (see Bender, *Guatemala Labor*, *supra* note 12) and the failure to prosecute U.S. financial sector leaders for their role in the global financial crisis (see Steven A. Ramirez, *Social Justice and Capitalism: An Assessment of the Teachings of Pope Francis from a Law and Macroeconomics Perspective*, 40 SEATTLE U. L. REV. 1229 (2017)).

83. Pope Francis, Speech, *supra* note 3.

84. The Church continues to bear responsibility for certain current and ongoing oppressions of vulnerable groups, particularly against gay people who the Church has helped to dehumanize. In 2016, Pope Francis apologized to gay people for the harm the Church has caused to them. See Delia Gallagher & Daniel Burke, *Pope Says Christians Should Apologize to Gay People*, CNN (June 27, 2016, 3:41 PM), <http://www.cnn.com/2016/06/26/world/pope-apologize-gays/> [<https://perma.cc/4DST-U28R>].

85. Pope Francis, Speech, *supra* note 3.

presentations and discussions, and constitute the first collective written engagement within a law school on the social justice teachings of Pope Francis.

Two of the contributions addressing economic inequality and environmental degradation reached strikingly opposite conclusions despite their common goal of lifting the Global South. Nicholas Capaldi rejects the Pope's collectivism, and with that an entire legacy of Catholic social teachings, to build the Lockean case for limited government and individual autonomy to elevate the Global South from poverty.⁸⁶ Ignoring the precarity of the neoliberalism model, he implicates the Global South for not being capitalist enough.⁸⁷ Steven Ramirez, in contrast, draws on his expertise on the global financial crisis to conclude that the Pope's critique of unfettered capitalism is consistent with both Catholic social teachings and economic science. Criticism of the Pope's imperatives, then, results not from any misunderstanding or misapplication of economic theory, but because the Pope dares to challenge the existing power structure of the economic elites to question the legitimacy of their enterprise that has damaged the earth and its most vulnerable residents.⁸⁸

As a bridge to the symposium discussion of migration, Russell Powell, an expert on Islamic jurisprudence and Catholic social and legal thought, addresses the potential Muslim–Catholic engagement and coalition on the conclusions and recommendations of *Laudato si'*.⁸⁹ He concludes that there is openness to shared ethical commitments to justice around common human goals of protecting the environment and moving

86. Nicholas Capaldi, *A Critique of Pope Francis' Laudato si'*, 40 SEATTLE U. L. REV. 1261 (2017).

87. Compare *Id.*, with Tayyab Mahmud, *Debt and Discipline: Neoliberal Political Economy and the Working Classes*, 101 KY. L.J. 1, 46–47 (2013) (critiquing the neoliberal economic model of personal responsibility as fostering a dangerous precarity of labor), and Tayyab Mahmud, *Precarious Existence and Capitalism: A Permanent State of Exception*, 44 SW. L. REV. 699, 700–01 (2015) (arguing that under capitalism, precarious existence of the working classes is the norm rather than an exception). During the oral symposium, Professor Mahmud drew on his research to reject Professor Capaldi's critique.

88. Ramirez, *supra* note 82, at 1258.

89. Powell, *supra* note 35, at 1326. In a compelling showing of religious solidarity, all of the major U.S. Jewish denominations criticized Donald Trump's Muslim travel ban. See *In Rare Unity, Orthodox and Liberal Denominations Are Critical of Trump Refugee Ban*, JEWISH TELEGRAPHIC AGENCY (Jan. 30, 2017, 1:49 PM), <http://www.jta.org/2017/01/30/news-opinion/united-states/in-rare-unity-orthodox-and-liberal-denominations-are-critical-of-trump-refugee-ban> [<https://perma.cc/L4CV-2HVA>]. The president of the U.S. Conference of Catholic Bishops also issued a statement in the wake of the Trump travel ban that honored the bond between Christians and Muslims and called on Catholics to unite with those speaking in defense of human dignity. *President and Vice President of the U.S. Conference of Catholic Bishops Stand in Defense of All Faiths in Response to Executive Order on Refugees*, U.S. CONF. OF CATHOLIC BISHOPS (Jan. 30, 2017), <http://www.usccb.org/news/2017/17-027.cfm> [<https://perma.cc/B54P-KD5D>].

toward economic justice, which are more likely to produce interreligious consensus than theological grounds.

Three symposium articles are sourced in migration—likely the defining issue of the 2016 U.S. presidential election.⁹⁰ Focusing on migration and borders, Vincent Rougeau juxtaposes the collectivism of the Pope’s vision of shared global responsibility with the sweeping nationalism in the Trump administration.⁹¹ In doing so, he confronts the significant split among U.S. Catholics in their political identity,⁹² and concludes that Pope Francis offers a political course away from isolationist right-wing populism and toward human dignity and collective responsibility.⁹³ Concentrating on survival migration, Gilbert Carrasco and Iryna Zaverukha use a similar juxtaposition, but one rooted in the psychology rather than the politics of the current struggle, playing out in the terrain of U.S. and European migration policy, between mercy and fear.⁹⁴ Steeped in international human rights law, and the regrettable (racialized) history of restrictive U.S. immigration policy, the forward-looking authors urge the principle of legal accommodation that welcomes the stranger rather than excluding them as feared “others.”⁹⁵ Completing the trilogy of migration-based articles, Amelia Uelmen uses the globalization of indifference toward refugees to articulate and examine the moral obligation to assist strangers in need and its implications for the law.⁹⁶ Specifically, she explores how the teachings of Pope Francis might inform development of the tort law of bystander liability toward mercy.⁹⁷ She also exposes the vast chasm for law students between the limits of the law they are being taught and the moral obligations they carry as humans.⁹⁸

Michael Kaufman, an expert on education law, completes the symposium with a focus on the lessons of the social justice teachings of

90. See Vincent Rougeau, *A Cosmopolitan Church Confronts Right-Wing Populism*, 40 SEATTLE U. L. REV. 1343 (2017).

91. *Id.*

92. Of note, fifty-two percent of Catholics overall, and sixty percent of white Catholics, voted for Donald Trump. Gregory A. Smith & Jessica Martínez, *How the Faithful Voted: A Preliminary 2016 Analysis*, PEW RES. CTR (Nov. 9, 2016), <http://www.pewresearch.org/fact-tank/2016/11/09/how-the-faithful-voted-a-preliminary-2016-analysis/> [https://perma.cc/B5BL-2XU9].

93. Compare *Id.*, with Marah Carter Stith, *Immigration Control: A Catholic Dilemma?*, 84 U. DET. MERCY L. REV. 73, 92 (2007) (advocating the morality of legislators barring even needy persons arriving from countries known to harbor terrorists), for an article that predates Pope Francis but reads like a legal and moral brief for Trump’s travel ban.

94. See Carrasco & Zaverukha, *supra* note 10.

95. *Id.*

96. Amelia J. Uelmen, *Where Morality and the Law Collide: How Legal Obligations of Bystanders May Be Informed by the Social Teachings of Pope Francis*, 40 SEATTLE U. L. REV. 1359 (2017).

97. *Id.*

98. *Id.* at 1377.

Pope Francis for the hyper-competitive law school classroom and environment.⁹⁹ His suggestions on how law schools can develop transformative, compassionate, and collaborative learning communities are important beyond any borders of faith. With all of the recent focus on law schools delivering practical skills, Kaufman adds a crucial reminder of the need for value-laden education working toward a common good for our common home.

The lawyers who stormed the airports to fend off Trump's travel ban and turn desperate strangers into clients likely sparked a resurgence of student interest in what the law might accomplish and what compassionate lawyers might add to helping solve daunting social justice issues.¹⁰⁰ When these new students arrive in law school—eager for an education with transparent values¹⁰¹ that include a love for justice, a caring ethos for the client and more generally those poor and vulnerable, and a hunger to work toward the collective good—we must be ready.

99. Kaufman, *supra* note 28.

100. Jennifer Peltz & Frank Eltman, *After Trump Order, Volunteer Lawyers Descend on Big Airports*, SEATTLE TIMES (Jan. 31, 2017), <http://www.seattletimes.com/nation-world/after-trump-order-volunteer-lawyers-descend-on-big-airports/>.

101. See generally Patrick Brown, *Ethics as Self-Transcendence: Legal Education, Faith, and an Ethos of Justice*, 32 SEATTLE U. L. REV. 293, 296, 310 (2009) (suggesting that law schools are a “carrier of values” and that legal education “should cultivate an ethos of justice and not just technical proficiency in legal mechanics”).