

Post-liberal Religious Liberty: Forming Communities of Charity. By Joel Harrison. Cambridge: Cambridge University Press, 2020. Pp. 262. \$99.99 (cloth); \$80.00 (digital). ISBN: 9781108836500.

The liberal version of religious freedom with which we are familiar is faltering. If the commitment of liberal democratic societies to religious freedom is to remain vibrant and relevant, therefore, the commitment needs to be placed on new foundations—new foundations that turn out to be old, and Christian. So argues Joel Harrison in this important, thoughtful, and provocative book, *Post-liberal Religious Liberty: Forming Communities of Charity*.

Harrison’s criticisms of what he calls the “liberal egalitarian account” of religious freedom are not for the most part novel, but they are carefully and incisively presented. His proposal for a new version of religious freedom—what he calls “the ecclesiological account”—is not exactly novel, either: it resonates in different ways with the so-called radical orthodoxy of thinkers like John Milbank, with Catholic integralism, with the associational pluralism of thinkers like John Neville Figgis, and with the localism and communitarianism of critics of liberalism like Patrick Deneen—and with the views of Aquinas and Augustine. Or so he contends. But Harrison integrates these themes and ideas in distinctive fashion, and his vision is nuanced and appealing in ways that some of the alternatives to liberal religious freedom may not be. Just as a practical and political matter, Harrison’s vision is probably not viable under contemporary circumstances. Even so, the book succeeds not only in illuminating our situation but in pointing us to possible new directions worth reflecting on.

THE CRITIQUE OF LIBERAL RELIGIOUS FREEDOM

A familiar version of liberalism holds, basically, that in a pluralist world, the government’s role is not to endorse or advance any among the competing conceptions of the good life, but rather to protect the rights of individuals, treating all individuals and their preferred lives with “equal concern and respect” (1, 64). This liberal understanding in turn sponsors the “liberal egalitarian account” of religious freedom, which entails a qualified right of each individual to live authentically in accordance with his or her conscience or religious commitments. For its part, government protects individuals in the exercise of this right while itself remaining separate from—and neutral toward—religion.

While noting that confident predictions from an earlier period of imminent secularization have turned out to be mistaken, Harrison observes that this kind of government-religion separationism—or what he calls “secularisation-as-differentiation” (13)—is still widely embraced as a governing ideal. Religion has not followed script by fading away, in other words—if it had, the question of religious freedom would have little continuing relevance—but the idea that government must remain secular and neutral and separated from religion continues to dominate the law and thought of liberal democracies.

Harrison persuasively identifies fundamental and increasingly troublesome flaws in this account. The idea that government can be religiously neutral is demonstrably mistaken; in fact, Harrison argues, the liberal egalitarian account itself reflects an implicit theology—and one that is at odds with other theologies and religious and ethical views. Moreover, when religion is conceived of

mainly in terms of individual authenticity, it becomes impossible to explain why the religious commitments that some individuals happen to hold are any more deserving of respect or legal protection than other personal commitments, preferences, or self-understandings are.

Consequently, a concern for freedom of (individual- and authenticity-oriented) religion tends to dissolve into a concern for respecting individuals' "deep commitments or ultimate concerns" (61)—an ostensible class of commitments that itself becomes very difficult either to delineate or to defend. Similarly, *religious* freedom tends to devolve into just plain *freedom*. But it becomes meaningless and practically impossible to make freedom *simpliciter* the subject of any special or heightened legal protection. And thus the historic commitment to religious freedom melts away into the more nebulous project of letting individuals be what they want to be, or what they think they should be, or (in an age in which self-perceived and unchallengeable personal identity has come to be the bottom-line basis for much normative argumentation) what they think they are. In the current climate, with its passion for equality in matters of gender and sexual identity, this project is more likely to trample on than to protect traditional claims of religious freedom.

Harrison cogently discusses these "flattening" tendencies (as he calls them, see 56–57) in legal decisions—his focus is more on England and Europe than on American constitutional law—and in thinkers like Ronald Dworkin, Larry Sager, and Christopher Eisgruber. But he goes further, contending that prominent thinkers who are typically viewed as more overtly Christian in their commitments are themselves shaped by the liberal egalitarian framework. In this respect, Harrison argues that John Finnis, Richard Garnett, and Nicholas Wolterstorff all embrace "separation-as-differentiation" and consequently are vulnerable to the same kinds of criticisms that are often leveled against secular liberals like Dworkin.

A natural outcome of the degenerating dynamic described by Harrison would be that religious freedom would simply fade away from our legal landscape. That is not Harrison's objective, however. He wants to reconceive religious freedom under what he regards as the more viable assumptions of the "ecclesiological account" So, what does this account entail?

A PLURALISTIC "ECCLESIOLOGICAL ACCOUNT"

Imagine: What if liberal democratic societies were to acknowledge that the pretensions of modern liberal democratic governments to neutrality in matters of religion and the good life are a sham. It comes to be accepted, suppose, that governments will inevitably act on some (perhaps shifting and amorphous) conception of what counts as a good life for humans; and so governments and societies resolve to own up to their conceptions. What sorts of conceptions of the good life would our contemporary societies embrace? And would these be conceptions that Christians would find congenial?

Harrison's proposal is that societies should openly embrace and promote "true religion" in service of human beings' "true ends"—ends that are inherently communal in nature and that transcend the goods of flourishing in this world. And he is unapologetic in asserting that these "true ends" are most fully and accurately understood within Christianity. Church and state, though distinct institutions with distinctive functions, should nonetheless work in tandem to promote such "true religion."

This proposal will predictably invite, from both Christians and non-Christians, denigrating adjectives like "authoritarian," "sectarian," and "medieval." And indeed, Harrison acknowledges and carefully traces the antecedents of his position in medieval practice and especially in the thought of Augustine, whom he discusses at length. Before dismissing his proposal out-of-hand,

however, both Christians and non-Christians should consider some of the refinements and potentially attractive features of Harrison's vision.

First, although Harrison does briefly consider the possible advantage of an official, state-designated church (235–36), for the most part his vision is profoundly pluralist in nature. He defines *church* in broad and perhaps nebulous terms to include any sort of association in which humans congregate together in charity, fraternity, and solidarity in pursuit of their true ends. “[W]e can say that ‘the Church’ . . . includes the household, the monastic community, the professional society, the workplace, the school, the university, the hospital, the aged care community, and so on” (172). So it seems that “freedom of the church” (163) might extend to cover a whole range of human associations. And it would certainly extend to communities of non-Christian believers — “Muslim, Jew, Buddhist, Hindu, Sikh, and so on” (197).

What Harrison finds attractive in the medieval model is not so much the legal establishment of a single institutional church as the idea of “plural sites of authority” (228)—of the pluralistic promulgation of authority among “the family, the town, the village, and the guild or trade association” (160–61), as opposed to the modern notion of a single omniscient sovereign. It is an Althusian vision that ought to have appeal for contemporary proponents of federalism, subsidiarity, and the diffusion of authority.

Second, Harrison argues that his ecclesiological account can actually provide a more secure foundation for many of the commitments associated with modern liberalism than secular liberalism itself does. Although paradoxical, perhaps, this claim deserves sympathetic consideration.

In an earlier epoch, Christianity and the Christian church were often depicted as the adversaries of humanism, human dignity, equality, toleration, pluralism, and freedom of thought (including freedom of conscience and freedom of speech). Think Voltaire. And those accusations linger on in some quarters. But the accusations arguably get things backwards. As a book like Tom Holland's *Dominion: How the Christian Revolution Remade the World* (New York: Basic Books, 2019) shows, Christianity has in fact been the source of many of these “liberal” values. Conversely, as “liberalism” gives way to “progressivism,” these values seem increasingly difficult to sustain.

Sometimes the honorific rhetoric may persist even as the substance is discarded or distorted. Those who self-identify as tolerant can be harshly intolerant, in the name of tolerance, of people or positions they demonize as intolerant. Policies aimed at preventing dignitary injury from being incidentally inflicted on some are pursued at the cost of deliberately imposing massive dignitary (and also more tangible) injuries on others. Under the banner of “diversity,” universities and other institutions are standardized into a monotonous sameness.

In these unmoored and (as Harrison puts it) “post-liberal” times, the day may be fast approaching in which Christianity will become the leading anchor for the traditional “liberal” and humanistic values. Harrison argues for this point mainly with respect to religious freedom, but he also devotes considerable attention to pluralism, worrying that the liberal egalitarian account, “while emphasizing pluralism, concludes in uniformity” (198). And as thinkers like Louis Pojman and Jeremy Waldron have shown, even the supposedly core modern commitment to equality may have a more secure footing in Christian (and, more generally, biblical) teaching than in secular thought. In this respect, far from opposing contemporary commitments to equality, Harrison argues that his Christian approach can support same-sex marriage even as it also offers accommodation for the baker or florist who is committed to a more traditional conception of marriage (206–22).

In its specific implications and conclusions, in short, Harrison's vision may be more congenial even to modern liberals and non-Christians—and, possibly, a little *less* congenial to traditionalist Christians—than his general propositions might lead one to expect. Even so, his Christian vision

hardly seems likely to elicit any general acceptance. More specifically, Harrison's proposal that the state and civic society today should adopt the "true religion" of Christianity as the preferred and guiding account of the "true ends" of life seems distinctly unrealistic as a practical and political matter.

On the contrary: if governments and societies today were to forthrightly acknowledge their assumptions about the "true ends" of human life, the newly-proclaimed orthodoxy would more likely be some combination of vaguely virtuous but mostly hedonistic consumerism and personal (and especially sexual) fulfillment and self-realization. And it seems unlikely that this ethic would be congruent with a traditional Christian understanding of life and society. Or of religious freedom.

FREEDOM OF THE CHURCH(ES)

Unsurprisingly, a Christian vision of the "true ends" of life is more likely to be embraced, not by liberal democratic societies at large, but rather within Christian churches. A more realistic goal, therefore, and a more viable "ecclesiological account" of religious freedom, might seek primarily to preserve the independence of these institutions within an otherwise-oriented world, so that churches inclined to embrace countercultural teachings and ways of life have the freedom to do so.

To be sure, not all churches will be so inclined. Harrison argues, as noted, that prominent Christian thinkers have in effect succumbed to liberal modernity; whether or not he is right on the particulars, his diagnosis would surely apply to some contemporary Christian churches. (And even, perhaps, in a small way, to Harrison himself, with his apparent acceptance of same-sex marriage?) Harrison also observes that some churches have of late fallen scandalously short of actually practicing the precepts they teach (240). Still, it is conceivable that over time, as much of the world slouches into a shallow slough of bitterly judgmental nonjudgmentalism, aggressively divisive inclusivism, and "I'm okay; you're okay (provided you agree that *I'm* okay)" self-validation, faithful Christian churches might embody and exemplify for the world the sterner but more ennobling and exhilarating pursuit of the transcendent "true ends."

In *Wisconsin v. Yoder*, 406 U.S. 205, 223 (1972), acting to protect the Amish way of life, the US Supreme Court noted that "in the Middle Ages important values of the civilization of the Western World were preserved by members of religious orders who isolated themselves from all worldly influences against great obstacles." The observation may have greater continuing relevance than the *Yoder* Court realized. It is possible, in other words, that our best hope for the future lies not in generic and individual-oriented religious freedom, but rather in the perennial theme of "freedom of the church."

In this respect, Harrison's particular vision might actually undermine rather than promote this more viable ecclesiological account. By defining "the church" to include just about any form of human association, Harrison's approach might dilute protection for actual *churches*. In addition, contemplating a cooperation among church and state in furtherance of "true religion," Harrison argues somewhat vaguely for governmental authority to promote such religion within churches themselves. He thus criticizes the more categorical protection for church autonomy that American readers will associate with the Supreme Court's *Hosanna Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171 (2012), decision and that is favored by scholars like Richard Garnett. If a church deviates from "true religion," Harrison cautiously suggests, government might have a "context-specific" role in setting the church straight (231–33). Is this a role for contemporary governments that Christians should welcome?

Harrison is probably right in believing that the protection endorsed by *Hosanna Tabor* is vulnerable within the current liberal or “progressive” framework. Even so, those who appreciate Harrison’s notions of “true religion” might find more hope in that more categorical even if insecurely grounded protection than in the unlikely prospect of contemporary societies in general choosing to embrace his Christian understanding of life, government, and society.

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