

Comments on *The Mighty and The Almighty*

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I find myself in sympathy with much of what Wolterstorff says in *The Mighty and the Almighty*. Where I am competent to assess his claims—as in the less exegetical and more philosophical parts of the book—I often find myself not just in sympathy but in agreement. I am, however, less inclined than he to think that top-down accounts of political authority can deliver the conclusions that he and I both want. Because Wolterstorff's attempt to deliver those conclusions goes by way of Pauline claims about the nature of the Church, I shall raise questions about Wolterstorff's arguments in a round-about way, beginning with some questions about ecclesiology.

§I. Pauline Ecclesiology

Ecclesiology is the study of the church. What is the church? Let's understand it genetically, as the collection of worshipping communities here in the *saeculum*¹ which descend from the worshipping communities described in Acts or from other such communities which were founded or nurtured by the apostles, including the apostle Paul. If we understand the descent-relation capaciously—so as to allow for descent by heresy, schism, reform and emulation—then that description should be plausible enough. And if someone prefers not to speak of *the* church or *the* Christian church in the singular, we can disaggregate the set and use my description as singling out “the Christian churches” instead, though I shall not do that here.

The central arguments of Wolterstorff's book concern two problems of dual authority. The ecclesiology Wolterstorff finds in St. Paul's letters furnishes the key premises of the arguments by which he addresses those problems. According that ecclesiology, the Church is a “foreign body in every nation in which it emerged” (Wolterstorff 2013, 121), for it includes people of every nation but not all of the people of any nation. And so the Church by its very nature brings religious division and diversity (Wolterstorff 2013, 123). Wolterstorff moves from this claim about the nature of the Church to claims about the “kind of state the church will pray for, hope for, struggle for and insist upon” (Wolterstorff 2013, 123). It will be, he says, a “rights-limited state.”

¹ Meaning by this what *Gaudium et Spes* §2 called “the world of men, the whole human family along with the sum of those realities in the midst of which it lives; that world which is the theater of man's history, and the heir of his energies, his tragedies and his triumphs.” Though this may not be the usual meaning of the term, it seems to correspond to Robert Markus's use of it at his (1970, xxii).

But what can we really conclude about the nature of the Church from the fact it brings religious division? Perhaps bringing division is characteristic of the Church in the early stages of its development, or in the early stages of its development within any given society. But perhaps the *nature* of the Church is its telos, and its telos or nature is only fully realized when it embraces all of humanity. And so perhaps the Church should aspire to be all-embracing even if in fact it is not. In order to know – and in order to know what relationship the Church should have with political authorities – we need to address a question which is central to ecclesiology but about which Wolterstorff is remarkably silent, the question: What is the Church *for*?

This seems to me a perfectly natural question to ask. For the Church is an artifact. Wolterstorff emphasizes that it is not a human artifact, as other voluntary associations are (see Wolterstorff 2013, 119-20). He does not note that judges and policy-makers in liberal democracies which do not have preferential establishment (Wolterstorff 2013, 126) may have to conceptualize the Church as just another voluntary association in order to ground the denial of special privileges to the Church, privileges which other associations will not enjoy. I wonder whether Wolterstorff worries that liberal democracies may therefore have to adopt an official posture of misunderstanding the Church in order to grant full religious freedom to all.

But that is a parenthetical question. To return to the main line of thought: While the Church is not a human artifact, it is something made—blown together—by God, who presumably had some purpose or purposes in view. What are they?

The Church is here to comfort the afflicted and to bind up our wounds. It is here to bless us at the beginning of our lives, to sanctify our passage into adulthood and marriage, and to stand with us as we depart this world for the next. It is here to transmit the life-story of Jesus of Nazareth, to expound His teaching, to provide us a foretaste of the community of mutual love whose imminence He preached, to worship the God He disclosed to us and to make God present among us. In sum, it is here to carry on the work by which Christ reconciled humanity to God and effected our salvation. The Church pursues its mission, and thereby acts according to its nature, by doing that. But how, or better—and I now mean this literally—how *in the world* is it supposed to do that?

That depends upon what salvation requires. And there is a plausible answer to the question of what salvation requires which suggests that the church should “pray for, hope for, struggle for and insist upon” (Wolterstorff 2013, 123) a perfectionist state. The answer I have in mind is that salvation requires correctness of belief and rectitude of behavior – orthodoxy and orthopraxis, for short. If that answer is right, then the church pursues its mission and acts according to its nature by defining and teaching orthodoxy and by encouraging orthopraxis. And if *that* is right, then—given the importance the Church attaches to carrying forward Christ’s salvific work—one would think that the Church would “pray for, hope for, struggle for and insist upon” (Wolterstorff 2013, 123) social conditions which will conduce to its success.

§II. The Power of Social Inducements

What we believe and how we behave is greatly affected, in myriad ways, by the social conditions in which we live. Market economies are built on the assumption that our expenditure of effort, the undertakings toward which we direct those efforts, our valuation of risks, and our willingness to trade off labor for leisure, all depend upon the signals and incentives which markets provide. But we do not just respond to *market* signals and incentives. We respond to *social* inducements and pressures too. In social life the notions of “inducement” and “pressure” have to be understood quite broadly, since the rewards and penalties of social life are so many and various. We are responsive, not just to what is permitted and forbidden, but also to what ways of life are glamorized or stigmatized, and which permissible ones are considered live options and which ones are dismissed.

These claims about responsiveness are empirical psychological generalizations which I find quite plausible. Because of their plausibility, it is understandable to me that a church which wants to work in social conditions conducive to its success would want to work in social conditions in which orthodox belief and right living are encouraged. And it seems *prima facie* plausible to me that the Church would prefer that this encouragement be not just cultural but also governmental, since governmental encouragement makes the success of its salvific efforts more likely. Governmental encouragement might take the forms of preferential legal treatment for religion as such or for Judeo-Christianity, the attachment of disadvantages to forms of long-term sexual partnership that seem to be condemned in scripture, the use of public school curricula to encourage some ways of life and to discourage others, and much else. And so it is understandable to me that Calvin and a long line of Catholic Aristotelians have thought the church should “pray for, hope for, struggle for and insist upon” a perfectionist state, one which—through its policies and pronouncements—favors some beliefs and ways of life over others, even if it does not criminalize those which are disfavored. Let’s call the aim of such a state “Aristo-Calvinist perfectionism.”

Note that Wolterstorff’s sole response to the argument for Aristo-Calvinist perfectionism cannot be that the psychological generalizations on which it relies are false, though he may think they are. For while denying them would block the argument for Aristo-Calvinist perfectionism, it would not support his conclusion that Aristo-Calvinist perfectionist states exceed their authority. And so I think that for purposes of argument, Wolterstorff should concede the truth of those generalizations—or their truth with qualifications—and object to a perfectionist state on two other grounds which his text suggests:

One is that Paul says nothing that remotely resembles [the] declarations by [perfectionists]. Assuming that Paul’s understanding of the church was substantially that which I have presented, his silence on this point was as significance as silence can be. (Wolterstorff 2013, 129)

Perhaps. But we can take Paul’s silence to provide significant reasons to reject perfectionism only if we know what the silence signifies. I am no historian or scripture scholar, but I have long assumed that the Davidic kingdom was supposed to

be perfectionist, at least in aspiration: that David and his successors were to encourage worship of God and adherence to the Mosaic law (e.g., 2 Kings 9:1-9). Did Paul really disapprove? Did he really think that the kings of Israel had exceeded their authority when they used their power to encourage the keeping of the Covenant? I would be surprised. Did Paul think that God had specifically authorized the Davidic regime to do what would otherwise exceed the authority of government? I don't know. And so as far as I can tell, it is possible that Paul's silence signifies, not that he thought perfectionist states exceeded their authority, or that he would have thought Aristo-Calvinist perfectionist ones exceed theirs, but that in his circumstances he found it inconceivable that there could ever be a perfectionist state which advanced Christianity.

The second ground on which I think Wolterstorff would object to Aristo-Calvinist perfectionism is this. Wolterstorff thinks citizens have natural rights which limit the authority of government and which government must therefore honor, including natural rights in the area of religion (see Wolterstorff 2013, 142 and 151). I take the rights in question to be rights to freedom. And so Wolterstorff might argue that governmental encouragement and pressure to accept Christianity violates that natural right to freedom, and that that is why an Aristo-Calvinist perfectionist regime would exceed its authority.

§III. Two Questions

Before we can spell out and assess this argument, we need to distinguish two questions. To do that, note first that Aristo-Calvinist perfectionism is not incompatible with the acknowledgement of natural rights. Aristo-Calvinist perfectionists can coherently take natural rights to be Nozickian side-constraints,² principles which constrain what perfectionist measures the state can employ. Of course, to say that Aristo-Calvinist perfectionism is *compatible* with natural rights is not to say that it *implies* them, or that a theory of Aristo-Calvinism has the philosophical resources needed to *derive* them. Let's grant that it does not. Then one question is: on what basis would the Aristo-Calvinist perfectionist recognize natural rights?

I want to put this question aside. So long as the conjunction of Aristo-Calvinist perfectionism with natural rights is consistent, I shall take the conjunction to be a position worth considering.³ I shall not worry if it lacks systematic unity, or is at bottom a crude kind of intuitionism. The question from which I want to distinguish the "on what basis" question is: why are encouragement and pressure incompatible with the natural rights to freedom that I am now supposing the Aristo-Calvinist perfectionist recognizes?

² See Nozick (1974, 89).

³ I believe Finnis (2011), George (1995) and Joseph Raz (1979) all endorse constrained perfectionist views.

For reasons of space, I shall merely list – and not discuss -- cases which give this question some “bite” by suggesting the compatibility of encouragement or pressure on the one hand, and freedom of belief and conduct on the other:

- The various forms of encouragement and pressure which are manifestly present in labor markets and markets for consumer goods – such as wage differentials, advertising, price-reductions aimed at clearing out inventory, etc. -- are not normally held to be incompatible with free purchase of products or the free choice of occupation.
- The glamorization of a particular way of life by private parties in the public media does not obviously compromise our free choice to live or emulate it.
- Government advertising which glamorizes, and thereby encourages young people to join, the military is not thought to compromise the freedom of someone’s choice to enlist.
- Government’s attachment of sanctions to activities which are properly criminalized is one of the ways its citizens are taught that such activity is wrong. But the attachment of criminal penalties to, say, insider trading is not generally thought to compromise free assent to the proposition that insider trading is wrong.

If pressure and encouragement are consistent with freedom of thought and choice in these cases, why think that government pressure or encouragement in specifically religious matters violates a natural right to freedom? Let me put the question another way: If I am right about the cases, then there is a kind of freedom, or a conception of freedom, which can be enjoyed consistent with arriving at a belief or choosing conduct under influence, encouragement or pressure. Why not think that the natural right to freedom in religious matters is a right to *that* kind of freedom?

Wolterstorff grants that:

In principle the constitution or fundamental law of a rights-limited state might impose normative limits on the authority of the state that look very different from those that we are familiar with in our present-day liberal democratic states; that would be the case if the authors of the constitution or the fundamental law had very different views as to the natural rights of citizens and their institutions from those we have. (Wolterstorff 2013, 151)

So I take Wolterstorff to allow that there could be views of the natural right to freedom in religious matters that are compatible Aristo-Calvinist perfectionism. To show that those views are mistaken – because they are mistaken ways of understanding the kind of freedom the natural right to freedom in religious matters

is a natural right *to* – and thereby to complete the argument against Aristo-Calvinist perfectionism, Wolterstorff appeals to the ecclesiology he finds in Paul.

If the church is to “be itself,” it must have institutional autonomy from the state; and both those citizens who are members of the church and those who are not must have religious freedom. (Wolterstorff 2013, 151)

But why can the church be itself only if they have the kind of freedom which is inconsistent with being encouraged by the state to adopt certain religious views?

I observed earlier that Wolterstorff thinks it belongs to the nature of the Church to bring religious pluralism to every society it enters; that is one of the central ecclesiological claims he finds in St. Paul. But perhaps my observation occludes something important about the ecclesiology. Perhaps Wolterstorff thinks the Church brings religious pluralism which can only be overcome by the “oppressive”—and therefore objectionable—“use of state power.”⁴ But this cannot be his answer to the consistency question, since what is at issue is whether state encouragement of Christianity is oppressive and objectionable.

My earlier discussion of what the church is for suggests another answer. The Church can be itself only if it can pursue its purpose or mission. That purpose is salvific. Salvation does not just require orthodox belief and right conduct, it requires *free assent* to the articles of orthodoxy and *free choice* of right conduct. And so the Church can be itself only if it can try to bring people to free acceptance and practice of Christianity. But the belief and practice of citizens who embrace Christianity in an Aristo-Calvinist perfectionist state will be affected by that state’s policies. The belief and practice thus affected are not free in the sense salvation requires. So in an Aristo-Calvinist perfectionist state, the Church cannot try to do what it must try to do if it is to be itself.

This argument doesn’t work because it is, if not question-begging, then question-postponing. It simply assumes, at the antepenultimate step, that belief and conduct which have been encouraged by the state are not free in the right way. But whether they are is precisely the question at issue, and we still need to know why the answer that has been assumed in the argument is the right one. Moreover, the argument makes appeal to the nature of the Church an unnecessary shuffle. For anyone who accepts the question-postponing premise should just move straight from it to the conclusion that the freedom of religion recognized by an Aristo-Calvinist perfectionist state is not the kind of freedom the natural right to religious freedom protects, by-passing appeal to the nature of the Church altogether.

Perhaps there is a successful rejoinder to Aristo-Calvinist perfectionism that uses the same strategy as these two arguments, appealing to Pauline ecclesiology to determine the content of our natural rights. But I am skeptical that we can eke so much out of the scriptural text. At this point, it may help to say how I think the case for Aristo-Calvinist perfectionism should be answered.

⁴ The quoted phrase is Rawls’s; see his (1996, 37).

§IV. Answering Aristo-Calvinist Perfectionism

Begin with a normative view of the state. The state, however it actually came to be and whatever natural needs it may answer to, should be understood as an artifact. But unlike corporations and other private associations, it should be understood as an artifact equally contrived by *all* of its citizens. When it acts, it must be thought of as acting on the authority of all citizens equally. If this is right, then the endorsement, promotion and influence which government is authorized to undertake are different in kind from the endorsement, promotion and influence allowed to the private associations of business and civil society, and the kind of freedom with which they are consistent is different as well. This distinguishes the first two bulleted cases above, which do not mention state action, from the last two, which do. But is it right? What does it mean to say that the state should be thought of as acting “on the authority of” its citizens?

Hobbes may have been wrong to adopt a strong form of the authorization relation according to which the acts of the state are imputed to the people. But I believe he inaugurated the right approach to figuring out what the state is authorized to do. Since the state should be thought of as the creation of all its citizens, one way to identify what the state is authorized to do is to ask what its citizens would all authorize it to do. Approaching the question of state authority this way suggests how to handle the last two bulleted cases above. Citizens might authorize the state to raise an army because they would all agree that it is necessary. They might authorize it to encourage the beliefs that certain conduct is wrong which they would all or should all recognize it as such. But they would not authorize the state to endorse the claims of some religious or philosophical orthodoxy, or to promote or encourage a religion or a philosophy of life, unless they agreed that they all should endorse it for the lifetime of the contract. But there is no religion or philosophy of life which satisfies that condition, and citizens asking themselves what they should authorize the state to do would know that. So they would not authorize the state to endorse, encourage, or promote religion, and a state which does so—such as the Aristo-Calvinist perfectionist state—therefore exceeds its authority.

§V. The Church in the Modern World

The foregoing sketches in barest outline what Wolterstorff calls a “bottom up” account of political authority. It is compatible with a theology and an ecclesiology that I think correctly identify the role of the Church in the modern world. To see that, let’s recall what made Aristo-Calvinist perfectionism a plausible political theory for the Church. It seemed plausible in light of a theology which says salvation requires free acceptance of orthodoxy and free choice of right conduct, and an ecclesiology according to which the Church is salvific and realizes its nature when it tries to save everyone. The pluralism of the modern world means that the theology and the ecclesiology have to be heavily qualified.

To start with the theology, does salvation require orthodoxy and orthopraxis? We cannot know, but we should hope not. For the alternative is that too many good people will be denied salvation. What of the ecclesiology? I think the right thing to say is that the Church is salvific for those whom the Holy Spirit chooses to blow into it, but the salvation of others is brought about in some other way, also of God's choosing. The Church is a set of communities adhering to beliefs and practices which are rooted in the gospel and elaborated by tradition. The role of the Church is to bear witness to God's love of the world and God's intervention in our history.

The witness can be borne in many ways designed to encourage people to accept the truths proclaimed by the Christian Church, not the least of which will be the faith's contribution to many forms of culture, including high culture. But the Church also needs to recognize that even those beliefs and practices which have traditionally been thought defensible by a natural law open to all cannot in fact be backed up by arguments which all reasonable people could accept. Reasonable pluralism means we can no longer look at them that way. Rather, we should think of those beliefs and practices as "identity-markers."⁵ They mark us off from the larger world in which we find ourselves, identifying our communities as a people set apart.

The ways in which these beliefs and practices can and cannot be backed up bears on the question of whether the state should encourage their embrace, as the Aristo-Calvinist perfectionist thinks. It should not. But the conclusion that it should not, though consistent with the ecclesiology to which I just gestured, does not follow from it. Rather, it follows from the ways those beliefs and practices can and cannot be backed up, together with the "bottom up" account of political authority that I sketched just above—and, in particular, on the normative and artifactual view of the state on which that account depends. Moreover, as I said earlier, I am skeptical that we can get an argument for the crucial claim in the argument against Aristo-Calvinist perfectionism – the claim that it violates natural rights properly understood – out of an ecclesiology. I think we *need* the normative and artifactual view of the state to get it.

If I am right about how that conclusion has to be reached, and if I am also right in thinking that the Church cannot be itself in the modern world without accepting that conclusion, then it follows that our account of what the Church should be – our ecclesiology -- has to be informed by modern political philosophy. And if we find the writings of Paul a perennially rewarding source of ecclesiological insight, one Christians can turn to in every age to help them discern what the Church in their time should be, then the same is true of our scripture scholarship. Turning to philosophy, and in this case to political philosophy, must be among the ways faith seeks understanding. As a student of the subject, I find that implication most congenial.

Appendix: A Question about Public Reasoning

Over the years, Wolterstorff has argued against norms of public reason that would forbid citizens of faith to appeal to their religious convictions in the public

⁵ See Hays (2004, 152).

political argument.⁶ If Wolterstorff were an Aristo-Calvinist perfectionist, then it seems plausible enough that his view of public reasoning together with his perfectionism would allow citizens of faith to defend policies which are distinctive – distinctive because they cannot be defended on secular grounds, and so would not be defended by those who base their arguments solely on the best secular theories of justice. But Wolterstorff makes clear in *Mighty and Almighty* that he is not an Aristo-Calvinist perfectionist. He thinks the state is authorized to protect rights and promote justice. This thought, together with his view of public reasoning, implies that citizens of faith may appeal to their religious convictions to advocate and vote for state action that aims at those ends. And so they may argue for their favored policies on grounds that differ from those offered compatriots who rely only on the best secular theories of justice. But does Wolterstorff think that citizens of faith will favor different policy outcomes than they? Does he think that Christianity reveals demands of justice to which the best secular theories are, by virtue of their secularity, blind? If so, what are those demands? Or does he think that what the Christian demands in the name of justice will coincide with what, for example, the Rawlsian demands?⁷ If so, what difference will the Christian's appeal to her religious convictions make? And if it makes no difference, why argue against versions of public reason that restrict the Christian's appeal to those convictions in political argument?

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⁶ See Wolterstorff (1997, 162-81).

⁷ See Rawls (1971)

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