



# ST GEORGE'S LECTURES

## 13 - Justice and the Eucharist

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# Justice and the Eucharist

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*The liturgy is not just intellectual belief but, before all, a life.* Archbishop Oscar Romero<sup>1</sup>

It is widely accepted that in some sense, 'The Eucharist makes the Church'.<sup>2</sup> In the celebration of the Eucharist, by the action of the Holy Spirit, the Church is renewed as Church, the Body of Christ. What I want to argue in this lecture is that in the celebration of the Eucharist, by the same dynamic, the Church is renewed as the sacramental agent of God's justice. For Christians to participate in the Eucharist is for Christians to place themselves within the dynamic whereby the Church prays and hopes, acts and suffers for the coming of God's justice. It is intrinsic to participation in the Eucharist that Christians participate in the enactment of Jesus' prayer, 'Thy kingdom come'.

In exploring the integral relation between justice and the Eucharist, I shall first of all offer an overview of the ways in which justice has been understood within the Western tradition. I shall highlight the shift that has taken place in understandings of justice between the ancient and the modern worlds – whereby the location of 'justice' has been transferred from the divine to the human realm, so that 'justice' is now seen less in transcendent and more in transcendental terms; that is, in terms not of a pre-existent reality which human beings mirror, but of the earthly conditions from which we construct the good society. The initial account I shall give of these conditions will be not so much ontological as procedural: doing justice as a way of proceeding in accord with the principles of justice. In taking this line, I am influenced by liberal thinkers whose approach to justice embraces the pluralism of contemporary Western society. My question is that of a Christian who is free, within the opportunities and constraints of a liberal democracy, both to participate in public, political life and to participate in the Eucharist. With the help of key modern thinkers, I shall identify three strands in the practice of justice: that just action is action which makes for freedom; that just action is action for the meeting of human need; and that just action is action in accord with a system of law which commands assent.

To these three strands I shall give theological rootedness by identifying them within the action of the Eucharist, showing how, within the Eucharistic memorial, they relate to the action of Jesus, and how, once they are explicitly related to the action of Jesus, they may be understood as constituent strands in a 'eucharistic' account of the Church's action for justice; how participation in the Eucharist is, through the action of the Holy Spirit, participation in the actions of Jesus for justice. In each case we see how a 'natural' understanding of action for justice is transformed

<sup>1</sup> Quoted, J. Brockman ed., *The Church is All of You, Thoughts of Archbishop Oscar Romero* (London: Fount, 1985), P. 53.

<sup>2</sup> Cf. P. McPartlan, *The Eucharist Makes the Church, Henri de Lubac and John Zizioulas in Dialogue* (Edinburgh: T and T Clark, 1993).



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within this theological and liturgical dynamic. Only then are we in a position to discuss the way in which participation in the Eucharist invites us to responsible action – to specific action taken in response to the prompting of the Spirit – in the service of justice.

### Justice: A Sketch

There is no such 'thing' as justice: justice is a matter of right relations. 'Justice' is used in the Western tradition both to cover the situation in which right relations prevail and the exercise of power to bring about such a state. This applies both to social justice and to criminal justice. For the Greeks 'justice' was the virtue by which someone exerted himself to bring about or maintain such a situation: both for Jews and for Greeks the just person is the person who does what is necessary to establish or maintain right relations. The problem for both was how to interpret what that meant. In many human situations the demands of justice are by no means clear.

For the ancient Greeks and for the Jews justice is primarily a divine quality. For the Greeks what Zeus did was to be recognised as just.<sup>3</sup> From heroic times justice was associated with the exercise of power. In the heroic age, the just rule of the gods who reigned over the world was reflected in the semi-divine status of mythic lawgivers like Solon and of kings who reigned on earth. For human beings, the virtue of justice was exercised by living in accord with the will of the gods, the decrees of rulers, and the ancient laws. The Greeks explored with passionate interest the dilemmas of justice set up when these came into collision, as with Antigone, who was forbidden by the king to perform her pious duty and bury the dead body of her brother. At the conclusion of the play, the Chorus reflects of King Creon: 'You have learned justice though it comes too late.'<sup>4</sup> The outworking of justice in the complexity of human affairs is the raw material of the Greek sense of tragedy.

For the Greek philosophers, primarily Plato and Aristotle, the practice of justice was not, however, fundamentally tragic. It was at the very centre of civic virtue. Plato's reflection in *The Republic* is actually one great worked illustration to show how the just man – the man in whom body, mind and soul are in right relation – lives. The way this is presented presupposes a given social order in which each person has their given place. At the top, the philosopher-king and the guardians are worthy of obedience and respect; in the middle, the craftsmen know their place and do their duty; at the bottom, slaves are to be treated humanely but are nevertheless to be regarded as a form of property. How social life is to be regulated in detail and at all levels Plato works out in a later book, his *Laws*. Aristotle, in his *Ethics*, starts from a similar basis: justice is the disposition which causes men to act justly. It is the most perfect of virtues because it is practised with respect to the other. Aristotle's strategy is to analyse the different types of justice: distributive (social) and corrective (penal). In every case the practice of justice depends on good judgment, and good judgment depends on the virtue of justice. This virtue is exercised in what Aristotle calls 'political justice' – the kind of 'fair dealing' that can exist between citizens of the polis. Once more, though, whether we are dealing with justice between citizens or right dealing between a master and slave or a father and child, the question returns: what, in this situation or that, is 'due' to another human being, and what is 'due' to God?

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<sup>3</sup> See the classic account by H. Lloyd-Jones, *The Justice of Zeus* (second edition, Berkeley: University of California Press, 1971). For a discussion, see A. MacIntyre, *Whose Justice? Which Rationality?* (London: Duckworth, 1988), pp. 21-4.

<sup>4</sup> *Antigone* 1270.



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When we turn to the Hebrew and Christian Scriptures we find a similar preoccupation with justice. Justice is again primarily a quality of God. The judgments or statutes of God are, by virtue of their divine origin, just. God's justice is mediated to God's people – who are called to live in right relations with one another – through a series of covenants, principally the Sinai Covenant which is associated with the giving of the Law. The keeping of the Law is the bedrock for the practice of justice in Jewish thinking. Later mediators of justice, all of whom refer back continuously to the Law, include prophets, kings and priests.<sup>5</sup> It is because they may be presumed to teach or act in accord with the Law, and so with the will of God, that they are to be respected and obeyed. The 'just' person is the person who loves God and who demonstrates love for God by keeping God's commandments.

This is the background to the New Testament portrayal of Jesus as the one who proclaims the kingly rule of God, in which God and God's people are in right relation. Jesus is himself seen as the uniquely just mediator of God's kingly rule and so the mediator of the reign of God's justice. His humiliation and execution comes about because of his commitment to God's justice in an unjust world; his exaltation is God's vindication of the Son who brings about justice through his costly obedience to the will of the Father. From the time of his exaltation, those who share the Spirit of Jesus are those who participate in his justice: they are those who are *justified* by faith in him.

The problem that has faced Christians since the time of Jesus is the problem of what it means to 'do justice', what it means to act in accord with the kingly rule of God. Is this a matter primarily of participation in the life of the Church and of making sure that the life of the Church is structured and conducted in accord with the will of God, or is there a wider horizon for the kingly rule of God, even where the nations do not acknowledge the reign of God? Through the centuries of Christendom, debates about justice were conducted within a Christian polity by reference to a common tradition of discourse which went back to the Greeks and by reference to common Christian authorities (though even this common tradition fractured in the Great Schism between East and West of 1054). The question of justice was, from the time of Constantine to the Enlightenment, the question of a Christian politics. From the time of the Enlightenment there came a great shift.

The beginnings of this shift can be traced back to the Peace of Westphalia (1648) in which, after thirty years of terrible war across Europe, it was finally recognised that the question of the True Church (and so the true interpretation of God's justice) was not going to be settled by fighting. The common recognition of the principle '*Cuius regio eius religio*' was a decisive step on the path to the secular critique of all religiously-grounded understandings of justice. Whereas the ancient world could not think about justice without thinking about the priority of the divine, the new thinkers of the modern age sought to work out an understanding of justice that depended less and less upon the authority of Christian revelation. Early thinkers in the social contract tradition, such as Hobbes, Locke and Kant, were by no means atheists, but the questions they asked were rational questions about the preconditions for good government on earth. Justice was seen not as the reflection or product of the good order that prevailed in heaven, but as the rationally determined condition or conditions for the good ordering of society on earth.

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<sup>5</sup> W. Brueggemann, *Theology of the Old Testament* (Minneapolis: Fortress, 1997). See especially Part IV, 'Israel's Embodied Testimony', pp. 567-704. Brueggemann writes, 'If we consider in turn the prophetic, psalmic, sapiential, and apocalyptic texts, it seems evident that Israel, everywhere and without exhaustion, is preoccupied with the agenda of justice that is rooted in the character and resolve of Yahweh. This justice rooted in Yahweh, moreover, is to be enacted and implemented concretely in human practice' (p. 736).



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What are these conditions? I now wish to propose three dimensions of just action,<sup>6</sup> and then to relate these dimensions to the action of the Eucharist as we look more closely at this central act of Christian worship. I then want to add a rider which must be introduced if we are to consider what it means for the individual to act justly in specific situations. The first dimension of just action I wish to propose is this:

### **Just Action is Action which Makes for Freedom**

Some Christians would strongly criticise the acceptance of 'liberty' as the first good of human beings. This characteristically modern reduction of 'human flourishing' to just one good is seen as a secularising, and dehumanising modern conviction. Just as we need a 'critique of justice',<sup>7</sup> we do indeed need a 'critique of liberty'<sup>8</sup> which makes it abundantly clear that the concept of liberty in view here is not the trivial maximising of choice, but something much more like the maximising of possibility. This I wish to develop with the help of Amartya Sen's notion of 'capability'.

Sen's understanding of freedom is expressed through his notion of 'capability' - a topic to which he has repeatedly returned. He has specifically discussed the relation between 'capability'<sup>9</sup> and 'freedom'<sup>10</sup> in a number of places. Behind the notion of 'capability' or 'capabilities' lies that of human 'functionings': the various things a person manages to do or be during their life. Sen's concern with capabilities was first expressed in his article 'Equality of What?',<sup>11</sup> in which he asked the egalitarian question, 'If we are concerned with human flourishing, and we believe there should be equality, of what exactly should that equality consist?' He was not happy to answer the question in terms either of utility (happiness) or 'primary goods' such as rights, liberties, income, wealth, and the social bases of self-respect (as in Rawls). The equality he defended was an equality of possibilities, or capabilities. 'The *capability* of a person', he writes, 'reflects the alternative combinations of functionings the person can achieve, and from which he or she can choose one collection.'<sup>12</sup> Sen frequently returns to the differential abilities people have to convert opportunities to enjoy a range of goods ('freedoms') into those goods. His perennial concern with problems of poverty and human flourishing of a very practical sort leads him constantly to probe the levels of functioning human beings actually achieve. He expresses this concern by using a term which straddles both the possibility of attaining certain functioning and the actual achievement of it - 'capability':

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<sup>6</sup> I refer to these variously as 'dimensions' or 'strands'. The order in which I present them is, doubtless, influenced by my own fundamental convictions about what it is to be a human being and about the nature of society, but they are in principle interchangeable. The historical course of socialism, for instance, has been to put the meeting of need above the need for freedom.

<sup>7</sup> D. Forrester's *Christian Justice and Public Policy* (Cambridge: Cambridge University Press, 1997) is a valuable theological discussion of 'justice' as it relates to the formation of public policy.

<sup>8</sup> A classic discussion is that in I. Berlin, *Four Essays on Liberty* (Oxford: Oxford University Press, 1969). See especially 'Two Concepts of Liberty', pp. 118-72. When Berlin says, 'The freedom of which I speak is opportunity for action, rather than action itself' (p. xlii), he comes close to Sen's notion of 'capability'.

<sup>9</sup> Sen lists some of the many places where he has discussed 'capabilities' in 'Capability and Well-Being' in M.C. Nussbaum, and A. Sen, eds, *The Quality of Life* (Oxford: Oxford University Press, 1993), p. 30. Critics have frequently asked whether Sen is consistent in the way he uses this term.

<sup>10</sup> Sen summarises the importance he places on freedom as the primary index of social evaluation in *Development as Freedom* (Oxford: Oxford University Press, 1999), pp. 13-34. He lists other places where he has engaged in similar discussion of these issues on p. 299, n.3.

<sup>11</sup> A. Sen, 'Equality of What?', reprinted in A. Sen, *Choice, Welfare and Measurement* (Oxford: Basil Blackwell, 1982), pp. 353-69.

<sup>12</sup> A. Sen, 'Capability and Well-Being', p. 31.



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In the capability-based assessment of justice, individual claims are not to be assessed in terms of the resources or primary goods the persons respectively hold, but in terms of the freedoms they actually enjoy to choose between different ways of living that they can have reason to value. It is this actual freedom that is represented by the person's 'capability' *to achieve various alternative combinations of functionings*, that is, doings and beings.<sup>13</sup>

Here Sen is saying something of profound importance about social justice: that social justice requires not just the achievement of particular states of well-being, especially those chosen by a healthily-functioning individual; social justice requires a genuine freedom to achieve new states and new goals, freely chosen in the course of a life. Sen's term 'capabilities' catches both the sense of '*achievable possibility*' and of open choice.

A word of warning, though, about the use of 'equality' here: if we are talking about genuinely open possibilities in different spheres of life, it may be that certain capabilities, such as the capability of drinking clean water or having a satisfying job, can be specified as necessary for human flourishing, but that others cannot be specified precisely because they are a matter of individual choice. By performing a certain action, such as drinking clean water, I demonstrate that I had (or have) the capability to do so, but I don't demonstrate and cannot even enumerate the capabilities that I had (or have) and have not exercised. If they cannot be specified, then by what measure can they be said to be 'equal' to those of anybody else? Sen's idea of capability (which he by no means expresses consistently) embraces both specific, enumerable (cap)abilities and what we might call non-specific potential. Rather than talking in terms of equality, we might better say that justice is served by people having an *adequate* range of capabilities, so that they are free to exercise genuine and fulfilling personal choice, rather than that they should have *equal* capabilities, something which could never be demonstrated. 'Equality' is better related to certain levels of achieved functionings (e.g. minimum levels of welfare provision, or quality standards in educational provision), but the transcendental condition of justice is a matter of each individual's potential. The justice that endows people with the freedom to realise potential in socially acceptable ways that they value and they choose is, for the Christian, a reflection of the creativity of God - something that is central to every celebration of the Eucharist.

### **Just Action is Action for the Meeting of Human Need**

Sen has remained remarkably non-specific in his enumeration of the capabilities which others might specify as desirable for human flourishing. He clearly wishes to preserve the emphasis on the freedom by which individuals determine their own life-goals within socially acceptable parameters. In this sense, he positions himself quite close to Rawls, who does specify 'primary goods' ('things that every rational man is presumed to want'<sup>14</sup>) but in no great detail. Sen's move in debate with Rawls has been towards a transcendental account - the maximisation of the liberty to achieve the primary goods that an individual values - but they broadly agree on the undesirability of offering anything that might be construed as a prescriptive account of human flourishing. Their approach might be seen as one determining broad conditions for just social policy not social policy itself.

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<sup>13</sup> A. Sen, 'Justice: Means versus Freedoms', *Philosophy and Public Affairs* 19 (1990), pp. 115-6, emphasis added.

<sup>14</sup> J. Rawls, *A Theory of Justice*, revised edition (Oxford: Oxford University Press, 1999), p. 54. Rawls specifies as 'social primary goods': 'rights, liberties, and opportunities, and income and wealth', and as 'natural goods': 'health and vigour, intelligence and imagination'. His list of 'social primary goods' is further discussed in 'Social Unity and Primary Goods' in *Collected Papers* (Cambridge, Mass.: Harvard University Press, 1999), pp. 359-87.



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Others have been less reticent about spelling out what Nussbaum calls 'basic human functionings' and Finnis calls 'basic forms of human good'. We cannot here enter into a comparison of such characterisations.<sup>15</sup> The point is that the extent to which they are spelt out is the extent to which they are justiceable. One can begin to move from relatively non-specific accounts like those of Finnis,<sup>16</sup> inspired by Aristotle and Aquinas, through the more specific accounts of Nussbaum,<sup>17</sup> again inspired by Aristotle, towards prescriptive minimum standards that define the obligations of the state ('needs must be met') towards the individual.<sup>18</sup> Whereas Sen ultimately puts the emphasis on the individual's 'capabilities' within society, Finnis (with a strong sense of the common good) and Nussbaum (with a strong sense of the importance of enforceability in law) both correlate their basic forms of human flourishing with an emphasis on the obligations of society to promote such flourishing.

Finnis begins with what he sees as the self-evident good of knowledge (cf. Aristotle's 'All human beings desire to know'). He goes on to enumerate as 'basic forms of human good': life; knowledge; play; aesthetic experience; sociability (friendship); practical reasonableness; and 'religion'.<sup>19</sup> They are 'basic' because they are all equally fundamental. In some ways, this list of 'basic forms of human good', as expounded by Finnis, comes close to being a list of basic human rights, though it is more a list of basic human freedoms that should be promoted by the state for the sake of the common good. Finnis' list differs, however, from those of Rawls or Sen because it has an obvious grounding in an Aristotelian anthropology. His list is grounded in a conviction about the needs of human 'nature', needs<sup>20</sup> which Finnis believes have to be met if humans are to flourish.

Finnis' austere Aristotelian specification of 'basic forms of good' may be compared with Martha Nussbaum's more detailed and expansive lists<sup>21</sup> of what she calls 'central human functional capabilities'. Briefly, these 'functional capabilities' cover: *Life*. Being able to live to the end of a human life of normal length; not dying prematurely, or before one's life is so reduced as to be not worth living; *Bodily Health*. Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter; *Bodily Integrity*. Being able to move freely from place to place; having one's bodily boundaries treated as sovereign; *Senses, Imagination, and Thought*. Being able to use the senses, to imagine, think, and reason - and to do these things in ... a way informed and cultivated by an adequate education; *Emotions*. Being able to have attachments to things and people outside ourselves; ... in general, to love, to grieve, to experience longing, gratitude, and justified anger; *Practical Reason*. Being able to form a conception of the good and to engage in critical reflection about the planning of one's life;

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<sup>15</sup> For a wide-ranging comparative account, beginning with Nussbaum and Finnis, see S. Alkire, *Valuing Freedoms* (Oxford: Oxford University Press, 2002), pp. 32-84.

<sup>16</sup> J. Finnis, *Natural Law and Natural Rights* (Oxford: Oxford University Press, 1980).

<sup>17</sup> Most recently in M.C. Nussbaum, *Sex and Social Justice* (Oxford: Oxford University Press, 1999), pp. 41-2; *Women and Human Development* (Cambridge: Cambridge University Press, 2000) pp. 78-80.

<sup>18</sup> At this point, I deliberately avoid emphasising the language of human rights - vital though I think human rights to be. The advantage of talking in terms of human rights is that respect for human rights is justiceable (in Britain, especially since the Human Rights Act 1998 incorporated the European Convention on Human Rights into UK law); the disadvantage is demonstrated by the more dynamic account of the goods that make for human flourishing given by both Finnis and Nussbaum. Can there be a 'right' to creativity?

<sup>19</sup> Finnis, *Natural Law and Natural Rights*, pp. 64-90.

<sup>20</sup> Finnis makes the link with other writers' expressions of 'basic human needs' in a note: *Natural Law and Natural Rights*, p. 98.

<sup>21</sup> See note 15. Her use of 'capabilities' is indebted to Sen - though she distances herself from him by being more specific (see *Women and Human Development*, pp. 11-15, 70-71).



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*Affiliation.* A. Being able to live with and toward others, to recognise and show concern for other human beings, to engage in various forms of social interaction; ... B. Having the social bases of self-respect... ; being able to be treated as a dignified being whose worth is equal to that of others; *Other Species.* Being able to live with concern for and in relation to animals, plants, and the world of nature; *Play.* Being able to laugh, to play, to enjoy recreational activities; *Control over One's Environment.* A. Political. Being able to participate effectively in political choices that govern one's life. B. Material. Being able to hold property ... ; having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure.<sup>22</sup> This is a brutal abbreviation of a rich and specific list, which reflects Nussbaum's vivid awareness of gender and racial issues and specific ways in which women in particular (the list is taken from *Women and Human Development*) are unjustly denied opportunities to develop certain human capabilities. It also reflects the fragile relation between human beings and the environment. Simply to rehearse the headings that Nussbaum offers is to show how much she is indebted to the Aristotelian tradition (everything Finnis mentions is included, but with more specific detail, and the contextualisation provided by historic, cultural and gendered awareness). It is also to see how close this comes, first, to a specification of human needs, and, then, to a specification of human rights, something which has more usually been addressed by the approaches of the liberal tradition represented by Rawls. If we accept, as I do (almost, but not entirely, without qualification),<sup>23</sup> that Nussbaum offers an appropriate list of 'basic human functionings', the next step is to accept that these are the functionings which human beings ought to promote for one another, and which the state ought, as far as possible, to underwrite for all its members. Nussbaum provides in specific detail a 'phenomenology' of human functioning which could easily be turned into a list of needs, and, beyond that, into statutory provision so that needs would be met.

Christians would indeed wish to affirm as a principle of justice that 'needs should be met' – but, in a consumerist society especially, rapidly to move to a critique of need. In affirming the basic principle that needs should be met, they would be affirming a requirement implicit in creation itself (since the needs of Adam and Eve were generously met in the garden (cf. Gen 1:29-30) and the needs of the Israelites in the wilderness met through the generosity of God). For those who experience the meeting of their own need within the community where the bread and wine of the Eucharist is shared, their acceptance of this physical gift implies also a commitment that bread and wine (and other resources, like water and food and buildings and land and human intelligence) should be put to their proper use: the meeting of human need.

### **Just Action is Action in Accord with a System of Law which Commands Assent**

The extent to which it is the responsibility of the state to moderate the exercise of liberty by its members and to provide for the meeting of human need is, of course, much debated. The point I wish to make here is, initially, only the very broad one that there could not be such moderation in the service of justice without a functioning system of law that commands assent. The very commitment to the enhancement of liberty through the promotion of human capabilities, or the acceptance of the broad welfare objective within society that human needs should be met, raises a variety of questions about the complex systems of governance, manufacture, trade and communication on which

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<sup>22</sup> Nussbaum, *Women and Human Development*, pp. 79-80 (abbreviated).

<sup>23</sup> Nussbaum has tried to produce a list of 'basic human functionings' that is universally applicable. One only has to look at her first 'functioning' – being able to live to the end of a human life of normal length – to see that it is open to challenge from those who accept either abortion and euthanasia. This is a *normative* list, which could only become the basis for a prescriptive list in the light of an agreed (or negotiated) account of the Good or goods – the common good.



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such provision relies. There is, indeed, a variety of ways, more or less centralist, more or less bureaucratic, in which such provision might be made operative, but they all turn on the existence of an appropriate and effective system of law.

Finnis discusses the nature of law for a society where there is an agreed common good; in his *Theory of Justice* Rawls had not yet moved into the explicit 'political liberalism' whereby it was clear that he was writing for a pluralistic society, but his brief sketch of 'The Rule of Law'<sup>24</sup> needs no adaptation to be applicable in that context. For Rawls, a legal system is 'a coercive system of public rules addressed to rational persons for the purpose of regulating their conduct and providing the framework for social cooperation. When these rules are just', he says, 'they establish a basis for legitimate expectations'. Typical of Rawls is the emphasis on 'rational persons' and on the importance of a 'framework for social cooperation'. What he does not discuss is the part played by the irrational in the establishment of this framework: the role of myth, tradition, literature and the arts. For Britons, the Magna Carta; for Americans, the Constitution and the Bill of Rights have something of a 'mythic' status in establishing a basis for the rule of law. They provide the necessary historical rootedness for assent to a system of law as an expression of national identity. Rawls has more to say on the need for 'legitimate expectations': a system of law needs to be systematic; it develops through analogical thinking. The disciplined use of analogy is central to competent legal practice, but the disciplined use of analogy takes place within an assumptive framework as to what law (and indeed 'justice') is 'all about' within a particular society.<sup>25</sup>

Finnis provides a detailed account of what it is for a system of law to be systematic, and to be administered systematically. For him, a legal system exemplifies the Rule of Law to the extent ... that,

(i) its rules are prospective, not retroactive, and (ii) are not in any other way impossible to comply with; that (iii) its rules are promulgated, (iv) clear, and (v) coherent with one another; that (vi) its rules are sufficiently stable to allow people to be guided by their knowledge of the content of the rules; that (vii) the making of decrees and orders applicable to relatively limited situations is guided by rules that are promulgated, clear, stable, and relatively general and that (viii) those people who have authority to make, administer and apply the rules in an official capacity (a) are accountable for their compliance with rules applicable to their performance and (b) do actually administer the law consistently and in accordance with its tenor.<sup>26</sup>

Happy the people governed by such a system of law, the ordered nature, fairness, and predictability of which would clearly be for the good of all! Finnis has a great deal to say about the proper content of law, but this is not my concern here. The justice of the content of a system of law would have to be measured against the first two dimensions already explored (the extent to which it promoted freedom; the extent to which it made for the meeting of need) – the first largely interpreted negatively: the extent to which it minimised the inhibition of freedom, and the extent to which it related any inhibition of freedom to identified dangers or to specific crimes committed. The point to focus on here, though, is the procedural one. The enactment of justice requires a system of law, which commands assent, and such assent is most freely given where the system itself displays qualities such as those enumerated by Finnis.

<sup>24</sup> See Rawls, *A Theory of Justice*, second edition, pp. 206-13.

<sup>25</sup> For a provocative essay on different hermeneutical approaches within legal thought, and a persuasive proposal in answer to the question, 'What is law?', see R. Dworkin, *Law's Empire* (Oxford: Hart, 1988).

<sup>26</sup> Finnis, *Natural Law and Natural Rights*, pp. 270-1.



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Christians who recognise in social order based on functioning systems of law the providential order of God, and who further recognise the Torah as the covenant-gift of God to his people, will readily acknowledge as a dimension of justice, the functioning of a system of law which commands assent. Within what has been called a 'deliberative democracy', they will then, of course, necessarily enter into a critique of the precise prescriptions of the system of law (recognising also that in extreme circumstances there may be the necessity for conscientious refusal to obey) but the transcendental need for a society ordered by a working system of law can readily be affirmed as a condition of justice, to be celebrated in the Eucharist.

### The Eucharist: a 'Living Memorial'

I wish to turn now from the dimensions of just action in the public domain to the liturgical action of Christians, which is as a living 'memorial' of Jesus Christ. My suggestion is that each of the dimensions of justice we have identified is affirmed not only within the ministry of Jesus (so that to work for them is an *imitatio Christi*) but also in the Eucharist (so that to work for them is, for the believer, a *participatio Christi*). Such imitation and participation is liturgically empowered by the participation in the Eucharist. The practice of the Eucharist is a dynamic for the practice of justice, not only within the Church but also in the wider political arena.

The Eucharist acts as a dynamic for political participation because it is a 'living memorial' of the ministry of Jesus Christ. In the Eucharist, Christians who share sacramentally in the 'living memorial' of Jesus Christ are empowered to engage in a similar ministry of proclamation, liberation, suffering and, at crucial moments, confrontation with political power idolatrously exercised.<sup>27</sup> This function of the Eucharist in particular cannot be celebrated without close attention to the reading of the Gospels. The liturgical reading of the Gospels bears witness to the continuance of the ministry of Christ, by the power of the Spirit, in and through the gathered members of the Church. This is both a corporate and individual ministry for justice, lived out in the public domain.

To take the three dimensions we have already explored: the ministry of Jesus may be seen as a ministry which reflects the creative freedom of God, creating the 'capability' for new expressions of freedom; it can be seen as a ministry in which quite specific basic human needs, such as the need for food and drink, for physical and mental health, are provided; and as one in which, perhaps surprisingly, he refrains from making any direct challenge to the stability (that is the law-governed predictability) of the current political order.

In taking up the idea of 'capability' and using it theologically, there is bound to be an overlap between those expressions of capability in the ministry of Jesus which amount to the meeting of human need, which we shall deal with shortly, and the deeper, non-specific sense of creativity, which we have called human 'potential'. It is clear in the Gospel record that the power or *fiat* by which God created 'the heavens and the earth' was seen to be reflected in the ministry of Jesus. Thus the story of the stilling of the storm culminates in the disciples being 'filled with awe' and asking, 'Who then is this, that even wind and sea obey him?' (Mk 4:41). Like the anointed king of which the Hebrew Scriptures speak (e.g. Ps 72:1-4), Jesus enunciates the just judgment of God, exercising the power to resolve disputes (Jn 8:11), to heal the sick, and, beyond that, even to forgive sins (Mk 2:5). At his baptism, he is designated

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<sup>27</sup> See W.T. Cavanaugh, *Torture and Eucharist* (Challenges in Contemporary Theology Series, Oxford: Blackwell, 1998). Cavanaugh emphasises that participation in the Eucharist is participation in the (assembled) Body of Christ, so that the ensuing actions of Christians are also to be seen as actions of Christ.



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'Son of God' (Mk 1:11//Mt 3:17//Lk 3:22; Jn 1:34), empowered with the Spirit of God. In his ministry, Jesus thus acts for God (as God's 'representative'<sup>28</sup>), acting in the creative and re-creative way that God characteristically acts. What is memorialised in the Eucharist is the God-like action of Jesus, the sovereign freedom which he uses to create freedom for others.

The paradigm of this creativity is, paradoxically, his own self-giving in suffering and death. It is this above all which is memorialised in the Eucharist. The creativity of Jesus is evident not only in his active ministry, but in his passion. Within the New Testament the passion is not seen as simply the rejection and annihilation of the God-like presence of Jesus, but as the paradoxical dynamic by which God brings about a new act of creation, of liberation from sin and entry to life. The way in which this is depicted is by means of the imagery of Passover and liberation from death. It is God who raises both Jesus and, then, those who are united with Jesus, from death to life. This new, creative act of God, filled with the potential for new life and further new creation, is at the very centre of the eucharistic memorial. It is this that the believing community celebrates when it meets to make Eucharist. The Eucharist is always an enactment of liberation from death, of the gift of new life, by the sovereign *fiat* of God. It is intrinsically an act of 'justification' and for justice. The eucharistic memorial of the liberating creativity of the ministry of Jesus (together with their sharing in the same Spirit) inspires Christians to promote the practice of justice in the public domain by a similar enhancement of human capabilities.

Secondly, in the ministry of Jesus, it is clear that human needs are met. Here too he reflects the activity of God, who provides for the needs of the creatures he has made. When Jesus reads from the scroll in the synagogue at Capernaum, what he is describing are the acts of God, liberating human beings (i.e. 'setting free' their capabilities) and meeting their needs:

The Spirit of the Lord is upon me,  
because he has anointed me to preach good news to the poor.  
He has sent me to proclaim release to the captives  
and recovering of sight to the blind,  
to set at liberty those who are oppressed,  
to proclaim the acceptable year of the Lord. (Lk 4:18-19; cf. Is 61:1-2)

Jesus' ministry is characterised by accounts of healing, exorcism, the reintegration into society of the excluded, teaching, and the simple provision of basic human need. The accounts of the feeding of the five thousand and of the four thousand show Jesus providing 'bread in the wilderness' just as the Lord provided 'bread' for his people on their Exodus journey in the wilderness (cf. Ex 16:15, Ps 78:24-5).

It is in the Fourth Gospel that this is most clearly linked with the bread of the Eucharist (Jn 6: 31-5; 50-9). The narrative moves from the feeding of the five thousand to Jesus' discourse in which he speaks of himself as the true manna ('I am the bread which came down from heaven'), extending this to the bread and the wine of the Eucharist ('Those who eat my flesh and drink my blood abide in me, and I in them'). Reversing the movement from the eating and drinking of 'the flesh and the blood', we can reasonably suggest that the effect of eating 'the flesh' and drinking

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<sup>28</sup> See, for example, the use made of this term by O. O'Donovan in *The Desire of the Nations* (Cambridge: Cambridge University Press, 1996), pp 123ff. and compare the use of this term in Bonhoeffer's *Ethics* (cf. note 35 below).



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'the blood' will not solely be that those who do so 'will live forever' - John's emphasis) but, since they will 'abide in Christ and Christ in them', they will also live the Christ-life on earth. Later, the disciples are told, 'Truly, truly, I say to you, the one who believes in me will also do the works that I do, and, in fact, will do greater works than these, because I go to the Father' (14:12). The ones who eat and drink 'of the flesh and blood of the Son of Man' are the ones on whom the Spirit abides, and who, in the power of the Spirit, imitate the actions of Jesus.

The symbolic meeting of human need in the sharing of the bread and the wine of the Eucharist thus entails a dynamic commitment to the meeting of human need in every form (cf. Mt 25:31-45). In terms of the Fourth Gospel, it entails a commitment not only to medical care (cf. 4:46-54; 5:1-9; 9:1-7), but to the feeding of the hungry (6:1-14); the enacting of forgiveness (8:1-11); practical service to others (13:1-15), even to the provision of what is necessary for a wedding celebration (2:1-11). In the theologised narrative of the Fourth Gospel such acts of Jesus are signs of who he is and of the coming of God's Kingdom (cf. 11:25). These are the kinds of actions one would expect of Christian disciples as they bear witness to Jesus, who is both the herald and the agent of God's justice.

In the Fourth Gospel, and in passages like the judgment of 'the sheep and the goats' in Matthew 25, it is clear that the coming of God's justice is mediated by a community under pressure which sees care within the community as the overwhelming priority,<sup>29</sup> but elsewhere Jesus reaches out to non-Jews, simply because of their human need. Though the New Testament affirms the priority of the meeting of need within the Christian community (e.g. Acts 4:34), it contains no warrant for confining the practice, in this sense, of justice to the community, but rather encourages an openness to all who are in need (Mt 8:5-7; Mk 7:26-30; Lk 7:9). The point - both about the meeting of need and about Jesus' lack of exclusivism - is made by the parable of the Good Samaritan (Lk 10: 29ff) told in response to the lawyer's question, 'Who is my neighbour?'. The 'neighbour' is the Samaritan who 'showed mercy'. 'Go', says Jesus, 'and do likewise' (Lk 10:37).

It is clear that one of the major disputes about Jesus concerned the extent to which he himself observed the Law as affirmed in the Covenant and encouraged others to do so. His preferred company seems to have been those who were regarded as Law-breakers: the poor, tax-gatherers and prostitutes. He was accused of sabbath-breaking by the rigorist Pharisees (Mk 2:23-8; 3:2). Though he had never studied formally, he was prepared to prioritise within the Law (cf. Mk 12:29-31), and to affirm what he saw as central commandments (Lk 18:20). It is in Matthew's Gospel above all that Jesus' affirmation of the Law is stressed:

Think not that I have come to abolish the law and the prophets; I have come not to abolish them but to fulfil them. For truly, I say to you, till heaven and earth pass away, not an iota, not a dot, will pass from the law until all is accomplished. (Mt 5:17-18; cf. Lk 16:17)

Paul's polemical teaching that stringent attempts at Law-keeping could bring only despair and that Jesus put an end to the Law as a means of salvation has obscured the positive attitude to the Law both in Paul's teaching ('I delight in

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<sup>29</sup> Cavanaugh (*Torture and Eucharist*, p. 231) quotes Ignatius of Antioch (Epistle to the Smyrnaeans 6-7) who complains about those who 'have no care for love, no thought for the widow and orphan, none at all for the afflicted, the captive, the hungry or the thirsty. They even absent themselves from the Eucharist and the public prayers, because they will not admit that the Eucharist is the self-same body of our saviour Jesus Christ which suffered for our sins, and which the Father in his goodness raised up again.' Cavanaugh follows Gregory Dix (*The Shape of the Liturgy*, second edition, London: A and C Black, 1945, p. 250), in finding here an allusion to Mt 25: 31-45.



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the Law of God in my inmost self' (Rom 7:22)) and in the teaching of Jesus. Even Paul, having comprehensively dismissed the Law as a means of salvation (Gal 5:4), quotes the Law to indicate what it means to live by the Spirit: 'You shall love your neighbour as yourself' (Gal 5:14; cf. Lev 19:18). It is not so much the Law-like teaching that begins to emerge for the guidance of the infant churches that may be seen as a structure for justice, though, but rather the acceptance of the authority structures that exist both within and without the Church.<sup>30</sup> In this sense, Jesus himself had set an example by acknowledging a structure *both* of religious and secular authority, and affirming that both come from the one God. Standing before Pilate, he makes this clear: 'You would have no power over me unless it had been given you from above' (Jn 19:11).<sup>31</sup> Within the early Church, it was recognised from the beginning that the political authorities of Judea and of Rome had a providential legitimacy, and it was the calling of Christians as far as possible to live peaceably under those authorities (cf. Rom 13:1; 1 Tim 2:2). The political mind of the Church was formed in accordance with the most obvious reading of Jesus' enigmatic, 'Render to Caesar the things that are Caesar's and to God the things that are God's' (Mk 12:17 //Mt 22:21//Lk20:25).

The Eucharist was, however, seen from an early stage as a memorial not only of Jesus' submission to the earthly authorities, both religious and civil, that conspired to put him to death, but as a memorial of his exaltation to cosmic Lordship over all the political authorities of earth (cf. Phil 2:5-11; but note Lk 1:52). To celebrate the Eucharist has thus been a political act in the sense that it is a celebration of political authority and of law on earth as providential gifts of God (1 Tim 2:2), to which the Christian is bound in provisional obedience, even if that obedience brings about their own violent death. It is also a celebration of the hope that unjust, exploitative and corrupt regimes will not survive forever, that they will ultimately be overthrown by God (cf. Rev 18), and that God will vindicate the sufferings of his saints (Rev 19:11-16). The celebration of the Eucharist is a 'living memorial' of that protest and that hope.

### Responsible Action and Participation in the Spirit

From the beginning, the Eucharist has been understood to be celebrated not only in obedience to the Word but also in the power of the Spirit. It is the action of the Spirit of God which transforms the Eucharist from a memorial gathering into a living, participatory *anamnesis* of Jesus Christ. Jesus is 'remembered' as a present, living Lord; as one who came to be a servant; and as the one who is to come in glory. From the earliest days, the efficacy of this participatory remembering was related to the power of the Spirit. It was prayer 'in the power of the Spirit' which effectively remembered Jesus to God, so that God would bring in the Kingdom.<sup>32</sup> It was prayer in the power of the Spirit which effectively remembered to God the injustices in the world that the Lord might act in judgment and vindication. In the celebration of the Eucharist, the prayer for the coming of the Spirit (*epiclesis*) has been related both to the elements and to the people, as it is in the Liturgy of St John Chrysostom, celebrated by the Orthodox today. The people pray together that the bread and the wine may be, by the creative power of the Spirit, the body and blood of Christ, and that those who receive the body and blood of Christ may themselves, by the creative power

<sup>30</sup> These are often referred by the German word '*haustafeln*': the 'household rules' for the 'household of God' (cf. Eph 2:19). The 'law-like teaching' is especially clear in the Pastoral Epistles. For an introduction, see F. Young, *The Theology of the Pastoral Letters* (Cambridge: Cambridge University Press, 1994: 'The author [aims] to ensure that the communities are properly ordered and that suitable leaders are appointed whose authority will be obeyed' (p. 22).

<sup>31</sup> Compare O'Donovan's discussion of 'dual authority' in *The Desire of the Nations*, pp. 82-119.

<sup>32</sup> See Jeremias, J., *The Eucharistic Words of Jesus*, translated by Norman Perrin from the third edition, 1960 (London: SCM, 1966), pp. 246-55.



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of the Spirit, be empowered to live the Christ-life. Thus, within the Eucharist, not only does bread and wine become the sacrament of a 'new creation' but so do believers.<sup>33</sup> It is on this basis that in specific situations they themselves may be expected to exercise responsible judgment and act accordingly.

Within the New Testament, we can see Paul struggling with this vocation. He repudiates absolutely the power of the Law to bring salvation, and he teaches forcefully that Gentiles do not have to observe all aspects of the Law (particularly circumcision). However, he and others with authority in the early churches recognise that 'teachings' have to be given, and that these must be in accord with 'the mind of Christ'. Hence, for example, his introduction to the Christ-hymn of Philippians 2:5-11: 'Let the same mind be in you that was in Christ Jesus ...' (cf. 1 Cor 2:16). It is not so much that the teachings of Jesus have to be kept and observed woodenly (Paul shows remarkably little interest in the verbatim teachings) but that there is a pattern of life to be lived in accord with the Spirit ('For freedom Christ has set us free', Gal 5:1).

In terms of the participation of believers, whether individually or corporately as churches, in public life and the struggle for justice, the point is this: there are norms which can normally be observed. I have suggested that these include action which makes for genuine freedom, the meeting of human need, and acceptance of a body of law implemented by a political authority that commands assent. However, there are, however, bound to be conflicts between liberties, between needs, or between laws, and there are bound to be points at which the Christian must conscientiously withhold assent. The vocation to do so would at that point transcend the believer's normal obedience to the providential ordering of God. Thus, with few exceptions, the Christian Churches condemned the apartheid regime of South Africa. This withdrawal of assent in the political realm was discussed and proclaimed in the aptly-named *Kairos* document.<sup>34</sup> These Christians recognised that within the flow of time (*chronos*), with its 'normal' demands for the sustaining of social justice and social order, there may come for believers a '*kairos*' at which they are specifically called to exercise responsible judgment and act accordingly. This, then, would be a fourth dimension of justice, specifically related to participation in the Spirit and mediated by participation in the Eucharist: responsible action in a specific situation.<sup>35</sup>

### Conclusion: The Eucharist and Action for Justice

Our concern in this lecture has been with the Eucharist as the central, liturgical act by which Christians are empowered to engage in public political action. I have been able neither to discuss the range of views amongst Christians and Churches about political participation nor the range of views amongst political philosophers about justice. I have largely assumed the conditions of a democratic society such as Britain, and have asked how Christians

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<sup>33</sup> Compare Augustine's famous words: 'If you are the body and members of Christ, your mystery (*sacramentum*) is placed upon the table of the Lord: you receive your mystery. ... Be what you see, and receive what you are.' (*Sermon 272*; for a classic exposition of this Augustinian reasoning, see E. Mersch, *The Whole Christ* (London: Dennis Dobson, 1938), pp. 412-40).

<sup>34</sup> *The Kairos Document*, second edition (London: CIIR/BCC, 1986): 'The theology of the prophets does not pretend to be comprehensive and complete, it speaks to the particular circumstances of a particular time and place - the KAIROS' (p. 17).

<sup>35</sup> I use this phrase to allude to the centrality of 'responsible action' for Bonhoeffer (cf. two major sections of his *Ethics*, 'The Structure of Responsible Life' and 'The Place of Responsibility', Glasgow: Fontana edition, 1964, pp. 224-62, and the deeply moving 'After Ten Years' ('*Nach Zehn Jahren*', Bethge, E., hsgb, *Widerstand und Ergebung*, *Dietrich Bonhoeffer Werke* 8, München: Chr. Kaiser Verlag, 1998, pp 19-39): 'It is very much easier to follow through something according to principles than in concrete responsibility' (p. 25, my translation).



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who understand their vocation in terms of active, political participation may relate this political commitment to their sharing in the Eucharist.

I began by sketching an overview of understandings of justice within the western tradition. I then sought to disentangle three strands in the public practice of justice. These were: action which makes for freedom; action for the meeting of human need; action which upholds a system of law that commands assent. In each case, I tried to show how such Christians might find such action modelled in the ministry of Jesus, and to argue that similar action on the part of Christians and the Churches has a deep aetiology in the Eucharist as a 'living memorial' of the death, resurrection and exaltation of Christ.

Authentic human action, though, is never simply a matter of following norms, obeying rules, and responding to demands. Human action is, at the deepest level, the free exercise of a free will, and the freeing of the human will to act in accord with the will of the Creator is perhaps the deepest meaning of the liberation which participation in the Eucharist sacramentally enacts. Such freedom of the will, properly exercised in action for justice, cannot be understood without a rich account of the activity of the Holy Spirit. It is in the power of the Spirit that the believer and the Church exercises that responsible judgment which transcends wooden adherence to the letter of the Law. It is the Spirit that guides the exercise of this liberty in creative action for justice, which is to say in accord with the mind of the Creator. The liturgy of the Eucharist is central to the life of the Church because it is an enactment of the sovereignty of God over the structures of oppression on earth. Participation in Christ, sacramentally mediated through participation in the Eucharist, is an anticipation of the realisation of God's justice. Action for justice by Christians in the public domain is nothing other than the public enactment of the prayer which sums up the whole dynamic of the Eucharist: 'Thy Kingdom come'.