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## Agape, Justice, and Law: How Might Christian Love Shape Law (Book Review)

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rooted not in the ingenuity of creaturely action but the sovereign love of God for the work of his hands. We may thank Skillen for situating our hopes in terms of this beautiful story in which everything matters, and for reminding us that our labor in the Lord—for justice, for integrity, and for peace—is never in vain.

#### Endnotes

1. J. Todd Billings, “The New View of Heaven Is Too Small,” ChristianityToday.com, Accessed December 21, 2019, <https://www.christianitytoday.com/ct/2018/february-web-only/new-view-of-heaven-too-small-resurrection-hope.html>.
2. Hans Boersma, *Seeing God: The Beatific Vision in Christian Tradition* (Grand Rapids: Eerdmans, 2018).

3. Skillen’s work in his field of political theory is truly prolific. See Bruce Wearne’s 142-page bibliography of Skillen’s work: *Public Justice for All: An Annotated Bibliography of the Works of James W. Skillen, 1967-2008*. Available at <http://www.allofliferedeemed.co.uk/Wearne/JWSBibliogFull2008.pdf>. Accessed December 20, 2020.
4. I am indebted to Richard Mouw for this way of framing things. Mouw in turn credits Henk Geertsema. Richard J. Mouw, “Neo-Calvinism and “The Catholic Imagination,”” in *Rerum Novarum: Neo-Calvinism and Roman Catholicism* (Third European Conference on Neo-Calvinism, Rome, Italy, 2014).

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*Agape, Justice, and Law: How Might Christian Love Shape Law*. Robert F. Cochran and Zachary R. Calo, eds. Cambridge: Cambridge University Press, 2017. 334 pp. ISBN 978-1-316-62690. Review by Ben Gibson, Stanford Law School student.

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“What would law be like if we organized it around the value of Christian love, and if we thought about and criticized law in terms of that value?” This question animates Robert Cochran and Zachary Calo’s edited volume of essays. It is the question that serves as the touchpoint for featured topics within the book, topics as diverse as personal injury law, immigration, Aquinas, and Augustine. It is also a question that cuts across disciplinary bounds and forces the reader to seek the answer as a student, a legal professional, and a citizen. And it is a particularly worthwhile question today, in light of the somewhat sorry state of current legal and political discourse.

The contemporary language around law and politics is defined more by power and rights than by love. As you scroll through your chosen news source, the following message is clear: law is made and shaped by those in power. The reason why there is so much concern over which justices compose a majority of the Supreme Court, what party controls each house, and who serves as the president, is a concern over power. The popular narrative is that law is not created through coalitions but through victorious tribes.

Alongside talk of power is an exaltation of rights. When you and yours are not in power, rights serve as the necessary counterbalance. The other side may be in power, but at least I have my rights: to keep and bear arms, to choice, to privacy, to equality. The list goes on. When we are worried about the powers that are over us and what they might do, our gut reaction right now is to invoke rights. But we often do so without thinking about the source of those rights and what purpose those rights should be serving.

Cochran and Calo’s edited volume cuts through these prevailing narratives about law and politics. It suggests a different animating foundation for law: self-giving love, or agape. The editors have brought together essayists from different professional backgrounds and academic subspecialties. The resulting essays aim to answer three questions: First, why should Christians even think about organizing law around agape?<sup>1</sup> Second, should law be organized around agape or not?<sup>2</sup> Finally, the question to which the largest section of essays is dedicated: what might it look like to use agape as a lens for reflecting areas of substantive law?<sup>3</sup>

The collection displays a breadth of perspec-

tives, as well as thoughtful movements between the theoretical and the practical. Several of the essays do the necessary spadework of evaluating the historical debates in Christian circles on what agape is and whether it is an appropriate aim for contemporary Christian ethics. More of the essays attempt to use the lens of agape to give Christians direction in the contemporary debates on immigration, criminal justice reform, and technology. Several essays, in particular, serve as a model for what it might look like to use the tools of Christian theology to discern what agape is and how it should impact those among us who craft, interpret, and execute the law.

Cochran begins the book, with an introductory essay, by giving a Christ-centered account of what agape is and why Christians should use agape to evaluate and critique laws. He argues that readers of the Gospel are given a multi-faceted vision of agape: it humbles and elevates; it teaches; and it meets needs. Christ has demonstrated the various ways that agape is expressed, and his ministry is proof that agape will not be expressed in exactly the same way for every situation. Agape may be feeding the five thousand, or it may be upending the traditions of the Pharisees. Throughout the rest of the essays in the collection, the authors' prescriptive suggestions for the law further demonstrate that agape is expressed in a number of ways, based on the particular social challenges faced.

According to Cochran, Christ shows us something more than the ways agape is expressed. Christ tells us about agape's metaphysical nature: it stands above the law, and the law must be subject to it. Christ did not limit his command about loving one's neighbor to acts of personal piety. Rather, that commandment extends to all human interaction. So, just as Christ critiqued the Mosaic law through the Sermon on the Mount, all Christians should evaluate the laws of contemporary nations based on the higher law of love. All Christians, whether citizens or political leaders, must grapple with whether the law adequately embodies agape.

In his essays on agape for judges, for example, Charles Mathewes uses agape to help define what the goal and aim of a judge should be. Richard Posner, former judge and legal theorist, has suggested that technical and linguistic clarity must be

the aim of the judge: every good judge must demystify the law's complexity by speaking and writing with clarity. The judge gains legitimacy through the accessibility of her speaking and writing. But Mathewes suggests that Posner's assessment falls short. He argues that the good judge must respond to a world that is defined by intellectual complexity but also by moral complexity.

Mathewes uses Augustine's eschatological understanding of love and justice as the starting point for recognizing and grappling with this moral complexity. All humans, including judges, are shaped by a tension: the limited justice that can be achieved in this world and the boundless agape we all hope for and yearn after. Thus, all judges need wisdom to balance yearning and reality. His essay serves as a helpful reminder that judges are not static individuals that execute justice and agape, but they are individuals whose vision of justice and agape is shaped by the complexity of this world, their understanding of what can be achieved now, and their understanding of what can never come to pass during the world.

However, Mathewes does not address another contemporary narrative about what makes a good judge: possessing and exercising a certain judicial philosophy. For better or worse, today's judges are primarily defined by their philosophy of interpreting the Constitution. Whether we are being pejorative or praising, we tend to think of all judges as some variant of originalists or living constitutionalists. One could imagine how Mathewes might respond to such categorizations of judges. For Mathewes, dealing with complexity—not demonstrating jurisprudential orthodoxy—is the key challenge for a judge in contemporary society. Though Mathewes' essay is not targeted at the recent wave of newly appointed federal judges, his essay provides a helpful reminder to these judges and those delighted to see them on the bench: being a judge requires more than falling on the "right" side of several hot button issues.

Lucia Silecchia's essay on elder care provides a framework for thinking about how the exercise of agape at one level of society influences the capacity of others to exercise agape. Silecchia recognizes that some version of agape will drive welfare programs for the elderly: these programs seeks to

care for those who are incapable of caring for themselves. To analyze how these programs should be structured, she looks to subsidiarity—the idea that higher associations should not take on tasks that a lower level of organization could perform—to frame her analysis of agape.

For Silecchia, the specific persons or institutions that are tasked with exercising agape, and how it is aimed, matter. For instance, government-created incentive programs have a real influence in determining where the locus of elder care takes place, whether in homes or in institutions. If Medicaid funds are available for long-term institutional care but not the occasional in-home visit by a nurse, citizens are incentivized to institutionalize the elders they care for. The issue is not simply getting the law to serve an agapic function, but explaining how it does so.

While the essays cover a wide range of substantive areas of law, the underlying message in Silecchia's essay is one that could use further expanding. In focusing primarily on *whether* the law should reflect agape in intellectual property, immigration, and corporate law, the collection of essays sheds light on *how* agape intersects with procedures and structures that underly government. Constitutional law scholars have written and thought extensively about the subject of "institutional competence": is there a part of government that is better equipped to carry out certain kinds of tasks? The question applies equally when dealing with a concept like agape. Is it the job of the executive, legislature, or judiciary to embody agape? Federal or local governments? Or should the government not be acting at all? If, as I suspect, it is appropriate for the various branches and levels of government to embrace agape at different times and in different ways, how do we choose which, when, and how?

As an example, if a legislature passes an unjust law, there are any number of ways that agape can be applied. If someone is charged with a crime, the judge interpreting and applying the law could look for ways to invalidate it under a state or national constitution. Or if someone is charged, a jury tasked with deciding the case may decide not to convict, even if it is clear that the individual has committed the crime. If that person is convicted,

the executive often has the power to pardon. If that person is institutionalized, the legislature can pass laws that make confinement more humane and rehabilitative.

Does it matter how agape is exercised? I believe so. Law not only mandates how we are to act but shapes how we are formed. We as citizens and our governmental bodies are formed by whom we depend on for the exercise of agape.

The final issue lurking in the background of each essay, which cannot be answered through any scholarly treatment, is a question of social formation: how do we decide what agape requires in any given situation? In a liberal democracy, this is the question that each Christian citizen will need to work out with fear and trembling. Do I vote to raise gas taxes this year so that more research can be done to address the environmental issues of tomorrow? Do I vote to keep prices lower now so that my low-income neighbor isn't slowly priced out of personal transportation? Do I advocate for or against a zoning law that would allow halfway houses in my neighborhood? Regardless of the answer we come to, agape can and should feature prominently in the answer to any of these questions. Cochran and Calo have provided a service in compiling a collection of essays that so explicitly reminds its readers that faith can and should speak to these questions.

#### Endnotes

1. The biblical content of Agape is addressed by Robert Cochran's essay "Jesus, Agape, and Law" and Darryl Tippens's "Love Calls us to the Things of This World: The Pauline Tradition and the Law of Christ."
2. Agape's appropriate role in relation to the law is addressed by Linda Ross Meyer's "Agape, Humility, and Chaotic Good: The Challenge and Risk of Allowing Agape a Role in the Law," Timothy Jackson's "Javert and Jihad: Why Law Cannot Survive Without Love, and Vice Versa," Nicholas Wolterstorff's "Love, Justice, and Law," and David VanDrunen's "Justice Tempered by Forbearance: Why Christian Love is an Improper Category to Apply to Civil Law." These essays continue an ongoing debate since Anders Nygren's *Agape and Eros* about whether Christians can and ought to embody agape now and what it would look like to do so.

3. This final group of essays addresses what is might look like to apply agape to particular areas of substantive law. These essays include Jeffrie Murphy's "Christian Love and Criminal Punishment," Charles Mathewes' "Be Instructed, All You Who Judge the Earth: Law, Justice, and Love During the World," Michael Moreland's "Justice, Love, and Duties of Care in Tort Law,"

Lucia Silecchia's "The When and Where of Love: Subsidiarity as a Framework for Care of the Elderly," Jennifer Lee Koh's "Agape, Grace, and Immigration Law: An Evangelical Perspective," Lyman Johnson's "Law, Agape, and the Corporation," Thomas Berg's "Agape, Gift, and Intellectual Property," and Alberto Coll's "That Vast External Realm: The Limits of Love and the Law in International Politics."

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*Singing the Congregation: How Contemporary Worship Music Forms Evangelical Community.* Monique Ingalls, Oxford University Press, October 12, 2018, 272 pp., paperback. ISBN 978-0190499648. Reviewed by John MacInnis, Professor of Music, Dordt University. This review is published with permission of inallthings.org (a project of the Andreas Center at Dordt University), where it was published Dec. 18, 2019.

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Church musicians are prompt to assert that the musical practices of communal Christian worship shape us: What we sing and how we sing together forms us powerfully. Given the wealth of resources available on the topics of congregational worship and the music heard in our churches today, it is easy to be overwhelmed with new trends, new technologies, and new innovations. To understand the cumulative effect, we might, with the Scottish poet Robert Burns, ask for an outside perspective: "O wad some Pow'r the giftie gie us / To see oursels as ithers see us!" What if a scholar were to examine the vast field of contemporary worship music practices and describe it using the terms and theoretical models of ethnomusicology, the scholarly discipline that studies music with regard to cultural and social context?<sup>1</sup>

Monique Ingalls' *Singing the Congregation: How Contemporary Worship Music Forms Evangelical Community* is an academic book, perhaps an ethnography, that shares her field research among evangelicals in North America and around the world. Thoroughly reflexive in her presentation, Ingalls is upfront about her background and investment in evangelical Christianity and how her personal journey informs her research. To be clear, this is not a book presenting theological or biblical ideals or best practices in church music. It is a mirror held up to contemporary worship music, in all its complexity.

As the sounds of contemporary worship music are adopted increasingly by churches of every

stripe, readers may recognize themselves in this mirror and gain new insights to shape intentionally the cultures of their local congregations. With no less significance, this book carefully examines how Christian formation and practice are decentering from the local church today, with music shown to be a facilitating factor in the decentering process.

*Singing the Congregation* is organized into five chapters, each exploring the cultural work done by contemporary worship music in the following contexts: worship concerts, conferences, an urban church, praise marches, and the protean world of audiovisual worship media. In each setting, the collective performance of contemporary worship music shapes how evangelicals understand worship generally and, indeed, brings into being new social constellations, new modes of congregating as fellow believers.

How Ingalls defines the terms of her study is helpful. Contemporary worship music (CWM) is not a monolithic category; as a descriptor it includes different repertoires and styles that are portable beyond the institutional church, commercial, largely reliant upon digital audio/visual technologies, and heard around the world. In musical terms, CWM features "rock band instrumentation, standard pop-rock song forms, harmonies built upon cyclic chord riffs, and rhythmically complex tunes often based on short melodic motives" (85).

CMW is also trans-denominational, though originating in charismatic and Pentecostal churches and referencing a prominent aim for music in