

everyone irrespective of religious identity or lack thereof. If God is the Lord of conscience and reserves ultimate judgment, then who are we to take upon ourselves the task of separating wheat and tares before the appointed time? It is almost cliché now to recognize how polarized and divided we are, but nevertheless given that unsettling reality it is powerful to encounter Walker's specifically Baptist appeal for a universal truth generously applied.

There are, of course, quibbles and objections to voice as well. As a Calvinist I would frame things differently here and there and have some strong disagreements with this or that element of Walker's analysis and position. But that is to be expected among Christians on this side of eternity, when we still see through a glass darkly even as we strive to follow the light of the world.

—Micah Watson
Calvin University

A Christian Approach to Corporate Religious Liberty

Edward A. David

Cham, Switzerland: Palgrave MacMillan, 2020 (264 pages)

Corporate religious liberty (CRL) calls for the extension of free exercise rights to for-profit and not-for-profit institutions. These rights are construed based on the first US Constitutional amendment, which stipulates that the government should respect the free exercise of religious beliefs and practices. Legal theorists argue about which groups are entitled to protections and how these protections are to be extended. Frequently, conflicts arise between the extension of group rights and the infringement of individual rights amidst these protections.

In recent years CRL has become one of the most pressing topics in contemporary American jurisprudence. To what extent should secular but religiously motivated institutions be offered free exercise rights? This was the concern of *Burwell v. Hobby Lobby* (2014). The CRL debate seems to place individual rights against group rights, creating a frustrating impasse. Edward David's new book attempts to find middle ground between religiously motivated organizations on the one hand and the criticisms of politically liberal legal theorists on the other. David adds value to this discussion by refocusing the extension of free exercise rights to group actions.

In an effort to move the corporate religious liberty debate beyond its present emphasis upon individual *or* group rights, David's book provides an account of CRL that draws on a widely ecumenical set of Protestant and Catholic theologies to extend free exercise rights to group's social actions. Instead of viewing organizations as corporate moral persons, David's thesis is that the moral quality of group actions ought to be the proper subject of analysis.

Thus, a notable contribution of the book is its attentiveness to the "anatomy of group agency" and specifically the modest group realism that David proffers (118). David's approach shifts our moral attention toward the collaborative or coordinated actions of communities, which aim toward intelligibly good and shared ends. This paradigm is starkly

different from the standard approach to CRL: instead of pitting the rights of individuals against groups, David argues that “the inherent moral value of . . . group actions should be the focus of corporate religious liberty” (v). This new focus avoids overemphasizing individual rights, and it avoids ontologically incoherent abstractions such as corporate moral personhood.

David’s argument marks an important response to politically liberal legal theorists who construct “objections to the use of group ontology for the ascription of legal rights” (20). Some of these theorists that David engages with include the late Justice Ginsburg as well as legal scholars James D. Nelson, Richard Schragger, and Micah Schwartzman. All of these thinkers have historically viewed groups and group rights as threats to individuals, and consequently restrict CRL to voluntary associations alone.

David’s social action thesis seeks to extend CRL to a wider variety of groups such as secular but religiously motivated for-profit corporations. He does so with careful attention to moral detail and group type. For example, David’s readers are encouraged to not “gloss over important empirical differences between group types,” especially between for-profit firms and religious institutions (17). David’s reliance upon church teachings—particularly Aquinas’s account of group ontology—will interest a diverse Christian audience. In particular, his thesis relies upon an Aristotelian-Thomistic, or “modest,” form of group realism: one that views groups as social actions, particularly from the perspective of moral philosophy.

One way in which David might strengthen his moral argumentation—and simultaneously engage with resources that might appeal to members of his non-Christian audience—could be found through a Neo-Aristotelian and, specifically, MacIntyrean framework of *communal practices*. In *After Virtue* (2007) MacIntyre defines communal practices as a form of “socially established cooperative human activity” that aims at intelligibly good and communally shared ends, or “internal goods,” as he calls them (187).

Compare MacIntyre’s definition to David’s Thomistic understanding of groups that “views groups as verbs—that is, as the group-agential actions [qua practices] of coordinating individuals” (60). Also note David’s emphasis upon moral evaluation: “the group-agential activity of individuals serves as an intelligible subject for moral analysis” (142). Given the similarities between David’s “group-agential actions” and MacIntyrean “communal practices,” David could leverage the latter to highlight the inherent moral value of group activities. Group action, understood as practices, involves the achievement of excellence, human good, and virtue. Moreover, by attending to the moral traditions that MacIntyre associates with distinct practices, David could further establish particular group actions as *right actions* in moral and even legal terms. These actions would deserve CRL protections insofar as they embody a living community of moral memory. These tradition- and excellence-based reasons could directly tie CRL protections to other important moral sources. Subsequently, this MacIntyrean approach could challenge David’s insistence that the strongest group protections should be given to churches alone (see chap. 4): After all, if practices carry with them an inherent moral worth, then what stops secular for-profit firms from seeking protections based on their own moral value?

Important questions such as this—that is, ones centered on actions, virtues, and practices—do not regularly feature in the CRL debate. Yet such questions are vital for the improvement of rights-talk and for a general renewal of public moral discourse. David’s book lays the groundwork for significant advancement, offering an ontological shift to spark novel answers to an often-troubled debate.

—Garrett Potts (garrettpotts@usf.edu)

Department of Religious Studies, University of South Florida

Preventing Unjust War: A Catholic Argument for Conscientious Objection

Roger Bergman

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Roger Bergman defends classic Catholic just war teaching with the unexpected argument that the tradition is strengthened by allowing soldiers to conscientiously object to participation in a specific conflict. Bergman argues that not only does “selective conscientious objection” protect the soldier from the ravages of moral injury but that it may also serve as an impediment to governments engaging in unjust wars. We recommend the book for scholars who are interested in Catholic just war thinking and moral questions regarding the conditions under which individuals should defy illegitimate demands made by political authorities.

Bergman argues against contemporary Catholic voices seeking to deny orthodox Christian teaching on just war in favor of partial or absolute pacifism. Bergman does not ground his argument in a wider theological underpinning to political order and just statecraft, as can be found in Catholic University of America professor Joseph Capizzi’s superb *Politics, Justice, and War: Christian Governance and the Ethics of Warfare*. Instead, Bergman takes a far narrower approach focused on a very personal and individualistic approach to conscientious objection illustrated by the tragic case of Franz Jägerstätter, a patriotic Austrian executed by the Nazis.

Jägerstätter, who once served as a town mayor, completed his compulsory military training in his native Austria. He was also an opponent of the *Anschluss*, who refused on multiple occasions to take the required oath to Hitler. Because he was a farmer, and thus was in an essential profession during the war, he was able to defer military service until 1943. Despite volunteering to serve as a medic or in some other capacity so that he would not participate in killing on behalf of Hitler and the Nazis, Jägerstätter was imprisoned and later guillotined.

Jägerstätter is an interesting case in many ways. He was not a pacifist in either of the two major Christian traditions, as (1) a professional cleric not wielding the sword but rather fighting spiritual warfare (i.e., Augustine’s Letter 189), or (2) representing the not-of-this-world spirit of the Radical Reformation’s Schleithem Confession (which forbade essentially all public service). Jägerstätter turned to religious authorities who, for a variety of reasons, told him to serve. Thus, he exemplifies the individual, pressured by the State