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BOOK REVIEW SYMPOSIUM: POLITICS AFTER CHRISTENDOM

POLITICS UNDER NOAH'S RAINBOW: DAVID VANDRUNEN'S CONTRIBUTION TO REFORMED POLITICAL THEOLOGY

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.

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I owe David VanDrunen a substantial debt of gratitude. Not only did I learn a lot from him as his student and research assistant, but his work on two kingdoms theology was the inspiration for my dissertation and first book, *Calvin's Political Theology and the Public Engagement of the Church: Christ's Two Kingdoms*. It goes without saying, then, that I have a lot of sympathy and rapport with VanDrunen's project. He has done much to recover two kingdoms theology and reflection on natural law as robust elements of the Reformed political theological tradition. And he has done so despite misplaced criticism from Reformed theologians who assumed these ideas were more Lutheran or Catholic than Reformed.

Of course, some of that criticism is owing to VanDrunen's unique adaptation of two kingdoms theology.[1] After all, the concept has never been static. John Calvin's version was different from that of Puritans like Thomas Cartwright, not to mention Church of England theologians like Richard Hooker.[2] Nineteenth century Presbyterians like James Henley Thornwell made their own adjustments, as did Dutch neo-Calvinists like Herman Bavinck and Abraham Kuyper.[3] And that is to say nothing of the Lutherans!

What is most unique about VanDrunen's approach is what he emphasizes in this book: the foundational role of the Noahic covenant. Other Reformed theologians observed the significance of the Noahic covenant for Reformed political theology, including Kuyper. But none ever made it the foundation of the system. Furthermore, VanDrunen connects two kingdoms theology with a fresh way of thinking about natural law, which he in turn relates to a polycentric view of law, resulting in an original and provocative synthesis he calls conservative liberalism. The upshot is a creative system that reflects much of the best of the Reformed political theological tradition, while departing from it in surprising ways.

There is so much worth talking about in *After Christendom* that I must leave unmentioned here. What I do here instead is (1) highlight what I take to be one of VanDrunen's most creative and

1 See David VanDrunen, *Natural Law and Two Kingdoms: A Study in the Development of Reformed Social Thought* (Grand Rapids: Wm. B. Eerdmans, 2009).

2 Matthew J. Tuininga, *Calvin's Political Theology and the Public Engagement of the Church: Christ's Two Kingdoms* (Cambridge: Cambridge University Press, 2017); Brad Littlejohn, *The Peril and Promise of Christian Liberty: Richard Hooker, the Puritans, and Protestant Political Theology* (Grand Rapids: Wm. B. Eerdmans, 2017).

3 Matthew J. Tuininga, "The 'Great Conservative Power': James Henley Thornwell and the Gospel of Southern Conservatism," *Journal of Church and State* 61, no. 1 (2019): 59–77.

helpful contributions to the Reformed political theological tradition; (2) identify a distressing way in which he seems to break with that tradition; and (3) raise the related concern that he imputes too much regulatory precision to the Noahic covenant, risking a sort of biblicism that distracts from his overall argument.

A FRESH CONTRIBUTION TO REFORMED POLITICAL THEOLOGY

The most stimulating parts of *After Christendom* for me are the parts about natural law, wisdom, and a polycentric understanding of law. Although early Protestant theologians largely accepted the medieval natural law tradition, Calvin's understanding of the concept is famously ambiguous. In contrast to Thomas Aquinas, who articulated a formal process of reasoning about morality, Calvin's appeals to natural law can seem casual and unreflective. He invokes the law of nations and classic philosophers like Plato and Cicero, appeals to the testimony of the conscience, and cites reason, experience, and scholarship, but one searches in vain for a systematic discussion of the way these various authorities relate to one another.[4] I used to think that was a weakness. VanDrunen seems to embrace it as a strength.

He explains how natural law functions by exploring the concept of wisdom. This should be food for thought for those who find scripture largely silent on natural law, for scripture has a lot to say about wisdom. As he points out, "those who actually understand and practice natural-law morality do not do so because they were persuaded by a technical philosophical argument. Most of them are not intellectuals at all but ordinary people who live well in their homes, neighborhoods, and workplaces. They may not be learned, but we probably consider them wise" (138).

Many people dismiss natural law talk as ineffective because it fails to produce a consensus about controversial matters like abortion or sexuality, but VanDrunen reminds us that these issues are outliers. We take for granted the many ways in which people of many different religious persuasions follow practical wisdom. VanDrunen defines wisdom as "a perception or sense of how the world works and thus of what sort of conduct is likely to be effective or destructive in particular circumstances" (140). It is more a matter of "practical skill" than "intellectual analysis" (142). As such, it is a "communal process" that requires us to absorb insight from every possible source (145–46). And it is both "enabled and constrained in profound ways by the social structures in which we participate" (148).

What makes VanDrunen's argument especially helpful is the way he relates this concept of natural law as wisdom to a practical, polycentric philosophy of law. Spurning biblicist readings of scripture and authoritarian accounts of government authority, he starts from the foundational truth that all human beings are made in God's image, which means they are called by God to rule. Thus, centering political or legal authority in one institution or person—even the government—is a denial of our creation in God's image. As he puts it, "since all people are of equal worth and dignity, these authority structures ought to develop organically and consensually rather than by some people coercively imposing their will upon others" (292).

John Locke would agree with this; indeed, it is the foundation of his theory of a social contract. But VanDrunen pursues a less abstract, more historical approach. He argues that people develop "*norms*" and "*remedies* by which to respond to violation of the norms" in various ways: "*spontaneously* through the formation of custom, *voluntarily* through agreements among institutions, and/or *legislatively* through institutions established to serve this coordinating function" (292). Norms produce "customs . . . to which people in fact ordinarily adhere," and "laws . . . to which

4 See Tuininga, *Calvin's Political Theology*, 99–107.

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people are obligated to adhere" (293). VanDrunen rejects legal positivism, which makes the decrees of government the source of these laws, in favor of what he calls the "*customary legal order*," which encompasses the patterns of conduct that "members of the community regard as legally binding" (300). He argues that government is as subject to this customary legal order as are ordinary citizens. It can shape the customary legal order, but it cannot define it.

The upshot of all of this is that government is the people's servant, not their master. The true source of political authority is a free and reasonable people, made in the image of God. God has called human beings to pursue the affairs of life wisely and responsibly, and government's task is to protect and serve that calling, not usurp it. Human beings should therefore be left free to flourish in the myriad of associations and institutions that make up civil society. Government should not interfere unless necessary for the sake of justice.

VanDrunen's argument is consistent with Calvin's view of natural law as the standard for civil government as well as his preference for a republican system of government.[5] It also builds on Abraham Kuyper's concepts of common grace, creation ordinances, and sphere sovereignty.[6] Yet it goes much farther in exploring how human beings actually function as image-bearers, Christian and non-Christian alike, and how our rule translates into political order. VanDrunen is true to his promise to provide us with a paradigm for political engagement that is rooted in our shared human nature and enables us to pursue the common good humbly and wisely.

As he points out, this system embraces key insights from liberalism (including the dignity of the individual and individual rights) and conservatism (including deference to the wisdom of the past), while attempting to avoid their pitfalls (such as idealized accounts of a social contract, or too much deference toward authoritarian structures). I would add that it fits the ethos of the Reformed political theological tradition. For example, both Calvin and Kuyper emphasized equal human dignity, plural leadership, respect for tradition, the obligation of moral progress, and the need for realism about what is attainable.

A BREAK WITH THE TRADITION ON THE RIGHTS OF THE POOR

Although VanDrunen seeks to combine the best of liberalism and conservatism, at times I fear he slides into a soft libertarianism that is foreign to the mainstream Christian political theological tradition. For example, he argues that government is responsible to protect negative rights, or "rights to protection from harm inflicted by others," but not positive rights, or "rights to enjoy certain goods provided by others" (272). He maintains that "no conception of positive rights that is *both coherent and useful* can be implied from the Noahic covenant" (275).

To be sure, he agrees that people have a "natural-law obligation . . . to be generous with their resources" (275). And he acknowledges that "a community's law could rightly authorize government to extend relief to the needy who stand outside the reach of other assistance" (348). But he suggests that "this stands on the outskirts of legitimate state authority" (348). As for the question of whether the law can "properly authorize the state to run a welfare system of some sort," he concludes that "The political framework of the Noahic covenant provides no final answer," but that "there seems good reason to keep charity toward the poor in private hands as much as possible" (347–48).

The problem with welfare rights, he claims, is that they lack "universality and reciprocity," raising irresolvable questions of "how much" and "by whom" (276). Imperfect rights, which are

5 See Tuininga, *Calvin's Political Theology*, 321–78.

6 See Matthew J. Tuininga, "Abraham Kuyper and the Social Order: Principles for Christian Liberalism," *Journal of Markets & Morality* 23, no. 2 (2020): 337–61.

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"rights to things from *someone* even if we cannot specify whom in particular," are useful "only if a person can actually claim such imperfect rights from the community as a whole" (276). VanDrunen does not think the poor have the right to do this when it comes to material resources or health care. Even if "there is some other coherent intellectual basis for understanding welfare rights as natural human rights," he argues, problems remain (277). For welfare rights usually presuppose a "particular stage of cultural achievement" (277). They ignore the reality of scarcity. They also create competing and conflicting claims from different parties, which are often irreconcilable. Positive or welfare rights are simply too nebulous, and they threaten to overwhelm the limited functions assigned to government by the Noahic covenant.

What is missing from this argument is substantive engagement with the historic Christian natural law tradition on property and the rights of the poor. This tradition stems from the church father Ambrose, if not from scripture itself. Medieval theologians and canon lawyers invoked Ambrose to argue that God gave the world's resources to human beings in common. They agreed that property rights are a legitimate extension of common ownership, but insisted they are always subject to the rights of the poor. Janet Coleman summarizes the views of the decretist Johannes Teutonicus when she writes that he denied "the right of anyone to appropriate to himself more than suffices for his own needs. Thus, in times of necessity any surplus wealth is to be regarded as common property to be shared by all those in need."[7]

Thomas Aquinas affirmed this principle to the point of saying that it is not theft for a poor person facing starvation to take what he needs from a rich person, since the poor person's right to what he needs trumps the rich person's right to excess. As Aquinas put it,

> Things which are of human right cannot derogate from natural right or Divine right. Now according to the natural order established by Divine Providence, inferior things are ordained for the purpose of succoring man's needs by their means. Wherefore the division and appropriation of things which are based on human law, do not preclude the fact that man's needs have to be remedied by means of these very things. Hence whatever certain people have in superabundance is due, by natural law, to the purpose of succoring the poor. For this reason, Ambrose says, and his words are embodied in the Decretals: "It is the hungry man's bread that you withhold, the naked man's cloak that you store away, the money that you bury in the earth is the price of the poor man's ransom and freedom."[8]

Calvin agreed that the poor have a fundamental right to the resources they need for life. In his commentary on Isaiah 58:7 he writes,

> By commanding them to "break bread to the hungry" he intended to take away every excuse from covetous and greedy men, who allege that they have a right to keep possession of that which is their own. "This is mine, and therefore I may keep it for myself. Why should I make common property of that which God has given me?" He replies, "It is indeed yours, but on this condition, that you share it with the hungry and thirsty, not that you eat it yourself alone. And indeed this is the dictate of common sense, that the hungry are deprived of their just right if their hunger is not relieved."[9]

7 Janet Coleman, "Property and Poverty," in *The Cambridge History of Medieval Political Thought: c. 350—c.1450*, ed. J. H. Burns (Cambridge: Cambridge University Press, 1988), 607–48, at 618–19.

8 Thomas Aquinas, *Summa Theologica*, trans. Fathers of the English Dominican Province, 3 vols. (New York: Benziger Brothers, 1947–1948), 2:2.2, q. 66, a. 7.

9 John Calvin, Commentary on Isaiah 58: 1–14, in *Calvin's Commentaries*, vol. 8, *Isaiah 33–66*, trans. William Pringle (Grand Rapids: Baker Book House, 2003), 221–43, at 233–34.

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Calvin actively supported Geneva's vigorous system of poor relief, which was funded and regulated by the government.[10]

Kuyper also echoed this principle, arguing that "we can never have any other property right than in association with the organic coherence of mankind, hence also with the organic coherence of mankind's goods."[11] He condemned excessive land ownership, insisting that the rights of the poor were violated if they were left in poverty while others amassed wealth. All people have a "para-equality" with respect to the "ordinary requirements of life," he argued, such as shelter, bed, food, and clothing. "This is the right that the poor have, for Christ's sake, with respect to those possessing more. Those who possess more but fall short in this matter are not only unmerciful but commit an injustice, and for that injustice they will suffer the punishment of eternal judgment in eternal pain."[12] Kuyper rejected socialism, but he argued that government should regulate property to ensure a basic level of justice, so "that the repulsive inequality between powerful capitalists and defenseless citizens remains within certain limits."[13]

The point is not that the Christian tradition was ever unified on *how* the natural rights of the poor to basic material provision were to be secured. This is, as VanDrunen argues, a complicated question. However, the fact that it is complicated does not make it any less true. A political society can secure the rights of the poor in many different ways, just as it can protect people from violence or theft in many different ways, but its responsibility to do so remains. From the standpoint of the Christian tradition, a person's right to the basic resources necessary for life is no less fundamental than a person's right not to be killed, raped, or robbed. If members of society hoard wealth to the point that others lack what they need to live, they are guilty of theft and murder.

VanDrunen's discussion of the rights of the poor is not quite libertarian, but it comes close to it. Why does he ignore Christian natural law tradition on this point? Perhaps it speaks to his wariness of progressivism, acknowledged in the last few pages of the book. But it raises the question: Does VanDrunen's wariness about positive and welfare rights necessarily follow from his interpretation of the Noahic covenant? If so, is he is forcing the Noahic covenant to bear a regulative weight it was never intended to bear? If not, what does that tell us about the limited value of the Noahic covenant for discerning the responsibilities of government?

OVEREMPHASIZING THE REGULATIVE FUNCTION OF THE NOAHIC COVENANT

In his various writings over the years, VanDrunen has done much to combat the tendency of some Christians toward biblicism. Like Aquinas, Calvin, Kuyper, and many others, he rejects the notion that scripture prescribes a set of laws or policies that bind modern societies. Too many Protestants have interpreted the principle of sola scriptura as if it required that public policy be regulated by the Bible. This is one of the reasons why VanDrunen has promoted a recovery of two kingdoms theology and the natural law tradition.

10 Matthew J. Tuininga, "Good News for the Poor: An Analysis of Calvin's Concept of Poor Relief and the Diaconate in Light of His Two Kingdoms Paradigm," *Calvin Theological Journal* 49, no. 2 (2014): 221–47.

11 Abraham Kuyper, "The Social Question and the Christian Religion," in *On Business and Economics*, ed. Peter S. Heslam (Bellingham: Lexham Press, 2021), 169–230, at 217.

12 Abraham Kuyper, "Christ and the Needy," in *On Charity and Justice*, ed. Matthew J. Tuininga (Bellingham: Lexham Press, forthcoming).

13 Kuyper, "You Shall Not Steal," in *On Business and Economics*, 31–82, at 63.

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And yet, at times I wonder if VanDrunen treats the Noahic covenant, and to a certain extent scripture as a whole, as if it tells us more about political authority than it does. One of his most important claims is that civil government is limited and preservative, not redemptive. The Noahic covenant was a response to violence and the abuse of power, so it would be absurd if the remedy were to establish authoritarian political institutions capable of even worse violence and abuse of power. Thus "everything government does needs to be justified. The burden of proof for state activity should lie with the government, not with the governed" (324–25).

I am inclined to agree. The question is, how should we discern what the state should or should not do, and what role should scripture play in this process? At his best, VanDrunen musters an array of arguments from natural law, using reason and experience to advocate greater limits on government than most liberal democracies have today. Whether or not one agrees on every point, his warnings against government overreach, especially in pluralistic contexts, should be taken seriously.

However, it is not clear to me that the Noahic covenant has a lot to tell us on this point. It is one thing to say that the Noahic covenant authorizes political authority that is limited, provisional, and preservative. But VanDrunen goes farther than that. He uses the Noahic covenant as a framework to evaluate whether or not government has authority to perform particular functions: protectionist, perfectionist, and service. The only function he is comfortable with is the protectionist. He argues that Genesis 9 explicitly prescribes this role when it says that "whoever sheds the blood of man, by man shall his blood be shed." It is confirmed in Romans 13, which says that God has ordained government to punish those who do evil.

VanDrunen concludes that "perfectionist functions are an uncomfortable fit" with the Noahic covenant (333). He draws three arguments from the Genesis text. First, Genesis offers a pessimistic view about human nature, which should make us skeptical about giving government too much power. Second, "the purposes of the Noahic covenant are important but narrow" (334). It "prescribes only modest social obligations: be fruitful and multiply ([Genesis] 9:1, 7), eat plants and animals responsibly (9:3–4), and administer justice (9:5–6). Thus government attempts to shape people's moral character arguably depend upon a richer moral vision and more grand goals than the Noahic covenant provides" (334). Third, the Noahic Covenant calls government to be inclusive of people who hold minority views on religious and moral issues (334).

But should we really expect Genesis 9 to delineate all the important social functions that are within government's realm of concern? Does this not amount to turning the Noahic covenant into a sort of regulative principle for politics, which requires scriptural support to justify particular government activities?[14] And was the text of Genesis written to answer the question of whether it is legitimate for civil governments to "try to improve people's moral character" (333). Even VanDrunen admits that here he is relying on "indirect insights" (342). He concedes the limits of his argument when he writes, "I offer no theoretically conclusive argument against perfectionism" (340). Nevertheless, he concludes that "a perfectionist vision of government is an uncomfortable fit with an understanding of political community grounded in the Noahic covenant" (340).

The question becomes all the more acute when he considers whether or not government is authorized to perform various services. Here too he draws several arguments from the text of Genesis. First, humans are sinners, so we should be suspicious of too much government power. Second,

14 Ironically, Richard Hooker, who had his own version of two kingdoms theology, accused Presbyterian two kingdoms theologians of imagining that scripture regulates Christian life more precisely than it does. Brad Littlejohn has explored this controversy, which he relates to his concerns about VanDrunen's earlier work. See Littlejohn, *The Peril and Promise of Christian Liberty*.

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government is supposed to be inclusive, but governments that perform services in areas like health care and education inevitably make judgments on "weighty religious and philosophical issues about which people adamantly disagree." In doing so, "it privileges some members of the community on religious-philosophical grounds and alienates others to the detriment of the pluralism it ought to protect." Finally, Genesis 9 calls image-bearers to perform various economic, technological, procreative, and other life functions. Where government services are necessary for such activity, as with what VanDrunen calls "'nonexcludable' public goods," it may do so, but other government services are suspect (343–44).

VanDrunen draws supporting evidence from other parts of scripture, then sums up his conclusion: "The Noahic covenant does not directly authorize the state to provide services, and several pieces of evidence suggest that providing certain sorts of services runs at cross-purposes to the covenant" (344). Here again, I wonder if he gives Genesis 9 a regulative burden it simply cannot bear. Most of his best arguments, it seems to me, come from wisdom and experience gleaned over the centuries rather than scripture. Some of these arguments are persuasive, but they have little to do with Genesis 9, let alone Romans 13 or other passages. None of these passages were written with the intention of systematically describing the nature and purposes of the state. Scripture simply does not offer such a paradigm.

I suspect VanDrunen's argument regarding what the state should or should not do is not so much controlled by Genesis 9 or other scripture texts as it is by the philosophical and political predispositions he brings to the text. He is deeply persuaded by generations of liberal and conservative arguments against the overreach of the state, and these commitments shape the conclusions he draws from Genesis 9. There is nothing wrong with this in and of itself, as long as we are able to distinguish our own beliefs from the meaning of scripture. But many Christians have followed reason and experience to different conclusions, which takes me back to my concern above. VanDrunen restricts the justice addressed in the Noahic covenant to negative rights. He limits the purpose of government to preventing and punishing the worst of human abuses, like violence, theft, and rape. But the Christian tradition has long affirmed that to deny the poor their right to basic material sustenance *is* to steal from them, or even to kill them. Thus, it is not a great leap to infer from Genesis 9—"Whoever sheds the blood of man, by man shall his blood be shed" (Genesis 9:6, English Standard Version)—the principle that government is obligated to ensure that the natural rights of the poor are met. This does not necessarily mean that government has to perform that service itself. (I share some of VanDrunen's concerns about socialism.) But it does mean that government is obligated to make sure the broader society is doing it, and to intervene when it is not.

Of course, here VanDrunen and others might disagree with me and with the arguments I have drawn from the Christian tradition. But my point is that neither the Noahic covenant nor Genesis 9 resolves the debate. The text simply does not operate at that level of specificity. How we apply the Noahic covenant depends on our interpretation of natural law and its principles of justice. Attempting to find precedent for particular government activities in scripture is a misguided effort. Attempting to ground government activities in a long-standing natural-law tradition, with its expression in custom and common law as practiced by communities throughout history—as VanDrunen does in this book—is much more promising.

I would argue that it is unhelpful to imply that such activities require authorization from passages like Genesis 9. Doing so tempts Christians toward precisely the sort of biblicism VanDrunen has warned us against. It is not difficult to imagine an army of Christian activists taking strident political positions, not because they are trying to turn America into a Christian nation modeled after the Bible, but because they have decided the Bible requires a virtually libertarian

understanding of what government has the right to do. In doing so, they would not be grounding their political engagement in natural law—in conversation with other reasonable citizens—but on the basis of an arguably idiosyncratic interpretation of Christian scripture. By turning scripture into a regulative principle for government, they would be undermining the sort of open-minded, reasonable political engagement VanDrunen advocates.

It is better, I suggest, to do what VanDrunen's overall argument calls us to do: embrace the Noahic covenant as a broad paradigm for political engagement while leaving the details to wisdom and prudence. Placing less of a burden on the Noahic covenant actually strengthens VanDrunen's overall argument: Government is a common institution in which all humans have the right to participate by virtue of their creation in God's image, not an area for Christians to experiment with policies they believe will establish the kingdom of God. Christians should spurn the temptation to seek another Christendom, engaging their neighbors in a politics of humility and reasonableness under the common grace of Noah's rainbow.

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