Public Orthodoxy and Civic Forbearance: The Challenges of Modern Law for Religious Minority Groups

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Introduction

In modern societies there exists the fact of religious diversity — a diversity of religious groups living within one regional, national, and global jurisdiction. Many of these diverse groups each make universal and exclusive truth claims with religious, social, economic, political, and legal ramifications. Frequently these various universal and exclusive truth claims clash with each other. The social, economic, political, and legal institutions of a society can never be said to be neutral (ideologically value-free) but are always determined by some kind of public orthodoxy. Given this picture, how ought these mutually exclusive religious groups within a society relate to each other? How can civil institutions be so conceived as to allow for the peaceful co-existence of these groups,

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including religious minority groups, without any of them compromising their fundamental convictions?

I write from the perspective of a Christian, and within Christianity as a member of a minority group: the Radical Reformation tradition known as Anabaptist-Mennonite. Several factors make this a fruitful vantage point from which to address the issues raised above: (1) the Anabaptist radicals of the sixteenth-century Reformation were nonconformist dissidents who made truth-claims concerning their understanding of the core Christian message which were in conflict with mainline Protestant and Roman Catholic beliefs and practices, and for which they were severely persecuted; (2) as a persecuted minority group within a society defined by Christendom orthodoxy, the Anabaptists lobbied the ruling authorities for what they called religious freedom and "religious tolerance" — although what they meant by freedom and toleration did not mean what it has come to mean in the modern period, as I will elaborate below; (3) Mennonites as a "tolerated" minority group, with a continuous historical identity from the sixteenth century to the present, have been able to survive uncomfortably on the periphery of societies shaped by "public orthodoxies" often in conflict with Mennonite belief and practice.

Modernity and the Illusion of Pluralism

On the most superficial level, there is truth to the claim that pluralism, diversity, fragmentation, and loss of cohesion are the fundamental mark of modern and postmodern societies. Upon more careful analysis, however, one finds this to be an illusion. For, as Canadian philosopher George Grant and others have persuasively argued, we live in an increasingly hegemonous world in which the values of globalization and modern technology (technical or instrumental reason) subtly but relentlessly erode traditional values and beliefs.[1] Although I consider the homogenizing threat of modern technology to be greater for traditional religious beliefs and values than that of religious pluralism, here I will concentrate on the challenges of pluralism for Christianity and other major religions. So-called "postmodernity" and the accompanying religious pluralism are predominantly Western phenomena, which do not adequately describe many non-Western societies, even though with increasing globalization no society can escape entirely the challenge of pluralism. It is not at all clear even in the West that the concepts of postmodernity and pluralism accurately describe our societies with their underlying legal, economic, technological, and military assumptions.

In March 2002 I had the opportunity to hear Jon Levenson, Alfred A. List Professor of Jewish Studies at Harvard Divinity School, address members of the Center of Theological Inquiry, Princeton, on "Religious Pluralism and Public Orthodoxy."[2] Levenson introduced us to the debate between John Hick and Gavin D'Costa on the possibility or impossibility of a pluralist view of religions. Let me present the argument of D'Costa and Hick on the issue before moving on to Levenson's position and subsequently my own.

In an 1996 article, Gavin D'Costa repudiates the three-fold typology of approaches to inter-religious discourse that he had previously (in 1983) promoted: exlusivism, inclusivism, and pluralism.[3] *Exclusivism* is the view that only one religion is true and all others are false. At the other extreme is *pluralism*, which claims that no one religion can claim absolute truth and that all major religions have partial truth: "all religions are viewed as more or less equally true and more or less equally valid paths to salvation" (D'Costa, 224). In the middle are the *inclusivists*, who try to have it both ways, by holding that one religion is the only definitively true one though other religions hold partial truths but are incomplete in their truth claims. The latter ends up usually arguing for the truth of Christianity as a fulfilment of other religions. The whole of nineteenth-century liberal Protestant theology, with its interest in the evolution of consciousness and history of religions — from Schleiermacher to Hegel to von Harnack and Troeltsch — was committed to religious pluralism while at the same time defending the superiority if not absoluteness of Christianity. Mohammad Legenhausen, in *Islam and Religious Pluralism*[4] helpfully summarizes that theology in its movement from liberal Protestantism (Schleiermacher, Hegel) to modern religious pluralism (Dilthey, Troeltsch, Toynbee). Despite their concern for pluralism and tolerance of other religions, Christianity virtually always ended up being the superior religion (Legenhausen, 13-28). I will have more to say about Legenhausen's position below.

D'Costa by 1996 had experienced a kind of conversion, fully rejecting this earlier typology, and now argues against John Hick and others that there is no such thing as religious pluralism: "*pluralism must always logically be a form of exclusivism and that nothing called pluralism really exists*" (D'Costa, 225). His argument, which he holds to be true for Buddhists, Hindus, Muslims, and Jews as well as Christians, goes as follows. (1) Pluralism and inclusivism are but subtypes of exclusivism — that is, the logic of exclusivism explains the way the other two work; (2) Pluralists are always exclusivists in

some sense. They of necessity apply substantive tradition-specific criteria for truth, although they may differ as to what those criteria are. Were they not to do so, they would have no way of distinguishing between true and false claims, which they want to do. D'Costa illustrates his argument with reference to two forms of arguments for pluralism: the philosophical pluralism of John Hick and the practical pluralism of Paul Knitter. Hick argues that all religious are different ways to the "Real," a formally empty concept more neutral than "God" or "Nirguna Brahman." The "Real" is devoid of descriptive content and beyond all language. Religions are true to the extent that they "align believers correctly towards the Real, producing an attitude of loving compassion towards one's neighbour and the social and natural environment, thereby breaking down the egocentrism of the believer's life" (D'Costa's interpretation of Hick's position, 227). D'Costa makes a convincing case that Hick's Kantian claim that the "Real" is beyond language and cannot be known ("transcendental agnosticism") is itself an exclusivist claim. D'Costa concludes that "The irony about tolerant pluralism is that it is eventually intolerant towards most forms of orthodox religious belief" (229).

Legenhausen makes a similar point. He calls Hick's position "reductive religious pluralism," and agrees with the criticism that "the neutral pretenses of liberalism are a sham. Despite its claims to neutrality, liberals have their own substantive values and ideals, and a tradition in which these values and ideals have been modified and pursued, often in conflict with religious traditions" (Legenhausen, 9). Legenhausen, who proposes a "non-reductive pluralism" based on Islamic belief, contends that the liberal theological tradition is prejudicial toward, and ultimately intolerant of, traditional religious authority structures (belief systems, laws etc.), and by default gives authority to the liberal state (Legenhausen, 10-11).

Hick's position also contains an exclusivist, pragmatic criterion for truth, which is that religions are true in so far as they contribute to people's turn from self-centeredness and selfish egoism to loving compassion and Reality-centredness (D'Costa, 230). Such pragmatic pluralism, which in the end is also a form of exclusivism, D'Costa finds most blatantly present in Paul Knitter's thought. Knitter's criterion of truth, a way of determining where the divine is truly present, is whether a religion promotes "practical socio-economic, cultural, psychological and spiritual liberation," that is, peace, justice, and goodness. Again, D'Costa shows how the categories of peace, justice, and

goodness can never function as formally empty, but are always tradition-specific. Drawing upon the work of Alasdair MacIntyre and Stanley Hauerwas, D'Costa claims: "there is no such concept and practice as 'justice' without the narrative tradition that defines it and specifies the conditions for pursuing it, and the types of agents that may or may not engage in the pursuit of justice, and the way in which it may relate to other concepts and practices within that narrative" (D'Costa, 231). In short, there is no such type as religious pluralism, strictly speaking; for all religious pluralism is a form of exclusivism.

Jewish theologian Jon Levenson was unequivocal in his support of D'Costa's side in the exchange. For Levenson, pluralism is the notion that there exist societies in which groups with exclusive world views can live together without a public orthodoxy, without some over-riding ideology (religious or otherwise). But there is no such pluralism, and there is no such society. There can be no society without a public orthodoxy of some kind. American democracy, where the notion of religious pluralism has its most ardent defenders, if not its origin, is itself rooted in white, liberal Protestantism, as is Hick's own form of religious pluralism. There is no way of affirming the validity of another religion that is not done on the basis of criteria intrinsic to one's own set of beliefs. Karl Rahner's "anonymous Christianity" is an illustration of this. Hick's pluralism isn't as pluralistic as he thinks, his "axial age" concept does not apply to aboriginal and many other religions. Of the many commands in the Torah, 613 apply to Jews, and only 7 apply universally. Always there is a "public orthodoxy" at work. Everyone who argues for pluralism or diversity is pluralistic only very superficially — deep down they have a public orthodoxy that drives their thought. Hick's view is really a form of liberal Protestant hegemony, one which doesn't like doctrine.

But if every society (and state) has a public orthodoxy of some kind — that is, there is no ideologically neutral society which simply facilitates the co-existence of diverse groups under its jurisdiction, how is public, constitutional law to be fashioned in such a way that allows for the peaceful co-existence of groups with not only exclusive but frequently conflicting truth claims? This is the fundamental conundrum of the D'Costa-Levenson exclusivist position. I will offer my own solution to this dilemma below, but I must first consider the issue of public orthodoxy and modern law.

Public Orthodoxy and Law in Modern and Postmodern Societies

Other than the internal rules (or law[s]) of religious communities, it is in the realm of public law that the fundamental values and beliefs of a society are most clearly entrenched. Here the *modus vivendi* of individuals, minority groups, and dominant cultures with different, even conflicting, truth-claims attempting to co-exist is most succinctly formulated. In *Faith and Order: The Reconciliation of Law and Religion*, Harold J. Berman argues "that the legal order of a society, that is, the formal institutions, structures, rules, and procedures by which it is regulated, is intrinsically connected with the fundamental beliefs concerning the ultimate meaning of life and the ultimate purpose of history, that is, with religious faith."[5] On the deepest level, he maintains, the holy (religion) and the just (law) are united, each is a dimension of the other, but they have a different function: religion challenges existing social and political structures, law stabilizes them (Berman, 4). He defines *law* not just as a body of rules but as "people legislating, adjudicating, administering, negotiating," as "a living process of allocating rights and duties and thereby resolving conflicts and creating channels of cooperation." *Religion*, likewise, is not merely a collection of exercises and doctrines but a "people manifesting a collective concern for the ultimate meaning and purpose of life — it is a shared intuition of and commitment to transcendent values." In sum, "Law helps to give society the structure, the *Gestalt*, it needs to maintain inner cohesion; law fights against anarchy. Religion helps to give society the faith it needs to face the future; religion fights against decadence" (Berman, 3).

What Berman's thesis poses is whether there are some universal elements within law (all law) and within religion (all religion), that provides a basis for diverse groups in a society to co-exist peacefully.

Berman maintains that when law and religion are divorced, law deteriorates into legalism and religion into religiosity. But this is exactly what has happened in modern and postmodern society: law and religion have become divorced. Beginning with the Enlightenment, the disenchantment of the world, and the loss of belief in a natural law grounded in divine law, conventional wisdom has increasingly understood law in purely secular, rational, and instrumental terms, as a means of achieving culturally-specific political, economic, and social ends. Law is seen as devoid of any ultimate purpose and meaning; as purely pragmatic and functionalist (Berman, 6). This is at the heart of the

crisis of modernity: religion is relegated to the individual, private sphere and law has lost its legitimacy and sanctity. This crisis is evident in ritual (ceremonial procedures), tradition (the on-goingness of law), authority (written and oral sources of law), and universality (concepts which are valid for all peoples).

For Berman, the four elements are present in all religions and in all legal traditions. They connect the legal order of a society with its religious values, reinforcing the fundamental legal emotions of peoples in every society: "the sense of rights and duties, the claim to an impartial hearing, the aversion to inconsistency in the application of rules, the desire for equality of treatment, the very feeling of fidelity to law and its correlative, the abhorrence of illegality" — in short, "objectivity, impartiality, consistency, equality, fairness" (Berman, 5). Whether these in fact are universally accepted would have to be empirically demonstrated; whether they are universally true would have to be theologically or philosophically argued.

Berman's universalist perspective on law and religion comes from within a culturally- and religiously-specific context: the American way of life. His agenda is clearly the revitalization of American law based on Judeo-Christian values. He decries the privatization of religion and loss of public respect for law in America: the breakdown in the administration of criminal law, inadequate treatment of political crimes, the limited scope and procedures in civil cases (Berman, 15ff). In the United States, traditionally, law received its religious sanctity from Judaism, Christianity, and the "secular religion of the American way of life." In a rather exaggerated claim, Berman says, "in few other legal systems does one find such explicit reliance on divine guidance and divine sanctions and so great a reverence for constitutional appeals to universal standards of justice" (Berman, 19). He cites with approval Robert Bellah's words: "Behind the civil religion [of America] at every point lie Biblical archetypes: Exodus, Chosen People, Promised Land, New Jerusalem, Sacrificial Death and Rebirth." (Berman, 19, n22).

This is where the Berman analysis — indeed, any understanding of public law as sanctified by religion — runs into its greatest difficulty. More often than not, religion becomes little more than an ideological justification of culturally-specific laws which, although framed in universal terms with noble-sounding sentiments ("objectivity, impartiality, consistency, equality, fairness"), disguise imperial agendas whose legitimacy rests on violence rather than open

discourse. Stanley Hauerwas has shown how American democracy as defended by William James and Reinhold Niebuhr presupposes violence.[6] James, the pragmatist, for whom the true source of religion is feelings, considers doctrines or theological formulas "over-beliefs," interesting and important in a derivative sense but speculative. What is important are the effects of religion, not its intrinsic truth claims. In the end religious belief is relegated to the private realm and replaced publicly by the American religion of democracy, religious pluralism, and "fairness." James realized that some violence would be necessary in a society in which most were not saints, but he thought it could be kept at a minimum and on the periphery. What he did not realize is that coercion and even violence exist not on the edges but at the very core of the democratic order that he envisioned. For James, Christianity — with its call for turning the other cheek — was not pragmatic, realistic, and democratic enough and so must be marginalized and privatized. Although Hauerwas does not adequately spell out the logic of violence in Western democratic society, he implies it: it is needed to sustain the illusion of pluralism, individualism, fairness, freedom, and wealth. In short, religious pluralism and democratic tolerance is not nearly as tolerant as it claims to be.

In "What Makes a Society Political?,"[7] Herbert W. Richardson distinguishes between two types of values: teleological and procedural. *Teleological* values are those (as in Berman) which have to do with the ultimate meaning, goals, and purposes of life. *Procedural* values, in contrast, are purely functional — how a society orders itself. Parallel to this distinction is the difference between what he calls nonpolitical-monolithic societies and political-pluralistic ones. A society that is *political* "seeks to maintain itself structurally pluralistic by aiming, insofar as possible, to multiply the number and variety of willings within it, and to compromise the various willings within it through a political process that becomes, symbolically, the 'head' of the community." A *nonpolitical* society aims "insofar as possible, to dissolve the plurality of willings into a single general will which is then symbolized as the will of the leader or party" (Richardson, 101).

Richardson argues for a political process in which a diversity of "willings" can become a cohesive community in which "the clash, composition, and creativity of many wills" seek and reach "a compromise that is different from what any one or even all of them specifically propose" (Richardson,

103). Central to his thesis is that any political society must have *intrinsic authority* (people freely obeying laws because they consider them their own and believe them to be right); *justice* (equitable ordering of a society such that the essential dignity of all is recognized); and *politics* (differentiating and distributing of power among individuals and groups in society, and then putting into motion a process of conflict and debate that aims or ends in compromise). He continues with a discussion of the three basic, classic rights of modern western societies, which he also thinks are natural or inalienable: freedom (freedom of conscience before God), equality (political, not necessarily economic), and brotherhood (loyalty to, and solidarity with, one another). What such a pluralistic society requires is a poly-consciousness in which each individual and group develops a differentiated plurality within himself/itself and thus has empathy for the other.

The only religious element essential to such a society is a belief in transcendence, which in the American context has taken the following forms: (1) from the Hebraic tradition, the belief in a transcendent God, which relativizes the sovereignty of every earthly ruler; (2) from the Roman Catholic and Orthodox traditions, the notion that human beings have a transcendent, super-natural destiny, relativizing every earthly social order; (3) from the Protestant tradition, the belief in the freedom and privacy of the individual conscience, which preserves the uniqueness and dignity of every person and guarantees his/her right to a "private psychic sphere" (Richardson, 117).

The difficulty with Richardson's proposal is that in actual states the separation of so-called "teleological" and "procedural" (the message and the medium) is impossible to achieve. The procedural values of justice, freedom, equality, brotherhood, and transcendence are not just empty, formal concepts but are substantive and always filled with tradition-specific content. Richardson as much as admits this when he draws on Hebraic, Orthodox-Roman Catholic, and Protestant traditions to define the transcendence necessary for the political society he has in mind. Legenhausen has it exactly right:

> The liberal claim is procedural: differences of all kinds, including religious differences, are to be permitted unless they interfere with the rights and freedoms of others. Authority is taken away from religious institutions by liberals not because the liberal denies the claim to religious knowledge advanced on behalf of the religious

> institution, but as a practical method to resolve conflicting claims to this sort of knowledge and authority. The religious pluralist goes further by claiming that religious truth is to be found in various religious traditions. *Hence, the institutions of no single tradition can claim exclusive knowledge on which to base their authority. Authority then falls by default into the hands of the liberal state*. (Legenhausen, 10-11; italics mine)

Forbearance as a Religious and Civil Concept

If D'Costa, Levenson, and Legenhausen are right, then how do we move from a situation of an intolerance, which manifests itself in persecution, oppression, and violence against those that disagree with us, to one of peaceful co-existence? I propose that the concept of "forbearance" and "concord," as introduced into the Christian vocabulary by the fourth-century theologian Lactantius, is a more helpful concept than "toleration" in inter-religious dialogue, relationships, and civil life. The case for religious pluralism and toleration is not first made in the modern period as is frequently assumed but was already argued for by the Ancients. Diocletian (c.e. 284-305), the last Roman Emperor to systematically persecute the Christians in the years c.e. 303-305, did so because they were not tolerant enough. They, unlike the other religions in the Empire, including the Jews, were intent on proselytizing. Elizabeth DePalma Digeser demonstrates how the policy of religious pluralism and tolerance was in fact more consistent with a polytheistic state under the Tetrarchy and Diocletian than later under the monotheistic state of Constantine.[8]

The theologian who spelled this out most clearly was Lactantius, author of *Divine Institutes*, a mentor to Constantine and tutor of Constantine's son. Under Gallienus (c.e. 253-268) Christian worship had been unofficially tolerated as part of a pluralistic culture, and Christians had begun to commingle with others in palace, government, army, and classroom without having to participate in religious rituals in worship of the Roman gods. Lactantius himself was given a chair in the imperial court. His vision, as articulated in the *Divine Institutes*, entailed Christianizing the Roman Empire. The inner logic of that vision, although not fully understood by him, was the unifying of the Empire under a set of "Christian" laws ("Christian" now understood in new ways).

Drawing on traditional Greek and Roman literature and philosophy,

Lactantius's political theology calls for a policy of forbearance rather than toleration. *Toleration* assumes a situation in which different religious groups co-exist within a "pluralistic" state, with little hope or desire of converting others, let alone society as a whole. Since there is no such thing as a neutral pluralism and ideology of tolerance, such a world is always precarious and can erupt into persecution of one group or another. So-called "toleration" was the ideology of the Empire up to the time of Constantine. A policy of official pluralism, based on polytheistic political theologies, always brought an element of legal chaos, and although allegedly the Roman state was one of tolerance, the Emperors up to and including Diocletian were in fact quite ready to use brutal force against groups whose religious practices threatened fidelity to the laws (Digeser, 120). The drive toward monotheism tended to coincide with attempts to unify and centralize the legal system, although Diocletian tried unsuccessfully to ground his systematization of law polytheistically. His successor Gelerius, in his 311 Edict of Toleration, officially made Christianity a legal religion for the first time, even though he himself objected to Christianity and the laws that Christians created for themselves.

Forbearance, as Lactantius envisioned it, allowed for the co-existence of different groups but with hopes of converting the other and even the state as such, assuming one's own religion to be the superior or the true one. In the Diocletian context, this meant that even though Christianity was officially considered reprehensible, it ought to be forborne without using force against it. But since, for Lactantius, Christianity was the superior religion, there was an intrinsic drive to convert others and to Christianize the whole. The critical point, however, was that the Christian state should be achieved by persuasion, not by force. Persecution of others and the use of force in religious matters was against natural law and violated the very essence of what it meant to be religious. Here Lactantius draws on Tertullian, who was the first to use the expression "freedom of religion." This vision of a state based on Christian monotheistic assumptions is what Lactantius tried to convince Constantine of, as a basis for his constitution. Lactantius appears to have thought, and Digeser shares this opinion, that Constantine's state approximated this vision of forbearance and concord. Digeser disputes the twentieth-century assumption that a universalizing religion (like Christianity) is fundamentally an intolerant one as distinct from tolerant polytheistic religions. The early

Roman state was not particularly tolerant, but there were ways of conceiving a universal *Christian* state that refrained from violence and practiced forbearance of other religions, such as that of Lactantius, whose position "may have been exceptional among contemporary Christian theologians [in contrast, for instance, to Eusebius], but it was concordant with the thinking of emperor Constantine, whose court he joined in 310." Furthermore, says Digeser, "nothing in the definitions of tolerance or concord requires a state to allow everything religious that it finds harmful. Even the more liberal constitutions can justify some sanctions against religion: the United States Constitution guarantees freedom of religion, but this guarantee does not protect every practice or action that is called religious" (Digeser, 119). In Digeser's rather over-sympathetic view, Constantine fostered a milieu of religious liberty, as reflected in the Edict of Milan (313), which "granted both to Christians and to all persons the freedom . . . to follow whatever religion each one wished . . . in order that 'no cult may seem to be impaired'" (Digeser, 122).

Digeser is too soft on Constantine's later disparagement (after 324) of traditional religious cults and his establishing of Christianity as the official religion. Within the earlier policy of religious liberty traditional cults were not criticized; with the later policy of concord there was movement toward forbearance toward these cults, with the intention of converting them and achieving religious unity in the end. The shift to a policy of concord is reflected by Constantine in a letter to the eastern provinces in 324, in which he expressed the hope that erring ones will be restored to the "sweetness of fellowship" but without the use of force. It is a conviction that, according to Digeser, Constantine held to the end of his life, though this is hard to reconcile with his treatment of Jews and the harsh measures against other dissenting groups that increased incrementally in the post-Constantinian period.

Lactantius's vision of a new Christian-informed civil constitution and set of laws based on natural laws, themselves grounded in Divine law, was actualized in the life and policies of the first Christian Emperor. The nature and understanding of citizenship, and of one's duties to the state, changed profoundly under Constantine. Whereas traditionally citizens demonstrated their loyalty to the state by performing ritual worship to the gods, now they did so by their allegiance to the Christian God. Prayer for the protection of Rome replaced sacrifice to the gods but, most critically, the protection of the new state involved the identification of "Christ" and the "Sword."[9]

According to James Carroll, up to the time of Constantine Christianity was allegedly a threat to polytheistic pluralism and tolerance in Roman society. With Constantine and the official recognition of Christianity on the basis of the Edict of Milan, forces were set in motion that would eventually replace that very pluralism and tolerance with a Christian hegemony. This hegemony, says Carroll, was achieved by the identification of post and beam, cross and sword. Whatever good intentions Constantine may have had about not using violence or force in religious matters, at the point where Christianity was identified as the theological underpinning of the Empire's destiny, military defence of the "homeland" became a moral and ethical obligation also for Christians, and *particularly* for Christians.

The proof of this came in subsequent years with the development of the Just War theory and its replacement of the non-violent love ethic of Jesus and his early followers. Already Constantine had moved against the Jews and the schismatic "heretics." Very soon thereafter harsh measures were taken against other religions. Between 325 and 381 State and Church became allies against heretics. By 390-392 pagan temples were closed. In 420 Augustine, the father of the Just War principles, gave his approval to coercive-repressive measures against Christian dissenters. Whereas much earlier, Christians had been excluded from the army, by 436 non-Christians were excluded from it.

Proposal: Forbearance as a Basis for Dialogue

We come back now to our original questions. How ought groups with exclusive belief and value systems relate to each other? How might civil institutions and laws be so conceived as to foster peaceful co-existence between diverse and even mutually-exclusive groups under their jurisdictions?

Despite the misuse of the concepts of "forbearance" and "concord" in the Constantinian and post-Constantinian eras of Western history, it is these concepts which, better than "religious pluralism" and "tolerance," facilitate both inter-religious relations and the treatment of minority groups within a society by the state and its laws. *Forbearance* begins not with a position of neutrality but presupposes both individually and corporately some "orthodoxy," yet forbears others who differ from the orthodox position. That is, it allows them to exist alongside and within the jurisdiction of the orthodox without

persecution, coercion, and violence. This stance is based on the conviction that religious belief and life — the realm of ultimate meaning, values, and purpose (what Richardson calls the "teleological") — can never be coerced. *Concord* is the state of such peaceful co-existence but with an openness to the other, and the hope of persuading the other non-coercively of what it ("orthodoxy") holds to be not only particularly but universally true. Such truth claims shape the internal structure of communities but also the external organization and laws of a society (what Richardson calls the "procedural" but wrongly considers non-teleological).

Forbearance and concord, I propose, are applicable within both what Richardson labels political-pluralistic (multiple willings) and nonpolitical-monolithic (singly willing) societies and political systems. I doubt, however, whether any societies are altogether unpolitical. Rather, societies might be said to differ to the extent to which they foster greater or lesser diversity within their domain. Regardless, the concepts of forbearance and concord as articulated above are relevant to all forms of political systems.

What, more concretely, would such forbearance and concord look like? I answer by drawing on my own Anabaptist-Mennonite tradition's historical experience. According to Legenhausen,

> Most liberals agree that liberalism is to be traced to the aftermath of the Reformation. Freedom of conscience in religious matters came first, and was then extended to other areas of opinion. So, tolerance of different opinions about religion lies at the very foundations of political liberalism, and religious pluralism may be viewed as a very late arrival which seeks to provide a theological basis for this tolerance. (Legenhausen, 7)

My tradition, which in the sixteenth century called for religious freedom and freedom of conscience, was in some respects a forerunner of the modern liberal tradition.[10] Here I would argue that the line from the plea for toleration by the Radical Reformers to modern liberalism and pluralism is not as direct as I might have suggested in earlier writings or as Legenhausen implies in the above quotation.

In his 1539 *Foundations of Christian Doctrine*,[11] Menno Simons (1496-1561) appeals to the Magistrates for toleration of his small group of persecuted Anabaptists and exhorts them to be true to their calling (Simons,

190-206). He begins with a description of diversity that sounds as if it were made today: ". . . there being so many and various congregations, churches, and sects all calling themselves by the name of the Lord. There are Roman Catholics or papists, Lutherans, Zwinglians, erring sects, and the Christians who are revilingly called Anabaptists. Likewise in former times among the Jews there were the Chasidim, Zadikim, Essenes, Sadducees, Pharisees, etc., . . ." He continues: "The pious everywhere have had to suffer much from the impious. . . . And this even though they are created by the same God, have one common natural origin, boast the same Christ, and in the day of judgment meet the same Judge" (Simons, 190).

The Anabaptists were a persecuted minority within the context of Roman Catholic and Protestant Christian orthodoxy. They suffered for their particular understanding of the Christian gospel. Central to that understanding was that Jesus' message was one of love and nonviolence, and, consequently, the use of violence could never be justified to enforce religious belief. Says Menno: "Antichrist rules through hypocrisy and lies, with force and sword, but Christ rules by patience with His Word and Spirit. He has no other sword or saber" (Simons, 190). Brothers and sisters in Christ should treat each other with love, patience, and forbearance, even as God treats us with such forbearance and compassion. But magistrates too are under such obligation: "Therefore it becomes you, lords and princes, since you boast of the same Christ, Gospel, redemption, and kingdom, no longer by your mandates and powers to obstruct the passage of the people of God to the eternal promised land" (Simons, 191). While magistrates have the duty "to chastise and punish" the wicked, they are to do so without bloodshed: "Your task is to do justice between a man and his neighbor, to deliver the oppressed out of the hand of the oppressor; also to restrain by reasonable means, that is, without tyranny and bloodshed, manifest deceivers who so miserably lead poor helpless souls by hundreds and thousands into destruction. . . . In this way, in all love, without force, violence, and blood, you may enlarge, help, and protect the kingdom of God with gracious consent and permission, with wise counsel and a pious, unblamable life" (Simons, 191).

These early Anabaptists in their emphasis on religious freedom and freedom of conscience were *not* modern liberals and pluralists. They had strong doctrinal and ethical convictions about was true and what was false,

right and wrong; and it was on the basis of these convictions, for which they were willing to die, that they appealed to each other and to the ruling authorities to be patient, forbearing, and non-violent. Their appeal to conscience —a dominant theme among Anabaptists — was not anthropocentric (as in modern liberalism) but theocentric: "Do not usurp the judgment and kingdom of Christ, for He alone is the ruler of the conscience, and besides Him there is none other. Let Him be your emperor in this matter and His holy Word your edict, and you will soon have enough of storming and slaying. You must hearken to God above the emperor, and obey God's Word more than that of the emperor" (Simons, 204). Here, then, is the divine ground for the patience and forbearance of the other that, I propose, is the basis for our dialogue.

Notes

[1] See my *Mennonites and Classical Theology: Dogmatic Foundations for Christian Ethics* (Kitchener, ON: Pandora Press, co-published with Herald Press, 2001). See especially "Part One: The Crisis of Modernity": 21–158.

[2] Levenson gave a public lecture on "Resurrection in the Torah?" and later engaged members of the Center in a discussion on modernity, religious pluralism, and public orthodoxy.

[3] Gavin D'Costa, "The Impossibility of a Pluralist View of Religions," in *Religious Studies* 32 (1996): 223-32.

[4] Mohammad Legenhausen, *Islam and Religious Pluralism* (Islamic Studies Dept., Centre for International and Cultural Studies. London: Al-Hoda, 1999).

[5] Harold J. Berman, *Faith and Order: The Reconciliation of Law and Religion* (Grand Rapids: Eerdmans, 1993), ix.

[6] Stanley Hauerwas, *With the Grain of the Universe: The Church's Witness and Natural Theology* (Grand Rapids: Brazos Press, 2001).

[7] In *Religions and Political Society: Jürgen Moltmann, Herbert W. Richardson, Johann Baptist Metz, Willi Oelmüller, M. Darrol Bryant* (New York: Harper & Row, 1974), 101-20.

[8] Elizabeth DePalma Digeser, *The Making of a Christian Empire: Lactantius and Rome* (Ithaca and London: Cornell University Press, 2000).

[9] See James Carroll, *Constantine*'s *Sword: The Church and the Jews* (Boston and New York: Houghton Miffin Company, 2001), 165-94.

[10] "The Nature and Possibility of a Mennonite Theology," in *Mennonites and Classical Theology*, 161-81.

[11] *The Complete Writings of Menno Simons* (Scottdale, PA: Herald Press, 1956), 103-226.