

## BOOK REVIEW SYMPOSIUM

# PRACTICING THE POLITICAL AFTER CHRISTENDOM

*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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*Politics after Christendom* is an impressive achievement and a fitting crown for David VanDrunen's natural law trilogy, with its creative articulation and defense of a Reformed natural law for a fallen world grounded in the Noahic covenant. It is rare to find a scholar who can navigate so seamlessly and authoritatively from the terrain of biblical studies through Reformed scholastic theology to constructive legal theory, all in service of a distinctive and original project. This is an exciting proposal because it offers a genuinely fresh approach, albeit one with a claim to be deeply rooted in the Reformed tradition and in biblical revelation.

Its closest analogue, not surprisingly, is a Reformed two kingdoms theology, since this, too, distinguishes between Christ's natural kingdom of providence and Christ's redemptive kingdom of grace. Two kingdoms theologies, however, unlike VanDrunen's proposed political theology, traditionally regard both kingdoms as existing within a unified Christian society. Abraham Kuyper's Reformed theology is another important precursor for VanDrunen; Kuyper's distinction between a preservative common grace and a redemptive special grace can be read as a reformulation of the two kingdoms paradigm, and Kuyper's decisive embrace of religious liberty points the way to the flavor of "conservative liberalism" so powerfully articulated in VanDrunen's third volume.<sup>1</sup>

Ultimately, I remain unpersuaded that a Noahic natural law is capable of yielding determinate norms for common political life. I believe that Christians are returned to the messy work of identifying and nurturing goods common within the political community wherever these may be found, refusing on principle to delimit in advance either their scope or the scope of the hidden redemptive activity of the Spirit. However, even those who do not share all of VanDrunen's presuppositions or arrive at the same conclusions will need and want to engage with *Politics after Christendom*. Cutting across tired debates, it casts into sharp relief the promise and peril of existing options and arguments.

Having established beyond doubt in *Natural Law and the Two Kingdoms* (2010) the continuance of the natural law into the mainstream Reformed tradition, VanDrunen ventured in *Divine Covenants and Moral Order* (2014) a recognizably Reformed, because covenantal, account of the natural law.<sup>2</sup> The natural law, he argued, is to be understood as a natural moral order, fitted not to the world as created but to a fallen creation. This law is revealed through nature, but

1 Abraham Kuyper, *Lectures on Calvinism* (Grand Rapids: Wm B. Eerdmans, 1931); Abraham Kuyper, *Common Grace*, vol. 1, *The Historical Section*, trans. Nelson D. Kloosterman and Ed M. van der Maas, ed. Jordan J. Ballor and Stephen J. Grabill (Grand Rapids: Christian's Library Press, 2013), parts 1–3.

2 David VanDrunen, *Natural Law and the Two Kingdoms: A Study in the Development of Reformed Social Thought* (Grand Rapids: Wm B. Eerdmans, 2010); David VanDrunen, *Divine Covenants and Moral Order: A Biblical Theology of Natural Law* (Grand Rapids: Wm B. Eerdmans, 2014).

God's upholding of this order is an act of covenant commitment, specifically, the Noahic covenant. This approach follows Kuyper in grounding common grace in the Noahic covenant, but it departs from Kuyper in articulating this explicitly as natural law. It establishes a thoroughly biblical natural law applying to and knowable by all of humankind, yet with a sharply delimited scope, clearly distinct from later covenants with God's chosen people.

In this third volume, VanDrunen turns his attention to the question of the implications of his Noahic natural law for human law and political society, arguing that the Noahic covenant provides the primary theological foundation for a Christian understanding of political society, and taking up through this lens issues in legal and political theory ranging from religious liberty and family, to commerce, authority, and resistance.

Why defend a Noahic natural law? Traditionally, within both Catholic and Protestant thought, the Decalogue has been understood, together with the Twofold Love, or Great, Commandment, as the revealed restatement of the natural law. On such an understanding, there is no clear distinction between natural and Christian morality. Insofar as the natural law is regarded as a natural moral order to which there is universal epistemological access, it seems that all human beings may rightly be held responsible not just for acts of stealing, murder, and adultery, but for failing to worship the true God and keep the Sabbath. The traditional response to this is to emphasize that the Fall left humankind with imperfect access to the natural law. Access to the first table of the Decalogue, in particular, was taken to be impaired. It was also argued that human beings retained the ability to grasp the first principles of the natural law, but that error tended to creep into the formulation of secondary, more concrete principles. On this traditional view, the natural law is at one and the same time maximalist (insofar as it is identified with the moral law given to the Chosen People and with the New Law as given by Jesus) and minimalist (insofar as the human grasp of the natural law may be very limited indeed in the absence of revelation, given the Fall). The result is a great deal of variability in terms of what is expected from the natural law, with some arguing, for instance, that the impermissibility of certain sexual acts should be naturally knowable, and others arguing that even human sacrifice could be justified by the natural law.

The core attraction of Noahic natural law is its offer of a biblical, covenantal theological defense for a distinction between a universal natural morality and a Christian ethic, thereby promising to resolve some of the ambiguities of the traditional approach. God entered into covenant with all of humankind, pledging to preserve the natural moral order in a way suited to a fallen world. But God also entered into subsequent covenants with particular peoples, and the terms of these covenants are distinct and cannot be expected to be known or followed by those who are not party to these covenants. God entered into these subsequent covenants in order to redeem and save God's chosen people from a fallen world that has been temporarily preserved but that will give way to God's new creation. Grounding the natural law in the Noahic covenant pushes back against tendencies to give the natural law any redemptive, eschatological significance. In VanDrunen's terms, the Noahic covenant, and hence the natural law, is "*legitimate*, but *provisional*" and "*common*, but *accountable*" (25, emphasis VanDrunen's).

In some respects, this is akin to a two-tiered Thomistic political theology that separates the natural from the supernatural and the penultimate natural good of civic life, understood along Aristotelian lines, from the ultimate good of life with God. Yet it differs from a two-tiered Thomistic-Aristotelian approach in its anti-perfectionism; the task of the state is not to promote virtue but to protect from harm. More like Augustinian liberalism, then, VanDrunen's approach grounds a modest, pluralistic politics that emphasizes sin and maintains a strong eschatological reservation. Augustinian liberals seek to define the proper aims and limits of a mixed political society, in which Christians cooperate with non-Christians in seeking common mundane goods while on

pilgrimage to the heavenly city. It is hardly surprising that sharp disagreements emerge, not just between Augustinian liberals and Augustinian anti-liberals (Augustine himself being no liberal) but among Augustinian liberals themselves.<sup>3</sup> Just how far can love inform and transform the political, the mixed society of the saeculum offer a context for redemption, politics be an expression of worship? If Augustinians agree that we are not yet arrived at the heavenly city, and that the life of the Church offers only a foretaste and anticipation of the life to come, they are not agreed on the shape of life in the shared, pluralistic space-time of the saeculum. VanDrunen, in contrast, resists thinking of the church as a polis, and takes the Noahic covenant to yield not just limited but quite determinate norms for common political life.

Perhaps VanDrunen's greatest challenge will be to persuade readers who are sympathetic in general terms to conceiving of political community as penultimate and common, but who resist such a sharp separation between the preservative and the redemptive work of God. They will agree that political community ought to be a realm of religious liberty, eschewing, moreover, the imposition of a comprehensive conception of the good on the community, while insisting at the same time that Christ reigns over all, even if this reign is hidden; that the Spirit is sanctifying and renewing fallen creation; that the mission of the Church is to be a transformative, non-coercive presence in the world. VanDrunen suggests that this stance, despite its widely varying expressions, is typically bound up with a skeptical attitude toward political liberalism. Missing is engagement with Augustinian liberals (such as Eric Gregory, Luke Bretherton, and Charles Mathewes) who, because they reject a sharp distinction between preservative and redemptive grace, embrace a transformative politics of the common good that works to identify and nurture goods common within the political community wherever these may be found. They will worry that VanDrunen's approach too sharply delimits *in advance* where Christians can and cannot make common cause with other members of their political communities, rather than engaging in the actual work of politics. He, in response, would likely argue that what is needed is precisely the sort of clarity that the Noahic natural law can provide; because civil government is coercive, there are many good ends it is unjustified in pursuing. Here the matter of natural epistemological access to the Noahic natural law becomes crucial, for unless this can be established, it is not clear how it could be justifiable to impose precisely these Noahic limits on the extent to which civil governments can pursue goods identified as common by the political communities they serve.

The biblical articulation of the Noahic covenant is, as VanDrunen acknowledges, sparse. Human beings are called to be fruitful, multiply, and fill the earth (Genesis 9:1, 7), are given permission to eat plants and animals (though without their lifeblood) (Genesis 9:3–4), and are told that they are responsible for one another's blood (Genesis 9:6). Necessarily, then, in order to play the role VanDrunen gives it, as the biblical basis of natural law, considerable development is required. VanDrunen proceeds by way of articulating explicitly what he takes to be implicit in this threefold ethic, or, more precisely, what he takes to be necessary conditions for the possibility of fulfilling this ethic. The argument thus proceeds by a kind of transcendental deduction. Fulfillment of the Noahic

3 Augustinian liberalism can be traced to Robert Markus's influential *Saeculum: History and Society in the Theology of St. Augustine*, second edition (Cambridge: Cambridge University Press, 1989). Others in this broad lineage, but departing from Markus's embrace of the vision of a neutral public sphere, include Charles Mathewes, *A Theology of Public Life* (Cambridge: Cambridge University Press, 2007); Eric Gregory, *Politics and the Order of Love: An Augustinian Ethic of Democratic Citizenship* (Chicago: University of Chicago Press, 2008); Luke Bretherton, *Christianity and Contemporary Politics* (Oxford: Wiley-Blackwell, 2010). Perhaps the most prominent contemporary Augustinian antiliberal is John Milbank, as evinced in his *Theology and Social Theory* (Oxford: Blackwell, 1993).

covenant, he argues, requires communal creativity and technological innovation, the formation of institutions and associations: familial institutions (to care for and educate the young), enterprise associations (to feed and provide for the other material needs of a growing population), and judicial institutions to execute the *lex talionis*. All this is plausible, but of course radically underdetermines the specific shape that these institutions will or should take. Subsequent steps of the argument are even more openly constructive: fulfillment of the Noahic covenant requires authority structures and offices, the formation of common political communities in which smaller communities work out their relationships. VanDrunen seeks—and finds—further biblical support for the authorization of common, rather than holy, political communities, responsible for coordinating the communities within them and for executing justice. This is critical in order to work out key aspects of this account, such as how holy communities are to relate to political communities, and why political communities today should not aspire to be holy communities, even though the Abrahamic political community *was* a holy community, even though common political communities are now ruled by Christ, and even though the New Jerusalem is depicted as a political community. The basic framework laid out by the Noahic common law, as VanDrunen sees it, “suggests a strong measure of political tolerance and religious liberty, the foundational importance of marriage and family for the health of human communities, the benefits (and risks) of a market or enterprise economy, the necessity of pursuing justice (a justice that is retributive, compensatory, forbearing, and restorative), the good of the rule of law rather than human will, the legitimacy of civil government under certain conditions, and the lawfulness of resistance to unjust authorities” (19).

VanDrunen points to a sapiential process as the primary means of natural access to the natural law, one supported by both biblical and empirical evidence. This, together with the understanding of natural law as a moral order rather than a series of rules, is an attractive feature of the account. Yet it does leave this reader, at least, with questions about whether some of the more specific features of the account can be defended. For it seems to offer grounds for embracing an open-ended process of human sapiential development, in which certain aspects of what has been handed down might be called into question in light of experience, learning, and new contexts. And this might run counter to features here defended as aspects of the Noahic natural law. This approach does have a way to go about rejecting certain cultural developments as not part of the sapiential process—by regarding them as expressions of sin rather than of reason. So, for instance, both Christians and non-Christians who seek to establish holy political communities rather than common political communities, and who have not grasped the good of religious liberty, can be declared to have fallen away from Noahic wisdom. It remains the case that the basic terms of the Noahic covenant radically underdetermine the details that VanDrunen constructs, largely on the basis of interpretation of the broader biblical witness. Insofar as these details and this interpretation can be contested, grounding the natural law in the Noahic covenant will not after all succeed in providing such a tidy delineation of a “common,” proximate, natural ethic that can be differentiated from a more comprehensive transformation of the natural toward creation’s redemption and eschatological consummation (see 25). We are returned to robust communal deliberation concerning common goods.

We might consider, for instance, VanDrunen’s argument that because political institutions are to be common, rather than holy, and be confined to the execution of justice, political governments ought to avoid legislating in areas where moral disagreement is common: “personal well-being, education, and healthcare” (211). But areas of disagreement shift over time, as does our understanding of what comprises basic justice. In some respects, VanDrunen seems prepared to accept that the open-ended process of human cultural development can transform traditional institutions. For instance, while defending as the Noahic pattern marriage that is monogamous, heterosexual, and permanent, VanDrunen refrains from claiming that only this sort of marriage should be

regarded as “morally sound or legally permissible” (221). Precisely because regulating marriage is beyond the purview of the state, he argues, the primary way in which the Noahic pattern of marriage should be promoted is by promoting economic prosperity, since “[f]amilial and economic thriving tend to go together” (248). This might open some space for a fresh take on a toxic topic. It does so, however, not merely by precluding state intervention, but by shifting the ways in which law and policy productively engage with the institution of marriage, reflecting changing understandings of what we owe to one another as members of a common political community.

VanDrunen’s “conservative liberalism” is conservative not just in the ways that it openly affirms (respecting slowly-acquired wisdom, emphasizing human sinfulness and frailty, resisting quick change), but also in ways that are characteristic of how the term is typically employed in politics today, conveying distrust of big government and enthusiasm for free enterprise (358). It is not clear, however, that market failures can be remedied if the scope of political government remains as narrow as VanDrunen argues that it should. More generally, it is not clear that rejecting positive rights and confining government to protectionist functions, i.e., to protection against injury, will suffice to confine governmental functions to areas of common agreement and hence within a common, neatly delineated Noahic ethic. For starters, there is disagreement concerning who belongs among those to be protected against injury: do the unborn, for instance? The permanently unconscious? Then there is the question of whether negative and positive rights can really be clearly differentiated. Health care can be understood as protecting citizens from injury to their health, just as police protect citizens from attack. Further, without education and good health, can persons really fulfill the Noahic mandate? In the wake of COVID-19, it is difficult to deny any longer that access to health care is a matter of basic justice. VanDrunen appeals optimistically to the power of the market economy to provide even non-excludable public goods. But what might work for heavily traveled toll roads will not work for rarely traveled rural roads—and much the same is true for rural healthcare and education. There is much to be said for market solutions where they exist, but if we are overly optimistic about them we may well do fellow citizens a host of injustices.

VanDrunen’s discussion of retributive and compensatory justice, legal polycentrism and the customary legal order, and government authority, are high points of the book. It is reasonable to think that there ought to be a dialectical relationship between the customary legal order and formal legal interpretation. VanDrunen could acknowledge more fully that the latter is needed not simply to articulate the former, but also to address areas of internal incoherence; spontaneous coordination can sometimes accomplish more than intentional efforts to create coherence, but sometimes it moves too slowly. Further, at times it preserves injustices that benefit the majority or the powerful. Human beings, as responsible agents made in the image of God, should not resign intentional agency wholly in this or any other sphere. Here, too, I remain skeptical that a Noahic natural law delivers us from the responsibility of engaging in politics, of working out what we owe one another amidst the tangled webs that constitute our common life.

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