Well, if you think of this introductory panel in theological terms you might think of it as trying to embody the trinity of law and religion studies. We had the first piece which was history in Professor Berman's work. We had the second piece, which is law, in Professor Greenawalt's work. So, I'm here to give you a missing piece, I think, which is a perspective on the relationship of law, or more broadly, morality and law in a pluralistic culture, from the perspective of inside a religious tradition. So, I'll be speaking to you today, not primarily as a lawyer, but primarily as a Christian theologian developing some of these themes that we need to think about from within the tradition.

Theologians and lawyers aren't all that much different from one another in the work we actually do. We carry on a tradition in a McIntyrian sense, thinking about the practices, thinking about the core ideas, thinking about the virtues that embody the practices in one sense in a broader, pluralistic culture, and in the other sense in the midst of a community which is guided by commitments of faith, but which also is attentive to the needs of living in a pluralistic culture. So, that's the angle at which I'm going to come at the talk today.

In his controversial new book, *The Stillborn God*, Columbia University professor Mark Lilla writes, "We have trouble letting God be. For believers in the biblical religions, the reason will be obvious: it is because God does not let us be. We and our world are bound to him in a divine nexus; he is our creator, our guide, our judge and our redeemer. And because he is, we must know how he wants us to live. The biblical God is not a remote deity who abandoned his creation, nor does he walk silently among us. He is the speaking God who engages us with his word and expects a response. He declared his creation good, and now heaven and earth declare his glory. But he also left creation incomplete so we would turn to him for the key to right living, the comprehensive Law, the one thing needful. If human beings seek God it is because, though fallen, we are made in his image and likeness."

Now for Lilla, the logical outcome of this inability to “let God be” threatens the fragile ecosystem of what he calls the “Great Separation,” the effort of modern philosophy and politics to “disengage[e] reflection about the human political realm from theological speculations about
what might lie behind it.” In his view, this Great Separation underlies key elements of Western
democratic polities that we all take for granted: “separation of church and state, individual rights
to private and collective worship, freedom of conscience, religious toleration.”

He strongly implies that our hearts’ untamable yearning for a deep and intense relationship with
the God revealed in the scriptures undermines – or could undermine – our deepest political
values.

Well, I'm not so sure. Other scholars have taken on, and no doubt will continue to take on,
Professor Lilla's account of the intersection between political and religious history in the West,
which strikes me as highly selective and deeply flawed.

But if we read The Stillborn God, not as history, but as contemporary cultural commentary, it
raises an important question about the state of religion and political life in the contemporary
United States, influenced as it is by the prophetic strand of biblical Protestantism. And it raises a
query about its future that is of interest to many of us at this conference: Do we have to choose
between deep, religious commitment and a commitment to a liberal, tolerant political sphere?

Now, I believe that Professor Lilla is correct about the resurgence of interest among religious
believers in a confident, full-bodied participation in their spiritual and religious heritage. But the
problem as I see it is not that religious believers, at least Christian religious believers, have too
much confidence. The problem is that we tend to have the wrong sort of confidence, or better, a
misplaced confidence. We have confidence in our own capacity to plumb the depths of the mind
of God and to do God’s will rather than in confidence of God, whose depth and will and power
we can never fully understand.

I think some of the reason, incidentally, that we have this sort of misplaced confidence in our
religious traditions, the majority does, that Christianity does, is due to the current state of church-
state jurisprudence. If we look at the question of law and religion in a pluralistic culture from the
perspective embedded in First Amendment law, two features looking at it overall, seem to me
very striking. First, it can easily seem as religion and religious believers are rather like odd
pieces of flotsam and jetsam bobbing around on the vast sea of American culture. The vast sea is
the web of law, regulation, cultural practices, and political practices. Religion is an isolated and
odd set of preferences – to smoke peyote, to take one's children out of school, to refuse blood
transfusion – that intrudes upon this vast sea from time to time.

And secondly, the current constitutional framework overall seems increasingly designed to create
a less need to pay too much attention to the intrusion of religion. Thanks to cases like Smith and
the movement in antiestablishment law over the past 20 years, I guess you could say the peaks
and valleys of religious belief have been to a great degree leveled by this movement toward non-
discrimination and equality as its norm. Neither the particular benefits of religion, the Free
Exercise Clause, nor its particular dangers, the Establishment Clause concerns, are greatly
acknowledged with too much special constitutional accommodation. In this context, religious
belief starts to become and starts to act like one more odd little special interest group, to promote
their own vision when in power and to protect their interests politically when out of power.
It may seem adamant, for example, the meetings of the Family Research Council or Focus on the Family from time to time about promoting its interests. But it is no more adamant than organizations like the American Medical Association or the American Association of Retired Persons, or for that matter, and I guess important here, the ABA. So, we seem to have a group that is adamant about protecting its interests in a political way. Maybe this is necessary, but it seems to me, Christian believers need to be very wary about internalizing this picture.

First, it makes religion too small. It becomes one more special political interest group active at one point in time in one small portion of the world rather than a comprehensive scheme for interpreting the whole of creation from the beginning of time to the end. Second, and this is more controversial, it functionally threatens to eliminate God from the picture. The term religion is from the Latin “religare,” which means "to bind upon." What religious believers in the biblical tradition are bound upon or are bound to is God, whose reality spills beyond all finite frameworks for capturing divine existence. God in this system is simply the background sponsor for certain contentious judgments of law and policy.

Thirdly, and consequently, it encourages a misplaced certainty. To survive in the broad give and take of American politics, political action groups need to be adamant about what they want, and what they want is important because they want it, not because it truly accords with the common good. They are voters, and they can deliver votes. God is not a voter.

What is the remedy? First, I think religious believers need to look to their own traditions for ways to conceptualize their activities in the broader world in a way that takes account of pluralism. We need to look to the tradition for new resources to frame life in a pluralistic society. In the riches of a full-bodied account of the role of believers acting in the world, consequently, we need to find some grounds for a little bit of humility. That humility – and I stress this is not the same thing as relativism – it is grounded not in our uncertainty about God as the nature and source of all being, but in our own recognition that we are not capable of fully plumbing the depths of God's purposes.

I would like to suggest that one avenue for Christian thinkers to consider in nurturing in their own communities the appropriate sort of confidence and humility, as well as the more open attitude toward those who hold ideas different from their own is by retrieving and renovating the idea -- of the munus triplex, the triple work.

The munus triplex is the articulation of the threefold work of Jesus Christ in the cosmos in terms of three roles firmly rooted in the Hebrew scriptures: Prophet, Priest and King. It is applied, by extension, to Christians who, with their baptismal chrism, are called to share in these functions as they live out their lives as members of the body of Christ.

The origination of the categories is often attributed to Eusebius of Caesarea, 269 to 339, who included it in his first major history of Christianity, written as the church was in the flush of success of being the new favorite religion of the empire. His development of the categories, it must be said, has distinct imperialistic overtones for precisely this reason.

But it is important to note that Eusebius was not, in fact, the first to think about the role of Christ
in these categories. They were employed well before the church became entwined in the empire. They were employed when the church was a struggling minority religion in the empire. Furthermore, I think that the categories are helpful because there's some ecumenical sweep to them. They've been used by both Erasmus of Rotterdam and John Calvin who brought the categories to a new prominence in devoting an entire chapter of his *Institutes* to the consideration of the role of Christ’s three-fold office in our salvation.

They make an appearance in both the Catechism of the Council of Trent, the Catholic catechism and in the Westminster Catechism, Protestant Catechism. They are in use, but not suffering from overexposure in 20th century theology. Karl Barth draws upon them, although vastly revises them, in *Church Dogmatics*, as does Pope John Paul II in his first, and in my view, one of his best encyclicals, *Redemptor hominis* (the redeemer of mankind), in 1979.

My thesis here is, and I'll try to indicate briefly which each of these categories how they might work, is by virtue of their baptism into the body of Christ. Christians believe themselves and rightly believe themselves to participate in these honorable functions. They capture the cosmic sweep of Christianity. There are, however, dangers associated with thinking of oneself in this way, and these dangers must be combated.

First, Christians might tend to think that we have a claim to these roles independently of a connection to Christ because of something intrinsic to us. That's wrong. Secondly, we might interpret these roles in the very incorrect fashion, by which I mean by solely reference to their common meanings -- prophet, priest and king is understood in a this-worldly fashion -- rather than by reference to the way they have been radically transformed by Christian thinkers in light of the person and work of Jesus Christ, Jesus of Nazareth, the Anointed One. And third, and this is the more controversial aspect of my paper, we might fail to realize that there is a great deal of work to be done in continuing to reinterpret these roles to help us take our place in a pluralistic, cosmopolitan society.

I think, in a nutshell, in the case of the first two roles that I'll discuss, the priest and the king, it is important to retrieve aspects of the broader tradition that have been particularly occluded by those invoking the category of the *munus triplex*, particularly in Christendom, the connection of the church and the state. But more work needs to be done in the case of the role of the prophet.

Whereas the role of king and priest as understood in the Old Testament Hebrew Bible have been thoroughly transformed by Christian thinkers over the centuries, in ways that can assist in life in a pluralistic and contentious society, unfortunately, our role of the prophet has not undergone such transformation. I will suggest that there are resources available within scripture itself to take on this task, particularly the book of Jonah.

So, just briefly through the three categories and showing how we can use the categories, both to richly root a commitment to Christianity, at the same time to inculcate the sort of humility about our claims that's going to be necessary to go along peaceably in a pluralistic society. Let's start with the priesthood.

The basic functions of the Hebrew priesthood were two – this is a nutshell version – to maintain
and enforce the system of the cult, including the cult of ritual or cultic purity, and to offer the
prescribed sacrifices to God on behalf of the people, interceding for their being, and to turn away
the wrath of God from their transgressions. It is an oversimplification, but not a gross one, to say
that Christianity abolished the first function, the cultic function, and radically transformed the
other, thanks to the writings attributed to the man known as Paul of Tarsus.

The Christian transformation of the priesthood began with a letter to the Hebrews in the New
Testament, which many scholars view as written just before the destruction of the Jewish temple
in the year 70. The author both draws upon and repurposes the conception of the priesthood
developed in the Hebrew scriptures, shifting the focus from the many sacrifices that are carried
out in the temple on earth to the one, eternal sacrifice that is carried out in the heavenly temple.
In this move the temporal world is but a shadow of the real world of eternity. In doing so, he is
actually echoing themes of Second Temple Judaism and themes seen earlier in the book of
Ezekiel, as well as neoplatonic themes.

What do later Christians make use of this imagery or how do they make use of it? Well,
Eusebius himself emphasis the spiritual nature of Christ's priesthood rather than its physical
nature since he was not anointed with physical oil but instead with the oil of gladness – that's
quoting from a Psalm. Calvin stresses the unique efficacy of Christ's sacrifice. Lumen Gentium,
the Catholic document on the church from the Second Vatican Council, emphasizes Christ's role
as high priest, which the laity ought respond with the receipt of the sacraments of the Eucharist
and penance, prayer and thanksgiving, witness of holy life and self denial.

It seems to me, looking at this as an overall tradition, key aspects of this are very helpful for the
role of Christians in a pluralistic society. The notion of priesthood preserves, as developed in the
tradition, the reversal. It emphasizes the notion of self-sacrifice and self-gift rather than gifts on
the part of others. But there's also a need for a retrieval of a forgotten aspect of the tradition, and
forgotten, unfortunately, because of the anti-Jewish polemics that the Christian church engaged
in in its early years and later by anti-Semitic and sometimes anti-Catholic polemics against
legalism.

But fortunately, critical scholarship has moved beyond this to some extent, and I think helps us
to retrieve an aspect of the priestly tradition that will be of more use to us as we move to a more
cosmopolitan society. For example, my colleague, Joseph Blenkinsopp, demonstrates ways of
interpreting the Hebrew priesthood that were lost in the first century of Christian anti-Jewish
polemic. He situates the cult within a broader interest of the priestly, or “P” source, in the
biblical documents in terms of the themes of universal humanity. It is the “P” source who is
responsible for emphasizing the creation of each human being in the image and likeness of God,
and it is “P” who stressed the Noachide covenant emphasizing that humanity was in a covenant
relationship with God long before Israel appeared on the scene.

In addition, Blenkinsopp interprets the system of ritual purity, the distinction between clean and
unclean, as a human cooperation with the work of creation, continuation of God's work of
orderly creation and organization. So, the priestly role as understood, I think in our context in
the next 25 years, has to move toward universality and care for all of creation. It also has
something to tell us with respect to the holiness code. The function of the holiness code in
conjunction with the mandate of sacrifice is to affirm that God is both different from humanity beyond all understanding, yet also stands in some relation to us in ways in which we can cooperate, if not fully understand. Holiness is dangerous. In appropriate contact between the holy and the divine is deadly, as the story of the sons of Aaron, who incorrectly offered incense before God without being authorized to do so, tells us. God killed them by fire.

Now, we don’t need to return to that very literal way of understanding this to recognize that a proper interpretation of the holiness code will help us believers to realize that our God is not a cozy God. Our God is not subject to our control, and our God is, in some sense, only approached with awe. There are images of God as a kind of a navigation system that are out there. God is my copilot. There's a country song called “Jesus Take the Wheel” that I think Carrie Underwood sang a while ago. The God of the biblical scriptures is not a GPS system. It's not our personal product that we can use to get us where we already want to know. I think for the majority religion, for Christianity, to move forward in a more pluralistic environment, that's something we need to hold onto.

The same thing can be done with respect to the notion of the kingship of Christ. In the Christian tradition the notion of kingship is transformed in two ways. First, it is a spiritual kingship rather than a geographical kingship, and second, the normal notion of kingship as being lordship has been reversed or at least greatly qualified in the Christian tradition, and its reinterpretation in connection with service. John Paul II emphasizes service as the context of one's vocation as the mark of a Christian participation in the kingship of Christ. In doing so, his understanding draws upon the so-called “servant songs” of deuteero–Isaiah, which Christianity interpreted as applying to Christ. The suffering servant, despised by all, is raised up by God to be a light to all the nations. To the extent that Christianity as a majority religion sees itself as participating in a broader, secular government and, therefore, in the notion of ruling or kingship, it needs to retrieve both the relativization of what's going on by focusing on the eternal nature of Christ's kingship and a notion of kingship as service, not a question of straightforward ruling.

But there's a retrieval that we need to make I think. As most of you have all probably figured out, Christianity is a religion of many moving parts. People say that the tax code is a full employment act for lawyers. One might say that Christology is the full employment act for dogmatic theologians. Orthodox Christianity affirms that Jesus of Nazareth was both human, he walked among us as a man, at the same time that he was fully divine, the Christ, the Son of God, the second person of the Trinity. Figuring out how that operates, what that means and what that implies for the Christian life has consumed many, many pages and papyri. But how does that affect our topic? Well, you can ask in what way was Christ king? In reference to his humanity or in reference to his divinity? Needless to say, I'm not the first person to have thought of this question.

While it's not prominent in the modern and later modern discussions of the notion of the prophet, priest and king, it is prominent in the early Christian discussions of this. In essence, there were two ways to go. The Alexandrian theology connected the kingship of Christ, for the most part, to the divine logos, who ruled the world at the behest of God as his son. The Alexandrians were indebted to the Hellenistic Judaism of Alexandrian Egypt and Philo in particular. Christ, in Clement of Alexandria and Origin, appears as the eternal logos of God, the power by which God
directs and reveals his law to the whole world and in which all things cohere. So, in this
Alexandrian tradition, the kingship of Christ is associated with his universality, his role as the
logos, as the ordering the universe, which Christians identified with the second person of the
Trinity.

The Antiochian theology, however, did things a bit differently. In their tradition, the kingship of
Christ was connected with his humanity or with his human nature from the moment in which that
nature became united with the divine. The Antiochian tradition was related most closely to the
Messianism of Palestinian Judaism. So, they saw Christ, not as the eternal logos role as king, but
they saw the kingship of Christ as related to his particularity as the new David, as the king of the
new Jerusalem, which would only fully be inaugurated at the Eschaton, not on this earth.

Why should we retrieve these two abstruse ways of understanding the kingship of Christ in
connection with his nature? Well, I think it will give us a new way of framing questions we've
got now. Christianity now is deeply engaged with problems of universality: claiming to be the
light of the world, claiming to be applicable to the whole planet, to every human being made in
the image and likeness of God, and the particularity, the contingency of its own sources. One of
the tasks in the next 25 years I think is to work through better the connection and the differences
between understanding Christianity and its moral norms as the norms of a particular tradition.
On the other hand, understanding it as norms available – this is where the natural law tradition
comes in – and in some sense, accessible to all humanity.

One more category: prophet. What is a prophet? As it turns out, this is a difficult question.
There is in my view no one who has gotten more inside the head of the Major and Minor
prophets in the Hebrew Scriptures than Abraham Joshua Heschel, who writes in his book on the
prophets, "The prophet was an individual who said no to his society, condemning its habits and
assumptions, its complacency, its waywardness, its syncretism." This view is largely in accord
with the historical literature produced by both Jewish and Christian scholars on the biblical
prophets. It's the usage that has taken over contemporary Christian thought as well. Martin
Luther King, with whom Heschel collaborated, is called a prophet precisely because of the moral
demands he impresses upon our community.

But things aren't that simple. As John Barton argues in his marvelous book, Oracles of God:
Perceptions of Ancient Prophecy in Israel, there were four conceptions of prophecy around the
ancient Near East at the time of the birth of Christ and rabbinic Judaism. One had to do with the
law, but the other had to do with either prediction of the future on the one hand, or the revelation
of secrets of the cosmos held close in the mind and heart of God. Later thinkers drew upon both
of these traditions. You'll see both the moral tradition, particularly in the American prophetic
tradition, as well as the notion of prophecy as a type of seeing or revelation of truth.

What we don't have, however, in the prophetic tradition anywhere is a reinterpretation, a
revaluing of what it means to be a prophet. We don't have a way of understanding that our
understanding is not exact. Where do we look for this? And I think this is also important
because we're dealing with truth claims and truth claim about God. How do we understand we
don't have access to the mind of God?
My last comment, I'll suggest we turn to the book of Jonah. Jonah was the reluctant prophet who prophesied doom to Nineveh, a major city of the Assyrians, a great enemy of Israel, and he was not pleased when the Ninevehites repented. He didn’t get to call down destruction upon them, so he went off in a huff to the east of Nineveh, and God gave him a gourd plant to provide him some shade. He pouted. You could call Jonah the pouty prophet. God made it wither and die to teach him a lesson. Jonah complained, and what did God say to Jonah? "You are concerned over the plant which cost you no labor and which you did not raise. It came up in one night, and in one night it perished. And should not I, God, be concerned over Nineveh, that great city in which there are more than over 120,000 persons who cannot distinguish their right hand from their left, not to mention many cattle?"

This last verse from the book of Jonah I think shows us that no matter what certainty we have, what our faith teaches us about the ways of God, God has ways which we do not know, and God has ways of dealing with the others who are made in his image and likeness that we cannot capture within our systems and within our categories and within our frameworks. Thank you.