

Law, Love and Freedom: From the Sacred to the Secular. By Joshua Neoh. Cambridge: Cambridge University Press, 2019. Pp. 216. \$110.00 (cloth); \$88.00 (digital). ISBN: 9781108427654.

Joshua Neoh's highly original, insightful, and significant *Law, Love and Freedom: From the Sacred to the Secular* traces the routes of these three concepts in the Judeo-Christian tradition from their sacred to their secular manifestations. Traversing law, love, and freedom through their sacred and secular manifestations has political implications. As Neoh observes, one can create a community through law (for example, constitutionalism) or by virtue of love and unity with the nation (3–4). The language of rights, which is the typical liberal mode of intersubjective relation governed by law, is an “alienating and imprisoning discourse” that “places us in a combative and antagonistic posture” (4). For this reason, a scholar like John Milbank can say he is “against human rights.”¹ An alternative paradigm, governed by love, is a communitarian ethic of care (4). Neoh explores this dialectic to “shed some light on the puzzle” and “introduce a gentle reorientation of perspective” (4).

Neoh's argument has three aspects. First, law, love, and freedom are each internally polarized, with each concept containing conflicting imperatives. Second, these conflicting imperatives must be combined into a singular life of coherence in one of at least two religious ideals: monastic and antinomian. Finally, the Reformation transformed these religious ideals into political ideologies: the monastic is constitutionalism while the antinomian is anarchism. As such, a polity of law, love, and freedom can be created either constitutionally or anarchistically (4–5). Neoh clearly and helpfully provides a chapter outline (5–6) and a discussion of how different kinds of readers and interests may find the book useful. Most relevantly, Neoh explains that scholars interested in law and religion issues will find chapters 1, 4, and 5 of most benefit (6–7).

After drawing on the narrative of Eden in Genesis to suggest why law, love, and freedom make life good (fundamentally, in a fallen world akin to the Hobbesian state of nature, law makes love possible and provides true freedom) (24–26), Neoh examines the concepts of law, love, and freedom analytically, demonstrating that these concepts are beset with bipolarities and disentangling the multiple and contradictory senses in each concept (43). This means each concept has two opposing ideals embedded in it “which reflect profoundly divergent conceptions of the good life” (46). For law, one ideal is law as “authority”; the normative significance of law is necessary to realize the common good—for example, this is one reading of how the Leviathan functions in Hobbesian ontology. Law implements authority to produce security from the state of nature (49). The other ideal is law as “resistance”: law allows subjects to resist authority, limits the power of the sovereign, and prevents the concentration of power in a single entity (53, 55). This latter conception of law focuses on the imperative of individual independence and agency (autonomy), while the former conception focuses on a collective plan for communal life (community) (56).

For love, one ideal is a “union” of distinct persons. The Trinity is an example (58–59). This union can nevertheless occur in a context of inequality or power differential, which incorporates the idea of submission to the will. For example, the greatest power differential in a love relationship is that between God and humanity, which therefore involves humans submitting to God's will out of love for God to be united to God (62–63). The other ideal is “attention” in the sense of paying

¹ John Milbank, “Against Human Rights: Liberty in the Western Tradition,” *Oxford Journal of Law and Religion* 1, no. 1 (2012): 203–34.

attention to the other as a separate and distinct being, as an individual and independent agent in the world. Love as attention acknowledges and celebrates separateness and is attentive to the needs of the separate other (64).

For freedom, one ideal is “independence” or noninterference from the will of others; being left alone to do what one wants (68). It also means freedom from one’s own passions (rationality), and freedom from the dictates of reason (authenticity). True freedom in this sense is the radical freedom of the existentialists, “to be free from everything and anything . . . completely independent” (70). Conversely, the other ideal is “freedom as identification” with things so that independence is secondary, or even removed, as when Paul says in Galatians 2:20 (RSV), “It is no longer I who live but, Christ who lives in me” (72–73). Freedom is obtained not by independence from authority but through identification with it (74).

Neoh then uses historical narrative to synthesize these ideas of law, love, and freedom (78). A historical narrative of monasticism and the Reformation yields two competing narratives that arise out of Paul’s writings on law, love, and freedom: the monastic ideal that shapes modern constitutionalism and the antinomian ideal that shapes anarchism (96–97). In the monastic ideal, law means authority, love means union, and freedom means identification. In the antinomian ideal, law means resistance, love means attention, and freedom means independence (97).

In the monastic ideal, the monks, constituting part of the church, created their own legal structure in the monastic community that constituted their form of life and submitted to it (103–05). “Ultimate freedom was to be found in complete obedience to the common rule” (104). This creates an utterly communal form of life where the monks are one. The common rule creates the community (law as authority), the monks become one in the community (love as union) and therefore identify with the community (freedom as identification) (106). The Reformation took this higher form of monastic life and made it the ideal “ordinary” form of life (111–12). For the believer, the role of law in leading a life of love (as union with God’s will) and freedom (as identification with a community composed of individuals uniting with God through obedience to God’s will expressed by law) became central (115–17). The monastic ideal at least partly shapes the constitutional ideal through the use of mythology and the cultivation of fidelity to the ideal through covenantal logic. It was the tight and unified structure of the law that provided order to the constitutional idea and therefore unity and freedom for citizens (119–22).

Just as submission to religious law marks one as a member of the religious community, so submission to the constitution marks one as part of the constitutional community of the modern state. “Law leads to love as union with my fellow citizens,” and that union is true freedom because it entails identification with the law and the community (125–26). Hence, “law constitutes freedom” in the sense that law as authority enables freedom as identification. It is a source of authority with which one can identify to realize the common good (126–27). Freedom consists in the ability “to express oneself within a form of life, under the law appropriate to that form of life” (127). Finally, “love sets us free” because if we are united to a whole we identify with them and do what they do. Love unites separate beings to create a common life, a community—and love is necessary for the creation of such a religious (monastic) or political (constitutional) community (130–31).

In the antinomian ideal, those who are the perfect spiritual Christians are not subject to the law (136–37). The antinomian ideal emphasizes law as resistance in the sense of being beyond the law and living through the “spirit” rather than the letter, or even transgressing it in a strategic way (140–42). The systematic state expansion of the monastic ideal during the Reformation triggered an antinomian response that transformed into the political ideology of anarchism (142–48). In this context, anarchism is about individualism, where everyone is completely separate and nothing is shared. Anarchism as political ideology seeks to undermine the moral authority of the state and

denies a moral obligation to obey the law of the state. Rather, it is the self who is sovereign and the locus of moral authority, a law unto oneself (151–57).

So the anarchist aims for the abolition of the law, but in the meantime will use the law strategically when it is suitable, and avoid the law when it is not (158). The anarchist loves particular people, not abstract conceptions such as the nation. This ideal of love is separateness but also the preservation of selfhood—of individual paying attention to the other (159–60). Freedom is not obedience, but independence and self-liberation, both from the state and one's own intellect and passions (160–61). In contrast to the liberal mode of resolving social hostility by finding something like an overlapping consensus, anarchism resolves social hostility by positing a radical individualism that has nothing in common with anyone else, and therefore no hostilities (161–62).

One of Neoh's fundamental claims is "social and political order needs to be established before any meaningful relationships [can] be formed. Love is impossible without law" (25). But the claim that love is impossible without law requires further interrogation. For example, could it be said that God had established a social and political order prior to establishing a meaningful love relationship with Adam and Eve? This is certainly not obvious in the Genesis account. Neoh makes this claim in the context of a fallen world such that this prelapsarian counterexample may not be applicable, but even then it is a strong assertion to say that law is a necessary condition for love. What if love itself was a kind of law—the "law of love" as articulated by Paul? Here love is a theologically pregnant principle that does not require social and political order to exist. At best, it could be said that law and love are necessarily connected, but saying that is not the same as contending that love is impossible without law.

Neoh picks up some of these thoughts when he discusses Paul's critique of the law—that Christ is the end of law, producing freedom in a new community sustained not by law but by love: "law imprisons, but love liberates" (28). The fall caused the relationship between God and humanity to be mediated by law, constraining love and freedom, but Christ as the personification of love restores the immediacy of the divine-human relationship, enabling freedom. So love transcends and transforms law (32–33). Nevertheless, law is still an important aspect of the community because we live in a fallen world where people misbehave and conflict exists (36–40). However, another view that reconciles Paul's paradoxical juxtaposition of law and love is to frame love as the "law of love," which also entails particular ethical conduct that is the fulfilment of the law (Neoh outlines such conduct on 33–34 without providing this framing). As such the law of love is a framework for an unmediated relationship of divine-human and intrahuman peace that also provides boundaries (law) for acceptable harmonious conduct and therefore maximally true freedom. Neoh notes that even in an ideal world of perfect beings, law would still be necessary for good order and coordination (50); similarly, the law of love creates an ordered and coordinated community of charity. This view accords with "freedom as identification," but more profoundly it reconciles both ideals of love—as unity, because we are part of a harmonious community, but also as attention, because the law of love considers the flourishing of "neighbor" as (and also distinct from) "self" (Romans 13:10).

Neoh further claims that in the monastic ideal, love as union is impossible without law as authority, because law unites us in a common life without which we descend into the Hobbesian state of nature as part of a fallen world (128). However, the law of love framing provides the basis for common ethical conduct (law) to unite us in a common life (love) and prevent regression to the state of nature (freedom). Neoh seems to explicitly acknowledge this more integrated framing when he notes that "law itself may be the expression of love" in the sense that submission to law entails union with God, with the implication that this influences horizontal relationships through love of neighbor as self. Submission to the common law for the common good constitutes love of neighbor (129).

Finally, Neoh claims, for the anarchist, law constitutes freedom because it provides the initial structures to enable independence and resistance, eventually allowing those structures to be left behind (163). Law teaches us that any common plan must take individuals into account, which allows love to be focused on the particular person. Love is therefore impossible without law in the sense that “law as resistance preserves individuality, and by preserving individuality, it enables love as attention” (164). Love as attention also sets us free because it allows us to love and be loved as unique individuals and independent selves (165). However, as already noted, the law of love already enables the preservation of individuality and love as attention because it entails loving “neighbor” as “self”—individuated love in conjunction with the more communal love as union.

Neoh then constructs a theoretical framework of value pluralism in the sense that there are multiple ways of living a good life which consist of plural and conflicting values (as demonstrated in the bipolarities of law, love, and freedom). However, for an individual to live a good life, the ordering of their life must be coherent. It must reconcile these plural and conflicting values. As such, there are multiple coherent forms of the good life that humans can live, but for individuals there is only a singular conception of the good life that coherently orders their own pursuit of the good (166–71). So we each need to make choices about our values and reconcile these to lead a coherent form of the good life: a life, of law, love, and freedom (172). Different potential forms of individual life are informed by and embedded in a social form of life, including socially meaningful occasions, individuals, officials, and beliefs. Law and religion are paradigmatic examples (174–75).

Neoh concludes not by offering some grand resolution to the competing narratives or by preferring one over the other, but by situating them as a kind of mutually constitutive dialectic where each requires the other and gains their identity from the other, emphasizing the mythic grounding for the dynamic and oscillating tension between constitutionalism and anarchism (182, 187–89). So in the political sphere, the fact of value pluralism (different and competing values, and different and competing forms of life) means “we need to strike a balance and find a compromise in order to live together. We need to learn to live and let live” (178). Ostensibly, this seems like a return to the old secular liberalism. However, the law of love is a better way that gives these liberal values of accommodation and toleration their full meaning and effect as secularized theological concepts. Neoh himself puts it beautifully: “Love cannot be relegated to the private domain, as some liberal theories are wont to do. Love is public, through and through, not least because it is love that holds the public sphere together. Love defines a political community, which demarcates the jurisdiction of law. So law, love and freedom abide, these three; but the greatest of these is love” (132).

Alex Deagon

Senior Lecturer, Faculty of Law, Queensland University of Technology