

RESPONSES

WHOSE LIBERALISM, WHICH CHRISTIANITY?

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INTRODUCTION

The papers in this intriguing Symposium all face the perplexing challenge of negotiating a way through the thicket of divergent definitions of both “liberalism” and “Christianity.” At a time when “Christianity” is thought to be, for some, fundamentally at odds with “liberalism,” or for others, liberalism’s enthusiastic cheerleader, we cannot avoid delving into the finer grain of these complex traditions. The clarificatory challenge in regard to “liberalism” has been lent greater urgency of late because of the comprehensive nature of assaults on “liberalism” by, especially, Catholic integralism. Christians who seek at least partially to defend liberalism against such assaults (as I do) then also inevitably run into the question of what form(s) of Christianity they think is most serviceable to that task. My response explores some elements of these challenges.

I. WHOSE LIBERALISM?

In pursuing the task of clarifying the form(s) of liberalism they seek to defend, some contributors either propose or imply a broad distinction between what Andrew Koppelman calls liberalism as “philosophy”¹ and liberalism as “political practice.”² I will organize my

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1 Andrew Koppelman, “*It Is Tash Whom He Serves*”: *Deneen and Vermeule on Liberalism*, 98 NOTRE DAME L. REV. 1525, 1531 n.40 (2023) (citing PATRICK DENEEN, *WHY LIBERALISM FAILED* 21 (paperback ed. 2019)). He also distinguishes “liberal theories” and “liberal societies,” with the same intent.

2 *Id.* at 1531 (citing EDMUND FAWCETT, *LIBERALISM: THE LIFE OF AN IDEA* 1–2 (2d ed. 2018)).

response around this distinction. Melissa Moschella, for example, distinguishes a package of “liberal” political institutions” from liberal philosophy, arguing that the former can be better defended by “New Natural Law” (NNL) arguments than by liberal philosophy.³ She is critical of Catholic integralism but equally of “contemporary progressive forms of liberalism” that deploy governmental coercion to compel adherence to its new “orthodoxies,” for example on sexual and gender identity.⁴ A natural law liberalism can resist the capacious demands of both Catholic integralism and “progressive integralism,” and defend a package of liberal practices she sums up as “limited government.”⁵

To the same end, Steven D. Smith draws up a list of widely endorsed features of “minimalist” liberalism,⁶ which he distinguishes from more contested philosophical ideas that are a product of secular modernity—whether the broader worldview of “exclusive humanism”⁷ or the narrower “progressivist” idea of equality.⁸ He argues that some elements of minimalist liberalism can be agreed upon by adherents of different philosophical or theological paradigms: liberal “concepts can diverge without being in practical conflict.”⁹ So (to use my own example), different people might affirm divergent Kantian or Thomistic conceptions of the “rule of law” or “equal dignity,” while agreeing on particular constitutional norms embedding the rule of law, or on a legal code of equal, dignity-protecting individual rights.

Paul Billingham’s purview is at first sight narrower, focusing on debates over public reason liberalism, which is only one contemporary strand within the family of modern liberal philosophies (and one which claims not to presuppose a comprehensive liberal philosophy).¹⁰ The distinction I am drawing is less pronounced in his piece. Yet within those debates, he distinguishes between public-reason, or

3 Melissa Moschella, *Natural Law, Parental Rights, and the Defense of “Liberal” Limits on Government: An Analysis of the Mortara Case and Its Contemporary Parallels*, 98 NOTRE DAME L. REV. 1559, 1563 (2023).

4 *Id.* at 1561, 1562–63.

5 *Id.* at 1592–93.

6 Steven D. Smith, *Christians and/as Liberals?*, 98 NOTRE DAME L. REV. 1497, 1504 (2023).

7 *Id.* (quoting CHARLES TAYLOR, *A SECULAR AGE* 19–20 (2007)).

8 *Id.* at 1516. Minimal liberalism is “a project for achieving peace amidst religious and cultural diversity, on the basis of a strategy emphasizing respect for individuals and individual autonomy, governmental detachment from religion and other important normative questions, and a separation of public and private spheres.” *Id.* at 1506.

9 *Id.* at 1512.

10 Paul Billingham, *Religious Political Arguments, Accessibility, and Democratic Deliberation*, 98 NOTRE DAME L. REV. 1595, 1596 (2023).

“justificatory,” liberalism’s theory of legitimacy, in which the demand for, and criteria of, the rational justification of coercive laws are central, and debates emerging from theories of deliberative democracy concerning the practice of deliberation.¹¹ Billingham argues that religious voices, whether or not they pass justificatory liberalism’s stringent “accessibility” test, can still be sufficiently “intelligible” to enhance the actual conduct of deliberation in liberal democracy, and so ought to be admitted, indeed constructively engaged with.¹² His presentation of two studies of actual Christian political arguments is in itself a welcome exercise in public reason liberalism, many of whose advocates still rely on caricatures of religious reasoning, often some crass form of “divine command” (“God tells you not to do X”—an instruction pretty easily shown to be “inaccessible” to nonbelievers).¹³ He shows that religious reasoning can be subtle, informative and intelligible, and argues that such contributions can improve the overall quality of the “system of deliberation” in a democracy.¹⁴ Contrary to certain liberal expectations, then, religious voices can strengthen the democratic forums of what I’m calling “liberalism as practice.” Integralists (by implication) misrepresent liberalism by suggesting that it harbors an inherent antireligious, and antidemocratic, bias. Billingham offers a plausible rendition of “inclusivist” liberalism that escapes such charges.¹⁵

Brandon Paradise and Fr. Sergey Trostyanskiy also operate with a variant of this distinction, also to defend a certain understanding of liberalism.¹⁶ Liberalism’s “basic elements” (free exchange, representative government and equal individual rights)¹⁷ are contrasted with its “more foundational metaphysical . . . assumptions,” namely “autonomy/self-sufficiency, dignity, and (general) freedom.”¹⁸ Yet the former, they claim, cannot escape being implicated in the latter.¹⁹ Contra liberal neutralists, all liberal commitments are grounded in a particular modern philosophical anthropology that undergirds and frames

11 *Id.* at 1615–16.

12 *Id.* at 1607.

13 *Id.* at 1609.

14 *Id.* at 1617.

15 *Id.* at 1620–21.

16 Brandon Paradise & Sergey Trostyanskiy, *Liberalism and Orthodoxy: A Search for Mutual Apprehension*, 98 NOTRE DAME L. REV. 1657, 1658 (2023).

17 *Id.* at 1668.

18 *Id.* at 1664.

19 *Id.* at 1665–66.

them.²⁰ Liberalism is, then, not only an “ethical doctrine” but is undergirded by a “metaphysical” vision and, at a deeper level, by “faith” in a utopian eschatology.²¹ This vision seeks embodiment in “concrete intentional associations” (principally, it seems, the state) expressive of freedom and equality.²² I’ll suggest later that the political theology they commend turns out to be not so much a defense of liberalism as a distinctively Orthodox version of integralism.

Although these authors operate with different variants of the philosophy/practice distinction, the first four at least can all be read as seeking to defend liberalism as practice, in whole or in part, against the high-octane, sweeping denunciations of “liberalism” issued by integralists. Integralists, they note, depict liberalism as driven by an overriding ideological commitment to something like a radically subjectivist and individualist conception of autonomy (“complete self-authorship,” as Kathleen A. Brady puts it),²³ the supposed “necessary logic” of which inevitably corrupts and undermines central features of liberalism as practice;²⁴ liberalism so understood is bound to self-destruct.²⁵ Defenders of liberalism challenge the inevitability of that implosion and attribute whatever failings liberalism may have to other causes, such as what Smith calls inherent “vulnerabilities” of liberalism, yet ones to which it need not necessarily succumb.²⁶

20 *Id.*

21 *Id.* at 1665–66.

22 *Id.* at 1665. It’s not clear whether the authors have nonstate associations also in view here. Given their concern to display the economic commitments of liberalism, one might have expected the capitalist business enterprise to be cited as a classic example of a “liberal” association. Or are these, perhaps together with other “liberal” associations, somehow seen as parts of the state? Thus “liberalism’s aspiration of eliminating arbitrary inequality as an eschatological ideal is accompanied by a set of practical political, economic and legal instruments intended to facilitate the realization of liberal ideals.” *Id.* at 1666. Presumably such instruments are pursuant to the “basic elements” of free exchange, representation, and rights.

23 Kathleen A. Brady, *Catholic Liberalism and the Liberal Tradition*, 98 NOTRE DAME L. REV. 1469, 1475 (2023).

24 The term is Koppelman’s, who like other authors justifiably laments the “caricatur[e]” of liberalism presented by Catholic integralists. Koppelman, *supra* note 1, at 1526. Equally, however, Deneen might be justified in charging him with caricature when he writes: “What seems most important to [Deneen]—aside from the quack economic remedies of high tariffs and restrictions on immigration—is that the state withdraw recognition and protection from LGBT people . . . LGBT people *must* be marginalized if America is to achieve the moral transformation he hopes for.” *Id.* at 1555.

25 *Id.* at 1528.

26 Smith, *supra* note 6, at 1507–08.

I broadly concur with Brady's judgement that "today's Christian critiques of liberalism raise some valid concerns, but they are not fatal in the way that liberalism's detractors think."²⁷ I think a substantial suite of, at least, liberal *practices* can be defended without ineliminably relying on these contestable philosophical groundings of liberalism. Some package of liberal practices can be distinguished, and saved from, the more subversive currents of secular modernity that have penetrated into influential streams of liberalism; and liberalism might be differently grounded philosophically by different adherents. The plausibility of the distinction is critical to the attempt to defend, retrieve, or refund liberalism as practice in the face of its integralist detractors. For if liberalism and all its works are indeed merely the seamless outflow of such a (post-)modernist philosophy of boundless autonomy, defending it becomes a much more demanding task—which, I note, no contributor here takes on. And if integralists are right about liberalism, no Christian can consistently be a liberal. But the success, or at least the scope and method, of this defensive enterprise hang critically, of course, on how precisely the distinction between "practice" and "philosophy" is drawn, and here there remains work to do.

A. *Liberalism as Philosophy*

Many would accept that liberalism is grounded by many of its (intellectual) adherents in a particular moral and political philosophy.²⁸ There are deeply divergent versions of that philosophy, indebted to thinkers as different as Locke, Rousseau, Kant, Constant, Bentham, J.S. Mill,²⁹ Hobhouse, Hayek, Rawls, etc. For some contributors, the debt, if more remote, is instead (or as well) to Augustine (Smith) or Thomas (or, at least, to contemporary renditions of Thomism in NNL theory (Moschella) or in the social teachings of Vatican II (Brady)).³⁰ Others might add Protestant thinkers to this roster of protoliberal Christian thinkers.³¹ Given that these canonical thinkers or schools not only propose philosophical foundations for liberalism but also trace out the

27 Brady, *supra* note 23, at 1479.

28 Or comprehensive doctrine, or philosophical anthropology, or worldview; those distinctions may be consequential, but I won't pursue them here.

29 Some accentuating his utilitarian, others his Romantic, influences.

30 See also CHRISTOPHER WOLFE, *NATURAL LAW LIBERALISM* (2006).

31 See JOHN WITTE, JR., *THE REFORMATION OF RIGHTS: LAW, RELIGION, AND HUMAN RIGHTS IN EARLY MODERN CALVINISM* (2007); JONATHAN CHAPLIN, *HERMAN DOOYEWEERD: CHRISTIAN PHILOSOPHER OF STATE AND CIVIL SOCIETY* (2011); OLIVER O'DONOVAN, *THE DESIRE OF THE NATIONS: REDISCOVERING THE ROOTS OF POLITICAL THEOLOGY* (1996).

implications of those foundations for liberalism as practice, we might expect that their accounts of the latter are going to reflect those foundations, blurring any bright line between the two. Paradise and Trostyanskiy go so far as to suggest that all attempts to “dissociate liberalism from metaphysics” have failed.³² If it were to turn out that we can’t even distinguish liberal *practices* from metaphysics, the defensive operation might be doomed. I will not be drawing such a pessimistic conclusion.

B. *Liberalism as Practice*

At the risk of a forced merger of contrasting positions, I observe that various contributors seem to embrace within this category three mutually constituting or supporting elements that can usefully be distinguished: a suite of *institutions* or political structures; a package of *individual rights and freedoms*; and, for some, the political or constitutional *principles* immediately undergirding these two. (Moschella includes only institutions and rights, naming the cluster of elements identified as “limited government.”³³ By contrast, Smith includes principles in his cluster.³⁴)

Among the *institutions* cited are, variously: limited, accountable and representative government; the rule of law; a broadly free market economy; an array of robust voluntary associations; the jurisdictional separation of church and state.³⁵ As Smith notes, the latter implies governmental “neutrality” towards or “detachment” from religion.³⁶

The *individual rights and freedoms* cited are for the most part the standard set of civil and political rights defended by liberals, including rights of conscience, but also, for some, the newer category of equality rights, on which more below.³⁷

32 Paradise & Trostyanskiy, *supra* note 16, at 1666.

33 Moschella, *supra* note 3, at 1563.

34 See Smith, *supra* note 6, at 1506–07.

35 See e.g., Moschella, *supra* note 3, at 1563 (“limited government,” which includes “representative government, constitutionalism, the rule of law, the protection of civil liberties, and the separation of church and state”); Smith, *supra* note 6, at 1500 (“rule of law, and probably some kind of separation of church and state”); Paradise & Trostyanskiy, *supra* note 16, at 1668 (“free exchange, representational government”).

36 Smith, *supra* note 6, at 1503. This can be construed as a confluence of a limited state and one species of associational rights.

37 See Moschella, *supra* note 3, at 1568–70; Smith, *supra* note 6, at 1500, 1502; Paradise & Trostyanskiy, *supra* note 16, at 1670–72.

Among the political or constitutional *principles* operative in various authors are: the “individual as the locus of value”;³⁸ the protection of individual liberty as the primary political goal;³⁹ the equal worth and dignity of individuals;⁴⁰ by implication, justice as including the adjudication of equal individual rights;⁴¹ and the recognition of a distinction between public and private realms.⁴²

We can observe that these features of liberalism as practice can be interpreted, weighted and ranked differently.⁴³ Yet the authors assume that the “philosophy v. practice” distinction is at least clear enough for the purposes of defending liberalism as practice against its integralist detractors. An immediate question is whether the “principles” listed by Smith as components of liberalism as practice after all belong better in the category of liberalism as philosophy.⁴⁴ But that question can be subsumed under the larger one, namely whether the two categories can after all be separated with sufficient clarity such that the force of the integralist critique is blunted. Is the distinction robust enough to “save” liberalism as practice from integralist denunciations of liberalism as philosophy?⁴⁵

38 Smith, *supra* note 6, at 1502.

39 *Id.*

40 *Id.* at 1508–10.

41 *Id.*

42 Rawls calls these “political values” and assumes they can be defined without necessary dependence on contestable philosophical underpinnings (of the kind populating comprehensive doctrines, such as his own “Kantian constructivism”). See JOHN RAWLS, *The Idea of an Overlapping Consensus*, in COLLECTED PAPERS 421, 439 (Samuel Freeman ed., 1999); John Rawls, *Kantian Constructivism in Moral Theory*, 77 J. PHIL. 515 (1980).

43 Thus, governmental “accountability” could be secured by different models of the separation of powers. Or, economic “rights” could be arranged either so as to give default primacy to individual property rights (as in Hayek), or so as to balance such rights against a norm of distributive justice (as in Rawls). See FRIEDRICH A. HAYEK, *THE CONSTITUTION OF LIBERTY* (1960); JOHN RAWLS, *A THEORY OF JUSTICE* (1971).

44 Smith, *supra* note 6, at 1502.

45 By “enough” I mean “intellectually plausible enough”, which is a question for theorists. In political practice, “enough” means, “sufficient to secure adequately broad democratic consensus” behind key features of liberal practice (a project getting tougher by the day). Most democratic practitioners are not interested in philosophical justifications for the practices they endorse, even though they may have been unwittingly swayed by one or other such justification. Whether we should lament or rejoice over that disinterest is a question I’ll bypass here.

C. *Probing the Distinction*

Acknowledging Smith's point that, at least sometimes, liberal "concepts can diverge without being in practical conflict,"⁴⁶ I will instead probe cases where divergent philosophical concepts seem to make a real difference when we try to specify and arrange concrete components of liberalism as practice. Take three examples: the scope of individual rights, the status of associational rights, and the meaning of representation.

1. The Scope of Individual Rights

Narratives of the evolution of liberal rights in the modern world usually document the gradual recognition of successive waves of rights, including civil and political rights, social and economic rights, and race and gender equality rights.⁴⁷ But by the early twenty-first century, a new class of equality rights came to be acknowledged in liberal democracies, designed to overcome hitherto unaddressed discrimination against members of certain identity groups possessing certain "protected characteristics."⁴⁸

Many "progressive" liberals regard these equality rights simply as the natural evolution of liberal practice—as somehow implicit in earlier codes of rights and simply awaiting clarification and recognition when political conditions were propitious. Some such view is attributed by Nathan S. Chapman to Justice Brennan, whom he cites as declaring that "[t]he demands of human dignity never cease to evolve."⁴⁹ Chapman sees such evolution as exemplifying the progressive version of a secularized eschatology underpinning American civil religion.⁵⁰

46 Smith, *supra* note 6, at 1512.

47 See IAN SHAPIRO, *THE EVOLUTION OF RIGHTS IN LIBERAL THEORY* (1986).

48 The UK's Equality Act 2010 calls them "protected characteristics." Equality Act 2010, c. 15 (UK), <https://www.legislation.gov.uk/ukpga/2010/15/part/2/chapter/1> [<https://perma.cc/Z69F-9T3X>].

49 Nathan S. Chapman, "*The Arc of the Moral Universe*": *Christian Eschatology and U.S. Constitutionalism*, 98 NOTRE DAME L. REV. 1439, 1445 (2023) (quoting William J. Brennan, Jr., Assoc. Just., Sup. Ct. of the U.S., Speech to the Text and Teaching Symposium (Oct. 12, 1985), in *THE GREAT DEBATE: INTERPRETING OUR WRITTEN CONSTITUTION* 11, 11 (1986)). Which is not to say Brennan would necessarily have affirmed every subsequent instance of American rights-evolution.

50 Chapman, *supra* note 49, at 1445. Some liberals would reply that one can be a rights-evolutionist without adhering to such an eschatology.

In any event, many critics of this accumulated package of liberal rights, among whom religious critics have become prominent, hold that this latest program of rights-expansion is far from a natural evolution of liberalism as practice but is rather a departure from or a corruption of liberalism, or at least an entirely new iteration of liberalism.⁵¹ They claim it is driven by something like the new, radically individualist and subjectivist philosophy of liberalism that integralism has in its sights.⁵² Moschella critiques Catholic integralism for its un-Thomist and illiberal compromise of parental rights.⁵³ Yet she also holds that the new progressive liberalism, by placing the rights of children (in this case to assert a transgender identity) above those of parents, even to the point of permitting a child's forced removal from "nonsupportive" parents, threatens to dissolve the bonds of trust and responsibility necessary for a family to be what it is.⁵⁴ Such liberalism is, she claims, no less integralist and illiberal than its Catholic antipode.⁵⁵

Whatever we make of this significant shift in rights, it seems clear that it does amount to an example of how the expansion of legally enforceable individual rights necessarily broadens the scope of state authority and thus substantially redraws the public-private boundary. That, of course, is exactly what such progressive liberals intend—as they or their forebears, including many Christians such as Martin Luther King, Jr., did when first widening the field of rights against, for example, race discrimination.⁵⁶ Christians are by no means opposed to redrawing the public-private distinction in the light of changed circumstances, new empirical insights or moral demands; they are not committed to a minimal state. But many critics hold that the latest expansion amounts to a categorical shift in the understanding of rights.⁵⁷ In particular, it is one that threatens to undermine the

51 It is a stretch, I think, for Koppelman to claim that the "emergence of same-sex marriage is the product of Tocquevillean spontaneous self-governance if anything is." Koppelman, *supra* note 1, at 1544. There is surely something quite novel going on here.

52 See, e.g., Amy J. Sepinwall, *Tender and Taint: Money and Complicity in Entanglement Jurisprudence*, 98 NOTRE DAME L. REV. 1623 (2023). Sepinwall's paper can be read as a close case study of how rival philosophical anthropologies—liberal individualist versus Christian communitarian—have actually shaped the fine details of American complicity jurisprudence, albeit hardly in straightforward or consistent ways.

53 Moschella, *supra* note 3, at 1592–93.

54 *Id.* at 1583–92.

55 *Id.*

56 See Chapman, *supra* note 49, at 1542–43.

57 Julian Rivers claims the trend is reflective of equality as a "state-sanctioned ideology." Julian Rivers, *Is Religious Freedom Under Threat from British Equality Laws?*, 33 STUD. CHRISTIAN ETHICS 179, 188 (2020).

legitimate autonomy of nonstate institutions. Thus Moschella writes: “While they have widely divergent views of what the child’s interests or rights actually are, the Catholic integralists and their progressive counterparts are alike in denying that respect for the self-governance of sub-political communities, especially the family, is a fundamental limit on the legitimate exercise of state power.”⁵⁸ She exposes not an internal family debate over the contents of liberalism as practice, but a much deeper philosophical contest about profoundly divergent conceptions of freedom, personhood, sociality and political authority.⁵⁹

With some justification, however, Koppelman pushes back against the charge that this new phase of liberalism demands the “endless liberation” of individual wills from all constraints, or the maximum “satisfaction of the appetites.”⁶⁰ The liberalism that supports these new rights is not wedded to an “anthropological individualism” or an “opposition to nature,” he claims.⁶¹ Certainly, marital and family relationships have evolved significantly, now displaying a “new ethic,” but this is as much to do with new economic circumstances as with a radical shift of moral priorities.⁶² These new forms of relationship, he claims, continue to display strong, albeit different, mutual obligations.⁶³ They do not reveal an “atomistic” vision of society.

We should add here that many Christians, including those who identify as “conservative,” would agree that at least some of the package of legal rights and obligations now characterizing marriage and family today represent substantial moral improvements.⁶⁴ The debate over exactly what that package should contain will continue and different liberals and Christians will come down in different places in it. But while it will and must be informed by new empirical evidence (e.g., on social, developmental and educational outcomes for children parented by gay couples), it is difficult to deny that it is inescapably shot through with divergent philosophical convictions about the matters just listed. Natural law, Kantian, utilitarian, libertarian or

58 Moschella, *supra* note 3, at 1592.

59 *Id.* at 1592–93.

60 Koppelman, *supra* note 1, at 1529 (quoting ADRIAN VERMEULE, COMMON GOOD CONSTITUTIONALISM: RECOVERING THE CLASSICAL LEGAL TRADITION 48 (2022)).

61 *Id.* (quoting DENEEN, *supra* note 1, at 31).

62 *Id.* at 1544, 1544–45.

63 *Id.* at 1546–47. And they would do so more, especially among the new American working class, if only their economic conditions allowed. Koppelman makes contestable claims about the general efficacy of liberal economics which I can’t address here.

64 On changes in American family law, see JOHN WITTE, JR., CHURCH, STATE, AND FAMILY: RECONCILING TRADITIONAL TEACHINGS AND MODERN LIBERTIES (2019).

postmodern liberalisms, will push for quite different packages of individual rights in such areas. If so, it is surely salutary to put those philosophical differences on the table so that various rights-partisans are not talking past each other yet without knowing why.

2. Associational Rights

Questions also arise over the status of associational rights. Even where authors do not specifically mention these, they seem implied as an element of liberalism as practice. Typically, liberal individualists defend such rights as derivative from the individual right to associate rather than as arising from the “ontology” of an association. Associational rights, they hold, add no *sui generis* (or emergent) features to the landscape of rights but are only concatenations of the rights of individuals. That is often taken to mean, not only that individuals have a “right to exit” from associations (which they generally do), but also that the state is authorized to enforce certain rights of individuals *against* an association of which they are a member, even if that coerces an association to change its purpose.⁶⁵ As Smith notes, this can lead liberal states to follow a supposed “logic of ‘congruence’” whereby private associations are refashioned according to generalized norms (such as nondiscrimination) that may properly pertain to the state but not necessarily, or at least not preemptively, to nonstate associations.⁶⁶

But it can be argued that if certain associational rights arise from the very *telos* of the association, then associations must be recognized as *jurisgenerative* and states must by default defer to the rights thereby generated. Individual members cannot then expect to turn to the state to force the internal reconstitution of the associations they have chosen to join and remain free to leave. Rather, as long as they remain members, they must accept the intrinsic purpose that the association was established to pursue or advocate internally for it to be changed. Moschella shows that “Thomist liberals” can affirm inherent associational rights insofar as they deem at least some associations to have intrinsic purposes, purposes that are not simply conjured up *de novo* out of members’ associated wills.⁶⁷ Her example is the family (where internal advocacy for change is, admittedly, limited) but the point can

65 Courts do not, however, necessarily recognize such rights, often protecting associational autonomy. See JULIAN RIVERS, *THE LAW OF ORGANIZED RELIGIONS: BETWEEN ESTABLISHMENT AND SECULARISM* 50–71 (2010).

66 Smith, *supra* note 6, at 1506 (quoting NANCY L. ROSENBLUM, *MEMBERSHIP AND MORALS: THE PERSONAL USES OF PLURALISM IN AMERICA* 4 (1998)).

67 Moschella, *supra* note 3, at 1563.

be generalized to a broader class of associations, yielding a robustly pluralistic theory of associations.⁶⁸

I am sympathetic to Moschella's argument. But my point here is to emphasize that defining the status and scope of associational rights necessarily involves implicit appeal to underlying philosophical notions concerning the ontology of associations. It involves engaging with questions about whether, how, and how far, sociality—and the obligations, rights, expectations and capacities it brings—is constitutive of personhood and whether fulfilled personhood calls for the existence of a plurality of associational forms whose rights are not mere concessions from the state and to which the state should in the first instance defer. Among other things, this means that liberal individualists who seek to “liberalize” religious or other associations by law need to proffer plausible arguments in support of their contested associational ontology no less than their pluralist opponents do, rather than simply assuming that a default individualism needs no defense.

3. Representation and Sovereignty

Most defenders of liberalism among the contributors do or could endorse some system of “representative government” and its associated practices (universal suffrage; free and fair elections; freedom of expression; the right to associate; the absence of religious or other ideological tests on holding office; a possible right of recall; a possible right of petition; and so forth). But defending such structures of popular representation raises the question whether, and if so how, they are to be seen as expressive of some underlying commitment to “popular sovereignty.” That will evoke divergent answers yielding real differences over how to construe the practical design of such structures. It will again be difficult to confine our discourse to the more limited realm of institutions, rights and constitutional principles without stumbling upon their contested philosophical underpinnings. For example, in Thomistic political thought (and some Calvinist variants), the assertion of “popular sovereignty”—if the term is even admitted⁶⁹—means that “the people” possess the collective authority, grounded in natural law, to appoint their rulers. On some accounts it can also imply

68 See, e.g., Michael Pakaluk, *Natural Law and Civil Society*, in *ALTERNATIVE CONCEPTIONS OF CIVIL SOCIETY* 131 (Simone Chambers & Will Kymlicka eds., 2002).

69 Jacques Maritain proposed in *Man and the State* that the term “sovereignty” be abandoned because of its irretrievable association with monistic accounts of absolute state sovereignty such as those of Bodin and Hobbes. JACQUES MARITAIN, *MAN AND THE STATE* 29–40 (1951).

that they retain the “constituent power,” in certain exceptional situations, to constitute a new regime. But as Moschella shows, such authority is seen as held exclusively pursuant to the natural law purpose of the state, which is to realize the common good.⁷⁰ And “common good” is understood not (only) as what the community might happen to will but as what is good for the community, as framed by the given, objective imperatives of natural law.⁷¹ The scope of the “sovereignty” of the people is thus highly circumscribed.

By contrast, in some versions of liberal contractarianism (Rousseau’s, for example), there are no objective and prior normative constraints on what the people may legitimately will (at least, when suitably constituted so as to generate the “general will”).⁷² “Popular sovereignty” then becomes a primordial, inherently unlimited authority; we might say that only “the people” are truly *jurisgenerative*. The only constraint on the general will is unanimous consent (which, so the claim goes, because it demands such a high bar of agreement effectively serves to constrain arbitrary legislation or the repression of minorities).

These two divergent conceptions of popular sovereignty—call them the teleological and the plenary—are likely to lead to practical differences. The former will favor greater emphasis on consolidating constitutional limits on what the people’s representatives can will and on what executives can get away with, and generate more robust and extensive codes of basic rights and more effective separations of powers and systems of accountability. The latter will yield a larger role for petitions, referendums, rights of recall, party primaries, executive discretion, a more limited role for judicial review, and so forth. I say “likely” not “necessarily”: no concrete political structure emerges as an immediate result of a syllogism in which a philosophical conception of sovereignty is the major premise. But we can confidently expect an elective affinity, as amply confirmed by recent political events: “populisms” of both right and left have shown themselves determined to concede much more power to plenary acts of “the people,” and to the rulers purportedly acting “in their name,” than liberal democracies are willing to do.⁷³

70 Moschella, *supra* note 3, at 1566–67.

71 *Id.*

72 See JEAN-JACQUES ROUSSEAU, THE SOCIAL CONTRACT: OR, THE PRINCIPLES OF POLITICAL RIGHTS 34–42 (Rose M. Harrington trans., London, G.P. Putnam’s Sons 1893).

73 See CAS MUDDE & CRISTÓBAL ROVIRA KALTWASSER, POPULISM: A VERY SHORT INTRODUCTION 79–88 (2017).

In reality, since the aspiration of universal consensus is never attainable, even liberal regimes formally professing a plenary concept of popular sovereignty inevitably rely on some expression of majority will (parliamentary or popular; bare majority or supermajority; or a mere plurality, in cases of non-proportional electoral systems). Popular sovereignty then becomes the sovereignty of some such majority. But since that could easily threaten some basic civil or political rights of some citizens, or lead to damaging constitutional changes that would subvert those rights or other liberal goals (e.g., a compromise of judicial independence; executive overreach; etc.), liberal democracies impose certain preemptive constitutional constraints on what the majority is permitted to will.⁷⁴ Liberal democracy is in fact impossible to reconcile with popular sovereignty understood as unbounded plenary authority. Arguably, then, molding liberal practices too heavily around such a philosophy of sovereignty is likely to undermine them. But however much that conclusion proves true, one can hardly deny the significant impact of operative philosophies about sovereignty on the concrete design of liberal practices of representation.

I conclude from this part that the distinction between liberalism as philosophy and liberalism as practice may be blurrier than some defenders of the latter may be willing to acknowledge. Those who deploy the distinction in order to reject integralism may have more work to do than they imagined. A secondary but no less important finding is that, however much we might want to question Christian integralists' comprehensive critique of "liberalism," we may at least have something to learn from their desire to unearth the contestable philosophical commitments that may be undergirding quite concrete instances of liberalism as practice. We may disagree over what we thereby unearth. But by putting the deeper philosophical divergences between Christianities and liberalisms in a sharper light, rather than leaving them to work their impacts invisibly and so unaccountably, we may make democratic agreements over our desired liberal practices not less but more attainable.

74 One way to construe these constraints is in terms of a "natural duty of justice" theory of political obligation according to which the people, irrespective of whether they have expressly consented to political authority, are obliged to accept such authority as the necessary means to protect natural justice obligations (perhaps, the duty to respect everyone's "natural rights") to which they inescapably bound. Liberals could endorse such a theory (as, it seems, does Rawls). See JOHN HORTON, POLITICAL OBLIGATION 98–108 (1992).

II. WHICH CHRISTIANITY?

In this Part, I want to suggest that it is no less important for the quality of debates over liberal practices to identify the strengths and weaknesses of the particular strands of Christianity that might be represented in such debates. This part of my task is easier because the symposium pieces have put on full display four clearly divergent Christian readings of liberalism: modern American liberal Protestantism; “Christian liberalism” (as I’ll call it); Catholic integralism (regrettably rendered here only by its critics); and Orthodox integralism.

Tracing the first, Chapman focuses not on “liberalism” *per se* but on “constitutionalism,” but he is especially interested in how constitutionalism has been put to progressive purposes as a result of an initially postmillennial, then liberal, Protestant Christian eschatology.⁷⁵ While now largely secularized, this still sustains a faith that “[t]he arc of the moral universe is long, but it bends toward justice.”⁷⁶ He shows how under the sway of successive iterations of this vision, influential modern constitutional doctrines reflect the “doctrine of American civil religion,” which “maintains that America has a special moral destiny.”⁷⁷

On this I offer two remarks. First, insofar as this genealogical retrieval of hidden theological or philosophical visions that have generated liberal progressivist commitments can be sustained, it usefully brings to the fore just the kind of presuppositional transparency I commended earlier in regard to the grounding of liberal practices. Some secular liberals may challenge (or at least balk at) Chapman’s reading of the history of American liberalism, but if so, then they are invited to offer a more plausible reading in which other intellectual and cultural sources of progressivism are adduced. Again, a careful unearthing of the deeper wellsprings of our commitments to whatever package of

75 See Chapman, *supra* note 49, at 1440–42. In his account, eighteenth- and nineteenth-century Protestant views are cited that might be called “orthodox Protestant,” “Puritan,” or “Evangelical.” See *id.* at 1451. But (as he might agree) these streams, influential both before and after these centuries, merit treatment on their own terms as contributors to a form of liberal politics; not all of them were simply antecedents to liberal Protestantism.

76 *Id.* at 1440, 1462 n.144 (quoting Theodore Parker, *Justice*, in READINGS FROM GREAT AUTHORS 17, 18 (John Haynes Holmes, Harvey Dec Brown, Helen Edmunds Redding & Theodora Goldsmith eds., 1918)).

77 *Id.* at 1445, 1453. This doctrine is grounded in “the tradition of treating the Declaration of Independence and the Constitution as the central texts of a sacred canon and the belief that America has a special moral destiny,” *id.* at 1442, often thought due to Providence, from which has emerged the conviction that the Constitution itself incorporates a “doctrine of moral progress,” *id.* at 1462; “American civil religion powerfully influenced the incorporation of moral progressivism into constitutional law,” *id.* at 1449.

liberal practices we now favor can only enhance the prospects for democratic agreement over such practices.

Second, it is likely that the theologically liberal eschatology from which this optimistic civil religion has emerged, is now adhered to only by a vanishingly small number of American Christians (a handful of those in the rapidly shrinking mainline denominations). It has long been supplanted by more pessimistic, conservative theologies of history with low expectations of moral improvement, or by triumphalist Christian nationalist visions which stand ready to seize history by the scruff of the neck and yank it toward an authoritarian state legitimated by religion. Whether a theologically more appealing account of the possibilities of advancing justice through politics emerges—one capable of sustaining a commitment to civic democratic conversation and incremental democratic improvements over the long haul, yet resistant to utopian expectations of the arrival of the Kingdom of God—could be a key question for the future of both American liberalism and American Christianity.

“Christian liberalism” is represented from the Catholic side by Brady and Moschella.⁷⁸ The former presents a version shaped by the teachings of Vatican II in which theological claims are made explicit, the latter a>NNL variant which claims to appeal only to widely-accessible rational arguments yet is evidently consonant with such theological claims.⁷⁹ Neither fall foul of liberal Protestant utopianism. Smith offers a partially contrasting “Augustinian liberalism” which yet remains broadly compatible with the Catholic variants.⁸⁰

Brady renders official Catholic teaching as “a version of liberalism” in the sense that it prioritizes the human person, affirms freedom, equality and human rights, endorses democracy, protects religious pluralism and sees the purpose of the state as the promotion of the common good understood as the conditions for the flourishing of all persons.⁸¹ Moschella’s account of “liberal political institutions” closely tracks Brady’s rendition.⁸² Unlike Brady she offers a head-on challenge to “liberal progressivism,” although the differences here seem to be of

78 See Brady, *supra* note 23; Moschella, *supra* note 3. For a contrasting Catholic reading of liberalism, see DAVID WALSH, *THE GROWTH OF THE LIBERAL SOUL* (1997).

79 See Brady, *supra* note 23; Moschella, *supra* note 3. I leave aside the long-running debate on whether New Natural Law theory in fact implicitly relies on theological claims, or, if it does not, whether it is thereby deficient from a Christian standpoint.

80 Smith, *supra* note 6, at 1523.

81 Brady, *supra* note 23, at 1471, 1489–90.

82 Moschella, *supra* note 3, at 1564.

emphasis rather than principle.⁸³ For what it's worth, Christian liberalism is the position closest to my own, but my aim is not to cheerlead for it but to interpret its significance, on which I have two remarks.⁸⁴

First, it is important for liberals to take note of Brady's claim that integralism is eminently justified in seeking an "integration" of religion and politics, even if it is wrong about the Church's teaching about the shape of such integration.⁸⁵ There is nothing inherently illiberal or undemocratic about citizens or their political representatives adhering to a vision of politics informed by what they take to be divine revelation; Billingham's argument offers powerful support for such a view.⁸⁶ Where liberals deprecate such adherence, or seek to prevent citizens from acting politically on it, they risk fueling just the sort of integralism (or worse) they most fear. Acting on a vision of politics that "reflects the priority of God," as Brady puts it, is what progressive, as well as conservative, Christians seek to do when they campaign to bring the laws of the state into closer alignment with the demands of justice as they construe them in the light of their reading of Christian political principles.⁸⁷ Chapman shows how American progressive Christians acted pursuant to such a vision via perfectly legitimate democratic channels.⁸⁸ Post-war European Christian Democrats did the same for decades, substantially shaping the policies of several West European states, leading the charge on European integration and, as Bryan McGraw has shown, consolidating constitutional democracy in the process.⁸⁹

Second, Catholic integralism's more specific ambitions evidently do conflict with important liberal practices. On Waldstein's own definition (cited by Moschella), integralism "reject[s] the liberal separation of politics from concern with the end of human life, holds that political rule must order man to his final goal . . . [and thus that] the

83 *Id.*

84 I'd complement it with "conciliarist" insights from Anglicanism and "pluralist" insights from neo-Calvinism. But I'd disagree with Brady's flattering assumption that "while liberalism may need some corrections, it has within all its major strands the resources for these cures." See Brady, *supra* note 23, at 1479.

85 *Id.* at 1479–91.

86 Billingham, *supra* note 10, at 1602.

87 Brady, *supra* note 23, at 1480. Thus I would not, *contra* Brady, fault integralists simply for desiring that "the Church's moral teaching should inform [the state's] laws." *Id.* at 1481. The core problem, as she correctly notes, is granting the church constitutional advantage in bringing that goal about. See *id.* at 1482–84.

88 See Chapman, *supra* note 49, at 1459–62.

89 BRYAN T. MCGRAW, FAITH IN POLITICS: RELIGION AND LIBERAL DEMOCRACY 23–24 (2010).

temporal power must be subordinated to the spiritual power.”⁹⁰ Now one could even construe a vision of “political rule ordered to humanity’s final goal” as compatible with a generous form of liberalism, so long as the means whereby that ordering would be effected are compatible with the norms of constitutional democracy. The offending clause is the institutional subordination of temporal to spiritual power. Integralists want the institutional church—for most, the Roman Catholic Church—to be granted effective power to shape the constitution and laws of the state, not only via bottom-up democratic influence by Christian citizens, such as Christian campaigning groups or parties, but by being granted a privileged constitutional standing that, it seems, would set parameters around what could be democratically legislated.⁹¹ While the prospects of such an arrangement being implemented in the United States any time soon seem remote, those who adhere to some version of Christian liberalism nevertheless need to work hard, as Brady does, to rebut this integralist ambition with careful theological as well as philosophical argument, not least since secular liberal arguments seem to be cutting no ice at all.⁹²

I now turn at greater length to what I’ve called Paradise and Trostyanskiy’s “Orthodox integralism.”⁹³ At one point they seem to distance themselves from Catholic integralism, but I think the label properly applies to their account.⁹⁴ Already from my earlier summary of their position it will have seemed that reconciling it with “liberalism” would be a significant challenge. Their declared goal is to show that “Orthodoxy endorses the advancement of ideals that are today

90 Moschella, *supra* note 3, at 1562 (quoting Edmund Waldstein, *Integralism in Three Sentences*, JOSIAS (Oct. 17, 2016), <https://thejosias.com/2016/10/17/integralism-in-three-sentences/> [<https://perma.cc/JT55-85K2>]).

91 See Brady, *supra* note 23, at 1483.

92 See *id.* at 1492.

93 I do so tentatively, acknowledging my much more limited expertise in this Christian tradition than in Protestantism and Catholicism.

94 See Paradise & Trostyanskiy, *supra* note 16, at 1670–71. They suggest that “[s]ome modern conservative[s]” assert the “radical[] incompatib[ility]” of Christianity and liberalism, implying that they themselves do not. *Id.* at 1671 (first citing Adrian Vermeule, *A Christian Strategy*, FIRST THINGS (Nov. 2017) <https://www.firstthings.com/article/2017/11/a-christian-strategy> [<https://perma.cc/WTF8-J98H>]; then citing Edmund Waldstein, *An Integralist Manifesto*, FIRST THINGS (Oct. 2017) <https://www.firstthings.com/article/2017/10/an-integralist-manifesto/> [<https://perma.cc/D56H-7UBQ>]; and then citing Edmund Waldstein, Edmund Waldstein, *What Is Integralism Today?*, CHURCH LIFE J. (Oct. 31, 2018), <https://churchlifejournal.nd.edu/articles/what-is-integralism-today/> [<https://perma.cc/GE57-F6Q7>]). But their account of the two positions does appear to present them as radically incompatible at the level of principle; and they are reticent on what specific liberal practices they support.

widely associated with liberalism, namely, the protection of human dignity and the advancing of human rights and liberties.”⁹⁵ Yet they do elaborate at length on the deep incompatibilities between a liberal and an Orthodox worldview, insisting that “differences in philosophical anthropology drive differences in Orthodox and liberal understandings of the nature of evil and suffering and differences over the degree to which liberal ideals can be realized in our world.”⁹⁶ Their reading of “liberalism” as driven by a radically utopian eschatology of “self-improvement” closely tracks Catholic integralism’s,⁹⁷ which will leave many wondering whether an Orthodox account of human dignity, rights and liberties could ever be recognizably “liberal” (which is not to say it is thereby wrong). It is true that they qualify this by suggesting that the “antireligious form of liberalism is a mere and unfortunate historical contingency,” and that that a “mutual apprehension, appreciation, and, consequently, collaboration between Orthodoxy and other forms” is possible.⁹⁸ But they do not indicate what these more congenial forms of liberalism are.⁹⁹

The apparent gulf between Orthodoxy and the form of liberalism on which they dwell seems sharpest when they claim that the liberal ideals affirmed by Orthodoxy are, after all, only substantially realizable in the “society of the holy,” the church.¹⁰⁰ Liberalism does not reckon

95 *Id.* at 1657.

96 *Id.*

97 *See id.* For example:

[H]umanity’s *telos* is self-perfection by actualizing liberties, altering the fabric of being, performing creative (i.e., demiurgical) functions, and, in the interest of the social cooperation of autonomous individuals, harmonizing conflicting individual wills and the interests of individuals within society as a whole. Hence, the eschaton of a liberal human being is an association of dignified, autonomous, and free human beings whose wills are reconciled and whose actions are rational.

Id. at 1668. But many liberals will not recognize themselves in this account, claiming that there are several far more modest streams of liberal philosophy, and that most liberal practices can be defended without reliance on such a utopian eschatology. There is also a conservative stream of liberalism that has been called a “liberalism of fear.” Judith N. Shklar, *The Liberalism of Fear*, in *LIBERALISM AND THE MORAL LIFE* 21 (Nancy L. Rosenblum ed., 1989).

98 *Id.* at 1696.

99 *See id.*

100 *See id.* at 1678.

Orthodoxy may endorse liberalism’s application of the liberal ideals of freedom and equality but with the qualification that, in contrast to liberalism, for Orthodoxy realizing these ideals requires the presence of human beings undergoing the process of deification as opposed to human beings who have not begun to work out their salvation.

with the fact that fallen (“unedified”) humanity lacks the capacity to attain such goals; and although they add the important rider, “in all but partial form,” their overall depiction of human possibilities of moral improvement in the *saeculum* (outside the “society of the holy”), strikes me as unwarrantably pessimistic.¹⁰¹ It reflects, they say, an “Orthodox eschatological realism” over against liberal utopianism.¹⁰² They find “untenable the assumption that undeified human beings and current political associations possess all the necessary instruments to implement freedom, representational authority, and rights and, ultimately, reconcile the wills and equalize the egos of their members, thereby achieving harmonious coexistence.”¹⁰³ But few liberals would claim that humans and their political associations possess *all* the necessary instruments to that end or that the final result would be a *fully* harmonious existence. Most hold, however, that they possess *enough* of them to make a resolute commitment to working toward such liberal ideals morally compelling.¹⁰⁴ Catholic liberals, for example, affirm that there will often be sufficient “natural” human virtue present, or capable of being elicited, in particular societies to make such a commitment feasible irrespective of how many members are Christians.¹⁰⁵

Id. at 1670.

101 *Id.* at 1678–80, 1686.

102 *Id.* at 1680. “[I]t is possible for a human being to reach the state of being fully dignified, autonomous, and free only when the mind and the will are fully assimilated to the mind and the will of Christ,” that is, only “at the end of this age.” *Id.* “Orthodoxy traces the failure of liberal states to deliver upon the promise of universal free exchange, representational government, and equal rights to the basic unviability of building the kingdom of heaven on earth (before the second coming of Christ).” *Id.* at 1695.

103 *Id.* at 1679.

104 They claim:

Any intentional society’s foundational aim is to establish a community of minds and to reconcile the wills of its members, i.e., to secure their harmonized state. Harmony is the union of opposites and harmonically organized wills, no matter how opposite and originally conflicting, finding their balance within the whole harmonized human association.

Id. at 1688. They claim, rightly, that such harmony is unattainable in a fallen world. But in fact many political associations achieve a creditable measure of justice and peace even while disavowing such an unrealizable ideal. They also claim that “Orthodoxy does not expect full actualization of liberal ideals in history,” *id.* at 1692; but neither do most liberals.

105 See CATHLEEN KAVENY, LAW’S VIRTUES: FOSTERING AUTONOMY AND SOLIDARITY IN AMERICAN SOCIETY 3–6 (2012). Orthodoxy denies that “a mere postlapsarian human is ever fully virtuous, reasonable, good, etc. Rather, it ascribes these qualities in greater degree to those who join the society of the holy and begin the process of deification here on earth.” Paradise & Trostyskiy, *supra* note 16 at 1693. This claim would be more defensible if the history of the virtue displayed by members and leaders of so-called “Christian nations” were, shall we say, more consistently impressive.

Now some might expect this pessimistic account of unredeemed humanity to issue in a bleak picture of a secular society and state languishing in their fallenness, able to achieve little more than a minimum of social order, over against a withdrawn church cultivating holiness only among the saved. On the contrary, Paradise and Trostyanskiy also affirm the Orthodox principle of “symphonia”, which calls for close partnership between the “two societal orders” of state and church “toward the proper end of human life, which is the creation of social (i.e., economic, political, legal, etc.) conditions to protect dignity, along with the securing of individual and collective salvation.”¹⁰⁶ This implies a conception of “unitive action” in which the distinct concerns of church and state are pursued coherently and simultaneously, yielding “a symphonic unity where one voice supplements and completes the other.”¹⁰⁷ Note that this is a distinctive version of integralism: unlike in the Catholic version, there is no aspiration toward a subordination of temporal to spiritual authorities, but rather a call for a close “collaboration” between them.¹⁰⁸ On its face, this seems more compatible with liberal practices than does Catholic integralism. The following summary of their position might seem to confirm this:

Orthodoxy fully supports the aspiration of moving toward a liberal society (if we use liberal parlance to express a vision of “perfected” society) or society of the holy (if we use the Orthodox parlance to express a similar vision) that is implicit in the liberal quest for liberty, equality, autonomy, etc. The Orthodox ideal of symphonia posits that the church’s mission of cooperating with God to deify humanity aims to instantiate in human beings the virtues upon which the concrete, maximal but partial manifestation of liberal ideals depends. Consequently, liberalism and Orthodoxy can collaborate in the social sphere.¹⁰⁹

Now if this means that the task of the church is to inculcate, in its members and through spiritual means, the virtues necessary to sustain these liberal ideals, thus serving as one source of the moral energies required to cultivate responsible citizens, alongside others in a plural society, it would begin look quite like Christian liberalism. Yet the concept of “unitive action” implied in “symphonia” also seems to imply some kind of constitutional recognition of the church (the Orthodox

106 *Id.* at 1692–93.

107 *Id.* at 1695. “The proper eschatological aspirations of the church and the state find their synthesis in a unified action that weaves together the earthly and the heavenly . . .” *Id.* at 1695.

108 *Id.* at 1696.

109 *Id.* at 1695.

Church?) and, presumably, its enjoyment of a privileged political platform from which it would actually be empowered to contribute to unitive action. Since such arrangements are indeed in place in several majority Orthodox states¹¹⁰ (to which the authors make no reference), this is a reasonable presumption. And since the Orthodox Church in some of those states sometimes supports quite restrictive policies toward other churches or faiths, the presumption is a cause for concern, or at least, an invitation to reassurance on the point. Unless the precise institutional design of “unitive action” is further specified, it is difficult to assess how far Paradise and Trostyanskiy’s informative and eloquent rendition of Orthodox political theology is in fact compatible with specific liberal practices, whether on church and state or much else. Or, at least, it is unclear how much enthusiasm such a theology, with its pessimistic anthropology, and its limited expectations of civic virtue outside the church, would elicit in the defense of such practices.¹¹¹

The conclusion of this part is simply that ascertaining the compatibility between “Christianity” and “liberal practices” demands careful attention to the precise doctrinal, anthropological and ethical commitments of particular strands of Christianity (as well as their own ecclesial practices). It is no longer the case that Christianity and liberalism can be assumed to “fit each other, like hand and glove,” as Smith puts it.¹¹² On the contrary, in the face of mounting threats to liberal democracy even in the lands of its birth, Christians who seek to defend a robust suite of liberal practices, whether or not they call themselves “Christian liberals,” must redouble their commitment to developing, and widely

110 See ORTHODOX CHURCHES AND POLITICS IN SOUTHEASTERN EUROPE: NATIONALISM, CONSERVATISM, AND INTOLERANCE (Sabrina P. Ramet ed., 2019).

111 Orthodoxy also holds a theology of the “redemptive value of unjust suffering,” which is far from unique in the Christian tradition, although what it means for the prospects for political improvement is much contested. Paradise & Trostyanskiy, *supra* note 16, at 1684. While they read it to mean that suffering might be part of a “divine pedagogy,” they deny that it “entails indifference or passivity toward apparent evils, such as poverty, inequality and unfair privilege, which Orthodoxy seeks to ameliorate and address.” *Id.* at 1683–84. But it is not clear who, other than individuals and the church (through both conversion and charity), is to promote such amelioration. One might assume that, under “symphonia,” the church would be urging the state also to engage in it, as some Orthodox churches indeed do. They note that “as an expression of Christ’s call to treat all people mercifully, Orthodoxy sponsored public charities, thereby imitating God’s mercy to all, independent of merit.” *Id.* at 1687.

112 Smith, *supra* note 6, at 1497.

disseminating, compelling new theological and philosophical defenses of such practices.¹¹³

113 For one attempt at dissemination, see JONATHAN CHAPLIN, *FAITH IN DEMOCRACY: FRAMING A POLITICS OF DEEP DIVERSITY* (2021).

