

PROPER AND IMPROPER PARTIALITY AND THE PREFERENTIAL OPTION FOR THE POOR

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THE PREFERENTIAL OPTION for the poor has become a major theme in contemporary Catholic ethics,¹ and, like many significant theological innovations, it is highly contested.² In this essay I would like to address the complaint that the preferential option constitutes a form of unjust partiality. I argue that it does indeed constitute a form of partiality but that, far from being morally pernicious, this partiality is morally justified and, indeed, required. My argument is that the preferential option, properly understood, appeals to an *expansion* rather than *contraction* of love and wisdom, and that this form of partiality must not be associated with those forms which encourage a disregard for fairness, a distortion of truth seeking, and a narrowing of the universal love of God. The argument is directed both to advocates of the

¹ The phrase itself was first officially endorsed at the Second General Conference of Latin American Bishops (CELAM) in Puebla, Mexico, in 1979, but most scholars trace its proximate origin, at least in substance, to the previous episcopal conference in Medellín, Colombia, in 1968 (see *Liberation Theology: A Documentary History*, ed. Alfred T. Hennelly [Maryknoll, N.Y.: Orbis, 1990] chaps. 10 and 12). John Paul II traces its proximate source in the life of the recent Church not to Medellín but to *Lumen gentium* no. 8, which observes that the Church "recognizes in the poor and the suffering the likeness of her poor and suffering Founder. She does all she can do to relieve their need and in them she strives to serve Christ" (John Paul II's address to cardinals in Rome, 21 December 1984; English translation: "One Church, Many Cultures," *Origins* 14 [1985] 501, no. 9).

² A sample of English texts dealing with the subject includes the following: John O'Brien, *Theology and the Option for the Poor* (Collegeville, Minn.: Liturgical, 1992); Madeleine Adriance, *Opting for the Poor: Brazilian Catholicism in Transition* (Kansas City, Mo.: Sheed and Ward, 1986); Amy Sherman, *Preferential Option: A Christian and Neoliberal Strategy and Latin America's Poor* (Grand Rapids, Mich.: Eerdmans, 1992); Donald Dorr, *Option for the Poor: A Hundred Years of Vatican Social Teaching* (Maryknoll, N.Y.: Orbis, 1983); Norbert F. Lohfink, S.J., *Option for the Poor: The Basic Principle of Liberation Theology in Light of the Bible*, trans. Linda M. Maloney (Berkeley, Calif.: BIBAL, 1987); and Barry J. Stenger, "The Option for the Poor in Latin American Liberation Theology" (Ph.D. diss., University of Chicago, 1987). The subtitles of these texts give the reader an impression of the variety of concerns with which authors associate the "preferential option." Needless to say, the topic is not considered the exclusive preserve of Latin American liberation theologians. No doubt the complexity and plurality of interpretations of the preferential option reflect in part the different cultural, socioeconomic, and ecclesial contexts within which they have been developed.

preferential option whose language is at times imprecise, misleading, and excessively rhetorical, as well as to its opponents, who fail to acknowledge the legitimate forms of proper partiality that underlie the preferential option.

PRELIMINARY DISTINCTION: PARTIALITY AND IMPARTIALITY

The most controversial term in the phrase "preferential option for the poor" is "preferential." In liberal moral theories, preferences are identified with the idiosyncratic desires which individuals seek to maximize. In our context, however, "preference" connotes a priority scheme in which the claims of the poor are given some kind of precedence over the claims of other people. Gregory Baum illustrates this function when he writes that, "when confronted by a conflict between rich and poor (or powerful and powerless, or masters and slaves), then the Gospel demands . . . that [one] side with the oppressed."³ As we will see, this simple phrase is far from unproblematic.

Criticisms of the preferential option have been levelled from many directions. Ethical criticisms include the claims that the preferential option violates *agapē*, and particularly love of enemies, when it depicts the nonpoor as "class enemies" who must be overcome rather than loved;⁴ that it defies justice (and common sense) by insisting on an overly "heroic" ethic which requires too much of ordinary lay Christians;⁵ and that it violates justice by requiring that Christians cham-

³ Gregory Baum, "Liberation Theology and 'the Supernatural,'" *The Ecumenist* 19, 6 (September-October 1981) 84.

⁴ Paul Sigmund, *Liberation Theology at the Crossroads: Democracy or Revolution?* (New York: Oxford Univ., 1990) 188. See also the Vatican Congregation for the Doctrine of the Faith, *Libertatis nuntius*; English translation, "Instruction on Certain Aspects of the 'Theology of Liberation,'" *Origins* 14 (13 Sept. 1984) IV.viii, 197; IX.vii, 201. This point is reiterated in the second instruction by the Congregation for the Doctrine of the Faith, *Libertatis conscientiae*; English translation, "Instruction on Christian Freedom and Liberation," *Origins* 15 (17 April 1986) no. 68; love of enemies, no. 77. In my judgment, this criticism is misplaced, though understandable. Gutiérrez's position is not far from Thomas's, according to whom we ought to love the enemy as a human being and not as an enemy *per se*. Compare Gustavo Gutiérrez, *A Theology of Liberation: History, Politics, and Salvation* (Fifteenth-Anniversary ed., trans. Caridad Inda and John Eagleson [Maryknoll, N.Y.: Orbis, 1988]) 159–61 with Thomas Aquinas, *Summa theologiae* 2-2, q. 25, aa. 8-9.

⁵ Robert Benne, "The Bishops' Letter—A Protestant Reading," cited in Thomas M. Gannon, S.J., *The Catholic Challenge to the American Economy: Reflections on the U.S. Bishops' Pastoral Letter on Catholic Social Teaching and the U.S. Economy* (New York: Macmillan, 1987) 78. See also Cranford Pratt, "Faith and Social Action," in *Christian Faith and Economic Justice: Toward a Canadian Perspective*, ed. Cranford Pratt and Roger Hutchinson (Burlington, Ontario: Trinity, 1988) 174–77. For my own response to this criticism, see "The Preferential Option for the Poor: An Ethic for 'Saints and Heroes?'" *Irish Theological Quarterly*, forthcoming.

pion the side of the poor in every case of political conflict regardless of the concrete facts of the matter.⁶ Theological criticisms of the preferential option claim that it falsely assumes that material poverty is a privileged source of religious truth;⁷ that it erroneously implies that God does not call the poor to conversion and repentance;⁸ and that it implicitly rejects the universality of Christ's saving death and resurrection by restricting the mission of the Church to the poor.⁹ This article will not focus on the details of these particular criticisms, all of which have been addressed elsewhere.¹⁰ It will concentrate instead on a common suspicion underlying all of them, i.e. that the preferential option advocates an unjustifiable partiality or bias in favor of the poor.

Derived from the Latin *partialitas*, "partiality" suggests that only part of a whole is being considered, appreciated, or properly weighed. According to the Oxford English Dictionary the modifier "partial" suggests bias, unfairness, prejudice. In a secondary and weakened sense, of course, "partiality" also refers to a kind of affective fondness, favorable disposition, or predilection. "Impartiality," on the other hand, treats similar cases similarly. As philosopher Margret Urban Walker puts it, impartiality "sets us the (ideal) goal of full and undistorted appreciation of the situation of each in the service of fair application of moral norms of all."¹¹ "Impartiality" as a character trait implies a steady disposition to fairness, freedom from bias, and resistance to unjust favoritism. Impartiality is by no means the whole of morality or even the primary measure of virtue, but it is an important component of justice and wisdom.¹²

⁶ Gordon Graham, *The Idea of Christian Charity: A Critique of Some Contemporary Conceptions* (Notre Dame: Univ. of Notre Dame, 1990) 116.

⁷ P. Sigmund, *Liberation Theology at the Crossroads* 188; James Burtchaell, "How Authentically Christian Is Liberation Theology?" *Review of Politics* 50 (1988) 264–81; Michael Novak, *Will It Liberate?* (New York: Paulist, 1986) 151–52.

⁸ J. Burtchaell, "How Authentically Christian Is Liberation Theology?" 271.

⁹ G. Graham, *Idea of Christian Charity* 116–18.

¹⁰ See Arthur F. McGovern, *Liberation Theology and Its Critics: Toward an Assessment* (Maryknoll, N.Y.: Orbis, 1989); and Stenger, "The Option for the Poor in Latin American Liberation Theology," chap. 4.

¹¹ Margret Urban Walker, "Partial Consideration," *Ethics* 101 (July 1991) 758. The precise meaning and philosophical status of "impartiality" is highly contested in contemporary ethics; Walker offers an exposure to the range of positions in the current literature. The sense of "impartiality" employed here should not be confused with the more stringent and narrow account which requires that the interests of each individual count exactly the same in any moral deliberation. Even most utilitarians distance themselves from the rigorist impartialism represented in purest form in Peter Singer, *Practical Ethics* (Cambridge: Cambridge Univ., 1979).

¹² Appeal to impartiality in this article should by no means be interpreted as entailing "impartialism" or the assumption that all human actions are morally justified by appeal to impartial standards such as Kant's principle of universalizability or Bentham's "he-

Of course we approve of some forms of partiality, at least within limits and if ordered to other goods. Family and friends would be treated unjustly if accorded the same moral status as complete strangers. And as John Henry Newman noted, "the best preparation for loving the world at large, and loving it duly and wisely, is to cultivate an intimate friendship and affection toward those who are immediately about us."¹³

Yet partiality is normally taken to signify undue preference or unjust favoritism, e.g. a promotion favoring one person over another on the basis of family ties rather than relevant qualifications. In spite of this general rejection of partiality in many spheres of life, it seems odd that advocates of the preferential option have not produced any extended examination of the kind (or kinds) of partiality they seek to promote. In this paper I will argue that, although the preferential option does constitute a form of partiality, the partiality it involves is both morally justified and necessary.

To this end, we must sort out the different kinds of partiality as they pertain to three general arenas of action. First, cognitively, we are required to make decisions on the basis of a reasonably objective gathering of relevant facts. "Partiality" suggests obtuseness, ignorance, imbalance, and sometimes a failure of intellectual honesty.¹⁴ Second, morally, we believe that a sense of fair play and impartial justice is an important if not dominant feature of morality. Partiality in this regard is highly suspect. The term "discrimination" has come to be almost equated with injustice.¹⁵ Third, religiously, as Christians we affirm as central tenets of our faith the universal salvific will of God (1 Tim 2:1-6) and the universal significance of the saving death of Christ (2 Cor 5:15).¹⁶ These beliefs seem violated by suggestions that God's love

donic calculus," or by recourse to a fictive impartial and omniscient third party such as Roderick Firth's "ideal moral observer" (on the latter, see "Ethical Absolutism and the Ideal Observer," *Philosophy and Phenomenological Research* 12 [1952] 317-45). For a helpful treatment of the limited but real value of impartiality from a non-Kantian, "partialist," perspective, see Lawrence A. Blum, *Friendship, Altruism, and Morality* (Boston: Routledge and Kegan Paul, 1980) chap. 3.

¹³ John Henry Newman, Sermon 5, "Love of Relations and Friends," in *Parochial and Plain Sermons* (San Francisco: Ignatius, 1987) 258.

¹⁴ For one influential account of "bias," see Bernard J. F. Lonergan, S.J., *Insight: A Study of Human Understanding* (New York: Philosophical Library, 1957) 218-44.

¹⁵ See Allan Gibbard, "Human Evolution and the Sense of Justice," *Midwest Studies in Philosophy* 7, ed. Peter A. French et al. (Minneapolis: Univ. of Minnesota, 1982) 31-45.

¹⁶ Other relevant scriptural texts include Matt 26:28 par.; Mark 10:45; Rom 11:32; Matt 23:27; Luke 19:41. Critical doctrinal decrees include Second Council of Orange, conclusion redacted by Caesarius of Arles, DS 397; and Innocent X, Apostolic Constitu-

is “partial” to one class of people over others. Advocates of the preferential option would appear to be guilty of unjustified partiality in all three of these areas: first, of cognitive impartiality by reason of the “hermeneutical privilege of the poor;” second, of moral impartiality by affirming that the poor are the “privileged” objects of neighbor-love; and third, of religious impartiality by claiming that God loves the poor “more than” others.

COGNITIVE PARTIALITY

Cognitively, we are required to make decisions on the basis of a reasonably objective gathering of relevant facts and, wherever possible, to avoid uncritical selectivity, distortion, and incompleteness. We are bound by a fundamental human desire to know the truth even though it may discredit some of our most cherished beliefs or undermine what we take to be the practical means to achieving very worthy objectives—an intellectual counterpart to *fiat justitia ruat coelum*. “Partiality,” on the other hand, suggests a compromise of intellectual honesty, a bias that distorts experience, obstructs understanding, and undermines judgment. It is seen, e.g., in the scientist who ignores contrary evidence because it disconfirms her hypothesis, or in the physician who dismisses a colleague’s consultative advice out of false professional pride.

To some critics, the “hermeneutical privilege of the poor” violates cognitive impartiality because it defends and promotes an a priori bias in favor of “the viewpoint of the poor.”¹⁷ Among other things, this phrase, taken at face value, founders on the simple but nonetheless legitimate observation that claiming that there is such a thing as a single viewpoint of the poor is simplistic. Poor people do not always agree with each other, even *within* particular communities, and therefore a theological position based primarily on “the” perspective of the poor is untenable. To speak of “viewpoints” of the poor would more adequately reflect the facts.

Does attributing a primacy or superiority to the viewpoints of the poor constitute a case of unjustified bias, a violation of cognitive im-

tion *Cum Occasione* (May 31, 1653) DS 2005, condemnation of proposition attributed to *Augustinus* of Cornelius Jansen.

¹⁷ Accusations of cognitive partiality are lodged by Novak, *Will It Liberate?* 151–52; P. Sigmund, *Liberation Theology at the Crossroads* 189; and Max Stackhouse, “Liberalism Revisited: From Social Gospel to Public Theology,” in *Being Christian Today: An American Conversation*, ed. Richard John Neuhaus and George Weigel (Washington: Ethics and Public Policy Center, 1992) 46–48.

partiality? Before evaluating whether this is indeed the case, further clarification of the "hermeneutic privilege" is in order.¹⁸

The hermeneutic privilege functions in both descriptive and normative ways. First, it reflects a "perspectivism" rooted in the sociology of knowledge, i.e. a recognition that social location profoundly influences our sensibilities, attitudes, priorities, moral commitments, etc.¹⁹ Class structure and class oppression are brutal facts, and Gutiérrez claims that, knowingly or not, we always do "take sides." The "primacy of praxis" suggests that concrete commitment to solidarity places one in a social setting more conducive to understanding the suffering of the poor, the current ideological legitimations of poverty (including those that are theological), and our own responsibility for engaging in "liberating praxis."²⁰

Second, the hermeneutical privilege underscores the need for commitment, action, and active engagement. Because social location is critical, the preferential option can only be properly understood if we first "try to be present in their world," i.e. the world of the poor, of "the other."²¹ If apolitical neutrality tacitly supports the beneficiaries of prevailing social arrangements, a "politicized" loyalty strives to sup-

¹⁸ It should be noted that the preferential option has been subject to various interpretations and significant differences exist between these, particularly between those dependent on a "hermeneutical privilege of the poor" (a phrase accepted by many liberationists but not by "mainstream" magisterial accounts of the preferential option). Different criticisms may apply to some but not all accounts of the preferential option.

¹⁹ G. Gutiérrez, *Power of the Poor* 38. This is the focus of Lee Cormie, "The Hermeneutical Privilege of the Oppressed: Liberation Theologies, Biblical Faith, and Marxist Sociology of Knowledge," *Proceedings of the Catholic Theological Society of America* 33 (1978) 155-81.

²⁰ See Christian Duquoc, *Libération et progressisme: Une dialogue théologique entre l'Amérique latine et l'Europe* (Paris: Cerf, 1987) chap. 3. According to Duquoc, the preferential option is not simply a question of action for the poor but rather the action of the poor committed to transform society in their reappropriation of history. It reflects the refusal of the poor to be "une masse résignée" and a deliberate decision to become a responsible people (ibid. 48).

²¹ G. Gutiérrez, "Church of the Poor," in *Born of the Poor: The Latin American Church since Medellín*, ed. Edward L. Cleary, O.P. (Notre Dame: Univ. of Notre Dame, 1990) 16-17; also Gutiérrez, *Power of the Poor* 37. This statement does not equivocate on the extent to which the preferential option requires material poverty. Some liberation theologians, e.g. Segundo, do not believe that actual contact with the poor is necessary for the preferential option. The Boffs believe that contact with the poor in some form or other is necessary. Arthur McGovern aptly wonders "whether liberation theologians have created for themselves a set of criteria nearly impossible for any one person to fulfill adequately: expertise in theology itself, active involvement in the praxis of liberation, and the competence in social sciences needed to do careful social analysis—in addition to writing, teaching, conferences, and speaking engagements" (*Liberation Theology and Its Critics* 30).

port the poor and to understand the social order (or disorder) from their point of view. As Gutiérrez puts it, "we must start by opening our ears and listening to" the poor.²²

What seems intended by the "hermeneutical privilege" is more limited than is suggested by this ambitious and somewhat global phrase. Careful social analysis and public-policy studies, of course, are not discarded in favor of the opinions of the poor.²³ Liberationist discussions of this privilege most often display a highly programmatic rather than substantive nature, e.g. the poor should "speak for themselves,"²⁴ and "history must be reread from the side of the poor."²⁵ The perspective of the poor offers no special avenue of knowledge regarding highly technical matters. E.g., whether or how "debt conversion" should be incorporated into long-term strategies for addressing the severe debt burden of less developed countries (though this is not to deny that the toll these policies take on the poor ought to assume a greater significance in their assessment than they do currently).²⁶ Similarly, liberationists do not interpret Scripture with the naïve and indefensible assumption that the hermeneutical privilege renders historical-critical method superfluous²⁷ (though admittedly their own exegesis is at times inadequate in this regard²⁸). What they do claim is that certain major biblical themes, particularly divine partiality for the poor, can be more profoundly felt by those who are truly materially poor (that is, if they choose to avail themselves of God's grace).

The content of the hermeneutical privilege typically concerns religious conversion. First, in its negative moment, the hermeneutical privilege points up the need for "de-ideologizing" criticism by which the gospel is "taken back" from the powerful. Second, in its positive moment it often refers to an experiential and deeply personal mode of

²² G. Gutiérrez, *Power of the Poor* 27.

²³ Contra both P. Sigmund, *Liberation Theology at the Crossroads* 189, and Michael Novak, *Freedom with Justice: Catholic Social Thought and Liberal Institutions* (San Francisco: Harper and Row, 1984) 184–85.

²⁴ Gustavo Gutiérrez, "Liberating Praxis and Christian Faith," in *Frontiers of Theology in Latin America*, ed. Rosino Gibellini, trans. John Drury (Maryknoll, N.Y.: Orbis, 1974) 1.

²⁵ G. Gutiérrez, *Power of the Poor* 201.

²⁶ On the ambiguous effects of "debt conversion" on one highly indebted country, see Ricardo A. Lagos, "Debt Relief through Debt Conversion: A Critical Analysis of the Chilean Debt Conversion Programme," *Journal of Development Studies* 28 (1992) 473–99.

²⁷ See Norman K. Gottwald, ed., *The Bible and Liberation: Political and Social Hermeneutics* (Maryknoll, N.Y.: Orbis, 1983).

²⁸ See John Meier, "The Bible as a Source for Theology," *Proceedings of the Catholic Theological Society of America* 43 (1988) 9 and 12.

apprehending and appropriating the gospel. Sobrino, e.g., writes that in the preferential option we come to understand better God's *kenōsis* in Christ by discovering God's "readiness to make himself other, to immerse himself in history, and thus to make real and credible his ultimate word—his message of love—to human beings."²⁹ The option also facilitates knowledge of and love for the self independently of possessions and social status.³⁰ Similarly, by taking the viewpoint of the poor rather than of the rich, the "Church of the poor" can better understand the need for land reform, the urgency of protecting human rights, the dignity of the poor in the face of oppression, the human effects of "institutionalized violence," etc.³¹ To use Newman's distinction, the hermeneutical privilege seems to pertain first of all to the growth of "affective assent" as opposed to merely "notional assent"³² to Christian solidarity.

Theologian Rebecca Chopp correctly notes a temptation in what she calls "Gutiérrez's pragmatic approach to truth; truth may be reduced to the success of a revolutionary project."³³ A reductionistic reading of the hermeneutical privilege holds that the perspective of the poor offers not simply a unique vantage point for understanding the gospel but the only sufficient standpoint from which to do so. Gutiérrez suggests this, e.g., when he states that "God's love is revealed to the poor. They are the ones who receive, understand, and proclaim this love."³⁴

²⁹ Jon Sobrino, *The True Church and the Poor*, trans. Matthew J. O'Connell (Maryknoll, N.Y.: Orbis, 1984) 33.

³⁰ Jon Sobrino and Juan Hernández Pico, *Theology of Christian Solidarity* (Maryknoll, N.Y.: Orbis, 1985) 10–11.

³¹ See Leonardo Boff, *St. Francis: A Model for Human Liberation*, trans. John W. Diercksmeier (New York: Crossroad, 1984) 57; Sobrino, *The True Church and the Poor* 137.

³² John Henry Newman, *An Essay in Aid of a Grammar of Assent* (New York: Doubleday, 1955).

³³ Rebecca Chopp, *The Praxis of Suffering* (Maryknoll, N.Y.: Orbis, 1986) 60.

³⁴ Gutiérrez, *Power of the Poor* 105. Gutiérrez's insistence that the rest of the Church needs to learn from the poor finds a parallel in Archbishop Romero's address at Louvain: "The world of the poor, with its very concrete social and political characteristics, teaches us where the church can incarnate itself in such a way that it will avoid the false universalism that inclines the church to associate itself with the powerful. The world of the poor teaches us what the nature of Christian love is, a love that certainly seeks peace but also unmask[s] false pacifism—the pacifism of resignation and inactivity. It is a love that should certainly be freely offered, but that seeks to be effective in history. The world of the poor teaches us that the sublimity of Christian love ought to be mediated through the overriding necessity of justice for the majority. It ought not to turn away from honorable conflict. The world of the poor teaches us that liberation will arrive only when the poor are not simply on the receiving end of handouts from governments or from the church, but when they themselves are the masters of, and protagonists in, their own

Indeed, even more radically he proclaims that "an authentic, deep sense of God is not only not opposed to a sensitivity to the poor and their social world, but it is ultimately lived only in those persons and that world."³⁵ In a similar vein, Sobrino writes, "The poor are accepted as constituting the primary recipients of the Good News and, therefore, as having an inherent capacity to understand it 'better' than anyone else. . . . It follows logically that only to the extent that we adopt the perspective of and show solidarity with the poor will we have the capacity to hear the Good News as it was preached in history."³⁶

These and similar passages which attribute to the poor extraordinary insight into the kingdom seem to stand in need of modification from the author of Mark, who repeatedly underscores the disciples' misunderstanding (6:52; 8:14–21) and even betrayal of Jesus (14:17 f.). O'Brien detects a movement in recent liberation theology from "a naive claim to an absolute methodological privilege" toward a more modest "relative normative privilege" within the ongoing theological conversation.³⁷ In my judgment, this transition can be further promoted by more carefully differentiating valid claims of insights and sensibilities availed by material poverty from illusory or exaggerated claims of broad class-based epistemological superiority. Certainly some among the poor understand the ways in which Jesus preached "good news to the poor" in a manner not attained by the nonpoor. Poverty provides a special context for discovering and giving witness to aspects of God's love and providence; yet other arenas can also be found, e.g. the obstetrician who experiences each new birth as a precious gift from God, or an astrophysicist's (or microbiologist's) appreciation of the majesty of creation. These are also "privileged locations" from which aspects of God's goodness, mercy, justice, etc., can be appreciated in special ways. Far from being biased, this understanding of the hermeneutical privilege works *against* bias by insisting that we submit to the truth as disclosed in the experience of people who have been hitherto ignored.

MORAL PARTIALITY

We believe that a sense of fair play and impartial justice is a central feature of morality. "Moral partiality," conversely, is usually spoken of in highly pejorative terms. This is due in part to the dominance of

struggle and liberation, thereby unmasking the root of false paternalism, including ecclesiastical paternalism" (Oscar Romero, *Voice of the Voiceless*, trans. Michael J. Walsh [Maryknoll: Orbis, 1985] 184).

³⁵ G. Gutiérrez, *Power of the Poor* 203.

³⁶ J. Sobrino, *True Church and the Poor* 140.

³⁷ J. O'Brien, *Theology and the Option for the Poor*, chap. 10.

utilitarianism and neo-Kantianism in modern ethics; yet suspicion of prejudice, favoritism, bias, and moral distortion is common to most moral traditions. Recall, e.g., Richard II's assurance to Mowbray that the king's blood ties to Bolingbroke will not sway his responsibility to understand and to do what is right: "Mowbray, impartial are our eyes and ears./ Were he my brother, nay, my kingdom's heir, . . . Such neighbor nearness to our sacred blood/ Should nothing privilege him nor partialize/ The unstopping firmness of my upright soul."³⁸ Though the term has taken on special significance in the modern period, the trait of moral impartiality plays an important role in the Scriptures. In the Hebrew Bible, it functions both as a corrective to bias in favor of the rich in courts of law, particularly through intimidation and bribery (Deut 16:18–20 and Wisdom 6:7–8, respectively), and as an important condition for the attainment of justice for the needy (Deut 10:17–18).³⁹

Moral impartiality pertains to various moral contexts in different ways. As a trait of moral rectitude it leads us to do the right and to pursue the good, sometimes in spite of our own spontaneous desires to the contrary. As a principle of prudence, it obtains when our moral judgment is not clouded by personal biases, the excessive sway of emotion, etc. In a judicial context, moral impartiality observes fair procedures and demands "equal justice under the law." Obviously favoring the poor as such in cases of conflict can be as much a cause of injustice as the reverse; for this reason, e.g., Thomas Aquinas argued that when pronouncing sentence a judge may not be biased either against or *in favor of* the poor (*ST* 2-2, q. 63, a. 4, ad 3).⁴⁰

As a principle of distributive justice, moral impartiality insists on the allocation of benefits and burdens according to relevant and morally defensible criteria. Those who assume a predominantly meritarian conception of distributive justice might assume that the preferential option proposes a distribution of benefits and burdens simply according to membership in a social class, regardless of talent, effort, or achievement. This might be one interpretation of Gregory Baum's

³⁸ William Shakespeare, *The Tragedy of King Richard II*, act 1, sc. 1, lines 115–124.

³⁹ Scriptural treatment of this kind of impartiality is found in Deut 16:20; Lev 19:15; 2 Chr 19:7; Job 34:19; Wis 6:7; Acts 10:34; Rom 2:11; Gal 2:6; 1 Pet 1:17. In response to an objection based on the injunction of Sirach to be kind to the fatherless (Sir 4:10), Thomas invoked the words of Exod 23:3, ". . . nor shall you be partial to a poor man in his suit" (cited in *ST* 2-2, q. 63, a. 4, ad 3). This of course should not be taken to imply that God has always been depicted as impartial in the Scriptures.

⁴⁰ For the sake of convenience references to Thomas will be placed in the text; citations will be to the *Summa theologiae*. The English translation used is St. Thomas Aquinas, *Summa theologiae*, trans. Fathers of the English Dominican Province, 3 vols. (New York: Benziger Brothers, 1947). References to the Latin text refer to that published in *Summa theologiae* (Madrid: BAC, 1963).

claim, which we have already quoted, that "when confronted by a conflict between rich and poor (or powerful and powerless, or masters and slaves), then the Gospel demands . . . that [one] side with the oppressed."⁴¹ The preferential option here seems to represent another form of "reverse discrimination," and is therefore deemed immoral.

A proper response to this criticism depends upon identifying the kind of moral partiality entailed in the preferential option. As a principle of distributive justice, the preferential option rests upon the belief that moral concern should be proportioned to need, where "need" can be interpreted to include poverty, but also vulnerability, powerlessness, marginality, etc. Other things being equal, Christians should assign priority to addressing the needs of the poor and otherwise powerless rather than to the needs of others because the former are by definition less capable of providing for themselves than are the latter. As a principle of justice rather than simple charity, this preference is not only morally justifiable, it is morally required. Most important, empowerment of the powerless is pursued so that all "parts" are able to participate properly in the life of the whole community. Inclusivity is diametrically opposed to false, excluding partiality. This of course by no means suggests that the poor as people possess more worth than other people or that behavior that is morally wrong for others is morally acceptable when engaged in by the poor—two standard but erroneous interpretations of the preferential option as unjustifiable partiality.

DIVINE PARTIALITY

A deeper religious affirmation of divine partiality supports the kinds of cognitive and moral partiality that we have just discussed. Gutiérrez and others often offer an *imitatio-Christi* rationale for solidarity, e.g., just as Jesus became poor (citing *Lumen gentium* on Phil 2:6 and 2 Cor 8:9), so must Christians today;⁴² but this in turn reflects an underlying

⁴¹ Gregory Baum, "Liberation Theology and 'the Supernatural,'" 84.

⁴² It should be noted that, in contrast, Hans Dieter Betz argues that Paul's discussion of Christ's "becoming poor" must be interpreted as a Christological and soteriological metaphor that contributes to Paul's appeal on behalf of the Jerusalem collection; it should therefore not be taken to indicate the manner of Jesus' life or social status (see his *2 Corinthians 8 and 9: A Commentary on Two Administrative Letters of the Apostle Paul* [Philadelphia: Fortress, 1985] 61–62). Similar positions are held by Victor Paul Furnish in his commentary, *II Corinthians* (Garden City, N.Y.: Doubleday, 1984) 417; and Philip Seidensticker, O.F.M., "St. Paul and Poverty," in *Gospel Poverty: Essays in Biblical Theology*, trans. Michael D. Guinan, O.F.M. (Chicago: Franciscan Herald, 1977) 95.

belief in God's preference for the poor.⁴³ As Gutiérrez has put it recently, "The ultimate reason for being committed to the poor is God—the God of Jesus Christ, the God of the kingdom—and our hope about the coming of God."⁴⁴ Unfortunately, however, the precise nature of this partiality is seldom fully explicated and therefore the theological dimension of the preferential option has been subject to serious misunderstanding and confusion.

Divine partiality of one form is a defining feature of the Sinaitic covenant. Recall the words of the Lord to Israel, "If you obey my voice and keep my covenant, you shall be my treasured possession out of all the peoples" (Exod 19:5, NRSV). In later texts, the salvation of Israel is contrasted with the anticipated destruction of the nations (e.g. Joel 4:12–17). And as a general and highly indeterminate statement of God's special love of one individual "more than" another (e.g. God is said to have loved Jacob and hated Esau; Mal 1:3), divine partiality seems to have biblical support.

Attribution of partiality to God, however, is highly problematic if taken to imply that eschatological judgment of individuals proceeds simply in virtue of membership in a given group rather than on the basis of individual merit. Paul's proclamation that "God shows no partiality" (Rom 2:11, sometimes translated as "God is no respecter of persons") underscores his belief that no one will be accorded special privilege or preferential treatment in the eschatological judgment simply because he or she happens to be a descendant of Abraham and a member of the chosen people; on the contrary, God "will repay according to each one's deeds" (Rom 2:6).⁴⁵ At the time of its composition, the Pauline axiom that "God shows no partiality" challenged Jewish assumptions of divine favoritism, but the principle can be extended to deny special divine partiality for any individuals simply in virtue of group membership.

Christian beliefs about divine love might be violated by assertions of divine partiality in several ways. First, if God favors the poor over others simply in virtue of their poverty or their membership in a poor class, then partiality is simple bias. Second, if Christ is said to have come for the poor and not for the nonpoor, then the claim that God is partial to the poor violates Christian affirmation of the universal salvific will of God and the universal significance of the saving death

⁴³ G. Gutiérrez, *Theology of Liberation* xxviii; *We Drink from Our Own Wells: The Spiritual Journey of a People*, trans. Matthew J. O'Connell (Maryknoll, N.Y.: Orbis, 1984) 127.

⁴⁴ G. Gutiérrez, "Church of the Poor" 19.

⁴⁵ Precedents in the Hebrew Bible include Deut 10:17; 2 Chr 19:7; Sir 35:11–13. Relevant New Testament texts include Acts 10:34; Gal 2:6; Eph 6:9; Col 3:25; I Pet 1:17.

of Christ. Neither claim regarding divine partiality, however, is made by advocates of the preferential option. First, liberation theologians seldom speak of the final judgment, with the exception of quite reasonable expositions of the parable of the Last Judgment (Matt 25:31–45).⁴⁶ Second, advocates of the preferential option acknowledge the universality of divine love. Gutiérrez in fact affirms the equality as well as the universality of divine love, i.e. that God both loves all people and that God loves us in an “*equal fashion*.”⁴⁷

The latter claim undermines one major line of criticism regarding divine partiality, but in another way it creates more confusion. How, after all, is the affirmation of the equality of divine love in any way compatible with the claim that God has a preferential love for the poor? According to Gutiérrez, God’s love is universal, “but it is from a point of departure in his preference for the poor that he manifests his universal love, his love of all humanity.”⁴⁸ Divine partiality in this case is depicted as a pedagogical strategy, i.e., divine love for the outcasts, the poor, and the powerless emphatically underscores God’s inclusive love for all human beings. A dimension of this pedagogical intent is implied when Gutiérrez writes, “Our question is how to tell the nonperson, the nonhuman, that God is love, and that this love makes us all brothers and sisters.”⁴⁹ The immediate focus is on the “poor person” because of the degree of suffering to which he or she is subjected. At the same time, Gutiérrez holds that those who are powerful in the world are no less ignorant of the reality of God’s love—far from it. Only when the Christian loves those whom society regards as “non-persons” does he or she begin to approach the meaning of God’s universal love.

As valid as this pedagogical approach might be, there seems to be more to the divine partiality than is suggested here.

Partiality and “Reversal of Fortune”

Gutiérrez argues for divine partiality primarily on biblical grounds. In the new Introduction to the revised edition of *A Theology of Liberation*, he writes: “The poor deserve preference not because they are morally or religiously better than others, but because God is God, in whose eyes ‘the last are first.’ This statement clashes with our narrow

⁴⁶ E.g. G. Gutiérrez, *Theology of Liberation* 85, 98, 112, and 132.

⁴⁷ G. Gutiérrez, *Power of the Poor* 18–19; *On Job* 41. On universality: *Theology of Liberation* 168.

⁴⁸ G. Gutiérrez, *Power of the Poor* 106.

⁴⁹ *Ibid.* 193.

understanding of justice; this very preference reminds us, therefore, that God's ways are not ours (see Isa 55:8)."⁵⁰

Although I am not a professional exegete, some attention must be paid to the way Gutiérrez employs textual evidence in this particular treatment of the biblical basis of divine partiality. First, he refers to one of two closely related statements: either "The last will be first, and the first will be last" (Matt 20:16) or "Many who are first will be last, and the last will be first" (Matt 19:30 and Mark 10:31; Luke 13:30 refers to "some"). The former statement concludes the parable of the Workers in the Vineyard, the connection to which is somewhat ambiguous (Matt 20:1-16). The latter follows Marcan and Matthean variants of the story of the Rich Young Man (Mark 10:17-31; Matt 19:16-30), both of which connect the saying to the proclamation of the eternal reward that will be given to those who place discipleship over kinship and property (Matt 19:29; Mark 10:31). Luke, on the other hand, employs the saying within an entirely different context, one that sharply contrasts the rejection of Jesus by his Jewish contemporaries with the inclusion of Gentiles in the kingdom (Luke 13:22-30).

Gutiérrez seems to be uncritically conflating disparate passages from different Gospels to make a general point that the "last will be first." Yet failure to indicate which particular passage he intends is of no minor significance, given the importance of redactional variation among the evangelists. Determining exactly who is meant by "first" and "last," and on what grounds such "reversal" proceeds, is critical for determining the relevance of this theme to divine partiality. On face value, e.g., a "reversal" in which relatively affluent Christian Gentiles are given precedence over poor Jews does not seem to illustrate divine partiality for the poor.

Whatever the passage, however, we can note that neither the rewards given to faithful disciples nor the eschatological "reversal of fortune" necessarily implies a violation of true justice, as Gutiérrez suggests, but rather only an overturning of conventional expectations. Indeed, the householder of the parable of the Workers in the Vineyard announces without irony "I do you no wrong" (Matt 20:13), suggesting that from the author's point of view justice has not been betrayed even though it has been transcended by merciful generosity.⁵¹

What Gutiérrez refers to as "our narrow understanding of justice" is actually a particular account of justice, viz. the meritarian (merit being determined by virtue in this case). A theory of justice that ac-

⁵⁰ G. Gutiérrez, *Theology of Liberation* xxviii.

⁵¹ Contrast with Anders Nygren, *Agape and Eros*, trans. Philip S. Watson (Chicago: Univ. of Chicago, 1982) 86-90.

knowledges the importance of need, however, would not conflict so strikingly—indeed, at all—with the intended point that God favors the poor.⁵² From a meritarian conception of justice it is by definition “irrational” to give priority to individuals in virtue of their need because this is not a relevant feature of desert; from an approach to justice that includes the criterion of need, on the contrary, it may be irrational *not* to do so. Thus rather than contrasting human justice with the divine will, as Gutiérrez seems to suggest, we could counter an excessively meritarian notion of justice with a more complex account of justice that includes both merit and need, along with perhaps other criteria as well.

By using the reversal motif Gutiérrez obviously intends to subvert the common assumption that God prefers those who are morally upright and holy. He insists that God, acting contrary to all rational expectations, chooses to love the poor instead of the “virtuous.” Isaiah 55:8 certainly clashes with *some* human expectations, specifically those regarding the ways and places in which Yahweh’s salvific purpose is effected. Recall also, e.g., Isa 45:9–13, where God chooses to use Cyrus to restore Israel; and Ezek 18:25–29, where Yahweh’s declaration of individual accountability chafes against the received expectation of corporate blessings (see Exod 20:5; Lev 26:39–40; and Deut 5:9). As John L. MacKenzie observed of Isa 55:8: “Yahweh’s saving purpose can be grasped and must be accepted, but no one should be so rash as to think that he comprehends its entire scope.”⁵³ The majesty of God’s power and the scope of God’s justice extend far beyond what we can imagine. Second Isaiah communicates a profound sense of the gratuity of God’s grace but not, as suggested by Gutiérrez, its alleged irrationality.

Partiality and Divine Mystery

Gutiérrez does not imply that the poor should be given blanket approval, nor that they are not in need of conversion, nor that their material poverty as such guarantees certain special moral qualities. Indeed, it would not be particularly relevant even if deprivation often led the poor to embrace the life of virtue in some special way because, Gutiérrez argues, God does not love in proportion to the goodness of the objects of divine love. According to Gutiérrez, God’s preference for the poor is a religious mystery: “God, one would think, would surely have

⁵² A brief treatment of criteria of distributive justice is provided in Gregory Vlastos, “Justice and Equality,” in *Social Justice*, ed. R. Brandt (Englewood Cliffs, N.J.: Prentice-Hall, 1962) 40–41.

⁵³ John L. MacKenzie, S.J., *Second Isaiah* (Garden City, N.Y.: Doubleday, 1968) 78.

a preferential love for the good. After all, the good have more merits. But if instead we maintain that God prefers the poor because they are poor (again, materially poor)—then we may be flying in the face of logic, but we are standing point-blank before the mystery of God's revelation and the gratuitous gift of his kingdom of love and justice."⁵⁴

In examining this claim we should note that Gutiérrez works with two pairs of distinctions: first, human reason ("logic") and divine mystery; and second, love as merited and love as freely given. When the first terms from among these pairs are identified and contrasted with the second terms, we have the claim that human reason holds that love must be merited by the goodness of its object, in contrast to the belief that God bestows love freely. If reason is ordered to merit (understood here as virtue), divine partiality "flies in the face of logic." Unfortunately this position leans toward an irrationalism, suggesting that human reason even at its best directly contradicts divine revelation, and, by extension, that human justice at its best opposes divine love.

An alternative to this position can employ a twofold distinction between divine love and divine care, on the one hand, and distorted and undistorted human reason, on the other. It is axiomatic for all Christians that God loves gratuitously and creatively, i.e., that rather than responding to the goodness of its object, the divine love freely creates value in its object (e.g. *ST* 1, q. 20, a. 2). Gutiérrez contrasts the "rational" assumption that divine partiality is based on the goodness of various objects of divine love with the explicit teaching of revelation that God has a special partiality for the poor.

In so doing Gutiérrez conflates two different and, in their own spheres, equally valid features of divine partiality. The first, a teleological view of divine partiality, refers to the good willed to the saved in the next life. "Divine partiality" refers to the belief that God wills a greater glory to those who have most fully responded to God during their earthly lives. This sense of divine partiality must be distinguished from divine care which concerns the materially poor (or otherwise needy) in this life. The latter is essentially a response of God to human suffering; its scriptural expressions include the parables of the Good Samaritan (Luke 10:29–37), the Last Judgment (Matt 25:31–46), and Lazarus and the Rich Man (Luke 16:19–31).

To say that God loves the poor "because they are poor"⁵⁵ is true, at least in a very broad sense, but somewhat misleading, because it ignores the fact that God gives partiality to the claims of the poor be-

⁵⁴ G. Gutiérrez, *Power of the Poor* 141.

⁵⁵ *Ibid.* 95.

cause of the degree of their *need*.⁵⁶ The same is true of other categories of the needy, e.g. women, or "outcasts" like the tax collectors, even though they may not always be materially poor.

The critical distinction between "love" and "care" needs to be explicated and underscored because it tends to be ignored by advocates of the preferential option. Care, according to philosopher Jules Toner, is "an affirmative affection toward someone precisely as in need."⁵⁷ Rather than constituting an alternative to love, care is "only the form love takes when the lover is attentive to the beloved's need."⁵⁸ Because care is proportioned to need, it makes perfect sense to speak of the "preferential love" for the poor as long as "love" is specifically understood under its subcategory of "care" or "caring love." For this reason, the phrase "special care for the needy" seems in some ways more specific and more accurate (if less inspiring) than "preferential option for the poor," "preferential love for the poor," or "love of predilection for the poor."⁵⁹ The expression "preferential love" is helpful because it highlights the important truth that for Christians care flows from love rather than from an attitude of *noblesse oblige* or from religious exhibitionism (Matt 6:1–4). The patronizing misuse of the distinction between love and care is resisted by acknowledging that since all human beings are needy, we are all, in different ways and at different times, objects of the care of one another. A sense of the mutuality of love and care is more appropriate than the condescension that sometimes accompanies unilateral beneficence.

When Gutiérrez insists that "God loves the poor . . . simply because they are poor, because they are hungry, because they are persecuted,"⁶⁰ he seems to be primarily opposed to an emphasis on "spiritual poverty" that preempts our recognition of God's special care for the

⁵⁶ Gutiérrez would not object to this claim. His consistent emphasis on material poverty and political oppression, however, excessively narrow the responsive focus of *agapē*. Ismael García is clear on this point: "God does justice to the poor solely because they are in need and calls upon God's people to do the same" (*Justice in Latin American Theology of Liberation* [Atlanta: John Knox, 1987] 95).

⁵⁷ Jules Toner, *The Experience of Love* (Washington/Cleveland: Corpus, 1968) 75. Toner's understanding of care concerns "caring for" as distinct from "caring about." It should also be noted that the meaning of "care" taken here is not to be identified with the "ethics of care" advocated by C. Gilligan (*In a Different Voice: Psychological Theory and Women's Development* [Cambridge: Harvard Univ., 1982]) and then developed further by other writers. In my judgment, the most balanced assessment of this movement and related issues is found in Owen Flanagan, *Varieties of Moral Personality: Ethics and Psychological Realism* (Cambridge, Mass.: Harvard Univ., 1991) 196–252.

⁵⁸ J. Toner, *Experience of Love* 80.

⁵⁹ *Libertatis conscientiae* no. 68.

⁶⁰ G. Gutiérrez, *Power of the Poor* 95.

poor and therefore tolerates social indifference and an excessively "spiritualistic" view of the gospel. Gutiérrez himself would be the last person to slight the importance of spirituality,⁶¹ properly understood, yet he is profoundly (and appropriately) concerned about privatized spiritual "verticalism" that ignores the needs of our neighbors.

Explications of the claim that "God loves the poor" need to keep in mind that there are at least two ways in which God can be said to love the poor. First, God's love takes the form of care, mercy, compassion, and the like, all of which focus on God's concern for the poor in virtue of their suffering. This form is completely independent of the virtue, merit, moral attainments, etc., of the poor. The good Samaritan cared for the man set upon by thieves without reference to the victim's desert but simply in virtue of his suffering. It is this same Christian concern that led the bishops at Puebla to claim that "the poor merit preferential attention, whatever may be the moral or personal situation in which they find themselves. Made in the image and likeness of God (Gen 1:26-28) to be his children, this image is dimmed and even defiled. That is why God takes their defense and loves them (Matt 5:45; James 2:5)."⁶²

Second, however, God's love for the poor regards the *anawim*, those "poor ones" who have responded to material poverty and physical suffering not with bitterness and hatred of God but rather with a radical sense of openness to, dependence on, and gratitude for God's gifts.⁶³ Most of all, perhaps, they are able to recognize the kingdom of God where many others simply do not.⁶⁴ These people, like those "sinners" whom Jesus called, are in fact characterized by special virtues that those of us distracted by worldly matters do not come close to replicating. Gutiérrez properly intends to foreclose a false spiritualization, but in ignoring this distinction he depicts divine love in excessively mysterious ways and perhaps dilutes the strength of his own position.

Some critics of the preferential option object that if those who are poor are "blessed" on grounds of poverty alone, then Christians should by no means strive to assist them since so doing would run counter to their spiritual welfare. Indeed, if poverty itself were the *only* possible

⁶¹ See, e.g., *We Drink from Our Own Wells*.

⁶² Puebla, *The Final Document* no. 1142, in *Puebla and Beyond: Documentary and Commentary*, trans. John Drury, ed. John Eagleson and Philip Scharper (Maryknoll, N.Y.: Orbis, 1979) 265.

⁶³ On the *anawim*, see Raymond Brown, *The Birth of the Messiah* (Garden City, N.Y.: Doubleday, 1977) 350-52; and Jacques Dupont, O.S.B., in "The Poor and Poverty in the Gospels and Acts," *Gospel Poverty: Essays in Biblical Theology* 37-41.

⁶⁴ R. Brown, *The Birth of the Messiah* 362-63.

condition in which blessedness could be attained, it would seem incumbent upon all Christians to become materially poor. One would have to agree with Gordon Graham's comment on the first Beatitude in Luke: Graham writes (apparently not tongue in cheek) that the Church, "if it is to have a bias at all, should have it towards the rich since they, left to themselves, will find it very much harder to enter the Kingdom, while the poor will find it very much easier."⁶⁵

Gutiérrez and all other advocates of the preferential option of course regard material poverty as an evil to be overcome. Far from involving a romantic idealization of poverty, commitment to "voluntary poverty" (or what O'Brien calls "evangelical simplicity" and "existential solidarity") reflects both solidarity with the poor and a denunciation of that very state of deprivation.⁶⁶ The alternative position is that the kinds of dispositions and virtues facilitated by material poverty can be pursued in other contexts, though with great difficulty (cf. the "eye of the needle" of Matt 19:25).

To return to the main point, the distinction between "love" as such and "caring love" underscores the inadequacy of the broader and less differentiated claim that "God loves the poor preferentially" or, as John Paul II put it, that the poor are "God's favorites."⁶⁷ The claim that God's love is "preferential but not exclusive"⁶⁸ is constantly reiterated; yet exclusivity is distinct from partiality. Taken at face value, the claim that God loves the poor "more than" others imputes a quantitative measure that surely fails to apply to divine love as much as it fails to apply to human love. It also implies a needs-based differentiation of divine love which, unlike a needs-based differentiation of divine care, is without plausible conceptual support.

Perhaps most troubling are the voluntarist implications of Gutiérrez's account of the "scandalous" nature of the preferential option. Gutiérrez, reflecting his interpretation of biblical sources (and perhaps also the influence of thinkers such as Pascal and Bonhoeffer⁶⁹), clearly

⁶⁵ G. Graham, *Idea of Christian Charity* 115.

⁶⁶ G. Gutiérrez, *Power of the Poor* 55; J. O'Brien, *Theology and the Option for the Poor* 80–83.

⁶⁷ John Paul II, Address in the Barrio of Santa Cecilia, 30 January 1979, cited in Puebla, *The Final Document* no. 1143 (*Puebla and Beyond* 265).

⁶⁸ G. Gutiérrez, *Power of the Poor* 127–28; L. Boff, *St. Francis* 58; Puebla, *The Final Document* no. 1165 (*Puebla and Beyond* 267); John Paul II, "Opening Address to Fourth General Conference of Latin American Episcopate," *Origins* 22 (22 October 1992) 327, no. 16.

⁶⁹ On Pascal, see G. Gutiérrez, *Theology of Liberation* 95, 174; *On Job* 15–16, 38, 101. On Bonhoeffer, see G. Gutiérrez, *Power of the Poor* 222–34. Gutiérrez's use of these authors is not simple dependence. Yet one can perceive significant forms of influence

emphasizes the radical freedom of the divine will. His complementary emphasis on human freedom and choice, particularly the language of "option," highlights the need to take personal responsibility for the plight of the poor, not primarily in the sense of being responsible for their suffering (though this is not ruled out) but as being responsive to it. On this basis, Christians are urged to make a serious commitment to identifying with the poor and to overcoming the long-term structural causes of their suffering.

Yet the theological justification for this important and valid claim posits a conflict between human reason and divine revelation and suggests that partiality of care found in neighbor-love is not commanded by God because it is good but rather good solely because commanded by God. Despite the unnecessary sense of theological arbitrariness suggested by this rhetoric, Gutiérrez cannot be imagined to assert that if God had so desired God could have reversed the priority, caring first of all for the rich and only secondarily the poor. Such an approach to God's freedom implies a radical opposition of reason and revelation that would be at odds with the Catholic substance of Gutiérrez's theology.

Certainly God is "irreducible to our modes of thinking"⁷⁰ and faith calls on us to embrace more than can be confirmed within the limits of reason and logic. But the transcendence of faith, it seems to me, reflects the infinite intelligibility of God, what Rahner called the "incomprehensibility of Holy Mystery," rather than the allegedly irrational and arbitrary nature of the divine will. As Rahner puts it, "Incomprehensibility does not mean that there remains something that is unfortunately not known, but it is the immediate object of the beatifying experience of God in the absolute *excessus* of the intellect itself, an *excessus* which is borne by God's self-communication."⁷¹ For this reason the incomprehensibility of God increases rather than decreases with the beatific vision. Similarly, the "mystery" of God's love lies not in its object, e.g. the poor in particular, but in its subject—in the fact that God loves in an utterly gratuitous way, or in the fact that, as St.

even in passages in which Gutiérrez intends to revise significantly a position under discussion, e.g. to substitute a new situation, a new subject (the poor, the "losers of history") and a new object (the God of the poor) for that found in Pascal's "wager" (*On Job* 15–16).

⁷⁰ G. Gutiérrez, *Power of the Poor* 141. It seems to me that Gutiérrez needs to develop this insight further. His notion of divine love at times sounds highly anthropomorphic and in fact would be greatly enhanced by an extended treatment of analogy as the basis for theological affirmations.

⁷¹ See Karl Rahner, S.J., "Thomas Aquinas and the Incomprehensibility of God," *Journal of Religion* 58 Suppl. (1978) S109.

Paul put it, "while we were sinners Christ died for us" (Rom 5:8). Of course this gratuity, in Gutiérrez's words, "defies our human categories."⁷² God's love for the poor is no more, or less, mysterious than God's love for the rich—or for anyone else, for that matter.

Divine Partiality according to Thomas

It is clear that certain distinctions need to be developed for a more adequate theological defense of the preferential option. A brief comparison with the work of Thomas Aquinas can be instructive regarding the range of further issues that must be covered by those who wish to contribute to a more comprehensive support for the notion of divine partiality for the poor.

The critical distinction between God's love for human beings as such and God's care for human beings as needy, between love (*amor*) and care (*cura*), was important to Thomas. *Cura* is a fundamental expression of *amor*, though the latter can by no means be simply reduced to the former since it can exist in the absence of need. In the *Summa*, care is usually said to involve a response to need, e.g. prayer for the dead (1.189.8 ad 1) and Christ's care for the disciples as "little children" (1-2.108.2 ad 3). In the Incarnation, similarly, Thomas argued, God assumed human nature not because of its ontological superiority to angelic natures but because of our need (1.20.4 ad 2) as sinners and finite (3.1.3). At times *cura* also refers to a jurisdiction and assigned responsibility for another, as parents' care for their children (1-2.89.2), political authority's care for the good of the community (1-2.90.4; also 1-2.19.8), and God's care for "irrational animals" (1.103.5 ad 2). In these and other ways the solicitude and responsibility of care is carefully distinguished from the "connaturality" or "complacency" of *amor* (1-2.26.2).

According to Thomas, compassion or mercy flows from God's love and is displayed when God dispels the misery of the afflicted (1.21.3). Love, then, necessarily issues in, but is not identical with, preferential care. To cite an example provided by Thomas, a master may spend more of his resources in providing an expensive medicine to his sick servant than he would spend on his healthy son. This does not mean, however, that in this concrete instance the master loves his son less than the servant but rather that the attainment of basic well-being requires greater devotion to the good of one who does not, in general, take precedence, either affectively or morally. I draw on this particular example as illustrative of the difference between degree of love as such

⁷²G. Gutiérrez, *Power of the Poor* 141.

and degree of care. In order to avoid the misunderstanding that care necessarily involves arrogance or condescension, we need to recall Thomas's recognition that "degrees among men are not unchangeable as among angels, because men are subject to many failings, so that he who is superior in one respect, is or may be inferior in another (2-2.31.2).

If Thomas is correct, and I think he is, God has a special "love" for the poor in the sense that God's mercy is proportionate to the degree of need of the objects of God's love, a benevolent response to suffering—but not, I take it, in the sense that God loves the poor "more than" members of other classes and wills for them a greater union with God.

To understand this claim it might be helpful to review Thomas's distinction between two senses of divine love for creatures. First, he argued that God does not have different acts of love for different creatures, with some acts being "more intense" than others. God loves all creation with a *single act* of the divine will that is "one, simple, and always the same" (1.20.3). This claim is entailed in Thomas's ontological description of God as Pure Act (1.4.1) and Unmoved Mover (1.2.3), i.e. as the Being in whom there can be no single "movements" from potency to act. God's love for creatures is infinite and unlimited in itself. In this sense God does not love some creatures "more than" others. God loves all creatures from within God's own self-love and within the eternal love by which the Holy Spirit proceeds from the Father and the Son (1.37.2).

In a second sense, however, Thomas maintained that God does indeed love some more than others, namely, with regard to the end God wills for different creatures. In nature, Thomas argued, we can see that God wills a greater good to some creatures than to others, e.g. simple existence to inanimate objects, life and motion to animals, and intelligence and freedom to humans. In this and other senses, divine love is not strictly equal. "For since God's love is the cause of goodness in things," Thomas argued, "no one thing would be greater than another if God did not will greater good for one than for another" (1.20.3).

Thomas extended this principle to the human race itself. He maintained not only that God loves Christ more than all other creatures but also that, depending on nobility, God loves some humans more than some angels, and vice versa. Thomas also acknowledged God's special care for Israel (1-2.105.1 ad 1). He claimed, furthermore, that God loves the innocent more than the penitent (1.20.4 ad 4) and the predestined more than the "reprobate" (1.23.4). These claims of course reflect scriptural claims to which Thomas attempted to remain faithful (e.g. Eph 1:5: "In love he destined us for adoption to himself through

Jesus Christ, in accord with the favor of his will"); they were not derived on exclusively ontological grounds.

According to Thomas, God loves all human beings—i.e. God wills the salvation of all (I Tim 2:4; see also *Summa contra Gentiles* 3.159–63)—but the gradation of divine love reflects the free, unmerited gift of grace. Grace is a gift which is *not* given equally to all human beings (1-2.112.4; citing Eph 4:7). In response to an objection based on Wisdom 6:7, “He made the little and the great and He hath equally care of all,”⁷³ Thomas argued that God’s care is equal in that it “looks equally to all” in one simple act of love, yet that this should not be confused with claiming that God wills the identical good to all creatures. On the contrary, “God by His care provides greater gifts for some and lesser gifts for others” (1-2.112.4 ad 1).

Thomas’s fundamental principle is that God loves in proportion to grace; “loves” here, again, refers not to affective intensity but rather to the degree of good that is willed to the beloved, i.e. the communication of divine goodness and eternal union with God. God wills the salvation of all human beings, but among the saved God wills a greater participation in this goodness for some than for others (1-2.112.4 ad 2). In his interpretation of the doctrine of predestination Thomas accepted the received claim that God dispenses saving grace to some people and not to others, and that this is made not according to merits but according to the will of God (1-2.112.4). On the part of its recipients, then, there is a great variety in intensity of possession of grace in this life and in the final glory in the next (1-2.112.4 ad 2). He recognized, of course, that it is presumptuous to inquire whether God prefers one particular person more than another. Hence in response to the medieval discussion whether Peter was loved more than John, Thomas simply cited Prov 16:2, “the weigher of hearts is the Lord” (i.e. and no one else) (1.20.4 ad 3).⁷⁴

CONCLUSION: PARTIALITY AND INCLUSIVENESS

I mentioned earlier the notable absence of extended treatments of the kinds of partiality that are proposed by advocates of the preferential option. I have argued here that the preferential option does indeed

⁷³ The full passage reads: “For the Lord of all will not stand in awe of anyone, or show deference to greatness; because he himself made both small and great, and he takes thought for all alike. But a strict inquiry is in store for the mighty” (Wis 6:7–8; NRSV).

⁷⁴ The text from Prov 16:2 is the Benziger translation of Thomas’s citation of the Vulgate. The NRSV reads: “All one’s ways may be pure in one’s own eyes, but the Lord weighs the spirit.”

constitute a form of partiality but that, far from being pernicious, it is justified and, indeed, required. In order to show this I attempted to distinguish justifiable from unjustifiable forms of partiality and to argue that the latter should not be associated with the option (either by its defenders or its detractors). Unjustifiable forms of partiality include, e.g., cognitive bias that subordinates truth to ideology, moral bias that regards human worth as a function of class membership, and religious bias that claims that God arbitrarily favors some social classes over others. Justifiable partiality is seen, e.g., in divine preference of care for the needy, in human intellectual devotion to the cause of the poor, and in moral commitment to the priority of their needs within an ordering of social priorities.

As a general rule it can be said that partiality is justifiable when it contributes to inclusiveness, a value which pertains to our cognitive and affective comprehension, to our recognition of the dignity of every human being, and to our acknowledgement of the comprehensiveness of God's love and of the solicitude for the needy which flows from that love. In all three spheres of partiality examined above, cognitive, moral, and religious, the preferential option appeals to an *expansion* rather than *contraction* of love and wisdom.

Expressed in the "part-whole" language employed earlier, the preferential option works for an extension rather than restriction of the interrelationships of parts to one another and of parts to the whole. It is oriented to the proper and full participation of all parts within the whole rather than to the substitution of one system of dominance for another. For this reason its advocates insist that the unity of the Church is only real when it includes the faith, the experiences, and the voices of the poor.⁷⁵ Unjustifiable partiality furthers the dominance of one part over others and, indeed, over the whole; justifiable partiality, on the contrary, strives to create opportunities for deprived and oppressed parts so that all parts will be able someday to participate fully in the whole.

This inclusive intent can be illustrated in all three spheres. First, the preferential option advances epistemological inclusiveness by attending to *all* the relevant evidence, including that of the experience of the poor, and by promoting less ideological construals of current social arrangements. On this view, apolitical neutrality represents not cognitive impartiality but rather a high degree of cognitive partiality or bias. Unfortunately, occasional liberationist acceptance of bias and

⁷⁵ J. Sobrino, *True Church and the Poor* 102-21.

even positive celebration of ideologies is hardly helpful in this regard⁷⁶ (except perhaps to those who regard liberation theology as obscurantist).

The hermeneutical privilege advances cognitive inclusiveness by insisting on the intellectual and imaginative conversion of the nonpoor as well as the poor. Rather than assisting the poor in a paternalistic manner, nonpoor Christians are called first to listen to, learn from, and be converted by the poor. Conscientization facilitates self-awareness and self-determination, first of all for the poor themselves but also for all other Christians. Solidarity facilitates a more comprehensive understanding by attending to, or rather taking up, views from the underside of history, which constitutes the majority of the human race.⁷⁷

Second, the preferential option advances moral inclusiveness by insisting on the full participation of all people within the political, social, and economic life of local communities. The preferential option, properly understood, does not naïvely assume that the poor possess special virtues that guarantee their moral superiority over the nonpoor; neither does it suggest that they are of higher worth than other people.⁷⁸ The partiality of the preferential option, as we have seen, is proportionate to need rather than merit.

Third, the preferential option advances religious inclusiveness by its affirmation of both God's preferential care and universal love. From this twofold affirmation one cannot infer that the poor are guaranteed apprehension of religious truth, or that the poor are not in need of conversion, or that God loves the poor more than others because of their material poverty as such. Proper religious partiality is one of care. Recall Gutiérrez's statement, "Our question is how to tell the nonperson, the nonhuman, that God is love, and that this love makes us all brothers and sisters."⁷⁹ The poor are the primary focus because of their degree of need, but there is no suggestion that the powerful and affluent properly understand that "God is love." On the contrary, only

⁷⁶ See, J. Sobrino, *True Church and the Poor* 152–53; also G. Gutiérrez, *Theology of Liberation* 274–75. The most well-known endorsement of ideology is Juan Luis Segundo, S.J., *The Liberation of Theology*, trans. John Drury (Maryknoll, N.Y.: Orbis, 1982); see esp. 102 f. for his definition of ideology. Gutiérrez, on the other hand, views ideology as masking reality in order to preserve the status quo (*Theology of Liberation* 137, 151).

⁷⁷ G. Gutiérrez, *Power of the Poor* chap. 7.

⁷⁸ These claims are lodged by Burtchaell, "How Authentically Christian Is Liberation Theology?" 269.

⁷⁹ G. Gutiérrez, *Power of the Poor* 193.

by loving "nonpersons" can Christians of any social state begin to understand the true universality and depth of God's love.

Many scriptural expressions of justifiable claims of divine partiality could be cited. One is provided by Ben Sirach: "Do not offer him a bribe, for he will not accept it; and do not rely on a dishonest sacrifice; for the Lord is the judge, and with him there is no partiality. He will not show partiality to the poor; but he will listen to the prayer of one who is wronged" (Sir 35:14–16, NRSV).⁸⁰ This citation concisely integrates the two major principles of my argument: that divine justice prohibits favoritism, including *undue* partiality (even on behalf of the poor or otherwise powerless), and that, at the same time, divine justice requires a special concern and a *due* partiality for those who are oppressed (or are "wronged" in other ways).

One implication of this twofold affirmation is that divine justice includes divine care along with an unwavering commitment to fairness or impartiality. As a general rule, liberation theologians forcefully invoke the second principle, special concern, without also acknowledging the importance of the first, fairness. In the practical order, this imbalance can contribute to rank partisanship, which in the long run tends to be disruptive and counterproductive. In reaction, critics of the preferential option invoke the centrality of fairness, without recognizing the complementary and equally important truth of special concern for the poor.⁸¹ Both must be held together in a complementary and mutually-correcting account of the preferential option. Constant reiteration of the caveat that the option is "preferential but not exclusive" is apparently an effort to maintain a balance between fairness and special concern, both of which are important aspects of justice. Insufficient systematic explication of the meaning and interconnection of "preferential" and "not exclusive," however, creates the impression that these two virtues are awkwardly juxtaposed rather than harmoniously balanced.

POSTSCRIPT: FUTURE AGENDA

Our conclusion is that the preferential option can be said to advocate legitimate forms of partiality, but that care must be taken to distance

⁸⁰ On God hearing the cry of the poor, see also Exod 22:21–23, Deut 24:17–18, Prov 23:10–11; on not accepting bribes, see Deut 10:17–18; on preferring the poor, see Ps 68:6.

⁸¹ E.g. Graham, *Idea of Christian Charity* 114 f. Graham states: "If it is wrong to believe that one's mission is to the rich, talented, and powerful, it is equally wrong to believe that one's mission is primarily to the poor and downtrodden" (115). Graham here trades on an ambiguity in the word "mission" (social as distinct from religious, narrowly understood) that is analogous to other ambiguities mentioned above.

these from improper and inadmissible counterfeits. In closing I would like to point to a few of the significant items that must be taken up in the future by advocates of the preferential option.

A fully credible account of the preferential option seems to require nothing less than a comprehensive theological ethic, one that not only retains the sharp edge of prophetic indictment and the indispensable call to conversion, but that also provides, in an analogous way, the kinds of careful definitions, distinctions, and relations that, as briefly indicated above, were systematically developed by Thomas Aquinas. Thomas's theological position is not fully adequate for addressing our own theological and ethical questions; "transposition" is necessary. Yet Thomas's theology stands as an exemplary model for the systematic interconnection of theological principles and their moral implications. Here I will mention just four theological and ethical loci that stand in need of further development by advocates of the preferential option, each of which can be related to certain major focal points within Thomas's theological ethics.

First, the preferential option must be complemented with an account of the virtue of solidarity with the poor, by which, as the bishops at Medellín put it, "we shall make their problems and struggles our own."⁸² The virtue of solidarity has deep roots in Catholic social anthropology as well as in the theological virtue of *caritas*, the love of friendship with God and the love of one another in God (2-2.23). It incorporates modern egalitarianism in a way that modifies the paternalistic dimension of pity and the virtue of mercy (*miser cordia*), at least as understood in figures like Augustine and Thomas (2-2.32).⁸³ Solidarity communicates a sense of our common humanity that the option in and of itself does not; solidarity presumes a "oneness" from which flows a commitment to those who are needy. The language of "option" underscores the role of the will, whereas solidarity suggests a deeper awareness of our shared humanity and its dignity. Solidarity entails a prior awareness, or, to use Iris Murdoch's term, an "attentiveness" to the poor as, above all, human beings.⁸⁴

In this regard it is interesting to note that, according to the Oliner study on rescue behavior under the Nazis, those who rescued Jews in the midst of the Holocaust were marked by a deeper sense of shared humanity and of connection to wider ranges of people than were those who were either bystanders or simple nonrescuers. While rescuers

⁸² Medellín, "On the Poverty of the Church" no. 10, in *Liberation Theology*, ed. Hennelly, 117.

⁸³ Augustine, *De Civ. Dei* 9.5.

⁸⁴ Iris Murdoch, *The Sovereignty of Good* (Boston: ARK, 1970) esp. chap. 1.

shared with nonrescuers perceptions of being similar to the poor, the former were unusual in their perceived sense of similarities to the rich—not, of course, because of their wealth, but because rescuers tended to focus on common humanity in a way that minimized the significance of class identity and distinctions.⁸⁵ According to the Oliners, the proclivity to rescue Jews reflected a tendency to perceive inclusive connections with others and was “not a consequence of their identification with others who were socially marginal or weak [as such].”⁸⁶

Second, the preferential option must incorporate a sense of moral priorities that recognizes the powerful “differential pull”⁸⁷ of other moral claims upon us. Discussion of the preferential option too often tends to oversimplify our responsibility to the poor by effectively ignoring the multitude of other concrete responsibilities that comprise and shape our lives. Gutiérrez often calls for a global, comprehensive conversion, a “radical break,” “complete renunciation,” etc.; yet not all are in a position to make a radical break with their present obligations and responsibilities, or ought to forsake their place in society and its possibilities for contributing to the common good.

Christian preference for the poor should not disregard the natural affective and moral preferences for kith and kin that are rooted in human nature—the closest bonds of the traditional *ordo caritatis*⁸⁸—nor need it generally obliterate other forms of partiality, friendship, collegiality, etc., which form part of the ethos of our particular society and culture and which in their general form reflect the exigencies of human nature. This partiality to the poor entails empathy, assistance, and commitment to empowerment, which are not to be confused with the kind of partiality we have for those to whom we are bound by marriage, consanguinity, and the bonds of friendship. The combined and interacting effects of special loyalties result in a creative tension that calls for a morally sensitive and responsible balancing of priori-

⁸⁵ Samuel P. Oliner and Pearl M. Oliner, *The Altruistic Personality: Rescuers of Jews in Nazi Europe* (New York: Free Press, 1988) 175.

⁸⁶ *Ibid.* 176.

⁸⁷ Christina Hoff Summers, “Filial Morality,” *Journal of Philosophy* 83 (1986) 439–56. This article properly criticizes both the abstraction of impartialist “equal pull” theories found in Mill and Kant and the sentimentality of particularist “differential pull” theories found in Robert Nozick’s *Philosophical Explanations* (Cambridge: Harvard Univ., 1981) and Bernard Williams’s “Persons, Character, and Morality,” in *Moral Luck* (Cambridge: Harvard Univ., 1981).

⁸⁸ See Augustine, *De Doctrina Christiana* 1.28; Thomas, *Summa theologiae* 2-2, q. 26; John Calvin, *Institutes of the Christian Religion* 2.8, no. 55.

ties. Even if it is not *the* overriding and all-encompassing priority that is sometimes claimed, concern for the poor ought to be factored in as a significant moral commitment for every Christian.

Third, the preferential option must be grounded in a more comprehensive "option" for the community and the common good. To their credit the U.S. bishops, in their economics pastoral, *Economic Justice for All*, employ the language of the "preferential option" within (or at least alongside) that of the "common good."⁸⁹ The principles of justice for all and priority of the neediest are held together by a doctrine of the common good. Because the common good is interpreted in personalist rather than aggregative fashion (i.e. subsisting in the good of *all* persons in the community or society), the preferential option cannot be taken to suggest that the good of the poor will be *arbitrarily* advanced over the good of other people. The special priority given to the poor is not a priority of one class over and against another, but a commitment that incorporates *all* of its members in the community and its good. For this reason the bishops write that the "prime purpose" of the preferential option is to enable the poor "to become active participants in the life of society."⁹⁰

Finally, the weakest link in the chain of reasoning that supports the preferential option is philosophical, and specifically ontological. While recovering important scriptural themes that had been previously ignored or underemphasized, advocates of the preferential option have not supported their position with the kind of ontological backing that has been one of the strengths of the Catholic theological tradition. In part this reflects acceptance of "historical consciousness," a focus on "God acting in history," and a concentration on narrative and prophetic modes of moral discourse.⁹¹ It is also connected to the fact that many accounts of the preferential option have been cast in a decidedly rhetorical mode which, while valuable and necessary in a pastoral context, has not always contributed to theological and ethical clarity.⁹²

⁸⁹ National Conference of Catholic Bishops, *Economic Justice for All: Pastoral Letter on Catholic Social Teaching and the U.S. Economy* (Washington: NCCB, 1986) nos. 79–94, 40–49. The pastoral exploration of public policy points to an important dimension of the preferential option that is not pursued in this article.

⁹⁰ *Ibid.* no. 88. See also Pope John Paul II, "Address to Workers at Sao Paulo," *Origins* 10/9 (31 July 1980) 138.

⁹¹ On prophetic and narrative modes of moral discourse, see James M. Gustafson, *Varieties of Moral Discourse: Prophetic, Narrative, Ethical, and Policy* (Grand Rapids, Mich.: Calvin College and Seminary, 1988) 3–27.

⁹² By "rhetoric" I mean not a way of employing style and expression without substance but rather, as Aristotle put it, "the faculty of discovering, in the particular case, the

As we have seen, the partiality of neighbor-love advocated by the preferential option rests upon a more fundamental belief in the partiality of divine love. The former cannot proceed adequately without incorporating conceptual analysis of the analogical meaning of "love" as it applies to God; on this basis we can discuss the meaning of common phrases, such as "God loves the poor 'more than' the nonpoor," "God's love is 'partisan,'" "God loves the poor unconditionally and passionately."⁹³ These and other expressions are interpreted quite differently by those who understand God to be "Pure Act" and "Being Itself" than by those who work with a more anthropomorphic theology. As we see in Thomas's theological synthesis, the most fully developed theological account of divine love includes its systematic explication in ontological terms. This ontological analysis includes, e.g., analogical treatment of the nature of divine love (and the meaning of its modulation), careful delineation of the relation between the divine will and love, and explication of the love of creation within God's eternal act of self-love.

Each of these four considerations is mentioned with the assumption that critically constructive theological and ethical analysis of the preferential option contributes to and provides support for the vision, courage, and love of those committed to liberating the poor and oppressed. Concrete actions in the cause of justice for the poor are ultimately more important than theories about those actions, but the former nonetheless require interpretation and moral language for deciphering their theological supports, conceptual meaning, and social-ethical implications. Action need not always wait on theory, of course. Yet further theological and ethical analysis must be pursued in order to advance the Church's concrete appropriation of and faithfulness to what we affirm to be both God's love for all humankind and God's special care for the needy.

available means of persuasion" (*Rhetoric* 1355b26). Neither does "rhetoric" refer to the critical theory of discursive practices found in current literary, historical, political, and social circles, e.g. reader response criticism, poststructuralist analysis, etc.; in a broader sense no doubt every perspective is rhetorical, but this kind of generalization does not contribute to my point here. Criticism of "scientism," "positivism," and "objectivism" is indirectly relevant, but it will not be considered here. See Elisabeth Schüssler Fiorenza, "The Ethics of Biblical Interpretation: Decentering Biblical Scholarship," *Journal of Biblical Literature* 107 (1988) 3-17.

⁹³ A helpful summary of the theology of Gutiérrez, Sobrino, and others is provided by Victorio Araya, *God of the Poor: The Mystery of God in Latin American Liberation Theology*, trans. Robert R. Barr (Maryknoll, N.Y.: Orbis, 1983) esp. 46-76.