

**Current theological streams informing Christian understandings
of law and ethics in relation to Islam
al-Mahdi Institute, May 2015**

1. **Romans 1:18-20** – “For what can be known about God is plain to them, because God has shown it to them. Ever since the creation of the world his eternal power and divine nature, invisible though they are, have been understood and seen through the things he has made”
Romans 13:1-7 – “Let every person be subject to the governing authorities; for there is no authority except from God, and those authorities that exist have been instituted by God.”
 - The Church living as a marginal and often persecuted minority
 - Eschatology and vocation
2. **St Augustine (356-430), *City of God*** – “So it is that the earthly city, too, which does not live by faith, aims at an earthly peace, and determines the cooperation of its citizens in giving and accepting commands so as to ensure some community of interest in the resources for this mortal life.” (Book 19, 16)
 - The doctrine of the two: yet intermingling and interacting
 - The “*saeculum*”
 - Law and governance in restraint of evil
3. **St Thomas Aquinas (1225-1275), *Summa Theologiae, On Kingship*** – “The chief and main concern of law properly so called is the plan for the common good. The planning is the business of the whole people or of their vicegerent.” (*Summa* 1a2ae.90-108) “If, then, it is natural for man to live in the society of many, it is necessary that there exist among men some means by which the group may be governed. For where there are many men together and each one is looking after his own interest, the multitude would be broken up and scattered unless there were also an agency to take care of what appertains to the commonweal...a general ruling force within the body which watches over the common good of all members.” (*Kingship*, Book 1)
 - the common good
 - reason/rationality
 - law generates some public and private virtue (between Aristotle and Augustine)
4. **Martin Luther (1483-1546), *Temporal Authority: To What Extent it Should be Obeyed*** – “it is God’s will that the temporal sword and law be used for the punishment of the wicked and the protection of the upright.”
 - “*zwei regimente*”, the distinction between the “temporal” and the “spiritual”
 - Clear distinction between Church and State, Grace and Law

- “godly prince”
 - Twofold use of law: a. political or civil – restrain wrongdoing b. theological – convict of sin and show our need of forgiveness. Decalogue abrogated as “law” in its office of judgment and condemnation but not in its capacity to show us what God requires of us
 - Natural law retained in order to critique the Church
 - Christians exist in both realms: inward dispositions and outward actions framed by dual membership
 - *but...*
- 5. John Calvin (1509-1564), *Institutes of the Christian Religion* – “to foster and maintain the external worship of God, to defend sound doctrine and the condition of the church, to adapt our conduct to human society, to form our manners to civil justice, to conciliate us to each other, to cherish common peace and tranquillity. All these I confess to be superfluous, if the kingdom of God, as it now exists within us, extinguishes the present life.” (Book 4, Chapter 20)**
- Moral law that a. challenges unrighteousness and leads to repentance (theological use) b. restrain evil for the common weal and condemn so as to guide towards God’s mercy (civil use) c. instruct the elect in sanctification (pedagogical use)
 - Integration of the two kingdoms under God’s divine grace
 - Abrogation of the Decalogue as Christ is the end of the law and justifying righteousness cannot be obtained through the law
 - Eschatology
- 6. Richard Hooker (1554-1600), *Of the Laws of Ecclesiastical Polity* – “Laws natural do always bind; laws positive not so, but only after they have been expressly and wittingly imposed.” (Book 1)**
- Natural law and reason
 - “*adiaphora*”, things indifferent
 - Common good
- 7. Alasdair MacIntyre - *After Virtue*, 1981**
- Thick and thin traditions
 - Communities of practice and virtue
 - Incommensurability of traditions
- 8. Rowan Williams and “Interactive Pluralism”, “Civil and Religious Law in England: a Religious Perspective”, 2008 - “we do not *simply* have a standoff between two rival legal systems when we discuss Islamic and British law...To recognize *Shari’a* is to recognize a *method* of jurisprudence governed by revealed texts rather than a single system.” “The role of ‘secular law’ is not the dissolution of these things [religion, custom and habit ie communities of tradition] in the name of universalism but the monitoring of such affiliations to prevent the creation of mutually isolated communities in which human liberties are seen in incompatible ways.”**

- Neville Figgis and the nation as “the community of communities”: pragmatic as opposed to procedural secularism
- Anglican syndicalism
- The provisionality of the state and the primacy of the local community
- Public recognition of aspects of sharia
- A reaction against the omnicompetent state
- “*Christian public*”
- *But...what if communities (esp. Islam) refuse the interaction? Too much tentativeness?*

9. John Milbank and “Catholic” Unity in Diversity, *Theology and Social Theory*, 1990, “Multiculturalism in Britain and the Political Identity of Europe”, 2009, “Shari’a and the True Basis of Group Rights: Islam, the West, and Liberalism”, 2010 – “if Islam were to assume a multiculturalist religious ‘equality’ with other monotheisms in Europe, this would in effect results in its superiority, because Islam’s apparently purer monotheism looks closer to the lowest common denominator of basic cultural norms and belief.” “both the desacramentalized character of Islam in general (and most of all Sunnism, and then still more Wahhabism in particular) and its one-sided indulgence of male sexuality, fits all too well into the modern world...My plea to Rowan Williams is that he should cease to (perhaps accidentally) foment confusion between postmodern, liberal pluralism and a corporatist, constitutional pluralism. It is the latter that is the real thrust of his reflections and it is amply supported by his orthodox Catholic theology.”

- The out-narration by Christian metaphysics
- Christian politics and law the only basis for freedom of religion
- The synthesis of faith and reason (cf. Pope Benedict XVI, *Regensburg Address*)
- The crisis of Islamic voluntarism
- The Qur’an’s “overabundance of legitimacy” which mitigates against devolution of power (cf. Rémi Brague, *The Law of God*)
- “*Christian culture*”
- *But...what about the failures of “Christian culture”? Too idealistic and imperialistic?*

10. Oliver O’Donovan and the Judgment of the Law, *The Desire of the Nations*, 1996, *The Ways of Judgment*, 2005 - “The Gentile mission had two frontiers, social and political. The church demanded the obedience of society, and it demanded the obedience of society’s rulers.” (TDOFTN, p. 243) “There can be no separation of law and morality; but what there can be, and is, is a sphere of individual responsibility before God in which the public good is not immediately at stake” (TDOFTN, p. 255),

- A defence of the Christian Nation/Christendom: the moment of “ascension”
- Secular modernity/democracy asserts the individual as the ultimate and tends towards consumerism and the tyranny of the many over the few
- Only monotheism undergirds civil law

- A belief in creation points to the need for a transcendent accounting of society
- Resonances and sympathies with Islam
- “Christian country”
- *But...what about the common good? What about the “grace” in secular modernity? What about the constitutional reality of plurality in Britain today?*

11. Conclusions

- Christian theological themes for law and ethics: sin, eschatology, natural law and civil law, the common good, judgment, voluntarism, metaphysics
- What do we mean by law? Civil? Moral? Natural?
- What does it mean to be a Christian country? Church, Culture, Law, Sovereign?
- The tension between Ideals and Reality, Philosophy and Theology, Proclamation and Pragmatics
- The complexity of law in both Christianity and Islam

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