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# “Agape” and the Life and Work of Robert F. Cochran, Jr.

Angela C. Carmella\*

## *Abstract*

*The life and work of Robert Cochran can be summed up in one word: discipleship. Professor Cochran’s work reflects deeply on Jesus’s words and ministry—His agapic love for all humanity—as they relate to the substance of law and its administration. Professor Cochran’s work establishes two important principles: the need to focus on Jesus’s love as the starting place for analysis and the need to reclaim justice as a central Christian concept. His many volumes help us to understand how it is possible to comprehend lawmaking as an act of agapic love. Further, they provide a roadmap for the Christian’s journey, helping to navigate the interrelation of love, ethics, law, and justice.*

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I so appreciated the invitation to this wonderful tribute to Bob Cochran. I would have to say that my time working as co-editor with Bob and Michael McConnell on *Christian Perspectives on Legal Thought*<sup>1</sup> was one of the most fantastic experiences of my entire life. How blessed was I to have been invited to work with them on that project.

I jumped at the chance to participate in *Christian Perspectives* because the relationship of love and justice had been an issue in one way or another for me since I was an undergraduate at Princeton. There I was, twenty-year-old me, in the late 1970s, making appointments with professors, many of whom found my questions regarding faith, ethics, politics, and law entirely unintelligible. Others provided rich guidance. I took classes with Christian ethicist Paul Ramsey and medievalist Julia Holloway, studied Old and New Testament with the Presbyterians at Princeton Theological Seminary, and wrote my thesis on Catholic activism for social justice in the Philippines. My intellectual and spiritual curiosity was being fed, yet my grasp of topics remained superficial and eclectic and I had difficulty synthesizing it all. I thought it would all make sense if I did graduate work at Harvard Law School and Divinity School.

Well, I was wrong. While I received an excellent education at both institutions, the very separate worlds of law and Christian social ethics never met. I ended up focusing most of my intellectual energy on the Religion Clauses<sup>2</sup> because I felt that they provided the real location for religious discourse in America. The cases were fascinating, but it was kind of a sad truth that lawsuits would be the primary vehicle for religious discourse. In any event, my study of the Free Exercise and Establishment Clauses<sup>3</sup> did not advance my understanding of the relationship between Christianity and law.<sup>4</sup> The Religion Clauses remained the focus of my scholarship during the first stage of my academic career.

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1. CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT (Michael W. McConnell, Robert F. Cochran, Jr. & Angela C. Carmella eds., 2001) [hereinafter CHRISTIAN PERSPECTIVES].

2. U.S. CONST. amend. I.

3. *Id.*

4. It did, however, advance my understanding of the ways in which various Christian communities envision the proper relationship between church and state. See Angela C. Carmella, *Catholic Institutions in Court: The Religion Clauses and Political-Legal Compromise*, 120 W. VA. L. REV. 1, 11–29 (2017).

In 1996, when Bob and Michael invited me to co-edit *Christian Perspectives*<sup>5</sup> with them, the timing could not have been better. I had recently renewed my quest for a broader and deeper look at Christianity and law, having just spent a sabbatical back at Harvard Divinity School steeped in Catholic social thought. The book project provided me an opportunity to grapple yet again with how to put it all together, but this time in community with two brilliant Christian scholars.

For today’s reflection, I’ve looked at five of Bob’s projects: edited volumes that address, in one way or another, the relationship of Christianity and civil law, government, and justice.<sup>6</sup> It dawned on me that these volumes speak directly to twenty-year-old me. These are the books that would have set me on the journey better equipped. They provide a road map for navigating the interrelation of love, ethics, law, and justice. And they do it by looking squarely at the diversity within Christianity and its interrelation with real, on-the-ground law. Of course, these volumes also speak to sixty-year-old me. They help me to retrieve my own early understandings developed in Protestant contexts and to situate my Catholic understandings in the wider Christian intellectual tradition.

Bob is amazingly prolific and a collaborator extraordinaire (and I’m not even counting his body of work in professional responsibility). He frames the issues fearlessly, identifies the perfect scholars to contribute, and ensures that their work coheres around those issues. I noticed that there is very little overlap in authors, which means he is always reaching out, finding new voices, creating an ever-widening circle of scholars making connections between law and theology. These books draw deeply on the titans—Augustine, Aquinas, Calvin, Luther, and more recent giants like my beloved Paul Ramsey.<sup>7</sup> But

5. CHRISTIAN PERSPECTIVES, *supra* note 1.

6. FAITH AND LAW: HOW RELIGIOUS TRADITIONS FROM CALVINISM TO ISLAM VIEW AMERICAN LAW (Robert F. Cochran, Jr. ed., 2008) [hereinafter FAITH AND LAW]; AGAPE, JUSTICE, AND LAW: HOW MIGHT CHRISTIAN LOVE SHAPE LAW? (Robert F. Cochran, Jr. & Zachary R. Calo eds., 2017) [hereinafter AGAPE, JUSTICE, AND LAW]; CHRISTIANITY AND PRIVATE LAW (Robert F. Cochran, Jr. & Michael Moreland eds., forthcoming 2020); LAW AND THE BIBLE: JUSTICE, MERCY AND LEGAL INSTITUTIONS (Robert F. Cochran, Jr. & David VanDrunen eds., 2013) [hereinafter LAW AND THE BIBLE]; CHRISTIAN PERSPECTIVES, *supra* note 1.

7. See, e.g., Robert F. Cochran, Jr., *Christian Traditions, Culture, and Law*, in CHRISTIAN PERSPECTIVES, *supra* note 1, at 242, 243–44 [hereinafter Cochran, *Christian Traditions, Culture, and Law*] (“According to Aquinas, the ideal comes when we draw on the insights of both Christ and culture. . . . Aquinas synthesized Christ with the Greek culture that was influential in his day, but he might have difficulty synthesizing Christ with our culture (or cultures). It is likely that today he would

they don’t stop there. They pull Christian insights right into the fabric of our social life, right into the law—private law;<sup>8</sup> public law;<sup>9</sup> international law;<sup>10</sup> family and elder law;<sup>11</sup> property;<sup>12</sup> tort<sup>13</sup> and contract;<sup>14</sup> intellectual property;<sup>15</sup>

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find greater tension between Christ and many aspects of culture.”); Elizabeth Mensch, *Augustine: Augustine and Law*, in FAITH AND LAW, *supra* note 6, at 13, 13–15 (distinguishing Aquinas’s view of natural law from that of Luther and Augustine); H. Jefferson Powell, *The Earthly Peace of the Liberal Republic*, in CHRISTIAN PERSPECTIVES, *supra* note 1, at 73, 74–79 (analyzing Augustine’s theological analysis of the state and critiques of the pagan Roman society); Nicholas Wolderstorff, *Love, Justice, and Law*, in AGAPE, JUSTICE, AND LAW, *supra* note 6, at 101, 103 (discussing Ramsey’s view of love for the neighbor).

8. See, e.g., C.M.A. McCauliff, *A Historical Perspective on Anglo-American Contract Law*, in CHRISTIAN PERSPECTIVES, *supra* note 1, at 470, 470 (“For Christians, . . . faith is relevant to all aspects of life, including economic relations.”) [hereinafter McCauliff, *A Historical Perspective*].

9. See, e.g., Barbara Armacost & Peter Enns, *Crying Out for Justice: Civil Law and the Prophets*, in LAW AND THE BIBLE, *supra* note 6, at 121, 136 (looking at American constitutional law and observing that “[t]he prophetic literature makes clear that procedural as well as substantive justice is necessary in order to achieve *mishpat*”).

10. See, e.g., Alberto R. Coll, “*That Vast External Realm*”: *The Limits of Love and Law in International Politics*, in AGAPE, JUSTICE, AND LAW, *supra* note 6, at 291, 291 (arguing, among other things, that “the distinction between international and domestic politics is real, and presents formidable obstacles for any kind of application of the Christian ethic of love to the problems of international politics”).

11. See, e.g., John Witte, Jr., *God’s Joust, God’s Justice: An Illustration from the History of Marriage Law*, in CHRISTIAN PERSPECTIVES, *supra* note 1, at 406, 420–25 (“A single perspective on marriage—whether sacramental, social, or contractual—does not capture the full nuance of this institution. A single forum—whether the church, state, or the household itself—is not fully competent to govern all marital questions. Marriage demands multiple forums and multiple laws to be governed adequately.”).

12. See, e.g., David Skeel & Tremper Longman III, *Criminal and Civil Law in the Torah*, in LAW AND THE BIBLE, *supra* note 6, at 80, 84–85 (drawing the connection between contemporary property law and the nature of ancient Israel’s view of land ownership).

13. See, e.g., Robert F. Cochran, Jr., *Tort Law and Intermediate Communities: Calvinist and Catholic Insights*, in CHRISTIAN PERSPECTIVES, *supra* note 1, at 486 [hereinafter Cochran, *Tort Law and Intermediate Communities*] (examining religious principles in tort law).

14. See, e.g., McCauliff, *A Historical Perspective*, *supra* note 8.

15. See, e.g., Thomas C. Berg, *Agape, Gift, and Intellectual Property*, in AGAPE, JUSTICE, AND LAW, *supra* note 6, at 273.

corporate law;<sup>16</sup> environmental law;<sup>17</sup> criminal law;<sup>18</sup> and immigration law.<sup>19</sup> The insights vary widely, but the very act of grappling affirms the faith-law relationship.

These volumes show me that religious discourse in America is not limited to Free Exercise and Establishment Clause lawsuits. Studying those cases may be interesting, but the field is frustratingly reactive. Bob’s collaborative work produces bodies of writing that are forward-looking and show us a path, indeed multiple paths, that thoughtful Christians might take on matters of law and society, love and justice. And in his own contributions to those volumes, Bob gently invites the reader to consider the transforming power of Christian love as applied not only to the individual heart but also to laws and the governance of legal institutions.<sup>20</sup>

The volumes Bob has produced reveal most beautifully that he is a disciple of Jesus. His priority is to bring people together to reflect on Jesus’ words and ministry. In his own pieces, Bob’s voice is clear, but there is no ego. Bob takes the reader on a walk with Jesus, a familiar friend, and is simply not afraid to let the biblical text take him where it leads. His exegesis of the text is comfortable with uncertainty and unavoidable indeterminacy.<sup>21</sup> He rejects triumphalism, and truly appreciates the multiple approaches to the questions of Christian engagement with law and government. Bob wrote in *Christian Perspectives*, “Christians need humility, clarity of vision, courage, and each other if we are to remain true to Christ.”<sup>22</sup> And that accurately sums up his message.

16. See, e.g., Lyman Johnson, *Law, Agape, and the Corporation*, in AGAPE, JUSTICE, AND LAW, *supra* note 6, at 248.

17. See, e.g., John Copeland Nagle, *Christianity and Environmental Law*, in CHRISTIAN PERSPECTIVES, *supra* note 1, at 435, 442 (discussing “the relation between people and other creatures, the relation between Christian teaching and legal obligations to protect the environment, and the legal consequences of the Christian obligation to care for those most in need”).

18. See, e.g., Phillip E. Johnson, *Human Nature and Criminal Responsibility: The Biblical View Restored*, in CHRISTIAN PERSPECTIVES, *supra* note 1, at 426; Jeffrie G. Murphy, *Christian Love and Criminal Punishment*, in AGAPE, JUSTICE, AND LAW, *supra* note 6, at 151.

19. Jennifer Lee Koh, *Agape, Grace, and Immigration Law: An Evangelical Perspective*, in AGAPE, JUSTICE, AND LAW, *supra* note 6, at 228.

20. See Robert F. Cochran, Jr. & Dallas Willard, *The Kingdom of God, Law, and the Heart: Jesus and the Civil Law*, in LAW AND THE BIBLE, *supra* note 6, at 151, 164 [hereinafter Cochran & Willard, *Kingdom of God*] (“The change of a person’s heart is not merely a private event, as is so often thought, but has a vast range of insuppressible implications for life, including life as a citizen.”).

21. See, e.g., *id.* at 174–77 (exegeting the Mosaic law and the teachings of Jesus regarding divorce).

22. Cochran, *Christian Traditions, Culture, and Law*, *supra* note 7, at 249.

I'd like to point out two things that I particularly appreciate in Bob's writing, that come out of his life as a disciple. First, the focus on Jesus' love as the starting place for analysis. I am reminded of Franciscan spiritual writer Richard Rohr, who has said, "In Jesus, God was given a face and a heart that we could see. God became someone we could love. . . . [W]e don't (or can't?) really fall in love with abstraction or concepts."<sup>23</sup> Bob does not deal in abstractions. He loves his Lord. The encounter with Jesus transforms the heart. But this change of heart is not simply a private experience; it has social and public implications. For law it means that the legal system must serve human good.<sup>24</sup> Indeed, the transformed heart makes it possible for lawmaking to be an act of love, a means of loving one's neighbor.<sup>25</sup> Bob's work shows us that Jesus is the wellspring of love's endless and boundless effects on society.

To explore just how this transformation of heart reaches into the law, Bob begins with Jesus's love for us, known as "agape:" the universal love for all of humanity that has nothing to do with merit.<sup>26</sup> And Bob concludes, as have others, that Jesus's agapic love for us becomes the yardstick by which we measure civil law.<sup>27</sup> As William Temple, former Archbishop of Canterbury said, "It is axiomatic that love should be the predominant Christian impulse and that justice is the primary form of love in social organization."<sup>28</sup> Lawmaking thus becomes an act of love; as such, law must be evaluated based on its impact on the weak, the vulnerable, the poor.<sup>29</sup> Just as Jesus taught and elevated and included all who came to him, so law should teach, elevate in

23. Richard Rohr, *The Face of the Other*, CTR. ACTION & CONTEMPLATION (Jan. 31, 2019), <https://cac.org/the-face-of-the-other-2019-01-31/>.

24. Randy Beck & David VanDrunen, *The Biblical Foundations of Law: Creation, Fall, and the Patriarchs*, in *LAW AND THE BIBLE*, *supra* note 6, at 23, 24 ("The human activities associated with the civil law seem analogous in some respects to these creative acts of God. . . . The words of the law seek to bring order and prosperity to the human community, pursuing ends deemed 'good' by those who govern.").

25. See Robert F. Cochran, Jr., *Evangelicals, Law, and Abortion*, in *FAITH AND LAW*, *supra* note 6, at 91 [hereinafter Cochran, *Evangelicals*]; Cochran & Willard, *The Kingdom of God*, *supra* note 20, at 151. I use "lawmaking" in the broadest sense: generating law through enactment, interpretation, application, implementation, and administration. Legislative, judicial, and regulatory/agency actions are all involved in "lawmaking."

26. Robert F. Cochran, Jr., *Jesus, Agape, and Law*, in *AGAPE, JUSTICE, AND LAW*, *supra* note 6, at 13 [hereinafter Cochran, *Jesus, Agape, and Law*].

27. Murphy, *supra* note 18, at 151–52.

28. *Id.*

29. See generally Cochran, *Jesus, Agape, and Law*, *supra* note 26, at 28 (stating that lawmaking provides an "opportunity (and responsibility) for judges and legislators who seek to apply agapic love to their work"); Cochran & Willard, *Kingdom of God*, *supra* note 20, at 151–82.

dignity, and include all.<sup>30</sup> Law is not for the benefit of the privileged and wealthy; law must not be arbitrary, cruel, harmful, or administered in a way that makes it so.<sup>31</sup> The special concern for those at the periphery is the fruit of our transformed hearts. Public justice and mercy flow from agape.

Within this framework, the legal official—defined broadly as anyone associated with law and its administration—thus becomes a servant of the people, with responsibilities to be exercised as one entrusted with love for all.<sup>32</sup> It is akin to the notion of a fiduciary, though expressed in deeply religious language. Agapic love influences law and lawyers, encouraging the manifestation of humility, sacrifice, regard for neighbor, and forgiveness.<sup>33</sup> As Paul Ramsey stressed, Christian leaders tirelessly strive for justice for others, while not insisting on it for themselves.<sup>34</sup>

How is it possible to comprehend lawmaking as an act of love? Bob takes us to Jesus’s colloquies with the lawyers of his day to see how he interpreted—and challenged or accepted—the Mosaic law (the civil law at the time).<sup>35</sup> In the Sabbath colloquy, Jesus makes clear that civil law is meant to serve the human person, not the other way around.<sup>36</sup> Lawmakers must take care not to squeeze God’s commands into excruciating details that burden people: the Sabbath is made for the human person.<sup>37</sup> Hyper-legalism is incompatible with our humanity. And in the divorce colloquy, Jesus recognizes that lawmakers had to use prudence in allowing departures from the moral law to take into account our hardened hearts.<sup>38</sup> Had divorce not been permitted, women would have been abandoned or killed. Thus, practical realities and prudence move us toward the ideal better than legislated absolutes can.<sup>39</sup>

And so it is folly to try to regard God’s moral law as though it could be

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30. Cochran, *Jesus, Agape, and Law*, *supra* note 26, at 14–15.

31. *See generally id.* at 28–34; Cochran & Willard, *Kingdom of God*, *supra* note 20, at 167–68 (discussing the importance of justice, both in lawmaking and governing, and the importance of a government that serves the people).

32. *Id.* at 28–34; Cochran & Willard, *Kingdom of God*, *supra* note 20, at 167–68.

33. *Id.* at 36.

34. *Id.* at 34–35.

35. Cochran & Willard, *Kingdom of God*, *supra* note 20, at 157–61.

36. *Id.* at 161.

37. *Id.* at 157–64.

38. *Id.* at 174–77.

39. *Id.*; *see also* Cochran, *Jesus, Agape, and Law*, *supra* note 26, at 28.



directly applied as civil law.<sup>40</sup> “God’s moral law calls people to the full challenge of agapic love, but agapic love also imposes limits on the level to which it might be incorporated in the civil law.”<sup>41</sup> Thomas Aquinas arrived at the same conclusion: he taught that while law should lead people to virtue, this is a gradual process at best because of human frailty and limitation.<sup>42</sup> Mercy should always prevail over hyper-legalism. This reminds me of the way in which equity, throughout history, has ameliorated the harsh impacts of the application of a particular legal rule.<sup>43</sup>

Agapic love has not been embraced in Christian legal thought, and Bob discusses the many reasons for this.<sup>44</sup> In my own Catholic tradition, we measure civil law by its conformity with the natural law and its furthering of the common good to facilitate human flourishing.<sup>45</sup> Agapic love is likewise a matter of helping people to flourish, with laws as a significant source of that help.<sup>46</sup> I see clear analogies between, on the one hand, agapic love and on the other, natural law and the common good, which approximate love in the social setting. But the Catholic concepts are intended to be universally accessible to all, in non-religious language, and are not particular to the Jesus story.<sup>47</sup> In contrast, Bob’s Calvinism focuses squarely on the Jesus story. Calvin argued that just as Jesus evaluated Mosaic law by the standard of agapic love, so should civil law be assessed.<sup>48</sup> Bob emphasizes the transformation of heart and the social and public transformation that flows from that.<sup>49</sup> I find it refreshing to place Jesus at the center of so open and lively a discussion. As the

40. Cochran, *Jesus, Agape, and Law*, *supra* note 26, at 28.

41. *Id.*

42. Cochran & Willard, *Kingdom of God*, *supra* note 20, at 178.

43. See Howard L. Oleck, *Historical Nature of Equity Jurisprudence*, 20 *FORDHAM L. REV.* 23, 44 (1951) (“Equity, certainly in its historical moral sense, and hopefully in its administrative sense, is the principal technique thus far developed to make certain that law always will be readily adaptable for, and directed toward, the achievement of justice.”).

44. Robert F. Cochran, Jr., *Introduction to AGAPE, JUSTICE, AND LAW*, *supra* note 6, at 6 (“While agape has been an important dynamic in Christian thought about political justice, surprisingly little attention has been given in the modern era to its relationship to law and jurisprudence.”).

45. Angela C. Carmella, *A Catholic View of Law and Justice*, in *CHRISTIAN PERSPECTIVES*, *supra* note 1, at 255, 269–72 [hereinafter Carmella, *A Catholic View*].

46. See generally Cochran, *Jesus, Agape, and Law*, *supra* note 26, at 35 (asserting that agapic love seeks the good of other people and, therefore, serves everybody).

47. *Id.* at 6 (noting the difficulties in joining love and law because of the Catholic distinction between nature and grace and the Protestant separation of law and grace).

48. *Id.* at 23.

49. *Id.* at 23–28.

Rohr quote from above illuminates, concepts and abstractions rarely inspire—but the person of Jesus does.<sup>50</sup> While I am comfortable with the language of the common good, I am also at home with the Jesus story, for it is my story, too.

I was particularly moved by much of the discourse surrounding the influx of undocumented persons over our southern border during this past year. The issues are often cast in the language of love for humanity, the stranger, and the sojourner. This language of agapic love is employed not only by religious communities and individuals from across the religious spectrum, but also by non-religious people who rightly expect it from Christians. In this way, agape becomes the starting point for discourse around humane immigration policies and border security. I realized how natural it is that love and law have been publicly joined in this way, in rather spontaneous utterances on social media and in popular culture as well as more scholarly works. In a recent New York Times op-ed, the writer described numerous evangelical churches in Alabama whose members have embraced immigrants in their community, even while saying they oppose illegal border crossings.<sup>51</sup> Their acceptance and deep show of respect for the human dignity of newcomers—welcoming the stranger—illustrates agapic love and how transformed hearts can transform entire communities, and may come to influence the design of laws.<sup>52</sup> Indeed, with Jesus condemning laws (and their interpretation and application) that undermine the humanity of the human person, legal implications of agapic love seem inevitable.

Though Jesus’s agapic love for us is universal, Christian communities take particular positions on ecclesiology, state, society, and law. Bob is well aware of the diversity of emphases that flow from Jesus’s love. Indeed, early on in our discussion about Christian perspectives, he envisioned a framework built on H. Richard Niebuhr’s *Christ and Culture*, which sets out a typology

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50. Rohr, *supra* note 23.

51. Alan Cross, Opinion, *Alabama is More Pro-Immigrant Than You Think*, N.Y. TIMES (April 30, 2019), <https://www.nytimes.com/2019/04/30/opinion/alabama-evangelicals-immigrants.html>.

52. *Id.* (“But I also see things changing. Politics operates downstream from culture; it lags behind. And I believe that the groundswell of welcome, love and acceptance developing in Alabama’s evangelical churches may herald, if nothing else, an eagerness for compassionate compromise on one of the most divisive issues of our day.”).

of five different understandings of theological and social ethics.<sup>53</sup> Bob understood that for our project to engage Christians, we had to acknowledge the variety of Christian approaches to the world, whether participatory or withdrawn, countercultural or transformative.<sup>54</sup> Bob is at home with the uncertainty and unavoidable indeterminacy of answers, as Niebuhr’s typology suggests, and finds exhilarating the range of insights that can be drawn from the typology.<sup>55</sup>

Bob’s own work speaks to the engaged Christian who seeks transformation, but with caution, prudence, and humility.<sup>56</sup> He points to Jim Crow on many occasions as the obvious temptation to sanctify and reinforce existing injustices and notes the dangers of both the “Christian nation” concept as well as withdrawal from public life.<sup>57</sup> Law often fails to do what it is supposed to: to act as the means of loving one’s neighbor and serving human good.<sup>58</sup> This is why, I think, Bob focuses not only on the content of law but also its administration, since grave injustices can easily occur at the hands of a single petty official with discretionary power.

As one might have already gathered, the second point to emphasize is that Bob’s work helps reclaim justice as a central Christian concept. Obviously, justice is a major biblical theme and comes in many different categories.<sup>59</sup> But I must admit that it is easy to lose sight of this fact. Law and religion scholar Harold Berman graciously accepted our invitation to write the Foreword to *Christian Perspectives*.<sup>60</sup> In it he mentioned that the word Christianity was

53. H. RICHARD NIEBUHR, *CHRIST AND CULTURE*, at xxxix–lv (1951). The typology sets out Christ above Culture (the Catholic tradition), Christ against Culture (the Anabaptist tradition), Christ Transforming Culture (the Reformed tradition), Christ and Culture in Tension (the Lutheran tradition), and Christ of Culture (finding overlap in current institutions). *Id.*

54. Cochran, *Christian Traditions, Culture, and Law*, *supra* note 7, at 242.

55. *Id.*

56. Cochran, *Evangelicals*, *supra* note 25, at 102–03.

57. *Id.* at 100.

58. See Cochran & Willard, *Kingdom of God*, *supra* note 20, at 161.

59. See generally Carmella, *A Catholic View*, *supra* note 45, at 269–72 (noting that there is commutative, distributive, retributive, procedural, relational and restorative, among others).

60. I HAROLD J. BERMAN, *LAW AND REVOLUTION: THE FORMATION OF THE WESTERN LEGAL TRADITION* (1983); II HAROLD J. BERMAN, *LAW AND REVOLUTION: THE IMPACT OF THE PROTESTANT REFORMATION ON THE WESTERN LEGAL TRADITION* (2003); HAROLD J. BERMAN, *THE INTERACTION OF LAW AND RELIGION* (1974); HAROLD J. BERMAN, *FAITH AND ORDER: THE RECONCILIATION OF LAW AND RELIGION* (1993).

"closely related" to the word justice.<sup>61</sup> When I first read that, I was taken aback. Surely, I believed this, and yet it still seemed jarring. Could Christians make such a bold claim after so many failures throughout our history and even now, with so many injustices that most of us Christians, including myself, ignore?

Bob is honest about the failures, and instead looks forward in Christian hope with his transformative vision.<sup>62</sup> And rather than setting love and justice in opposition, he makes clear that a Christian is called to be a positive force for justice and care, discerning the appropriate role to play depending upon the particular legal system.<sup>63</sup> But again, it is not simply an individual choice and act. We need concepts to translate love into social organizational categories and advance justice. Bob employs subsidiarity and sphere sovereignty, developed in the Catholic and Reformed traditions, respectively. These concepts help protect the freedom and integrity of mediating communities while also encouraging their appropriate regulation for accountability.<sup>64</sup>

Bob's faith has led him to solidarity with the poor and vulnerable, which he expresses in his plea for racial equality and an end to abortion<sup>65</sup> as well as the work he has done on behalf of the poor through the legal aid clinic he started at Pepperdine decades ago. His exploration of the relationship of Christianity to civil law, justice, and government leads him to offer the following principles that Christians should support: laws that provide basic human needs to those who are strangers among us; a criminal justice system based on the ancient notion of "justice tempered with mercy"; laws that meet needs in ways that elevate people so they can participate in self-governance and develop self-determination; education in all forms; and legal officials that exhibit humility, service, and sacrifice.<sup>66</sup>

Professor Berman reminds us in the Foreword to *Christian Perspectives* that in 1974 his book, *The Interaction of Law and Religion*, was received in silence by his Harvard colleagues, embarrassed that he had linked law and

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61. Harold J. Berman, *Foreword* to CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT, *supra* note 1, at xi [hereinafter Berman, *Foreword*].

62. Cochran, *Christian Traditions, Culture, and Law*, *supra* note 7, at 244.

63. *Id.* at 251.

64. Cochran, *Tort Law and Intermediate Communities*, *supra* note 13, at 486 (showing how tort law is communal, not individualistic).

65. See Cochran, *Evangelicals*, *supra* note 25, at 91–115.

66. Cochran, *Jesus, Agape, and Law*, *supra* note 26, at 34–37 (quoting OLIVER O'DONOVAN, *DESIRE OF THE NATIONS: REDISCOVERING THE ROOTS OF POLITICAL THEOLOGY* 200 (1996) (tracing the formulation of this quote back to Ambrose)).

Christianity.<sup>67</sup> This was roughly around the time that twenty-year-old me was wandering in and out of professors’ offices, looking for someone to talk to. Of course, some important movements among Christians in the 1980s and 90s began to break this silence,<sup>68</sup> but Bob’s work has picked up the momentum and allowed a fuller articulation of the connections. Surely his work, and the work of the scholars he has gathered together over the past two decades, give a clear answer to twenty-year-old me: yes, your Christian faith has quite a bit to say about your work, the laws of the society in which you live, and the quality of justice in that society. Bob understands and admits the many failures of the past and present and urges continual reflection and reform. But he gently invites all to consider that Christian love can transform, perhaps only modestly, the substance of law and the ways in which we administer the law to ensure dignity for all.<sup>69</sup> His work echoes Professor Berman’s thesis that “[God] continues to reveal Himself in the development of [legal institutions] insofar as they reflect justice and mercy and good faith[.]” and that the very purpose of law is “to create conditions in which sacrificial love of God and of neighbor, the kind of love personified by Jesus Christ, can take root in society and grow.”<sup>70</sup>

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67. Berman, *Forward*, *supra* note 61, at xii (“It was simply an embarrassment to them for a colleague to link law with religion, and especially with Christianity.”).

68. *Id.* (“[I]n the 1980s and 1990s a number of Christian legal scholars have come out of the closet.”).

69. Cochran & Willard, *Kingdom of God*, *supra* note 25, at 167–68 (“Legal administration, as well as lawmaking, can be a means of loving people. Those who enforce and administer the law, from a country’s president to the clerk at the Division of Motor Vehicles, have an enormous impact on people’s lives.”).

70. Berman, *Forward*, *supra* note 61, at xiii.