

*Complex Space or Broken Middle?  
Reflections on the Sharia Controversy*

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ABSTRACT

Remarks by Rowan Williams, the Archbishop of Canterbury, suggesting that British law recognize Islamic law in some cases provoked a public outcry. I reflect on what may have caused the strong reaction to Williams's remarks by situating them between the work of John Milbank and the work of Gillian Rose. What Williams, Milbank, and Rose are struggling to articulate is a "politics of the middle," a political theory that does not privilege the sovereignty of individual or state, and which puts intermediary associations at center stage. A politics of the middle offers the only alternative to political theology, I argue. However, attempts to articulate a politics of the middle have remained cloaked in residual political theology. Critics of secular liberalism, who often content themselves with offering genealogies instead of presenting a constructive alternative, should explore the possibilities held by a politics of the middle, possibilities (and challenges) exposed by the sharia controversy.

**Keywords:** secular liberalism, sharia, sovereignty, rhetoric, Rowan Williams, John Milbank, Gillian Rose

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Recent interest in political theology has focused on recognizing it and reforming it. Ostensibly secular political theory has been shown to rely on concepts with a specific Christian heritage. Particularly, how a political sovereign is understood has mirrored how God's relationship to the world is understood – whether He is outside or inside, whether He just sets it in motion or plays an active role in its daily operations. The death of God did not end political theology; it concealed political theology. Regnant secular liberalism is just as dependent on religious mythology to maintain political authority as medieval monarchy, but the dependence today is unspoken. Christian theologians have suggested that, given this state of affairs, a return to an explicitly Christian *mythos* is necessary, one which corrects the theological heresy that has become secular liberalism. Political theorists critical of secular liberalism and interested in its religious heritage but uncomfortable with triumphalist Christian alternatives have struggled to move from diagnosis to treatment. Some have been content with the notion that offering genealogical exposés is sufficient political work; others have turned to Islamism as a challenge to the hegemony of Western political theologies, thereby revealing the latter's contingency.<sup>1</sup> Yet this second response is equivocal, for it is not Islamism itself that these critics of secular liberalism embrace. Their enthusiasm is for the effect of Islamism, the way it exposes the implicit foundations of secular liberalism, not for the

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<sup>1</sup> For example, Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford, CA: Stanford University Press, 2003) and Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton, NJ: Princeton University Press, 2005).

alternative political theology it advances. These critics are left without a constructive agenda, making political theology seem like the inevitable foundation of politics – and unwittingly increasing the plausibility of the alternative, peaceful political theology advanced by Christian theologians.

A politics of the middle offers an alternative to political theology. Rather than affirming the sovereignty of the secular liberal state, offering a genealogy of that sovereignty, or offering an alternative conception of sovereignty, a politics of the middle does away with the concept of sovereignty altogether. Instead of focusing on a secular liberal subject in relation to an all-powerful state, or a Muslim subject in relation to all-powerful Allah, a politics of the middle focuses on the myriad intermediary associations between the individual and some higher power. Sovereign subject and sovereign state are demystified, and they are put on equal footing with trade unions, neighborhood associations, sporting clubs. Politics is about all of these, and about their complex, tense, difficult relationship with each other. Politics is this struggle: *agon* without end, though *agon* itself is also not the end.

This tradition of a politics of the middle has always been expounded imperfectly – notably, by the various types of pluralist political theories in the first quarter of the twentieth century and, most recently, in the concepts of complex space and the broken middle developed by John Milbank and Gillian Rose, respectively. The potential for a robust politics of the middle to flourish has been repeatedly quashed by subordinating such politics to other concerns – realization of individual personality, Christian aesthetics, overwhelming negativity. The Archbishop of Canterbury, Rowan Williams, positioned himself in the tradition of a politics of the middle when he suggested that

British law should explore how to recognize sharia. In the vociferous reactions his remarks provoked, his articulation of a politics of the middle is obscured. These reactions replicate the way that a politics of the middle has often been coded as political theology, and demonstrate in the public sphere what is evident in academic work: just how pervasive and intransigent political theology is. By exploring Williams's remarks, reactions to them, and their theoretical context, the overlooked possibility held by a politics of the middle will begin to emerge. Locating Williams's remarks between Milbank's complex space and Rose's broken middle, I argue that both of these concepts are suggestive but ultimately limited articulations of a politics of the middle.

In early February of this year, the English media reported the uproar over Williams's remarks on Islamic Law, remarks delivered as a formal lecture to the House of Lords and in an interview with the BBC discussing that lecture. To say that the English media "reported" this controversy is misleading. As the English papers are wont to do, they not only added fuel to the fire, they lit the match. A *Telegraph* headline read, "Adopt Sharia Law in England, Says Archbishop of Canterbury." The *Times* referred to Williams's remarks as "his apparent appeasement of Islamism." In one article, the reporter offered readers the following background:

Sharia is the body of Islamic law implemented in some Muslim countries, including Saudi Arabia, Libya and Sudan. In some, it is associated with draconian punishments for crimes such as theft, adultery or blasphemy, such as amputation of limbs, death by stoning or use of the lash. In Afghanistan, a student who

downloaded a report on women's rights from the internet is facing the death penalty.<sup>2</sup>

The language of these newspaper reports is the language of an existential enemy. “Sharia” labels all which is un-English, from Islam to corporal punishment to misogyny. Public figures of all variety denounced Williams’s remarks. Jacqui Smith, the (Labour) Home Secretary, said, “I think there is one law in this country and it's the democratically determined law... That's the law that I will uphold and that's the law that is at the heart actually of the values that we share across all communities in this country.”<sup>3</sup> Smith is saying that there are values that “we” share, and at the heart of those values is one law, one *nomos*, and not another. To be for sharia is to be against who “we” are. A choice must be made between *nomoi*: ours or theirs.

There is a remarkable distance between Williams’s scholarly lecture, complete with references to journal articles and academic monographs, and the incendiary newspaper headlines and defensive, indignant comments of politicians that followed. The remark Williams made that was most often cited by the media was that the implementation of sharia in England is “unavoidable” if there is to be social cohesion. Williams made this comment not in his formal lecture but in the BBC interview discussing the lecture, and, as one might expect, when the incendiary word is put in

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<sup>2</sup> Jonathan Petre and Andrew Porter, “Adopt sharia law in Britain, says the Archbishop of Canterbury Dr Rowan Williams,” *The Daily Telegraph*, February 9, 2008, <http://www.telegraph.co.uk/news/uknews/1578017/Adopt-sharia-law-in-Britain,-says-the-Archbishop-of-Canterbury-Dr-Rowan-Williams.html>.

<sup>3</sup> Jonathan Petre, Andrew Porter, and Gordon Rayner, “Bishop: Impossible to Have Sharia Law in UK,” *The Daily Telegraph*, February 9, 2008, <http://www.telegraph.co.uk/news/uknews/1578020/Bishop-Impossible-to-have-sharia-law-in-UK.html>.

context, it sounds much less radical. Indeed, the “radical” phrasing seems to come about because of the interviewer’s prompt:

*Christopher Landau:* To begin with you've given this vision of if as a nation Britain wants to achieve social cohesion, that challenge is how to accommodate those of religious faith in relation to the law; and you're [sic] words are that the application of Sharia in certain circumstances if we want to achieve this cohesion and take seriously peoples' religion seems unavoidable?

*Rowan Williams:* It seem unavoidable and indeed as a matter of fact certain provisions of Sharia are already recognised in our society and under our law; so it's not as if we're bringing in an alien and rival system; we already have in this country a number of situations in which the law the internal law of religious communities is recognised by the law of the land as justified conscientious objections in certain circumstances in providing certain kinds of social relations, so I think we need to look at this with a clearer eye and not imagine either we know exactly what we mean by Sharia and not just associate it with what we read about Saudi Arabia or wherever.<sup>4</sup>

Here and throughout the interview and lecture, Williams couples sharia with Orthodox Jewish law, with which the English legal system is accustomed to dealing – not on a parallel but on a supplementary basis (Williams also notes that Roman Catholicism

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<sup>4</sup> “BBC Interview – Radio 4 World at One,” February 7, 2008, <http://www.archbishopofcanterbury.org/1573>.

sometimes requires this sort of special legal treatment, for example in relation to medical workers and abortion). Williams frames his remarks as explicating and theorizing a practice already in existence. The practice is well established for the Jewish community; it is just beginning to be established for the more recently arrived Muslim community.

The rhetorical blandness of Williams's actual speech on sharia is evidenced by the questions that directly followed his lecture to the House of Lords. None of the questions even hinted at the sort of response that would follow. This is as one would expect based on the text of Williams's lecture: it is tempered, clearly reasoned, and couched in a rhetoric which is not in the least provocative. He begins by noting that Muslims, like other religious minorities in England, are law-abiding citizens. Unlike other citizens, they not only obey English law; they also follow additional customs specific to their community. The issue is not about parallel or rival laws but about the law of the land which is sometimes supplemented.

What characterizes the supplementary practices that Muslims follow in addition to English law, those practices that go by the name of sharia? According to Williams, this is not a fixed set of rules but rather a style of reasoning that relies on texts understood to be divinely revealed. Sharia is polysemous and contested; every effort to codify it is necessarily provisional and ultimately false (again, media reports that provided examples of specific provisions of "sharia" grossly mischaracterize Williams's point).

The two-layered picture of law that Williams proposes involves a nationally shared base, defined in the negative, and communally shared supplements, defined in the positive. The role of the base is to ensure that no supplementary law asphyxiates a member of the community to which it speaks. Williams's position is somewhat obscure

on this point: he suggests that the shared base should ensure “against the loss of certain elementary liberties of self-determination” and should protect “the freedom to demand reasons for any actions on the part of others for actions and policies that infringe self-determination.”<sup>5</sup> What he seems to be saying is that communal legal supplements should either leave self-determination intact, or should justify taking away the possibility of self-determination. But it is unclear what sort of justification would be legitimate on Williams’s view: would he demand a justification in terms internal to a community’s reasoning, or would he demand a justification in terms of some “neutral” language?

Supplementary laws are norms of particular communities, for instance those governing marriage and divorce practices or, famously, the wearing of headscarves. Being subject to such norms does not contravene the base, because such supplementary laws do not, without reason, cause community members to lose “liberties of self-determination.” It might seem as though, say, limiting the ability of women to divorce their husbands would clearly be a case of limiting liberties of self-determination, but under both readings of Williams, there are, or could be, reasons given; that is, reasons that are both internally and externally understandable (just because something is a reason does not mean it is a decisive reason). Moreover, women could leave the community if they so chose.

The problem that worries Williams the most is the case of supplementary laws that restrict the ability of community members to exit their communities. This is, of course, a particular concern in the case of Islam, which has occasionally gained notoriety for the extreme punishments meted out to those trying to leave the religion. Williams

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<sup>5</sup> Rowan Williams, “Civil and Religious Law in England: A Religious Perspective,” February 7, 2008, <http://www.archbishopofcanterbury.org/1575>.



acknowledges that extreme penalties in such cases are a part of the Islamic tradition, but he notes that there is an alternative tradition of Islamic jurisprudence, one that understands harsh penalties against apostasy to have had a place within specific historical circumstances, but which also notes that historical circumstances have now changed, obviating the need for such harsh penalties. The larger issue to which this concern points is the need to engage in intra-traditional interpretation in order to adjudicate supplementary laws – a process which Williams seems confident will yield relatively liberal supplementary laws. He encourages the formalization of this process of interpretation so that, for instance, British Muslims can know what the supplementary laws are for them to follow when issues arise not previously confronted by Muslims.<sup>6</sup>

Given this position, it would be tempting to read Williams as a communitarian, and his rhetoric often echoes that adopted along the liberal-communitarian axis. Individuals are primarily citizens of a state, the laws of which they must obey. But individuals also have other deep commitments arising from their identities as members of particular groups such as genders, ethnicities, and cultures. The state must make room for these identities to flourish, recognize them, and perhaps even actively encourage them, the communitarian would argue. But I suspect Williams's remarks resonate with a communitarian position largely because of his audience: he has adopted a rhetoric that will appeal to lawyers and politicians. Williams's own scholarly work (he was an Oxford professor and prolific academic theologian) engages with a diverse variety of theorists – a group that is perhaps only unified by their lack of conventional liberal and

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<sup>6</sup> One might question whether Williams's enthusiasm for laws' publicity is not itself a "secular liberal" tendency.

communitarian sentiments. He has written on Hegel and Wittgenstein, Simone Weil and Rene Girard, Dietrich Bonhoeffer and Hans Urs von Balthasar.<sup>7</sup>

There are points in his lecture where this non-liberal, non-communitarian background begins to peak through. Perhaps this background is evident when he struggles to articulate the scope of “self-definition” that, he argues, legal frameworks must ensure – for it may be the very concept of a “self” presupposed in the language he uses with which he is uncomfortable. Moreover, he writes of twin dangers: that “secular government assumes a monopoly in terms of defining public and political identity” and that a religion assumes a similar monopoly. Muslims and other religious minorities “live under more than one jurisdiction,” with no single jurisdiction having ultimate authority.<sup>8</sup> Along the liberal-communitarian axis, the supreme authority for publicly ignoring or recognizing identities is held by the state – communitarians simply give the state a more active role in recognizing (and so “defining”) such identities. Indeed, Williams effectively aligns the secular liberal state with what he calls “primitivists” in Islam (“primitivists” seemingly acting here as a less loaded term than “fundamentalists”). Williams is proposing something quite radical: that the ultimate authority of the state (and of any religious community) needs to be questioned. This is the beginning of a politics of the middle.

Giles Fraser, an Anglican priest, writing in the *Guardian* before the sharia controversy about the Anglican turmoil around social issues, provocatively suggested,

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<sup>7</sup> See especially Rowan Williams, *Wrestling with Angels: Conversations in Modern Theology*, Ed. Mike Higon (Grand Rapids, MI: William B. Eerdmans, 2007) and Rowan Williams, *On Christian Theology* (Oxford: Blackwell, 2000).

<sup>8</sup> Williams, “Civil and Religious Law in England.”

"The Church of England is currently being tortured by a dead German philosopher."<sup>9</sup> He had in mind Hegel, and he charged that Williams has advanced a "dialectical Anglicanism" that "just cannot say no." Unfortunately, Fraser offers a painfully caricatured picture of Hegel's thought, summing up Hegel's main idea as the surmounting of thesis-antithesis oppositions through happy syntheses. He charges that this is what Williams has tried to do on issues like homosexuality and female clergy. Fraser thinks this approach is misdirected because "bigotry, sexism, and homophobia" are simply wrong, not an antithesis out of which a happy synthesis can be forged. As Fraser writes, "When dealing with well-organised... bullies, it's a hopeless philosophy."

It seems as though it would be easy to thicken and extend Fraser's analysis to help explain Williams's remarks on sharia. Instead of aligning himself with the secular liberal state or with fundamentalist Islam, Williams cleverly puts thesis next to antithesis, and – *poof!* – a happy synthesis appears which Williams felicitously calls "transformative accommodation," allowing traditionalist Muslims to live side by side with secular Englishmen. It would be tempting to call something like this a "politics of the middle," for Williams certainly is refusing the "ends," the extremes, and instead aligning himself with what lies between them, with a "middle."

But Fraser's description of Williams elides a more complex theoretical background, one which I will explore by turning to the work of John Milbank and Gillian Rose. Both Milbank and Rose were intellectual and personal influences on Williams. Milbank has become well known in the last decade as a proponent of "radical orthodoxy," an Anglo-Catholic theological movement that seeks to combine

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<sup>9</sup> Giles Fraser, "Face to Faith," *The Guardian*, June 17, 2006, <http://www.guardian.co.uk/commentisfree/2006/jun/17/comment.religion>.

thoroughgoing engagement with the Christian tradition and an awareness of post-modern thought and culture. Gillian Rose is less well known. A friend of Milbank, she described herself as “too Jewish to be Christian and too Christian to be Jewish.” She was trained in sociology, but wrote on German philosophy (including books on Hegel and Adorno) and religious thought. She died in her 40s in 1995, having finally converted to Christianity on her deathbed.<sup>10</sup>

Milbank’s *Theology and Social Theory* has been recognized as a magisterial text, probably the greatest work of “postmodern theology” as yet written. In the book’s acknowledgments, he writes, “the present book would not have been conceivable without the writings of Gillian Rose, Alasdair MacIntyre, Stanley Hauerwas, Gilles Deleuze, Michel Foucault, and Rene Girard” (he also gives thanks for conversations with Rowan Williams).<sup>11</sup> Many may be surprised to find Rose’s name in such company, and with such prominence. But Milbank’s work can essentially be read as an extension and Christianizing of Rose’s early writings. In her important pair of early books, *Hegel contra Sociology* (1981) and *Dialectic of Nihilism* (1984), Rose developed the provocative thesis that the vast majority of philosophical and sociological writing since Hegel, including post-structuralists’, has ignored Hegel’s critique of Kant and has instead repeated a troublesome neo-Kantian problematic. By this Rose means that there is a separation of the transcendental register from the empirical world, and there is no means for the empirical to affect the transcendental. This problematic is *neo-Kantian* because

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<sup>10</sup> For further discussion of Rose’s life and work, see Andrew Shanks, *Against Innocence: Gillian Rose’s Reception and Gift of Faith* (London: SCM Press, 2008); Martin Jay, “The Conversion of the Rose” in *Refractions of Violence* (New York: Routledge, 2003); Vincent Lloyd, *Law and Transcendence: On the Unfinished Project of Gillian Rose* (Basingstoke: Palgrave Macmillan, 2008).

<sup>11</sup> John Milbank, *Theology and Social Theory*, 2<sup>nd</sup> Ed. (Oxford: Blackwell, 2006), p. viii.

Kant attempted to derive the transcendental register from the empirical. According to Rose, neo-Kantians abandoned this effort and instead dogmatically asserted the privilege of whatever terms they posited in the transcendental register – for Durkheim this was “society,” for Weber it was “values,” for Foucault it was “power.” She performs this sort of reading on an impressive array of figures, from Emil Lask and Hermann Cohen to Martin Buber and Jacques Derrida. In each case, Rose shows how the theorist in question goes about examining the world using tools that have been dogmatically posited in the transcendental register; their investigation of the world never affects the contents they have posited in the transcendental register.

Milbank is so indebted to Rose because he uses exactly the same maneuver, although he does not call it a critique of neo-Kantianism. Instead, he simply takes himself to be uncovering hidden theological premises in the canon of ostensibly secular social theory and philosophy. Milbank, too, re-reads an impressive array of theorists in such a way as to locate how each relies on an implicit appeal to transcendence. From this shared critical technique, as well as a shared conviction that constructive work must involve engagement with an “absolute,” Milbank and Rose move in dramatically different directions. To find an “absolute,” Rose turns to a renewed engagement with Hegel, while Milbank turns to the Christian tradition.

For Milbank, Christianity offers a peaceful meta-narrative that contrasts with the violent meta-narratives told by theorists of modernity and post-modernity. In Christianity, the absolute, God, is not posited independent of the empirical world. God is immanent in the empirical world. God is in the harmony of the differences which characterize the empirical world. When the world is seen through Christian eyes, on

Milbank's account, everything fits together nicely. Apparent conflicts are not real, for tensions resolve themselves as they do in music. What is ungodly, what is evil, is what breaks this harmony. It is like an off note played at a piano performance. The job of Christians is to discipline such off notes so that the result is aesthetically pleasing.<sup>12</sup>

Rose's early work simply points to Hegel as the forgotten alternative to neo-Kantianism. Her later work fills out this gesture. In *The Broken Middle* (1992), Rose constructs an alliance between Hegel and Kierkegaard. The absolute is characterized by anxiety, by difficulty, by tension. Thinking (and living) the absolute requires faith – although this is not faith in God but a secular faith involving commitment to engage with the world. Neo-Kantianism lacks this faith: it does not whole-heartedly engage with the world because it has already made up its mind about how the world works before even looking at the world. For Rose, the “middle” is “broken” – which is to say, it is never possible through reason (or blind faith) to get the world right. Rose charges that Milbank wants to “mend the middle,” to find a way for the transcendental and empirical to happily intermingle. Rose herself, in contrast, thinks that we must leave the middle “rended not mended.”<sup>13</sup>

Two related notes are necessary before proceeding further. First, what precisely is “the middle”? Rose uses the term in a more expansive sense than simply as the space between empirical and transcendental. She associates the term also with the space between law and ethics. The twain shall never meet: there is always distance between

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<sup>12</sup> In addition to *Theology and Social Theory*, see John Milbank, “‘Postmodern Critical Augustinianism’: A Short Summa in Forty Two Responses to Unasked Questions,” *Modern Theology* 7, no. 3 (1991): 225-237.

<sup>13</sup> Rose makes these charges against Milbank in her chapter on “Holy Middles” in *The Broken Middle: Out of Our Ancient Society* (Oxford: Blackwell, 1992).

law and ethics, and the space in between is “the middle.” Here again Rose is critical of Milbank’s account of “the other city,” the city of Christian peace, that he provides in *Theology and Social Theory*. She charges that this account is an ethics without law – or, put another way, ethics and law collapsed into each other. Milbank imagines the Christian world to be naturally harmonious, fuelled by humans’ natural desire for the good, the true, and the beautiful. Once a pianist has mastered a piece of music, there is no need for the score – and in Milbank’s Christian city, there is no need for law.

Now it might seem as though the difference between Milbank and Rose on this point is simply a question of who is a better Hegelian. Isn’t Milbank closer to Hegel here when he argues that there is a possibility for ultimate reconciliation between law and ethics? But Rose argues that this is a misreading of Hegel. Putting Rose’s critique in broader terms than she herself does, she can be said to argue that there are two common misreadings of Hegel. The first misreading, which is now commonly recognized, takes Hegel to be offering a totalizing system, subsuming all difference into the unity of the Same. The second misreading, which one could perhaps track from Alexandre Kojève through Judith Butler, focuses not on totalization but on desire. Such misreadings take the master and bondsman section of the *Phenomenology of Spirit* to display the engine that fuels Hegel’s entire system. Instead of subsuming all difference into a frighteningly monolithic unity, this second misreading understands Hegel to be offering a narrative of continual discovery, always moving forward in a never ending exploration of our worlds and ourselves (which are, of course, one and the same). Milbank perhaps can be said to forge a clever combination of both misreadings of Hegel.

Rose offers an alternative to both of these approaches to Hegel, one which takes seriously Hegel as a metaphysician – something the second misreading of Hegel fails to do.<sup>14</sup> For her, Hegel’s thought is animated by the logical form of the speculative proposition. When Hegel says “A is B” – for example, the actual is rational and the rational is actual – this is to simultaneously affirm and deny the identity of subject and predicate. Hegel recognizes that all concepts fail to correspond to states of affairs in the world. It is only through examining the relationship between A and B that their meaning becomes evident. As Rose writes, “The subject of the proposition is no longer fixed and abstract with external, contingent accidents, but, initially, an empty name, uncertain and problematic, gradually acquiring meaning as the result of a series of contradictory experiences.”<sup>15</sup> Nowhere in her work does Rose say much about desire (indeed, she wrote a whole book about love which barely mentions desire). Rose’s account of Hegel’s dialectic takes the progression to be one animated only by logical necessity. It is a progression that is not always taken – and here Rose makes her alliance with Kierkegaard as she writes about the anxiety and the difficulty of “working” a speculative identity. On Rose’s reading of Hegel, it is Rose, not Milbank, who is the genuine Hegelian, for it is only Rose who sees the middle as necessitating difficult work; Milbank focuses on desire and reconciliation, a stance Rose takes to be more neo-Kantian than Hegelian.

One might object that, for Rose, in her alliance with Kierkegaard, faith simply takes the place of desire in fueling the dialectic. On Rose’s account, faith is what is needed in the face of difficulty in order for engagement to continue. But faith and desire are not quite parallel. Rose suggests that some people have faith and others don’t (she

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<sup>14</sup> See especially Gillian Rose, *Hegel contra Sociology* (London: Athlone Press, 1981).

<sup>15</sup> Rose, *Hegel contra Sociology*, 49.



thinks relatively few do); the “desire” reading of Hegel takes everyone to be animated by desire. Faith, for Rose, is a virtue, a character trait that can be cultivated, while desire according to the misreading of Hegel is simply a fact about human nature.<sup>16</sup>

So far we have discussed Milbank’s position in *Theology and Social Theory* and Rose’s response in *The Broken Middle*. Milbank offers an ingenious rejoinder couched as a discussion of the Vatican’s social teachings.<sup>17</sup> In his essay “On Complex Space,” Milbank embraces the middle: he embraces a realm between law and ethics, and between the state and the individual, a realm which is continually being worked. This realm is populated by intermediate associations. Aligned with John Ruskin, Milbank espouses a gothic understanding of “the middle” modeled on a medieval cathedral, components interlocking, poetically articulated, never complete. Complex space involves “overlapping jurisdictions,” “it is a building which can be endlessly added to, either extensively through new additions, or intensively through the filling in of detail.” Moreover, complex space “embodies constant recognition of imperfection, of [a] fragmentary and therefore always-already ‘ruined’ character.”<sup>18</sup> Finally, unlike Milbank’s account of blind harmony in *Theology and Social Theory*, now Milbank argues that “the middle” requires judgment.

What is the function of the state in a complex space? Would the state wither away? This question is not addressed in Milbank’s account of complex space, but the

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<sup>16</sup> For an extended discussion of Rose’s account of faith, see Vincent Lloyd, “The Secular Faith of Gillian Rose,” *Journal of Religious Ethics* 36, no. 4 (2008): 683-705.

<sup>17</sup> John Milbank, “On Complex Space” in *The Word Made Strange: Theology, Language, Culture* (Oxford: Blackwell, 1997). Milbank reviewed *The Broken Middle* for the *Times Higher Education Supplement*: “Living with Anxiety,” June 26, 1992, 20, 22.

<sup>18</sup> Milbank, “On Complex Space,” pp. 276.

following conjecture seem plausible. In complex space, off notes will necessarily be performed. These will occur locally, when a specific judgment is made wrongly, when consensus must be coerced. But off notes will also occur on a larger scale where aesthetic value in one region clashes with aesthetic value in another, a clash evident only from a perspective distant to both; this clash would ultimately diminish the beauty of each. The former type of off note could be corrected through local disciplinary mechanisms, but the latter requires some sort of coordinating nexus (or nexuses) to be brought into line. Such a nexus would only receive its authority provisionally, delegated from the thick texture of complex space itself.<sup>19</sup> Perhaps this is the role of the state in complex space: it is a nexus of master artists, advising local communities and organizations on how to maximize their harmony with the whole.

Has Milbank sufficiently addressed Rose's objections? While he has provided an account of the middle that seems to allow for the speculative identity of law and ethics, he maintains that the middle is part of an overarching project, the cathedral, the Christian story. For Rose, this would be saying too much. It would still be mending the middle rather than letting it remain broken (of course this is what Milbank intends: he is the Christian and Rose is the Jew). While parts are not subsumed under a whole, they still dance together in a (now difficult) harmony.

Rowan Williams stands between Milbank and Rose. In his book *Lost Icons*, dedicated to Rose, he writes that he has no intention of "mending" what is effectively the middle. Williams suggests that we "read the gap as a wound" which no political

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<sup>19</sup> Ironically, this is precisely the reason that laws in the liberal state have authority according to a leading political philosopher. Joseph Raz, "Authority, Law, and Morality" in *Ethics in the Public Domain: Essays in the Morality of Law and Politics* (Oxford: Oxford University Press, 1995).

resources are capable of salving.<sup>20</sup> This, of course, is somewhat of a rhetorical trick: why else does he write as a theologian if not to mend the wound? By incorporating the wound into the Christian narrative, albeit in a different way than Milbank, Williams skillfully elides the difficulty which Rose – “too Jewish to be Christian and too Christian to be Jewish” – maintains.

It is in this context, perhaps, that we should understand Williams’s remarks about sharia. In suggesting that British jurisprudence make a place for sharia, Williams is embracing “the middle,” a “complex space” of intermediary associations and overlapping jurisdictions between the individual and the sovereign. This is not a simple reconciliation but an acknowledgment of the ever-present tensions between ethics and law. Perhaps Williams veers too close to Milbank and too far from Rose at points. When he takes his project to be imagining “how the law of the land most fruitfully, least conflictually, accommodates practice,” perhaps he has in mind something closer to Milbank’s image of intermediary associations functioning in musical harmony than to Rose’s image of intermediary associations in unresolved tension.<sup>21</sup> And perhaps eliding that tension, that difficulty, is what provoked such a public outcry.

But maybe it is too easy to associate Williams’s vision with complex space. Although complex space would seem to involve a certain form of pluralism quite compatible with Williams’s commendation of overlapping jurisdictions and multiple value systems, perhaps the similarity is superficial. It is easy to forget why complex space is a theological notion, why it is part of an alternative political theology. To equate

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<sup>20</sup> Rowan Williams, *Lost Icons: Reflections on Cultural Bereavement* (Edinburgh: T&T Clark, 2000), 9.

<sup>21</sup> Williams, “Civil and Religious Law in England.”

complex space and some version of nuanced pluralism would be to treat religious communities as just one more type of association adding to the complexity of social space, on par with athletic clubs, neighborhood groups, and parent-teacher associations. Such an understanding is plain wrong. From the perspective of the advocates of complex space, God is at work in the articulation of complex space. Indeed, God *is* the articulation of complex space. Of the true, the good, and the beautiful, the third has often received the least attention. Complex space elevates beauty to the position of greatest importance. What is good and what is true is just what is beautiful. Social space, how individuals and groups and states are arranged, can be beautiful or it can be ugly. When it is ugly it is wrong and false; when it is beautiful it is good and true. Its beauty will be self-evident, for it is achieved through consensus, through the aligned judgments of individuals and groups. Therefore, in complex space there would not be wrong judgments about the transcendent; in other words, there would not be genuine religious pluralism. There would be differences in styles of worship because of the organization of the complex space, since worship and life become one and the same. But this worship would all be directed at the same god. To worship a different god would be false, wrong, ugly – it would warrant discipline to restore harmony, to restore orthodoxy. There is no place for sharia in complex space since sharia is dependent on a false conception of the transcendent.

But perhaps posing the choice between complex space and a broken middle is itself presenting the problem too simply, and allowing Williams's polemical interpreters to dictate his meaning. Rather than reading Williams as vacillating between two political theological options, one more Christian, the other more Jewish, perhaps we can read

Williams as participating in a tradition altogether opposed to political theology: a politics of the middle. Such a politics is only incompletely articulated by Rose and Milbank, but it has deep roots. The pluralist tradition of political thought that flourished in the first quarter of the twentieth century exemplifies, imperfectly, a politics of the middle.<sup>22</sup>

Radical and conservative political theorists such as John Neville Figgis, Harold Laski, Edouard Berth, and Leon Duguit opposed the legitimacy of the sovereign state, extolling in its stead smaller collectivities. Some pluralists understood these collectivities as established through small-scale social contracts; others understood them to have organic roots. Although state sovereignty was rejected, sometimes the state was understood to have the role of coordinating multiple small group organizations, other times it was understood to facilitate their integration into a larger whole.

Milbank's complex space and Rose's broken middle, as well as the pluralist tradition of political theory, partially articulate a politics of the middle. The pluralist tradition rightly critiques sovereignty and lauds intermediary associations, though sometimes subordinating them to a coordinating state or imagining their total conflict in anarchy. Most problematically, the pluralist tradition often commends the political import of small groups because pluralists suppose that an individual can best realize himself or herself in a small group. The individual does not need to repress as much of himself or herself in a small group as in direct relation to a state; in other words, small groups reduce alienation. This line of reasoning demonstrates that the pluralist tradition dethroned the sovereignty of the state but left intact its twin doctrine, the sovereignty of the subject. In contrast, as Milbank's complex space shows, a politics of the middle

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<sup>22</sup> For an overview of this tradition, see Cecile Laborde, *Pluralist Thought and the State in Britain and France, 1900-20* (Basingstoke: Macmillan, 2000).

dethrones both twins; all that is left is the middle. Neither the individual nor the state holds a privileged position. They are, at most, nodes in a network, nodes that are constituted by the rest of the network.

While Milbank's complex space corrects the residual focus on the sovereign subject of the pluralist tradition, its organicism and aestheticism make it, too, an imperfect example of a politics of the middle. To say that all of the intermediary associations of the middle are somehow aligned, that they can (and ought to) be made to dance in line, as it were, is to say one thing too many. As Rose rightly points out, imagining a well-ordered world without law ultimately relies on some unquestionable ordering principle, on something in the transcendental register. Complex space is not really a politics of the middle because the configuration of the middle is dependent on something outside the middle. The defining feature of a politics of the middle is that everything is contestable, but Milbank's vision of complex space presupposes a particular resolution to those contests, in form if not in content. Even ordinary language usage of the aesthetic suggests this. Judgments of beauty are vigorously contested, even in the most ideal of circumstances. To identify complex space with beauty and then to authorize the use of force to compel and maintain some version of beauty seems neither philosophically nor politically desirable (whether it is theologically desirable is a question best left to others).

Rose is rightly critical of Milbank, and the alternative proposal she advances of the broken middle comes closest to articulating a politics of the middle that would offer a genuine alternative to political theology. The broken middle focuses on intermediary institutions that are always getting it wrong, that are always in tension with those that

compose them, with each other, and with those other organizations of which they are components. Representation must be attempted, even though representation will inevitably be misrepresentation.<sup>23</sup> Rose's texts wallow in these paradoxes to the point that they unwittingly approach the style and substance of the deconstructionists she takes herself to be supplanting.<sup>24</sup> Indeed, this seems to be an acute tension within Rose's own project. She criticizes melancholic reactions to modernity that remain fixated on the lost fullness of reason, but is not a politics of the broken middle, characterized by a recognition of constant misrepresentation, symptomatic of just this sort of melancholia? Wallowing in brokenness may make a philosophical point, but it can be politically crippling.

Perhaps there is a way of understanding the broken middle that builds on Rose's thought but offers a more potent articulation of a politics of the middle. Let us return to Socrates, who Rose describes as like a "Christ figure" for her.<sup>25</sup> Socrates distinguished himself from the sophists by his indefatigable commitment to the search for truth. Professional rhetoricians were paid to advance a cause, to construct a speech that would present a given position in the best possible light and so persuade the most listeners. The speech of a rhetorician would involve great verbal and performative dexterity, but the conclusion was no mystery – it was the conclusion presupposed, fed to the rhetorician by his client. In contrast, the endpoint of a Socratic dialogue is in no way knowable at its

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<sup>23</sup> Rose explores issues related to representation in Gillian Rose, *Mourning Becomes the Law: Philosophy and Representation* (Cambridge: Cambridge University Press, 1996).

<sup>24</sup> Milbank forcefully makes this point in "Living with Anxiety," 22.

<sup>25</sup> "Interview with Gillian Rose," Ed. Vincent Lloyd, *Theory, Culture, and Society* 25, no. 7-8 (2008), 213.

outset (except, perhaps, to know that it will show conventional wisdom to be in error). A Socratic dialogue is accountable to no one; it is accountable only to reason.

Rose's critique of neo-Kantian appeals to a transcendental register can perhaps be understood as a quintessentially Socratic move. Neo-Kantianism is sophistry, and each incarnation of neo-Kantianism has a different client paying the bills. It is the identity of these clients that Rose's critique unveils. The interests of the client are specific, local. When rhetoric is confused with philosophy, these particular interests are advanced as universal. Indeed, the rhetorician's task is to persuade listeners that the interests of one (privileged) patron are the interests of all. Rose, like Socrates, identified a different universal, the true universal, which can only be striven for with humility, through profound interrogation of convention, with much difficult work.

But Socrates was a philosopher, not a politician. Socrates' critique was aimed at the immodesty of the rhetoricians, at their pretensions to truly know justice and beauty and goodness when these were no more than words they used to advance the causes for which they were paid. Perhaps the most important message that we can draw from Socrates, and inadvertently from Rose, is that politics and philosophy ought to be kept separate.<sup>26</sup> In the messy middle, the world of social practices, norms, and institutions, interests will always collide. This agonism does not proceed through philosophy, it proceeds through rhetoric. Athena established law courts to tame the violence of the Furies; she did not establish a philosophical school. In other words, the imaginative toolbox of the rhetorician is fully permissible in a politics of the middle. Philosophy, like

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<sup>26</sup> Raymond Geuss also makes this point, and also targets neo-Kantianism, in his *Philosophy and Real Politics* (Princeton, NJ: Princeton University Press, 2008).



Socrates, must operate on the margins, humbling the pretenses of the rhetoricians when their rhetoric starts to be taken too seriously.

Forgetting the distinction between philosophy and rhetoric is what cripples the political potential of the broken middle, and what poses the false choice between the broken middle and complex space. Rose and Milbank both ostensibly want their proposals to be understood as at once philosophical and political. But perhaps it makes more sense to understand Rose's proposal as philosophical and Milbank's proposal as political (that is, rhetorical); together, they compose two necessary and complementary moments in a politics of the middle. The broken middle reflects a Socratic commitment to demonstrate the limitations of conventional wisdom, the incompleteness (but necessity) of political claims. This Socratic moment in a politics of the middle calls out claims to sovereignty, whether they are raw theological or secularized, and undercuts any attempt to replace a secular liberal *mythos* with an alternative political theology.

Alternative *mythoi*, such as those involving complex space, do have a role in a politics of the middle. However, that role is not foundational. Telling stories, using rhetoric, is a tactic employed within the contested middle. Intermediary organizations struggle to secure allegiances. Out-narrating each other is the means by which this struggle occurs. But commitment in the middle is hypothetical, not categorical. Authorities hold sway provisionally, not absolutely.

This characterization of a politics of the middle undercuts political theology, but it does not undercut religious commitment. Committed members of any organization are committed to its principles, whether it is a trade union or church. The broken middle reminds us that this commitment is always imperfect, that there is always a mismatch

between beliefs of a church or union and beliefs of members. Acknowledging that the language of the middle is rhetorical, in other words is part of a specific power-infused language game, in no way undermines that language. All language is rhetorical. Even philosophical language begins with the language of the middle: Socrates was both a philosopher and a rhetorician. Philosophy advances in the guise of the ordinary, using the rhetorician's tricks to demonstrate that the ambitions of rhetoric must be humbled. This humility, which characterizes the infrastructure of a politics of the middle, the rejection of categorical normative claims, is applied equally across the middle – religious claims are not singled out (though political theology is).

With this picture of a politics of the middle now sketched in more detail, let us return to the sharia controversy. Williams's remarks concerned the philosophical moment of a politics of the middle, but they were interpreted rhetorically. Journalists and politicians took Williams to be opposing traditional British political theology (Anglican secularized into liberal), to be proposing that Islamic political theology might be a legitimate alternative. But Williams was not engaging in such a rhetorical struggle. He was urging humility on the part of all participants in the middle. Moreover, he was proposing a framework to institutionalize this humility, a framework that would tame the over-reaching claims of both religious communities and the ostensibly secular state.

The idea of overlapping jurisdictions that Williams adopts from Ayelet Shachar does just this, giving intermediary associations free reign to institutionalize their normative commitments while reinforcing the ultimately hypothetical, not categorical, nature of these commitments by giving participants the (difficult, not easy) option of

switching from one association to another.<sup>27</sup> Although Shachar's critique is less radical than the critique of sovereignty leveled by a politics of the middle – she frames her core concern as “state vs. *nomos*” – her work provocatively explores empirical examples of an imperfect politics of the middle in practice. Transformative accommodation, the name she gives her project, and a name appropriated by Williams, rejects monopolies on legal authority, whether they are held by the state or a culture (a *nomos*).<sup>28</sup> Individuals can opt out of one legal system and into another, though this process should be burdensome, according to Shachar. Put crudely, competition, unhampered by monopolies, produces better results for customers: both secular state and *nomoi* are transformed into kinder, gentler, more responsive legal systems as they vie for loyalty of citizens and members. In the process, the society as a whole (both secular state and *nomos*-governed communities) coalesce as various factions must work together to establish the judicial framework to accommodate each other.

Shachar sees transformative accommodation at work in aboriginal “sentencing circles” that can be used, with the consent of all parties, as an alternative to the traditional legal procedures of the secular state. Although in opting for sentencing circles, defendants forfeit their right to due process in the conventional sense, are not represented by lawyers, and may receive unconventional and possibly humiliating punishments, many defendants do not opt out of these legal forums. Aboriginal communities have an incentive to regularize these processes and respect basic standards because of the possibility of opting out; the forums also provide a more humane context in which to

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<sup>27</sup> Ayelet Shachar, *Multicultural Jurisdictions: Cultural Differences and Women's Rights* (Cambridge: Cambridge University Press, 2001).

<sup>28</sup> Shachar draws on Robert Cover's “Forward: *Nomos* and Narrative,” *Harvard Law Review* 97 (1983): 4-68.

handle delicate issues such as sexual abuse (and provide an incentive for secular courts to be sensitized to these issues). This is precisely the sort of practical politics of the middle that Williams seems to be aiming for.

The sharia controversy in Britain may seem like a straightforward analogue to the hijab controversy in France.<sup>29</sup> In the former case, the issue concerns state courts accommodating Islamic law; in the latter case, the issue concerns state schools accommodating Muslim girls who follow Islamic law. But a politics of the middle would treat the two cases quite differently. Overlapping jurisdictions that would force the secular state to recognize sharia would be promoted by a politics of the middle, but legal accommodation for schoolchildren wearing headscarves would not be. The reason is that schools are an intermediary association, a site of contest within the middle. Rules governing schools, like unions and religious organizations, are matters for rhetorical contestation, with the understanding that everyone will be left more or less unhappy with the outcome. The middle is broken; to force its harmony is to confuse rhetoric and philosophy. Social life is difficult. Commitments always collide. A politics of the middle would not support a ban on headscarves, but it would acknowledge that such a ban is a possible outcome of the contestation of the middle. In contrast, the question of whether there should be overlapping jurisdiction is not a question of rules internal to a given intermediary association. It is a question of whether internal rules should be considered absolute. Courts institutionalize normativity, and thus have a special status as more than just another institution of the middle. (An argument could be made that

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<sup>29</sup> For background issues concerning the latter, see Joan Scott, *The Politics of the Veil* (Princeton, NJ: Princeton University Press, 2007); Cecile Laborde, *Critical Republicanism: The Hijab Controversy and Political Philosophy* (Oxford: Oxford University Press, 2008).

schools, too, have a special status in the middle since normativity is pressed onto children in the home and school. However, becoming competent in a given rhetorical idiom through education is a prerequisite for meaningfully navigating a world filled with multiple idioms).

Christian critics of secular liberalism sometimes make a bold, but ultimately compelling, claim about the telos to which the secular liberal *mythos* leads. The image of sovereign individual and sovereign state relied upon by secular liberalism imagines individuals as atoms with only one absolute relationship, their relationship to the state. All other relationships – for example, relationships with family and friends, clubs and associations – are provisional. They can at any point be dissolved when the voice of the sovereign sounds. When the police knock on your door, you are obliged to answer their questions even if those questions incriminate your colleagues or your family (certainly there are exceptions, for instance concerning incrimination of spouses, but these are exceptions granted by the state). In many Western democracies, this topography seems relatively benign. But it is obviously malignant in a context such as Chile, under Pinochet, where fear of being taken away at any moment by the state, and of the state's omniscience through informers, forcibly cut social bonds. All that remained were individuals as atoms, stripped of even their provisional affiliations with other atoms, in sole, direct relationship to the omnipotent, omniscient, omnipresent state. This, some

have argued, is the natural outcome of secular liberal political theory – which, they claim, is but another name for heretical political theology.<sup>30</sup>

From the perspective of a politics of the middle, Chile under Pinochet does represent political theology in its starkest form. But a politics of the middle refuses the distinction between heretical and orthodox political theology. All political theology has a necessarily totalitarian outcome. The democratic comforts of contemporary society that disguise this conclusion are granted provisionally; we are precariously close to slipping into brute totalitarianism at any moment. Explicitly Christian political theology does not offer an alternative. Neither do the well-meaning but impotent genealogies of secular critics, nor the recent enthusiasm for (coupled with fear of) an Islamic alternative. Neither does wallowing in the rended middle. The middle need not be either rended or mended – it may be somewhere in between.

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<sup>30</sup> William Cavanaugh, *Torture and Eucharist: Theology, Politics, and the Body of Christ* (Oxford: Blackwell, 1998).