

RECONCILING JOHN MILBANK AND RELIGIOUS FREEDOM: “LIBERALISM” THROUGH LOVE

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ABSTRACT

John Milbank’s critique of the secular as a violent distortion of Christian theology is well established. Less clear is how Milbank’s framework might bear upon secular liberalism as it specifically relates to liberal ideas of religious freedom and public or secular reasons in political contexts. This is especially worthy of investigation since “religious freedom” is part of the liberal framework Milbank so stridently critiques. This article attempts to reconcile Milbank’s theological critique of secular liberalism with the idea of religious freedom by applying Milbank’s theology and the law of love to liberal notions of public discourse for the purpose of redeeming and transforming that discourse. This redeemed “liberalism” provides a framework for persuasion to the Good by recognizing that all public positions (including secularism) are ultimately faith positions, and advocates a discourse governed by the law of love to produce genuine religious freedom that paradoxically transcends and fulfils the liberal ideals that secular liberalism proclaims but can never attain.

KEYWORDS: John Milbank, religious freedom, liberal secularism, law of love, public reason

INTRODUCTION: MILBANK, LIBERALISM, AND RELIGIOUS FREEDOM

As a leading member of the radical orthodoxy movement, John Milbank’s general critique of modernity and secular liberalism is well known.¹ It is less clear how Milbank’s theological critique of secular liberalism relates to the specific liberal ideas of religious freedom and the use of public or secular reasons in political discourse. For example, John Rawls and Robert Audi argue religious reasons or arguments in public discourse should not form the basis for political decisions resulting in coercive laws.² These positions by Rawls and Audi have received a stern response; it is claimed

1 See, for example, John Milbank, *Theology and Social Theory: Beyond Secular Reason* (Oxford: Blackwell, 1990); Milbank, *Theology and Social Theory: Beyond Secular Reason*, 2nd ed. (Oxford: Blackwell, 2006); John Milbank, *Beyond Secular Order: The Representation of Being and the Representation of the People* (Oxford: Blackwell, 2013); John Milbank and Adrian Pabst, *The Politics of Virtue: Post-Liberalism and the Human Future* (London: Rowman and Littlefield, 2016); James Smith, *Introducing Radical Orthodoxy: Mapping a Post-Secular Theology* (Grand Rapids: Baker Academic, 2004); Simon Oliver, “Introducing Radical Orthodoxy: From Participation to Late Modernity,” in *The Radical Orthodoxy Reader*, ed. John Milbank and Simon Oliver (London: Routledge, 2009); Alex Deagon, “On the Symbiosis of Law and Truth in Christian Theology: Reconciling Universal and Particular through the Pauline Law of Love,” *Griffith Law Review* 23, no. 4 (2015): 589–611; Alex Deagon, *From Violence to Peace: Theology, Law and Community* (Oxford: Hart, 2017).

2 John Rawls, *Political Liberalism: Expanded Edition* (Columbia: Columbia University Press, 2005); Robert Audi, “The Place of Religious Argument in a Free and Democratic Society,” in “Symposium: The Role of Religion in

they undermine religious freedom. Typically, the critics argue that a view of religious freedom that restricts religion to the merely private domain is far too narrow.³ Situating a Milbankian response in this context is rendered even more difficult because these notions of religious freedom are part of the liberal framework Milbank so stridently critiques.

For Milbank the liberal idea of religious freedom involves the secular state merely allowing or tolerating the existence of religion, and suppressing it when it ventures out of what the secular sees as religion's proper domain. The state is therefore still authoritative and dictatorial with regard to religion, privileging secular rational objectivity rather than faith and subjective feeling.⁴ Moreover, the notion of liberal subjective individual rights, such as the right of religious freedom as asserted against another, promotes the violent ontology of the atomistic, self-asserting individual in isolation rather than loving being in community.⁵

However, as Hans-Martien Ten Napel has recently observed, there are strong affinities between Christianity, liberal democracy, and the right to freedom of religion or belief.⁶ As a general principle, religion and liberal democracy are mutually reinforcing symbiotic frameworks: preserving freedom of religion and association preserves the development of the structures, processes, and content that are necessary for the preservation of democracy, which in turn just reinforces freedom of religion and association. Ten Napel indicates that Christianity in particular facilitates pluralistic liberal order and tolerant decision making and speculates that the decline of Christianity in the West is likely to detrimentally affect how democracy functions.⁷ John Milbank and Adrian Pabst go even further to argue that Christianity is the source of democracy.⁸ Consequently there is a need for further research evaluating whether a "theological" approach to liberal democracy holds more promise for religious freedom and democracy than "secular" liberalism, particularly if a theological approach like Milbank's is *prima facie* in tension with liberalism and the idea of religious freedom liberalism entails.

In this article, I contribute to that project by assuming Milbank's specific theological approach. I attempt to reconcile Milbank's theological critique of secular liberalism with religious freedom by applying Milbank's theology and the law of love to liberal notions of public discourse. I argue that we must first acknowledge that secular liberalism, and consequently all perspectives, are ultimately

Public Debate in a Liberal Society," special issue, *San Diego Law Review* 30, no. 4 (1993): 677–703; Robert Audi, *Religious Commitment and Secular Reason* (Cambridge: Cambridge University Press, 2000); Audi, *Democratic Authority and the Separation of Church and State* (Cambridge: Cambridge University Press, 2011). For the sake of simplicity in this article, I conflate Rawls and Audi as the differences between them are not relevant for the purposes of this article. I consider them more deeply elsewhere. See Alex Deagon, "Liberal Secularism and Religious Freedom: Reforming Political Discourse," *Harvard Journal of Law and Public Policy* 41, no. 3 (2018): 901–34.

3 Rex Ahdar and Ian Leigh, *Religious Freedom in the Liberal State*, 2nd ed. (Oxford: Oxford University Press, 2013), 49, 66–69; Christopher Eberle, *Religious Conviction in Liberal Politics* (Cambridge: Cambridge University Press), 144–46; Raymond Plant, "Religion in a Liberal State," in *Religion in a Liberal State*, ed. Gavin D'Costa, Malcolm Evans, Tariq Modood, and Julian Rivers (Cambridge: Cambridge University Press, 2013), 9–37, 14; Linda Woodhead, "Liberal Religion and Illiberal Secularism," in D'Costa et al., *Religion in a Liberal State*, 93–116, 96; Michael McConnell, "Why Protect Religious Freedom," *Yale Law Journal* 123, no. 3 (2013): 770–810.

4 See John Milbank, "Against Human Rights: Liberty in the Western Tradition," *Oxford Journal of Law and Religion* 1, no. 1 (2012): 203–34, 203–04; John Milbank, "Hume versus Kant: Faith, Reason, and Feeling," *Modern Theology* 27, no. 2 (2011): 276–97.

5 Milbank, "Against Human Rights," 217.

6 Hans-Martien Ten Napel, *Constitutionalism, Democracy and Religious Freedom* (London: Routledge, 2017), 94–97, 106.

7 Ten Napel, *Constitutionalism*, 106.

8 See Milbank and Pabst, *Politics of Virtue*, 6–7; Milbank, *Beyond Secular Order*, 10, 164.

faith positions—and any attempt to deny this results in coercion and violence. However, by framing public discourse as the peaceful coexistence of different perspectives (Milbank’s reconciliation of virtue with difference), with persuasion to the Good through revelation governed by the law of love, a redeemed liberalism is created that entails true religious freedom: noncoerced choice between theological perspectives of varying electability and desirability.

In the second section of the article, I theologically critique religious freedom in secular liberalism through a specific engagement with the frameworks of Rawls and Audi; I indicate the theological nature of these particular secular liberal frameworks by exposing the liberal faith in reason, the religious character of liberalism, and the violence of liberalism. In the third section, I construct an alternative Christian framework of persuasion through revelation, governed by the law of love. In this approach, interactive political discourse is framed as being in loving community and electing the most desirable perspective to govern human interactions. In the fourth and fifth sections, I defend the claim that Christianity is this most desirable perspective and in fact facilitates genuine religious freedom by redeeming and transforming liberal political discourse. The purpose, therefore, is not to simply abolish liberalism but to produce genuine religious freedom in a framework that paradoxically transcends and fulfils the liberal ideals of freedom, equality, and tolerance that secular liberalism proclaims but can never attain.

SECULAR LIBERALISM AS A THEOLOGY

Religious Freedom and Nonestablishment in the Liberal Framework: The Secular State

The traditional and most popular narrative of secularist theories of state in modern liberal Western democracies is the idea of a formal separation of church and state, where the secular identifies a sphere known as the religious, and distinguishes that (private) sphere from public institutions like the state, politics, and law.⁹ The object of this laicist secular state is to create a neutral public space in which religious beliefs and institutions lose their political significance and their voice in political debate, or exist purely in the private sphere.¹⁰ Rawls and Audi are exponents of this laicist, separationist perspective that argues that excluding religion from politics results in genuine neutrality, freedom, and equality.¹¹ In this secular state, the liberal ideals of freedom, neutrality, and toleration are preserved by removing religious perspectives from political discussion because of their particularist and divisive nature. Instead, universally accepted nonreligious reasons and perspectives are provided. However, as Milbank extensively demonstrates, nonreligious or secular reasons and a secular state are not quite as neutral as Rawls and Audi would have us believe.¹²

9 Elizabeth Hurd, *The Politics of Secularism in International Relations* (Princeton: Princeton University Press, 2007), 13–14; Carl Hallencreutz and David Westerlund, “Introduction: Anti-Secularist Policies of Religion,” in *Questioning the Secular State: The Worldwide Resurgence of Religion in Politics*, ed. David Westerlund (London: Hurst, 1996): 1–23, 3. For a more detailed review of the literature on the secular state, see Alex Deagon, “Secularism as a Religion? Questioning the Future of the Secular State,” *Western Australian Jurist*, no. 8 (2017): 31–94.

10 Hurd, *Politics of Secularism*, 5.

11 Cecile Laborde, “Political Liberalism and Religion: On Separation and Establishment,” *Journal of Political Philosophy* 21, no. 1 (2013): 67–86. For a more detailed exposition of Rawls and Audi, see Deagon, “Liberal Secularism.”

12 See Milbank, *Theology and Social Theory*, 2nd ed.; Milbank, *Beyond Secular Order*; Milbank and Pabst, *Politics of Virtue* for details.

The key claim is the secular contingently originated from within the Christian theological framework and is predicated on theological assumptions surrounding the nature of being and knowledge. The secular is not inevitable; rather, like many religious sects, it was in effect created as a result of theological and philosophical disagreement. This indicates the secular can be viewed as a type of religion in the sense that it is composed of particular assumptions and beliefs that are heterodox rejections or alterations of Christian theology.¹³ And if even the secular is a type of theological perspective, it follows that all perspectives (as variously less secular and more religious than the secular) must be a kind of theological perspective.

It must be observed that Milbank's argument has received significant criticism at a number of levels. Since I am assuming Milbank's framework rather than arguing or defending it, it is beyond the scope of the article to engage with these critiques in detail. However, it is worth briefly outlining and responding to two primary issues to confirm the framework is reasonable to apply in this context.¹⁴ First, many scholars argue Milbank misreads and misrepresents tradition, and particularly Aquinas and Augustine on the relationship between faith and reason. These scholars claim Milbank incorrectly characterizes Aquinas and Augustine as rejecting the existence of an autonomous, secular reason. Consequently Milbank is mistaken in relying on these sources to argue that the development of the secular is contingent upon theological assumptions and there is no neutral, secular reason to ground public politics.¹⁵ This historical or apologetic critique, mainly represented by Wayne Hankey and Douglas Hedley, is expressed in terms of defending a secular reason and a rejection of Milbank's framework as fideist. The second issue is Milbank's claim that Christianity resists violence and ultimately transcends it. Gavin Hyman and others have argued that Milbank simply removes this violence a step rather than resolving it. Milbank's dogmatic, totalizing approach necessarily results in the kind of violence and exclusion he is purporting to reject.¹⁶ I address these issues in turn.

On the first issue, it may well be true that Milbank is misinterpreting tradition. However, the validity of Milbank's interpretation is still highly debated in Milbankian scholarship, and he has many supporters.¹⁷ Milbank himself has responded to many of his critics.¹⁸ It is also arguable

13 See Deagon, *From Violence to Peace*, 83–100 for the full version of the argument.

14 For more details see, for example, Smith, *Introducing Radical Orthodoxy*, 49–61.

15 See, for example, Wayne Hankey, "Theoria versus Poesis: Neoplatonism and Trinitarian Difference in Aquinas, John Milbank, Jean-Luc Marion and John Zizioulas," *Modern Theology* 15, no. 4 (1999): 387–415; Douglas Hedley, "Should Divinity Overcome Metaphysics? Reflections on John Milbank's Theology beyond Secular Reason and Confessions of a Cambridge Platonist," *Journal of Religion* 80, no. 2 (2000): 271–98; Wayne Hankey and Douglas Hedley, eds., *Deconstructing Radical Orthodoxy: Postmodern Theology, Rhetoric and Truth* (London: Ashgate, 2005); Rosemary Radford Ruether and Marion Grau, eds., *Interpreting the Postmodern: Responses to Radical Orthodoxy* (London: T. and T. Clark, 2006); Bernard Mulcahy, *Aquinas's Notion of Pure Nature and the Christian Integralism of Henri de Lubac: Not Everything is Grace* (Bern: Peter Lang, 2011).

16 Gavin Hyman, *The Predicament of Postmodern Theology* (London: Westminster John Knox Press, 2001); Paul Hedges, "Is John Milbank's Radical Orthodoxy a Form of Liberal Theology? A Rhetorical Counter," *Heythrop Journal* 51, no. 5 (2010): 795–818; Lisa Isherwood and Marco Zlomislac, eds., *The Poverty of Radical Orthodoxy* (Eugene: Wipf and Stock, 2012).

17 See, for example, Conor Cunningham, *Genealogy of Nihilism* (London: Routledge, 2002); Michael Hanby, *Augustine and Modernity* (London: Routledge, 2003); Catherine Pickstock, "Duns Scotus: His Historical and Contemporary Significance," *Modern Theology* 21, no. 4 (2005): 543–74; William Cavanaugh, *The Myth of Religious Violence: Secular Ideology and the Roots of Common Conflict* (Oxford: Oxford University Press, 2009); Deagon, *From Violence to Peace*, 48–51, 57–61.

18 See, for example, John Milbank, "A Response," in *Theology and Sociology: A Reader*, ed. Robin Gill (London: Cassell, 1996), 461–70; Milbank, *Theology and Social Theory*, 2nd ed., xi–xxxii.

that this critique actually misreads Milbank's project. Milbank does not reject reason or rationality but embraces it as necessarily informed and enlightened by faith.¹⁹ He also engages in a critique of the notion of autonomous reason that Hankey and Hedley do not substantively refute.²⁰ So at worst, Milbank's interpretation and conclusions remain an open question, and it is therefore not inappropriate to apply his framework.

On the second issue, a careful reading of Milbank reveals he is not in fact advocating a totalizing, absolute metanarrative.²¹ In fact he explicitly disavows claims to neutral objectivity as inconsistent with the very nature of his project. Rather, he is presenting an argument that Christianity is the most desirable and consequently the most reasonable narrative after the collapse of the modern metanarrative precisely because of its emphasis on peace rather than violence.²² Furthermore, even if Milbank errs on the side of dogmatic in a violent sense, I also ultimately aim to apply, refine, and perhaps improve Milbank's framework through more explicit grounding in scriptures that indicate how Christians are to be humble and selfless rather than violent and dogmatic, treating non-Christians or those who disagree with love and kindness.²³ Consequently Hyman's objection is not fatal to the argument that Milbank's framework can be coherently applied to facilitate a peaceful coexistence of differing perspectives.

Having briefly addressed these objections, the article will now turn to consider the theological nature of secular liberalism in Rawls and Audi more specifically by examining the liberal faith in reason, the religious character of liberalism, and the violence of secular liberalism.

The Critique of Secular Liberalism

The Liberal Faith in Reason

The fact that the secular elevates or has faith in pure, autonomous reason indicates that it can be viewed as a type of religion. The idea of faith assumed by Milbank comes from the New Testament use of the Greek term *pistis*, which means to have a conviction or trust in, and its root means to be persuaded. Faith includes both the affective element of trust, and the intellectual element of persuasion through reasons.²⁴ Perhaps counterintuitively, this kind of faith is central to the legal system of the secular state. There is a type of religious soteriology implied in law, even its most secularized iterations:

Great hope is placed in law, properly understood and administered, as a vehicle for the transformation of society. Most movements for modern reform accept without question law's account of itself as autonomous,

¹⁹ Deagon, *From Violence to Peace*, 35–42.

²⁰ Smith, *Introducing Radical Orthodoxy*, 51–54.

²¹ Smith, 59–61.

²² Deagon, *From Violence to Peace*, 78–81; Milbank, *Theology and Social Theory*, 2nd ed., xx–xxi.

²³ See below, the subsection "The Law of Love as Revelation." For example, Milbank has also received critique on the point that the Trinity provides a model for perfect equality and peace through unity in diversity. See Sarah Coakley, "Why Gift? Gift, Gender and Trinitarian Relations in Milbank and Tanner," *Scottish Journal of Theology* 61, no. 2 (2008): 224–35, where Coakley critically examines the way in which Milbank appears to propagate an unequal human gender binary by restraining the work of the Spirit in terms of Trinitarian gift. A framework grounded in scripture might develop a response along the lines that in Christ "there is no male or female" in the sense of promoting patriarchy, for all equally participate in the divine love by faith. Galatians 3:28.

²⁴ John Milbank, "Sublimity: The Modern Transcendent," in *Transcendence: Philosophy, Literature, and Theology Approach the Beyond*, ed. Regina Schwartz (New York: Routledge 2004), 207–30; John Milbank, *The Future of Love: Essays in Political Theology* (Eugene: Cascade Books, 2009), 150–53.

universal, and above all, secular—meaning, in the first instance, religiously neutral, but also, more strongly, paradigmatically rational . . . law’s claim to the universal resembles—indeed arguably derives its power from—the universalism that is claimed by . . . Christianity.²⁵

Similarly, it might even be claimed that every legal system needs a transcendent source to give authority to its contents—even if, in lieu of a higher source, that transcendent source is law itself.²⁶ If it is accepted that there is no transcendent source attracting people’s trust, law becomes the entity that people trust. “To work effectively law must rely on more than coercive sanctions . . . it must attract people’s trust and commitment. Quite simply, citizens must . . . place their faith in it.”²⁷ Law encourages belief in its own sanctity in order to encourage obedience.²⁸

The secular assumption is there is nothing transcendent, particularly when it comes to the functioning of the state. However, the secular liberal state creates a *de facto* God by placing its faith in the god of law together with its components of reason and rationality.²⁹ As such, even secular reason, which claims to be pure reason or autonomous reason apart from faith, is actually a type of faith, similar to religious faith. Such faith is not necessarily apart from reason or unreasonable, but faith is involved nonetheless. Since faith is an intrinsic part of religion, if this claim that the secular operates on the basis of faith is sustained, it supports the argument that secular liberalism is actually a type of religion.³⁰ The idea of pure or secular reason implies that “reason cannot impact on issues of substantive preference,” but in reality reason has to make certain assumptions and trust in the reasonableness of reality. “Reason has always to some degree to feel its way forward.”³¹ Reason should recognize that it operates within strict limits and is therefore not competent to pronounce final judgement against other metaphysical or religious positions. A certain stance of faith is always involved.³²

So secular reason, despite its claims to the contrary, is actually based in faith. The structure of the secular, in the sense that it intrinsically has faith in reason, expresses itself in a religious mode. It possesses a faith object similar to the way that many religions possess a faith object. Rawls and Audi both fall into the error of implicitly or explicitly assuming there is an intrinsic distinction or separation between (secular/public) reason and (religious) faith, at least in the context of Christianity. However, the Christian religion has almost universally seen itself as simultaneously faithful and reasonable, and this implies the distinction between secular and religious arguments is by no means so clear. Reason is equally adopted by the secular and the religious just as faith is, and reason requires faith just as faith requires reason.³³ Further, Rawls and Audi assume

25 Winnifred Fallers-Sullivan, Robert A. Yelle, and Mateo Taussig-Rubbo, introduction to *After Secular Law*, ed. Winnifred Fallers-Sullivan, Robert A. Yelle, and Mateo Taussig-Rubbo (Stanford: Stanford University Press, 2011): 1–19, 2–3.

26 Fallers-Sullivan, Yelle, and Taussig-Rubbo, introduction, 3. See, for example, Jacques Derrida, “Force of Law: The Mystical Foundation of Authority” (paper presented at “Deconstruction and the Possibility of Justice,” Cardozo Law School, New York, October 1–2, 1989).

27 Rex Ahdar, “The Inevitability of Law and Religion: An Introduction,” in *Law and Religion*, ed. Rex Ahdar (Aldershot: Ashgate, 2000), 1–16, 5.

28 Ahdar, “The Inevitability of Law and Religion,” 5.

29 See Fallers-Sullivan, Yelle, and Taussig-Rubbo, introduction, 2–3; Ahdar, “The Inevitability of Law and Religion,” 5.

30 See further, Deagon, *From Violence to Peace*, 38–41.

31 Milbank, “Hume versus Kant,” 277.

32 Milbank, “Hume versus Kant,” 276–77.

33 See, for example, Augustine, *Concerning the City of God against the Pagans* (London: Penguin, 2008); Anselm, “Proslogion,” in *Faith and Reason*, ed. Paul Helm (Oxford: Oxford University Press, 1999), 88–90, at 88–89;

there is no place for religious faith to influence policy in the secular public political space because it will lead to sectarianism and perhaps even strife. This assumption is at odds with significant scholarly literature on political theology, which considers how (for example) the articulation of an orthodox Christian theology may shape the modern polity in an inclusive, free, and equal way, and this literature is not addressed.³⁴ Later in the article I articulate and defend a specific example of this kind of idea, but below I continue to outline the religious character of liberalism.

Liberalism's Religious Character

In addition to Milbank's general argument about the secular being religious, other work already provides detailed arguments for the religious (or at least non-neutral and metaphysical) character of liberalism.³⁵ This section strengthens those arguments with further examples and analysis because establishing secular liberalism as a non-neutral theological perspective is an essential premise for the argument that Christianity is the most desirable framework to peacefully govern what is in fact a coexistence of different public theologies. An initial but important point is the liberal virtues of equality and toleration are fundamentally based in Christian theology. In particular, the inherent dignity and equal value of all persons, with the corresponding mandate for equal treatment, derive from the idea of their special creation by God and their possessing of the *Imago Dei*.³⁶ However, as Hyman characterizes Milbank's argument, these principles have become secularized and distorted:

On this reading, any overlaps between these theological principles and those of liberalism are to be explained by the "fact" that the values of liberalism are themselves secularized distortions of Christian insights. So, for instance, the liberal commitment to human equality is a secular distortion of the theological truth that all human beings are created in the image of God and, as such, are equal in the sight of God. Likewise, the liberal commitment to the toleration of plurality and difference is a secular distortion of Christian universalism, which subsumed but did not abolish difference.³⁷

Thomas Aquinas, *Summa Theologica*, vol. 1 (Chicago: William Benton, 1952); John Calvin, *Institutes of the Christian Religion* (London: Hendrickson, 2008); Eric Mascall, "Faith and Reason: Anselm and Aquinas," *Journal of Theological Studies* 14, no. 1 (1963): 67–90; Robert Sokolowski, *The God of Faith and Reason: Foundations of Christian Theology* (Washington, DC: Catholic University of America Press, 1982); Alvin Plantinga, *Warranted Christian Belief* (Oxford: Oxford University Press, 2000); Milbank, *Theology and Social Theory*, 2nd ed.; John Milbank, "The Grandeur of Reason and the Perversity of Rationalism: Radical Orthodoxy's First Decade," in *The Radical Orthodoxy Reader*, ed. John Milbank and Simon Oliver (London: Routledge, 2009), 367–404, at 392; Deagon, *From Violence to Peace*.

34 See, for example, Milbank, *Theology and Social Theory*, 2nd ed.; Milbank, *Beyond Secular Order*; Deagon, "Symbiosis;" Milbank and Pabst, *Politics of Virtue*; Deagon, *From Violence to Peace*.

35 See, for example, Deagon, "Liberal Secularism," 921–23; Plant, "Religion in a Liberal State," 19, 22; Stanley Fish, "Liberalism Doesn't Exist," *Duke Law Journal* 6, no. 1 (1987): 997–1001. See also Ahdar and Leigh, *Religious Freedom in the Liberal State*, 17–18, 57–58 and references contained there.

36 See, for example, Perez Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton: Princeton University Press, 2003); Bruce Ward, *Redeeming the Enlightenment: Christianity and Liberal Virtues* (Grand Rapids: William B. Eerdmans, 2010); John Witte, Jr. and Frank Alexander, eds., *Christianity and Human Rights* (Cambridge: Cambridge University Press, 2010); Yuval Noah Harari, *Sapiens: A Brief History of Humankind* (London: Harvill Secker, 2014).

37 Gavin Hyman, "Postmodern Theology and Modern Liberalism," *Theology Today* 65, no. 4 (2009): 462–74, at 469.

The religious character of liberalism is not merely genetic. For example, Thaddeus Kozinski argues that philosophy alone cannot resolve the political problem of religious pluralism. Any solution must be theologically informed, a cooperation between political philosophy and political theology—and despite claims to the contrary by political liberals, their own solution also incorporates theology. Kozinski critiques Rawlsian public reason as “undergirded by an exclusivist comprehensive doctrine with not only metaphysical but also theological premises.”³⁸ The Rawlsian framework, as a “freestanding yet morally based overlapping consensus in a milieu of deep pluralism requires a foundation in an exclusive, particular comprehensive doctrine.”³⁹ “Since his non-foundationalist, pragmatic methodology logically precludes such premises, there is a major contradiction at the heart of his project.”⁴⁰

The Rawlsian emphasis on the use of objective reason and moral intuitions formed through experience, combined with the *a priori* nature of the original position, indicates a reliance on Kantian metaphysics.⁴¹ Furthermore, the logic of the Rawlsian position demands that “public political culture possesses the absolute and exclusive authority to determine the commonly held conception of justice that is the focus of any overlapping consensus.”⁴² Any reasonable comprehensive doctrine acceptable for public reason must be “reconcilable with or foundational for” that conception of justice. This is what Kozinski calls the “meta-idea.”⁴³ Kozinski persuasively contends that this meta-idea is actually an empirical fact for Rawls that is justified by its political value. Rawls does present an argument for its value, but this argument is based on Rawls’s privately held reasonable comprehensive doctrine: “Rawls must argue for the meta-idea in an unRawlsian manner, because the is of the meta-idea, its factual existence in public political culture, can not become a politically authoritative ought without some sort of foundationalist, metaphysical, or otherwise non-political justificatory argument.”⁴⁴

More importantly, Kozinski shows that Rawlsian political liberalism subscribes to theological premises. Rawls excludes any religious comprehensive doctrine that “does not conform to his understanding of the inferior and thoroughly privatised and de-politicised place of religious belief and obligation in the political order.”⁴⁵ The attending theological assumption is either God has not revealed any authoritative prescriptions regarding the political order, or if God has, they are not binding in the modern liberal democratic state. This “theological judgment” “would attenuate severely the religious freedom of those who deny it.”⁴⁶ Thus, Rawlsian political liberalism precludes the possibility of pursuing a Christian political community. It is essentially a work of political theology.

Scholars who identify the religious content of liberalism may be multiplied. Paul Campos exposes Rawlsian political liberalism as a “secular creed” that has the potential to be as “intolerant” of different views as the traditional modes of belief it criticized and replaced.⁴⁷ Carl Esbeck claims that

38 Thaddeus J. Kozinski, preface to *The Political Problem of Religious Pluralism: And Why Philosophers Can't Solve It* (London: Rowman and Littlefield, 2010), xiii–xiv, at xiii. For other more detailed engagement with Rawls with similar arguments, see Deagon, “Liberal Secularism.”

39 Kozinski, introduction, to *The Political Problem of Religious Pluralism*, xxii–xxv, at xxii.

40 Kozinski, xxii.

41 Kozinski, *The Political Problem of Religious Pluralism*, 6.

42 Kozinski, 26.

43 Kozinski, 26.

44 Kozinski, 31.

45 Kozinski, 38.

46 Kozinski, 38. See also Ahdar and Leigh, *Religious Freedom in the Liberal State*, 99.

47 Paul Campos, “Secular Fundamentalism,” *Columbia Law Review* 94, no. 6 (1994): 1814–27, at 1825. See also Heidi Hurd, “The Levitation of Liberalism,” *Yale Law Journal* 105, no. 3 (1995): 795–824.

separationism is a contingent value judgment about the place of religion in society that operates out of a non-neutral religious framework.⁴⁸ In the final analysis, Rex Ahdar and Ian Leigh forcefully express the point:

Metaphysical commitments that are formally inadmissible find their way in through abstract but vacuous concepts such as freedom and equality. The substantive content of these notions is necessarily comprised of theological, ideological, and other comprehensive “perspectives” that secular reason has supposedly forsworn There is always an operative world view, always implicit, tacit yet fundamental ontological, epistemological, moral, and ethical premises that those in the corridors of power act upon, whether or not they are consciously aware of them. The prevailing world view of the powers-that-be may be hard to label, and it might be a hybrid of various philosophical and religious strands. But it will exist. No state is “neutral” in this sense.⁴⁹

Steven Smith takes a different path, one that emphasizes the religious structure of religious freedom in a liberal framework. He argues the prevailing narrow view of religious freedom as private and subservient to the state operates within a secular framework, and this is precisely the reason it is really impotent—the “secular” commitment to religious freedom is “self-negating” because the original concept of religious freedom was justified in a religious framework relying upon religious premises that are now deemed inadmissible.⁵⁰

In addition to articulating the more common variations of liberalism’s religious content, Matthew Scherer insightfully identifies the religious structure of political liberalism in more detail. Scherer argues that Rawlsian secularism involves not only “faith in a particular image of reason,” but the veneration of Rawls as a “saint” and “canonization” of his works, resulting in a kind of “miraculous” captivation and “conversion” of his audience through skilled “rhetorical form” and “the example of [his] life.”⁵¹ Scherer states that “Rawls expresses a faith in reason as the transcendent power that secures constitutional orders and, along with them, the possibility of human dignity and social justice.”⁵² Rawls’s influence is vast, and his works have created “a sense of wonder” through a “capacity to claim and hold one’s interest”; in other words, it has a “miraculous capacity to fascinate, to incite wonder, and to effect conversion.”⁵³ Rawls persuades using “nuanced rhetorical appeals to . . . readers’ sensibilities that attempt both to mobilise and to inflect these sensibilities in new directions.”⁵⁴ “The measure of Rawls’s saintliness lies in his skill at deploying these rhetorical means to the miraculous end of inspiring convictions that would otherwise remain unavailable.”⁵⁵ The arguments supporting these claims are contained in Scherer’s work; the point raised is Rawlsian political liberalism has a distinctly religious structure despite Rawls’s claims to the contrary.

48 Carl Esbeck, “A Constitutional Case for Governmental Cooperation with Faith-Based Social Service Providers,” *Emory Law Journal* 46, no. 1 (1997): 1–41, at 5.

49 Ahdar and Leigh, *Religious Freedom in the Liberal State*, 65, 99.

50 Steven Smith, “The Rise and Fall of Religious Freedom in Constitutional Discourse,” *University of Pennsylvania Law Review* 140, no. 1 (1991): 149–240, at 150; Steven Smith, *Foreordained Failure: The Quest for a Constitutional Principle of Religious Freedom* (Oxford: Oxford University Press, 1995), 36.

51 Matthew Scherer, *Beyond Church and State: Democracy, Secularism and Conversion* (Cambridge: Cambridge University Press, 2013), 132–65.

52 Scherer, *Beyond Church and State*, 134.

53 Scherer, 141–42.

54 Scherer, 164.

55 Scherer, 164–65.

Scherer's views are particularly important for suggesting the religious structure of liberalism in conjunction with its religious content, but in the context of this article he is relevant for an additional reason. Scherer does consider radical orthodoxy as an analytical framework for Rawlsian political liberalism but dismisses it. He argues that radical orthodoxy "reinscribes the modern separation of philosophy from theology" by reversing "the privilege of the secular over the religious" and seeking to restore "the privilege of the religious over the secular" that was characteristic of medieval Christianity. On Scherer's view, this "does nothing to question the distinction between religious and secular."⁵⁶

This dismissal is far too quick, and the discussion does not even contain any references to Milbank or other radically orthodox writers. The conclusion that reversing the privilege of the secular over the religious reinscribes the separation between philosophy and theology is not sustainable when Milbank's critique is considered. The entire philosophical rationale for reversing the privilege is the theological claim that the secular is actually a kind of religion borne out of a theological framework. The philosophical realization that the secular is contingent is the motivation for a theological critique that reveals the religious nature of the secular. Putting the secular on an equal playing field with the religious as a particular manifestation of religion through theology allows philosophical evaluation of which view is more desirable: secularism or Christianity. As I argue more specifically below, in Milbank's view Christianity is infinitely more desirable because of its ontology of peace in contrast to the ontological violence of the secular. Therefore, Christianity should be pursued as the basis for political community as the most desirable of all faith positions (including secularism). Thus, in radical orthodoxy, the resultant privileging of Christianity over the secular indicates an affective though ultimately rational philosophical preference for Christianity over secularism predicated on the theological assumption that the secular is a distinct kind of religion.⁵⁷ Philosophy and theology are distinct though intrinsically related and mutually indispensable projects, which is separation in the classical scholastic rather than modern secular sense.

The Violence of Secular Liberalism

The main reason for the preference of classical Christianity over the modern, liberal secular is the violent nature of secular liberalism. There are a number of examples in the legal space that are identified by and to some extent participated in by Robert Cover and Jacques Derrida.⁵⁸ More specifically, Plant has noted a general movement from ethos to rules in the arena of religious freedom.⁵⁹ The movement from ethos (or unbounded principles) to rules produces the problem of juridification. Legalizing or systemizing renders the principle into a rigid code that becomes inflexible and formal. Specifically, drawing boundaries around people and categorizing them with respect to religion and nonreligion, contexts where freedom and coercion are privileged or marginalized, alienates members of the community. Such a move invites transgression by articulating itself in terms of formal boundaries that alienate; in other words, such a law is intrinsically violent.⁶⁰

⁵⁶ Scherer, 7.

⁵⁷ Milbank, *Theology and Social Theory*, 278–80.

⁵⁸ Deagon, *From Violence to Peace*, 3, 6, 67–77, 102–07. See specifically Robert Cover, "Violence and the Word," *Yale Law Journal* 95, no. 8 (1986): 1601–29; Derrida, "Force of Law."

⁵⁹ Plant, "Religion in a Liberal State," 11–12.

⁶⁰ See Alex Deagon, "Rendering to Caesar and God: St Paul, the Natural Law Tradition, and the Authority of Law," *Law, Culture, and the Humanities* 13, no. 3 (2014): 469–92, where this problem has been identified.

One example is the liberal distinction between the public and private realm, where religion is typically placed into the private dimension and excluded from the public. As Derek McGhee argues, this liberal approach is a myth that constructs an alienating space (distinction between “public” policy and “private” religion) that is enforced through legal power, and therefore coerced by violence: “The spatialization that accompanies this designation of different types of activities into their “public” and “private” realms is not merely the neutral act of facilitating an ideal forum for “rational debate” . . . this spatialization and separation sets up an exclusionary space which is articulated by power.”⁶¹ This also exposes the religious “myth of liberalism.”⁶²

Frederick Mark Gedicks similarly argues public and private are subjectively constructed and socially contingent categories. Liberalism’s relegation of religion to private life is an exercise in power by controlling ways of naming and knowing: “Secularism . . . does not mark any natural or inevitable distinction between private and public life. The confinement of religion to private life reflects the exercise of contingent power, not the disinterested discovery of essential meaning or self-existent reality.”⁶³ Fish describes this as an “intellectual/political apartheid” that has the effect of “honouring religion by kicking it upstairs and out of sight.”⁶⁴ Thus, the mythical and contingent construction of a private/public distinction that excludes religion from the public space is a theological exercise of power that produces violence by alienating religious members of the community. As Milbank and Pabst observe,

[l]iberalism legitimates the limitless expansion of the power of the more skilled, opportunistic and ruthless, so long as this proceeds in accordance with contractual agreement and the supposedly “neutral” expansion of one’s own domain. And yet the expansion of private resources of all kinds in reality affects through influence of usage the environment and scope of free action for others.⁶⁵

Thus, liberal secularism has a religious character and the structure of that religious character ideologically and violently undermines religious freedom. Where liberal secularism proclaims neutrality while excluding and alienating other theological views incompatible with it, Milbank’s approach acknowledges its own theological bias while demonstrating secular liberalism, and consequently all other approaches, include a theological bias. The idea is this provides in effect a level playing field that facilitates true religious freedom by creating a political space for different theological perspectives to peacefully coexist, and persuasion to the good or most desirable perspective is through revelation and governed by the law of love.

REDEEMING POLITICAL DISCOURSE IN THE LIBERAL STATE: THE LAW OF LOVE

Persuasion through Revelation

As indicated by Rawls and Audi, the liberal framework for political discourse involves, at least in principle, a free and equal dialogue between different perspectives. The respective validity of these

61 Derek McGhee, “Moderate Secularism in Liberal Societies,” in D’Costa et al., *Religion in a Liberal State*, 117–34, 119.

62 McGhee, “Moderate Secularism,” 119.

63 Frederick Mark Gedicks, “Public Life and Hostility to Religion,” *Virginia Law Review* 78, no. 3 (1992): 671–696, at 681.

64 Stanley Fish, “Are There Secular Reasons?” *New York Times*, February 22, 2010, <https://opinionator.blogs.nytimes.com/2010/02/22/are-there-secular-reasons/>.

65 Milbank and Pabst, *Politics of Virtue*, 16.

perspectives is determined by whether these perspectives are viewed as rationally persuasive in the sense of being motivated and justified by secular or public reason. If a perspective is rationally persuasive and generally comprehensible it represents a genuine consensus and therefore it should be legally implemented.⁶⁶

However, for Rawls and Audi, faith perspectives in political discourse are excluded as in their view these perspectives are incompatible with the secular liberal framework of purely rational persuasion and general comprehensibility. Moreover, where particular perspectives are classed as faith perspectives and therefore irrational, they are violently alienated from public discourse and relegated to a contingently constructed private realm. However, with the vision of Christ who gives life through resurrection, violent death through incompatible difference is no longer authoritative.⁶⁷ Christianity consequently provides a more peaceful framework that does not merely permit the expression of different perspectives if they meet arbitrarily imposed criteria, but creates a space for the harmonious coexistence of differing perspectives. The particular nature of divine gift(s) allows difference to be harmonized and promoted, producing peace through virtue in the body as Paul described in 1 Corinthians 12.⁶⁸ This is the “reconciliation of virtue with difference.”⁶⁹ Persuasion in Christianity is peaceful because it comes from faith in the divine revelation of truth—specifically, the law of love.

The Law of Love as Revelation: Normative and Descriptive Aspects

Historically, Christians have always understood that the beliefs grounding their ethics are matters of faith, or persuasion (rhetoric).⁷⁰ In particular, as the glory of Christ is revealed to the mind, the mind is persuaded, which is the same as saying the mind appropriates this revelation by peaceful persuasion or rhetoric, rather than the violent coercion of secular reason. As the mind is transformed by faith, it participates in the glory of Christ by imitating Christ and then loves one’s neighbor as a reflection of the Trinitarian relations. So the truth of Christianity is the divine structure of the Trinity exists in perfect love and peace despite difference, and this is revealed in the person and work of Christ as the law of love.⁷¹

This new law of the Spirit both produces and is apprehended by faith. In this sense the Apostle Paul promotes a polity governed by faith or trust, persuasion by *aletheia* or the divine revelation of truth. He also stresses that this rule of trust constitutes a more fundamental mode of eternal law.⁷² Such trust is a vertical trust that God is just to an eminent and infinite extent that we cannot begin to fathom and a trust that this justice will eventually triumph so that a harmony of peace and order will embrace humanity.⁷³ It is also a horizontal trust and mutual dependence between each member of the community, which provides a structure for harmonious existence and the embrace of difference without assimilation or alienation. Milbank reasons,

66 See Rawls, *Political Liberalism*; Audi, “Religious Argument”; Audi, *Religious Commitment*.

67 John Milbank, “Paul against Biopolitics,” in *Paul’s New Moment: Continental Philosophy and the Future of Christian Theology*, ed. John Milbank, Slavoj Žižek, and Creston Davis (Grand Rapids: Brazos Press, 2010), 21–73, at 42–43.

68 Milbank, “Paul against Biopolitics,” 42–43.

69 Milbank, *Theology and Social Theory*, 332–33.

70 Milbank, *Theology and Social Theory*, 329.

71 Deagon, *From Violence to Peace*, 172, 183–86.

72 Milbank, “Paul against Biopolitics,” 49–50.

73 Milbank, “Paul against Biopolitics,” 53.

[i]t may appear that trust is weak recourse compared to the guarantees provided by law, courts, political constitutions, checks and balances, and so forth. However, since all these processes are administered by human beings capable of treachery, a suspension of distrust, along with the positive working of tacit bonds of association, is the only real source of reliable solidarity for a community. Hence to trust, to depend on others, is in reality the only reliable way in which the individual can extend his or her own power ... the legitimate reach of one's own capacities, and also the only reliable way to attain a collective strength.⁷⁴

In short, the love and peace inherent in the Trinitarian relations are *revealed* (truth-as-*aletheia*) through the Incarnation of Christ and *persuade* (faith-as-*pistis*) members of the community to “love your neighbor as yourself”—the law of love articulated by the Apostle Paul in the New Testament.⁷⁵ This fulfils the codified law since “love does no wrong to a neighbor.”⁷⁶ Law can be understood as a principle or set of principles that govern individual relationships within a community. Love, as defined above and modeled by Christ, involves the voluntary sacrifice of oneself for another. So the law of love, to “love your neighbor as yourself,” is the voluntary giving of oneself for another as the principle that governs individual relationships within a community.⁷⁷

This law of love, modeled on and enabled by the Incarnation and crucifixion of Christ, consequently encourages love for one's neighbor in terms of humility and sacrifice. Importantly, this is not forced or coerced (for that would necessitate violence), but rather freely volunteered as an imitation of Christ in trust that the action will be reciprocated, for each member of the community participates by faith as their mind is persuaded by the revelation of love and peace in the Trinity. It is in this sense Augustine argues that when a person is persuaded by faith, they will fulfil the law in accordance with the everlasting law (to love your neighbor as yourself) for the good and peace of the society.⁷⁸ Through the paradigm of the law of loving your neighbor as yourself, which is the unity and diversity in the community of the Trinity, a model is provided from Christian theology that allows harmonious relationship between the individuals and the society, one that avoids the violence of antagonism and alienation and provides for a peaceful community that privileges one's neighbor as an individual and therefore strengthens the community as a composite of unique individuals.⁷⁹

The above is a general approach in relation to the legal community. I am addressing the more specific question of what the law of love looks like in terms of regulating the public expression and debate of faith perspectives in a religious freedom context. Fundamentally, the law of love approach seeks to create a harmonious space where a person can freely express, debate, and choose faith perspectives without being subject to state, community, or individual antagonism and alienation (violence). There should not be arbitrary legal or political constraints on the expression of perspectives. Charity (love) or “doing good” requires something going beyond boundaries or precedents; it requires something “creative.”⁸⁰ As Milbank exhorts, “to act charitably we must break through the existing representation of what is our duty towards our neighbour and towards God,” and “break through the bounds of duty which ‘technically’ pre-defines its prescribed performance.”⁸¹

74 Milbank, “Paul against Biopolitics,” 53.

75 Romans 13:9 (unless otherwise indicated, English Standard Version is used).

76 Romans 13:10.

77 Deagon, *From Violence to Peace*, 7.

78 Augustine, *City of God*, 873; see also Deagon, “Rendering to Caesar and God.”

79 Deagon, *From Violence to Peace*, 8–9.

80 John Milbank, *The Word Made Strange: Theology, Language, Culture* (Oxford: Blackwell, 1997), 134.

81 Milbank, *Word Made Strange*, 134. See Deagon, *From Violence to Peace*, 188–93.

In particular, we need to go beyond mere legal duty (for example, to just avoid hate speech, blasphemy, or vilification) and selfish interest (the aggressive pursuit of our own agenda without due consideration for alternative views, or the prideful need to be seen as right), desiring to truly act with humility, love, and sacrifice as Christ did in humbling himself to death on a cross for our forgiveness:

Do nothing from selfish ambition or conceit, but in humility count others more significant than yourselves. Let each of you look not only to his own interests, but also to the interests of others. Have this mind among yourselves, which is yours in Christ Jesus, who, though he was in the form of God, did not count equality with God a thing to be grasped, but emptied himself, by taking the form of a servant, being born in the likeness of men. And being found in human form, he humbled himself by becoming obedient to the point of death, even death on a cross.⁸²

In this practical sense love of neighbor means properly listening and engaging rather than judging, interpreting expressed views charitably and asking questions to clarify and learn rather than assuming or misrepresenting the views of others, and not engaging in malicious or contemptuous conduct. Love of neighbor in political discourse eschews “anger, wrath, malice, slander” and lying, and pursues “kindness, humility, meekness and patience” with honesty, forbearance, compassion, and forgiveness.⁸³ Most importantly, perspectives should be adopted by means of peaceful persuasion rather than coercion. A public discourse regulated by the law of love may be manifested as the substantive (fully inclusive) and harmonious coexistence of different theological perspectives of varying electability and desirability, with freedom to choose any particular perspective.

Love Attracts: The Desirability of Christianity

The proposal for sacrifice, trust, and humility to characterize public discourse might be viewed as problematic due to the unscrupulous. What if people selfishly take advantage of the humility and sacrifice offered? Paradoxically obvious yet strange, the Christian answer is located in the crucifixion of Christ, who voluntarily allowed himself to be taken advantage of as part of his act of sacrifice.⁸⁴ As Milbank observes,

[m]ost forms of persuasion (and if we eschew violence, but still want to encourage virtue, only persuasion is left) are thoroughly coercive. We need in consequence to find a language of peace, and this is presumably why we point to *one* drama of sacrifice in particular. Truth and persuasion are circularly related. We should only be convinced by rhetoric where it persuades us of the truth, but on the other hand truth *is* what is persuasive, namely what attracts and does not compel. And Christians only see this *entire* attraction in the figure on the cross, a specific and compelling refusal to return evil for evil.⁸⁵

So truth is most effectively revealed and people most ably persuaded by what attracts, namely Christ’s refusal of violence that draws people to the peace of Christianity. Jesus himself said “when I am lifted up from the earth, [I] will draw all people to myself,” and he “said this to show by what kind of death he was going to die.”⁸⁶ There is something irresistible (in the sense

82 Philippians 2:3–8.

83 See Colossians 3:8–9, 12–13.

84 See Deagon, *From Violence to Peace*, 127–32.

85 Milbank, *Word Made Strange*, 250.

86 John 12:32–33.

of peaceful persuasion) about the steadfast maintenance of humility, love, trust, and sacrifice even in the midst of the most horrific mistreatment. Jesus cried out, “Father, forgive them! For they know not what they do”; he called upon the Father to forgive the ones who were at that moment crucifying him.⁸⁷ The answer to the question posed is, therefore, indicative of the radical and paradoxical nature of Christianity. The Christian response to people taking advantage of humility, sacrifice, trust, and forgiveness is to continue offering that humility, sacrifice, trust, and forgiveness as the concretely instantiated revelation of Christ, the truth. As people see this truth revealed, their minds are transformed and they are peacefully persuaded to do likewise. Here resides the desirability of Christianity: the law of love reveals the nature of Christ and peacefully persuades individuals in a community to act in accordance with it, hence in Christianity truth persuades to the good without coercion. The church as persuading rather than coercing is important, for this allows the proclamation of a new political event: that of the cross, which replaces the sovereign power of the secular state with a different type of power or strategy of governance.⁸⁸

Paradoxically, the power of the cross is in its complete lack of sovereign power—Christ refuses to exert the power he possesses, instead resisting violent rule and establishing peace through service and the sacrifice of self; this in itself is far more powerful, and through Christ we can envisage the possibility of a similarly loving space for the expression of different perspectives.⁸⁹ It is not enough to simply have civil intersubjective dialogue. Because Christianity “understands all evil and violence in their negativity to be privation,” “positive differences” as “instances of the Good” must “analogically concur in a fashion which exceeds mere liberal agreement to disagree.”⁹⁰

This leads to the fundamental contrast between Christianity and liberal secularism. In articulating the choice between (liberal) secularism and Christianity, Milbank refers to the metanarrative of the two cities first identified by Augustine: the earthly city of the pagan Romans and Greeks is characterized by violence and celebrates power; the other city, the heavenly city or the “City of God,” is characterized by the good and celebrates peace.⁹¹ Even if both cities represent two different kinds of theological perspectives based in faith, the choice between the “metanarrative of the two cities” is not “ungrounded,” but Christianity may be chosen in contrast to the secular metanarrative of violence on the bases that it is a “seeing” by a truly desiring reason of the truly desirable,” and moreover that there is an “innate” human preference for peace over violence in conjunction with a “certain bias towards reason rather than unreason,” by which Milbank means the secular, “cold reason” that results in the “nihilistic vision.”⁹²

It then follows that to “choose” the Augustinian metanarrative and an Augustinian ontology of peace is also to “elect reason” . . . and yet, to save the appearances of reason in this fashion requires the supplementation of reason by true desire and by faith—including the desire for and faith in, infinite reason. By contrast, to remain with reason alone turns out to mean (as Nietzsche correctly saw) the election of unreason.⁹³

Liberal secularism is part of the metanarrative of violence through its privileging of pure reason and its violent exclusion of faith. However, since it is itself a faith perspective, its claimed reliance on pure reason is actually the election of unreason because there is no reason to believe the claim,

87 Luke 23:34.

88 Milbank, *Word Made Strange*, 251.

89 Deagon, *From Violence to Peace*, 183.

90 Milbank, *Theology and Social Theory*, 2nd ed., xvi.

91 Augustine, *City of God*.

92 Milbank, *Theology and Social Theory*, 2nd ed., xvi–xvii.

93 Milbank, *Theology and Social Theory*, 2nd ed., xvii.

and its position is therefore coercive rather than persuasive (for without reason there is no persuasion, only coercion). Only Christianity sees all perspectives as faith perspectives, yet with a faith in infinite reason such that faith perspectives are not necessarily unreasonable.

Thus, to create a space for the peaceful coexistence of faith perspectives in contrast to the traditional liberal secular approach, Christianity can be proposed as an equally selectable *mythos* (by faith), yet one that is infinitely more desirable since it embraces an ontology of peace where differences are conceived as analogically related, rather than equivocally at variance.⁹⁴ For Milbank this is the “true human *telos*, a true concrete representation of the analogical blending of difference.”⁹⁵

Milbank proposes as paradigmatic the model of the Trinity, one God as three divine persons: Father, Son and Holy Spirit; this is an “infinite relation” of love and perfect peace, since God as Trinity is both unity and “himself community”—which can therefore be a “differential ontology” or a mode of being that allows the harmonious existence of difference in a community.⁹⁶ Peace is the affirmation of Being as the harmonious ordering of difference, and violence is the denial of Being with the violent conflict or war of difference. Peace itself therefore also is beyond virtue because peace is the final end and condition in which virtue can flourish, the culmination of Being itself—or, as above, the harmonious ordering of difference.⁹⁷ Thus, this new Christian imagination of peace is more elegantly defined as “the reconciliation of virtue with difference.”⁹⁸ In this sense, Christianity can facilitate virtuous conduct in a space of difference, for the Christian multiple in the Trinity, the “infinite flow of excessive charitable (love) difference,” is in a much more genuine sense simultaneously unity, and manifests unity.⁹⁹ Christian Trinitarian social ontology promotes the peaceful expression of different faith perspectives through the unifying feature of love.

As Milbank observes, this is because “the distinctiveness of Christianity, and its point of difference with antiquity and modernity, is its reconciliation of virtue with difference.”¹⁰⁰ The antique (pagan) closure against difference (i.e. antagonism and alienation of individuals) meant it really promoted a heroic, exclusive, aristocratic freedom.¹⁰¹ Pagan ethics are therefore not really ethical, because they were not oriented towards a harmonious, relational community as an end goal. Instead, it celebrated control, force, and violence over members.¹⁰² In a similar though not identical way, modern liberal secularism rejects difference through violence. Rather than embracing faith perspectives, the liberal secular approach proclaims an exclusive monopoly over the public expression of valid perspectives that accord with pure reason. Ideologically neglecting its own status as a faith perspective, liberal secularism alienates faith perspectives from the public sphere, and is therefore not a desirable framework to promote religious freedom.

In direct contrast Christianity is the peaceful transmission of difference, or differences in a continuous harmony; an inclusive space where all perspectives are acknowledged as faith perspectives and coexist harmoniously in spite of difference such that there is freedom for a person to choose

94 Milbank, *Theology and Social Theory*, 2nd ed., 278–79.

95 Milbank, *Theology and Social Theory*, 2nd ed., 279.

96 John Milbank, “Postmodern Critical Augustinianism: A Short *Summa* in Forty-Two Responses to Unasked Questions,” in *The Postmodern God: A Theological Reader*, ed. Graham Ward (Oxford: Blackwell, 1997), 265–79, at 274.

97 Milbank, *Theology and Social Theory*, 367.

98 Milbank, *Theology and Social Theory*, 332–33.

99 Milbank, *Theology and Social Theory*, 380–81.

100 Milbank, *Theology and Social Theory*, 423.

101 Milbank, *Theology and Social Theory*, 423.

102 Milbank, *Theology and Social Theory*, 416.

their desired perspective.¹⁰³ Interactive political discourse is therefore framed as being in loving community and electing the most desirable perspective to govern human interactions. As discussed above, this approach works practically through governance by the law of love: the virtues of humility, sacrifice, forgiveness, and trust characterize the acknowledgment and expression of different faith perspectives, producing peaceful persuasion to the good through revelation.

No Place for Liberalism?

The foregoing arguments based on Milbank's work raise the important question of where the perspectives of secular liberalism might fit into this inclusive Christian space. Until very recently John Milbank himself seemed reluctant to fully engage with the arguments of secular liberalism at the level of secular liberalism, preferring a meta-critique of the secular without a consequent articulation of the implications of such a critique for secular liberalism (this is understandable given the nature of the critique, but ultimately unhelpful in responding to the specific claims of secular liberalism). He was presented with an opportunity in *Religion in a Liberal State*.¹⁰⁴ However, he spends most of his chapter recapitulating his earlier work dealing with the incoherent and dangerous sharp distinction between reason and faith, sometimes explicitly repeating exact phrases.¹⁰⁵ He eventually, though briefly, moves to consider issues specific to secular liberalism.

Milbank criticizes the Habermasian argument that "religious claims can be 'translated' into public terms" or "norms governing fair communicative discourse" on the basis that "few religious people will accept the adequacy of such translation, since it leaves the rational aspect of specifically religious content redundant and suggests that faith makes no difference at all to the human action."¹⁰⁶ He even suggests that if religious people are not encouraged to articulate their own faith-based logic in the public domain it could lead to the development of "virulently fideistic and fundamentalist forms" to actually make a difference.¹⁰⁷ Moreover, if this kind of translation occurs, it results in a loss of transcendent ethical content shared by religions and nonreligions alike (such as "solidarity").¹⁰⁸ So with some unique Milbankian flourishes, Milbank seems to largely agree with the typical critique of secular liberalism that identifies the false relegation of religion to the purely private sphere and advocates for religions to be able to put their arguments in their terms in public discourse.

More recently Milbank considered the question of religious freedom at greater length in a lecture delivered at the London School of Economics.¹⁰⁹ Milbank argued religious freedom is declining due to an increase in viewing religion as a negative phenomenon, reinforced by acts of extremism; paradoxically, religious influence is simultaneously returning for two reasons. First, the "emptying" of collective political projects for an emphasis on individualism by the secular liberal approach has created a lacuna where actively religious projects come to the fore. Second, the trans-national nature of a religious sense of purpose in conjunction with increasing globalization "can readily

103 Milbank, *Theology and Social Theory*, 422.

104 John Milbank, "What Lacks Is Feeling: Mediating Reason and Religion Today," in D'Costa et al., *Religion in a Liberal State*, 187–219.

105 Milbank, "What Lacks Is Feeling," 195–207; see also Milbank, "Hume versus Kant."

106 Milbank, "What Lacks Is Feeling," 208–09.

107 Milbank, "What Lacks Is Feeling," 208–09.

108 Milbank, "What Lacks Is Feeling," 209.

109 John Milbank, "The Decline of Religious Freedom and the Return of Religious Liberty" (paper presented at "Religion and the Public Sphere Lecture Series," London School of Economics, London, February 7, 2017), <http://www.lse.ac.uk/lse-player?id=3716>.

augment religious identity and enhance the reach of religious influence.”¹¹⁰ This results in religious freedom being seen as a more present threat and, from the liberal perspective, there is no reason to grant specifically “religious” freedom when this is just a type of human right to free speech or expression—unless religion is to be unfairly privileged by the specification. Such an approach is likely to restrict the autonomy of religious bodies and therefore religious individuals, silencing them because their public expression does not match up with the “publicly acceptable” liberal language of natural and social statistical science.¹¹¹

So Milbank poses two alternative frameworks for religious liberty, which can be specifically applied for the purposes of this article to the coexistence of different theological perspectives. “Religious toleration” is framed within a Christian context and recognizes that religious devotion must be free, and any erring must be treated with love and patience bearing in mind the imperfection of humanity resulting from the fall. This imperfection implies that we may even be able to affirm the validity and complementary nature of any (in our view) error.¹¹² Conversely, “religious rights” operates within a secular liberal framework, separating reason from faith and “disdainfully” allowing private religious faith as a function of individual autonomy.¹¹³ Though neither approach will result in perfect toleration, the second “detached” approach scarcely protects religious rights by effectively excluding religious perspectives from public discourse. “By contrast, a certain judgement of affinity on the part of a religious majority culture for a minority one permits a necessarily limited and yet much more substantively real allowance of the other religion’s existence,” and such affinity requires a Christian “religious toleration.”¹¹⁴ In this sense the Christian “religious toleration” framework is the most desirable method for facilitating the peaceful coexistence of different perspectives because it acknowledges the need for free religious devotion, which presupposes loving and patient consideration of different perspectives.

Therefore, Milbank’s view broadly aligns with that which I propose. He agrees that religious freedom is always founded on a substantive position that is religious in a broad sense, and the Christian framework offers a strong pragmatic basis for religious liberty. However, I go further by offering a principled, substantive basis for electing Christianity as a preferable framework rather than a merely pragmatic basis, and I suggest an answer to the question of where secular liberalism fits into the Christian framework. An initial reflection might say that despite different sources and assumptions, the secular and the theological can have a meaningful engagement through universal reason enlightened by God’s grace. A secular approach has a faith in objective reason, and the theological approach has faith in the God of reason. So both perspectives as faith perspectives can harmoniously interact together in principle, particularly on the condition that different perspectives are considered according to the law of love to facilitate free devotion. In short, despite the problems identified with secular liberalism, it is not and cannot be excluded in a consistent Christian framework. As I explain in the next section, liberalism is not beyond redemption, but it may coexist peacefully in the Christian space.

RELIGIOUS FREEDOM AND THE REDEMPTION OF LIBERALISM

There are at least two issues requiring further consideration in relation to the previously articulated Milbankian framework for religious freedom. The first is the one identified at the end of the last

¹¹⁰ Milbank, “Decline of Religious Freedom,” 1–4.

¹¹¹ Milbank, “Decline of Religious Freedom,” 5–8.

¹¹² Milbank, “Decline of Religious Freedom,” 15–17.

¹¹³ Milbank, “Decline of Religious Freedom,” 19.

¹¹⁴ Milbank, “Decline of Religious Freedom,” 24.

section: namely, how non-Christian perspectives such as liberal secularism are fairly and equally considered in a polity governed according to a Christian framework. A second and related issue is the limits of religious freedom in a polity governed according to a religious framework and specifically whether this framework effectively establishes Christianity as a state religion, actually undermining religious freedom. I address these important questions below, in reverse order.

The Limits of Religious Freedom: Christianity and Nonestablishment

One question is how this framework might regulate the expression of particular perspectives, especially odious or violent ones. Is there complete freedom to express all kinds of perspectives? What about perspectives that incite violence? An initial point is religious freedom is not absolute. When one considers the wide array of religious and nonreligious perspectives, and the implications for public conduct and public policy, it is clear there must be some limit.¹¹⁵ The point of dispute is not the fact there must be a limit, but where exactly that limit lies. The work of Rawls, Audi, and their interlocutors investigates precisely this question. A second point is determination of whether a particular perspective is odious or unworthy of expression is largely a moral question that is evaluated on the basis of one's own perspective. Therefore, disqualification of perspectives on such a basis would amount to privileging some perspectives over others through an evaluation of merits constructed by a particular perspective. Genuine religious freedom must allow the possibility for articulation of perspectives potentially viewed as offensive. These perspectives can then be freely evaluated by people and rejected on their merits rather than by state *fiat*.

Thus the limit cannot be based on the content of the perspective as such. Rather, the limit on religious freedom must be based on the capacity of the perspective to undermine the virtues that underpin religious freedom, particularly the ability to freely express, debate, and choose particular perspectives. If a particular perspective involves coercion to that or other perspectives, such a perspective is incompatible with religious freedom in the Christian framework. Recall the law of love as the governing principle of political discourse. The law of love has, at its foundation, revelation producing persuasion and the rejection of violence through coercion. Hence the law of love internally regulates the different perspectives comprising political discourse to manifest the refusal to engage in violence. In this way the refusal of violence prevents coercion and facilitates persuasion, or true freedom.

This argument raises a further and very powerful objection. The objection might be framed as follows. In this article I advocate for the adoption of a Christian framework to produce genuine religious freedom. However, Christianity is itself a religious perspective. Therefore, the article is effectively arguing for the establishment of Christianity as the state religion, for it is Christian doctrine (the Trinity, revelation, incarnation, the law of love) that informs and governs the political apparatus facilitating political discourse. And the establishment of a particular religion as a state religion in this way by definition undermines religious freedom because people have to engage in the Christian framework using Christian virtues to participate. Following from this, it is disingenuous to claim this framework allows religious freedom because the framework itself is a religious perspective: Christianity.

A cogent and consistent response to this objection is critical for the framework I proffer. First, it would be a mistake to conclude that I am advocating for the establishment of Christianity as a state religion, or that the framework would result in the establishment of Christianity as a state religion.

¹¹⁵ See, for example, Ahdar and Leigh, *Religious Freedom in the Liberal State*, 127.

The polity envisaged is not a theocratic society based in something like canon law. Rather, it is both the model for an ideal society and a way of living within a given society, characterized by love. The aim, ultimately, is to exist harmoniously within a community of difference.¹¹⁶ I am advocating for a Christian ontology within a state—a Christian approach that may redeem and transform conceptions of political discourse. The fact one can redeem the other implies there is still a distinction between the two—Jesus’s kingdom is not of this world, it is a heavenly peace that may be brought to the earth of political discourse to the extent that we participate in the divine being in the way explained above.¹¹⁷

The second important point to recall is the argument that all perspectives are theological. The objection as framed assumes there is some neutral perspective that can form the foundation for governance in contrast to the religious Christian perspective. Though some have claimed secular liberalism is such a perspective, it has been explained above that secular liberalism is in fact a theological perspective. In short, there is no neutral perspective and therefore this aspect of the objection loses much of its force. There must, nevertheless, be some governing perspective or framework for regulating human interactions and political discourse. The question is consequently not which perspective is neutral (for there is none), but which perspective is most desirable in the sense that it will result in true religious freedom. I contend that the answer to that question is Christianity. Without imposition of the Christian religion on others, a Christian framework uniquely allows the peaceful coexistence of difference, including different views.

As indicated earlier, the Christian perspective produces a space for political discourse that is characterized by the “fruit of the Spirit”: “love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, self-control”; for “against such things there is no law.”¹¹⁸ The Christian virtues are beyond law and yet fulfil the law by their nature, and therefore abide the desirability of peace without the violence of coercion.¹¹⁹ Manifesting this alternative framework for political discourse, governed by love beyond mere legal requirements, will persuade people there is another way to true peace and it is desirable.¹²⁰ This process can also indicate a way in which those who come from a secular perspective may be equally treated in this Christian framework, rather than existing in a space of alienation or antagonism that would perpetuate the violence we are attempting to avoid. The virtues of secular liberalism can peacefully coexist in this space of differing perspectives, and the next section outlines how. As such, there is no need to finally alienate the secular in articulating the theological.¹²¹

The desirability of Christianity is further entrenched by its unique ability to recognize and accommodate difference by peaceful rather than violent means. “Christianity . . . pursued from the outset a universalism that tried to subsume rather than merely abolish difference: Christians could remain in their many different cities, languages, and cultures, yet still belong to one eternal city ruled by Christ, in whom all ‘humanity’ was fulfilled.”¹²² Following this Augustinian aspect however, Christianity does not

¹¹⁶ Deagon, *From Violence to Peace*, 170.

¹¹⁷ Deagon, *From Violence to Peace*, 145. This affirmation of different kinds of communities and associations within the state is what Milbank calls “complex space” in contrast to the “simple space” of liberalism with a centralized state controlling individuals. See Milbank, *Word Made Strange*, 276–84.

¹¹⁸ Galatians 5:22–23.

¹¹⁹ Deagon, *From Violence to Peace*, 141, 194. See also Milbank, *Beyond Secular Order*, 228–36.

¹²⁰ Deagon, *From Violence to Peace*, 194.

¹²¹ See Deagon, *From Violence to Peace*, 145, 148.

¹²² Milbank, *Theology and Social Theory*, 2nd ed., 267–68.

imply mere mutual tolerance, far less any resignation to a regulated conflict . . . while it is open to difference . . . it also strives to make of all these differential additions a harmony . . . true community means the freedom of people and groups to be different, not just to be functions of a fixed consensus, yet at the same time it totally refuses *indifference*.¹²³

In this way, Christianity acknowledges the necessity of difference. Rather than trying to deny difference or regulate it with violence, at the ontological level Christian theology seeks a universal harmony of difference through incorporating the virtues contained in a faith united with reason, thereby enabling a community of peace at the political level.¹²⁴ Christianity can propose its own metanarrative as one option among many, yet as the most desirable one since it can instantiate peace—the harmonious ordering of difference, rather than the violent striving between differences.¹²⁵

Fundamentally, Christianity requires freedom of religion because love does not compel belief, and Christianity requires nonestablishment for the same reason. While liberal secularism could be seen as establishing the religion of secularism, Christianity does not establish religion in this context because it is a meta-legal approach that facilitates the state creating a space for the harmonious and equal existence of different beliefs, governed by the law of love and the other theological virtues. Even if one assumes Christianity is true with both temporal and eternal implications, it does not follow that Christianity must be compelled, because coerced religion is not true religion and so is impotent. It is mere externality or legalism and this is far worse than nonbelief. Thus Christianity advocates belief as persuasion through revelation, not violent coercion by law or other means.

Recent scholarship setting out the Christian pedigree of religious freedom on the basis of key theological doctrines such as intrinsic human dignity through God's creation of humans in his image, and Christ's assumption of human nature through the Incarnation, underscores this point.¹²⁶ There is insufficient space to examine this in any great detail but a brief outline will serve my purpose. It is not my task in this article to specifically set out the Christian pedigree of religious freedom, but acknowledging this historical fact is a supporting aspect of the more general normative argument for the desirability of Christian law of love as a governing framework. For example, Shah traces the development of arguments for universal religious freedom in some of the early patristic writers, including Justin Martyr, Athenagoras, Tertullian, and Lactantius. He notes Tertullian in particular advocated for religious freedom (and first coined the term "religious liberty") and in an unprecedented, universal way, claiming it is a fundamental human right or privilege of nature that people should be able to worship according to their convictions without religion being compelled.¹²⁷ Wilken agrees, and more significantly in the context of relying on the law of love, emphasizes that the ultimate source for Tertullian was the Bible. Tertullian's approach reflects the biblical view of the dignity and worth of a human being as the *Imago Dei*, clearly articulated in Genesis 1:26–27.¹²⁸

123 Milbank, *Theology and Social Theory*, 2nd ed., 268.

124 Deagon, *From Violence to Peace*, 17.

125 Deagon, *From Violence to Peace*, 67.

126 See especially Timothy Shah and Allen Hertzke, eds., *Christianity and Freedom*, vol. 1: *Historical Perspectives* (Cambridge: Cambridge University Press, 2016) and the chapters contained there. Milbank, too, addresses some of the historical Christian justifications for religious liberty in Milbank, "The Decline of Religious Freedom."

127 See Timothy Shah, "The Roots of Religious Freedom in Early Christian Thought," in Shah and Hertzke, *Christianity and Freedom*, 1:33–61.

128 See Robert Wilken, "The Christian Roots of Religious Freedom," in Shah and Hertzke, *Christianity and Freedom*, 1:62–89.

It might be objected that Christianity has also imposed itself through violence in history through the Crusades, Inquisition, and other such events. This cannot be overlooked. None of the above is to say Christianity has not been complicit in violence and coercion through political means, nor to exonerate Christianity's crimes in this respect.¹²⁹ In such a sense one could even rely dogmatically on the law of love in an ironically unloving way, particularly given the ambiguities of applying love in terms of absolute rules, defining standards and values, and the balance of rationality and emotion. The law of love in this frame could be used to justify almost anything, including to undermine religious freedom.¹³⁰

To address these objections the law of love as the foundation for religious freedom has been defined as clearly as possible to mean the harmonious coexistence of difference. Peace, patience, generosity, understanding, and forgiveness are its virtues. These virtues, informed by the Christian framework of the intrinsic dignity of the individual, imply freedom should be maximized and not undermined by violence or coercion. As mentioned above, the only criteria for restricting freedom in this context is if the particular conduct or speech somehow undermines these virtues. Furthermore, as William Cavanaugh persuasively argues, it is worth recalling the violent imposition that has regrettably occurred in the past may well be inconsistent with the essence of Christianity and represents a misappropriation of Christian theology for politically nefarious purposes such as military expansion and consolidation/centralization of state power.¹³¹ Just as any other perspective can be misused by those in power to further their own agenda without invalidating that perspective, the political misuse of Christian theology to suppress or marginalize other doctrines in other contexts is no reason to reject the orthodox political application of Christian theology as argued here, which is to fully and equally allow the free and peaceful coexistence of different perspectives.¹³² This is especially so when one bears in mind the ancient Christian origin for the concept of religious freedom for all perspectives.

Democratizing Virtue: Christianity, Liberalism, and Inclusion

I return to the issue of how this Christian framework equally includes those perspectives that are not Christian, such as secular liberalism. Is it fair, equal, and free that those who are not Christians are asked to participate in political discourse through Christian virtues? Does this not merely reinscribe the problem of alienating and subordinating other religious and nonreligious traditions by elevating Christianity? Many scholars have done work in this space of critiquing secular liberalism as political order, much of it cognizant of Milbank's critique without explicitly advocating a Christian framework as an alternative or response. Instead these broadly propose a more neutral approach that eschews institutional privileging of any perspective for the same reason they reject secularism.¹³³

129 Shah's "Roots of Religious Freedom" frankly acknowledges this.

130 See, for example, Joseph Fletcher, *Situation Ethics: The New Morality* (London: Westminster John Knox Press, 1966); Reinhold Niebuhr, *An Interpretation of Christian Ethics* (London: Westminster John Knox Press, 2013).

131 William Cavanaugh, *The Myth of Religious Violence: Secular Ideology and the Roots of Common Conflict* (Oxford: Oxford University Press, 2009).

132 See Deagon, *From Violence to Peace*, 55–57, 142–43, 176–79.

133 See, for example, William Connolly, *Why I Am Not a Secularist* (Minneapolis: University of Minnesota Press, 1999); Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford: Stanford University Press, 2003); Charles Taylor, *A Secular Age* (Harvard: Harvard University Press, 2007); Michael Warner, Jonathan VanAntwerpen, and Craig Calhoun, eds., *Varieties of Secularism in a Secular Age* (Harvard: Harvard University Press, 2010); Craig Calhoun, Mark Juergensmeyer, and Jonathan VanAntwerpen, eds.,

It is not possible to adequately address all these responses within the scope of this article. It suffices to briefly address Charles Taylor and Rowan Williams to indicate a general kind of rejoinder to such proposals. In response to his characterization that we live in a “Secular Age,” Taylor argues the solution is not the re-institutionalization of Christianity, and he is particularly anxious to avoid any codification or juridification of “charity”: the law of love.¹³⁴ When we attempt to systematize or fetishize love, rendering it as a simply intellectual process or pure reason, we lose the potency of love as feeling, as a combination of both reason and faith that motivates us to act in ways beyond logical or other externally imposed limits (such as culture, race, religion, sexual identity).¹³⁵ The law of love cannot become a law in the strict positivist sense because to do so would limit its ability to facilitate a true, harmonious coexistence of difference.

Similarly, Williams shares the critique of secular liberalism developed by Milbank and others, arguing that “programmatically” secularism is not neutral, but an ideological undermining of transcendent imagination that leaves only instrumental or functional approaches that take for granted violent “contests of power as the basic form of social relation.”¹³⁶ However, his own way forward differs from Milbank’s in that he does not advocate an explicitly Christian political framework, which he thinks would be as alienating for non-Christian religions as secularism has been for all religions. In other words, Williams looks toward a situation that moves away from the imposition of either secularism or Christianity. His reasoning is if a major problem with secular liberalism was that it alienated religious traditions by forcing them into a subordinate position in relation to it, is there not a danger that the elevation of Christianity might end up doing the same thing to non-Christian religions?

In this sense Williams advocates a “community of communities,” where the state consistently works with diverse religious groups to use their resources in the peaceful pursuit of the common good.¹³⁷ Such an approach does not eschew robust argument between competing perspectives, but the argument must be conducted in a way that accords with understanding, courtesy and respect.¹³⁸ However, this does not actually seem all that different from what I am advocating, which is the peaceful coexistence of different perspectives in the public sphere regulated by the law of love. This entails state cooperation with diverse religious groups without precluding argument between those groups about what the good entails, as long as that argument is characterized by the virtues of love such as honesty, humility, kindness, and forgiveness. Williams acknowledges that the state can “move in and out of alliance with perspectives of faith, depending on the varying and unpredictable outcomes of honest social argument, and can collaborate without anxiety with communities of faith.”¹³⁹ He even argues this framework requires a “strong theological grounding” because a common theme of religion is it is less prone to violence and coercion because it does not depend on coercive power.¹⁴⁰ To the extent this is true of Christianity as I have argued, privileging Christianity should in principle have the effect of creating a more harmonious public coexistence of diverse theological perspectives.

Rethinking Secularism (Oxford: Oxford University Press, 2011); Rowan Williams, *Faith in the Public Square* (London: Bloomsbury, 2012).

134 Taylor, *A Secular Age*, 737–42.

135 Taylor, 737–38, 742.

136 See Williams, *Faith in the Public Square*, 14–15.

137 Williams, 3.

138 Williams, 4.

139 Williams, 33.

140 Williams, 4.

Yet the danger of institutionally codifying and privileging the Christian law of love (that it will alienate other religions by imposing legal limits) identified by Taylor and Williams is one that should not be underestimated.¹⁴¹ In one sense this is broadly addressed above. The article is not advocating official establishment or institutionalization in a theocratic sense. But, as Milbank notes (and Taylor acknowledges), some form of codification or institutionalization is necessary for practical effectiveness.¹⁴² A possible solution is the law of love can be privileged without the state officializing or institutionalizing it. It can be implemented by inculcating and democratizing the practice of virtue, as will be outlined more fully below. This allows the law of love to be instantiated in political practice without being legally established, and avoids the twin problems of codifying (that is, limiting) charity and alienating non-Christian views.

In short, promotion of the theological virtues in Christianity does not restrict or alienate those who do not subscribe to the Christian perspective. True promotion of the theological virtues actually necessarily incorporates and redeems the virtues of secular liberalism. This paradox may be illustrated in the legal context through the law of love itself. The law of love is paradoxically both a commandment of the law and obedience to that commandment—love of God and of neighbor is commanded as the greatest commandment of the law by Christ, and Christ also says that if you love him you will obey his commandments.¹⁴³ So divine love both presupposes and is the necessary condition for obedience and the law. This paradox of law and love also points the way to how the law of love may prove to be a foundation for legal community: it simultaneously fulfils the requirements of law by obeying the commandments since love does no wrong to a neighbor, and reflexively transcends the law by producing its own obedience. By contrast, merely requiring obedience to law in the form of secular rules or commandments posited by an authority inevitably leads to violence through transgression, for the law requires a standard that can never be attained by natural means. As mentioned earlier, this is the problem of juridification.¹⁴⁴

The parallel is displayed in this: as we have seen, secular liberalism produces violence by proclaiming nonreligious neutrality, freedom, and equality while simultaneously promoting and enforcing a non-neutral quasi-religious perspective, undermining freedom and equality. Secular liberalism therefore holds out a standard it can never attain by its very nature. Conversely and paradoxically, the theological law of love fulfils the liberal virtues of religious freedom, neutrality, and equality in conjunction with the Christian virtues of faith, hope, love, humility, and sacrifice by transcending them and acknowledging that all perspectives, including Christianity and secular liberalism, are non-neutral theological perspectives that can be equally articulated and freely chosen. If the liberal virtues of equality, tolerance, and respect for difference are distorted forms of Christian virtues, that indicates the liberal virtues can be redeemed, removed from their secular framework, and (re)placed into their proper theological framework in a way that paradoxically enhances both their Christian and liberal nature. This is consistent with Hyman: “modern liberalism has played a positive role in the unfolding of Christian truth in bringing to light elements of the Christian ethical tradition that had previously, for whatever reason, been obscured.”¹⁴⁵

¹⁴¹ See Deagon, *From Violence to Peace*, 187; Deagon, “Symbiosis,” 608–09; Deagon, “Rendering to Caesar.”

¹⁴² John Milbank, “A Closer Walk on the Wild Side: Some Comments on Charles Taylor’s *A Secular Age*,” *Studies in Christian Ethics* 22, no. 1 (2009): 89–104, at 103. See also Taylor, *A Secular Age*, 743.

¹⁴³ Matthew 22:34–39; John 14:15.

¹⁴⁴ See Deagon, *From Violence to Peace*, 187; Deagon, “Symbiosis,” 608–09; Deagon, “Rendering to Caesar.”

¹⁴⁵ Hyman, “Postmodern Theology and Modern Liberalism,” 470. This also strengthens the claim made above in relation to the imposition of Christianity through violence. The contingent development of enlightenment liberalism out of Christianity actually privileged ultimately Christian virtues obscured in medieval Christianity.

A redeemed liberalism can become part of or even facilitate a theologically grounded public political discourse, and this is also consistent with Milbank's own thoughts. Indeed, in the preface to the second edition of *Theology and Social Theory*, Milbank acknowledges the debt an honest Christian theology must pay to the liberal insight:

The careful reader will realize that throughout the book the attitude towards "secular reason" is never as negative as it appears to be on the surface. For it is viewed not as what it primarily proclaims itself to be, namely the secular, but rather as disguised heterodoxy of various stripes, as a revived paganism and as a religious nihilism. In each case my attitude cannot be simply oppositional, since I regard Catholic Christianity as fulfilling the best pagan impulses It follows that there remains truth in all these distortions and even that . . . the [liberal] distortions develop better certain aspects of orthodoxy which orthodoxy must then later recoup.¹⁴⁶

In fact, Christianity had already created the framework for the modern liberal separation of religion from other disciplines (secularism) through its separation of spirit or divinity from law. The affirmation of the secular therefore did not require emancipation from the religious, and the secular liberal conception of religious freedom is just a more emphatic consequence of this exaggerated separation. It is then possible to "align one's loyalties both to modern liberalism and to Christianity," for as modern liberalism correctly emphasizes the importance of reason and the distinction between reason and revelation, so Christianity provides the background that indicates immanent (modern, liberal) political structures point towards the transcendent and are informed by eternal virtues.¹⁴⁷

Furthermore, the promotion of Christian virtue as governing political discourse does not alienate or restrict the freedom of those who are not Christians. Such virtues (humility, kindness, sacrifice, forgiveness, love, and the like) are universally desirable and universally achievable regardless of one's particular perspective. Rather than Christianity undermining religious freedom in a democracy, it ensures it by promoting practices that facilitate genuine religious freedom and genuine democracy—fundamentally, the refusal of coercive violence and the use of peaceful persuasion. Milbank calls this the "democratisation of virtue," where "the most important human goods are in principle achievable by all," which "is itself also a Christian legacy."¹⁴⁸ Milbank argues "that the viability of democracy itself depends upon a continued constitutional commitment to 'mixed government,'" which is a blend of "the life and implicit wisdom of the social many with the guidance of the virtuously rational few and the unifying artifice of the personal one, under the orientation of all to the transcendent Good and final vision of the Godhead."¹⁴⁹ Moreover, the "Christian democratisation of virtue as charity [love] implies a transfigured version of mixed government that newly promotes the creative flourishing of all and the combined shaping of an earthly city that might remotely image the eternal."¹⁵⁰

In other words, genuine democracy entailing true religious freedom promotes the individual and communal good so that the earthly polity might echo the eternal one. Such democracy is premised upon the universal practice of virtue, particularly love, which peacefully persuades the community to the good. As Milbank later clarifies, "virtue is democratic because its practice is open to all, especially the supreme virtues of love, trust, hope, mercy, kindness, forgiveness, and reconciliation,

¹⁴⁶ Milbank, *Theology and Social Theory*, xiv–xv.

¹⁴⁷ Milbank, *Beyond Secular Order*, 115–16.

¹⁴⁸ Milbank, *Beyond Secular Order*, 264.

¹⁴⁹ Milbank, *Beyond Secular Order*, 10.

¹⁵⁰ Milbank, *Beyond Secular Order*, 10.

which we have all in the West, whether avowedly Christians or not, inherited from the teachings of the Bible.”¹⁵¹

Therefore the better approach is not a subjective right to religious freedom that can be asserted at the expense of another, but a loving community of expression grounded in virtue that will produce religious freedom through peace rather than violence.¹⁵² This is a politics of virtue that eschews selfish, Machiavellian modes of discourse in favor of charity, humility, and sacrifice. We need to act with “more receptive gratitude, more communicated generosity, and in such a way that in turn opens up the possibility of trust and further self-giving on the part of others. . . . Deeds must be publicly enacted and *offered*, and the highest outcome of virtuous practice is the reciprocal giving that is friendship, upon which . . . the human city is founded.”¹⁵³ “Thus politics is a shared demand for a manifest mutual recognition and regard, since justice and friendship are co-original and inseparable,” and the politics of virtue is then really a superfluous phrase—to act virtuously is really to truly act politically.¹⁵⁴ So, just as love does not dispense with the law but rather fulfils it, so the redeemed liberalism does not categorically reject liberalism but recoups its better aspects to facilitate a more loving, virtuous, and peaceful democratic community, and specifically a more loving and virtuous democratic discourse around religious freedom.

“AND THE DESIRE OF ALL NATIONS SHALL COME”¹⁵⁵

Christianity is not a neutral approach to regulating religious freedom and the expression of religious perspectives. But it has never claimed to be. Christianity is a theological approach but in this context is not theocratic or an attempt to establish Christianity or a state religion. I am not advocating for divine kingship or the rule of God in the political sphere in terms of authority in the way that, for example, Oliver O’Donovan does.¹⁵⁶

However, it is not sufficient to simply assert in response that Christianity is not fit for the task because of its partisan nature. Indeed, as I have shown, secular liberalism too is not a neutral approach even when its proponents say it is. There is no neutral approach, for all approaches are burdened by metaphysical and theological assumptions. The question must then move from neutrality, which is impossible, to desirability. I have argued that secular liberalism is not in itself desirable because it does not acknowledge the fact it is merely a faith perspective, and actually rejects expressions of faith in political discourse. Secular liberalism’s rejection of faith, including any faith in ultimate reason, actually renders itself as unreason. Thus, it has no option but to enforce its version of orthodoxy through violence and coercion.

Conversely, Christianity is an eminently desirable and appropriate framework for religious freedom and the regulation of different perspectives because its method of governance is informed by the sacrificial love of Christ:

151 Milbank and Pabst, *Politics of Virtue*, 7.

152 Milbank, “Against Human Rights,” 232–34.

153 Milbank and Pabst, *Politics of Virtue*, 6–7.

154 Milbank and Pabst, *Politics of Virtue*, 7.

155 Haggai 2:7 (King James Version).

156 Oliver O’Donovan, *The Desire of the Nations: Rediscovering the Roots of Political Theology* (Cambridge: Cambridge University Press, 1996).

Love is patient and kind; love does not envy or boast; it is not arrogant or rude. It does not insist on its own way; it is not irritable or resentful; it does not rejoice at wrongdoing, but rejoices with the truth. Love bears all things, believes all things, hopes all things, endures all things. Love never fails.¹⁵⁷

This rule of Christ as gift, or governance through the law of love, is the desire of all nations for a harmonious community. Christianity is more desirable because it regulates by peace rather than violence. Christianity is honest in acknowledging that it is a faith perspective (while simultaneously exposing the hypocrisy of perspectives equally theological but less forthcoming), though it is actually rational because of its faith in ultimate divine reason. Thus, Christianity peacefully persuades through revelation, particularly the revelation of truth in Christ: the law of love.

Peaceful persuasion by revelation through the law of love necessarily entails religious freedom, which is the ability to choose between different faith perspectives of varying electability and desirability existing in a harmonious, noncoercive space. The law of love, consisting of the Christian virtues such as honesty, kindness, humility, sacrifice, and forgiveness, creates and regulates this harmonious space for substantive existence and discussion of differing perspectives. These virtues are Christian in foundation but can be universally practiced or democratized, and in this way Christianity does not exclude non-Christian perspectives. For example, Christianity recognizes and redeems the important contributions of secular liberalism by fulfilling and transcending the liberal virtues of freedom and equality. Therefore, Christianity enables a redeemed liberalism through love and is the most desirable framework for genuine religious freedom.

157 1 Corinthians 13:4–8.