

## BOOK REVIEW SYMPOSIUM

# “MY NAME IS GREAT AMONG THE NATIONS”: REFLECTIONS ON FRACTURE, SEPARATION, AND REPAIR

*Politics after Christendom: Political Theology in a Fractured World.* By David VanDrunen. Grand Rapids: Zondervan Academic, 2020. Pp. 400. \$29.99 (paper); \$19.99 (digital). ISBN: 9780310108849.

KEYWORDS: political theology, two kingdoms theology, religion and state, legal pluralism, interreligious encounter

### INTRODUCTION

Every developed religious tradition inhabits a *nomos*.<sup>1</sup> So does every sufficiently thick community. And so does every civil society and system of government situated in an institutional matrix of organizational, economic, and cultural assumptions and behaviors.<sup>2</sup> The *nomos* includes rules of behavior and narratives and propositions that try to make sense of the nature of the world. Every *nomos* must also make sense of the fact that it is not the sole inhabitant of that world. It lives with many *nomoi* encountering and trying to understand and possibly accommodate each other.

Religious traditions—both to help make their way in the world and to complete their account of that world—will often need to ask some vital questions about their view of the civic order, especially the ostensibly secular civic order: Is civil government legitimate? If so, what is the proper scope of its concerns and authority? How should the civic order and communities of faith relate to each other?

Religious communities must also ask questions about other religions. Are they legitimate? Are they worthy of respect, politically or theologically or interpersonally? How should they relate to each other? And how should faith traditions collectively relate to the civic order?

Grappling with such questions is necessarily difficult for any religious tradition that claims exceptional access to universal truths. And it is a distinct challenge for Western Christianity, which for about a thousand years from the time of Constantine was intertwined, though never identical, with a succession of civil regimes in a complex relationship often called Christendom. David VanDrunen’s *Politics after Christendom: Political Theology in a Fractured World* is a rich, fine-grained effort to grapple, from a largely Protestant Reformed perspective, with the first set of questions: the legitimacy and role of the civic state and the place of the religious order and

---

1 I use the term *nomos* to acknowledge my lifelong debt to the work of Robert Cover. See Robert M. Cover, “Foreword: *Nomos* and Narrative,” *Harvard Law Review* 97, no. 4 (1983): 4–68. Cover defines a *nomos* as “a normative universe.” Cover, 4. Cover explains that a “*nomos* is as much ‘our world’ as is the physical universe of mass, energy, and momentum. Indeed, our apprehension of the structure of the normative world is no less fundamental than our appreciation of the structure of the physical world.” Cover, 5.

2 I take the term *institutional matrix* from recent social scientific work on institutional and social change. The classic source is Douglass C. North, *Institutions, Institutional Change, and Economic Performance* (Cambridge: Cambridge University Press, 1990), 115 and 136.

religious believers. VanDrunen's arguments are often compelling. Many should be reassuring to those of us in different religious traditions. Some of his insights break new ground. Yet there is something off here, even beyond any inevitable political or religious differences between author and reader. Furthermore, VanDrunen has little to say about the last set of questions, on interreligious relations. This turns out to be a problem, for reasons I explain below.

## TWO KINGDOMS

VanDrunen's answer to the question of whether civil government is legitimate in principle is unequivocal. Yes, it is. God ordained civil government in the Hebrew Bible and affirmed its legitimacy in the New Testament. Civil government is also, in his formulation, "provisional," "common," and "accountable" (25).

Civil government is accountable to God. Its role is to work out, in necessarily imperfect terms, the general mandate of natural law to provide humanity with a modicum of civil order and decency. It should promote justice and facilitate institutions such as the family and the market. Nevertheless, civil government is not beholden to religious revelation or to the church. VanDrunen is not a liberal theorist. His approach is theological. But his account does point to something like a secular state, a "common" home for persons of any faith. His policy prescriptions are controversial at points. Some are religiously inflected. Nevertheless, he tries to defend them on "common" grounds.

At the core of VanDrunen's larger theological vision is a set of converging ideas. One is the notion of the two kingdoms. The idea of two kingdoms, two cities, or two powers is an ancient theme in Christian thought, denying any sheer identity between church and state. At various times, however, especially during the long history of Christendom, many Christians insisted either that the church stood in a hierarchical relationship over civil government or that the state was bound to employ its resources to spreading and defending the true faith. Building on specific currents in Dutch Reformed theology, VanDrunen draws a sharper divide. The state is jurisdictionally unauthorized to decide which religion is true or to promote it. Its mandate is to maintain the world, not to save it. In common with many other Christian thinkers, VanDrunen suggests that Christendom was a mistake. He rejects calls, whether from right or left, to involve civil government in the project of redemption.

Another recurring reference in VanDrunen's conceptual toolkit is the Noahic covenant (related to what Jews typically call in English the Noahide commandments, as discussed below), the constitution of sorts that God gave Noah and all of humanity after the Flood. Invoking the Noahic covenant serves at least two purposes. First, it undergirds VanDrunen's distinction between the community of Christian believers and a civil realm that is the "common" heritage of all human societies regardless of their faith. Second, it supplies some of the prooftexts that supplement more abstract arguments about the demands of natural law. VanDrunen's specific political vision is of a limited state grounded in individual liberty, free enterprise, and modest regulation—not quite libertarian but not activist either.

To dig into the heart of VanDrunen's vision, it is worth highlighting three more pieces of his account. First, as noted, VanDrunen describes civil government and the civil state as "provisional." At one level, this should be a truism for anyone confessing a faith that has an eschatological element. Jerry Falwell, a leader of the so-called Religious Right, once declared, "[O]ne day Jesus is going to come and strike down all the Supreme Court rulings in one fell swoop."<sup>3</sup> Some liberal

3 Allen D. Hertzke, *Representing God in Washington: The Role of Religious Lobbies in the American Polity* (Knoxville: University of Tennessee Press, 1988), 87 (quoting a statement Falwell made on his show, the *Old-Time Gospel Hour*, March 11, 1984).

groups cited this pronouncement as evidence that Falwell and his supporters threatened the American constitutional order and separation of church and state.<sup>4</sup> But while Falwell did often say things that were wrong or dangerous, that particular attack was silly, for Falwell was speaking of the end times when all reality would be transformed. Of course, a Jesus returned to Earth would sweep away judicial precedents along with a good deal more.

But VanDrunen has more in mind than that when he refers to civil government as “provisional.” In his account, our civil polity will at the end of days not only be transformed but made irrelevant, as the Kingdom of God takes entire dominion over everything that is. Human government is necessary only while the world is still unredeemed—“fractured” as the book’s subtitle describes it. It plays no role in the story of redemption itself.

This way of imagining the end times is not inevitable. Human community and human governance of some sort, however transfigured, might well play a role in a vision of the end of times or the time after the end of times.<sup>5</sup> VanDrunen’s eschatology also necessarily bleeds into his view of the significance of civil government in the present age. VanDrunen emphasizes the separation of religion and state. The church is not hierarchically superior to the state. But he does assume that it is ontologically more important. This is not because only the church is doing the work of God. To the contrary, the state is also ordained by God and accountable to God. Nevertheless, the state—though divinely ordained and accountable—has nothing to do with the only work that is ultimately overriding, which is redemption. That then leads to his crucial claim that, even in a secular sense, in the present world, the state’s mission is not redemptive or liberatory. It merely keeps the lights on and the trains running on time.

The yet deeper significance of VanDrunen’s argument that the civil realm is entirely provisional becomes even clearer in the light of a second theme that he slowly develops through the book. It turns out that the human kingdom that VanDrunen juxtaposes against the church and the Kingdom of God is not only civil government but a broader complex of civil activities and institutions. It includes the market and the family and more. Although VanDrunen does not put it this way, he is in some sense filtering the modern Dutch Reformed idea of “separate spheres”<sup>6</sup> through the lens of two kingdoms, so that all those departments but one—the church—are associated into the single domain of civil life and civil society.

This approach yields some powerful theoretical fruit. Most dramatically, it generates a deeply suggestive “polycentric” theory of law<sup>7</sup> in which the various formal and informal mechanisms

4 Hertzke, *Representing God in Washington*, 87.

5 Maimonides, for example, famously assumes that, when the Messiah arrives, surprisingly little will change, except that the nations of the world will live at peace and Israel will be left undisturbed to thrive. (Of course, that means that everything will change, but I leave that paradox to another day.) Maimonides, *Mishneh Torah*, Book of Judges, Laws of Kings and Wars, chapter 12. Millenarianism of various sorts also imagines some role in the last days for human communities, however radically transformed. And some Christian visions posit that even now, Jesus is already “king” of the world in a way radically different from, but in meaningful dialogue with, the government of Caesar. See N. T. Wright, *How God Became King: The Forgotten Story of the Gospels* (New York: HarperOne, 2012).

6 The most prominent expositor of the notion of “separate spheres” and “sphere sovereignty” was Abraham Kuyper. See, for example, his famous essay, originally delivered as an inaugural address at the Free University in 1880: Abraham Kuyper, “Sphere Sovereignty,” in *Abraham Kuyper: A Centennial Reader*, ed. James D. Bratt (Grand Rapids: Wm. B. Eerdmans, 1998), 463–90.

7 Other contributors to this symposium discuss VanDrunen’s “polycentric” theory in more detail. See, especially, Jonathan Chaplin, “Is a ‘Noahic Government’ up to the Task?,” *Journal of Law and Religion* 36, no. 2 (2021) (this issue). See also, Nicholas Aroney, “Civil Government and the Nations,” and Jennifer A. Herdt, “Practicing the Political after Christendom,” *Journal of Law and Religion* 36, no. 2 (2021) (this issue).

by which human beings regulate and coordinate their activities can coalesce, if never perfectly, into a single “customary legal order” (300–01) in which the state plays an essential but not exclusive role. This fascinating account of the civil realm and civil law is a genuine contribution. But VanDrunen’s conceptual advance should also prompt us to ask what he has left out and whether those gaps might require a reassessment of his finely wrought picture of the two kingdoms. (More on that below.)

Finally, it is worth highlighting a running trope in VanDrunen’s book. Throughout, in his discussions of a variety of questions, he tries to situate himself as occupying a mean between two poles. In positing that the civil state is both legitimate and provisional, he rejects both the Radical Reformation’s fundamental critique of the state (45–46) and theological stances that see the church and the government as cooperating in the task of redeeming the world (48–53). He wants Christians to be neither disengaged from the affairs of the world nor too attached to them (157–59). He argues that the “Noahic covenant adopts neither an idealistic standard of justice unrealistic for sinners nor a nihilistic standard presuming a never-ending war of all against all” (283). In the book’s conclusion, he urges a view that he describes as both “conservative liberalism” and “liberal conservatism” (chapter 12, especially 370–75), by which he means in part an embrace of certain specific values, including a broad commitment to individual liberty on the one hand and a respect for tradition on the other. But it also suggests a broader effort to avoid either pole of the reigning ideological debates.

This through line says something about VanDrunen’s theoretical attitude and self-presentation. But it can also serve to disarm or annoy, depending on one’s sympathies. In any event it should alert the reader to pay attention to those parts of his argument that might belie the overall picture of reasonable moderation.

### THE SOULLESS STATE

There is much to admire in *Politics after Christendom*. VanDrunen is clear, careful, and eloquent. The book is a landmark contribution to political theology. Much of the book is also politically comforting, including VanDrunen’s theologically anchored rejection of narrow Christian nationalism. Looking from my own intellectual perch, a good deal of his account also resonates with commitments I have held for a long time. VanDrunen is trying to construct a political theory that comes to many liberal conclusions without relying on unconvincing notions of liberal “neutrality,” a rigidly defined requirement of “public reason” (366–68), or a social contract entered from a mythic state of nature or veil of ignorance. He is committed to religious liberty without falling into the functionalist trap of relying on the goodness of religion (198). His strong support of separation of religion and state is grounded in an essentially jurisdictional account of state authority. All that makes enormous sense.

Nevertheless, something about VanDrunen’s account of the state chafes. The problem is not his avowedly Christian Reformed theological premises. My theology is different, but that is not to the point. Nor is the problem his libertarian-leaning view of the role of the state. My politics are more activist, but I would be happy to treat that, by itself, as a detail tangential to VanDrunen’s more fundamental theological project. The deeper problem emerges at exactly the point at which I otherwise am most sympathetic to VanDrunen’s frame of reference. It is as if he is singing an evocative, lyrical, melody, but just ever so slightly off key.

As noted, VanDrunen takes a jurisdictional view of the competence of the state and the divide between religion and state. That is spot on. But his account of that divide is too neat and austere. I

have always thought of the jurisdictional divide as arising not from necessity but from existential encounter. The domains of religion and state rub against each other, they even overlap, they clash. I am more optimistic than Robert Cover, who saw the “imperial” state as almost habitually engaged in the killing of the *nomos* established by “paideic” communities.<sup>8</sup> But I do think that religious traditions and the civil state can only define their own limits by struggling to understand the other and its claims. Drawing a jurisdictional map is crucial. But that map does not come predrawn. It is negotiated through specific historical experiences. As I have argued elsewhere, for example, the American wall of separation and the present-day, English, “weak” form of religious establishment are both, in their own historical contexts, the product of genuine existential encounters between religion and state. And each has evolved into a form consistent with a robust respect for religious liberty and religious pluralism.<sup>9</sup>

I bracket, though, any more extended discussion of the full range of possible religion-state dispensations. Nevertheless, one has the recurrent sense, in reading VanDrunen’s account, that the state, as he understands it is not merely limited and provisional. And it is not merely thin. It is flat. It seems to have no soul, not even a secular soul.

Here, as throughout, VanDrunen wants to occupy a position that is a mean between extremes. But there is some peril in that. VanDrunen acknowledges the legitimacy and even the importance of the state. But he also wants to deny the state any pretense of ultimate significance. Hence, he leaves it devoid of any spiritual space. Historians and philosophers have described the sort of disenchantment of the world that seems to be a defining feature of Western modernity.<sup>10</sup> But that disenchantment affects the church as much as the state and the rest of our common culture. And it is complex. VanDrunen’s vision of the two kingdoms posits a sharper bifurcation and the simple evacuation of a spiritual core from the civic realm alone.

This absence is significant in several ways. Consider, for example, what would bind citizens together in VanDrunen’s conception of the polis. It is not a social contract. It cannot just be assent to VanDrunen’s arguments. So, it must be some combination of mutual affection, narrative, shared values, and the constellation of patriotic sentiments, symbols, and rituals that are the glue of national identity and cohesion.<sup>11</sup> But can VanDrunen’s state effectively nurture these spiritual, though not necessarily explicitly religious, dimensions of solidarity?<sup>12</sup>

The spiritual drabness of VanDrunen’s state is obviously of a piece with its limited role and aspirations and connected to VanDrunen’s suspicion of political perfectionism. But more is at stake here than the usual debates between, say, libertarianism and social democracy. Even a limited government is sometimes faced with enormous challenges. Consider a just war. VanDrunen rejects the

8 Cover, “*Nomos* and Narrative,” 13–14. For Cover, the paideic and the imperial are “two corresponding ideal-typical patterns for combining corpus, discourse, and interpersonal commitment to form a *nomos*.” Cover, 12. The paideic is marked by “(1) a common body of precept and narrative, (2) a common and personal way of being educated into this corpus, and (3) a sense of direction or growth that is constituted as the individual and his community work out the implications of their law.” In the imperial, by contrast, “norms are universal and enforced by institutions.” Cover, 12–13.

9 See Perry Dane, “Establishment and Encounter,” in *Research Handbook on Law and Religion*, ed. Rex Ahdar (Cheltenham: Edward Elgar Publishing, 2018), 125–53, esp. 137–43.

10 See Charles Taylor, *A Secular Age* (Cambridge: Harvard University Press, 2007).

11 See Steven B. Smith, *Reclaiming Patriotism in an Age of Extremes* (New Haven: Yale University Press, 2021), 15, 32–33, 47, 159, 164–65, 200–01. Smith distinguishes between a healthy patriotism and dangerous chauvinistic nationalism. Smith, 9, 30–31, 115–22, 186–89.

12 For an illuminating discussion of the importance of the intersubjective register of public discourse, see William E. Connolly, *Why I Am Not a Secularist* (Minneapolis: University of Minnesota Press, 1999).

pacifism of the Radical Reformation. But Christian pacifism “must surely involve the conviction that the Son would rather die on the cross than for the world to be redeemed by violence.”<sup>13</sup> A Christian rejection of pacifism, therefore, must involve the conviction that it is worth both dying and killing for the sake of a just national cause. And that, for any religious person, must be a commitment with transcendent implications.

Or consider the many incarnations of the struggle for racial equality and civil rights. That struggle has been animated not only by abstract political and constitutional debate, but by recurring calls to the nation to dig deep into itself and excavate its spiritual core. VanDrunen emphatically supports “racial pluralism” and equality (189–93). But is it possible even to imagine the arc of progress toward some measure of racial justice in America without considering the stirring of spirit, not only by activists and preachers but by political leaders, from Abraham Lincoln’s profoundly theological Second Inaugural Address to Barack Obama’s singing of “Amazing Grace” during his eulogy for the murdered Reverend Clementa Pinckney? Equally to the point, the most astute of our leaders recognized that the struggle for racial equality also required a commitment to national reconciliation. And they have understood that such reconciliation requires the nurturing of a certain common spiritual space.

More broadly, even the quest for the more quotidian dimensions of justice, which is one of the central pillars of the Noahide covenant, cannot be detached from matters of the spirit. Understanding justice in its true depth requires some set of deep convictions, however implicit, about the nature of the human person.<sup>14</sup> And it is also deeply implicated by ideas about love.<sup>15</sup>

To be sure, trying to allow for and understand a spiritual dimension to governance is a challenge for anyone—and here I include both VanDrunen and myself—who is wary of the intermingling of religion and state, who values religious pluralism and a wide gamut of individual rights, and who rejects anything close to the sort national “soul” that would smother citizens in a collective ideology or reject minority cultures that do not conform to a single national narrative. But we need to distinguish between the state’s untoward appropriation of religion and its own imperative to nurture a spiritual core without which it might prove incapable of doing important things or even holding itself together. Navigating that distinction as best one can might be among the most vital tasks of both political theory and political theology.

## RESIDENTS AND ALIENS

As noted at the start, religious traditions also need to ask themselves questions about their role as citizens of the state in which they live. VanDrunen’s answers to this set of questions are the corollary of his answers to the constellation of questions about the legitimacy and authority of the state itself. VanDrunen urges Christian believers to put the state and its role in proper perspective. As already emphasized, the state merely keeps order in a sinful world, it cannot redeem it. It should not take on an eschatological burden that it cannot bear (55). The Christian’s affection to Christ

13 Stanley Hauerwas, “September 11, 2001: A Pacifist Response,” in *Dissent from the Homeland: Essays after September 11*, ed. Stanley Hauerwas and Frank Lentricchia (Durham: Duke University Press, 2003), 181–94, at 181, 183.

14 Nicholas Wolterstorff, *Justice: Rights and Wrongs* (Princeton: Princeton University Press, 2010), chaps. 11–17.

15 Nicholas Wolterstorff, *Justice in Love* (Grand Rapids: Wm. B. Eerdmans, 2015), chaps. 6–8, 14. For a fascinating effort drawing on the thought of the fourteenth-century Islamic philosopher Ibn Khaldun to ground broader ideas about social solidarity and political order in a concept of love, see Siniša Malešević, “Where Does Group Solidarity Come From? Gellner and Ibn Khaldun Revisited,” *Thesis Eleven* 128, no. 1 (2015): 85–99.

must come first (30). VanDrunen is not a separatist. Christians should be “active participants in their political communities” (159). But he also urges a “certain detachment” (158) and “reserve” (159), keeping in mind that, for believers, their earthly address is, when it comes down to it, still a foreign land (156). Fundamentally, though they engage with the political community, they are still “sojourners and exiles” within it (159).

Consistent with his vision of the state, VanDrunen argues that Christians should not try to set up a Christian society (161). And they should remain profoundly modest about even imbuing the state with the values required by natural law. Compromise is inevitable. Keeping the peace with opposing world views is important. Christians should be a “faithful presence” in the world but should also be patient (171).<sup>16</sup> They should recognize that sometimes the best they can do in public life is to make the world “a little bit better” (171). In sum, Christians as citizens should be involved in public and political deliberations but should not invest themselves too heavily in that effort or expect too much from it. They should be “reserved, confident, cheerful, and charitable,” neither optimists nor pessimists (176).

As with his account of the state, VanDrunen’s account of the life of the Christian believer *in* the state should be reassuring to those of us in other (or no) faith traditions. He rejects hubris or triumphalism. He also avoids the bitter hunkering down obvious in some religious reactions to modernity. If I had to choose, I would pick VanDrunen’s vision of political life over that embedded in our current deeply tribalized culture wars in which it is never clear whether religion motivates political identity or political identity co-opts religion. But I am not sure we need to choose. Again, it is not my place or my wish to challenge VanDrunen’s theological starting points. But I do have three questions and concerns.

The first question concerns VanDrunen’s image of the believer as a “sojourner and exile” (151–59) in the civil community. As VanDrunen recognizes, this notion echoes Stanley Hauerwas and William Willimon’s argument that Christians are “resident aliens” within the civil state.<sup>17</sup> It also evokes separatist religious groups such as the Amish and some Hassidim. The difference is that VanDrunen is not a separatist. As throughout the book, he wants to take a position that is a mean between extremes.

The problem, though, is that believers in the mold of Hauerwas or the separatists come to their alienation from their gut, so to speak. Hauerwas believes that the state is engaged in activities such as war that embody a value system that contradicts the teachings of Jesus on earth. And the detachment of insular communities from the larger polity is key to their strategy for preserving the intensity, integrity, and totality of their own religiously governed community.

VanDrunen’s alienation is just as significant, in the abstract. But it is propositional and theoretical. I wonder whether it can bear the practical weight—the specific implications—that he wants to give to it. There are, after all, other ways of understanding religious detachment that treat it as consistent with unreserved engagement with the world. For example, writing in 1941, the Quaker spiritual author Thomas R. Kelly urges both a constant, uninterrupted cultivation of “secret habits of unceasing orientation of the deeps of our being about the Inward Light”<sup>18</sup> and intense

16 VanDrunen borrows the phrase “faithful presence” from James Davison Hunter, “Toward a New City Commons: Reflections on a Theology of Faithful Presence,” in *To Change the World: The Irony, Tragedy, and Possibility of Christianity in the Late Modern World* (New York: Oxford University Press, 2010), 197–286.

17 Stanley Hauerwas and William H. Willimon, *Resident Aliens: Life in the Christian Colony*, expanded 25th anniversary ed. (Nashville: Abingdon Press, 2014).

18 Thomas R. Kelly, *A Testament of Devotion* (San Francisco: HarperSanFrancisco, 1996), 5.

attention to “social concern,” the “Life of God . . . breaking through into the world.”<sup>19</sup> Or consider the Buddhist insight that real detachment requires also “detachment from detachment.” The Buddha’s Middle Path “is not a mere middle point of two extremes. It leads us to go beyond the duality itself.”<sup>20</sup>

Similarly, it should be possible—in principle—for a Christian committed to an essential existential alienation from the world to also remain unreservedly engaged in it, and even to feel that religious voices can play a crucial role in civic discourse. Indeed, many Christians, without confusing political action with ultimate redemption, would agree with Miroslav Volf that Christ “c[a]me into the world for the good of all people, who are all God’s creatures and loved by God. Christian faith is therefore a ‘prophetic’ faith that seeks to mend the world.”<sup>21</sup>

Volf’s discussion of a “prophetic faith” leads to a second observation. VanDrunen, in common with some secular theorists, does not adequately parse the different registers through which religious believers can speak in the public square. The Christian ethicist James M. Gustafson distinguished four varieties of moral discourse: prophetic, narrative, ethical, and policy.<sup>22</sup> Each of these forms is legitimate and necessary, but each also has its own character and limitations. The ethical and policy registers employ the vocabulary of our common civic life, the vocabulary that comes closest to what some liberal theorists call *public reason*. The prophetic and narrative registers, however, summon distinctively religious imagery and ideas. Their prescriptions are less specific. But these registers go to the root of the problem. They indict our national failings and illuminate our ideals. I would add that they are the distinctive voice through which religious traditions can contribute to public discourse without turning into mere interest groups or sycophants to power. Prophecy, though at its best never bombastic, must be passionate. It is not reserved or detached.

And that leads to my third observation. VanDrunen counsels the Christian to be “patient.” But patience is sometimes deadly. As Martin Luther King, Jr., emphasized in his 1963 “Letter from Birmingham Jail,” “There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into an abyss of injustice where they experience the bleakness of corroding despair.”<sup>23</sup> King emphasized that good will is not always enough. Without pursuing a muddled civil eschatology, he calls out in that same letter the “myth concerning time,”<sup>24</sup> which is to say the equally dangerous error of assuming that patience and forbearance will suffice. As King recognized, a harm left unaddressed can be increasingly corrosive to any nation’s very fabric.

Patience can also have religious costs. That was the message of Howard Thurman in 1949, when he wrote *Jesus and the Disinherited* a generation prior to King’s letter. Thurman systematically diagnoses the spiritual plagues that fester and corrupt the oppressed and the oppressor alike, including fear, deception, and hate. He concludes with a call for radical love and fellowship, a prescription for living “effectively in the chaos of the present the high destiny of a son of God.”<sup>25</sup>

19 Kelly, *A Testament of Devotion*, 85.

20 Masao Abe, “On John Paul II’s View of Buddhism,” in *John Paul II and Interreligious Dialogue*, ed. Byron L. Sherwin and Harold Kasimov (Eugene: Wipf & Stock, 1999), 108–12, at 108, 109.

21 Miroslav Volf, *A Public Faith: How Followers of Christ Should Serve the Common Good* (Grand Rapids: Brazos Press, 2011), xv.

22 James M. Gustafson, “Varieties of Moral Discourse: Prophetic, Narrative, Ethical, and Policy,” in *Seeking Understanding: The Stob Lectures, 1986–1998* (Grand Rapids: Wm. B. Eerdmans, 2001), 43–76, at 43.

23 Martin Luther King, Jr., “Letter from Birmingham Jail,” in *Why We Can’t Wait* (Boston: Beacon Press, 2011), 85–110, at 92.

24 King, “Letter from Birmingham Jail,” 97.

25 Howard Thurman, *Jesus and the Disinherited* (Boston: Beacon Press, 1976), 99.



## ROOM FOR MANY MANSIONS

The last set of questions that every religious *nomos* must ask itself concerns the status of other religions and relations among believers of different faiths.<sup>26</sup> VanDrunen has relatively little to say on this question. He endorses religious pluralism because enforcing religious orthodoxy is no business of the state. He also supports state respect for religious liberty, within limits (212). VanDrunen suggests early in the book that the model of two kingdoms that he is proposing is “a home in which Reformed Christians do well to keep living—and a home to which they may gladly invite guests from other traditions” (44).

But VanDrunen does not directly address the encounter of faith traditions *with each other*. Ordinarily, this would not be worth much comment. Authors are entitled to define the scope of their own projects. It seems sensible that a work of political theology would focus on political questions. As emphasized throughout this essay, however, VanDrunen is not just interested in a narrow political theology. He wants to situate the civil state and civil law in the larger domain of civil society. And that is why there are several reasons to regret VanDrunen’s silence about interreligious encounter.

First, considering the fact of religious pluralism reveals a theoretical gap in VanDrunen’s account of the two kingdoms. If the role of the church is to attend to the goal of redemption and the role of civil state and civil society is emphatically *not* to concern itself with redemption, then how do other religions fit in to this sharp dichotomy? Not surprisingly, the Reformed tradition that is at the heart of VanDrunen’s worldview has developed some resources with which to handle this question.<sup>27</sup> The key within that tradition is to appreciate the importance of “common grace,” an idea that VanDrunen mentions but does not emphasize, describing it as the divine gift that “sustains the various capacities of human beings created in God’s image and permits those capacities to blossom as civilization expands” (43). The next step is to focus on one dimension of common grace: the *sensus divinitatis* that allows all human beings access, even if imperfect access by Christian lights, to divine truths and the seeds of religious life. How far further down this road any given Christian is willing to go is of course a sensitive and difficult challenge. I can appreciate what might be VanDrunen’s worry about religious indifferentism. But he might at least concede that life with God—whether “redemptive” in the Christian sense or not—can be found outside the well-defined boundaries of the Kingdom of God.

This possibility then suggests a second, more consequential, missing piece in VanDrunen’s account. If VanDrunen really wants his theological framework to consider not only the civil state but also the civil realm more broadly, including various intermediate institutions such as the family, then his failure to consider the religious dimensions of those institutions just leaves too much unsaid and too many complexities unexplored. One small example jumps out in what to my mind is the oddest sentence in VanDrunen’s generally rigorously argued book—his claim that when Christians marry, they “participate in the same institution their non-Christian neighbors do” (219). This is true in a trivial sense. But it overlooks the multitude of distinct religious understandings of marriage. Even among Christians, the Catholic conviction that marriage can be a sacrament differs radically from the standard Protestant belief that is not sacramental, and

26 This concern inspired the title of this essay, taken from Malachi 1:11. See Perry Dane, “My Name Is Great among the Nations: A D’Var Torah on Parshat Toldot” (unpublished manuscript), posted December 27, 2016, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2890283](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2890283).

27 For examples, see the essays by Cambria Janae Kaltwasser, Dirk van Keulen, Emily Dumler-Winkler, Andrew M. Harmon, and Robert Covolo in John Bowlin, ed., *The Kuyper Center Review*, vol. 2, *Revelation and Common Grace* (Grand Rapids: Wm. B. Eerdmans, 2011).

both differ from the Latter-day Saints' vision of marriage for eternity and the traditional Quaker idea of marriage as a paradisaical union of the "Christ within" the two lovers joining with the divine will and the approbation of the witnessing community.<sup>28</sup> Add to the mix the vast range of other religious traditions and marriage is revealed to be a cultural universal to be sure,<sup>29</sup> but not one common institution. Moreover, this diversity has obvious implications for understanding the boundaries of religious freedom and the meaning of the secular dimension of marriage.

The third puzzle concerns VanDrunen's theory of law. As noted, VanDrunen advances a powerful "polycentric" account that emphasizes the role of non-state actors and institutions as sources of law. But he also posits that all these sources of law can be understood to coalesce in a "customary legal order" (300–04) that governs our shared expectations and changes only incrementally and whose importance any responsible system of formal state law should recognize. But how does the law of religious *nomoi* fit into this picture? Religious legal and normative systems are not entirely insulated from each other. But they are not simply constituents of anything like an overarching "customary legal order." The very existence of religious law renders the domain of law intractably divided, even fractured, which is not necessarily a bad thing.

Finally, VanDrunen's silence on interreligious relations is a lost opportunity. I have argued that opening up space for the spirit and for religious voices in our common life also requires not allowing that space to become the staging ground for religious authoritarianism. One key to that difficult juggling trick is appreciating the role that interreligious encounter can play in carving out space for the spiritual dimensions of the public square.<sup>30</sup> Volf, for example, in urging Christians to share their Christian convictions in the public square for the sake of the common good, emphasizes that they also need to be "more comfortable with being just one of many players, so that from whatever place they find themselves—on the margins, at the center, or anywhere in between—they can promote human flourishing and the common good."<sup>31</sup> But if Christians and their neighbors are to work productively to contribute together to that common good, they must also understand each other so that they can "argue productively as friends rather than destructively as enemies."<sup>32</sup>

I wish that VanDrunen had written explicitly in this book about the relationship between interreligious encounter, the place of religion in the public square, and the complexities of God's presence in the world. His account might have looked different from Volf's. But it would have been essential to completing the comprehensive picture of "politics after Christendom" to which the book aspires.

## RAISING THE SPARKS

At a couple of places in VanDrunen's book, he mentions the Jewish idea of the Noahide commandments, which draws on the same textual source in the book of Genesis as VanDrunen's postulate of

28 See Kristianna Polder, *Matrimony in the True Church: The Seventeenth-Century Quaker Marriage Approbation Discipline* (Farnham: Ashgate, 2015).

29 But see Cai Hun's ethnographic study of a matrilineal society that apparently generally did without the institution of marriage: Cai Hua, *A Society without Fathers or Husbands: The Na of China*, trans. Asti Hustvedt (New York: Zone Books, 2001).

30 For a fascinating case study, see Ian Bradley, *Believing in Britain: The Spiritual Identity of Britishness* (London: I. B. Tauris, 2007).

31 Volf, *A Public Faith*, 79.

32 Volf, 137.

the Noahic covenant (79n1, 104–06). The concepts overlap significantly. But they also serve different purposes and respond to different theological challenges.

For VanDrunen, the idea of the Noahic covenant is one way to make sense of how Christians should understand the human governance of the temporal order in which Christians find themselves as they go about preparing for redemption. The task of the Noahic covenant is to keep civil order and enforce civil justice in a sinful world. Its proper maintenance is the task of Christians and non-Christians together.

For Jews, the different challenge is this: In the traditional Jewish religious imagination, Jews should live their lives by obedience to 613 commandments that embody their eternal covenant with God and that apply in principle to all aspects of human life, from ritual observances to interpersonal legal obligations. But Judaism does not claim to be a universal religion. Thus, the notion developed, grounded in prooftexts from God's charge to Noah, that non-Jews are governed by seven commandments, including injunctions against murder and theft, a duty to set up a working system of justice, a ban on idolatry, and (ahem) a prohibition on eating flesh torn from a living animal.

The Noahide commandments in this sense are parallel to the commandments that bind Jews.<sup>33</sup> They do not govern a different dimension of life (as with Christian two kingdoms theology) but a distinct set of people. Early Christians, who understood themselves to be juridical gentiles, attached a similar significance to the Noahide commandments: they were moral rules for a community that did not feel bound by the detailed commandments of Jewish faith.<sup>34</sup>

The Noahide commandments might reflect some instincts akin to a notion of "natural law." But they are not reducible to natural law, though an understanding of natural law might also play a distinct role in Jewish thought.<sup>35</sup> In any event, in traditional Jewish thought, non-Jews who abided by the commandments were the "righteous among the nations" who were guaranteed a place in the "World to Come." Thus, obedience to the Noahide commandments is indeed personally redemptive. And non-Jews collectively can be said to have their own covenantal mission before God.

Jewish authorities have long debated the details of the Noahide laws, much as they debate the details of the 613 commandments. But I focus here on two systemic questions. The first question, which is old, is whether non-Jews can satisfy their obligations under the Noahide commandments if they do not appreciate the divine source of those commandments. Two variant versions of the same passage in a text of Maimonides suggest opposite answers to this question.<sup>36</sup> This question conjures contemporary philosophical debates about whether modern liberal society can keep its practical commitment to ideas of human rights if it no longer believes in the religious traditions that once grounded those commitments.

The second question is newer and more esoteric. In traditional Jewish mystical thought, performance of the 613 commandments not only serves an entire range of covenantal, devotional, symbolic, national, social, and ethical purposes and constitutes a comprehensive system of both public law and private law, but it also has profound theurgic potential: It can help raise the sparks and repair the fabric of the cosmos. It can transform the broken shards of evil that have haunted the

33 But compare Suzanne Last Stone, "Sinaitic and Noahide Law: Legal Pluralism in Jewish Law," *Cardozo Law Review* 12, nos. 3–4 (1991): 1157–1214.

34 Markus Bockmuehl, *Jewish Law in Gentile Churches: Halakhah and the Beginning of Christian Public Ethics* (Grand Rapids: Baker Academic, 2003), 162–74.

35 See Joshua Golding, "Noahide Commandments and Natural Law," VoegelinView (website), April 19, 2019, <https://voegelinview.com/noahide-commandments-and-natural-law/>.

36 See Stone, "Sinaitic and Noahide Law," 1168–70.

world from long before the Garden of Eden. It can even help heal God's own splintered self and relieve the exile of God's Presence from the Godhead.

Kabbalists have articulated different accounts of this mythos. Here, though, I just want to ask one corollary question with no clear answer: Can non-Jewish performance of the Laws of Noah also serve theurgic ends? Might it also literally help heal our "fractured world"? Might it be redemptive, not only personally but cosmically?

I have no interest in David VanDrunen becoming a Kabbalist. But I raise these wild thoughts for a different reason. VanDrunen's book is sophisticated, subtle, rigorous, and evocative. It is comforting. Much of it is compelling. Even the parts that seem wrong are fascinating. But if there is one subtext in this essay's critiques of VanDrunen's book, it is this: The ways of God and the relationship of human beings to each other and to God, will always overflow any effort to cabin them within square corners. We also need to acknowledge imperatives and responsibilities that reach deeper, defying neat categorizations. God's creation is infinitely but mysteriously precious. Trying to find comfort in the mean between extremes can sometimes fall short. Sometimes, in any system of thought, no matter how well constructed, the seams need to show. A theological account need not be wild. But it should also try to avoid taming either human beings or God's hopes for humanity too much.

*Perry Dane*

*Professor of Law, Rutgers Law School*