

# **A THEOLOGY OF JUSTICE: SOME REFLECTIONS ON MILNER BALL'S NON-RELIGIOUS PRACTICE OF BELIEF**

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## I. INTRODUCTION

For the past twenty years, during the first weekend in March, law students, law teachers, and public interest lawyers have gathered in the snowy woods of rural New Hampshire for a public interest retreat. The annual event is dedicated to the memory and legacy of Robert Cover, a beloved law professor, brilliant legal scholar, and committed social activist who died in 1986 at the age of forty-two.

Robert Cover and Milner Ball were close friends and intellectual fellow travelers. They shared not only an academic interest in the inter-relationships between law, theology, and literature, but also a passionate commitment to the struggle for social justice, to which Bob felt, and Milner feels, called by Biblical stories.

During the 1985–86 academic year, shortly before his untimely death that summer, Bob drafted and circulated a memorandum in which he proposed an annual “Law Student Conference for Social Change.”<sup>1</sup> In it Bob expressed his belief that law can be a call to public service, social change, and community.<sup>2</sup>

After Bob’s death, a group of his friends, Milner Ball among them, decided to carry out Bob’s proposal as a living memorial to him and testament to his vision of the role and potential of law and lawyers to help bring about a more just society.

The Robert Cover Public Interest Retreat was instituted, and has been perpetuated, by Milner Ball and other friends of Bob Cover, serving as advisors to groups of law students from a rotating roster of law schools who plan and organize each year’s retreat.

It is a tradition of the annual Cover Retreat, dating back to the first retreat in 1988, that Milner Ball speaks at the closing gathering on Sunday morning. After a full weekend of immersion in the challenges that confront socially minded, public-spirited law students and lawyers in contemporary American society, Milner

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<sup>1</sup> Robert Cover, Proposal for a National Law Student Conference for Social Change (1986) (on file with the author); see Stephen Wizner, *Repairing the World Through Law: A Reflection on Robert Cover’s Social Activism*, 8 *CARDOZO STUDIES L. & LIT.* 1, 13 (discussing proposal of Conference for Social Change and resulting Public Interest Retreat).

<sup>2</sup> See Cover, *supra* note 1, at 3 (summarizing purpose and goals of proposed conference).

sends us off with words that encourage and inspire and charge us to recommit to the struggle for justice.

Milner's Sunday morning talks are not exactly sermons. True, he does choose a Biblical text—or two—to frame his talk, but most of his “sources” are words that he has heard spoken by retreat participants during the course of the weekend, either addressed to plenary assemblies or spoken in small group discussions or informal conversations.

Throughout the weekend, Milner can be seen moving about with his small writing pad and ballpoint pen jotting down words he hears that appear to interest, or touch, or move, or provoke him, many of which he will weave into his Sunday morning talk.

For me, Milner's Sunday morning talks are the highlight of each year's Cover Retreat. They are not “religious” in any sense in which I understand that word. But one does come away from them with the feeling that Milner has heard and spoken very deep and significant words about justice and law practice.

Describing Robert Cover in his book, *The Word and the Law*, Ball wrote: “He took his theology and his law seriously and together. So do I.”<sup>3</sup> Cover's scholarship and teaching were notable for the incorporation of Biblical texts into his legal analyses. Cover's groundbreaking article in the *Harvard Law Review*, *Nomos and Narrative*,<sup>4</sup> and his legendary seminar at Yale Law School, “Myth, Law and History,”<sup>5</sup> were both expressions of his belief that the

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<sup>3</sup> MILNER S. BALL, *THE WORD AND THE LAW* 3 (1993).

<sup>4</sup> Robert Cover, *Foreword: Nomos and Narrative*, 97 HARV. L. REV. 4 (1983).

<sup>5</sup> BULLETIN OF YALE UNIVERSITY: YALE LAW SCHOOL, 1985–1986, at 40 (1985). Cover provided the following description of the seminar in the BULLETIN:

The study of law generally concerns itself with rules, principles, and institutions and with the logic of their manipulation. Every legal culture, however, also generates stories about law: stories of origins, stories of ends, stories of guilt and innocence. These stories, whether myth, saga, or history provide a set of concrete events which define a normative and institutional space within which law is set. This seminar will examine such a set of paradigmatic stories associated with law and will consider whether and how such stories serve to organize legal thought, will, and action. We shall then consider a small group of stories — historical, literary, and mythic — about the origins of law and about guilt and innocence. If time permits we may conclude with consideration of legal teleology myths — the day of judgment. The focus of the seminar will not be upon these themes themselves, but upon the ways in which the

reading and interpretation of Biblical stories could contribute much to the understanding of law as a medium for the pursuit of justice. Like Cover, Milner Ball also finds much in the Bible that speaks to him as a lawyer. Ball says that he is “called” by Biblical stories.<sup>6</sup>

In his portraits of seven people who “work with law,” Ball understands their work “as indicative of the Word at work in the world,”<sup>7</sup> by which I understand him to mean that their commitment to using law to pursue justice for the poor and powerless and to create and nurture community is “indicative” of the “Word” of the Biblical God being actualized in the work of his seven exemplars.<sup>8</sup>

Ball does not assert that the seven individuals whose work he describes are “religious,” nor does he claim that their work is religiously motivated. Quite the contrary, Ball emphasizes that his theological interpretation of the work of these practitioners of law is *not* about religion at all.<sup>9</sup> In fact, Ball insists upon a distinction between religion and Biblical faith.

## II. A VISIT TO ATHENS

Several years ago I had occasion to visit Milner Ball’s office at the University of Georgia School of Law where I observed on the book shelves not only law books—which was to be expected in a law professor’s office—but strikingly, and dominant in their size and location, a multi-volume set of giant-sized books containing—as their jackets proclaimed in large, bold letters—the complete *Church Dogmatics* of Karl Barth, the pre-eminent Protestant theologian of the twentieth century.

Ball had invited me to come to Athens, Georgia and meet with the students in his jurisprudence class for a discussion of clinical legal education, lawyering on behalf of the poor, legal ethics, and

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normative space in which abstract legal conceptualization occurs is itself defined by the concrete.

*Id.*

<sup>6</sup> See MILNER S. BALL, CALLED BY STORIES: BIBLICAL SAGAS AND THEIR CHALLENGE FOR LAW 1–6 (2000) (discussing theological and legal background leading Ball to “return to the stories”).

<sup>7</sup> BALL, *supra* note 3, at 4.

<sup>8</sup> *Id.* at 7–72. The author is one of Ball’s seven exemplars. *Id.* at 60.

<sup>9</sup> *Id.* at 75.

professional values. I was aware that Ball recently had transformed his jurisprudence course into a “real world” engagement with low-income residents of Athens, Georgia, coupled with reading and discussion of nontraditional texts, and had renamed the course, “Public Interest Practicum.” But what, if anything, did the theology of Karl Barth have to do with Ball’s law teaching, and particularly his decision to redefine the study of jurisprudence as experiential learning about the practice—the performance, in Ball’s terminology—of law on behalf of the poor?

I knew from my professional and personal relationship with him that Ball was a graduate of the Harvard Divinity School, an ordained Presbyterian minister, and had served for a time as a campus chaplain at the University of Georgia before attending the university’s law school and becoming a lawyer.<sup>10</sup> So I assumed that Ball’s decision to move his jurisprudence course into the streets of Athens was a religiously motivated effort to incorporate the value of service to the poor into a course in which students were expected to struggle with basic questions about the nature and purpose of law.

Not long after my trip to Athens, Georgia, in an email exchange with Milner Ball, I wrote that I was a “religious non-believer,” which I intended as a shorthand description of my “tribal” membership in a religious community.<sup>11</sup> Ball responded in a manner that struck me at the time as both cryptic and enigmatic: “And I am a non-religious believer.”<sup>12</sup>

I was puzzled. I understood that there could be aspects of organized religions—their ideologies, doctrines, practices, attitudes towards individuals who followed other religions—that might trouble a thoughtful person like Ball, but I sensed that he intended something deeper than that when he wrote “And I am a non-religious believer.”

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<sup>10</sup> BALL, *supra* note 6, at 4–5.

<sup>11</sup> Email from author to Milner S. Ball, Harmon W. Caldwell Chair in Constitutional Law, Univ. of Ga. School of Law (Sept. 29, 1998, 11:00 EST) (on file with author).

<sup>12</sup> Email from Milner S. Ball, Harmon W. Caldwell Chair in Constitutional Law, Univ. of Ga. School of Law, to author (Sept. 29, 1998, 12:00 EST) (on file with author).

His words remained with me, and continue to do so. For a while I even posted our email exchange on a bulletin board facing the desk in my office where I could look at it, and puzzle over it.

Ball claims that the biblical faith to which he subscribes and which is at the center of his theology (and his performance of law) is not religious.

Religion is a diversion from the core of my heritage — a deeply humanitarian, political concern. Religion is other worldly, and its chief concern is how to be religious. The biblical tradition is this-worldly, and its chief concern is how to be authentically human.<sup>13</sup>

The Biblical tradition to which Ball refers centers on Biblical stories told in political images—the formation of a people, their enslavement and liberation, their receipt of the law, communal generosity and responsibility toward the poor, the stranger, the widow, the orphan, and others. Ball says that he is “called” by these stories.<sup>14</sup> It is in these stories that he finds the Word, and it is these stories that provide a theological underpinning for his understanding of the realization of the Word in the world.

What are the implications for Ball’s teaching and practice of law of this distinction between “religion” and “theology”? We have already encountered one response to this question: Ball’s transformation of his jurisprudence course into a Public Interest Practicum.

### III. JURISPRUDENCE FROM BELOW

The Soup Kitchen is a richly rewarding research site for jurisprudence.<sup>15</sup>

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<sup>13</sup> Milner S. Ball, *Beyond Tolerance*, 24 CARDOZO L. REV. 1621, 1622 (2003).

<sup>14</sup> See BALL, *supra* note 6 (“[The Biblical stories] impressed themselves upon me as compelling and normative. They seized me.”).

<sup>15</sup> Milner S. Ball, *Jurisprudence from Below: First Notes*, 61 TENN. L. REV. 747, 759 (1994).

In the fall of 1993, Milner Ball was honored by the University of Tennessee College of Law with an invitation to deliver the Alumni Distinguished Lecture in Jurisprudence.<sup>16</sup> It was an unusual invitation. Ball had recently transformed his jurisprudence course into a Public Interest Practicum, a year long course with a summer component, in which Ball and his students would leave the cloistered halls of the University of Georgia for the streets of Athens, Georgia, where they would encounter and engage ordinary people.<sup>17</sup> In Ball's words, the objective was

to identify people's needs and the existing services for meeting them, to discover what lawyers can do to help make connections between needs and services, to recognize gaps and what lawyers can do to help fill them and to determine what systemic changes are in order and how lawyers can initiate them.<sup>18</sup>

Among the sites that Ball and his students visited were an early morning bail hearing at the local jail, the juvenile court, a domestic violence shelter, a soup kitchen, and the Salvation Army.<sup>19</sup> In each of these settings, they observed and listened and spoke to the people. Gradually Ball and his students offered help to individual clients using the law they knew, or learned, and often their own creativity.

What led Milner Ball, the Caldwell Professor of Constitutional Law at the University of Georgia, to the idea that jurisprudence might be—should be—taught in this way? This is what Ball told his audience at the University of Tennessee:

For years, I wrote about law as a medium of community and about action—performance—as fundamental to making law make sense. And then I began to take seriously what I had written. . . . And in the process of

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<sup>16</sup> *Id.* at 747.

<sup>17</sup> *Id.* at 752–53.

<sup>18</sup> *Id.* at 753.

<sup>19</sup> For Milner Ball's reflections on the Public Interest Practicum, see BALL, *supra* note 6, at 65–73.

working on my last book, [*The Word and the Law*], I had seen lawyers and judges for whom the practice of law is a medium of community.

To put more of myself into engagement with the subject matter meant putting more of myself into the community. I and my students would have to become involved in Athens, where the law school is situated. I wanted to find a way in which my own life as a lawyer in a nexus of responsibility, and theirs as law students, could be part of the material to which the class would bring its imagination and critical scrutiny.<sup>20</sup>

As Ball explained to his Tennessee audience, “For a long time in teaching jurisprudence I had pressed students to ask as appropriately jurisprudential questions these two: ‘Who am I as a lawyer?’ and ‘What am I doing when I do law?’”<sup>21</sup> Ball believes that the students’ fieldwork in the Public Interest Practicum, coupled with reading and discussion of the nontraditional texts he assigns—Greek tragedy, the Hebrew Bible, Icelandic sagas, Shakespeare, Melville’s *Billy Budd*, and *Black Elk Speaks*—inspires students to develop respect for the lived realities of people, especially the disempowered and their interactions with attorneys and courts.<sup>22</sup>

#### IV. BECOMING A LAWYER

Ball’s writing about individuals who see themselves as obligated to “perform” law as a way to serve the poor and oppressed,<sup>23</sup> or as Ball would have it, the “neighbor,”<sup>24</sup> provides insight into his non-religious theology. “Am I wrong,” Ball asks, “to find that the fruits of their sense of obligation is difficult to distinguish externally from

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<sup>20</sup> Ball, *supra* note 15, at 751–52.

<sup>21</sup> *Id.* at 752.

<sup>22</sup> *Id.* at 753, 755.

<sup>23</sup> See, e.g., BALL, *supra* note 3, at 75–76, 82–95, 98, 100; Milner S. Ball, *Just Stories*, 12 CARDOZO STUD. L. & LIT. 37, 47–48 (2000) [hereinafter Ball, *Just Stories*].

<sup>24</sup> Milner S. Ball, *Obligation: Not to the Law but to the Neighbor*, 18 GA. L. REV. 911 (1984).

the practice of lawyers like William Stringfellow who are committed to being for others in the Christian biblical sense?"<sup>25</sup> Ball understands the work of these lawyers as "indicative of the Word at work in the world."<sup>26</sup>

The William Stringfellow to whom Ball refers, and who, like Ball, was a theologian who became a lawyer, practiced law on behalf of the poor from a shabby basement office in the East Harlem Protestant Parish, an impoverished neighborhood in New York City.<sup>27</sup> Ball drew the following lesson from Stringfellow's life: "The role of the believer as advocate for the victims of society *can* be aptly realized in the role of the lawyer, or at least in the roles of some kinds of lawyers."<sup>28</sup>

In a tribute to Stringfellow after his death, Ball wrote:

Stringfellow's practice had made of law a voice for the voiceless, had made from law an effective language in which to advocate the cause of the victims of society. His was a contagious example of lawyering in hope. He made it credible, perhaps obvious, that the practice of law could be a practice of faith. . . . So I became a lawyer.<sup>29</sup>

Ball wrote that Stringfellow "was not the only one to blame" for his becoming a lawyer.<sup>30</sup> The other culprits who had to share that responsibility were Paul Lehmann, his teacher at the Harvard Divinity School, Karl Barth, with whom he had studied in Basel, and Dietrich Bonhoeffer, the German theologian who joined a conspiracy to assassinate Hitler, was arrested and imprisoned, and was martyred by the Nazis.<sup>31</sup>

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<sup>25</sup> Milner S. Ball, *The Failure and Beginnings Again*, 26 CARDOZO L. REV. 2263, 2266 (2005).

<sup>26</sup> BALL, *supra* note 3, at 4.

<sup>27</sup> *Id.* at 75.

<sup>28</sup> Milner S. Ball, *A Meditation on Vocation*, in RADICAL CHRISTIAN AND EXEMPLARY LAWYER: HONORING WILLIAM STRINGFELLOW 129, 130 (Andrew W. McThenia ed., 1995).

<sup>29</sup> *Id.* at 129–30.

<sup>30</sup> *Id.* at 130.

<sup>31</sup> *Id.*

All four of these theologians embraced and advocated the distinction between religion and theology that so profoundly influenced Ball's thinking, and through their teaching and political behavior all four demonstrated a commitment to an essentially political biblical faith.

## V. A THEOLOGY OF JUSTICE

Ball cites his teacher, Harvey Cox, at the Harvard Divinity School, whom he describes as being "within a tradition in which the biblical faith and theology are distinguished from religion and religious practices."<sup>32</sup> In much of his writing about law and theology, Ball explicates a theology of justice based upon lessons he draws from biblical stories. He believes that Biblical stories represent the Word of God, and that certain human actions actualize the Word of God as represented in those stories.<sup>33</sup>

Ball's theology of justice draws on the works of Paul Lehmann, Karl Barth, Dietrich Bonhoeffer, and William Stringfellow. Ball studied with Paul Lehmann at the Harvard Divinity School and with the eminent Christian theologian, Karl Barth, in Switzerland.<sup>34</sup> He was deeply affected by the life and tragic death of Dietrich Bonhoeffer,<sup>35</sup> and he found legitimacy in becoming a lawyer in the life and work of William Stringfellow.<sup>36</sup>

What is the difference, for Ball, between theology and religion, and what does it have to do with law? Referring to Dietrich Bonhoeffer, Ball cites Bonhoeffer's distinction between Biblical faith and religion, and his "non-religious theology,"<sup>37</sup> and practice of a "religionless Christianity":<sup>38</sup>

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<sup>32</sup> Milner S. Ball, *Law Natural: Its Family of Metaphors and Its Theology*, 3 J.L. & RELIGION 141, 158 n.39 (1985).

<sup>33</sup> Ball, *Just Stories*, *supra* note 23, at 47-48.

<sup>34</sup> See BALL, *supra* note 3, at 4-75 (noting contributions to Ball's philosophy).

<sup>35</sup> See generally Milner S. Ball, *Dietrich Bonhoeffer*, in 1 THE TEACHINGS OF MODERN CHRISTIANITY: ON LAW, POLITICS, AND HUMAN NATURE 381-411 (John Witte, Jr. & Frank S. Alexander eds., 2006) (outlining Bonhoeffer's contributions to religious thought and law).

<sup>36</sup> Ball, *supra* note 28, at 129, 130.

<sup>37</sup> Ball, *supra* note 32, at 158.

<sup>38</sup> Ball, *supra* note 35, at 386.

Bonhoeffer opposed the diversionary power of religion. Jesus calls a person, he believed, “not to a new religion, but to life.” Religion directs people away from life, away from reality. It directs us to a God beyond the boundaries of human experience and away from the God at work in the world.<sup>39</sup>

In Bonhoeffer’s words, quoted by Ball, we can see the core of Ball’s own theology-based performance of law: “ [T]he primary confession of the Christian before the world is the deed which interprets itself. . . . The deed alone is our confession of faith before the world.’ ”<sup>40</sup> Ball follows these words of Bonhoeffer with an interpretation: “If neighbors are hungry, feed them.”<sup>41</sup>

Ball repeatedly acknowledges the influence on his thinking of his teacher, Paul Lehmann, who taught that “the biblical tradition is deeply political. It is centered upon the gathering of a people, the formation of a kingdom, the establishment of a redemptive community, the coming of a Messiah — all political events.”<sup>42</sup>

But, Ball continues, “This politics does not have as its chief characteristic or purpose either the upholding or the overturning of the state and its law. It is devoted to advocating the cause of the poor, the victims of society.”<sup>43</sup>

Quoting Lehmann, Ball concludes that “the chief characteristic of this political action [in the Bible] is deliverance of the poor, ‘all those without status and without power in the world [who constitute] the society that God has called into being for the humanization of human life.’ ”<sup>44</sup>

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<sup>39</sup> *Id.* at 387–88 (quoting Bonhoeffer, *Letters and Papers from Prison*, 362 (Eberhard Bethore ed., Reginald Fuller trans., Simon & Schuster 1997)).

<sup>40</sup> *Id.* at 392 (quoting DIETRICH BONHOEFFER, *A TESTAMENT TO FREEDOM: THE ESSENTIAL WRITINGS OF DIETRICH BONHOEFFER* 504 (Geoffrey B. Kelly & F. Birton Nelson eds., Harper Collins 1990)).

<sup>41</sup> *Id.*

<sup>42</sup> Ball, *supra* note 24, at 923; *see also* BALL, *supra* note 6, at 3, 6, 36 (discussing Lehmann); BALL, *supra* note 3, at 14 (same); Ball, *supra* note 13, at 1627–28 (same); Ball, *supra* note 32, at 160, n.46 (same).

<sup>43</sup> Ball, *supra* note 24, at 923.

<sup>44</sup> Ball, *supra* note 13, at 1627–28 (quoting PAUL LEHMANN, *THE TRANFIGURATION OF POLITICS* 258 (1975)); *see also* Ball, *supra* note 32, at 160 n.46 (citing PAUL LEHMANN, *THE TRANFIGURATION OF POLITICS* 258 (1975)).

Ball comments on Lehmann's theology of politics as he embraces it: "Lehmann demonstrates that the activity of God is politics and that the activity of politics is authentic human community. . . . The discernible outcome of this activity is a redeeming community. . . . The chief characteristic of the community is deliverance of the poor."<sup>45</sup>

Finally, discussing the teaching of Karl Barth, Ball has written: "Karl Barth explained very carefully that religion is man's fruitless effort to justify himself before a capricious picture of a highest being of his own imagining. . . . Theology is the discipline that tries to state and understand the meaning of the particularities of the biblical Word."

The particularities of the Biblical Word, not religious doctrine or observance, are the focus of Ball's theology of justice.<sup>46</sup>

## VI. LAW AND JUSTICE

In Judaism, the biblical faith tradition with which Robert Cover was most familiar, the Torah—the Hebrew Bible—distinguishes between law and justice. Justice is not defined as or confined to mere adherence to the substantive and procedural aspects of positive law. Jewish law itself recognizes that achieving justice may demand more than is required by positive law, and may sometimes require "reshaping the law" in the interests of justice.

The Torah, which presents itself as the Word of God, forbids the oppression of strangers, widows, orphans, and the poor; The Torah demands not only that they be treated justly in legal proceedings, but that they be cared for.<sup>47</sup> Therefore, "the practice of justice is an extension of love," not simply compliance with positive law.<sup>48</sup>

The Torah places the demand for justice in a theological context. We are to pursue and practice justice because God demands it of us,

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<sup>45</sup> Ball, *supra* note 32, at 160 n.146.

<sup>46</sup> *Id.* at 158 n.39.

<sup>47</sup> *Exodus* 22:2; *Deuteronomy* 14:29; 15:7–11; 16:11, 14; 24:10–15; *Jeremiah* 21:12; 22:16; *Isaiah* 58:2–9; *Amos* 5:24; *Micah* 6:8.

<sup>48</sup> Elliott Dorff, *Justice*, in *ETZ HAYIM: TORAH AND COMMENTARY* 1429 (Lieber et al. eds., 2001).

and because the pursuit and practice of justice “make it an ongoing, living component of a life lived in loving covenant with God.”<sup>49</sup>

The Torah’s approach to law and justice does not rest on a concept of “rights.” Rather, it is based on the idea of commandments (*mitzvot*) that generate obligations, the pursuit and practice of justice being the primary obligation. The idea of commandments that impose obligations on individuals to pursue justice permeates Jewish theology, engendering what Robert Cover called “a Jewish jurisprudence of the social order.”<sup>50</sup>

This theology of justice requires that we *act* justly. It is not about religious observance. The Prophet Isaiah denounced religious observance divorced from the pursuit of justice:

Like a nation that does what is right, that has not abandoned the laws of God, they ask me for the right way, they are eager for the nearness of God: “Why, when we fasted, did you not see? When we starved our bodies, did you pay no heed?” Because on fast days you see to your business and oppress all your laborers! Because you fast in the strife and contention, and you strike with a wicked fist! Your fasting today is not such as to make your voice heard on high. Is such the fast I desire, a day for men to starve their bodies? Is it bowing the head like a bulrush and lying in sackcloth and ashes? Do you call that a fast, a day when the Lord is favorable? No, this is the fast I desire: to unlock the fetters of wickedness, and untie the cords of the yoke to let the oppressed go free; to break off every yoke. It is to share your bread with the hungry, and to take the wretched poor into your home; when you see the naked to clothe him, and not to ignore your own kin. Then shall your light burst through like the dawn and your healing spring up quickly; your Vindicator shall march before you, the

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<sup>49</sup> *Id.* at 1430.

<sup>50</sup> Robert Cover, *Obligation: A Jewish Jurisprudence of the Social Order*, 5 J.L. & RELIGION 65, 65 (1988). *Cf. generally* Ball, *supra* note 24 (challenging theological obligation to obey law).

Presence of the Lord shall be your rear guard. Then, when you call, the Lord will answer; when you cry, He will say: Here I am.<sup>51</sup>

Milner Ball echoes the Hebrew Prophets when he writes:

In sum, the biblical tradition has to do with revelation and not religion, and the theology arising out of the biblical tradition has to do with the politics of liberating the poor. According to this tradition and its theology, there is an obligation to the neighbor — specifically an obligation of responsibility to and solidarity with the poor, the victims of society and its law. This commitment to the poor is not likely to issue in support of any existing legal order.<sup>52</sup>

## VII. CONCLUSION

This modest effort at understanding Milner Ball's non-religious practice of belief will conclude, as it began, with reference to Ball's friend, Robert Cover. As Ball said of Cover, "He took his theology and his law seriously and together. So do I."<sup>53</sup>

Cover viewed law as a "bridge" in the "normative space" connecting the world as it is with our aspirations for alternative, imagined worlds that might be.<sup>54</sup> But, like Ball, the worlds that Cover imagined were not imaginary worlds. And the "bridge" by which Cover described law's potential was a metaphor for "the committed social behavior which constitutes the way a group of people will attempt to get from here to there."<sup>55</sup>

Cover's "bridge" metaphor,<sup>56</sup> like Ball's theology of justice, is essentially political. Committed, practical behavior, in the name of

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<sup>51</sup> *Isaiah 58:2-9 (Tanakh: The Holy Scriptures, the New Jewish Publication Society Translation According to the Traditional Hebrew Text (1985)).*

<sup>52</sup> Ball, *supra* note 24, at 924.

<sup>53</sup> BALL, *supra* note 3, at 3.

<sup>54</sup> Cover, *supra* note 4, at 9.

<sup>55</sup> Robert Cover, *Folktales of Justice*, 14 *CAP. U. L. REV.* 179, 181 (1986).

<sup>56</sup> *Cf. generally* Milner S. Ball, *Law and Prophets, Bridges and Judges*, 7 *J. L. & RELIGION* 1 (1989) (continuing conversation on Cover's law as bridge).

law, pushed, or pulled,<sup>57</sup> by a vision of equality and social justice, can be understood as the practice of justice, or, in Ball's terminology as the non-religious practice of belief.

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<sup>57</sup> BALL, *supra* note 3, at 164.

