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## Wolterstorff, THE MIGHTY AND THE ALMIGHTY

Luke Maring

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## BOOK REVIEWS

*The Mighty and the Almighty*, by Nicholas Wolterstorff. Cambridge, UK, and New York: Cambridge University Press, 2012. 181 pages. \$81.00 hardcover.

LUKE MARING, Northern Arizona University

In *The Mighty and the Almighty*, Nicholas Wolterstorff aims to: (i) disprove the view, common in political theology, that disobedience to the state necessarily constitutes disrespect to God; (ii) sketch a novel, yet recognizably Pauline, account of the limits of state authority; and (iii) undermine perfectionist accounts of the state, again common in political theology, by showing that a Pauline account of government resonates with contemporary liberalism.

Let us begin with (i). Why would disobedience to the state constitute disrespect to God? The argument traces back to the apostle Paul, who famously wrote that God gave authority to all governments. This seems to imply that by disobeying the state, one rejects God's appointee—saying, in effect, that God was wrong to put her in charge.

Wolterstorff argues that traditional political theologies—including, notably, John Calvin's—are guilty of a conceptual confusion. *Positional authority*, for Wolterstorff, amounts to holding office in an institution that is widely regarded as authoritative—by dint of her membership in the police force, an officer has positional authority. *Performance authority*, by contrast, is the authorization to do some particular thing—to write speeding tickets, for example. Now, legislators in a government have positional authority; but it does not follow that they have the performance authority to write immoral laws.

Turn to (ii): Wolterstorff denies that governments have the performance authority to write immoral laws. What is his positive account? What, exactly, does God authorize governments to do? According to Wolterstorff, Paul thinks that governments are primarily in the business of curbing wrongdoing. To develop Paul's view, Wolterstorff borrows Dutch theologian Abraham Kuyper's concept of *spheres*. Different human enterprises inhabit different spheres or sectors—science, art, religion, and family, and so on. Within each sphere, different authority structures hold sway. In



the sphere of science, universities are an authoritative structure; within religion, churches are in charge; and so on. These spheres should, according to Wolterstorff, exist alongside one another without encroaching into each other's domain. So it is presumably wrong for the Christian church to insist that creationism be taught alongside evolution in science classes, just as it is wrong for non-religious groups to force Sikhs and Muslims to abandon religious apparel. Unfortunately, institutions routinely overstep their boundaries. Enter the state: states are to curb wrongdoing by punishing institutions that try to commandeer neighboring spheres. The state's second main task is similar: to curb, via punishment, the wrongdoing of individuals.

We can now see why Wolterstorff denies that citizens must choose between disobeying the state and disrespecting God. A government that institutes immoral laws oversteps its performance authority. God authorizes the state to curb wrongdoing, not to become the agent of wrongdoing itself.

One semantic quibble: Current political philosophy distinguishes between *authority* and *legitimacy*. Authority is the normative power to give someone a moral reason to  $\phi$  by writing a law that tells her to  $\phi$ ; legitimacy is the permission to use one's authority and to enforce laws. Possessing a normative power is one thing; the permission to use and enforce it is something else. Thus, the activity of curbing wrongdoing—Wolterstorff's performance authority—falls under the heading of legitimacy. The upshot of this semantic quibble is that it isn't altogether clear which side of the contemporary debate Wolterstorff is on. Whereas statist believe that we are bound to obey the law because governments are authoritative, philosophical anarchists hold that if we have moral reasons to obey the law, it is because the law tells us to do what we already had authority-independent moral reasons to do (e.g., the state commands us not to murder). If the state is merely authorized to curb wrongdoing, and not *also* authorized to write laws that make actions count as wrongdoing in the first place, Wolterstorff is not a statist.<sup>1</sup>

Now turn to (iii). Political theologies are typically perfectionist, holding that the state's job is to make citizens and society morally excellent—a task that goes far beyond the protection of basic rights. It is not hard to see why political theologies have a perfectionist bent: they are committed to a (fairly) comprehensive account of the good, and they see governments as one of God's tools for realizing it. Wolterstorff goes against the grain, and argues that his Pauline view of the state resonates with contemporary liberal democracy.

At first glance, this may seem implausible: the job of a liberal democracy is to protect a relatively small number of basic rights, whereas

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<sup>1</sup>Many thanks to Terence Cuneo for pointing out to me that Wolterstorff commits to statism; see Nicholas Wolterstorff, *Understanding Liberal Democracy* (Oxford: Oxford University Press, 2012). However, I still find it odd that a book dedicated, in part, to outlining the government's proper role doesn't come down on either side of the statist/philosophical anarchist debate.

Wolterstorff's Pauline view assigns government the task of curbing wrongdoing *in general*. We do wrong when jealousy makes us miserly with our praise; but liberalism's list of basic rights does not traditionally include a right to be praised. Or again, we do wrong when cruelty leads us to mock our peers; liberalism objects only if our jests manage to deprive people of their basic rights. Yet Wolterstorff's argument proceeds:

To wrong someone is to deprive her of something to which she has a right, a legitimate claim. And to deprive her of something to which she has a right or legitimate claim is to treat her unjustly. So instead of saying that it is the God-assigned task of government to curb wrongdoing, we could say that it is the God-assigned task of government to *curb injustice*. . . . [In other words,] God has assigned government the task of being a *rights-protecting* institution.<sup>2</sup>

Since the *raison d'être* of liberal democracy is to protect rights, Wolterstorff concludes, "we get an argument for a state that is limited in exactly the sort of way that our liberal democracies are limited."<sup>3</sup>

Now, in the first sentence Wolterstorff claims that *every* instance of wrongdoing violates a right. He defends this claim at length in a different book.<sup>4</sup> But whether or not his defense succeeds, it's certainly not true that every wrongdoing violates one of the *basic* rights that liberalism traditionally protects. In assigning governments the task of curbing wrongdoing in general, Wolterstorff's Pauline view threatens to authorize *far* too much state intervention to qualify as liberal.

Wolterstorff does emphasize, on several occasions, that the state should not curb wrongdoing if the moral cost of doing so would be worse than the original wrongdoing. This is a sound principle, which may be traced back to at least John Stuart Mill. Can we use it to close the gap between Wolterstorff's view and liberalism? Perhaps, but doing so wouldn't show that there is any natural affinity between the two. On the assumption that governments do more harm than good by trying to curb wrongdoing that is unrelated to basic rights, even the most overtly perfectionist view, when combined with Mill's principle, will result in a liberal government. Mill's principle can liberalize *any* political philosophy. So the fact that Wolterstorff plus Mill equals liberalism is no reason to think that Wolterstorff's view is particularly liberal.<sup>5</sup>

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<sup>2</sup>Nicholas Wolterstorff, *The Mighty and the Almighty* (New York: Cambridge University Press, 2012), 90.

<sup>3</sup>*Ibid.*, 150.

<sup>4</sup>Nicholas Wolterstorff, *Justice: Rights and Wrongs* (Princeton, NJ: Princeton University Press, 2008). More thanks are due to Terence Cuneo for pointing this out to me, and for helpful comments on a draft of this review.

<sup>5</sup>That might not be a bad thing. Feminists, critical race theorists, and critical gender theorists have all pointed out that our history of discrimination has concentrated wealth, power, and privilege disproportionately in the hands of whites and of men. With its emphasis on basic (and mostly negative) rights—they continue—liberalism ends up preserving an unjust status quo. The public-private distinction, to take just one example, has meant that the government does not protect women's rights where they are often most imperiled: at home.

I will close with a meta-concern.<sup>6</sup> The pluralistic, many-spheres structure of Wolterstorff's account implies that the Bible is not authoritative in politics; yet Wolterstorff develops his political philosophy by consulting the writings of the apostle Paul. The problem here is not that religious resources are inadmissible in politics. Wolterstorff describes the state as the "sphere of spheres," as a sphere that encompasses all the others.<sup>7</sup> So religious resources are admissible because resources from all human enterprises are admissible. We should design our government using the best of the business world, the best from religion, and so on. The problem is rather that anyone—Christian or otherwise—who believes Wolterstorff's view must *also* believe that principles from the Bible are not privileged in the sphere of spheres. We can consult the Bible, but only in the way that we would consult canonical economic texts, *A Theory of Justice*, *Das Capital*, journals of social science, or anything else. So no one—Christian or otherwise—who believes Wolterstorff's political philosophy should believe it *simply because* it is the best interpretation of Paul. Wolterstorff therefore has to defend his view on its merits, which is a task *The Mighty and the Almighty* leaves undone. I mean this as a call for more work, not as knockdown criticism—there is no a priori reason why views inspired by the Bible cannot be defended on their merits.<sup>TM</sup>

*The Mighty and the Almighty* is a worthwhile read. Wolterstorff's Pauline account of the state is interesting in its own right—not least because it explains why institutions, as well as individuals, can be right-holders. This is a significant departure from the individualism of most western political philosophy, and it is a plausible one. Interesting philosophical projects raise new questions as they solve old problems; we should look forward to reading Wolterstorff's answers.

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Because he thinks the state is supposed to curb wrongdoing in general, Wolterstorff's political theology may, depending upon which rights he emphasizes, support a view that is *more* progressive than liberalism.

<sup>6</sup>I am indebted, here, to a conversation with Russ Pryba.

<sup>7</sup>*Ibid.*, 166.

*The Purpose of Life: A Theistic Perspective*, by Stewart Goetz. London and New York: Continuum, 2012. 189 pages. \$24.00 paper.

JOSHUA SEACHRIS, University of Notre Dame

In *The Purpose of Life: A Theistic Perspective*, Stewart Goetz contributes to the expanding discussion within analytic philosophy on life's meaning. Regrettably, for the better part of the last century analytic philosophers