

BOOK REVIEW ROUNDTABLE

POLYCARP'S DILEMMA: A DISCUSSION OF NICHOLAS WOLTERSTORFF'S *THE MIGHTY AND THE ALMIGHTY: AN ESSAY IN POLITICAL THEOLOGY*

The Mighty and the Almighty: An Essay in Political Theology. By Nicholas Wolterstorff. Cambridge: Cambridge University Press, 2012. Pp. 190. \$94.00 (cloth). ISBN: 9781107027312. \$29.99 (paper). ISBN: 9781107673809.

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In March of 2014, a distinguished group of scholars from a variety of institutions and disciplines gathered at Notre Dame Law School to discuss and appreciate Nicholas Wolterstorff's 2012 book, *The Mighty and the Almighty: An Essay in Political Theology*. This stimulating conversation, like several other similar events at Notre Dame in recent years, was convened and supported by the Law School's Program on Church, State, and Society. Each of the participants prepared, in advance of the conference, a short reflection—a kind of “admission ticket”—intended to inform and shape the group's discussion and—thanks to the *Journal of Law and Religion*—several of these reflections follow.¹

Nicholas Wolterstorff is, of course, a gifted moral philosopher and among the most eminent Christian scholars in any discipline. The themes and problems addressed in *The Mighty and the Almighty* are both perennial and “front burner,” as courts, legislatures, citizens, and scholars alike struggle to identify and justify the always but increasingly contested distinctions and boundaries—and also the relationships—between law and religion, faith and politics, church and state. Wolterstorff's contribution and insights are invaluable to any and all hoping to engage productively and understand clearly these matters.

Wolterstorff's long and distinguished scholarly career has carried him to a wide range of institutions, including Calvin College, the University of Notre Dame, and Yale Divinity School. At Yale, Wolterstorff was the Noah Porter Professor of Philosophical Theology, a position from which he retired in 2002. He is a past president of the American Philosophical Association (Central Division) and has served on numerous editorial boards and scholarly committees for academic publications and organizations in philosophy and religion, earning a wide reputation as one of the twentieth century's leading Christian philosophers. His many endowed lectureships include the Kuyper lectures at the Free University of Amsterdam, the Wilde Lectures at Oxford University, and the Gifford Lectures at St. Andrew's University.

The word “retirement” has not meant for Wolterstorff what it probably means to most people, and his scholarship continues to thrive and to illuminate. Known for such classic works as *On Universals: An Essay on Ontology* (1970), *Reason within the Bounds of Religion* (1976), and

¹ Special thanks are due to Silas Allard, M. Christian Green, and John Witte, Jr., along with the entire editorial team at the *JLR*, for their hard work and patience in bringing this collection to publication.

Until Justice and Peace Embrace (1983), Wolterstorff has more recently published *Justice: Rights and Wrongs* (2008), *Justice in Love* (2011), and *Understanding Liberal Democracy: Essays in Political Philosophy* (2012). Among Wolterstorff's notable collaborative writings are the essays in *Faith and Rationality: Reason and Belief in God* (1983), edited with Alvin Plantinga, and *Religion in the Public Square: The Place of Religious Convictions in Public Debate* (1997), an exchange jointly authored with Robert Audi. *The Mighty and the Almighty* falls squarely in the midst of this recent series of reflections on faith, justice, and the state and fate of liberal democracy.

In *The Mighty and the Almighty*, Wolterstorff draws on the story of St. Polycarp, second-century bishop of Smyrna and Christian martyr under the persecution of Roman Emperor Marcus Aurelius, circa 166 or 167 CE, to make a distinctively Christian argument for the liberal democratic state. Polycarp famously and eloquently insisted on the sovereignty of Christ and on the dual loyalties of Christian citizens. The life and death of Polycarp, like those of so many martyrs of the time, is emblematic of the tension, and the competition, between the divine authority of God and human political authorities. Various facets of and perspectives on Wolterstorff's argument are on display in this collection.

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AUTHORITY, RIGHTS, AND OBLIGATIONS IN WOLTERSTORFF'S POLITICAL THEOLOGY

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A central concern of this book is the concept of authority. On this, Wolterstorff makes an important distinction between two kinds, each broadly normative. One kind is performance authority, the other positional authority. The former is the authority to perform some action (48); the latter is occupying an institutional position that authorizes one to issue directives to others (78–79).² In Romans, Paul is concerned with the former conception.

Issuing directives is an instance of performing an action. For that reason, positional authority fits the description of performance authority. Performance authority is not limited to institutions, but if one “legitimately” occupies an institutional position, one thereby has *some* kind of right to perform the relevant actions—though these may be actions that morality prohibits. Here it may be helpful to ask, where authority entails a moral right to do the relevant deeds, what grounds the authority. Wolterstorff certainly allows that performance authority may be conferred, but I would like to know more. We can confer authority on others by empowering them to act for us, and I take it that God may confer authority on human beings in a number of ways. Is God's authority grounded in the divine nature?

However we might answer the question of the basis of divine authority, suppose we conceive God as capable of conferring performance authority on human beings. Should we also think of

2 Unless otherwise noted, parenthetical citations are to *The Mighty and the Almighty*. A full list of works cited can be found at the conclusion of the roundtable.

God, in having this higher-level authority, as having a right to act on it, as is implied by taking performance authority to entail such a right? One can intelligibly speak so, odd though it is to attribute such a right to God, if one thinks of basic moral rights as belonging to those who have them as a matter of necessary truth and one also conceives necessary truths as holding in all possible worlds and neither ordained nor alterable by God. One can hold the latter view, however (a view often attributed to Aquinas), and still avoid using the parlance of rights in relation to God. What I would like to see more clearly in Wolterstorff's political theology as applied to the notion of authority is how he conceives God's authority and the role it plays in conferring authority on human beings.

Even theists who take basic moral truths—including those underlying the conception of legitimate government—as necessary in the sense indicated, should not take those truths to be *above* God and, as it were, making demands on God. As necessary truths, they are *within* God; they are among the elements in the divine nature—steadfast lines on the divine map of reality. God is free to command obedience to them or not to do so; and their status as necessary does not prevent God's obligating us, authorizing us, or giving us certain important rights whether or not they directly correspond to the content of divine commands. Moreover, even if divine commands are not taken to be ontologically basic in the moral order, they may be considered to be authoritative in the strong sense required by piety. Indeed, in the order of motivation they can be *reverentially basic* even if they are not ontologically basic. We can do something because God commands it—in the motivational sense of “because”—regardless of whether God commands it on some morally sufficient basis that is independent of divine command or, instead, it has a morally sufficient basis only in virtue of God's commanding it.

On the subject of rights, Wolterstorff argues, “The core of the account I offer is that we each have a natural right to there being, when possible, some institutionalized arrangement for protecting us against being seriously wronged by our fellows” (102). My main question here is, to whom is this natural right addressed? We would have it in a state of nature, since it is “natural.” Is it a right of all against all? How should we ensure that all live up to it? And if there is either no such arrangement protecting us or only one that fails to accord our right to protection, then what authority do we have on the basis of this right?

At issue here is the question of the normative strength and the pervasiveness of moral rights. Wolterstorff says at one point, “To wrong someone is to deprive her of something to which she has a right, a legitimate claim” (90). This suggests that rights are as pervasive as obligations. Consider the obligation of beneficence. One case is the obligation a great many of us have to give to charity. It would be wrong for me to give nothing to any charitable institution, but would this failure violate the *rights* of any charity? Surely there need be no particular one with a right to my contributing. Should we say, then, that the set of eligible charities has a collective right to my contribution? I doubt this, nor do I see that moral discourse is as useful if we adopt this perspective on rights. Here, Wolterstorff's alternative term “claim” is preferable for the way in which it designates the claim that many charities have on me. They *also* have a right to *request* my contribution, but that is not the same as a right to receive it.

My positive suggestion here is that we think of rights as entailing a special kind of obligation on those who must accord them, and generally an obligation stronger than quite a number of other kinds of obligations. Rights are commonly more demanding, in a normative sense, than legitimate claims. They can normally ground legitimate *demands* (though this is not the place to explore why). What is more pertinent here is to think about the obligations imposed by the love commandments. If as Christians we do not love others, we fail in an obligation, but do all the failures count as rights violations? I doubt that.

Finally, toward the end of the book Wolterstorff argues that in a liberal democracy “maximal compatible freedom is not the governing idea . . . but [rather] the right to equal political voice of all adult citizens, the exercise of this voice to be conducted within the framework of a constitution that protects citizens from the passage of laws that require or permit the state to violate their fundamental natural rights” (154–55). Wolterstorff would do better to argue that even though maximal compatible freedom is *an* idea—or ideal—of many liberal democracies, it is not the *only* governing idea.

One might reply that liberty is simply a necessary condition for the normal exercise of political voice and of all non-liberty-rights. As history shows, unrestricted liberty and imposing equality in political voice can both lead to differences in political power that undermine equality in political power and indeed in other realms. Perhaps liberal democracy should have a deep and special concern, as Catholic social teaching stresses, with the poor and the sick and others who are often absent or even excluded from political speech. That exclusion, however, is a matter of lesser freedom, and here as in other cases I see no reason not to view both liberty and equality as central for liberal democracy.

CONSTRUCTING A POLITICAL THEOLOGY OF AUTHORITY

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In this book, Wolterstorff uses the martyrdom of Polycarp to capture the core task of the political theologian, which is to understand two dualities facing Christians in every age: that between God’s authority and human political authority, and that between political authority and the church’s authority (chapter 1). The concepts of “authority,” “governance,” and “authority to govern” (chapters 4–6) form the conceptual architecture of the book. Interestingly, unlike in chapters 1–3 on Yoder and Augustine, there is no theology at all in these three chapters; the concepts are extracted entirely from a formal analysis of concepts extant in contemporary moral and political discourse. This way of proceeding is not necessarily a problem for the project of constructing a theology of political authority, since such concepts might turn out to be just the ticket. But as we will see, it carries risks.

Wolterstorff’s key term of art is “performance-authority,” the right or permission one has to perform some action (48). This must be clearly distinguished from “positional authority,” namely the authority to issue directives that fall within the jurisdiction attaching to an institutional position (79). Performance-authority is pervasive in human society. One form of it is the “authority to govern”—“governance” being a necessary requirement of cooperative action towards some end. To have “authority to govern” someone is to have “the *potestas* [the rightful power] to issue directives to him that bind him—directives that generate in him the obligation to act as directed” (78). Sometimes, however, someone with governing authority might issue a directive to a subordinate involving either the governor or the subordinate in doing something morally forbidden. In that case, the directive is not morally binding (63). If the directive falls within the governor’s jurisdiction,

he may indeed have positional authority to issue it but he will not have moral authority to do so; nor will the directive generate a moral obligation in the subordinate (79).

The *state's* authority to govern is unique in two senses: it is “public governance.” It extends across the entire public—a capaciousness that is justified in virtue of the state’s assigned purpose to secure “justice” (chapter 8). It is also “ultimate,” in the sense that there is no “higher authority” to which appeal can be made against its rulings. With these concepts in hand, Wolterstorff constructs his own account of political authority out of a critical engagement with Calvin’s reading of Romans 13 (Wolterstorff, chapter 7). Calvin upholds the familiar Christian views that magistrates are providentially appointed by God to administer justice and secure the common welfare, and that the two-fold duty of individual subjects towards their office is reverence and obedience. Individual subjects are thus obligated to obey their rulers even if they violate the terms of their divinely-appointed role (73). Wolterstorff notes in passing that while this virtually unconditional obedience is the duty of individual subjects, it is not that of “lower magistrates,” whose “office” is precisely to “restrain the willfulness of kings” (75). He might have made more of that point, as indeed Calvinist thinkers from Beza onwards did to powerful effect.

Wolterstorff argues that Calvin could only reach the conclusion that subjects were under a near-blanket obligation to obey unjust rulers because he conflated performance-authority with positional authority (79). Recall that, for Wolterstorff, “positional authority” is not essentially tied to “performance-authority.” Someone may have “jurisdiction”—factual legal authority—to do something that is morally impermissible. Read through this lens, Calvin seems to imply, simultaneously, that the magistrate is under powerful and clear obligations to act justly, while subjects are under an almost unconditional obligation to obey the magistrate’s unjust directives.

But this an artificial and misleading way to characterize Calvin’s position—a point where the adoption of concepts from contemporary moral and political philosophy does not serve his purpose well. Wolterstorff acknowledges that he borrows the term “positional authority” from A. J. Simmons’s influential book *Moral Principles and Political Obligations* (1979), while claiming to use the term differently. But he does follow Simmons’s claim that positional authority and moral authority are essentially detachable from each other. I find Simmons’s argument for this view forced and unpersuasive. The outcome is that Wolterstorff ends up employing a morally neutral notion of positional authority that is alien to Calvin. It is not that Calvin has “confused” positional and performance authority but rather that he believes they are *essentially fused*, so that there simply could not be a category of “positional jurisdiction” that could allow morally impermissible directives. Wolterstorff needs to find another explanation for why Calvin holds an authoritarian view of near-blanket obedience to unjust rulers. One explanation lies in a passage from Calvin that Wolterstorff quotes where Calvin asserts that we are bound to obey the unjust directives of magistrates because through them God is punishing us for our sins, so that it is really God’s authority that we are obeying. I join Wolterstorff in rejecting that view. But it may be possible to read Calvin’s view in a way that makes it more coherent than Wolterstorff suggests. Could it be that Calvin construes the “authority” exercised in such unjust directives not as instances of true moral authority, but rather (like Yoder) as God’s “providential orderings” of an unjust magistrate to achieve his purposes, in this case the spiritual disciplining of his people?

Wolterstorff outlines his own constructive, “Pauline” view of political authority through a reading of Romans 13:1–7 in the larger context of Romans 12 and 13 (Wolterstorff, chapter 8). It turns out that Paul in fact held, not a retributive view of the role of government—which assumes a “reciprocity code” in which “payback” is mandated, and which Jesus flatly rejects—but a “reprobative” view according to which government expresses moral disapproval of wrong done, but is not called upon to “return evil for evil” (86). Wolterstorff’s key conclusion on this point is one I find persuasive: “The

God-assigned task of government is to exercise governance over the public for the purpose of *curbing wrongdoing*,” or “curb[ing] injustice,” or “protect[ing] the rights of the public” (90).

Paul’s teaching, then, is that we are morally obligated to submit to government because it has been appointed by God to curb injustice. Wolterstorff adds that Paul does not say we should submit because government has positional authority. I doubt, however, that the distinction between “positional authority” and “performance-authority” helps us to capture Paul’s meaning any more accurately than it did Calvin’s. Since Paul, as Wolterstorff notes, thinks of political authority in ways fundamentally continuous with the Old Testament, he would have thought the two inseparable.

The upshot, nevertheless, is clear and compelling. According to Paul, “Not only does God’s authorization not extend to authorizing the state itself to become a wrongdoer; God does not *permit* the government to issue directives . . . that constitute wrongdoing” (92). The task of the state is not to “pressure citizens into becoming virtuous and pious,” but only to “pressure [them] into not perpetrating injustice” (98–99). This implies a “protectionist” rather than a “perfectionist” view of the state, the latter being one that Wolterstorff rejects.

When it comes to the relative authority of church and state, Wolterstorff seeks to “fill in Paul’s silence on the point” (118; see also chapter 11). Wolterstorff lays the groundwork for the repudiation of the traditional “two rules” doctrine prevalent in Christendom, and Calvin is again the principal target (chapter 12). This doctrine fatally presupposed that church and political society were effectively coterminous and as a result frequently justified the use of state coercion either to enforce “true religion” or to disadvantage those who dissented from it. Wolterstorff outlines a more biblical view in which the church is conceived as a transnational, socially inclusive, global fellowship, not tied to any territorial political order and indeed standing in tension with any such order: “Wherever the church enters a society, it destroys whatever religio-ethical unity that society may have possessed. Now there is only religious pluralism” (123). From such an ecclesiology follows a commitment to the defense of the institutional autonomy of the church and other religious communities vis-à-vis the state, and equally to the robust protection of individual religious freedoms (124–25). These will amount to substantial external limits on the authority of the state. A general suspicion towards the “preferential establishment of religion” is also implied (126).

The “Pauline” view of political authority, thus elaborated, implies a “rights-limited state,” one in which state authority is robustly constrained by the natural rights of individuals to protection against injustice, as well as by an array of “institutional rights” (chapter 14). Wolterstorff boldly asserts that this conception of the state is to a considerable extent actually embodied in our modern liberal democracies (150). He is quick to note the potentially troubling convenience of this conclusion, but he replies that “uneasiness over the serendipity is not an answer to the line of argument that I have developed” (153). Indeed it is not. The appropriate answer is to subject the conclusion to a searching critical conversation. The opening gambit in that conversation would be Wolterstorff’s spelling out in much greater detail exactly what he means by “liberal democracy”—a task that he has already begun in *Religion in the Public Square* (1997) and in *Understanding Liberal Democracy* (2012). Those unsatisfied with his conclusion will need to take him up on that territory.

AUGUSTINIAN HAUNTINGS — COMMUNITY, COMMON GOOD, AND COERCION

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Wolterstorff offers a compelling case for Christian support of states in general and of liberal democracies in particular insofar as they fulfill the limited role of “curbing wrong-doing.” Maximum compatible freedom is something that it seems we should all be for, and compatibility of freedoms is itself no small constraint. That said, two concerns haunted me as I read his book: a concern that Wolterstorff’s accounts of community, the common good, and justice are too thin; and a concern about the state’s use of force.

In his treatment of Augustine, Wolterstorff sets up a distinction between the “city of God” and the “city of man” as distinct, with the “peoplehood [of each] defined by their religio-moral unity” (41). Whether this distinction is warranted depends upon what is meant by “religio-moral unity.” Augustine does not believe that the earthly city has any true unity. In fact, he questions the idea that the earthly city is a true “people.” For Augustine, there is no true justice in any nation that fails to worship God rightly. Likewise, true justice is for him a *sine qua non* of a true commonwealth—that is, a political community ordered to the common good of the people. Augustine demands that all things be understood in proper relation to God and to one another in God in order for either peace or justice to be truly present. More fundamentally, Augustine claims that there can be no unity without a shared sense of the Supreme Good, and no people without such a unity and a vision. For Augustine, true governance was impossible for those who did not rightly worship God and understand all things as ordered toward God, and seeing the imperial administrators as the proper governors of those who knew that their true home was the heavenly city would have been completely unthinkable.

I do not want to speculate on how Augustine would judge our modern liberal democracies. Although there has been much improvement in the protection of rights, there has also been much disintegration of anything Augustine would recognize as a shared concept of the common good. This points to another aspect of Wolterstorff’s argument that haunted me. I think that one of the key differences between a liberal or secular driven rights approach, as in much modern political theory, and one rooted more in Catholic social thought, is the deep sense in Catholic moral theology of the inherently social nature of the person and commitment to the common good as the integral good of each person and, indeed, of all people. In other words, we are not simply balancing competing sets of rights claims and goods to find the point where most people get what they need and as few people go without as possible. Because the good of each person is ordered to the common good and because the common good is the flourishing of each, as well as all, there can be no real conflict of these goods. By their nature and relationship, they do not compete with one another but instead mutually define and complete one another.

It is this sort of vision that made me uncomfortable with much of Wolterstorff’s approach, not because it seemed wrong, but it seemed too minimalistic. Of course Christians should cooperate with the state insofar as the state is working to curb injustice and establish the common good. But the lack of a more thickly shared conception of human community and the common good ties into a thin and often contested concept of what counts as the injustice/wrongdoing the state must curb, not to mention what counts as a right that must be protected or that should limit the authority of the state.

As for the coercive power of the state, there can be no question that “curbing injustice” can be a participation in *both* “faithfulness to God” and love of neighbor. The problem arises when “making history turn out all right” becomes our primary aim. We begin to assume responsibility for God’s providential care of the world and all that is in it. But this sense of responsibility, especially when paired with the means and willingness to use force, can seem to justify just about anything. When the desire to curb the perceived injustices of humanity takes precedence over faithfulness to God, we can go—and history shows that we have gone—very far astray.

Dorothy Day frequently drew on an idea from John Chrysostom, who said that Christ our Good Shepherd promised to protect his sheep, and therefore we have to remain sheep in order to remain his. If we turn into wolves to fight the wolves that would harm us, we are no longer sheep and no longer his. Day pointed out that we tend to put our trust in wolves and “much worse than wolves” for our protection, when we should put our trust in our Good Shepherd. Although I am very much drawn to Wolterstorff’s compelling case for modern liberal democracies as rights-protecting and rights-limited states, I continue to be haunted by the sense that Christians are sheep trusting wolves when we share in this enterprise. Day would, thus, caution us strongly not to put too much faith in “Holy Mother the State” (Day, “The Scandal of the Works of Mercy,” 99–102).

RETHINKING THE DUALITIES OF POLITICAL THEOLOGY

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The bold ambition of Wolterstorff’s slim volume is a rethinking of two crucial dualities in political theology—or more precisely put, in “theological political theory” (112)—namely, the relationship between the state’s authority and God’s authority, and the relationship between the state’s authority and the church’s authority, from a Reformed Protestant perspective.

On the relationship between the authority of the state and divine authority, Wolterstorff offers an original rereading of Romans 13:1–7 that diverges from the range of ways in which the passage has traditionally been understood. The picture that emerges is one in which government has the performance-authority, and therefore the moral authority, to “curb injustice,” “to protect the rights of the public,” and to function as “a rights-protecting institution” (90). These are, as Wolterstorff notes, “three different ways of expressing the same idea” (90). This reading of Paul’s view of governmental authority, which Wolterstorff regards as continuous with the basic position in the Hebrew Bible, is contrasted with a more ambitious and Aristotelian “perfectionist view of the task of the state” that “does not imply limits” (101, 102). Indeed, Wolterstorff argues, “If achieving some social good requires imposing misery on some of the public, one does not ask whether imposing that misery constitutes violating the rights of those citizens; one asks whether the good of the end outweighs the evil of the misery” (102). In Wolterstorff’s argument, against this Aristotelian perfectionist view, “The God-given task of government is not to pressure citizens into becoming virtuous and pious; its God-given task is instead to pressure citizens into not perpetuating injustice” (98–99).

In institutional-historical terms, then, the book sets up a dichotomy between, on the one hand, what Paul really meant in Romans 13:1–7, according to Wolterstorff’s reading, and the implications of this for the state’s limited rights-protecting and injustice-suppressing task in liberal

democracies in general and the United States in particular; and, on the other hand, what Paul was mistakenly taken to mean in Romans 13:1–7 throughout most of Christian history, namely, as defending expansively “perfectionist” views of the state in medieval Christendom and Reformation-era confessional regimes. These regimes, both Protestant and Catholic, were concerned with the instillation of virtues; modern totalitarian states, for their part, have routinely sacrificed individual rights to perceived greater goods. This dichotomy is problematic in several respects.

First, justice itself has historically been regarded *as* a virtue, rather than as something to be contrasted with virtues. With prudence, temperance, and courage, it was one of the four cardinal virtues in classical thought, going back to Plato’s *Republic*. Because it was in one sense “the whole of virtue” and in another a “part of virtue,” it was so important as to be the only virtue meriting a book of its own in Aristotle’s *Nicomachean Ethics*. From the perspective of this entire tradition, which was incorporated into Western Christianity, any state concerned with curbing injustice is simultaneously concerned with the promotion and exercise of justice as the highest virtue. To argue that curbing injustice does not amount to encouraging justice seems a disingenuously evasive semantic move. And if the end is a promotion of justice, then the role of the limited Pauline state envisioned by Wolterstorff is concerned with at least one of the cardinal virtues—and, arguably, with all of them.

Second, the “perfectionist” versus “rights-protecting” dichotomy that runs through Wolterstorff’s book seems rhetorically self-serving. Especially among modern readers inculcated in liberal democracies, who would be opposed to a state whose *raison d’être* was to protect the rights of its citizens? And especially in light of the fascist and communist horrors of the twentieth century, who would be in favor of a state that denied those rights in order limitlessly to pursue a chimerical, rights-trampling societal perfectionism? Lumping together as “perfectionist” all states that have sought to promote more than just the virtue of justice seems to overlook important differences among them. It is quite a leap from a state concerned to promote virtue to a state without limits (102, 150). Could not a state that protects individual rights also aspire to a more robust flourishing of its citizens via laws that sought to foster habituation in multiple virtues? Should we assume that liberal democracies are places in which citizens flourish best by being able to exercise their rights as they please without any regard for any of their fellow citizens? (This is descriptively what we have today, at least in the United States.) The assumption seems to be that politically and societally things will be as good as they can be if our state-governed morality consists in allowing individuals to maximize their preferences to do as they please in a manner consistent with everyone else.

Third, whether or not the “governing idea of liberal democracy” is, as Wolterstorff holds, not “maximal compatible freedom,” but rather “the right to equal political voice of all adult citizens” (154), increasingly the sociological (and, arguably, the judicial) reality of American society is much more obviously the open-ended expansion of preferentially chosen individual goods, within a framework of law that changes to accommodate shifting views about what is good, right, and just. This seems to render little more than an empty platitude Wolterstorff’s appeal to the moral project of the liberal democratic state as one of “instruct[ing] the citizens in the ways of justice and injustice” (155). What can that mean, when citizens are so deeply divided about issues as fundamental as who is a human being, what is a marriage, and what is a family? Is it just to live with laws that permit citizens to accumulate as much wealth as they wish without regard for anyone but themselves? It is for good reason that Wolterstorff asks whether citizens of the liberal state are, in fact, “alert to injustice” or “capable of recognizing injustice when it occurs” (156). That the state issues laws and enforces them is obvious. That its laws are just simply because it makes them is rightly rejected by Wolterstorff as a “positional authority” view of government, one in which moral authority is subsumed by state power. Unless the state’s protection of individual rights

and freedom is something more than a facilitation of voluntarist desires, it seems unlikely that there will or indeed ultimately can be much coherence to the curbing of injustice and promotion of justice. And it is hard to see what legitimate “performance-authority” should be accorded by a Christian to any government whose laws permit citizens to exercise their rights in ways that are manifestly unjust and wrong in Christian terms.

Finally, Wolterstorff’s appeal to the Dutch theologian and statesman Abraham Kuyper and his notion of sphere sovereignty seems inapposite. The sociopolitical reality of our deeply divided and uncivil public sphere in the United States today contrasts dramatically with its Dutch analogue in the decades prior to World War I in which Kuyper came to prominence and served for several years (1901–1905) as prime minister of the Netherlands. He could articulate his notion of sphere sovereignty, and the distinctive Dutch way of addressing church-state relations via “pillarization” could work—for a time—because of the extent to which, notwithstanding the divisions among Reformed, Catholic, and socialist, Dutch citizens in the late nineteenth and early twentieth century remained imbued substantively with Christian assumptions about virtues in addition to justice. That sort of symbiosis between governmental institutions and religio-moral substance is much less apparent in the United States today.

With respect to Wolterstorff’s second duality, the relationship between the authority of the state and that of the church, I commend his effort to theorize an institutional freedom for the church that the state will recognize, beyond simply the protection of individuals’ rights to religious freedom (124–25). But I do not see how this can be more than a matter of the state dictating to churches (and synagogues, mosques, temples, etc.) what does and does not constitute acceptable expressions of “religion,” within a separationist framework problematically predicated on keeping religion “private” and thus removed from the “public” sphere. This is all the more so insofar as Wolterstorff affirms an ecclesiological view similar to that of Luther, who distinguished state from church along the lines of the Pauline contrast between “flesh” and “spirit” that Wolterstorff also emphasizes (chapter 11). But insofar as human beings are not separable into flesh and spirit, or bodies and souls, the rejection of the “two rules” concept of the church and state, in which each has its respective jurisdiction over different domains of life, has resulted in the state entirely dictating the terms on which religious institutions may carry out their practices in every modern Western state.

Far from being self-evidently obvious that “religion” is a limited and private part of life that can be readily combined with a rights-protecting state properly understood, such a notion of religion *as* separate and separable from the rest of life only came about as a consequence of the religio-political conflicts of the Reformation era. The contemporary context is not one in which liberal states let churches and other religious institutions exist on terms articulated by religious institutions themselves in accordance with their conceptions of rights, but rather one in which the state always circumscribes the acceptable limits of religious practice. It seems to me that only a thin, feeble, and complacent Christian ecclesiology could be content with a legal and political reality in which religious freedom is not only unprotected but impossible, and in which courts determine the terms of religious life. So long as religions accept the state’s determination, they will remain compatible with the legal, judicial, and police functions of the liberal democratic state. But when religious institutions oppose what the state commands—as in the case of the Department of Health and Human Services contraceptive mandate over the last several years—it is apparent who calls the shots and how entirely circumscribed by the state religious freedom really is.

THE CHRISTIAN WITNESS TO THE STATE: NICHOLAS WOLTERSTORFF ON JOHN HOWARD YODER

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Reading *The Mighty and the Almighty* called to mind a graduate seminar on John Howard Yoder that I took with Stanley Hauerwas. At some point during a discussion of Yoder's *Politics of Jesus*, I asked a question more personal than academic. Prior to graduate school, I had served as a military attorney at the Pentagon. I had spent most of my time litigating government contracts and conducting major investigations. Complicit in the violence of the law, to be sure. But I was not drawing battle plans or launching weapons systems. Most of my issues were along the lines of determining whether the people providing support services at a military base had fairly been awarded their contracts, or how we might address the problems of sexual assault at the service academies. I pressed Hauerwas on the point: Was all of *this* compromised? I anticipated a takedown, but Hauerwas's response was far less strident and far more pastoral than I would have predicted: Maybe but maybe not. Who were my friends, and what were they telling me? How should we navigate within places of compromise to act in the world as we find it? What are the compromises of any job (whether mine as a military lawyer or his as a university professor) that tempt us with power?

I mention this story because it illustrates how Hauerwas is more complex than the "sectarian" characterization that often follows him. The same can be said of Yoder. And calling attention to that complexity gets at two weaknesses that I see in Wolterstorff's important book, which, I argue, are interrelated. The first is his characterization of Yoder's political theology. The second is his characterization of the early church.

Wolterstorff is careful to avoid the "sectarian" label in describing Yoder, but he at times comes close. He asserts that Yoder offers "a social ethic of inwardness" (33). He argues that "the closest Yoder comes to offering a principle for Christian social ethics that goes beyond the abstract principle of free subordination" is a vague nod to the concept of "freedom" that is "never developed" (31–32). Although Wolterstorff focuses on Yoder's *Politics of Jesus*, *The Mighty and the Almighty* will undoubtedly be read as a broader critique of Yoder's political theology.

Wolterstorff intimates that Yoder's challenge to the state's authority leaves him without the resources for any constructive model of governance. I do not think that does justice to Yoder. Yoder insists on starting with the church rather than the state, but that starting point does not predetermine the eventual relationship (or lack thereof) between the two. More importantly, Yoder's historical narrative reveals the extent to which he recognizes the value of political engagement. By Yoder's account, both the state and the rights that it grants are parasitic to the existence of the church.

In other writing, Yoder argues that "freedom to assemble, to preach, to print, and to read" developed within Puritan thought "not because the individual is reliable but because God's word must be heard" (Yoder, "Response of an Amateur Historian and a Religious Citizen," 417). He traces the "organic developments" of this political thought through the Swiss and German Reformers to the British Puritans. In Yoder's telling, Puritan political thought differed from Enlightenment notions in three aspects: (1) the Puritan argument for freedoms of speech and assembly "appealed to the sovereignty of the Word of God"; (2) Puritan thought assumed a

congregational structure that “brought forth an alternative social location and an original social shape for the truth-finding process”; and (3) Puritan thought was ecumenical “in the sense of recognizing no provincial boundaries, relativizing the clan and the nation, and thereby the state” (Yoder, *For the Nations*, 20).

These developments continued in the American colonies, and Yoder anchors them in two maverick theologians: Roger Williams and William Penn. Yoder recognized in Williams and Penn historical examples that were both theological and political. In Yoder’s view, they “were first not only to envisage but also to create a commonwealth with religious freedom” (Yoder, *The Priestly Kingdom*, 187). Their story challenges “those who claim that dissent is necessarily linked to social withdrawal or anarchism” (Yoder, “Response,” 422).

My second critique, concerning Wolterstorff’s description of the early church, relates to his characterization of Yoder’s political theology. Wolterstorff argues that the early Christians “were not a political movement,” “made no attempt to set up a civil government of their own,” and were instructed “to live within the extant political structures as peaceably as conscience permitted” (121). These assertions are largely correct, but they miss a fundamental dimension of the early church: the followers of Jesus as the *ekklesia*.

Yoder understood the significance of *ekklesia*. He links the Hebrew assembly (*qahal*) and the New Testament assembly (*ekklesia*), observing that “[i]n both biblical languages the word church (*qahal*, *ekklesia*) refers originally to a deliberative assembly of the body politic” (Yoder, *The Christian Witness to the State*, 18). But the two concepts are distinct. The gathered people of Israel always comprised an “ecclesiastical state;” and *qahal* embodied a theocratic ideal. The New Testament *ekklesia* is different: it exists as counter-*polis* within the state. The *ekklesia* speaks to the state not for the state.

The *political* witness of the early church also manifests in its understanding of and interaction with law. The New Testament *ekklesia* had a different ethic than today’s overly litigious culture. We should not hyperbolize that ethic—Calvin’s “Of Civil Government” rightly challenged “the usual objection that Paul condemns all litigation without exception” (Calvin, “Of Civil Government,” paragraph 21). But Calvin also noted that “[t]he Christian way is always to be prepared to forgo one’s rights, rather than to go to court” (Ibid.). This presumption against litigation is one of the reasons that the politics of Jesus is not a disembodied ideal. It is an actual community whose ethic governs both internal and external relationships. And it is for that reason necessarily “political.”

Yoder and Hauerwas are well known for their provocative claims. But Wolterstorff also has some strong words about the ontological primacy of the church and the political implications of ecclesiology: “The coming of the church into a society destroys whatever religious unity the society might previously have had and does not replace it with another” (123); “With respect to every state, the church is always *there already*, doing what it is authorized to do. It does not await authorization by the state” (124); “For Christians, even more fundamental than asking what justice requires is uncovering the political implications of the very nature and existence of that unique entity which is the church” (131). These assertions transcend the kinds of claims usually associated with the Kuyperian tradition, and they suggest that a deeper exploration of Yoder’s work would reinforce rather than challenge Wolterstorff’s political theology. Indeed, for someone who identifies with Kuyper’s tradition and casts Yoder as foil, Wolterstorff ends up sounding a lot like—Yoder.

SAINT PAUL, ARISTOTLE, AND THE VIRTUES OF PERFECTIONISM

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I first met Nicholas Wolterstorff in print as an undergraduate. I wrote my honors thesis on *Faith and Rationality*, the book he published with Alvin Plantinga, when I was just beginning to find my way into philosophical theology. Then, unforgettably, nearly twenty years ago, as a young graduate student, I met him in person when I went to a lecture of his at Harvard Divinity School. There Wolterstorff led me to one of those moments of Lonerganian insight, in which I gained sudden clarity about my own relationship to modern theology. He was talking about Immanuel Kant's epistemology: "We all assume the car is broken, but what if the car ain't broke?" he asked. He then outlined an alternative epistemological realism. At the time, I was taking a course at Boston University on the rise of modern theology. Sitting in Wolterstorff's lecture, however, I realized that everyone else in the course had assumed the car was broken in a way that I did not. We had been talking past each other all semester, and Wolterstorff taught me why. That same clarity of thought and expression that I heard so many years ago, I again encountered when reading his most recent book. Indeed, it made me wish I had studied under Wolterstorff: one can glean from his writing what a good teacher he must have been.

I learned much from *The Mighty and the Almighty*, particularly from the clarifying distinction between performance and positional authority, and how the loss of that distinction can lead to Calvin's conceptual muddles on state authority. Nonetheless, I wonder whether Wolterstorff's minimalist account of the authority of the state to govern is thick enough to produce the kind of citizens needed in a flourishing liberal democracy.

Wolterstorff writes that "the God-given task of government is not to pressure citizens into becoming virtuous and pious; its God-given task is instead to pressure citizens into not perpetrating injustice" (98–99). He contrasts Paul's account of the role of the state to Aristotle's account of the state having "some social good as its *telos* . . . the social good at which the state aims includes cultivating virtue in the citizenry—making the citizens good" (101). The good that Paul has in mind, however, is much narrower in scope, being limited to "the good of curbing wrongdoing and encouraging the good-doing that such curbing naturally brings in its wake" (101). Against the Aristotelian view, Wolterstorff argues, "As to our becoming good human beings, 'well-pleasing' to God, Paul would say that for that we must look elsewhere than to the state" (101).

Wolterstorff sides with Saint Paul over Aristotle. I am not sure that I do. Moreover, since the state actually *does* encourage virtue in its citizens in all sorts of ways through tax breaks and laws that promote recycling and reusable energy, and prison programs, and many other such things, it is better to be up front about this rather than pretend that outside "curbing wrongdoing" the state has a neutral hand in the education of virtue in its citizens.

I also wonder whether the state is able to curb injustice without cultivating in its citizens a robust understanding of the virtue of justice. Wolterstorff asks at the end of his book whether the state's "citizens [are] in fact alert to injustice? Are they capable of recognizing injustice when it occurs? Are they disposed to struggle against it when they recognize it?" (156) Affirmative answers to these questions can only arise out of communities operating under robust definitions of justice, thick understandings of the common good of society. There is no way to curb wrongdoing unless we have some sort of shared conception of what comprises "doing good."

Certainly language about intellectual and moral virtues is deepened, broadened, and brought to perfection when the theological virtues come into play. But the state is already a stakeholder in the development of intellectual and moral virtues of its citizens. Wolterstorff claims that the perfectionist view with which I align does not imply limits for the state, whereas the protectionist view of Saint Paul does. This would certainly be a weakness of the perfectionist view. But I am not sure it necessarily follows that in the perfectionist view “if achieving some social good requires imposing misery on some of the public, one does not ask whether imposing that misery constitutes violating the rights of those citizens; one asks whether the good of the end outweighs the evil of the misery” (102).

Need one be a consequentialist to subscribe to the perfectionist view? To ask this question is not to yearn for bygone days of collusion between church and state. It is, rather, to hope that a liberal democracy such as ours is not only able to put in place procedural rules that enable its citizens “maximal compatible freedom” but also to work together to build a just society despite our differing starting points. Wolterstorff beautifully marries conceptions of authority from below and authority from above. God introduces a sacred dimension: “The state may already have had political authority from below to curb wrongdoing. God’s authorizing and enjoining it to curb wrongdoing means that its failure to do so is defiance of God. That was not true before” (104). This is the way that “theology” deepens and broadens the “political.” Here also, I wonder whether the divine and common goods are not already present in the political, the demands of which are deepened with theology.

RECONCILING CHRISTIANITY AND LIBERALISM

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I agree with many of Nicholas Wolterstorff’s basic arguments in *The Mighty and the Almighty*, but I am uncertain or unclear about how he gets to some of his conclusions. Let me start with my agreements and work my way through to the conclusions.

For those of us formed by a kind of antiliberalism that was prominent in Christian ethics when I was in graduate school in the 1990s, Wolterstorff provides a compelling and attractive alternative. In the study of the history of ideas, Wolterstorff’s book is, I think, part of a broader argument complicating the view that the world collapsed sometime around 1700 and that Christian political theology is dialectally opposed to modern nation-states. Wolterstorff tries to refute, for the most part successfully, any such neat categorization of the Christian political relationship to liberalism.

This story that the world collapsed in 1700 has both liberal and conservative variations. On the secular liberal account, the rise of social contract theory and natural rights gave a secular foundation to politics that replaced religious foundations, as argued, for example, in Mark Lilla’s *The Stillborn God*, which Wolterstorff cites at the outset of his argument. On the conservative account, the advent of natural rights upended the previous order of natural right or natural law. This is the Straussian view and is echoed by some traditionalist Catholics, such as Michel Villey. As explored more fully in *Justice: Rights and Wrongs*, Wolterstorff answers the charge that natural rights are alien to the Christian tradition by arguing for the scriptural and patristic provenance of natural rights. John Howard Yoder’s view, with which Wolterstorff engages at length (chapter 2), is not so much anti-modern as anti-political authority or confused about it altogether. The criticism of

Yoder's *The Politics of Jesus* and its inadequacy as a work of political theology is, in my view (contrary to some of the other contributors here), one of the strongest aspects of Wolterstorff's argument.

So, I am sympathetic to the movement of Wolterstorff's argument through the middle of the book: the engagement with liberalism, the helpful distinctions between authority and governance, the criticism of Yoder, and the masterful and creative reading of Romans 13. But Wolterstorff proceeds to explicate a range of contemporary implications for his argument, and it is at that point that I have some reservations and questions.

I am puzzled by aspects of the "principles of church autonomy" Wolterstorff lays out (124–25). I am inclined to think Wolterstorff is correct about church autonomy and institutional rights (chapter 14), but I am unsure how these principles flow from the earlier discussion and concerned that Wolterstorff's sanguine view of liberalism is in tension with these principles of church autonomy in ways that he does not adequately explore. Part of the problem may be that it is not clear what or where the "church" is in Wolterstorff's account. Perhaps we should not expect an elaborate ecclesiology here, but there is something abrupt in Wolterstorff's transition from the spare remarks about the Pauline church to the principles of church autonomy shortly thereafter (118ff). Of course, a Catholic reading of Wolterstorff at this point would also expect a more complete account of the apostolic authority of the church.

Absent a more elaborate ecclesiology, what are the resources available to the church in Wolterstorff's view when the state does not recognize its limits? While I basically agree with the Kuyperian insistence on the limited state (chapter 14), it is still unclear to me how Wolterstorff's Christian political theological account polices the jurisdictional boundaries of church and state. Most of the contemporary debates about religious freedom are precisely on issues where the state attempts to reach into the jurisdiction of the church—not so much on matters of worship (the primary ecclesial activity of the principles at pages 124–25) as in matters of education, employment, social service agencies, and health care, for example.

There is another question about liberalism and Christian political theology that I think was left unresolved in Wolterstorff's splendid recent book on agape, *Justice in Love* (2011). That is the problem of paternalistic love. Love, as Wolterstorff notes (quoting philosopher Jeffrie Murphy), "is centrally concerned with promoting [people's] moral and spiritual good—helping each one to grow in virtue" (*Justice in Love*, 234). As Wolterstorff sees it, paternalism comes in two forms: the first "consists of bestowing on someone, without any decision on his part, that which one regards as enhancing his good, thus regardless of his views on the matter, if any," and the second "consists of putting pressure on someone to decide to act in a way that one regards as good or right, or to decide to refrain from acting in a way that one regards as good or right, or to decide to refrain from acting in a way that one regards as bad or wrong, when one believes that the person himself is not inclined so to act or refrain from acting" (223–24).

In the same discussion, Wolterstorff goes on to note that this might be a deep problem for liberal political theory insofar as paternalism does not give equal respect to persons—deliberative adults have a right not to be treated as inferior moral agents. But Wolterstorff argues for the compatibility of agapism and liberal democracy, notwithstanding this challenge of paternalism, for reasons that are still unclear to me but seem to touch on the commitment to agapic care and respect for rights among citizens.

I came to *The Mighty and the Almighty* thinking that the argument there might help resolve this tension between agapic Christian paternalism and liberalism, but it only seems to deepen the problem. Now we have the claim from Wolterstorff that "[t]he God-given task of government is not to pressure citizens into becoming virtuous and pious; its God-given task is instead to pressure citizens

into not perpetrating injustice” (98–99), along with a rejection of Thomist and Calvinist perfectionism (128–29). The moral enterprise of the modern state is, on Wolterstorff’s account, thin (155–56), and the reading of Romans 13 leaves the reader with Paul as a proto-libertarian, though with qualifications about the state possibly having other tasks besides redressing harm.

Wolterstorff’s reconciliation of Christian political thought with liberalism seems to depend on adopting an anti-perfectionist view of the state. That may be right, but it would, I think, require showing how the political common good is merely instrumental to the human good, as John Finnis has argued (*Aquinas: Moral, Political, and Legal Theory*, 247), or how a Rawlsian anti-perfectionist principle of respect for persons is compatible with Christian political theology.

I wrote in a blog post many months ago that we can all be grateful that Wolterstorff, one of the great Christian philosophers of our day who wrote widely in epistemology, metaphysics, philosophy of religion, and aesthetics over the course of a long career, is spending his “retirement” producing a lasting legacy for Christian political thought. Part of that legacy is the promise of a sort of Christian liberalism and an account of rights and liberties from within the Christian tradition, though likely with reservations and further questions to be explored along the lines I have suggested.

TEXT, CONTEXT, AND POLYCARP’S DILEMMA IN LIBERAL AND ILLIBERAL WORLDS

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As a detail-minded historian who finds it easier to assimilate carefully contextualized case studies than programmatic general statements, I nonetheless found Nicholas Wolterstorff’s *The Mighty and the Almighty* riveting. Its account of Polycarp’s dual dilemmas, Calvin’s interpretation of Romans 13, Wolterstorff’s distinctive understanding of that passage, and the ontological differences between the church and states prompted any number of reflections oriented to specific historical cases or specific contemporary problems. Here are a few of them.

On the contradictions in Calvin’s position, I can add a historical footnote based on research I carried out decades ago. The McNeill-Battles edition of Calvin’s *Institutes of the Christian Religion* (1559; Westminster 1960) makes it possible for readers to discern exactly when Calvin wrote specific portions of the sections on government in the long publishing history of that text. In early editions, when the activities of the Catholic king of France against Protestants and the vacillation of Geneva’s city councils defined his immediate context, Calvin stressed the negative functions of government: the role of the state in restraining evil and allowing space for the church to carry out its own activities. By contrast, in the 1559 edition, when Calvin after lengthy struggle had gained nearly unanimous support for his church reform from the Geneva city councils, he assigned a much more positive role to the state in supporting not only church institutions but also the first table of the Decalogue as well.

Calvin’s argument might have been confused, because from 1536 to 1559 he approached civil government as a strict question of general, universal, biblical, theological, and philosophical principle—rather than principle in dialogue with practice. He persisted in that approach despite what now, on the basis of evidence from the McNeill-Battles edition, seem transparent connections between his own circumstances and his conclusions about Christian political duty.

The same comment can be made about Martin Luther, whose shifting views on the authority of the state vis-à-vis the church Wolterstorff also cites, but this time noting that the very early Luther championed something like a modern notion of church-state separation, only later to advocate a Protestant form of coercive Christendom that assumed an identity between the populations of church and state. Those shifting positions also correlated nicely with Luther's changing relations with political authorities.

I take away from these sixteenth-century cases the need to appreciate how abstract considerations of such questions are always inflected by current situations, and, therefore, how helpful it is to be as self-conscious as possible about the connection between general reasoning and particular circumstances.

A second response, also related to particular circumstances, comes from reading two other books while engaged with *The Mighty and the Almighty*—John L. Allen, Jr.'s *The Global War on Christians* and Rupert Shortt's *Christianophobia*. Neither author is a flaming right-wing ideologue, to put it very directly. Both, however, portray a frightening picture of the worldwide prevalence of vicious anti-Christian persecution present to one degree or another throughout the Muslim world but extending also to China, India, Vietnam, and other non-Muslim countries. These authors show that Polycarp's dilemma now confronts Christian believers as existentially, and more extensively, than ever before.

It is perhaps an extraneous question, but I cannot refrain from asking how Wolterstorff's reflections, pointed directly toward a liberal democratic situation, might be read by believers in Turkey, Egypt, Iran, Iraq, Pakistan, Afghanistan, or other places where job discrimination is routine against Christians; where conversion from Islam to Christianity regularly leads to state-sanctioned ostracism, assaults, and murders; and where emigration is often the only alternative to destruction. Polycarp's example might also encourage believers in such situations, but I think they would find the apocalyptic message of Revelation 13 more relevant than Paul's measured counsel from Romans 13. Whether beleaguered ones in such conditions would read the "principalities and powers" passages differently from Wolterstorff's reading would be a question they could best answer.

But the very last pages of Wolterstorff's book underscore a message that seems clearly directed at ourselves, those of us privileged to live in liberal democracies. For my part, I found compelling the serendipity he sees in the parallel between a rights-oriented liberal democracy and the Christian allegiance to both church and post-Christendom government. As a long-time beneficiary of Kuyperian reasoning on sphere sovereignty, I am also convinced by Wolterstorff's positive appreciation of the benefits accruing when governments recognize the relative autonomy of non-governmental spheres. Yet as he indicates, within liberal democracies we do face *prima facie* clashes between what religious groups affirm because of their convictions and what states compel on the basis of their judgment about the greatest good for the greatest number. Notre Dame's lawsuit against the Department of Health and Human Services' contraception mandate is an obvious example.

But I would like to focus on two other examples. Wolterstorff mentions one of these, though just in passing, when he writes, "If there are people in society who are deprived of fair access to medical care or to adequate means of sustenance, then it is the God-assigned task of government to undo this injustice" (91). The second issue follows along in his reasoning, which seems exactly right to me, that though the Bible does not mandate an exact form of government, it does in both Hebrew Scriptures and the New Testament, indicate quite clearly that government, "when carrying out [its] assignment to establish justice in the land, was to give priority to the downtrodden" (91). This second issue is state-sanctioned access to abortion construed as a basic human right. In my view, abortion is the killing of those who are the very least able to fend for themselves.

Questions about universal medical care and abortion rights are admittedly complicated. I am a strong advocate for universal medical care, accomplished either through a government-run medical establishment or, preferably, a universal government-supervised system of insurance. But I am not sure that access to health care can be defended as the same kind of universal human right as, for example, freedom of religion or freedom of assembly. If it can be so defended, it involves a more complicated consideration of economic, political, social, and federalist realities than is necessary to defend the rights advanced in, say, the Declaration of Independence. Similarly, while I believe a simpler moral case exists against abortion-on-demand, that case, too, must take into consideration complicating factors like traditions of patriarchal discrimination, economic support structures, and a culture of rights that on other particulars should be affirmed by theists of all sorts.

If I believe that the United States' support for our current health system and its facilitation of abortion-on-demand are unjust, then I am in a position at least somewhat analogous to Polycarp's. I acknowledge the position-authority of the US government but not its performance- or moral-authority. A not insignificant difference between my situation and Polycarp's is that if I just shut up, nothing happens to me. But Christian faith certainly demands more than just self-protection. With its discussion of government from below, Wolterstorff's book indicates means for believers to address the clash of *prima facie* obligations in a liberal democracy—including public advocacy, participation in the political parties, voting, and more. But when these means are frustrated and the *prima facie* clash of obligations remain, I would appreciate more direction on what now should be done.

TOWARD A POLITICAL THEOLOGY—APPROACHES AND DESTINATIONS

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As the subtitle to Nicholas Wolterstorff's subtle work indicates, *The Mighty and the Almighty* is "an essay in political theology." It is that, to be sure, but at crucial points the work is one of political theory—a rational account of the nature and extent of government. Yes, it travels the terrain of political theology. On arriving at its destination, however, it lands squarely at the same limits "as those imposed on the American state by its constitution and fundamental law" (152). This conclusion, which Wolterstorff rightly calls serendipitous, indeed does not void the work of political theology necessary to construct it. Instead it raises a question about whether political theory reaches the same destination by the same route. I think it fair to say that the estimation of one's destination depends in part on one's angle of approach.

At several points *The Mighty and the Almighty* is plainly just such an attempt at estimating the condition of modern liberalism, and even of describing the angle from which its critics mistakenly approach it (5–6, 123). A certain allegation of liberalism's "Weberian instrumentality gone berserk," for example, shows itself to depend on a more far-reaching Augustinianism that interprets political loyalty as incompatible with the alien character of Christian life in the world. Taking a generally negative view of political life, Wolterstorff suggests, leads to a tendency toward highlighting the alienating characteristics of contemporary life rather than those for which Christians can be grateful. The utilitarian and technocratic excesses of modern government are precisely that—excesses—and do not warrant a return to perfectionist theories of government mistakenly called "Christian."

Wolterstorff thus aims to restore a theological approach that accounts for the liberal democratic state, though in a “less individualistic” mode (5). The crux of this approach is Wolterstorff’s concept of what he calls governance-authority structures. “The state,” he says, “is what I shall call a *governance-authority structure*; the church *has* a governance-authority structure. These are two in a vast panoply of governance-authority structures” (47, see also 135). Wolterstorff’s emphasis on the multiplicity of governance-authority structures is the nub of his endorsement and his criticism of liberalism. Because of its basis in liberty, the liberal state acknowledges a variety of governance-authority structures within it. Liberalism errs only when it accounts for these structures in individualistic terms. Most importantly, the multiplicity of governance-authority structures disproves the older Christian view beginning with Augustine and Gelasius, and continuing through the scholastics and the Reformers, that government is only twofold, namely spiritual and temporal (140–41). The tradition falsely reduced a multiplicity of governments to two.

In order to restore a proper understanding of liberalism, Wolterstorff moves from the terrain of political theory per se—his accounts of authority, governance, and authority to govern (chapters 4–6)—to what he calls “*theological political theory*” (112). This term describes Wolterstorff’s version of political theology, which does not take God as its subject matter, but treats the preexisting subject matter of politics from a theological standpoint. Hence after Wolterstorff’s rejection of certain political theologies (chapters 2–3) and his introduction of concepts from political theory (chapters 4–6) he can begin theological political theory proper.

Theological political theory is open to two objections against which political theology is typically insulated: (1) whether the particular political theory it includes is correct and (2) whether the theological perspective employed (here, that of Saint Paul) has the same political concerns as the political theory it is being used to illuminate.

The crucial theological perspective on political theory, in Wolterstorff’s view, is that of Romans 13:4–5: “For he [the prince] is God’s minister to thee, for good. But if thou do that which is evil, fear: for he beareth not the sword in vain. For he is God’s minister: an avenger to execute wrath upon him that doth evil. Wherefore be subject of necessity, not only for wrath, but also for conscience’ sake.” In Wolterstorff’s provocative and creative reading, God has given governments a commission “to exercise governance over the public for the purpose of *curbing wrongdoing*”—a purpose that Wolterstorff further limits to curbing injustice and protecting rights. Since Saint Paul’s language typically emphasizes God’s anger at wrongdoing, Wolterstorff infers that government’s God-given task “is not to pressure citizens into becoming virtuous and pious [but rather] to pressure citizens into not perpetrating injustice” (98–99). He opposes Saint Paul’s “perfectionist” views that link politics with the inculcation of virtue.

The reason why Saint Paul emphasizes the punishment of wrongdoers rather than the promotion of virtue is, in my view, simpler than the explanation that Saint Paul was a liberal *avant la lettre*. Consider Romans 13:3: “For princes are not a terror to the good work, but to the evil. Wilt thou then not be afraid of the power? Do that which is good: and thou shalt have praise from the same.” In his *lectura* on Romans, Thomas Aquinas explains this verse by noting that “princes have been instituted for this reason, so that those who are not provoked by the love of virtue to avoid evil and do good, may be compelled to this by fear of punishment.” Powers (*potestates*), he adds, “have been instituted for this reason, so that not only may they draw back men from evils by fear of punishment but also attract them toward the good through rewards, according to 1 Peter 2:14: [be subject] to governors as sent by him [the king] for the punishment of evildoers, and for the praise of the good.” In other words, the good have nothing to fear from princes because the punishment of princes falls upon those who fail to do what is good. In St. Peter’s parallel treatment of subjection to authority, this positive element of encouragement toward virtue is evident. Neither Peter’s

treatment nor Paul's is an anticipation of liberalism, though in virtue of the heavenly end posited by Christianity their political views were, like those of the medievals, never fully "perfectionist."

Let us then return to the second potential objection noted above. In spite of what seems to be its obvious importance, Romans 13 was not the only or the most important theological perspective on political things during the long Middle Ages from the Roman Empire to the French Revolution (cf. 99n8). How one justifies subjection to one's superiors whether good or bad is one question. But after the conversion of Constantine, Romans 13 did not on its own suffice to explain the Christian kingship that Saint Paul did not witness or expect. We might posit the *Corpus juris civilis* as the first account of Christian kingship; we might posit Luke 22 as the *locus classicus* of discussions of spiritual and temporal authority. Either of these starting points might cast a more charitable light on the views of *regnum* and *sacerdotium* in Aquinas or Calvin.

Wolterstorff suggests that Saint Paul's doubts about the empire should have persisted even after the empire ceased to be pagan (118, 129). His presentation of the political consequences of the character of the church—an account Aquinas and Calvin would both have seconded (124–25)—is not what does the work here, however. What energizes Wolterstorff's application of Saint Paul is "the commitment of the church to justice" through insistence on equal freedoms for all religious communities (127–28). Here a political theory—namely, an account of limited government drawn from John Locke—is imported in order to be viewed through a theological lens. The core importation is the view that society contains a multiplicity of "governance-authority structures," (141) not simply the two powers of *regnum* and *sacerdotium*. Consequently, the cooperation of the two powers in one territory is not possible, and the theological view coordinating civil power with the overarching goals of the ecclesiastical power is and always was antiquated.

Augustine, Aquinas, and Calvin all seem inadequate, then, to the task of providing a theological view of that political theory that putatively emphasizes the multiplicity of governance-authority structures. They appear inadequate, however, only because they (and Paul, as well) could not have taken as their theological subject-matter a political theory that they did not accept—namely, "the normative limits placed on the authority of the state by the presence in society of a wide range of social entities with authority structures" (171). The temporal and spiritual aspects of government referred to the two objects of authority, body and soul, and to the two *overarching* political forms concerned with each in any given area. The medieval theorists had no difficulty accounting for multiple ways in which authority was exercised; in other words, their "dual government" was inclusive and not, as in the modern model of sovereignty, exclusive. (Giles of Rome's *De regimine principum* treats sequentially the government of oneself, one's household and one's kingdom.)

The apparent multiplicity of governance-authority structures in modern life hides the fact that, as Wolterstorff puts it, the church merely "has" a governance-authority structure, whereas the state "is" a governance-authority structure. Modern liberalism solves the problem of dual government by eliminating entirely any possible claim of sovereignty by any institution other than the state (Hobbes, *Leviathan*, chapter 42). While respecting freedom of association in ways for which we ought to be grateful, the liberal state does arrest something that is a natural movement—the transformation of association into political authority proper. The ability of liberal political arrangements to educate their citizens and shape their souls is, if we are to believe Tocqueville, no less powerful than that of the city, empire or church. That authority is harder to identify, or has been harder to identify, because it cannot exercise authority over our souls while remaining truly liberal. The critique of liberalism "become purely utilitarian, bureaucratic, and technocratic" (123) is neither far-fetched nor necessarily the product of Christian antinomianism. Those features are merely the signature or proof that liberalism does have a definite intent to view the world in a manner—from an angle of approach—wholly different from that of Paul or Aquinas. We must

not shrink from the possibility that the things we lament stem from a tendency more powerful than those liberties we hold dear. I see little other explanation for the fact that we are as a rule content to be surveilled, quantified, and actuaried in exchange for a penny savings here or there—whereas the liberties that were the achievement of our civilization face ever more confident threats. “Be sober and watch” (1 Peter 5:8).

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3 For the ease of the reader, where possible, citations to a modern translation or edition are provided for classical and early modern texts.