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# Return to Political Theology

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## ESSAY

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### RETURN TO POLITICAL THEOLOGY

*Joshua D. Hawley\**

#### INTRODUCTION

There was a time when theology was called the “queen of the sciences.” From the beginnings of the university in the High Middle Ages through the nineteenth century, theology formed the backbone of liberal instruction at institutions of higher learning. Those days are long past. What remains of theological investigation in most major American universities has been transposed into the study of religion and safely sequestered in “religious studies” departments. Few undergraduates today encounter theology as a discipline—and as for law students, well, the idea that theology might have some relevance for the study of law is regarded in the legal academy as either quaint or worse, vaguely menacing.

And yet. The last two decades have brought surging interest in the field called law and religion; religious liberty has become a subject of major doctrinal concern; and one of the most important books published by a legal academic in the past four years was a work of political theology.<sup>1</sup>

These stirrings in the legal world have been matched by a renewed interest among theologians in politics and the law. For evidence of that, consider the recent publication of one of the more ambitious studies in biblical theology of the last three decades, N.T. Wright’s *Paul and the Faithfulness of God*.<sup>2</sup>

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\* Associate Professor, University of Missouri School of Law. Thanks to Sam Hill, Clayton Campbell, Isaac Gelbfish, Trenton Van Oss, and Victor Zapana for excellent and timely research assistance. As ever, my most cherished intellectual partner is my wife, Erin Morrow Hawley, and as ever, her contributions have been invaluable. It’s almost always true that the best pieces are “taught” pieces, and I have had the considerable good fortune to think through many of the themes in this piece with a group of talented undergraduates. This Essay is for them: Ben, Paul, Will, Adam, Kyle, Michael, Jacob, Josh, Zane, Nick, Stanton, Cameron, Austin, and Cole.

1 I am thinking of Paul W. Kahn’s *Political Theology*. PAUL W. KAHN, *POLITICAL THEOLOGY* (2011).

2 4 N.T. WRIGHT, *PAUL AND THE FAITHFULNESS OF GOD* (2013).

Wright is an English theologian of some acclaim. A prolific writer, he counts more than sixty titles to his credit, and his latest is the fourth installment in a series investigating New Testament history and theology. Wright's work has canvassed such subjects as the "historical Jesus" and first-century Christianity, but he considers himself principally a scholar of the Apostle Paul.<sup>3</sup> His most recent volume is a sweeping study of Paul's theology, including, importantly, Paul's *political* theology. Running over fifteen hundred pages in length and divided into two books, *Paul and the Faithfulness of God* painstakingly reconstructs Paul's historical context and intellectual influences on the way to a thorough restatement of Paul's thought. The volume concludes with a multichapter examination of what Pauline theology means for Paul's day and ours, with politics front and center.

The book has proven a minor sensation in the world of biblical studies. But why should lawyers care? The answer has to do with what Mark Lilla has recently and rather famously called "the Great Separation."<sup>4</sup> Lilla's claim is that liberalism and limited, constitutional government are possible only when religion is firmly quarantined from the business of politics.<sup>5</sup> "[I]ndividual rights to private and collective worship, freedom of conscience, religious toleration"—all these were the fruits of banishing religion from the public sphere, he says.<sup>6</sup> By his account, modernity itself emerged from this great separation.

The idea is hardly novel. It has been in vogue in the western world since at least the Enlightenment. Listen closely in contemporary America and you will hear it just about everywhere, from political theory to Supreme Court opinions citing the "wall" separating church and state.<sup>7</sup> It is so commonplace, in fact, so thoroughly conventional and widely accepted that it is sometimes difficult to imagine any other way of seeing the world.

But as critical legal scholars remind us, conventions can be dangerous things. They condition us to accept as facts what are in truth highly normative propositions. And that brings us back to Paul. Pauline theology shares a good deal in common with the liberal tradition. Indeed, it is among that tradition's most powerful moral sources.<sup>8</sup> Yet, Pauline theology challenges as many liberal conventions as it affirms, including, perhaps especially, the Great Separation. This may come as a surprise to those who view Paul as a

3 Commentators refer to Paul variously as St. Paul, Paul the Apostle, Saul of Tarsus, or Saul Paulus (among others). For simplicity's sake, I will usually call him simply Paul.

4 MARK LILLA, *THE STILLBORN GOD* 58 (2007).

5 *Id.* at 8.

6 *Id.*

7 See, e.g., *Everson v. Bd. of Educ.*, 330 U.S. 1, 16 (1947) ("In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between church and State.'" (quoting *Reynolds v. United States*, 98 U.S. 145, 164 (1878))); see also *Lemon v. Kurtzman*, 403 U.S. 602, 612–13 (1971) (noting that the Constitution demands a "secular" purpose for all legislation).

8 See HAROLD J. BERMAN, *LAW AND REVOLUTION* 165–98 (1983) (exploring the "religious dimension" of the "Western legal tradition"); CHARLES TAYLOR, *SOURCES OF THE SELF* 91–107, 130–42 (1989).

“religious” writer concerned exclusively with spiritual matters like salvation and judgment, the afterlife, and heaven. But if N.T. Wright’s magisterial reconsideration of Paul demonstrates anything, it demonstrates that this take on Paul is badly mistaken. Wright is adamant—and convincing—that Paul’s teaching was inescapably political.<sup>9</sup> For at the heart of Paul’s public message was a political claim, that the God of Israel had become a worldwide king in the person of Jesus of Nazareth.<sup>10</sup> As Wright shows, this deeply political gospel posed a sharp challenge to the claims of the Roman Empire.<sup>11</sup> But it does more. It carries major implications for the shape and conduct of government, then and now.<sup>12</sup>

Pauline theology disputes the central premises of the Great Separation. Not necessarily, however, for reasons one might expect. Paul does not advocate rule by priests or the use of political power to compel belief. Pauline theology offers support instead for a form of limited government, the equal dignity and moral worth of every individual, even an open political society. But here is the paradox: The ground for these affirmations is precisely Paul’s announcement of Christ as worldwide sovereign. In Pauline theology, that announcement generates a unique form of political dualism, one in which the state and the sacred are divided, not along the familiar axis of “religion” and “politics,” but rather according to what is for Paul the truly all-important distinction: between present and future.<sup>13</sup>

What Pauline theology disputes is the Great Separation’s claim that humane government is possible only when religion is roped off from the public realm. To challenge that assertion, of course, is to challenge much of modern liberalism. And there is no question that Paul’s principal political claim—that Jesus Christ is sovereign—cannot be accepted by liberal theory, or not in that form, anyway. But therein lies Pauline theology’s political relevance and appeal. Standing at once at the origins of the liberal tradition yet outside that tradition’s main channel, Pauline theology is uniquely positioned to offer a critical perspective on modern liberalism’s conventional claims, the Great Separation first among them.

To be specific: The contrast with Pauline political theology exposes the fact that the Great Separation is premised not on mutual toleration or religious liberty, but on a particular vision of sovereignty.<sup>14</sup> The Great Separation locates sovereignty’s source in the autonomy of the human person, and it identifies sovereignty’s home as the state. On the essentially Hobbesian view at the base of the Great Separation and much of modern political theory, the state is the ultimate and perhaps the only authentic human community

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9 WRIGHT, *supra* note 2, at 1271–77.

10 *Id.* at 1299–1305.

11 *Id.* at 1277–84, 1305–19.

12 *See infra* Parts II and III.

13 *See infra* Part II. I use “monism” and “dualism” to denote the union or disjunction, respectively, of the sacred and the political. *Cf.* ADRIAN HASTINGS, *CHURCH AND STATE* 1–15 (1991).

14 *See infra* Part III.

because it is the only social product of the people's sovereign will. As a consequence, the state stands prior to every other social body and association, with the right to direct and control them for the public good. Moreover, in the name of the popular sovereign, the state is vested with the power to set the terms of public debate; put another way, the will of the sovereign people provides the standards for public reasoning.

On the terms of the Great Separation, political society exists without reference to God or the future or anything else apart from the sovereign people and the state they establish. The polity is a self-contained whole. This does not mean it excludes the sacred, however. In the Great Separation, the sacred is identified with the search for personal authenticity and transcendence that the state exists to serve.<sup>15</sup> Properly understood, then, the polity becomes the true home of the sacred and serves the people's sacral ambitions.<sup>16</sup> The Great Separation ultimately turns out to be a form of monism: It offers a self-contained polity, a union of sacred and political, a form of total sovereignty.

Pauline political theology helps bring all this to light. And for those concerned by modern liberalism's monist tendencies, it may offer resources for thinking afresh about politics, religion, and the terms of the Great Separation. To those who pronounce political theology dead or dangerous, my contention is this: that Pauline theology, whatever one thinks of its substantive content, can be a valuable partner in a dialogue about the future of the liberal tradition. My aim in what follows is to employ N.T. Wright's powerful and provocative analysis of Paul's political gospel as a critical perspective on the foundational claims of the Great Separation. Because the very possibility of political theology is disputed in many quarters, I begin in Part I with a defense of political theology as critical theory. In Part II, I turn to Paul's political gospel, tracing Wright's reconstruction of its central terms, including the Pauline critique of empire. In Part III, I explore—briefly—the affirmative political vision Pauline theology makes possible, with particular focus on that theology's unique form of political dualism. Finally, Part IV takes up the clash between Pauline theology and modern liberalism on the critical issue of sovereignty.

## I. POLITICAL THEOLOGY AS CRITICAL THEORY

We begin by settling a preliminary objection. However much Paul the Apostle may have to say to twenty-first century America and its law, we must first determine whether we are truly able to hear from him. Or to put the question more formally, what sort of political theology, if any, is viable in the present moment? Is it still possible or worthwhile to ask how the authority of God is related to the authority of the state?<sup>17</sup>

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15 See KAHN, *supra* note 1, at 18–21.

16 *Id.*

17 This formulation of the task of traditional political theology belongs to Nicholas Wolterstorff. See NICHOLAS WOLTERSTORFF, *THE MIGHTY AND THE ALMIGHTY* 2 (2012).

A good many scholars say it is not. The advocates of so-called “public reason,” for example, contend that only those arguments grounded in “society’s [shared] conception of political justice” should figure in political analysis.<sup>18</sup> Arguments premised on other ideals, and especially theological arguments, are inappropriate to politics because they are not accessible to all citizens.<sup>19</sup> Others contend that theological reasoning threatens the civil peace and mutual toleration achieved by modern liberalism. Thus Mark Lilla, who describes political theology as a “primordial” habit of mind best left to the past. Political theologizing, he warns, “absorb[s] political life into some larger theological or historical drama,”<sup>20</sup> inviting both religious and political intolerance.<sup>21</sup>

But this assessment is altogether too bleak—and misleading. As Lilla himself admits, political theology is nearly inevitable. For virtually the whole of recorded history, individuals contemplating the ends of government have looked to theology for answers.<sup>22</sup> Indeed, modern liberalism embraces a robust political theology of its own, as Paul Kahn’s important work has recently emphasized.<sup>23</sup> The question, then, is not whether we will entertain political theology, but whether we will acknowledge that we are doing so, and on what terms. And here an analogy to a very different branch of scholarship may prove fruitful. I am thinking of critical theory. Critical legal studies is an exceptionally diverse movement of legal scholars, now in its fifth decade and comprising critical feminist theory, critical race theory, and more.<sup>24</sup> Critical theorists employ a variety of methodologies.<sup>25</sup> But nearly all members of the movement share at least this common conviction, that, in the words of Robert Gordon, “[o]ur accustomed ways of thinking about law and history are . . .

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Every discussion of political theology must make some mention of Carl Schmitt, the German theorist and Nazi sympathizer whose defense of totalitarianism continues to cast a pall over the field. See CARL SCHMITT, *POLITICAL THEOLOGY* (George Schwab trans., 2005). Paul Kahn ably summarizes Schmitt’s influence and dubious legacy. See KAHN, *supra* note 1, at 1–8. For our purposes, suffice it to say that Schmitt’s defense of an omnipotent state is precisely the sort of monism that a properly Pauline theology should reject.

18 JOHN RAWLS, *POLITICAL LIBERALISM* 213 (1993); see Robert Audi, *The Separation of Church and State and the Obligation of Citizenship*, 18 PHIL. & PUB. AFF. 259 (1989); Kent Greenawalt, *What Are Public Reasons?*, 1 J.L. PHIL. & CULTURE 79 (2007); Micah Schwartzman, *The Sincerity of Public Reason*, 19 J. POL. PHIL. 375 (2011).

19 RAWLS, *supra* note 18, at 220–27.

20 LILLA, *supra* note 4, at 307.

21 *Id.* at 296–309.

22 *Id.* at 3.

23 See KAHN, *supra* note 1, at 23–27.

24 For an introduction to critical race theory, see *CRITICAL RACE THEORY* (Richard Delgado ed., 1995). For an introduction to feminist critical theory, see Patricia Smith, *Feminist Jurisprudence*, in *A COMPANION TO PHILOSOPHY OF LAW AND LEGAL THEORY* 290 (Dennis Patterson ed., 2010).

25 On the methodological diversity of critical legal studies, see Alan Hunt, *The Theory of Critical Legal Studies*, 6 OXFORD J. LEGAL STUD. 1, 1 (1986) (analyzing “the significance and import of the critical legal studies movement”).

culturally and historically contingent”—radically so.<sup>26</sup> The mission of the critical theorist is to expose that contingency and the other normative assumptions we too easily regard as “facts.”<sup>27</sup>

This is a task for which political theology, and perhaps especially *Pauline* political theology, is well-suited. Paul’s political theology rests on premises and advances claims no longer acceptable to the liberal tradition. Yet it shares with that tradition a common past—Pauline theology has been one of liberalism’s most venerable moral sources<sup>28</sup>—and considerable common ground, including an emphasis on the dignity of the individual, on moral equality, and on the idea of limited government.<sup>29</sup> If Pauline political theology cannot be assimilated into liberalism, the example of critical theory suggests how it might nevertheless speak to the liberal tradition.

What I am proposing, then, is a *critical* political theology, standing outside of, yet in conscious dialogue with, liberal theory. To see what that might amount to in practice, consider the brand of political theology eloquently advocated by Paul Kahn.

In contrast to those commentators who regard the entire politico-theological project as impossible or worse, Kahn staunchly defends political theology. He begins by rejecting the familiar claim that the modern separation of church and state means the separation of politics from the sacred.<sup>30</sup> Quite the opposite. “[S]ecularization, as the displacement of the sacred from the world of experience, never won, even though the church may have lost,” Kahn contends.<sup>31</sup> Rather, in the aftermath of the Enlightenment divorce between state and church, the state became “a new site of sacred experience.”<sup>32</sup> Kahn’s aim is to analyze the modern state’s sacral character. “[A] contemporary political theology” begins, he argues, with the “recognition that the state creates and maintains its own sacred space and history.”<sup>33</sup> Kahn’s political theology attempts to describe the “political formation of the experience of the sacred.”<sup>34</sup>

Describe is the key word. As Kahn himself emphasizes, “[p]olitical theology, as I pursue it here, is a project of descriptive political analysis.”<sup>35</sup> Kahn is

26 Robert W. Gordon, *Critical Legal Histories*, 36 *STAN. L. REV.* 57, 101 (1984).

27 *Id.*; see also ROBERTO MANGABEIRA UNGER, *THE CRITICAL LEGAL STUDIES MOVEMENT* 15–20 (1986) (exploring “conflicts between ruling ideals and established arrangements, or among those ideals themselves”); Mark V. Tushnet, *Critical Legal Theory*, in *THE BLACKWELL GUIDE TO THE PHILOSOPHY OF LAW AND LEGAL THEORY* 80 (Martin P. Golding & William A. Edmundson eds., 2005).

28 TAYLOR, *supra* note 8, at 129, 138, 220.

29 See OLIVER O’DONOVAN, *THE WAYS OF JUDGMENT* 31–126 (2008); WOLTERSTORFF, *supra* note 17, at 5, 118–33.

30 KAHN, *supra* note 1, at 26.

31 *Id.*

32 *Id.*

33 *Id.* at 19.

34 *Id.* at 23.

35 *Id.* at 25.

not interested in normative recommendations,<sup>36</sup> and his political theology has nothing to do with applying the substantive teaching of a particular religious tradition to contemporary political questions.<sup>37</sup> In fact, Kahn regards the latter as “a sectarian endeavor that is no longer possible in the West.”<sup>38</sup> Kahn’s ambition, instead, is to correct liberal theory’s blinkered portrayal of political life. “If we view politics through the lens of contemporary, liberal theory, we will misapprehend the nature of political experience and the meanings that citizens realize in and through their political identities,” Kahn warns.<sup>39</sup> This is because modern liberal theory ignores the sacred, when in fact, “politics [is] an organization of everyday life founded on an imagination of the sacred.”<sup>40</sup> Kahn aims for a more accurate depiction of life in liberal society, and because (he contends) that life is understandable only by reference to the sacred, any accurate description must speak in theological terms. This is what Kahn means by political theology.<sup>41</sup>

Kahn’s analysis is powerful, and we shall have occasion to revisit it later. Suffice it now to note this: Kahn’s political theology is not a critical theology. It cannot be because Kahn accepts the foundational claims of modern liberalism, including the twin premises that theology as such cannot speak to modern political life<sup>42</sup> and the claim that the separation of church and state must mean the priority of the state *over* the church.<sup>43</sup> “The serious claim of political theology today . . . is not that the secular should yield to the church,” Kahn concludes, or that “religious faith must shape the political order”—none of that is possible—“but rather that the state is not the secular arrangement that it purports to be.”<sup>44</sup> Kahn does not seek to challenge the sovereignty of the modern state or its political imagination. He is content to describe them.<sup>45</sup>

Pauline political theology is not. As N.T. Wright explains, Paul’s political gospel posed a sharp challenge to the imperial state of his day and it continues to challenge the liberal state of our own.<sup>46</sup> Pauline political theology cannot accept the liberal state’s claim to sovereignty, or for that matter, the people’s claim to it. Pauline theology insists on a different basis for political authority altogether. This does not mean Paul’s gospel has nothing to say to modern liberal theory. It means Pauline theology speaks in a critical voice.

36 *Id.* at 122 (“Political theology is not a normative enterprise . . .”).

37 *Id.* at 18 (“The claim here is not . . . that politics must be put back on a religious foundation. . . . My enterprise is descriptive: to explore the political imagination we have, whether or not we should have it.”).

38 *Id.* at 124.

39 *Id.* at 25.

40 *Id.* at 23.

41 *Id.*

42 *See id.* at 18.

43 *Id.*

44 *Id.*

45 *Id.* at 18–19.

46 *See infra* Parts II and III.

Such critical speech is hardly unfamiliar. The value of critical theory, after all, is that while it is related to the dominant tradition it critiques, it does not share that tradition's normative assumptions. This distance is what allows critical theorists to "expose as ideology what appears to be positive fact[s] or ethical norm[s]."47 As critical scholars remind, only a voice that dissents from our deeply held assumptions can help us see that "our conventional views . . . are mediated by familiar narrative[s] . . . so deeply entrenched in our consciousness that we are often unaware of their rule over our conception of reality."48 What one thinks of the substance of the critic's position is a very different question—and beside the point. One need not agree with the critic's own normative prescriptions to appreciate the value of critical analysis. So too, few contemporary theorists may find much to like in Paul's teaching on politics, but that does not make the light his teaching throws on modern liberalism any less illuminating.

In fact, there is a good case to be made that Pauline political theology may prove particularly useful to liberal theory, given the history shared between them. Much more can and should be said in explaining what a robustly critical political theology would amount to. But that is enough, I hope, to let us hear from Paul himself.

## II. PAUL'S POLITICAL GOSPEL

One of the principal contentions of *Paul and the Faithfulness of God* is that interpreters of the prolific apostle know a good deal less about him and his ideas than they think they do.<sup>49</sup> This is especially true of his politics. Commentators of all sorts—particularly in the modern era—have become too accustomed, N.T. Wright argues, to treating Paul as a writer on "theological and spiritual questions" who took only the occasional glance at politics.<sup>50</sup> The reality is far more, shall we say, startling. If there is one thing Wright is adamant about, it is that Paul's message was and remains thoroughly political.<sup>51</sup> The very word Paul used to describe it—*euangelion* or gospel—carried political overtones. In the Rome of Paul's day, *euangelion* referred to the announcement of an emperor's coronation or of the birth of an heir to the throne.<sup>52</sup> In the ancient Jewish scriptures, *euangelion* heralded the military

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47 Alan D. Freeman, *Truth and Mystification in Legal Scholarship*, 90 YALE L.J. 1229, 1236 (1981).

48 Gordon, *supra* note 26, at 101–02.

49 See WRIGHT, *supra* note 2, at 68–74, 1271–77.

50 See N.T. Wright, *Paul and Empire*, in THE BLACKWELL COMPANION TO PAUL 285, 291 (Stephen Westerholm ed., 2011).

51 See WRIGHT, *supra* note 2, at 1271–77; Wright, *supra* note 50, at 289–91. Wright is by no means the first to make this claim. The last twenty years have witnessed a flourishing of interest in Paul's relationship to the Roman Empire. See, e.g., PAUL AND EMPIRE (Richard A. Horsley ed., 1997); PAUL AND POLITICS (Richard A. Horsley ed., 2000).

52 N.T. Wright, *Paul and Caesar: A New Reading of Romans*, in A ROYAL PRIESTHOOD 173, 176 (C. Bartholomew et al. eds., 2002); see WRIGHT, *supra* note 2, at 294–311.

triumph of Israel over its enemies.<sup>53</sup> Paul's teaching united both senses. In a word, Paul announced that the Jew named Jesus had triumphed over his enemies to become the world's one king.<sup>54</sup> This political proclamation directly confronted the competing claims of the Roman Caesars.<sup>55</sup> More than that, it confronted—and recast—political authority itself.

Wright sees Paul's enthronement announcement, his gospel, as the climax of a grand and multilayered story about Israel's God and his promise to set the world to rights.<sup>56</sup> "[T]here should be no question," Wright argues, "that Paul remained a deeply *Jewish* thinker" who held fast to the basic narrative of the Jewish scriptures: that the one God was acting in history through his covenant with Israel to bring healing and justice to the world.<sup>57</sup> Paul believed that this covenant story reached its climax in the death and resurrection of Jesus of Nazareth. "[Paul's] entire argument," Wright contends, is that Israel's God "had done what he said he would do" through the death and resurrection of Jesus.<sup>58</sup> This Jesus was the Jewish messiah come to rule the nations and, by that rule, to deliver all humankind.<sup>59</sup> As Wright tirelessly emphasizes, salvation for Paul was never about escape from a corrupted earth to some other, heavenly place. It was about the restoration of *this* world, *this* physical earth and ultimately the entire cosmos, through the rule of the one God.<sup>60</sup>

We can only trace this story here in barest outline.<sup>61</sup> I begin with Wright's reconstruction of the Jewish covenant story as seen through Paul's eyes, culminating in the arrival of the Jewish messiah as worldwide king. I then turn to the conquest of the powers that Paul believed the messiah to have achieved. This survey is brief, but it will suffice to make the political force of Paul's teaching starkly apparent. Perhaps too much so. There are advantages to treating Paul as a merely religious writer, as the seminal thinkers of modern liberalism knew.<sup>62</sup> It makes his views easier to dismiss when it comes time for politics. The real Paul, Wright believes, is not so easily put aside.<sup>63</sup> Properly understood, his message was about politics from first to last.

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53 See *Isaiah* 40, 52; see also N.T. Wright, *New Perspectives on Paul*, in JUSTIFICATION IN PERSPECTIVE 243, 248–49 (Bruce L. McCormack ed., 2006).

54 WRIGHT, *supra* note 2, at 1299–1301.

55 *Id.* at 1305–06.

56 *Id.* at 783–825.

57 *Id.* at 1038.

58 *Id.*

59 *Id.* at 1038–42.

60 *Id.* at 113–14, 135–39.

61 Wright identifies no fewer than six separate storylines that together compose Paul's message. The narrative of Jesus's death and resurrection is only one of these, but central, for Paul, to all six. See *id.* at 456–537.

62 See Wright, *supra* note 50, at 289–91; *infra* Part III.

63 See WRIGHT, *supra* note 2, at 1271–77.

A. *Creation and Fall, Covenant and King*

According to Wright, Paul understood the death and resurrection of Jesus as the climax of a long story launched ages before with the call of Abraham, and before that, with the fall of humankind in the Garden of Eden.<sup>64</sup> As it turns out, this narrative of creation, fall, and covenant carried political implications from the first. Wright reads Paul to say that the human fall can be understood in part as the refusal of humans to bear the one God's rule into his creation.<sup>65</sup> That is, the fall was in some sense a political event, an act of rebellion that required a further political intervention to be set right.<sup>66</sup>

Wright reads Paul to hold that human beings were intended by God to share in his governance of the created order. "The creator's plan for the cosmos was that humans should be given stewardship of it, to tend it and enable it to flourish."<sup>67</sup> Their rebellion, recounted in *Genesis* 3, constituted a refusal to act as God's agents in this way. The consequence, on Wright's interpretation of Paul, was chaos and worse: without a representative of God on earth, the creation fell into disorder and became prey to hostile spiritual powers.<sup>68</sup> Having abandoned their position of authority, humans became subject to these same powers, even as they turned against each other. Meanwhile, human political authority became corrupted. The first city we meet in the Jewish scripture is Babel, and it is not a happy tale. God disperses the inhabitants and destroys their handiwork because they have plotted to evil purpose. The point is clear enough: now divorced from the creator's oversight, human political power has become profoundly dangerous. As Wright sums up, "[t]he failure of humans to accomplish [their vocation] . . . is thus a problem not just for them but for the creation itself."<sup>69</sup>

For Wright's Paul, God's response to this plight—not only of humanity but of the creation as a whole—is the call of the patriarch Abraham.<sup>70</sup> In a way that, for Paul, does not become fully apparent until the death and resurrection of Jesus, God intends Abraham and his family as the means of liberating the creation from its oppressors and reversing the calamity of the human rebellion.<sup>71</sup> God's covenant with Abraham, set out initially in *Genesis* 15 and retold at various points in the scripture thereafter, focuses on the promise of land and God's favor in exchange for Abraham's faithfulness to Yahweh.<sup>72</sup> And then there is this tantalizing line, located at the beginning of God's dealings with the patriarch: "I will make you a great nation," Yahweh promises, "and I will bless you . . . and in you *all the families of the earth will be blessed.*"<sup>73</sup>

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64 *Id.* at 114–39.

65 *Id.* at 1286.

66 *Id.* at 1299–1305.

67 *Id.* at 485.

68 *Id.* at 1286–87.

69 *Id.* at 485.

70 *Id.* at 495–505.

71 *See id.*

72 *Genesis* 15.

73 *Genesis* 12:2–3 (emphasis added).

This, Wright contends, is a critical passage for Pauline theology, including Pauline political theology. God's plans for worldwide renewal were to come, in one way or another, through Israel.<sup>74</sup>

It is precisely Israel's mission to serve as a means of global blessing, even deliverance, that generates for Paul one of the most significant problems of biblical theology. In short, Israel cannot live up to its purpose: it cannot be faithful to Yahweh.<sup>75</sup> This, Wright believes, is the point of those cycling stories about Israel's failure to keep Yahweh's law, the Torah.<sup>76</sup> In Wright's words, "Abraham and his family are stuck within their own failure to keep the covenant."<sup>77</sup> Consequently, God's promised deliverance cannot flow out to the nations. Worse yet, Israel itself falls under God's judgment for its failure to conform to his law and is ultimately ejected from the Promised Land. Rather than breaking the cycle of injustice and evil, then, Israel reenacts it; Israel joins the human rebellion rather than reverses it.<sup>78</sup>

This is the problem to which Paul identified the death and resurrection of Jesus as the solution. But the *political* salience of this answer, of the "Christ event," will not be entirely clear unless we take up one further strand of the Israel story: the hope for a king to rule the nation and deliver it from its enemies. One of the distinguishing features of Wright's treatment of Paul is the attention he pays to Jewish literature from Paul's era, the so-called Second Temple period.<sup>79</sup> Wright finds there a significant strain of thought placing the hopes for renewal and deliverance promised by the ancient covenant on the shoulders of a yet-to-come Davidic king.<sup>80</sup> Picking up hints in Jewish scripture in the *Psalms* and particularly in the exilic and post-exilic writings,<sup>81</sup> a number of Second Temple authors looked forward to a messianic figure who would somehow stand in for the Israelite nation as a whole, obeying Yahweh in a manner the Israelite people had failed to do. The messiah's obedience, these writers hoped, would lead to Israel's inheritance of the covenant blessings. As part of that blessing, these writers anticipated that the messiah-king would conquer Israel's opponents and bring Israel to global preeminence.<sup>82</sup> In the words of one, the famous Philo: "[The messiah] will win . . . a sovereignty which none can contest."<sup>83</sup> For these authors—and

74 See WRIGHT, *supra* note 2, at 503–04 ("[T]he narrative of Abraham's family which reached its climax in the Messiah, had always been intended (by God himself) to be the means through which the world and humankind would be rescued from their plight.").

75 See *id.* at 503–05.

76 See *id.* at 505–16.

77 *Id.* at 503.

78 See *id.* at 503–05.

79 This period is named for the rebuilt Jewish temple constructed upon the exiles' (partial) return to Palestine in 538 B.C. and significantly expanded by Herod the Great, who reigned from 37 to 4 B.C. See *id.* at 121–39.

80 See *id.* at 121–28, 135–39.

81 See, e.g., *Daniel* 2, 7–9; *Ezra* 9; *Isaiah* 40–55; *Nehemiah* 9; *Psalms* 2, 132, 135, 136. For analysis, see WRIGHT, *supra* note 2, at 117–21.

82 *Id.* at 120–28.

83 *Id.* at 120.

Wright believes Paul shared their view in critical respects—the worldwide blessing promised by God to Abraham was linked to the worldwide sovereignty of a future Jewish king.<sup>84</sup>

Paul believed that Jesus of Nazareth was that king, the awaited deliverer of the nation and thus the solution to the quandary of Israel.<sup>85</sup> And here, at its crescendo, Paul's theology takes on an unmistakably political cast. Paul taught that Jesus was the promised ruler from the line of David, but a ruler who assumed his kingship by unexpected means. His coronation came by his death.<sup>86</sup> Jesus took on himself the vocation of Israel to follow Yahweh—he became “Israel-in-person,” in Wright's phrasing.<sup>87</sup> Because Israel had been disobedient to Yahweh's call and commands, however, the messiah's faithfulness on behalf of Israel meant bearing Yahweh's judgment against his people.<sup>88</sup> According to Paul, this judgment was realized at the hands of the Roman centurions with Jesus's death on a cross. Having thus demonstrated his faithfulness by bearing God's judgment, the messiah inherited from Yahweh the covenant blessing promised to Abraham, namely, deliverance from his enemies and *sovereignty over the nations*.<sup>89</sup> The proof of God's judgment in Jesus's favor came, for Paul, in Jesus's resurrection from the dead. Faithful Jews of Paul's period anticipated that when Yahweh judged the world, he would resurrect to eternal life those who had been faithful to him.<sup>90</sup> For Paul, Wright explains, the resurrection “was the public divine declaration that Jesus was indeed Israel's Messiah, and hence the world's true lord.”<sup>91</sup>

And here is the point that must be underlined: Wright wants us to understand that on Paul's telling, Jesus was a crucified messiah, but a messiah—a king—nonetheless. That is, Paul did not at any point abandon the Jewish hope for blessing through sovereignty, but rather believed this sovereignty to have been mysteriously achieved by Jesus's death and resurrection.<sup>92</sup>

As Wright understands Paul, this is where the covenant story had been headed all along, toward a crucified messiah who would die on behalf of his people and rise to rule the nations. The covenant promise was always meant to culminate in that worldwide rule. Which raises a further question: What did Paul believe the messiah's sovereignty actually meant?

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84 *Id.* at 121–28, 1284–1305.

85 *Id.* at 1286.

86 *Id.* at 1299–1305.

87 2 N.T. WRIGHT, JESUS AND THE VICTORY OF GOD 538 (1996); *see also* WRIGHT, *supra* note 2, at 526.

88 *Id.* at 503–04, 516, 531.

89 *Id.* at 1283.

90 *Id.* at 1060–61.

91 *Id.* at 1062.

92 *Id.* at 1063–64.

### B. *Confronting the Powers*

Paul began his most famous letter—to the Christians living in Rome—with a series of statements that Wright claims any Roman citizen could only have considered shocking.<sup>93</sup> He introduces himself as “Paul, a slave of King Jesus, . . . set apart for God’s good news . . . the good news about his son, who was descended from David’s seed[,] . . . Jesus, the king, our lord!”<sup>94</sup> This was language—a royal announcement, a royal lineage—associated with Caesar, and honorifics—God’s son, global sovereign—Caesar claimed for himself.<sup>95</sup> The Roman coins of Paul’s childhood declared Augustus “son of God”; more than a few Roman colonies boasted temples for the worship of the emperor.<sup>96</sup> Now Paul was claiming these very titles and distinctions for the crucified Jew, Jesus. And that, Wright argues, was just the point. Paul’s writings are replete with coded and not-so-coded challenges to Rome’s political claims.<sup>97</sup> For at the center of Paul’s gospel was the assertion that Jesus had assumed the throne of the cosmos and triumphed over every other power. That certainly included Rome.

If Paul proclaimed the messiah, the Christ, to be a truly cosmic lord, that did not make him any less a political one. As Wright interprets Paul, the sovereignty of Christ amounted to power over authorities both human and angelic.<sup>98</sup> Following Christ’s resurrection, these powers were now subject to him: permitted to remain in place only by his leave and—this point was crucial—only for a time.<sup>99</sup> This is what it meant for Christ to be sovereign. And that sovereignty was the central political fact of the dawning messianic age.

According to Wright, the core points are roughly these. God made every existing political authority subject to Christ *in principle* by announcing him (through the resurrection) as the world’s one true sovereign. “[Paul] highlights the resurrection and ascension as the means by which Jesus has been installed as the one and only human to whom all things are now subject.”<sup>100</sup> Christ has not yet asserted that sovereignty in full, however. He has not yet deposed the world’s existing political rulers or overthrown their systems. Instead, following Christ’s enthronement, the world’s rulers go on ruling—and Paul hints that at least some of them do not care to acknowledge their new superior.<sup>101</sup> But these authorities are now under Christ’s dominion whether they know it or not, in the sense that they exercise power only by his

93 *Id.* at 1300.

94 *Id.* (quoting *Romans* 1:1–5).

95 *Id.* at 279.

96 *Id.*

97 *Id.* at 1271–77. That Paul directly intended a rhetorical confrontation with Caesar is one of Wright’s more controversial claims. For a summary of the controversy and a contrary perspective, see JOHN M.G. BARCLAY, *Why the Roman Empire Was Insignificant to Paul*, in PAULINE CHURCHES AND DIASPORA JEWS 363 (2011).

98 See WRIGHT, *supra* note 2, at 1284–86.

99 *Id.* at 1284–99.

100 *Id.* at 1286.

101 See 1 *Corinthians* 15:24–28; see also WRIGHT, *supra* note 2, at 1286–87.

permission: he could remove them, if he chose. They remain neither by right nor because the authority they hold belongs to them, but only because Christ permits it. The authority is his, not theirs.<sup>102</sup> Or as Wright puts it, the powers are subject “to the instituting and judging authority of the One God . . . [and] to the rule of the Messiah.”<sup>103</sup> Sovereignty originates with God and belongs to Christ.

Moreover, Paul taught that one day, Christ will reclaim all political authority as his own.<sup>104</sup> This points to a second sense in which the present rulers are subject to Christ. The duration of their rule has been cut short by his arrival. It is only a matter of time before Christ removes existing rulers and present political structures; in the future, all authority will be centered on his person. Only his rule will endure. Those who hold authority now do so temporarily.<sup>105</sup>

Finally, Wright understands Paul to teach that, on the day Christ does reclaim all political power for himself, he will judge those persons across history who have exercised it.<sup>106</sup> That is, he will determine whether history’s rulers have deployed their power rightly or wrongly, for good or for ill. Thus, Christ is not only the bearer of political sovereignty; his purposes provide the standard for its use.

To sum up, Wright argues that Christ’s rule over the powers means that no human political figure, system, or government can claim to be a self-originating source of sovereignty. No government can claim to be permanent. And every government and ruler will ultimately have to answer to Christ for the use of its power.<sup>107</sup>

This teaching could not help but offend the imperial claims of Rome, and Wright maintains, controversially, that Paul intended the confrontation.<sup>108</sup> Roman propaganda proclaimed Caesar as worldwide sovereign, lord of a global empire to whom that empire’s every subject owed allegiance.<sup>109</sup> The great Roman writers—Horace, Livy, and above all, Virgil—celebrated a Pax Romana, a halcyon age of peace, justice, and prosperity ushered in by Caesar Augustus and maintained by his successors.<sup>110</sup> Augustus himself boasted that he found Rome brick and left it marble,<sup>111</sup> and he claimed a good deal more: to have inaugurated the very end of history. From his fantastic building programs to his campaigns for moral reform, Augustus consciously sought to portray his reign as the culmination of the human,<sup>112</sup>

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102 WRIGHT, *supra* note 2, at 1286.

103 *Id.*

104 *Id.* at 1287–88.

105 *Id.*

106 *Id.*

107 *Id.* at 1288.

108 *See supra* note 97 and accompanying text.

109 WRIGHT, *supra* note 2, at 279–80, 294, 1271.

110 *Id.* at 298–311.

111 *Id.* at 295.

112 *Id.* at 289–91.

while his apologists anointed the Roman race as the chosen people and declared Rome itself as heaven come to earth.<sup>113</sup>

Paul's gospel challenged every claim. For starters, Paul proclaimed Christ as worldwide lord: he insisted that it was to Christ every knee would bow—including Caesar's. Moreover, Paul announced that it was Christ's reign, once consummated, that would bring true peace and justice to the world.<sup>114</sup> Wright draws out the rebuke to Rome implicit in this teaching.<sup>115</sup> "The negative corollary" of Paul's teaching on this point is "that any pagan king who launches a similar claim is being straightforwardly outflanked."<sup>116</sup> Caesar said that his rule had brought a global pax, but Paul described a world brimming with injustice, evil, and oppression.<sup>117</sup> It would take a ruler other than Caesar to set things truly right. Indeed, Caesar was part of the problem. Wright argues that Paul's rehearsal in the letter to the Philippians of Jesus's humiliation, death, and eventual enthronement—"though he was in the form of God, he did not count equality with God a thing to be grasped, but emptied himself, by taking the form of a servant"<sup>118</sup>—deliberately parodied the far different method by which the Caesars seized and exercised power, exposing their *modus operandi* as the self-seeking domination it was.<sup>119</sup> Rather than peace, Caesar had brought war and voluminous bloodshed. His "justice" amounted to armed oppression; his "freedom" was a form of dictatorship.<sup>120</sup> The Pax Romana was ultimately a fraud.

This was the heart of it for Paul, according to Wright: history was far from over.<sup>121</sup> Rome's present predominance was no golden age, and certainly not the end of the human story. Quite the opposite. Rome's rule was troubled, fleeting, and already giving way to an altogether different kind of polity.<sup>122</sup> The messiah was forging a commonwealth of persons belonging to him. On Paul's teaching, it was Christ's people, not the citizens of Rome, who would inherit the earth; it was Christ's commonwealth, not Caesar's empire, that would endure.<sup>123</sup>

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This was Paul's political gospel. In the final analysis, Wright believes Paul saw himself as a sort of royal herald. He announced the arrival of a new king, long-promised and now enthroned, come to liberate the oppressed,

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113 *Id.* at 298–311.

114 *Id.* at 1300.

115 *Id.* at 1300–01.

116 *Id.* at 1300.

117 *Id.* at 1300–02; *see Romans* 1:18–32.

118 *Philippians* 2:6–7.

119 WRIGHT, *supra* note 2, at 1291–95.

120 *Id.* at 1300–02.

121 *Id.* at 1303–05.

122 *Id.* at 1293–94.

123 *Id.* at 1293–95, 1319.

bring judgment on evildoers, and provide healing for the world.<sup>124</sup> “Israel’s long history had at last reached its royal conclusion, . . . though nobody had imagined that the Messiah would himself be crucified and raised from the dead to attain his enthronement.”<sup>125</sup> This king, this messiah, was the world’s one true sovereign. All political authority belonged to him. Present rulers and governments held sway only by his leave. One day he would call all of them to account.

As Wright demonstrates, this was a gospel that challenged the foundational claims of imperial Rome. But if Wright is even approximately correct about the basic contours of Paul’s political theology, his message did far more than that. It contained not only a critique of ancient Rome, but an affirmative, if implicit, reimagining of political life. This new conception of the political shares much in common with western liberalism. In fact, liberalism, and ultimately, the American constitutional experiment, is arguably indebted to the fresh vision of politics Pauline theology makes possible. This is not the place to develop that vision in full (even if I could), but a glance at its major features will help us appreciate Pauline theology’s relevance for today, and in particular, Paul’s unique political dualism.

### III. REIMAGINING THE POLITICAL

Paul’s dramatic announcement of Jesus of Nazareth as lord of the world carried radically revisionist implications. Paul’s claim was not that Christ had come merely to replace the world’s existing rulers. He had come, rather, to inaugurate an entirely different kind of rule, culminating in an entirely different—or perhaps better, entirely renewed—world.<sup>126</sup> Thus, Paul’s political theology is intimately linked to his doctrine of the future, his eschatology. That eschatology applied to politics leads, as we shall see, to a uniquely Pauline form of political dualism. Paul, of course, never developed a stand-alone political philosophy, and Wright himself only gestures toward the affirmative new vision of politics Paul’s thought makes possible. This is an area where much work remains to be done.<sup>127</sup> Still, Wright’s analysis provides material enough to sketch a few features of that vision. I propose to look, very briefly, at three elements: Paul’s repurposing of political authority, his new take on political society, and his fresh description of the human person. For each, eschatology proves key.

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124 *Id.* at 1277–84.

125 *Id.* at 1281.

126 *Id.* at 1288–89.

127 And a good many scholars are putting their shoulders to it, in one form or another. See GIORGIO AGAMBEN, *THE TIME THAT REMAINS* (Patricia Dailey trans., 2005); NEIL ELLIOTT, *LIBERATING PAUL* (2006); NEIL ELLIOTT, *THE ARROGANCE OF NATIONS* (2010); OLIVER O’DONOVAN, *THE DESIRE OF NATIONS: REDISCOVERING THE ROOTS OF POLITICAL THEOLOGY* (1996); JACOB TAUBES, *THE POLITICAL THEOLOGY OF PAUL* (Dana Hollander trans., 2004); WOLTERSTORFF, *supra* note 17, at 47–110.

A. *Political Authority Repurposed*

Augustus claimed to be a god, or the son of a god anyway.<sup>128</sup> Whatever its theological merits, that assertion had obvious political value. It implied the emperor's acts enjoyed divine sanction, that they were, humanly speaking, unquestionable. Against this backdrop, Paul's insistence that all authority belongs only and properly to the one God and is merely delegated by him to human beings constituted for Caesar, as Wright points out, a major demotion.<sup>129</sup> And it implied a good deal about political authority in general.<sup>130</sup>

As Paul had it, political authority is never original with political officials or any other human source. Rather, it is always *delegated* by God. Moreover, the delegation is *limited*, as evidenced by the fact of Christ's coming judgment. The implication of Paul's claim that Christ will one day judge history's political rulers is that some uses of political authority are wrongful, out of bounds. Finally, Paul taught that the delegation is *temporary*. And each of these things says something significant about political authority.

To say that political authority is delegated by God to human persons (or societies)<sup>131</sup> is to say, first and foremost, that political rulers are not themselves divine. Contrary to the claims of a good many rulers across history, the mere fact of holding power does not make one a god. Moreover, rulers are not the source of their own power: they have no inherent right to rule. Paul taught that God delegates political authority to human agents generally, not that he particularly appoints specific individuals.<sup>132</sup> The idea of divine right is ruled out; political leaders are to be regarded as subordinates, both to the one who delegated the authority in the first place, and to the purposes for which the delegation was made. And treating political figures as subordinates means at least one more thing, that the idea of a sacred society presided over by a god is impossible. This is the first aspect of what we might call Pauline dualism. Human society is ruled by *human* authorities, fallible, corruptible, and imperfect (and thus the need for judgment). Just as there is no such thing as a divine right, there is no such thing as a divine state. Rather, governments are human endeavors that acquire power derivatively and deploy that power in better or worse ways.

This is not to say that God is indifferent to how the authority he delegates is used. His delegation is made for particular and limited ends.<sup>133</sup> Paul gives some hint of those ends in his various letters, perhaps especially in

128 WRIGHT, *supra* note 2, at 311–43.

129 *Id.* at 1303.

130 I use the phrase “political authority” rather than “the state” advisedly. What we mean by the latter—a secular, “omnipotent yet impersonal” political power wielded by a political ruler—is a relatively recent historical development unknown to Paul. 2 QUENTIN SKINNER, *FOUNDATIONS OF MODERN POLITICAL THOUGHT* 352–54 (1978).

131 Paul doesn't say which precisely. Both are possible. See O'DONOVAN, *supra* note 127, at 46–47.

132 Wolterstorff's argument on this point is decisive. See WOLTERSTORFF, *supra* note 17, at 83–104.

133 See WRIGHT, *supra* note 2, at 1299–1305.

*Romans* 12–13. There, Paul says that political officials are meant to punish wrongdoers, protect the good, and generally safeguard the ability of Christ’s people to pursue their mission of announcing Christ’s reign.<sup>134</sup> One might summarize Paul’s thought here by saying that government’s charge is to secure justice *in and for society*. In Paul, there is no question of government and society as an undifferentiated whole. Instead we find a clear distinction between the two, perhaps for the first time in history. Political power stands over and apart from society and is to be used for the benefit of society’s groups and members. The way political officials perform this task is by maintaining the rule of law, that is, right order, fair process, and protection against violence and danger. According to the Jewish scripture, the rule of law also includes special provision for the poor, the elderly, and the orphaned—the powerless, in short<sup>135</sup>—and there is no reason to think Paul meant something less when he spoke of government’s justice-keeping responsibilities. Paul assumes that if political authorities will pursue justice in this way, performing these tasks, they will empower society’s members to live well. The broader point of *Romans* 12–13 (as Wright explains), is that Christ’s followers must not take violence into their own hands, but rather rely on God’s provision of government to keep peace and just order.<sup>136</sup> One way to understand Paul’s claim is that government serves the church *precisely because* government serves the society of which the church is a part.

What is conspicuously absent from Paul’s teaching on government’s ends is the authority to compel worship or cultic activity.<sup>137</sup> Indeed, Paul affirmatively instructed his churches not to participate in the various cults that constituted such a vital source of civic belonging in the ancient world.<sup>138</sup> It is hard to overstate the significance of this turn. In Paul’s world, political citizenship and cultic observance went hand in hand.<sup>139</sup> To be a citizen of Corinth was to worship the patron god of Corinth; to be a citizen (or at least a loyal subject) of Rome was to pay tribute to the deities who ensured the empire’s prosperity, including perhaps Caesar himself.<sup>140</sup> For Paul to suggest in that world that cultic performance formed no part of a government’s power was staggering. And here we begin to see just how limiting, and thus how transformative, Paul’s conception of political authority truly was. In profound contrast to the absolutist empire under which he lived, Paul’s writings imply that government has no business claiming total power and cannot view itself as a sacral entity. Its remit is far more modest, confined to justice-keeping activities.<sup>141</sup>

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134 *Id.* at 1302–1305; *see also* N.T. Wright, *The Letter to the Romans*, in *NEW INTERPRETER’S BIBLE* 395, 716–22 (2002).

135 RICHARD BAUCKHAM, *GOD AND THE CRISIS OF FREEDOM* 7, 9–11 (2002).

136 *See* WRIGHT, *supra* note 2, at 1303–05; Wright, *supra* note 134, at 712.

137 *See* WOLTERSTORFF, *supra* note 17, at 98–102.

138 *See, e.g.*, 1 *Corinthians* 8:1–10.

139 *See* WRIGHT, *supra* note 2, at 274–78, 311–47.

140 *Id.*

141 *See* O’DONOVAN, *supra* note 127, at 146–57.

That Paul simultaneously portrayed political authority as temporary underscores the point. One day, heaven and earth would be united, Paul taught, and true harmony restored to the creation. This was the heart of his doctrine of the future.<sup>142</sup> But the present political authorities would not be the agents of that coming renewal, and their political power would not be the means. It was the messiah's reign that would set the world to rights. In the meantime, human government had entirely more modest functions to perform.

### B. *Political Society Reconstituted*

Paul's revisionist take on political authority in turn suggested a revised notion of political society. Just as political power held limited purposes, so too political society had a limited character. Here, again, Paul's doctrine of the future, his eschatology, figures prominently. In particular, Paul said over and again that the messiah's reign would bring a new era of peace, justice, and renewal—nothing short of a new humanity and a new world.<sup>143</sup> The birthing place of that renewal, however, was to be Christ's own community, the church, *not* the nation.<sup>144</sup> Political society sheltered the sacred, but it did not itself share a sacred character. Put another way, political society was for humans' good, but emphatically not the *situs* of human fulfillment. It, too, was temporary, limited, and passing away.

As Wright points out, when Paul arrived in a Roman city proclaiming the ascension of a new king who was simultaneously the one and only God, he was doing far more than making a "religious" statement.<sup>145</sup> He was rending the fabric of imperial society, indeed of all societies of the ancient world. As we've seen, these were places where social membership and cultic practice were bound together. Paul rejected the sacred dimensions of the Roman polity, however, at least as it was presented by Rome.<sup>146</sup> He told his congregations that there was only one God, that this God had become king in Jesus Christ, that this king would one day reclaim all political authority for himself, and that, in the meantime, the world's present governments were permitted to continue only on Christ's terms, Rome included. Paul instructed his congregants to be loyal citizens of those governments, yet without worshipping their gods and on the understanding that those governments' powers were limited and temporary. This was a formula unknown to history.<sup>147</sup>

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142 For a thorough exposition of Paul's eschatology, see WRIGHT, *supra* note 2, at 1043–1265.

143 *Id.* at 1299–1305.

144 *Id.* at 668 ("Paul sees the community of those who live by the rule of the One God, One lord—which is the community of the crucified Messiah, defined by him in his death and resurrection—as the community in and through whom God's sovereign rule is coming to birth." (citation omitted)).

145 *Id.* at 255.

146 *See id.* at 1308–09.

147 Though, as Wright points out, Paul's thought here begins with and transforms a similar Jewish approach to pagan power. *See id.* at 1297–99.

The upshot is, for Paul, that the polity was to be valued as necessary for meeting human wants—he commanded his readers to pay their taxes, after all,<sup>148</sup> and he tasked government with important justice-keeping functions, as we have seen. There is no suggestion here that political society is irrelevant or somehow outmoded.<sup>149</sup> But it could no longer be seen as the principal site of human belonging and fulfillment. The final destiny of the human person would only be realized in a future commonwealth, already taking shape within the old ones. That commonwealth was the congregation of Christ's followers, the church or *ekklesia* (a Greek word for a *political* assembly).<sup>150</sup> That was the polity of the future.<sup>151</sup> Indeed, Paul taught that the church was the place from which Christ was launching his worldwide renewal. That is to say, the church was the seat of Christ's rule on earth. One day, it would be all in all.<sup>152</sup>

All this suggests a starkly different view of political society than the ones common in Paul's day and for much of human history. Paul effectively desacralized the polity. His theology implies that it may house the sacred—the future commonwealth coming to be—but it is not sacred itself and should not try to be. It cannot be seen as the special care of the gods (which Paul said did not exist) or as the vehicle for realizing humans' destiny. It is not the focal point of history. By the same token, it could not be understood as the place for fulfilling humans' highest potentials, in the vein of Plato, Aristotle, and much of the ancient Greek philosophical tradition.<sup>153</sup> Paul maintained that true human fulfillment would come with the consummated reign of Christ, not in the republic.

Paul also severely relativized national membership. If political society or "the nation" was a temporary assemblage carrying no lasting import, then one's membership in a particular nation, race, or ethnic group was nothing to boast about. Virgil's panegyric to the Trojan race<sup>154</sup> finds no home or counterpart in Pauline theology. Paul insists to the contrary that Christ's church is a multiethnic community spanning racial and national allegiances. For him, there was only one "chosen people," and it ultimately had nothing to do with race.<sup>155</sup> His theology thus drains national belonging of special significance. And it flatly debars the sort of nationalist mysticism so prominent in the nineteenth and twentieth centuries. The German thinker Friedrich Gogarten spoke for many in this period when he wrote, in 1915, that

148 See *Romans* 13:6–7.

149 See WRIGHT, *supra* note 2, at 1283, 1302–05.

150 See AN INTERMEDIATE GREEK-ENGLISH LEXICON 239 (H. G. Liddell & Robert Scott eds., 1961).

151 WRIGHT, *supra* note 2, at 255.

152 *Id.* at 1299.

153 See WOLTERSTORFF, *supra* note 17, at 100–02.

154 See VIRGIL, *AENEID* (T.L. Papillon & A.E. Haigh eds., Clarendon Press 1892); WRIGHT, *supra* note 2, at 304–11.

155 See WRIGHT, *supra* note 2, at 668, 1298–99.

“the *Volk* . . . is for us the bearer not only of earthly but of eternal life.”<sup>156</sup> This is exactly what Paul’s theology rules out.

Paul’s desacralizing, relativizing thrust has any number of consequences, but one in particular is worth noting. Paul’s theology opens the possibility of meaningful pluralism. If the polity is not a sacred assembly, if membership there does not depend on fidelity to a patron god or gods, then perhaps political society can embrace meaningfully different groups of people. Further, if the polity can—and should, according to Paul—shelter within it an entirely distinct commonwealth in the form of the church, perhaps it can also shelter other social groups, bodies, and associations distinct from the state. These are among the possibilities won by the Pauline reconstitution of political society.

### C. *The Human Person Redescribed*

Finally, there is Paul’s redescription of the human person. Much could be said here of Paul’s powerful account of human dignity, moral equality, and freedom.<sup>157</sup> I want to highlight one further and vital aspect of Paul’s thought. He gives the human person, as he gives politics, a decidedly eschatological turn. Paul is insistent that the individual longs for and requires a total renewal that can only occur outside the bounds of present-day politics.<sup>158</sup> The person’s ultimate purposes reach beyond the present-day polity. The implication is this: to deny that larger destiny, to try and perfect the individual with or through politics necessarily dehumanizes her. For Paul, human dignity cannot be separated from the person’s capacity for transformation. And that transformation does not come at the hands of (human) government. Respecting human dignity therefore means leaving the individual free from attempts at moral perfection to await the deliverance of God.

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Political authority, political society, and the human person: even in this bare sketch of a Pauline approach to politics, Paul’s eschatology emerges as central. That eschatology turns out to be the key to his unique version of political dualism. Paul neither knew nor advocated a division between “religion” and “politics.” And while his theology certainly recognizes the distinction between the church and political authority—what we now call the state—that difference is not at the heart of his dualism. Instead, Pauline dualism turns on the distinction between present and future. Present governments are limited because of the risen king and his future kingdom. Present political societies are circumscribed in purpose, and political membership limited in meaning, by the reality of the future commonwealth that will replace all nations.

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156 LILLA, *supra* note 4, at 283 (quoting FRIEDRICH GOGARTEN, *RELIGION UND VOLKSTUM* 29 (1915)).

157 See BAUCKHAM, *supra* note 135, at 124–26.

158 See WRIGHT, *supra* note 2, at 547–50.

This is not to say that politics for Paul was about humans getting on with the business of day-to-day living and leaving nettlesome religious questions to one side. On the contrary. It was precisely because God had become king in Jesus Christ that present governments had to be limited, denied divine significance, and assigned more modest ambitions. So too, it was the lordship of Christ that raised the possibility of a more open, more pluralist political society. Pauline theology founds the limited state and the open society on the rule of Christ, leading to *presently* limited political ambitions in light of Christ's *future* all-encompassing reign. That is Pauline dualism. All that is left is to consider what this political theology might say to modernity.

### III. A PAULINE CRITIQUE: THE MONIST AMBITIONS OF MODERN LIBERALISM

When Paul spoke of the offense of the gospel<sup>159</sup> he may or may not have had its political implications in mind. There is no doubt, however, that Paul's teaching offends modern liberal theory, and in particular, what Mark Lilla has called "the Great Separation."<sup>160</sup> Lilla means the divide between religion and politics, and he is frank that he regards efforts to recover Pauline political theology as a menace to this touchstone of the liberal order.<sup>161</sup> Lilla is surely right to be concerned in one sense: Pauline theology cannot live by the terms of the Great Separation. It cannot affirm that God is irrelevant to politics or agree that political life and theory must be strictly cordoned off from theological claims. It cannot obey the dictates of "public reason."

Yet the real clash between Pauline political theology and modern liberalism is not over terms of engagement; it is not procedural. The real dispute is over something far more profound: sovereignty. Pauline theology makes large and dramatic claims about the source of political sovereignty and its purposes. What Paul's voice helps reveal is that modern liberalism makes claims that run no less deep. In the end, the Great Separation is not about keeping civil peace or promoting tolerance, not fundamentally. The Great Separation stems rather from a robust, highly normative view of sovereignty that locates the sovereign power first in the individual, then in the state that freely choosing individuals construct. Lilla identifies Thomas Hobbes as the greatest prophet of modernity,<sup>162</sup> and with reason. The view of sovereignty

159 See, e.g., 1 *Corinthians* 1:18 ("For the preaching of the cross is to them that perish, foolishness; but unto us which are saved, it is the power of God."); *Galatians* 5:11 ("And I, brethren, if I yet preach circumcision, why do I yet suffer persecution? Then is the offense of the cross ceased.").

160 LILLA, *supra* note 4, at 55–58.

161 This effort is typified for Lilla by the work of Karl Barth. See, e.g., 5 KARL BARTH, *CHURCH DOGMATICS* 437 (T. & T. Clark Ltd. 1977) ("[M]en are first members of this new people, i.e., Christians, and only then, without disloyalty to their derivation but above all without compromising their unity, are they members of the different nations."); Karl Barth, *Church and State, in* COMMUNITY, STATE, AND CHURCH 101–14 (Peter Smith ed., 1968).

162 See LILLA, *supra* note 4, at 74.

that animates the Great Separation, and with it much of modern liberalism, is Hobbesian in kind.

This view describes sovereignty as undivided and absolute. The human person is entirely sovereign over her own life; when she joins with her fellows to confer sovereignty on the state, the state they forge is in principle absolute as well: if not necessarily absolutely *powerful*, the only valid source of the political. The Great Separation thus knows nothing of and cannot abide alternative political societies in its midst—like the Pauline *ekklesia*—nor any association that claims a type of membership or belonging to rival the state's. And the Great Separation certainly cannot countenance the idea that sovereignty originates somewhere outside the state's bounds and belongs ultimately to another party outside its control. To admit that would dissolve its account of the social contract.

Ironically, then, the Great Separation tends toward a form of monism. That is, it treats the state as the one true society; it sees the state as the source and site of all political life; it regards the state as the place where individuals pursue their most important ends (whatever those ends may be). And, as a result of all of this, the Great Separation makes the state finally a kind of sacred place. As Paul Kahn has recognized, the state becomes the site where individuals pursue fulfillment, even transcendence.<sup>163</sup> It becomes the home of their self-realization.

The clash between Pauline political theology and modern liberalism is quite real. But discord has its benefits: Pauline theology exposes the Great Separation as what it is, as ideology.<sup>164</sup> This is not to say that the Great Separation's claims about sovereignty are wrong, only that they are contestable. And for those troubled by the monist ambitions of modern liberalism, Pauline theology offers something more: a starting place for revision. A number of scholars alert to liberalism's monist tendencies have recently turned to the medieval "freedom of the church" as a partial solution. But Pauline political theology may offer a different prescription—not to assign political power to churches (or other bodies), but rather to think of political sovereignty as partial, temporary, and, above all, as gift.

Once again, there is no time for extended argument. We will have to make do with a brief look at the Great Separation's Hobbesian character and a possible Pauline rejoinder. Naturally much of what I say here requires considerably greater explanation and development. My intention is not to develop a full argument but only to indicate how fruitful the dialogue between Pauline political theology and modernity might prove to be.

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163 See KAHN, *supra* note 1, at 121–22.

164 See Freeman, *supra* note 47, at 1236 ("For me, the task of a scholar is thus to liberate people from their abstractions, to reduce abstractions to concrete historical settings, and, by so doing, to expose as ideology what appears to be positive fact or ethical norm.").

### A. *The Hobbesian Connection*

Mark Lilla is hardly alone in identifying Thomas Hobbes as a towering figure in the emergence of modern liberalism.<sup>165</sup> But he is unusually clear on where Hobbes's significance truly lies. Hobbes, Lilla writes, mounted "the most devastating attack on Christian political theology ever undertaken[.]" that became "the means by which later modern thinkers were able to escape" from theology's influence.<sup>166</sup> Which is to say, Hobbes was the portal to modernity—although perhaps not quite for the reasons Lilla proffers.<sup>167</sup> It was Hobbes's account of sovereignty more than his psychology of religion that proved pathbreaking, so much so that one can hear it echo even in the speech of those who would never identify as Hobbesians. Listen closely, and you will hear Hobbes's account of sovereignty in the language of "public reason" and in the Rawlsian dismissal of associational rights.

For Hobbes, sovereignty began with the individual.<sup>168</sup> This is the first contrast with Pauline political theology, and it is fundamental. On Hobbes's account, in the state of nature, before government or civil society, each individual had control over her own person and absolute discretion to direct her own life. This was sovereignty.<sup>169</sup> The key points, for our purposes, are two—that, for Hobbes, this sovereignty is undivided and complete,<sup>170</sup> and, second, it originates with the person herself.<sup>171</sup> Hobbes's individual is indebted to nothing and no one for her self-mastery, not even to God. It is

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165 See, e.g., QUENTIN SKINNER, *HOBBS AND REPUBLICAN LIBERTY* (2008) [hereinafter SKINNER, *REPUBLICAN LIBERTY*]; QUENTIN SKINNER, *REASON AND RHETORIC IN THE PHILOSOPHY OF HOBBS* 216 (1996); 3 QUENTIN SKINNER, *VISIONS OF POLITICS I* (2002); see also VICKIE B. SULLIVAN, *MACHIAVELLI, HOBBS, AND THE FORMATION OF A LIBERAL REPUBLICANISM IN ENGLAND 12–14* (2004) ("Hobbes's thought . . . serves as a source for liberal republicanism."); David Dyzenhaus & Thomas Poole, *Introduction*, in *HOBBS AND THE LAW* 1, 1–4 (David Dyzenhaus & Thomas Poole eds., 2012) ("Hobbes's philosophy provokes perennial fascination, such is its force and originality.").

166 LILLA, *supra* note 4, at 75.

167 See *id.* at 74–91.

168 See THOMAS HOBBS, *LEVIATHAN* 79–80 (Rod Hay ed., McMaster University 1999) (1651) ("The right of nature, which writers commonly call *jus naturale*, is the liberty each man hath to use his own power as he will himself for the preservation of his own nature; that is to say, of his own life; and consequently, of doing anything which, in his own judgement and reason, he shall conceive to be the aptest means thereunto. . . . [I]n such a condition [of war] every man has a right to every thing, even to one another's body."); see also Morton A. Kaplan, *How Sovereign Is Hobbes' Sovereign?*, 9 W. POL. Q. 389, 390 (1956); David van Mill, *Hobbes's Theories of Freedom*, 57 J. POL. 443, 444 (1995).

169 Hobbes says, "every man has a right to every thing." See HOBBS, *supra* note 168, at 80; see also SKINNER, *REPUBLICAN LIBERTY*, *supra* note 165, at 20, 46–47.

170 See HOBBS, *supra* note 168, at 80; see also SKINNER, *REPUBLICAN LIBERTY*, *supra* note 165, at 33–34.

171 See HOBBS, *supra* note 168, at 81 ("For he that renounceth or passeth away his right giveth not to any other man a right which he had not before, because there is nothing to which every man had not right by nature, but only standeth out of his way that he may enjoy his own original right without hindrance from him, not without hindrance from another. So that the effect which redoundeth to one man by another man's defect of right

hers by nature; it is the fact of her existence.<sup>172</sup> Indeed, the entire purpose of the social contract will be to enact this sovereignty and make it *meaningful*.<sup>173</sup> Hobbes famously described the state of nature as a state of war and unbridled chaos, where every man is the enemy of almost every other.<sup>174</sup> Sovereignty in this setting amounts to little in practice. And thus the need for the state.

Hobbes located the origin of the state in a social contract between sovereign individuals, whereby every individual agreed to surrender, or better, to transmit her sovereignty to the state.<sup>175</sup> Whether the state was represented in the person of a king or parliament or something else made little difference to Hobbes.<sup>176</sup> For him, the crucial fact was the indivisibility of the sovereign power. Just as sovereignty was total when held by the individual, so it remained total when transferred to the state.<sup>177</sup> In the social contract, the sovereign individual became, in some sense, the sovereign state.<sup>178</sup>

is but so much diminution of impediments to the use of his own right original.”); *see also* SKINNER, *REPUBLICAN LIBERTY*, *supra* note 165, at 44–47.

172 *See* HOBBS, *supra* note 168, at 79–80.

173 *See id.* at 80, 82 (“From this fundamental law of nature, by which men are commanded to endeavour peace, is derived this second law: that a man be willing, when others are so too, as far forth as for peace and defence of himself he shall think it necessary, to lay down this right to all things; and be contented with so much liberty against other men as he would allow other men against himself. . . . And lastly the motive and end for which this renouncing and transferring of right is introduced is nothing else but the security of a man’s person, in his life, and in the means of so preserving life as not to be weary of it.”); *see also* NORBERTO BOBBIO, *THOMAS HOBBS AND THE NATURAL LAW TRADITION* 46–49 (Daniela Gobetti trans., University of Chicago Press 1993) (1989).

174 *See* HOBBS, *supra* note 168, at 77–78 (“Hereby it is manifest that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war as is of every man against every man. . . . Whatsoever therefore is consequent to a time of war, where every man is enemy to every man . . . .”); *see also* BOBBIO, *supra* note 173, at 41–44.

175 *See* HOBBS, *supra* note 168, at 105–06 (“[T]he multitude so united in one person is called a Commonwealth; in Latin, *Civitas*. This is the generation of that great Leviathan . . . .”); *see also* BOBBIO, *supra* note 173, at 49–53.

176 *See* HOBBS, *supra* note 168, at 114 (“It is manifest that men who are in absolute liberty may, if they please, give authority to one man to represent them every one, as well as give such authority to any assembly of men whatsoever; and consequently may subject themselves, if they think good, to a monarch as absolutely as to other representative.”); *see also* BOBBIO, *supra* note 173, at 60–62.

177 *See* HOBBS, *supra* note 168, at 112–13 (“This great authority being indivisible, and inseparably annexed to the sovereignty, there is little ground for the opinion of them that say of sovereign kings, though they be *singulis majores*, of greater power than every one of their subjects, yet they be *universis minores*, of less power than them all together.”); *see also* BOBBIO, *supra* note 173, at 60–62.

178 *See* HOBBS, *supra* note 168, at 107 (“A commonwealth is said to be instituted when a multitude of men do agree, and covenant, every one with every one, that to whatsoever man, or assembly of men, shall be given by the major part the right to present the person of them all, that is to say, to be their representative; every one, as well he that voted for it as he that voted against it, shall authorize all the actions and judgements of that man, or assembly of men, in the same manner as if they were his own, to the end to live peaceably

Many have interpreted Hobbes to mean that the state is and must be all-powerful,<sup>179</sup> but there are other, perhaps more interesting, implications. One is that on Hobbes's view, the state is the only authentic community because it is the only community created by individuals' sovereign wills.<sup>180</sup> Hobbes is clear that no social entity of any consequence precedes the state. Life in the state of nature is solitary. Sovereignty is held there by individuals, not by groups or associations.<sup>181</sup> This sovereignty is then transferred to the state by an act of creative, corporate willing.<sup>182</sup> The state is thus the first and foundational community.<sup>183</sup> And the individual can belong to no other association as she belongs to the state, for the state is the only community to which she gives her sovereignty, that is to say, her very person.<sup>184</sup> Any other association is by comparison merely a sort of club, composed of persons who may come and go. These associations cannot possibly have their own existence (apart from the individuals they comprise) and must always live as subordinate to the state's commands.<sup>185</sup> For again, only the state is sovereign; or to say the same thing in a different way, in only the state are individuals *one*.<sup>186</sup>

No scholar has seen more clearly than Paul Kahn that the effect of this profoundly monist view of the state is to make it a sacred place.<sup>187</sup> That is the second major implication of Hobbes's theory of sovereignty. The sacred is about the ultimate, and for Hobbes, as for modern liberalism, the ultimate is found in the will. On the modern view endorsed by Hobbes, meaning is

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amongst themselves, and be protected against other men."); see also SKINNER, *REPUBLICAN LIBERTY*, *supra* note 165, at 187.

179 See, e.g., GORDON HULL, *HOBBS AND THE MAKING OF MODERN POLITICAL THOUGHT* 5 (2009) ("For Hobbes, the state of nature is *unspeakably* bad, and [the] avoidance of the collapse of civil society into the state of nature is the endgame of politics, so important that it justifies the establishment of an all-powerful state apparatus . . ."). But see Quentin Skinner, *Hobbes and the Purely Artificial Person of the State*, 7 J. POL. PHIL. 1, 20 (1999) ("[Hobbes] is always careful to insist, however, that sovereigns are not the proprietors of their sovereignty. They are the holders of offices with duties attached, their fundamental duty being to procure the safety and contentment of the people. Although they are granted the right to exercise complete sovereign power, this power is merely 'placed' and 'resideth' in them by virtue of the office they are asked to discharge. The true status of all lawful sovereigns is thus that they are merely 'the Person representative of all and every one of the Multitude.'" (quoting HOBBS, *supra* note 168, at 114) (footnotes omitted)).

180 BOBBIO, *supra* note 173, at 63–66.

181 SKINNER, *REPUBLICAN LIBERTY*, *supra* note 165, at 188–89.

182 *Id.*; see also BOBBIO, *supra* note 173, at 46–49.

183 BOBBIO, *supra* note 173, at 63–66.

184 *Id.*

185 SKINNER, *REPUBLICAN LIBERTY*, *supra* note 165, at 192–98.

186 Hobbes says that the sovereign is "one person, of whose acts a great multitude, by mutual covenants one with another, have made themselves every one the author, to the end he may use the strength and means of them all as he shall think expedient for their peace and common defence." HOBBS, *supra* note 168, at 106; see also BOBBIO, *supra* note 173, at 63–66.

187 KAHN, *supra* note 1, at 153–55.

something created in the universe rather than discovered.<sup>188</sup> As the one great creative act of individuals willing together, the state becomes the principal vehicle for the production of meaning in the world. It also becomes the resting place for the most profound *source* of meaning, the corporate, popular sovereign. This is the sovereign entity that binds all citizens together, uniting them in a project and a purpose beyond themselves. In Kahn's words, "[t]he popular sovereign is understood as a collective, transtemporal subject in which all participate. It is the mystical corpus of the state, the source of ultimate meaning for citizens."<sup>189</sup> The popular sovereign takes up the autonomy the individual possessed in the state of nature but could not vindicate, and enacts it in corporate form. Consequently, the popular sovereign becomes at once the guarantor of the individual's autonomy and the means of individual transcendence.

Hobbes's world has no need for God, just as it has no particular need for the future.<sup>190</sup> It is the popular sovereign who creates the political. And the political is the source of ultimate meaning. It is the popular sovereign who alone can demand obedience and sacrifice. Churches and other civic groups may go on about their business, to be sure, but they may do only what the popular sovereign permits. In Kahn's words again, "[o]nly the state, not the church, can demand sacrifice of the person in the modern age."<sup>191</sup> As for the future, Hobbesian modernity has no need of it, either. Today's politics are not conditioned by future events—the popular sovereign is all, and it is now.

Paul's political theology sharply contested the sacral claims of ancient Rome with a unique form of political dualism. The state was to be limited now in light of an already-begun, but-still-future act of political revolution. Hobbesian theory dissolves this dualism with the final effect of constructing again a sacred, self-contained state as the source and site of meaning in the world. Of course, what counts as the sacred has changed markedly since ancient times. Then, it had to do with fate and one's prospects in the after-life; today it centers on self-realization and transcendence.<sup>192</sup> That difference is not consequential here. The point is that Hobbes returns modernity to monism.

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188 HOBBS, *supra* note 168, at 415–17; *see also* Laurence Berns, *Thomas Hobbes*, in *HISTORY OF POLITICAL PHILOSOPHY* 396, 396–404 (Leo Strauss & Joseph Cropsey eds., 3d ed. 1987) (giving an overview of the philosophy of Hobbes).

189 KAHN, *supra* note 1, at 121.

190 Hobbes is clear that Christ's reign, such as it is, belongs to some future kingdom, with no political relevance for the present. That is, the present exists quite independently of that (mythic?) future. *See* Berns, *supra* note 188, at 416–18 ("All government in this life, both of the state and of religion, is temporal and under the command of one civil sovereign.").

191 KAHN, *supra* note 1, at 121.

192 *Id.* at 138–40.

One can see the effect in some of the leading theories of modern liberalism. Take the idea of public reason.<sup>193</sup> In John Rawls's famous formulation, "'constitutional essentials' and questions of basic justice" should be decided only by those reasons and arguments acceptable to the "collective body" of "equal citizens . . . exercis[ing] final political and coercive power over one another."<sup>194</sup> Other forms of argument that depend on "comprehensive philosophical and moral views"<sup>195</sup>—like religion, paradigmatically<sup>196</sup>—must "give way in public life."<sup>197</sup> One can hear the same intuition in the Supreme Court's command that public laws must carry a "secular legislative purpose" to be valid.<sup>198</sup> Rawls (and others) defend the theory on the grounds of mutual toleration and civic peace. But the linchpin of Rawls's argument is that enacting laws backed by arguments not "accessible" to all citizens<sup>199</sup> coerces those citizens unfairly and disrespects their standing in the state. In other words, non-"accessible" reasons offend the popular sovereign. And what reasons are accessible? Those that the "collective body" of "equal citizens" approves. Another way of stating Rawls's argument would be: Public discussion in the modern state must proceed by the terms and involve only the reasons given by the popular sovereign. Public reason thus turns out to rest on distinctly monist premises.

Or consider many liberal theorists' resistance to the concept of group or associational rights. These theorists contend that what is sometimes called "institutional or [especially] church autonomy" is always derived "from individual rights."<sup>200</sup> The reason is simple. Rights "can come from nowhere else."<sup>201</sup> These theorists often look to John Locke,<sup>202</sup> but their position depends just as critically on the notion of individual sovereignty propounded by Hobbes. The animating idea of their argument is that only individuals can be rights-bearers because only individuals possess the autonomous power to

193 For a primer, see RAWLS, *supra* note 18, at 212–54; Kent Greenawalt, *On Public Reason*, 69 *CHI.-KENT L. REV.* 669 (1994).

194 RAWLS, *supra* note 18, at 214 (internal quotation marks omitted). See generally *id.* at 212–54.

195 *Id.* at 10.

196 See William P. Marshall, *The Other Side of Religion*, 44 *HASTINGS L.J.* 843, 844 (1993).

197 RAWLS, *supra* note 18, at 10.

198 *Lemon v. Kurtzman*, 403 U.S. 602, 612 (1971).

199 The viability of this claim by Rawls and his supporters about accessibility is fiercely disputed. See, e.g., CHRISTOPHER J. EBERLE, *RELIGIOUS CONVICTION IN LIBERAL POLITICS* 252–93 (2002); Larry Alexander, *Liberalism, Religion, and the Unity of Epistemology*, 30 *SAN DIEGO L. REV.* 763, 764–65 (1993) ("To the extent liberalism is defined by or rests on the insulation of public policy from religious views, liberalism is undermined by its failure to find convincing grounds for their insulation.").

200 Richard Schragger & Micah Schwartzman, *Against Religious Institutionalism*, 99 *VA. L. REV.* 917, 920 (2013).

201 *Id.*

202 *Id.*

choose<sup>203</sup>—what Hobbes calls sovereignty. And just as Hobbes’s individualist account of sovereignty ends in monism, these theorists too drift toward a distinctly monist view of the state. Civic bodies “must be treated as if they were voluntary” by the state because any other understanding “is virtually unthinkable.”<sup>204</sup> Giving associations rights *qua* associations might impair the state’s ability to set the terms of public life and ensure that every part and element of society furthers the good of “individual choice.”<sup>205</sup> In short, group rights might impair the popular sovereign’s ability to attain its (sacral) ends.

Like the idea of public reason, this take on associational rights finds an analog in constitutional law. For a quarter century now, the Supreme Court has held that religious associations must submit to “neutral” laws of “general[ ] applicab[ility],” even if those laws substantially burden the exercise of religious faith.<sup>206</sup> Religious groups, like religious individuals, may claim no special protection from the sovereign’s dictates.<sup>207</sup>

The contrast with Pauline political theology reveals modern liberalism’s monist ambitions. What might that theology say in response?

### B. *Sovereignty Reconsidered: A Pauline Rejoinder*

At the center of Paul’s gospel was the announcement that Jesus was king.<sup>208</sup> If this claim cannot be assimilated into the liberal tradition, it may yet provide hints for a different way of thinking about sovereignty.

As Paul had it, sovereignty is delegated, it is partial, and it is temporary. One way to draw these claims together is to say that sovereignty is *gift*. Pauline theology suggests that sovereignty has a source outside the state and even outside the human person. It can never be regarded as the possession of either. Pauline theology thus regards as mistaken the Hobbesian turn to the individual as sovereignty’s source. Much contemporary theory might be brought to bear here in favor of this point. The notion of individuals as autonomous, freely choosing selves has been fiercely challenged in recent decades.<sup>209</sup> Instead, more and more theorists recognize that the self is always and ever “encumbered.” Her identity is always a social artifact; her choice is

203 See, e.g., *id.* at 959 (noting that group rights undermine “individual choice”); see also *id.* at 966 (arguing that group rights are legally permissible only if and when they “advance individual autonomy”).

204 *Id.* at 959.

205 *Id.* at 961–67.

206 *Emp’t Div. v. Smith*, 494 U.S. 872, 880–82 (1990).

207 Perhaps signaling a sea change, the Court’s recent decision in *Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC*, 132 S. Ct. 694 (2012), exempts religious organizations from otherwise generally applicable laws that impede the organization’s ability to control its ministers and govern itself. *Id.* at 710.

208 See *supra* Part II.

209 See, e.g., MICHAEL J. SANDEL, *LIBERALISM AND THE LIMITS OF JUSTICE* 177–82 (2d ed. 1998); TAYLOR, *supra* note 8, at 51–52 (“[O]ur being selves is essentially linked to our sense of the good, and . . . we achieve selfhood among other selves.”).

always and in fact a social collaboration.<sup>210</sup> There is no such thing as a self-creating, self-authenticating sovereign individual.

And if sovereignty cannot be located in the individual person, nor can it be said to belong naturally to any other entity, including “the people.” The people do not create sovereignty or possess it by right. If they did, sovereignty would belong somehow to the collective, with the implication that individuals can find true fulfillment or perhaps freedom only in submission to the collective’s will. This is a line of thought made possible by Hobbes and associated most nearly with Jean-Jacques Rousseau. But it is foreign to Paul. The collective people do not have a *right* to rule any more than Caesar. And this is because sovereignty simply does not belong to any one person or group of people. More broadly, it is not founded in the human will, individual or collective.

The Pauline view suggests that sovereignty is discovered rather than created. It is received from outside. Put differently, sovereignty or political authority meets us as a social fact in every human community: not created, but simply present—given. Particular communities recognize this political authority and structure it by their free choices. They designate, for instance, who will exercise authority and how. But they do not create the authority itself. In the words of Oliver O’Donovan, “Political authority . . . is simply presented to us as a fact within history.”<sup>211</sup> In the liberal tradition, Edmund Burke gestured toward the same idea by saying famously that political society and its powers arise from prescription rather than from choice.<sup>212</sup> Either way, the point is that sovereignty is given and not made.

Several consequences follow. One is that the popular sovereign cannot be regarded as sacred in character because the popular will is not a means of transcendence.<sup>213</sup> Sovereignty is something that the people acknowledge and structure as they see fit, but it is not something they call into being. And because sovereignty is not founded in the human will or in the human person generally, the exercise of sovereignty cannot be regarded as a means of individual or collective self-realization. Following from that, there is no reason to regard the state as prior to and supreme over every other body and association in society. If the state is not the unique creation of the people’s sovereignty, there is no need to insist that every entity in society be subordinate to it.

Understanding sovereignty as gift further implies something about sovereignty’s use. It directs us to look to the context of the gift to understand its

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210 See SANDEL, *supra* note 209, at 181–82; TAYLOR, *supra* note 8, at 27.

211 O’DONOVAN, *supra* note 127, at 46.

212 See Edmund Burke, *Reflections on the Revolution in France 1791*, in 8 *THE WRITINGS AND SPEECHES OF EDMUND BURKE: THE FRENCH REVOLUTION 1790-1794*, at 147 (L.G. Mitchell ed., 1989); see also YUVAL LEVIN, *THE GREAT DEBATE: EDMUND BURKE, THOMAS PAINE, AND THE BIRTH OF RIGHT AND LEFT* 106–16 (2014) (discussing Burke’s conception of the “social contract”).

213 Cf. KAHN, *supra* note 1, at 147 (“For [modern] political theology, the state begins and ends with a belief in the sacred character of the popular sovereign.”).

purpose. When we do, we find that political authority is not rightly deployed for just any end, but exists to protect the social life and structures in relation to which it appears as fact. Political authority never stands alone, but only in the midst of human community. This is a powerful and limiting principle. Sovereignty is never before human society or independent of it, but given only in relation to it. Political authority is thus limited by civil society and by the needs of the human person that organize society's life.

Here is a final point. A Pauline political theology would surely insist that political authority must serve the good of the human person. And it would say that the person can only be understood in her eschatological character: inherently valuable, yet awaiting transformation; created for human society, yet with a destiny beyond it. In this way, any attempt to apply the insights of Pauline political theology to contemporary liberalism will eventually force the liberal tradition to decide what it believes the human being really amounts to.

Where does all this leave us? Hopefully with fresh questions, and fresh resources for today's challenges. In addition to the queries Pauline theology poses to contemporary liberalism, it may have pointed questions for American constitutional law. Consider one of them. The first Article of the U.S. Constitution provides Congress no power over religious doctrine or church life.<sup>214</sup> Article VI bars religious test oaths.<sup>215</sup> And the First Amendment expressly prohibits the "establishment" of religion.<sup>216</sup> These provisions are entirely familiar. But the Pauline critique suggests a new interpretive frame. Are these clauses to be interpreted in line with the Great Separation—or not? That is, does the Constitution subordinate religious practice and religious associations to the government? Does it make religion just one more private opinion, regulable on the terms of any other, and religious groups just another set of private clubs? If it does, the Constitution's church-state settlement and the separation it supposedly enacts may turn out to be a sophisticated form of religious *control*.<sup>217</sup> The Supreme Court's First Amendment doctrine prominently features the rhetoric of religious liberty, but if the law of state and church is the law of the Great Separation, the truly relevant liberty will belong to the state alone.

Consider another, related legal controversy. In recent years, some legal scholars attentive to the monist inclination of modern liberalism have looked to the medieval doctrine of "freedom of the church" as a potential corrective.<sup>218</sup> These scholars quite rightly resist the claim that the church can be regarded only as a voluntary association of individuals subordinate to the control of the state. They propose (consistent with the First Amendment) to

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214 See U.S. CONST. art. I, § 8 (listing areas over which Congress has authority).

215 See *id.* art. VI, cl. 3 (prohibiting religious test oaths).

216 *Id.* amend. I, cl. 1.

217 See BRAD S. GREGORY, *THE UNINTENDED REFORMATION* 129–79 (2012).

218 See, e.g., Richard W. Garnett, "The Freedom of the Church": (*Towards*) An *Exposition, Translation, and Defense*, 21 J. CONTEMP. LEGAL ISSUES 33 (2013) (exploring the idea of the "freedom of the church" and its implications).

invest churches with some form of independent legal authority, though of what sort and to what extent they are not entirely clear. Pauline political theology suggests a different way forward: not to award the church (or other social groups) affirmative legal power, but to put the state's sovereignty in its proper and subordinate place. Surely our First Amendment—to say nothing of Articles I and VI—can be understood to limit the government's remit over church life, as indeed over a good many other social entities and structures. In general, it may be time to rediscover the vital and presuppositional role the institutions of civil society play in the structure of our Constitution.

#### CONCLUSION

N.T. Wright has remarked elsewhere that perhaps Paul ought to be studied in political science departments as well as seminaries. I would add, and in law schools too. Pauline political theology offers a unique critical perspective on the liberal tradition at a time when many of modern liberalism's conventional truths—about the sovereign individual, the Great Separation—are looking more than a little threadbare. There is much worried speculation about the future of liberalism just now. Pauline theology, so significant in liberalism's past, may have something to contribute to its future.