

**Towards a Theology of Political Authority:  
An Examination and Critique of Oliver O'Donovan's  
Conception of Political Authority**

A thesis submitted to Charles Sturt University  
for the degree of Doctor of Philosophy

by

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August 2017

## **Certificate of Authorship**

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## **Acknowledgments**

It is said of doctoral research that it can be a solitary experience. But if doctoral research is a solitary experience, then completing a doctorate is by no means a solitary achievement. To this end I wish to thank and acknowledge a number of people who have been integral to the completion of this thesis.

To my principal supervisor Andrew Cameron and to my associate supervisors Geoff Broughton and Stephen Pickard, thank you for your consistent support and encouragement and for pushing me to strive for greater and ever greater heights. You have saved me from walking off more than one cliff and from getting lost down more than one rabbit hole. Whatever the relative merits of this final product, let there be no doubt that it is a far superior product to what I would be offering if otherwise left solely to my own devices.

To my two unofficial supervisors Wayne Hudson and Ed Morgan, thank you for your unceasing encouragement, wise counsel and intellectual companionship as I walked this path. And to my third and final unofficial supervisor, my father Graham Cole, thank you not only for your wisdom, grace and support over the last three years, but for a lifetime of intellectual mentorship.

I thank the Centre for Public and Contextual Theology (PaCT) at Charles Sturt University for the generous PaCT scholarship that made this PhD possible. I would also like to pay tribute to the wonderful librarians at St Mark's National Theological Centre, whose abiding assistance and cheer made my research less far less painful than it could have been.

To my doctoral colleagues Jacqui Service, Simon Russell-Brown, Katherine Rainger, Will Frost and Chris Ryan, thank you for your support, encouragement and collegiality, and above all from preventing the last three years from being an entirely solitary experience.

To my mother Julie, brother Jerome and sister Hannah, thank you for your enthusiastic support and encouragement during the last three years and throughout the course of my life.

The solitariness of the doctoral experience places a particular burden on spouses and children. By the same token, the successful completion of a doctoral thesis is entirely dependent on their support, patience and sacrifice. To my wife Eva is owed a debt of gratitude that cannot adequately be put into words. Hers is a twenty-year legacy of support that has culminated in this finished thesis. Δόξα τω Θεώ, τα καταφέραμε! Finally, to my five-year old son Louka, who has patiently lived with a doctoral sibling he neither asked for nor comprehended, Daddy has finished reading his “God books.”

## Abstract

Oliver O'Donovan is widely acclaimed as one of the most significant political theologians writing in English. His political theology has as its central task the recovery of a theological understanding of political authority: a “theology of political authority.” He contends that Western liberalism risks degeneration on account of its abandonment of the theological horizon that facilitated its achievement in the first place—the understanding that political authority finds its origin and normative model in God’s kingly rule over history. Political theology, he maintains, must look to the political norms of Israel and the transformative impact of the Christ-event in order to understand both the nature and telos of political authority.

This thesis will examine and critique O'Donovan's conception of political authority, with particular focus given to the definition of political authority that he believes is revealed in the Davidic monarchy, the claim that successful regimes hold political authority via the work of divine providence and the idea that the Christ-event restricts the legitimate function of secular government to judgment alone.

I will argue that O'Donovan fails to demonstrate that these theses are “authorised” from Scripture in the way that he claims theopolitical proposals must be. Moreover, I will contend that the ontology of political authority is unstable and inconsistent across his oeuvre, and that it was a mistake to ground it exclusively in the providential order of history in *The Desire of the Nations*.

I will propose that grounding the ontology of political authority in the created order, as defined by O'Donovan in *Resurrection and Moral Order*, can provide a more compelling account of the *bene esse* of political authority as Christ's redemption of the natural good of political authority.

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# **Introduction**

We find ourselves living at an interesting political moment in the history of Western civilisation. Beginning with the prediction-defying seismic Brexit vote in the United Kingdom, followed by the unlikely election of maverick presidential candidate Donald Trump in the United States, and more recently with the election of political outsider and novice Emmanuel Macron to the French presidency, the Western liberal establishment has been rocked to its core. A profound and diffuse sense of crisis now pervades many traditional Western societies. Conservative New York Times columnist David Brooks captured the growing mood of pessimism when he wrote in a recent column that, “in America, the basic fabric of civic self-government seems to be eroding following the loss of faith in democratic ideals.”<sup>1</sup>

Whatever its causes, and whatever its destiny, we are living through a crisis of faith in the legitimacy of a species of political order that only a relatively short while ago was thought to represent the “end of history”—the catchphrase of a bygone era of liberal optimism.<sup>2</sup> In a sign of the times *The Washington Post* recently published an article under the headline “The man who declared the ‘end of history’ fears for democracy’s future.”<sup>3</sup>

Anxiety about the legitimacy and future of Western liberal political order is not restricted to popular discourse. Intellectuals are now seriously contemplating post-liberal alternatives for the West. Milbank and Pabst’s recent contribution *The Politics of Virtue: Post-Liberalism and the Human Future* examines what they call the “metacrises” of Western liberalism, capitalism, democracy and culture, and calls for a post-liberal politics of virtue. They open their book with the observation that “the

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<sup>1</sup> David Brooks, “The Crisis of Western Civ,” *The New York Times*, 21 April 2017, <https://www.nytimes.com/2017/04/21/opinion/the-crisis-of-western-civ.html?mcubz=2>.

<sup>2</sup> Francis Fukuyama, “The End of History?,” *The National Interest*, no.16 (1989).

<sup>3</sup> Ishaan Tharoor, “The man who declared the ‘end of history’ fears for democracy’s future,” *The Washington Post*, 9 February 2017, [https://www.washingtonpost.com/news/worldviews/wp/2017/02/09/the-man-who-declared-the-end-of-history-fears-for-democracys-future/?utm\\_term=.eef0fd23428f](https://www.washingtonpost.com/news/worldviews/wp/2017/02/09/the-man-who-declared-the-end-of-history-fears-for-democracys-future/?utm_term=.eef0fd23428f).

twenty-first century quickly revealed the recommencement of history that called into question both the complacency and the character of the West.”<sup>4</sup> They attribute the end of the “end of history” to “the extra-civilisational challenge of Islamism after 2001” and the “intra-civilisational financial and civil breakdown after 2008.”<sup>5</sup>

Anglican political theologian Oliver O’Donovan’s (b. London, 1945) *magna opera*—*The Desire of the Nations: Rediscovering the Roots of Political Theology*<sup>6</sup> (hereafter *Desire*) and *The Ways of Judgment: The Bampton Lectures, 2003*<sup>7</sup> (hereafter *Judgment*)—straddle the intersection between the “end of history” and its “recommencement,” having been published in 1996 and 2005 respectively. At the height of secular liberalism’s triumph, O’Donovan warned that it risked descending into unintelligibility, of going the way of the prodigal, even of manifesting the anti-Christ, all as a product of “Western politics turn[ing] its back on its theological horizons.”<sup>8</sup> O’Donovan averred that a solution to what he presciently identified in 1996 as liberalism’s weakening foundations lay in “recover[ing] the ground traditionally held by the notion of authority” by developing an account of the reign of God.<sup>9</sup> In short, O’Donovan called for a “theology of political authority.”<sup>10</sup> And at the moment that liberalism began its decent into metacrisis, O’Donovan claimed that Western liberal governments were legitimate because they mediate God’s judgments.<sup>11</sup>

O’Donovan’s *magna opera* have had an almost unparalleled impact on contemporary Western theopolitical discourse, eliciting a substantive and growing body of critical engagement in journals and monographs, to which this thesis will contribute.

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<sup>4</sup> Ibid., 1.

<sup>5</sup> Ibid.

<sup>6</sup> Oliver O’Donovan, *The Desire of the Nations: Rediscovering the roots of political theology* (Cambridge: Cambridge University Press, 1996).

<sup>7</sup> Oliver O’Donovan, *The Ways of Judgment: The Bampton Lectures, 2003* (Grand Rapids: Eerdmans, 2005).

<sup>8</sup> O’Donovan, *The Desire of the Nations*, 20.

<sup>9</sup> Ibid., 19.

<sup>10</sup> My phrase, not O’Donovan’s.

<sup>11</sup> O’Donovan, *The Ways of Judgment*, 3.

Like all significant thinkers, his thought has generated effusive praise and admiration on the one hand, but also criticism and controversy on the other, more often than not from the same voice. Building on what now can be appropriately termed a “secondary literature” on O’Donovan I will undertake in this thesis a systematic examination and critique of O’Donovan’s theology of political authority. I do so out of two impetuses. Firstly, enough time has elapsed for a sufficient body of critical secondary literature to emerge, but not so much time that the relevance of O’Donovan’s theology of political authority has diminished, thus making it an ideal juncture for a review of his work. Secondly, in the context of Western liberal political order’s crisis of *authority* and the opening up of a new post-liberal horizon, O’Donovan’s theology of political authority, which culminates in support for “a *normative political culture* broadly in continuity with the Western liberal tradition [original emphasis],” promises to make a substantial and constructive contribution.<sup>12</sup>

### **Thesis argument**

In the chapters that follow, I will argue that O’Donovan’s theology of political authority is problematic, thus undermining its potential as a framework for navigating the political challenges of our time. I will also argue, however, that the problems identified and discussed in those same chapters can be resolved through the better integration of O’Donovan’s moral theology with his political theology, thus taking us towards a more compelling theology of political authority. O’Donovan argues that the essence of political authority is revealed in Scripture, specifically in the way that the Davidic monarchy mediated God’s rule. He defines the essence of political authority as the conjunction of “power,” “the execution of right” and the “perpetuation of tradition” in

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<sup>12</sup> O’Donovan, *The Desire of the Nations*, 230.

“one coordinated agency” (hereafter the “essence of political authority thesis”). I will contend that this is an incisive definition of political authority with deep explanatory power, but that it cannot cogently be deemed to have been revealed in Scripture.

O’Donovan then argues that the Christ-event “re-authorises” political authority so that judgment—moral discriminations between right and wrong—becomes the sole legitimate function of secular governments post-Easter (hereafter the “re-authorisation thesis”). The “re-authorisation thesis” is supported with the biblical warrant of Rom. 13:1–7. I will argue that this biblical warrant cannot cogently be shown to support the thesis, leaving it without ostensible biblical warrant.

I will argue that O’Donovan fails to convincingly demonstrate that either of these theses—the “essence of political authority thesis” or the “re-authorisation thesis”—is “authorised” from Scripture in the way that he maintains any theopolitical proposal must be in order to be accepted. I will suggest that what O’Donovan in fact offers are highly stimulating and fecund *theologoumena* that cannot bear the normative burden he places on them. In this regard I will argue that O’Donovan erroneously connects the normative legitimacy of regimes to the essence of political authority rather than to its christological *bene esse* in Christian liberalism. He does this by making the mere existence of political authority the work of divine providence in what I will hereafter refer to as the “providence thesis.” Through a case study of North Korea I will show that this move creates a serious theodicy problem by virtue of the generic, non-prescriptive content that O’Donovan gives to “right” and “tradition” in the “essence of political authority thesis.”

Finally, I will contend that the root cause of the problems identified and analysed in this thesis is his grounding of the ontology of political authority in what he calls the “realm of history” and the “order of providence” instead of in the “created order.” I will show that there is a fundamental tension regarding the ontology of

political authority throughout O’Donovan’s work. In *Resurrection and Moral Order: An Outline for Evangelical Ethics*<sup>13</sup> (hereafter *Resurrection*), O’Donovan grounds the ontology of political authority in the created order. Ten years later in *Desire*, however, political authority is attributed to providence operating in history. More recently in *Self, World, and Time: Ethics as Theology Volume I*,<sup>14</sup> O’Donovan intimates that he believes political authority involves both creation and providence, but without providing enough clarity to resolve the underlying tension in his work.

I will maintain that O’Donovan’s instinct in *Resurrection* to ground political authority in the ontology of the created order was sound, and that it was a mistake to move the ontological foundation of political authority exclusively to providence in *Desire*. I contend that grounding the ontology of political authority exclusively in providence might have led O’Donovan to the mistaken notion that God reveals the essence of political authority historically through the Davidic monarchy and that this prompted both the “re-authorisation thesis” and his theodicy problem. I will demonstrate that grounding the ontology of political authority in the created order can resolve these problems.

In particular, I will argue that grounding the ontology of political authority in the created order can better support O’Donovan’s notion of the christological *bene esse* of political authority, and rather than “re-authorising” political authority the Christ-even could be construed as *redeeming* it as part of its redemption of the created order. The proper exercise of political authority—making right moral judgments—can then be understood as humankind’s proper moral participation in the created order “in Christ” through the agency of the Holy Spirit, rather than as an act of providence in history.

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<sup>13</sup> Oliver O’Donovan, *Resurrection and Moral Order: An Outline for Evangelical Ethics*, 2nd ed. (Grand Rapids: Eerdmans, 1994).

<sup>14</sup> Oliver O’Donovan, *Self, World, and Time: Ethics as Theology Volume I* (Grand Rapids: Eerdmans, 2013).

Under such a view, regimes that pervert political authority could be condemned for failing to uphold the christological *bene esse* of political authority, yet because of the political authority that is found in the created order, the Christian can explain why such regimes emerge in the first place and why God is not morally responsible for their existence.

### **Chapter outline**

The thesis will have three modes: phenomenological, critical and constructive. The first two chapters are phenomenological. Chapter 1—“Introducing Oliver O’Donovan: English-language reception and theopolitical influences” will provide important background to O’Donovan that will elucidate the analysis in the critical chapters. Chapter 2—“O’Donovan’s theology of political authority: an exposition” outlines O’Donovan’s theology of political authority as it is developed across different works in his corpus in sufficient detail to facilitate its examination and critique. It is structured by the chronology of publications that deal substantively with the issue of political authority.

Chapter 3–8 represent the critical mode of the thesis. Chapter 3—“Questioning the formal Arguments and Scriptural warrants adduced by O’Donovan in support of the “essence of political authority” and the “re-authorisation” theses” raises problems with the cogency of the “essence of political authority thesis” and the “re-authorisation thesis,” with particular focus on O’Donovan’s methodology and use of scriptural warrants. Chapter 4—“Disputing O’Donovan’s contention that the Davidic monarchy reveals the essence of political authority” will provide counter arguments to O’Donovan’s contention that the essence of political authority is revealed in Scripture. Chapter 5—“The essence of political authority as normative criterion for assessing the legitimacy of actual regimes: A North Korea case study” will explore the problematic implications of using the “essence of political authority thesis” as a premise in the

“providence thesis,” namely its theodicy implications. Chapter 6—“Disputing O’Donovan’s use of Romans 13:1–7 as biblical warrant for the “re-authorisation thesis”” will bring O’Donovan’s exegesis of Rom. 13:1–7 into dialogue with New Testament scholarship and show that his interpretation is highly idiosyncratic and cannot support the “re-authorisation thesis.” Chapter 7—“Salvation-history, biblical theology and political authority” will examine in more detail O’Donovan’s salvation-history hermeneutic and bring him into critical dialogue with Ernest Wright’s *God Who Acts* to demonstrate that O’Donovan’s theses are not demanded by his salvation-history hermeneutic. Chapter 8—“The created order, history and providence: the unresolved tension in O’Donovan’s account of the ontology of political authority” will introduce and analyse the ontological tension in O’Donovan’s account of political authority.

Chapter 9—“The redemption of political authority” is the final chapter and marks a shift to the constructive mode. It proposes that grounding the ontology of political authority in the created order can help O’Donovan resolve many of the problems identified in the preceding chapters, and can provide a compelling account of the christological *bene esse* of political authority as redeemed participation in the moral order. A conclusion to the thesis follows.

## **Methodology**

The methodology I will use to critically evaluate O’Donovan’s theology of political theology is best described as philosophical (in the analytical tradition). I will principally examine O’Donovan’s arguments for cogency and coherence using the classical philosophical criterion of a valid argument: conclusions that follow from premises.<sup>15</sup> I

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<sup>15</sup> Simon Blackburn, *Oxford Dictionary of Philosophy*, 2nd ed. rev. (Oxford: Oxford University Press, 2008), s. v. “validity.” “In its primary meaning it is arguments that are valid or invalid, according to whether the conclusion follows from the premises.”

will also probe the soundness of the premises in O'Donovan's arguments.<sup>16</sup> This fundamental methodology will be augmented in several ways. Firstly, I will also examine the extent to which O'Donovan's arguments satisfy his own methodological criterion for a valid theological proposal: "true political concepts...must be authorised, as any datum of theology must be, from Holy Scripture."<sup>17</sup> This criterion makes the validity and soundness of O'Donovan's exegesis load bearing for the cogency of his account of political authority. For the purposes of this thesis, I use the definition of "exegesis" provided in the *Handbook of Biblical Criticism*: "In the broadest sense, exegesis is the careful, methodologically self-aware study of a text undertaken in order to produce an accurate and useful interpretation thereof."<sup>18</sup> To assist in the examination of O'Donovan's claims that his theology of political authority is "authorised" from Scripture I will draw David Kelsey's *The Uses of Scripture in Recent Theology* (see chapter 3 for detail).<sup>19</sup>

The guiding principle for my critical evaluation of O'Donovan's theology of political authority is a wise aphorism that comes from O'Donovan himself: "The lover of truth has no truer friend than an intelligent critic."<sup>20</sup>

### **Clarification of scope**

O'Donovan has the rare distinction of being a renowned scholar in two fields of theology: political theology and moral theology.<sup>21</sup> It is therefore necessary to clarify that

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<sup>16</sup> *Ibid.*, s. v. "soundness." "Of an argument, the property of being valid and having all true premises."

<sup>17</sup> O'Donovan, *The Desire of the Nations*, 15.

<sup>18</sup> Richard N. Soulen and R. Kendall Soulen, *Handbook of Biblical Criticism*, 4th ed. (Louisville: Westminster John Knox Press, 2011), 64.

<sup>19</sup> David H. Kelsey, *The Uses of Scripture in Recent Theology* (London: SCM Press, 1975).

<sup>20</sup> O'Donovan, *The Desire of the Nations*, ix. (Preface to the paperback edition, 1999).

<sup>21</sup> O'Donovan is also an influential and highly respected moral theologian. Schweiker, for example, describes him as "one of the most astute contemporary Christian ethicists." William Schweiker, "Freedom and Authority in Political Theology: A Response to Oliver O'Donovan's

this thesis will *not* include an evaluation of O’Donovan’s moral theology in its own right. The thesis’ focus is O’Donovan’s political theology. That said, the two are related and cannot be analysed productively in isolation from each other. Moreover, a significant tenet in this thesis is that the account of political authority given in the context of O’Donovan’s moral theology (*Resurrection*) can help resolve critical problems in the account given in the context of his political theology (*Desire*). So I will engage with O’Donovan’s moral theology in this thesis. I will do so, however, only to the extent that it facilitates the explication, evaluation and ultimately remediation of his theology of political authority.

It is also important to make a distinction between O’Donovan’s theology of political authority and his political theology *per se*. This thesis is a critical evaluation of O’Donovan’s theology of *political authority* and not of his broader political theology. While O’Donovan’s theology of political authority undeniably forms the epicentre of his political theology, it does not exhaust it, and the two should not be conflated. I will not, for example, embark on a detailed analysis and evaluation of O’Donovan’s “Just War Theory” or his reading of Christendom, *except* to the extent that these illuminate and clarify his theology of political authority.

The distinction between O’Donovan’s political theology and his moral theology, on the one hand, and his theology of political authority and his political theology on the other, helps to clarify a hierarchy of priority in relation to O’Donovan’s substantial corpus and the growing body of secondary literature. The central text of this thesis is *Desire*. It is the only book that has as its central focus political authority, and at 304 pages it is a substantive treatise on the topic. Four other books, which do not have

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*The Desire of the Nations*,” *Scottish Journal of Theology* 54, no.1 (2001), 110. Song and Waters describe O’Donovan “as one of the pre-eminent Protestant Christian ethicists of the present time.” Robert Song and Brent Waters, eds., introduction to *The Authority of the Gospel: Explorations in Moral and Political Theology in Honor of Oliver O’Donovan* (Grand Rapids: Eerdmans, 2015), xi.

political authority as their central topic, nevertheless contain discussions of political authority that are relevant for this thesis. These are *Resurrection, Judgment, The Just War Revisited*<sup>22</sup> (hereafter *Just War*) and *On the Thirty Nine Articles: A Conversation with Tudor Christianity*<sup>23</sup> (hereafter *Thirty Nine Articles*).

I have already indicated the importance of *Resurrection* to this project, which will provide the principal resource for the constructive mode of the thesis. Of the four secondary books, *Judgment* contains the most substantive discussion of political authority, and while it is conceived as a work in “political ethics,” as a companion to *Desire* it provides important clarification and illumination of the theoretical work on political authority undertaken in *Desire*.<sup>24</sup> Thus *Desire, Judgment* and *Resurrection* will be our three core texts. *Just War* and *Thirty Nine Articles* are of less significance, but will nonetheless be investigated for the light they are capable of shedding on the theory of political authority advanced in *Desire*. No other book of O’Donovan’s addresses directly and substantively the issue of political authority.

There is a short discussion of “authority” in *Self, World and Time* which is germane to the constructive mode of this thesis. But other works in the O’Donovan corpus, such as *The Problem of Self-Love in St. Augustine*<sup>25</sup> and *A Conversation Waiting to Begin: The Churches and the Gay Controversy*,<sup>26</sup> are not germane to the focused study on O’Donovan’s theology of political authority that follows. Few of O’Donovan’s essays deal explicitly or substantially with the issue of political authority.<sup>27</sup> As such,

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<sup>22</sup> Oliver O’Donovan, *The Just War Revisited* (Cambridge: Cambridge University Press, 2003).

<sup>23</sup> Oliver O’Donovan, *On the Thirty Nine Articles: A Conversation with Tudor Christianity* (Oxford: Latimer House, 1986).

<sup>24</sup> O’Donovan, *The Ways of Judgment*, ix.

<sup>25</sup> Oliver O’Donovan, *The Problem of Self-Love in St. Augustine* (Eugene, Oregon: Wipf & Stock, 1980).

<sup>26</sup> Oliver O’Donovan, *A Conversation Waiting to Begin: The Churches and the Gay Controversy* (London: SCM Press, 2009).

<sup>27</sup> For an example of an essay that does, see Oliver O’Donovan, “Government as Judgment,” in *Bonds of Imperfection: Christian Politics, Past and Present*, ed. Oliver O’Donovan and Joan Lockwood O’Donovan (Grand Rapids: Eerdmans, 2004).

O'Donovan's essays will be weighted on the same basis as his books, with those that in some way illuminate or clarify his theology of political authority taking precedence.

A final important clarification to make is that this thesis is not a survey of the history of the concept of "political authority," either in secular political philosophy or Christian political theology, and O'Donovan's place in that history. Few scholars have attempted to locate O'Donovan within currents and developments in theopolitical discourse.<sup>28</sup>

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<sup>28</sup> Cahill classifies O'Donovan as "post-liberal." However, she also classifies Hauerwas—a critic of O'Donovan's political theology—as "post-liberal" and does not define the term. Lisa Sowle Cahill, "Catholic Social Teaching," in *The Cambridge Companion to Political Theology*, ed. Craig Hovey and Elizabeth Phillips (Cambridge: Cambridge University Press, 2015), 71. Bretherton identifies O'Donovan with "the ecclesial-turn in political theology," which he associates with John Milbank and William Cavanaugh, and the "the emergence of a post-secular political philosophy." Luke Bretherton, "Introduction: Oliver O'Donovan's Political Theology and the Liberal Imperative," *Political Theology* 9, no.3 (2008), 269.

# **Chapter 1**

## **Introducing Oliver O'Donovan: English language reception and theopolitical influences**

## The Impact of O'Donovan's political theology and its English-language reception

Oliver O'Donovan is widely regarded as one of the most important and influential living political theologians writing in English. Wolterstorff has described *Desire* as the twentieth century's "most important contribution to political theology."<sup>29</sup> Neuhaus described the same work as one of those rare books that "interrupts the conversation and sets it off in new directions."<sup>30</sup> Lorish and Mathewes concluded that *Desire* "recast the field of "political theology,"" and "inaugurated a new era in theological thinking on politics."<sup>31</sup> Chaplin found *Desire* "to be the most arresting, challenging and rewarding work of political theology to have appeared in a long time."<sup>32</sup> Novak even credits O'Donovan with having "revived political theology as a field of enquiry."<sup>33</sup> And as McEvoy has noted, "even O'Donovan's strongest critics acknowledge the significance of his contribution to political theology."<sup>34</sup>

*Desire* and its companion *Judgment* have stimulated a substantial amount of scholarly interest and engagement.<sup>35</sup> The journal *Studies in Christian Ethics* devoted an entire edition in 1998 to *Desire*, which included a response from O'Donovan.<sup>36</sup> In 2001, *The Scottish Journal of Theology* included critical engagements with *Desire* by

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<sup>29</sup> Nicholas Wolterstorff, "A Discussion of Oliver O'Donovan's *The Desire of the Nations*," *Scottish Journal of Theology* 54, no.1 (2001), 100.

<sup>30</sup> Richard John Neuhaus, "Commentary on *The Desire of the Nations*," *Studies in Christian Ethics* 11, no.2 (1998), 56.

<sup>31</sup> Philip Lorish and Charles Mathewes, "Theology as Counsel: The Work of Oliver O'Donovan and Nigel Biggar," *Anglican Theological Review* 94, no.4 (2012), 725.

<sup>32</sup> Jonathan Chaplin, "Political Eschatology and Responsible Government: Oliver O'Donovan's 'Christian Liberalism,'" in *A Royal Priesthood? The Use of the Bible Ethically and Politically: A Dialogue with Oliver O'Donovan*, ed. Craig Bartholomew et al. (Carlisle, Cumbria: Paternoster, 2002), 265.

<sup>33</sup> David Novak, "Oliver O'Donovan's Critique of Autonomy," *Political Theology* 9, no.3 (2008), 327.

<sup>34</sup> James Gerard McEvoy, "A Dialogue with Oliver O'Donovan about Church and Government," *The Heythrop Journal* 48, no.6 (2007), 953.

<sup>35</sup> O'Donovan describes *Judgment* as a "sequel" to *Desire* and the second "phase...in a single extended train of thought" (*The Ways of Judgment*, x).

<sup>36</sup> *Studies in Christian Ethics* 11, no.2 (1998).

Wolterstorff and Schweiker along with a response from O'Donovan.<sup>37</sup> In 2002, the Scripture and Hermeneutics Seminar published the results of a dialogue with O'Donovan called *A Royal Priesthood? The Use of the Bible Ethically and Politically: A Dialogue with Oliver O'Donovan*.<sup>38</sup> The journal *Political Theology* dedicated an entire edition in 2008 to *Judgment*, which included a response from O'Donovan.<sup>39</sup> The latest edition to this growing body of work engaging O'Donovan's political theology is the 2015 *festschrift* edited by Song and Waters, *The Authority of the Gospel: Explorations in Moral and Political Theology in Honor of Oliver O'Donovan*.<sup>40</sup>

O'Donovan's political theology has also been the subject of several recent book-length comparative studies. These include Doerksen's *Beyond Suspicion: Post-Christendom Protestant Political Theology in John Howard Yoder and Oliver O'Donovan*,<sup>41</sup> McIlroy's *A Trinitarian Theology of Law: In Conversation with Jurgen Moltmann, Oliver O'Donovan and Thomas Aquinas*<sup>42</sup> and Bertschmann's *Bowing Before Christ—Nodding to the State? Reading Paul Politically with Oliver O'Donovan and John Howard Yoder*.<sup>43</sup> O'Donovan's political theology has also been the focus of, or featured substantively in, a number of essays, many of which again bring him into

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<sup>37</sup> Wolterstorff, "A Discussion of Oliver O'Donovan's *The Desire of the Nations*"; Schweiker, "Freedom and Authority in Political Theology"; Oliver O'Donovan, "Deliberation, History and Reading: A Response to Schweiker and Wolterstorff," *Scottish Journal of Theology* 51, no.1 (2001).

<sup>38</sup> Craig Bartholomew et al., *A Royal Priesthood?*

<sup>39</sup> *Political Theology* 9, no.3 (2008).

<sup>40</sup> Song and Waters, *The Authority of the Gospel*.

<sup>41</sup> Paul G. Doerksen, *Beyond Suspicion: Post-Christendom Protestant Political Theology in John Howard Yoder and Oliver O'Donovan* (Colorado Springs: Paternoster, 2009).

<sup>42</sup> David H. McIlroy, *A Trinitarian Theology of Law: In Conversation with Jurgen Moltmann, Oliver O'Donovan and Thomas Aquinas* (Carlisle, Cumbria: Paternoster, 2009).

<sup>43</sup> Dorothea H. Bertschmann, *Bowing Before Christ—Nodding to the State? Reading Paul Politically with Oliver O'Donovan and John Howard Yoder* (London: Bloomsbury T&T Clark, 2014).

dialogue with other scholars.<sup>44</sup> *Desire* is also regularly cited in prominent works in political theology and O'Donovan appears in introductory texts to the field.<sup>45</sup>

It is interesting to observe that while O'Donovan has been the subject of several comparative studies, his political theology has not been the subject of a dedicated book-length study. It is also noteworthy that a significant proportion of the comparative studies brings O'Donovan into conversation with John Howard Yoder.<sup>46</sup> This trend testifies to the level of interest O'Donovan's political theology has generated amongst Mennonite scholars, no doubt as a consequence of the implicit, and sometimes explicit, rebuttal of Yoder's political theology entailed in O'Donovan's.<sup>47</sup>

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<sup>44</sup> See, for example, Paul Doerksen, "Christology in the Political Theology of Oliver O'Donovan," *Mennonite Quarterly Review* 78, no.3 (2004); McEvoy, "A Dialogue with Oliver O'Donovan about Church and Government"; David McIlroy, "The Right Reason for Caesar to Confess Christ as Lord: Oliver O'Donovan and Arguments for the Christian State," *Studies in Christian Ethics* 23, no.3 (2010); Guido de Graaff, "To Judge or Not to Judge: Engaging with Oliver O'Donovan's Political Ethics," *Studies in Christian Ethics* 25, no.3 (2012); Andrew Ross Errington, "Between Justice and Tradition: Oliver O'Donovan's Political Theory and the Challenge of Multiculturalism," *Studies in Christian Ethics* 27, no.4 (2014); Therese Feiler, "From Dialectics to Theo-Logic: The Ethics of War from Paul Ramsey to Oliver O'Donovan," *Studies in Christian Ethics* 28, no.3 (2015); Andrew Errington, "Authority and Reality in the Work of Oliver O'Donovan," *Studies in Christian Ethics* 29, no.4 (2016); Jonathan Chaplin, "Towards a Monotheistic Democratic Constitutionalism? Convergent Themes in Oliver O'Donovan, Sajjad Rizvi and Paul Heck," *Studies in Christian Ethics* 29, no.2 (2016).

<sup>45</sup> See, for example, William T. Cavanaugh, *Migrations of the Holy: God, State, and the Political Meaning of the Church* (Grand Rapids: Eerdmans, 2011); Michael Waltzer, *In God's Shadow: Politics in the Hebrew Bible* (New Haven: Yale University Press, 2012); Kristen Deede Johnson, *Theology, Political Theory, and Pluralism: Beyond Tolerance and Difference* (Cambridge: Cambridge University Press, 2007); Elizabeth Phillips, *Political Theology: A Guide for the Perplexed* (London: T&T Clark, 2012). O'Donovan has an essay in William T. Cavanaugh, Jeffrey W. Bailey and Craig Hovey, eds., *An Eerdmans Reader in Contemporary Political Theology* (Grand Rapids: Eerdmans, 2012).

<sup>46</sup> In addition to the aforementioned books, see also Travis Kroeker, "Why O'Donovan's Christendom is not Constantinian and Yoder's Voluntarism is not Hobbesian: A Debate in Theological Politics Re-defined," *The Annual of the Society of Christian Ethics* 20 (2000); Justin Neufeld, "Just War Theory, the Authorization of the State, and the Hermeneutics of Peoplehood: How John Howard Yoder can save Oliver O'Donovan from Himself," *International Journal of Systematic Theology* 8, no.4 (2006); Mike Mawson, "The Understandings of Christendom in Yoder and O'Donovan," *The New Zealand Journal of Christian Thought and Practice* 15, no.3 (2007); Dorothea Bertschmann, "The Rule of Christ and Human Politics—Two Proposals: A Comparison of the Political Theology of Oliver O'Donovan and John Howard Yoder," *The Heythrop Journal* 56, no.3 (2015); Phillips brings O'Donovan and Yoder into critical dialogue (*Political Theology*, 19–23).

<sup>47</sup> In his interview with Rupert Shortt, O'Donovan said that "in *The Desire of the Nations* [he] took issue with the late John Howard Yoder." Oliver O'Donovan and Joan Lockwood

## Praise and criticism

Two recurring characteristics are evident in responses to O'Donovan's political theology: praise and criticism. Praise and criticism are not indicative of polarisation within the secondary literature. More often than not they are both found in the same response to O'Donovan's political theology.<sup>48</sup> On the one hand, there is widespread praise and admiration for the substance, insightfulness and originality of O'Donovan's political theology.<sup>49</sup> On the other hand, there is also broad criticism of his methodology, exegesis and conclusions.

Although criticisms of O'Donovan's political theology are substantial and widespread, they are generally tentative and inconclusive. Several reasons can be adduced to explain this tendency. Some respondents might have felt some reluctance to follow criticisms to their logical conclusions on account of the genuine respect and sympathy they hold for O'Donovan and his work. Another possible reason is that O'Donovan is a subtle thinker and his arguments are sophisticated and complex. This can make them difficult to evaluate categorically, particularly within the constraints of a journal article, the main vehicle for critical responses thus far. O'Donovan is also a highly discursive thinker, which can frustrate efforts to make definitive judgments about

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O'Donovan with Rupert Shortt, "Political Theology," in *God's Advocates: Christian Thinkers in Conversation*, by Rupert Shortt (London: Darton, Longman and Todd, 2005), 255.

<sup>48</sup> Neuhaus, for example, describes *Desire* as a "tour de force that nobody writing on political theology or the public nature of the Gospel can responsibly ignore" but also criticises the book for "weakening...the felt pressure of the eschatological horizon" and for suffering from a weak "punctiliar" ecclesiology ("Commentary on *The Desire of the Nations*," 58, 61); Hauerwas and Fodor said of *Desire* that "despite O'Donovan's failure to produce a consistent hermeneutical theory, he has nevertheless advanced important theological work and insight," Stanley Hauerwas and James Fodor, "Remaining in Babylon: Oliver O'Donovan's Defense of Christendom," *Studies in Christian Ethics* 11, no.2 (1998), 43; Chaplin says that "while I part with some of O'Donovan's most fundamental claims, I believe that *DN* performs an invaluable service to those seeking to ground their Christian political reflections as deeply as possible in biblical and theological foundations and to avoid capitulation to secular modernity" ("Political Eschatology and Responsible Government," 265–266).

<sup>49</sup> Quash describes *Judgment* as a "masterly meditation on the nature of political life." Ben Quash, "Life Beyond Judgment: Communication; Response to Section III of *The Ways of Judgment* by Oliver O'Donovan," *Political Theology* 9, no.3 (2008), 310; Bretherton describes O'Donovan's work as "distinctive and original" (Bretherton, "Introduction," 269).

his work. *Desire*, by way of example, contains a self-described “central thesis”—“A central thesis in what follows is that theology, by developing its account of the reign of God, may recover the ground traditionally held by the notion of authority.”<sup>50</sup> But that thesis is enmeshed in a web of sub-theses and elaborated amidst wide ranging discussions that at times do more to obscure than clarify the book’s central thesis. Chaplin has spoken for many when he observed of *Desire* that “what the text says, with its dense prose and multiple, interlocking themes, is not obvious even after repeated readings.”<sup>51</sup> Compounding matters is O’Donovan’s extensive use of Barthian in-text notes in *Desire*, which can run up to four pages long in some instances.<sup>52</sup> As stimulating and insightful as these excursions can be, they are just as often tangential, and sometimes irrelevant to the development of the “central thesis,” in which case they can serve to hinder, rather than aid absorption of that thesis.

Lorish and Mathewes have speculated that O’Donovan’s impact has “perhaps [been] unduly limited by the impression of rebarbative indirectness and obliqueness that marks his prose.”<sup>53</sup> There may be some truth to the speculation about the diminished impact of O’Donovan’s work, but the criticism about his prose is a little unfair. Admittedly, judgments of this nature are unavoidably subjective. But the issue has less to do with O’Donovan’s prose, which is often elegant and on occasion even witty, and much more to do with structure: namely O’Donovan’s discursive mode of thinking which can dilute the clarity of his arguments. The point is that O’Donovan, as no less

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<sup>50</sup> O’Donovan, *The Desire of the Nations*, 19.

<sup>51</sup> Chaplin, “Political Eschatology and Responsible Government,” 266.

<sup>52</sup> See, for example, O’Donovan, *The Desire of the Nations*, 138–141. Small print excursions make their first appearance in *Resurrection*. O’Donovan says in the preface that he has “followed certain well-known exemplars in putting discursive material in smaller type” (*Resurrection and Moral Order*, viii). They reach their excessive crescendo in *Desire*, but are kept to an absolute minimum in *Judgment*, before disappearing in subsequent works.

<sup>53</sup> Lorish and Mathewes, “Theology as Counsel,” 721.

than Rowan Williams has noted, is “difficult.”<sup>54</sup> Or, as Lorish and Mathewes wryly put it, he has never been accused of “writing too simplistically.”<sup>55</sup> Indeed, O’Donovan has even conceded that some might find his English “too involved.”<sup>56</sup>

### **The difficulty of evaluating O’Donovan’s work: the controversy over his favourable reading of Christendom**

Without wishing to labour the point, my contention that O’Donovan’s discursive mind might have frustrated attempts to evaluate his work can be illustrated by drawing attention to the controversy over his apparent “defence” of Christendom in *Desire*.<sup>57</sup> O’Donovan’s sympathetic account of Christendom, such as his contention that “Christendom is *response* to mission, and as such a sign that God has blessed it [original emphasis],” has been the subject of a number of critical essays.<sup>58</sup>

O’Donovan has expressed surprise at this critical focus on his reading of Christendom given what he describes as “its modest thesis,” and the fact that it “was an afterthought.”<sup>59</sup> He has since attempted to clarify that he is not advocating a return to

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<sup>54</sup> Rowan Williams, foreword to *The Authority of the Gospel*, viii. Williams adds that O’Donovan is also an “enriching writer, the stimulus of whose work is exceptional for all those who have engaged with it.”

<sup>55</sup> Lorish and Mathewes, “Theology as Counsel,” 721.

<sup>56</sup> O’Donovan, *Resurrection and Moral Order*, ix.

<sup>57</sup> In the preface to the paperback edition of *Desire* (1999) O’Donovan wryly observed that he “set out to discover the kingship of Christ, and ended up, as [he is] told, with a ‘defence of Christendom,’” (preface to paperback edition of *The Desire of the Nations*, ix).

<sup>58</sup> O’Donovan, *The Desire of the Nations*, 195. For critical responses, see Arne Rasmusson, “Not All Justifications of Christendom Are Created Equal: A Response to Oliver O’Donovan,” *Studies in Christian Ethics* 11, no.2 (1998); Hauerwas and Fodor, “Remaining in Babylon”; McIlroy, “The Right Reason for Caesar to Confess Christ as Lord”; Kroeker, “Why O’Donovan’s Christendom is not Constantinian and Yoder’s Voluntarism is not Hobbesian.”

<sup>59</sup> O’Donovan, “Deliberation, History and Reading,” 140. O’Donovan told Shortt that “some reviewers have suspected my interest in Christendom as carrying a hint of reactionary conservatism about it. As I say, I have no agenda for the restoration of Christendom, and cannot even conceive what such an agenda might look like if I were to have it” (“Political Theology,” 255).

Christendom.<sup>60</sup> However, describing the chapter on Christendom (Chapter 6—“The obedience of rulers”) in a book with 7 chapters as an “afterthought” is perhaps the epitome of English understatement. The final chapter, “The redemption of society,” deals with the transition from Christendom to liberalism and thus it is probably more accurate to say that two of the seven chapters of *Desire* deal substantively with the meaning and legacy of Christendom. Yet, O’Donovan makes a valid point with respect to the “modest thesis” of these chapters, for they do not advance his *theory* of political authority. That work is completed by the end of chapter four (the fifth chapter deals with the status of the church in light of the normative conception of political authority developed in the first four chapters). This is why O’Donovan can characterise chapter 6 as an “afterthought,” given the book is, as Shanks rightly observed, “quite unambivalently focused on the political-theological issue of *authority* [original emphasis].”<sup>61</sup>

### **O’Donovan’s theopolitical influences**

Before moving to Chapter 2, where I will expound O’Donovan’s theology of political authority, it will be useful briefly to survey the key influences on O’Donovan’s political theology. I will do so by providing a survey of the influences explicitly nominated by O’Donovan himself and those identified in the secondary literature. As this thesis consists of a critique and examination of O’Donovan’s theology of political authority and is *not* an intellectual history of O’Donovan, the following survey does not offer a

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<sup>60</sup> Oliver O’Donovan, “Response to the Respondents: Behold, The Lamb!” *Studies in Christian Ethics* 11, no.2 (1998), 103. “I am puzzled, at any rate, by my readers’ reluctance to take me at my word when I say that the important thing is not to be *for* Christendom or *against* it...but to have such a sympathetic understanding of it that we profit from its politico-theological gains and avoid repeating its politico-theological mistakes [original emphasis].”

<sup>61</sup> Andrew Shanks, “Response to *The Desire of the Nations*,” *Studies in Christian Ethics* 11, no.2 (1998), 86.

detailed or in-depth critical evaluation of O'Donovan's theopolitical influences. Its purpose is to provide greater contextualisation to O'Donovan's thought and his reception in the secondary literature, by virtue of the historical figures with which he has been identified, for the analysis conducted in following chapters. A critical evaluation of O'Donovan's influences properly awaits a systematic intellectual history, which remains beyond the scope of the present thesis.

### Augustine

It is no secret that O'Donovan is deeply influenced by Augustine. In the preface to his first book, *The Problem of Self-Love in St. Augustine*, O'Donovan said that “to live with [Augustine] intermittently for ten years, to think, to pray, to preach, to teach under his tutelage, has been a life-shaping experience of which, I fear, the reader of this study will gain barely an idea.”<sup>62</sup> O'Donovan has acknowledged that his account of government as judgment can “claim to speak from the Augustinian tradition.”<sup>63</sup> And when asked in an interview to nominate “the best article or essay a young pastor could read on politics” he suggested book XIX of *City of God*.<sup>64</sup>

Many scholars have cited the profound influence of Augustine on O'Donovan's political thought and his political theology is widely characterised as “Augustinian.” Cavanaugh classifies O'Donovan as belonging to a “current revival of Augustine's political thought” and Leithart describes O'Donovan's political thought as a “revived Augustinian political theology.”<sup>65</sup> Bretherton characterises O'Donovan's political

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<sup>62</sup> O'Donovan, *The Problem of Self-Love in St. Augustine*, viii.

<sup>63</sup> O'Donovan, “Judgment, Tradition and Reason: A Response,” *Political Theology* 9, no.3 (2008), 396.

<sup>64</sup> Center for Pastor Theologians, “SAET Interviews in Politics and Theology #5: Oliver O'Donovan,” 29 October 2010, question 9, <http://www.pastortheologians.com/saet-interviews-in-politics-and-theology-5-oliver-odonovan/>.

<sup>65</sup> Cavanaugh, *Migrations of the Holy*, 57; Peter J. Leithart, “Good Rule,” in *The Cambridge Companion to Political Theology*, 269.

theology as a “self-conscious re-statement of Augustine” and Waters refers to its “Augustinian framework.”<sup>66</sup> Hauerwas and Fodor argue that “in order to understand (something) of O’Donovan’s project, one has to be cognisant of the central importance of Augustine in his political theology.”<sup>67</sup> And finally, McIlroy identifies six foundational propositions in O’Donovan’s political theology that “derive” from Augustine.<sup>68</sup>

With the exception of Gregory, however, none has attempted to locate O’Donovan within wider currents of political Augustinianism. He places O’Donovan within a category he calls “Augustinian liberalism,” which in turn has three types. The type O’Donovan belongs to, Gregory says, “emerges in the 1990s, when suspicions about realism and Rawlsianism led to a revival of concepts of civic virtue.” Gregory associates this form of Augustinian liberalism with the likes of Paul Tillich, Martin Luther King Jr, Paul Ramsey and Gustavo Gutierrez.<sup>69</sup>

It is striking, however, just how little *Desire* explicitly draws on the thought of Augustine. One of the few explicit Augustinian links is to the concept of “dual authority,” which O’Donovan attributes to Augustine’s “two cities” motif.<sup>70</sup> It must be

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<sup>66</sup> Bretherton, “Introduction,” 267; Brent Waters, “*The Desire of the Nations: An Overview*,” *Studies in Christian Ethics* 11, no.2 (1998), 2.

<sup>67</sup> Hauerwas and Fodor, “Remaining in Babylon,” 39 (footnote 5).

<sup>68</sup> They are: 1. “The Church, not the political community, is the true society.” 2. “Societies are united by their common objects of love...” 3. “Worship, including the ascription of ultimate worth, offered to that which is not God is worship of the demonic.” 4. “There can be no right in a society that does not acknowledge the right of God.” 5. “Government action is only justified when, in the absence of such action, wrong would be done...” 6. “Government may legitimately offer deliberate assistance to the church” (“The Right Reason for Caesar to Confess Christ as Lord,” 301–302).

<sup>69</sup> Eric Gregory, *Politics and the Order of Love: An Augustinian Ethic of Democratic Citizenship* (Chicago: University of Chicago Press, 2008), 1; Eric Gregory and Joseph Clair, “Augustinianisms and Thomisms,” in *The Cambridge Companion to Political Theology*, 10–12. Gregory does not give a name to the “type” of “Augustinian liberalism” to which O’Donovan is thought to belong. The second type is labelled “Augustinian realism” and the third type, like the first type, is not given a name, although it is associated with the work of John Rawls.

<sup>70</sup> O’Donovan, *The Desire of the Nations*, 159. The lack of substantial and sustained engagement with Augustine in *Desire* reflects a general characteristic of the book, which is that it is fundamentally an exercise in biblical theology. It relies principally on exegesis of Scripture

said that O'Donovan is not a romantic Augustinian or slavish acolyte. In spite of his open sympathy for Augustine he reads him with a critical eye.<sup>71</sup> In an interview with Rupert Shortt, for instance, he said that he “can sympathise with what [Augustine] gets *wrong* as well as with what he gets right [emphasis mine].”<sup>72</sup> It is therefore important not to exaggerate the influence of Augustine on O'Donovan's political thought.<sup>73</sup> O'Donovan's political theology is “Augustinian” but much more than a mere restatement of Augustine. O'Donovan's self-confessed Augustinianism must be read in conjunction with the additional influences identified below, some of which have not received due recognition in the secondary scholarship, leading perhaps to an overemphasis on the influence of Augustine.

#### Catholic tradition

Another important influence on O'Donovan's political theology, which has received no attention in secondary scholarship, is Catholic tradition.<sup>74</sup> O'Donovan describes the period 1100–1650 as the “High Tradition” of Christian political thought.<sup>75</sup> This gives

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rather than the work of any political theorist or theologian, though thinkers in both categories are engaged in the extensive small print in-text notes. The book that is most clearly and explicitly indebted to the political thought of Augustine is Oliver O'Donovan, *Common Objects of Love: Moral Reflection and the Shaping of Community* (Grand Rapids: Eerdmans, 2002) in which O'Donovan develops an account of community from Augustine's understanding of community being formed by a people's “common objects of love.”

<sup>71</sup> For a critical engagement with Augustine's political theology, see Oliver O'Donovan, “The Political Thought of *City of God* 19,” in *Bonds of Imperfection*.

<sup>72</sup> Shortt, “Political Theology,” 267.

<sup>73</sup> O'Donovan has said, for example, that “one pillar of my account of government can admittedly claim no Augustinian parentage, and that is my view of government's representative status...Its ancestry may be traced back in the first instance to St. Thomas” (“Judgment, Tradition and Reason,” 396).

<sup>74</sup> Westberg is a rare exception. Commenting on O'Donovan's moral theology, he notes that “Oliver O'Donovan, as an Anglican, provides a clear model (and challenge) in keeping before us the call to be evangelical and Christocentric, but at the same time to have the patience to work through the detail of practical reasoning and analysis of action associated with Roman Catholic ethics,” Daniel A. Westberg, *Renewing Moral Theology: Christian Ethics as Action, Character and Grace* (Downers Grove, Ill: IVP Academic, 2015), 27–28.

<sup>75</sup> O'Donovan, *The Desire of the Nations*, 4; and again in Oliver O'Donovan, “Political Theology, Tradition, and Modernity,” in *The Cambridge Companion to Liberation Theology*,

O'Donovan what can be described aptly as a “philo-Catholic” disposition towards Christian history and theology.<sup>76</sup> This “philo-Catholicism” is the product of a sensitive ecumenism that is evident throughout his work, which regularly and approvingly cites catholic medieval political thinkers in a way that is rare for evangelical theologians in North America and even for some within his own Anglican tradition.<sup>77</sup> I have already referenced the sympathetic account of Christendom in *Desire* and the controversy this has generated amongst some Protestant critics. O'Donovan has gone so far as to state that he “believe[s] in the authority of Catholic tradition and though [he] will not restrict its exercise to its Roman representatives, [he is] grateful for the contribution Roman tradition has made to maintaining it.”<sup>78</sup> O'Donovan also recounts an anecdote that testifies to his “philo-Catholic” ecumenism. While teaching a course on the Thirty Nine Articles of Religion of the Church of England in Toronto in the 1980s, he invited Catholic colleague George Schner to attend the class and provide a Catholic response to each article.<sup>79</sup> He has even quipped that he “learned how to read Karl Barth from a Jesuit.”<sup>80</sup>

The question of the provenance of this “philo-Catholicism” is something properly left to an intellectual history of O'Donovan. He has said that he is “deeply thankful to have been born in a generation of ecumenical progress,” and that his time teaching in Canada in the late seventies and early eighties “exposed [him] for the first time to intensive interaction with Roman Catholic theologians,” an interaction he found

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ed. Christopher Rowland (Cambridge: Cambridge University Press, 2007), 235. In the latter O'Donovan decries the “ignorance” of the High Tradition that is characteristic of contemporary political theology.

<sup>76</sup> I have coined this term by analogy with the Greek term “*φιλορθόδοξος*” (philorthodoxos), which denotes a non-Orthodox Christian who is favourably disposed to Orthodox theology and tradition.

<sup>77</sup> O'Donovan's respectful and sympathetic engagement with the political thought of several medieval popes is a rarity in the evangelical Protestantism with which he identifies (see section on evangelicalism).

<sup>78</sup> O'Donovan, “Judgment, Tradition and Reason,” 404.

<sup>79</sup> *Ibid.*, 10.

<sup>80</sup> Shortt, “Political Theology,” 265.

very fruitful.<sup>81</sup> It is also probably worth noting that his PhD supervisor at Oxford, Henry Chadwick, was a prominent figure in Anglican–Catholic ecumenical rapprochement in the second half of the 20<sup>th</sup> century.<sup>82</sup> O’Donovan’s work on Augustine also appears to have contributed to his “philo-Catholic” ecumenism. He has indicated that he regards Augustine as “a crucial focus for Western ecumenism” because “his influence has been so great both on Catholics and Protestants.”<sup>83</sup> It might also have something to do with the influence of his wife Joan Lockwood O’Donovan, a medieval scholar and political theologian in her own right. Joan could also be described as “philo-Catholic.” She has explained that her “Catholic leanings are towards a medieval tradition of Christocentric Platonic ‘realism’” and has opined that “contemporary Roman Catholicism has the unequalled pedagogical tool of the papal encyclical for renewing the theological framework of political thought,” adding that they “deserve to be used more extensively by other Churches than they have been.”<sup>84</sup>

### (Anglican) Evangelicalism

O’Donovan is a first generation Anglican. As he explained in a joint interview he gave with Joan, “his relatives were Roman Catholic on one side, and on the other side Methodist.”<sup>85</sup> He “found...[his]...way into the Church of England” in childhood and “received...catechesis there in an Evangelical context,” something for which he is

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<sup>81</sup> Ibid.

<sup>82</sup> Rowan Williams, “Obituary: Henry Chadwick,” *The Guardian*, 19 June 2008, <https://www.theguardian.com/world/2008/jun/19/religion>; G.R. Evans, “Henry Chadwick,” in *Key Theological Thinkers: From Modern to Postmodern*, ed. Staale Johannes Kristiansen and Svein Rise (Surrey: Ashgate, 2012), 477.

<sup>83</sup> Shortt, “Political Theology,” 267. If Augustine helped pave the way to O’Donovan’s “philo-Catholic” ecumenism then he might also explain the commensurate lack of interest in or engagement with the Orthodox tradition given Augustine’s thought and legacy is a source of conflict between the East and West.

<sup>84</sup> Ibid., 265–266.

<sup>85</sup> Ibid., 265. The fact that one side of O’Donovan’s family is Catholic might be relevant to his “philo-Catholic” Protestantism.

grateful.<sup>86</sup> O'Donovan's evangelicalism manifests, in his own words, in a commitment to "the Scriptures as the norm of all theology" and "a central emphasis on the atoning death of Christ."<sup>87</sup> These evangelical convictions are evident in O'Donovan's political theology, which seeks to identify a normative conception of political authority authorised from Scripture and which can be described as "Christocentric."<sup>88</sup>

In the light of O'Donovan's evident comfort with the moniker "evangelical"—he appears in the volume *Evangelical Anglicans* after all—it is striking just how little he talks about it in his work.<sup>89</sup> The term "evangelical" recurs throughout his work, but it always has the sense of "proclamation"<sup>90</sup> rather than the interdenominational movement famously defined by Bebbington as "conversionism, activism, biblicism and crucicentrism."<sup>91</sup> It is noteworthy that the secondary literature on O'Donovan has barely noted, let alone discussed, his evangelicalism, though this might simply reflect the fact that O'Donovan makes so little of it in his published work.

O'Donovan is best characterised as a quiet, ecumenical and non-sectarian evangelical. He does not reject the descriptor "evangelical," but nor do his writings exhibit any concern with promoting or defending evangelical orthodoxy. Nor does he write exclusively *to* or *for* evangelicals. Eminent evangelical scholar Mark Noll has

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<sup>86</sup> Ibid.

<sup>87</sup> Ibid.

<sup>88</sup> It is probably more than coincidence that O'Donovan's political mentor Ramsey wrote that "Christian political theory must be decisively and entirely Christocentric." Paul Ramsey, *Basic Christian Ethics* (Louisville: Westminster John Knox Press, 1993), 17.

<sup>89</sup> Oliver O'Donovan, "Evangelicalism and the Foundation of Ethics," In *Evangelical Anglicans: Their Role and Influence in the Church Today*, ed. R.T. France and A.E. McGrath (London: SPCK, 1993).

<sup>90</sup> See, for example, O'Donovan, *Resurrection and Moral Order*, 11; O'Donovan, *Self, World, and Time*, 91; and Oliver O'Donovan, *Finding and Seeking: Ethics as Theology Volume 2* (Grand Rapids: Eerdmans, 2014), 2.

<sup>91</sup> Timothy Larsen, "Defining and Locating Evangelicalism," in *The Cambridge Companion to Evangelical Theology*, ed. Timothy Larsen and Daniel J. Treier (Cambridge: Cambridge University Press, 2007), 1. Larsen says that "no other definition comes close to rivalling its [Bebbington's] level of general acceptance." Bebbington's definition first appeared in David W. Bebbington, *Evangelicalism in Modern Britain: A History from the 1730s to the 1980s* (London: Unwin Hyman, 1989).

observed that the term “evangelical” is “plastic.”<sup>92</sup> So while it is possible to describe O’Donovan as an “evangelical” theologian without any controversy, that appellation only reveals so much without further qualification.

O’Donovan’s Augustinianism and his “philo-Catholicism” are two aspects of his theology that qualify his evangelicalism, and in ways that make it difficult to comfortably fit him into some definitions of the movement. Larsen has provided an updated version of Bebbington’s famous “quadrilateral” definition cited above. One of the additions he makes is to locate the origins of evangelicalism in “the cross-pollinating revivalistic and evangelistic atmosphere of Britain and North America in the 1730s.”<sup>93</sup> But O’Donovan identifies the period 1100–1650 as the “High Christian tradition” and it is this tradition, along with Augustine, that has shaped O’Donovan’s theology of political authority.<sup>94</sup>

Indeed, some Anglican theologians have emphasised the term “reformed” in relation to O’Donovan. Williams, for example, locates O’Donovan in the tradition of “classical Reformed divinity which, like Calvin’s own thinking, is imbued with the insights of the patristic age as well as the result of painstaking scriptural exegesis.”<sup>95</sup> Gorringer discerns “three styles of Anglican political thought” and identifies O’Donovan as a modern representative of the “Reformed” style (“Broad Church” and “Anglo Catholic” are the other two).<sup>96</sup> This, according to Gorringer, places O’Donovan within the tradition that traces its origins to Richard Hooker via S.T. Coleridge and F.D.

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<sup>92</sup> Mark A. Noll. *Between Faith and Criticism: Evangelicals, Scholarship, and the Bible in America*, 2nd ed. (Grand Rapids: Baker Book House, 1991), 1.

<sup>93</sup> Larsen, “Defining and Locating Evangelicalism,” 5.

<sup>94</sup> Note also that Oliver and Joan’s tour de force *From Irenaeus to Grotius* covers the period 100–1625. Oliver O’Donovan and Joan Lockwood O’Donovan, eds., *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought 100–1625* (Grand Rapids: Eerdmans, 1999).

<sup>95</sup> Williams, foreword to *The Authority of the Gospels*, vii. O’Donovan’s “philo-Catholicism” is a sharp point of difference with Calvin though.

<sup>96</sup> Timothy Gorringer, “Anglican Political Thought,” *The Expository Times* 124, no.3 (2012), 105, 107.

Maurice.<sup>97</sup> Interestingly, Gorringe suggests that “the evangelical wing” of the Anglican Church could represent a fourth style, which infers a difference between “reformed” and “evangelical” in the context of Anglicanism, with O’Donovan belonging to the former.<sup>98</sup>

#### Barth, Ramsey, Grotius, Grant and Joan Lockwood O’Donovan

While Augustine is, in O’Donovan’s own account and by popular acclaim, the most significant influence on his political thought, several other figures have been identified either by O’Donovan or others as formative and important influences. In his interview with Shortt, O’Donovan said that he obtained “a precise but important influence from...reading...Karl Barth,” who taught him “how the theological endeavour had to understand its intellectual responsibilities and its authority.”<sup>99</sup> O’Donovan even says that at one stage early in his career he “was in danger of being branded a Barthian” by colleagues.<sup>100</sup>

After Augustine, Barth is the name most frequently associated with O’Donovan in the secondary literature. However, while many scholars have detected the influence of Barth in O’Donovan’s political theology, there is little agreement about what that influence has been. Bretherton, who has described Barth as a “key influence” in O’Donovan’s political theology, has discerned “the faint trace of Barth’s inner-outer ground duality in *Desire*...as well as Barth’s method...of seeing political goods such as “equality” as the corollary or analogy of Christological affirmations.”<sup>101</sup> He has also said that “building on Barth...O’Donovan...suggest[s] that the relationship between

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<sup>97</sup> Ibid.

<sup>98</sup> Ibid. Contrast this, however, with O’Donovan’s statement to Shortt that he received catechesis in an “Evangelical context” (“Political Theology,” 267).

<sup>99</sup> Shortt, “Political Theology,” 267.

<sup>100</sup> Ibid.

<sup>101</sup> Bretherton, “Introduction,” 267.

theological and political conceptualisations of life together is not simply epistemological but ontological.”<sup>102</sup> Kroeker says O’Donovan has been “clearly influenced by the anti-liberal and exegetical, apocalyptic messianism of Karl Barth.”<sup>103</sup> Bartholomew sees a “Barthian epistemology” at work in O’Donovan.<sup>104</sup> For his part, O’Donovan has described Barth’s political theology as “a magnificent, but incomplete, beckoning movement.”<sup>105</sup>

O’Donovan indicates that he ultimately abandoned Barth’s moral theology for that of Paul Ramsey, who would go on to become one of his seminal influences, his most important after, or perhaps alongside, Augustine.<sup>106</sup> In *Desire*, he describes Ramsey as the “teacher from whom, one other person apart, I have learned the most about the subjects dealt with in the book.”<sup>107</sup> Elsewhere, O’Donovan has said that he had his “first introduction to Christian political thought through the teaching of...Ramsey.”<sup>108</sup> He also credits Ramsey with helping him to find his “way back to the thinkers of the sixteenth and seventeenth century, which was a high period of Christian political thought.”<sup>109</sup>

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<sup>102</sup> Luke Bretherton, “Coming to Judgment: Methodological Reflections on the Relationship between Ecclesiology, Ethnography and Political Theory,” *Modern Theology* 28, no.2 (2012), 172.

<sup>103</sup> Travis Kroeker, foreword to *Beyond Suspicion*, xiii.

<sup>104</sup> Craig G. Bartholomew, “A Time for War, and a Time for Peace: Old Testament Wisdom, Creation and O’Donovan’s Theological Ethics,” in *A Royal Priesthood?*, 101.

<sup>105</sup> O’Donovan, *The Desire of the Nations*, 286. O’Donovan thinks Barth correctly understood that the hope of the Christian community consists in a *polis* rather than an eternal church, but that he “fail[ed] to acknowledge the political character of the church itself” (*The Desire of the Nations*, 285).

<sup>106</sup> Shortt, “Political Theology,” 267. O’Donovan has written an essay that brings Barth’s and Ramsey’s political theologies into critical dialogue. Oliver O’Donovan, “Karl Barth and Paul Ramsey’s “Uses of Power,”” in *Bonds of Imperfection*. O’Donovan acknowledges a debt to Ramsey in the prefaces to both *The Problem of Self-Love in St. Augustine*, vii and *Peace and Certainty: A Theological Essay on Deterrence* (Grand Rapids: Eerdmans, 1989), viii.

<sup>107</sup> O’Donovan, *The Desire of the Nations*, 20.

<sup>108</sup> Center for Pastor Theology, “SAET Interviews in Politics and Theology,” question 3.

<sup>109</sup> *Ibid.*

O'Donovan singles out Hugo Grotius from among the figures of this "high period" as someone he particularly "treasures."<sup>110</sup> He has said that his "enthusiasm" for Grotius strikes many as "rather eccentric."<sup>111</sup> Secondary scholarship, however, has not shown any substantive interest in the influence of Ramsey and Grotius on O'Donovan's political theology, in spite of his open indebtedness to the former and high regard for the latter.<sup>112</sup> In the case of Grotius, the silence in the secondary literature might simply be confirmation of the eccentricity of O'Donovan's interest in him.<sup>113</sup>

O'Donovan does not identify the other political "teacher" alongside Ramsey mentioned in *Desire*, but it may well be his wife Joan, whom in the acknowledgements he describes as "the most important intellectual influence" on that book.<sup>114</sup> He goes on to say that Joan "opened up questions I never knew were there, and [her] careful interpretive skills unravelled questions I never thought I could understand."<sup>115</sup> Bretherton has observed that what he dubs "the O'Donovan project" is "developed in close collaboration with...wife Joan Lockwood O'Donovan."<sup>116</sup>

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<sup>110</sup> Ibid. O'Donovan has written an essay on Grotius. Oliver O'Donovan, "The Justice of Assignment and Subjective Rights in Grotius," in *Bonds of Imperfection*.

<sup>111</sup> Shortt, "Political Theology," 267. In another interview O'Donovan named Ramsey and Grotius when asked to identify "two influential thinkers" to whom he responds in his political theology. Center for Pastor Theology, "SAET Interviews in Politics and Theology," question 3.

<sup>112</sup> For a rare exception, see Therese Feiler, "From Dialectics to Theo-Logic: The Ethics of War from Paul Ramsey to Oliver O'Donovan," *Studies in Christian Ethics* 28, no.3 (2015). This essay, as the title suggests, is focused on Ramsey and O'Donovan's Just War theories rather than their view of political authority.

<sup>113</sup> O'Donovan has indicated that "much of [his] preferred reading has been in older texts—almost any generation but our own," which may help clarify the Grotius interest. Eerdword: the Eerdmans blog, "Five Questions with Oliver O'Donovan," 17 March 2015, <http://eerdword.com/2015/03/17/five-questions-with-oliver-odonovan/>, question 5.

<sup>114</sup> O'Donovan, *The Desire of the Nations*, xii. O'Donovan also appears to suggest in the acknowledgments that Hobbes' *Leviathan* had a profound effect on the thought that went into *Desire*, although there are only five references to Hobbes in the index, xi.

<sup>115</sup> Ibid., xi. Unpicking the influence of Joan on Oliver's theology of political authority ideally requires a joint interview as she is not explicitly credited with any of the key ideas in *Desire*, although judging by the acknowledgements she was profoundly influential. Joan, like Oliver, has written on political authority and in such a way that displays great convergence of thought. See, for example, Joan Lockwood O'Donovan, *Theology of Law and Authority in the English Reformation* (Atlanta: Scholars Press, 1991); and Joan Lockwood O'Donovan, "Subsidiarity and Political Authority in Theological Perspective," in *Bonds of Imperfection*.

<sup>116</sup> Bretherton, "Introduction," 266.

Bretherton and Chaplin have both identified Canadian philosopher George Grant as an influence on O'Donovan's political theology.<sup>117</sup> Neither elaborates as to the precise nature of this perceived influence and no other scholar has discerned or noted a Grant connection. However, it is perhaps significant that Joan said in her joint interview with Oliver that in her youth she "came under the influence of two political philosophers," one of which was Grant (the other was Leo Strauss).<sup>118</sup> O'Donovan has not publically nominated Grant as one of his influences and Grant's work is cited only a handful of times in *Desire*.

### **Conclusion**

The task of explaining the complex ways in which Augustine, Barth, Ramsey, Grotius, Joan Lockwood O'Donovan, medieval Catholic tradition and Anglican evangelicalism interact and shape the thought of O'Donovan is best left to a systematic and detailed intellectual history. But several pertinent observations can be made for the purposes of this thesis. In the first place, it is a rather eclectic set of influences, making it difficult to classify O'Donovan within existing theological taxonomies. This eclecticism might go a long way to explaining O'Donovan's originality, but also his idiosyncrasy. He may even be akin to a "theological isolate," to adapt a linguistic term ("language isolate"). His eclectic influences have undoubtedly contributed to the sophistication and genuine insightfulness that is regularly on display in all of O'Donovan's work. If it is true that he cannot be accused of ever writing too "simply," he similarly cannot be accused of ever being uninteresting, unstimulating or superficial. But it is also possible that this eclecticism and the idiosyncrasy it has generated are responsible for some of the problems in relation to his theology of political authority that will be identified and

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<sup>117</sup> Ibid., 267; Chaplin, "Political Eschatology and Responsible Government," 266.

<sup>118</sup> Shortt, "Political Theology," 252.

discussed in subsequent chapters. It may be that O'Donovan's influences have created both genuine insights but also genuine and unresolved tensions.

O'Donovan's stature as a leading and highly influential figure in the field of political authority is beyond dispute. His work has elicited a substantial body of engagement that deals sympathetically and critically with his ideas. O'Donovan's sophisticated and discursive mind, his encyclopaedic knowledge of the Christian intellectual tradition, as well as his eclectic influences, make his work challenging to assess. But in light of his significance and influence and the substantial body of excellent secondary work on his political theology that is now available, such an assessment is timely. Song and Waters, in their introduction to *The Authority of the Gospel*, indicated that the primary purpose of their book was to "honour and acknowledge" O'Donovan's "formative contributions" and that it was a task best left to "future generations of doctoral students in search of theses to write" to undertake the critical assessment of his oeuvre. This is a mantle I take up in the following chapters.

## **Chapter 2**

### **O'Donovan's theology of political Authority: an exposition**

## Introduction

This chapter will provide an exposition of O'Donovan's theology of political authority. It will do so by tracing its development across the books *Resurrection, Thirty Nine Articles, Desire, Just War, Judgment, Self, World, and Time* and the essay "Government as Judgment." The overview is descriptive rather than critical. Some analysis, however, is necessary in order to connect the discussions of political authority across different works, and also on account of what Schweiker described as the "complex" and "confusing" nature of *Desire*.<sup>119</sup> The exposition is structured according to the publication chronology of the aforementioned books and essay.

Scholars who have responded to O'Donovan's books have noted the difficulty in summarising his theses without doing injustice to their elaborate, subtle and complex composition—"thick," "dense" and "rich" in Neuhaus' apt description.<sup>120</sup> It is therefore necessary to go into some detail in order to provide both a comprehensive and fair exposition of O'Donovan's account of political authority. Several scholars have provided brief overviews of O'Donovan's theology of political authority as set out in *Desire*.<sup>121</sup> However, none has undertaken either a detailed exposition of his theology of political authority, or an exposition that traces the development of the theory across O'Donovan's corpus.

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<sup>119</sup> Schweiker, "Freedom and Authority in Political Theology," 110–110.

<sup>120</sup> Neuhaus, "Commentary on *The Desire of the Nations*," 77. Doerkson has noted this difficulty and attributed it to "the richly nuanced structure and content of O'Donovan's work," ("Christology in the Political Theology of O'Donovan," 436).

<sup>121</sup> For short overviews of O'Donovan's political theology as set out in *Desire*, see Waters, "*The Desire of the Nations*," 1–7; Wolterstorff, "A Discussion of Oliver O'Donovan's *The Desire of the Nations*," 92–100; and Craig G. Bartholomew, introduction to *A Royal Priesthood?*, 26–34.

### ***Resurrection and Moral Order (1986)***

*Resurrection* is divided into three parts: Part 1—“The objective reality,” Part 2—“The subjective reality” and Part 3—“The form of the moral life.” A large portion of Part 2 is devoted to the issue of “authority,” and it is within this context that O’Donovan’s first discussion of “political authority” emerges.<sup>122</sup> “Authority” is defined as “something which, by virtue of its kind, constitutes an immediate and sufficient ground for acting.”<sup>123</sup> In short, authority is that which makes human action meaningful.<sup>124</sup> The concept of authority is integral to morality because it forms the grounds for our *proper* participation in the moral order through Christ’s redemption. Christ’s resurrection redeems the place of men and women in the created order, allowing them to “subject” themselves to “God’s order” and to assume once again “the place of dominion which God assigned to Adam.”<sup>125</sup>

O’Donovan argues that authorities are “natural” in the sense that they derive their authority from the fact that they are grounded in creation. O’Donovan provides three archetypical examples of natural authorities: “beauty,” “community” and “truth.”<sup>126</sup> O’Donovan explains that listening to music, joining a club and reading philosophy are self-explanatory grounds for action that are immediately intelligible.<sup>127</sup> Their intelligibility derives from their existence as “aspect[s] of the teleological structure of the universe.”<sup>128</sup>

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<sup>122</sup> O’Donovan’s understanding of “authority,” which is central to his moral theology, has generated less interest than his work on political authority. For a recent exception, see Errington, “Authority and Reality in the Work of Oliver O’Donovan.”

<sup>123</sup> O’Donovan, *Resurrection and Moral Order*, 122.

<sup>124</sup> *Ibid.*

<sup>125</sup> *Ibid.*, 24.

<sup>126</sup> *Ibid.*, 122.

<sup>127</sup> *Ibid.*

<sup>128</sup> *Ibid.*

Humans are able to “evoke free action” from other humans through their possession of naturally endowed authority.<sup>129</sup> In fact, “many characteristic features of human society arise because some human beings have this authority to evoke human action.”<sup>130</sup> O’Donovan gives several examples of what he means by this: “the young accept the recommendations of their elders,” “those who have physical beauty or charm of speech influence other people,” “forceful personalities gather a following,” “widely-held opinions are more likely to win new adherents than those held by only a few” and “customary practices are maintained because they are customary.”<sup>131</sup>

Chapter 6—“Authority” contains a four-page discussion of “political authority” that is introduced by O’Donovan as a “digression.”<sup>132</sup> In this brief first discussion of political authority O’Donovan ventures the following definition:

The distinctive form of authority which we call ‘political’ is, then, at its simplest, a concurrence of the natural authorities of might and tradition with that other ‘relatively natural’ authority, the authority of injured right. When these three authorities are exercised together by one subject, then they are endorsed by a moral authority which requires that we defer to them.<sup>133</sup>

“Might” and “tradition” derive their natural authority from their “strength” and “age” respectively.<sup>134</sup> “Injured right” relates to the “righting of wrongs” and it is described as “relatively natural” because it “belongs to the natural order as it is encountered under the conditions brought about by Adam’s sin.”<sup>135</sup> O’Donovan explains that these authorities are “exercised together” when “might” and “tradition” are placed at the “disposal” of “injured right.” Thus the three constitutive authorities that together make

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<sup>129</sup> Ibid., 124.

<sup>130</sup> Ibid.

<sup>131</sup> Ibid.

<sup>132</sup> Ibid., 127.

<sup>133</sup> Ibid., 128.

<sup>134</sup> Ibid., 127.

<sup>135</sup> Ibid., 124.

up political authority operate in something of a teleological hierarchy: the function of “might” and “tradition” is to effect “injured right,” i.e. justice: “For justice, in the relative sense in which it is appropriate to speak of it in human communities, can be realised only by this triad of authorities in combination.”<sup>136</sup> Justice is therefore fundamentally the purpose of “political authority.”

O’Donovan says that “we should not only obey an institution which unites these three authorities in itself, but we should make every effort to sustain it.”<sup>137</sup> The political task, then, of a community, society or nation is to establish and sustain institutions which allow political authority to function in the way outlined in the definition above—might and tradition supporting injured right—for the purposes of realising justice. It will become clear in subsequent work that O’Donovan believes that a range of institutional and legal arrangements can achieve this end.

O’Donovan emphasises the “relative” nature of the justice effected by political authority. He draws a distinction between the options available to the individual moral agent, in the sense of a private citizen, and the political leader as public moral agent.<sup>138</sup> The latter, unlike the former, is “constrained by the limited possibilities for action in the public sphere, limitations arising from its dependence upon tradition and might, and for him it is a matter of principle, not merely of expediency, not to strain those possibilities to their breaking-point.”<sup>139</sup> Therefore, “even at its best, public right action can bear only an indirect relation to the demands of truth and goodness considered absolutely.”<sup>140</sup> The relative nature of the earthly justice that secular governments are called upon to exercise is explored in more detail in *Judgment* (see below for detail). O’Donovan closes the discussion of political authority in *Resurrection* by concluding that “the exercise of

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<sup>136</sup> Ibid., 129.

<sup>137</sup> Ibid.

<sup>138</sup> Ibid., 130.

<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

political authority is the search for a compromise which, while bearing the fullest witness to the truth that can in the circumstances be borne, will, nevertheless, lie within the scope of possible public action in the particular community of fallen men which it has to serve.”<sup>141</sup>

### ***On the Thirty Nine Articles (1986)***

*Thirty Nine Articles* was published the same year as *Resurrection* and it contains a chapter (8) called “Authority to Command,” in which O’Donovan examines Articles 32–39 of the Thirty Nine Articles of Religion of the Church of England (1571).<sup>142</sup>

Unlike *Resurrection*, in which O’Donovan provides his own analysis of political authority in the context of the natural authorities that exist in the created order, the discussion of political authority in *Thirty Nine Articles* represents his analysis of the rationale underpinning the composition of the aforementioned Articles by English reformers. As such, it can be difficult to disentangle O’Donovan’s personal views from his interpretation of the views of the authors of the Articles, even though his account of the Articles is manifestly sympathetic.

O’Donovan begins the chapter with a brief explanation of “authority” (auctoritie), which very clearly expresses his own view on the matter.<sup>143</sup> He says that ““authority” means that which initiates, but specifically it refers to that which initiates

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<sup>141</sup> Ibid.

<sup>142</sup> O’Donovan, *On the Thirty Nine Articles*, 150–154. Articles 32–39 relate to “*Of the mariage of Priestes (32)*,” “*Of excommunicate persons, howe they are to be auoyded (33)*,” “*Of the traditions of the Churche (34)*,” “*Of Homilies (35)*,” “*Of consecration of Bishops and ministers (36)*,” “*Of the Ciuill Magistrates (37)*,” “*Of Christian mens goodes, which are not common (38)*” and “*Of a Christian mans othe (39)*.” Note: O’Donovan uses the original English of the 1571 articles.

<sup>143</sup> Ibid., 98, 144–145. The term “auctoritie” occurs in a number of Articles, not just 32–39. With regard to articles 32–39 the term appears in the following contexts: 34—“approved by common auctoritie,” “the auctoritie of the Magistrate,” “Euery particuler or national Churche, hath auctoritie to ordaine, change, and abolishe ceremonies...” 35—“by auctoritie of Parliament.”

free thought and action.”<sup>144</sup> This idea is consonant with his treatment of authority in *Resurrection* discussed above, where he maintained that “authority is the objective correlate of freedom.”<sup>145</sup> Articles 32–39 are concerned with two types of authority, according to O’Donovan: “the authority of true speech” and “the authority of legitimate command,” i.e., political authority.<sup>146</sup> He says that “Christian political thought must begin from the conviction that the two authorities both have their source in God” on the basis of Rom. 13:1.<sup>147</sup>

The rest of the chapter analyses the Tudor understanding of political authority. The discussion raises a number of themes that would become central to the development of O’Donovan’s theology of political authority in *Desire*. It foreshadowed, for example, the sympathetic reading of Christendom that would generate so much controversy.<sup>148</sup> It also indicated the central importance of history for O’Donovan’s understanding of political authority.<sup>149</sup> And it also adumbrated the importance of the Davidic monarchy for political theology, something that would assume centrality in *Desire*. O’Donovan tells us in *Thirty Nine Articles* that the English reformers, in their search for political models that could lend “Christian authenticity” to their unique political situation—a Christian society that had rejected the political authority of the papacy—“found guidance from the patterns of authority established in the Davidic monarchy in ancient Israel.”<sup>150</sup> He concluded that “there is, then, in the Davidic monarchy also a model of

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<sup>144</sup> Ibid.

<sup>145</sup> O’Donovan, *Resurrection and Moral Order*, 122.

<sup>146</sup> O’Donovan, *On the Thirty Nine Articles*, 98.

<sup>147</sup> Ibid.

<sup>148</sup> Ibid., 102. For instance, O’Donovan argues that although “the Reformers’ conception of the place of princes in the society of the faithful followed no model in the New Testament,” it nonetheless “had to come to grips with a historical reality unknown to the apostolic age, the conversion of society as a whole to Christian allegiance.”

<sup>149</sup> Ibid., He observes that “political theory is always interwoven with history.”

<sup>150</sup> Ibid., 102–103.

what kings as such should rightly be.”<sup>151</sup> The Davidic monarchy was not mentioned in the context of O’Donovan’s discussion of political authority in *Resurrection*.

### ***The Desire of the Nations (1996)***

*Desire* develops an elaborate theologically informed theory of political authority, which is then used to interpret Western political history and to critique “late-modern liberalism.”<sup>152</sup> Its “central thesis” is that “theology, by developing its account of the reign of God, may recover the ground traditionally held by the notion of authority.”<sup>153</sup> O’Donovan maintains that the notion of authority became unintelligible in the late-modern period, and along with it “the idea of political activity as kingly.”<sup>154</sup> O’Donovan thinks the retrieval of this “theological horizon,” necessitated by the “modern tradition of separating politics from theology,” will restore political history to its rightful context as resting “within the history of God’s reign.”<sup>155</sup>

O’Donovan believes that an account of politics that begins with the concept of divine rule can restore three critical elements that have disappeared from contemporary political thought: it can “safeguard and redeem the goods of creation,” “strip away the institutional fashions with which the Western...tradition has clothed the idea of authority,” and recapture the history of Israel as “revealed history” and the “measure” of “our understanding of general and universal history.”<sup>156</sup> *Desire* is therefore, in essence,

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<sup>151</sup> Ibid., 104. He thinks, however, that the Tudors stretched the argument too far “in placing the government of the church directly in royal hands.”

<sup>152</sup> Schweiker, “Freedom and Authority in Political Theology,” 111. Schweiker has observed that “even a cursory look at *The Desire of the Nations* shows that its central concern is with the question of authority.”

<sup>153</sup> O’Donovan, *The Desire of the Nations*, 19.

<sup>154</sup> Ibid.

<sup>155</sup> Ibid., 6, 19.

<sup>156</sup> Ibid., 19–21.

a project of retrieval.<sup>157</sup> By returning to Scripture, the history of Israel and what O'Donovan terms the “High Tradition” of Christendom (1100–1650), political theology can revive the notion that political authority performs a vital service within the history of God's rule.<sup>158</sup>

If *Desire* is fundamentally a work in retrieval from the High Christian tradition, it is also a work in biblical theology. O'Donovan establishes the following methodology for political theology: Theory depends on the identification of “true concepts” which “disclose the elementary structures of reality.”<sup>159</sup> The theoretical discipline of political theology therefore entails the identification of “true political concepts” “authorised...from Holy Scripture.”<sup>160</sup> Political theology is therefore also an “exegetical task.”<sup>161</sup> O'Donovan clarifies that political theology must contend with “the Scriptures in their entirety.”<sup>162</sup> It cannot lay its foundation merely in several cherished texts, which was precisely the problem with much political theology in the 20<sup>th</sup> century in his view: “political theology grew weaker as [its] exegetical foundations shrank.”<sup>163</sup> “If the Scriptures are to be read as a proclamation,” O'Donovan contends, and “not merely as a mine for random sociological analogies dug out from the ancient world, then a unifying conceptual structure is necessary that will connect political themes with the history of salvation as a whole.”<sup>164</sup>

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<sup>157</sup> Doerksen observed that O'Donovan's “historical project is one of retrieval of the Christian tradition” (*Beyond Suspicion*, 129).

<sup>158</sup> O'Donovan, *The Desire of the Nations*, 4.

<sup>159</sup> *Ibid.*, 15.

<sup>160</sup> *Ibid.*

<sup>161</sup> *Ibid.*, 15–16. Moberly maintains that “the whole book [*Desire*] is an exposition and application of Scripture—in conjunction with a robust sense of tradition.” R.W.L. Moberly, “The Uses of Scripture in *The Desire of the Nations*,” in *A Royal Priesthood?*, 46.

<sup>162</sup> O'Donovan, *The Desire of the Nations*, 22.

<sup>163</sup> *Ibid.*

<sup>164</sup> *Ibid.*

Connecting Scripture's political themes with the history of salvation as a whole requires an "architectonic hermeneutic."<sup>165</sup> "Salvation-history" performs the function of *Desire's* architectonic hermeneutic.<sup>166</sup> Scripture is to be read as the authoritative testimony to God's salvific acts in history. O'Donovan says, for instance, that Israel's history "must be read as a *history of redemption* [original emphasis]."<sup>167</sup>

#### Divine rule, Israel and the definition of political authority

O'Donovan's emphasis on understanding human political history through the lens of God's divine rule, and on Scripture as testimony to God's saving acts in history, makes history an integral concept in O'Donovan's theology of political authority. So in addition to political theology being both a theoretical and exegetical task, it is also a historical task. Indeed, O'Donovan has characterised *Desire* as a "historico-theological" work.<sup>168</sup>

O'Donovan argues that a Christian account of the reign of God begins with Israel's political categories.<sup>169</sup> This is where the search for "true political concepts" begins. He says that "Israel's knowledge of God's blessing was, from beginning to end, a political knowledge, and it was out of that knowledge that the evangelists and apostles spoke about Jesus."<sup>170</sup> O'Donovan notes that the "whole vocabulary of the New Testament has a political pre-history" in the Old Testament.<sup>171</sup> However, he also notes that concepts evolve and shift meaning over time.<sup>172</sup> Moreover, an important linguistic

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<sup>165</sup> Ibid.

<sup>166</sup> This hermeneutic has also been highlighted by Bartholomew (introduction to *A Royal Priesthood?*, 37).

<sup>167</sup> O'Donovan, *The Desire of the Nations*, 29.

<sup>168</sup> O'Donovan, "Response to the Respondents," 92. Hauerwas and Fodor have described *Desire* as "historical theology" ("Remaining in Babylon," 31).

<sup>169</sup> O'Donovan, *The Desire of the Nations*, 22.

<sup>170</sup> Ibid., 123.

<sup>171</sup> Ibid., 22.

<sup>172</sup> Ibid., 23.

shift occurs between the testaments, from Hebrew to Greek. The question of conceptual movement does not relate to “semantic equivalence” between the Hebrew and Greek languages.<sup>173</sup> Rather, it is a “theological question about the substance of religious hope in Israel and the early church.”<sup>174</sup>

The (true) biblical political concept that lays the foundation for O’Donovan’s unified conceptual structure is “divine kingship,” as it manifested in God’s rule over the social and political entity Israel.<sup>175</sup> The scriptural warrant for this foundation is the refrain *Yhwh malak*, found in several of the “enthronement psalms,”—Psalms 93, 97 and 99 are mentioned by O’Donovan.<sup>176</sup> O’Donovan describes these Psalms as the “leading texts” for an exposition of the concept of divine kingship.<sup>177</sup>

O’Donovan identifies three political terms commonly associated with Yhwh’s kingship.<sup>178</sup> These are “salvation,” “judgment” and “possession.”<sup>179</sup> Each of them corresponds to a Hebrew term: “salvation” = *yshuah*, “judgment” = *mishpat* and “possession” = *nahalah*.<sup>180</sup> There is actually a fourth concept, “praise,” which, O’Donovan explains, is not constitutive of kingly rule in the way that the aforementioned three are.<sup>181</sup> Praise, rather, is “demonstrative proof” of kingship.<sup>182</sup> In reality, praise plays no significant role in O’Donovan’s theology of political authority so it will not be discussed further.

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<sup>173</sup> Ibid.

<sup>174</sup> Ibid.

<sup>175</sup> Ibid., 27, 30.

<sup>176</sup> Ibid., 33. O’Donovan translates the phrase “*Yhwh malak*” as “‘Yhwh has exerted his rule’, ‘has proved his royal authority’, or something of that kind,” (*The Desire of the Nations*, 34). Goldingay gives the following translation: “Yahweh has succeeded to the kingship and reigns in the present.” John Goldingay, *Psalms: Volume 3; Psalms 90–150* (Grand Rapids: Baker Academic, 2008), 67.

<sup>177</sup> O’Donovan, *The Desire of the Nations*, 33.

<sup>178</sup> O’Donovan always refers to God as Yhwh when discussing the Old Testament in *Desire*.

<sup>179</sup> Ibid., 36.

<sup>180</sup> Ibid. O’Donovan describes these three terms as “Hebrew points of reference.”

<sup>181</sup> Ibid., 47.

<sup>182</sup> Ibid., 113.

“Salvation” is understood as the establishment of God’s kingship through his deliverance of “his people from peril in conflict with their enemies.”<sup>183</sup> The paradigmatic instance of this salvation is the Exodus, the miraculous and providential deliverance of the Hebrew people from their bondage. However, O’Donovan contends that the primary political implication of salvation is “Israel’s power to win military engagements.”<sup>184</sup> “Judgment” denotes making a “distinction between the just and the unjust” and bringing this distinction into “the daylight of public observation.”<sup>185</sup> “Judgment” in the Old Testament is an “activity” rather than a “state of affairs that obtains.”<sup>186</sup> “Possession” relates to the law as a tradition handed down through the generations. It is the means by which “the judgments of God...give order and structure to a community and sustain it in being.”<sup>187</sup> “Possession” also relates to land, though this is of secondary importance on O’Donovan’s account.<sup>188</sup> “Possessing the land,” O’Donovan explains, “was a matter of observing that order of life which was established by Yhwh’s judgments.”<sup>189</sup> These three “affirmations”—“salvation,” “judgment” and “possession”—forge Israel’s distinctive political identity and give meaning to the idea of God’s divine kingship over Israel: “Yhwh’s authority as king is established by the accomplishment of victorious deliverance, by the presence of judicial discrimination and by the continuity of a community-possession.”<sup>190</sup>

O’Donovan then uses this conceptual triad to “provide a framework for exploring the major questions about authority posed by the Western tradition.”<sup>191</sup> For God’s kingship over Israel, O’Donovan maintains, “can be seen as a point of disclosure

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<sup>183</sup> Ibid., 36.

<sup>184</sup> Ibid.

<sup>185</sup> Ibid., 38.

<sup>186</sup> Ibid., 39.

<sup>187</sup> Ibid., 41.

<sup>188</sup> Ibid.

<sup>189</sup> Ibid.

<sup>190</sup> Ibid., 36.

<sup>191</sup> Ibid., 45.

from which the nature of *all* political authority comes into view [emphasis mine].”<sup>192</sup> O’Donovan’s analysis of the concepts associated with divine kingship in Scripture (“salvation,” “judgment” and “possession”) result in six theorems of political authority, the first two of which are:

**Theorem 1**—Political authority arises where power, the execution of right and the perpetuation of tradition are assured together in one coordinated agency.<sup>193</sup>

**Theorem 2**—That any regime should actually come to hold authority, and should continue to hold it, is a work of divine providence in history, not a mere accomplishment of the human task of political service.<sup>194</sup>

It is worth highlighting the clear resemblance between theorem 1 and the definition of political authority provided in *Resurrection* discussed earlier:

a concurrence of the natural authorities of might and tradition with that other ‘relatively natural’ authority, the authority of injured right. When these three authorities are exercised together by one subject.<sup>195</sup>

Notwithstanding the substitution of “power” for “might,” “execution of right” for “authority of injured right” and “one coordinated agency” for “one subject,” the constitutive concepts in each definition appear to be synonymous.<sup>196</sup> For all the remarkable similarity between these two definitions of political authority, there is still a

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<sup>192</sup> Ibid.

<sup>193</sup> Ibid., 46.

<sup>194</sup> Ibid.

<sup>195</sup> O’Donovan, *Resurrection and Moral Order*, 128.

<sup>196</sup> I say “cognate” because O’Donovan would later clarify that “power” was actually a correction to “might,” which had a narrower connotation. “Might,” according to O’Donovan, means the “the capacity to deploy force,” whereas “power” means the capacity to deploy force and the wealth and other resources required to make force effective (*The Ways of Judgment*, 143). Indeed, in the prologue to the second edition of *Resurrection* published in 1994, O’Donovan explained that he “now prefer[s] to say ‘power’ rather than ‘might’” (*Resurrection and Moral Order*, xx).

significant difference, which is methodology. The definition of political authority given in *Desire* is developed on the basis of exegesis. It is developed from an analysis of Hebrew political terms regularly associated with divine kingship, itself a biblical concept. The definition provided in *Resurrection*, in contrast, was not derived from any exegesis at all.<sup>197</sup>

It is curious that O'Donovan chose to present the definition of political authority in two separate theorems rather than a single theorem (they are presented separately on the same page). For it is only together that they form a complete definition of political authority. Together they articulate the following definition:

Political authority arises where power, the execution of right and the perpetuation of tradition are assured together, in one coordinated agency (theorem 1), *by the work of divine providence* (theorem 2).

The significance of providence in O'Donovan's definition of political authority has largely gone unnoticed in secondary scholarship, perhaps as a consequence of the concept not appearing in the all-important first theorem.<sup>198</sup>

Theorems 3–6 emerge at various intervals in a lengthy discussion of divine kingship in the Old Testament.<sup>199</sup> But they play absolutely no significant function in the

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<sup>197</sup> It was Chaplin who first identified the close parallels between the definitions of political authority in *Desire* and *Resurrection*, and who first identified the methodological difference noted here ("Political Eschatology and Responsible Government," 298–299). O'Donovan subsequently conceded that he had not been conscious of the parallels when he wrote *Desire* (*The Ways of Judgment*, 143).

<sup>198</sup> Chaplin is an exception to this rule. He perspicaciously characterised O'Donovan's conception of political authority as "providentialist." Jonathan Chaplin, "Representing a People: Oliver O'Donovan on Democracy and Tradition," *Political Theology* 9, no.3 (2008), 296.

<sup>199</sup> **Theorem 3**—In acknowledging political authority, society proves its political identity. **Theorem 4**—The authority of a human regime mediates divine authority in a unitary structure, but is subject to the authority of law within the community, which bears independent witness to the divine command. **Theorem 5**—The appropriate unifying element in international order is law rather than government. **Theorem 6**—The conscience of the individual member of a community is a repository of the moral understanding which shaped it, and may serve to perpetuate it in a crisis of collapsing morale or institution (*The Desire of the Nations*, 47, 65, 72, 80).

further development of O'Donovan's theory of political authority. They are not repeated, nor referred to subsequently, either in *Desire* or any other book. The only significant element to emerge from amongst these theorems is the first part of theorem 4: "The authority of a human regime mediates divine authority."<sup>200</sup> The place of the six theorems in O'Donovan's theology of political authority has understandably perplexed some readers.<sup>201</sup> O'Donovan does provide something in the way of an explanation of the theorems' status, although it strays perilously close to the "rebarbative indirectness and obliqueness" of which Lorish and Mathewes speak.<sup>202</sup> He explains that "the six general theorems...drawn from Israel's political experience provide an outline of what theology may need to put in the place traditionally held by a notion of political authority."<sup>203</sup> He further clarifies that in the theorems he has "abstract[ed] from Israel's experience a general understanding of what the divine rule is which is to be the subject of the proclamation [of an evangelical political theology]."<sup>204</sup>

#### The Christ-event and the "re-authorisation" of political authority

O'Donovan then shifts focus to the New Testament where the Christ-event (advent, passion, restoration and exaltation) marks a seminal transition in the function of

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<sup>200</sup> Ibid., 65.

<sup>201</sup> Chaplin, for example, has said of the theorems that "their hermeneutical status and conceptual connection remain unclear" ("Political Eschatology and Responsible Government," 299. footnote 300). Hauerwas and Fodor have said that they produce "a rather complex formal configuration" which appears to blur the distinction between exegesis and theory ("Remaining in Babylon," 37). For Doerksen, the link between the theorems and the "exegetical work" lacks clarity (*Beyond Suspicion*, 59–60). Part of the problem might relate to the term "theorem." It is not entirely clear what O'Donovan means by it. The *Oxford Dictionary of Philosophy*, for instance, defines "theorem" as "something proved in a logical system or logical calculus" (*Oxford Dictionary of Philosophy*, s. v. "theorem"). The *Macquarie Dictionary* defines "theorem" as "a proposition which can be deduced from the premises or assumptions of a system." *Macquarie Australian Dictionary*, 2015, Macquarie Dictionary iPhone app, s. v. "theorem."

<sup>202</sup> Lorish and Mathewes, "Theology as Counsel," 721.

<sup>203</sup> O'Donovan, *The Desire of the Nations*, 80–81.

<sup>204</sup> Ibid., 81. "Evangelical" here has the sense of proclamation.

political authority in human history.<sup>205</sup> According to O'Donovan, Jesus "stands at the moment of transition between the ages where the passing and coming authorities confront one another."<sup>206</sup> This transition is characterised by both continuity and discontinuity with respect to the function of political authority in salvation-history.

O'Donovan argues that the concept of divine kingship that was so "fundamental to Israel's political self-awareness" was also fundamental to "Jesus' proclamation of the fullness of time."<sup>207</sup> He therefore discerns parallels between the concepts exegeted from his analysis of divine kingship in the Old Testament ("salvation," "judgment" and "possession") and Jesus' ministry in the New Testament.<sup>208</sup> He believes the former clarify the latter. "Salvation," O'Donovan maintains, can be seen in Jesus' "works of power," which are "victories over the demonic powers."<sup>209</sup> "Judgment" can be seen in Jesus' proclamation of the coming judgment of Israel,<sup>210</sup> and "possession" is evident in the way Jesus "confronted the task of making God's law accessible to God's people" and gave the law its "final exposition."<sup>211</sup> O'Donovan also sees continuity in the biblical allusions to Christ's role as the fulfilment of Israel's hopes for a new king in the line of David.<sup>212</sup> "The ascended Christ," he writes, "takes his throne, as the Davidide monarch was summoned to do in the ancient psalm (2:1)."<sup>213</sup>

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<sup>205</sup> Hauerwas and Fodor found the transition from the Old Testament to the New Testament confusing ("Remaining in Babylon," 37), as did Doerkson (*Beyond Suspicion*, 59–60).

<sup>206</sup> O'Donovan, *The Desire of the Nations*, 158.

<sup>207</sup> *Ibid.*, 32. Recall that O'Donovan has already developed a conception of political authority from his analysis of "political terms" associated with divine kingship in the Old Testament (theorem 1): "political authority arises where power, the execution of right and the perpetuation of tradition are assured together in one coordinated agency" (*The Desire of the Nations*, 46).

<sup>208</sup> *Ibid.*, 93.

<sup>209</sup> *Ibid.*

<sup>210</sup> *Ibid.*, 93, 96.

<sup>211</sup> *Ibid.*, 100–101

<sup>212</sup> *Ibid.*, 123.

<sup>213</sup> *Ibid.*, 144.

But O'Donovan is also cognisant of discontinuity. On the basis of his exegesis of Rom. 13:1–7,<sup>214</sup> he argues that the Christ-event results in what he calls the “re-authorisation” of political authority (also articulated as “reconception” and “refashioning”<sup>215</sup>) such that “judgment” (the execution of right) becomes the sole function of secular political authority in the present age. O'Donovan explains that

Secular authorities are no longer in the fullest sense mediators of the rule of God. They mediate his judgments only...No government has a right to exist, no nation has a right to defend itself. Such claims are overwhelmed by the immediate claim of the Kingdom. There remains simply the rump of political authority which cannot be dispensed with yet, the exercise of judgment.<sup>216</sup>

O'Donovan explains the change in the function and purpose of political authority using the distinction between *esse* and *bene esse*. The coordination of “power,” “execution of right” and “perpetuation of tradition” in “one coordinated agency” remains unchanged as the *esse* of political authority in the wake of the Christ-event. “Judgment,” however, becomes the new *bene esse* of political authority as a consequence of Christ's triumph over the nations:

The subjection of all authorities to Christ's authority does not mean the dissolution of authority. The conjunction of power, judgment and tradition defines what political authority *is*...Power and community tradition are still essential to establish authority; the

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<sup>214</sup> 1. “Let every person be subject to the governing authorities; for there is no authority except from God, and those authorities that exist have been instituted by God. 2. Therefore whoever resists authority resists what God has appointed, and those who resist will incur judgment. 3. For rulers are not a terror to good conduct, but to bad. Do you wish to have no fear of the authority? Then do what is good, and you will receive its approval; 4. for it is God's servant for your good. But if you do what is wrong, you should be afraid, for the authority does not bear the sword in vain! It is the servant of God to execute wrath on the wrongdoer. 5. Therefore one must be subject, not only because of wrath but also because of conscience. 6. For the same reason you also pay taxes, for the authorities are God's servants, busy with this very thing. 7. Pay to all what is due them – taxes to whom taxes are due, revenue to whom revenue is due, respect to whom respect is due, honour to whom honour is due.” All biblical quotes are taken from the NRSV.

<sup>215</sup> O'Donovan, *The Desire of the Nations*, 106, 147.

<sup>216</sup> *Ibid.*, 151.

new development is that they are subordinated to just judgment as means to an end [original emphasis].<sup>217</sup>

It is worth briefly observing at this point just how strikingly similar this account of political authority is with that provided by wife Joan, in a sign that she may have been instrumental to its development. She writes (without citing *Desire*) that

the nation is a concrete territorial order of *political power, judgment and tradition* that sustains a space within the sinful human condition for the gathering of Christ's faithful people through the work of the Holy Spirit...In a sense, the nation remains what Israel revealed it to be—its constitutive elements have not changed...But its *theological significance has changed*...it is no longer revealed to be the vehicle of salvation, but merely the guaranteed social space within which God's saving work proceeds [emphasis mine].<sup>218</sup>

O'Donovan maintains that the rationale of government in the Old Testament period was much wider in scope than merely the execution of judgment. In the Old Testament era the purpose of government also entailed "safeguarding Israel's existence in relation to the land and law."<sup>219</sup> However, instead of the Christ-event re-instating the Davidic monarchy, "it carries the rule forward to a moment of revelation that is of a *different order entirely* [emphasis mine]."<sup>220</sup> In the post-Easter phase of salvation-history "the whole rationale of government" is reduced to "its capacity to effect the judicial task."<sup>221</sup> Succinctly put, "the state exists in order to give judgment."<sup>222</sup>

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<sup>217</sup> Ibid., 233.

<sup>218</sup> Joan Lockwood O'Donovan, "Nation, State, and Civil Society in the Western Biblical Tradition," In *Bonds of Imperfection*, 285–286.

<sup>219</sup> O'Donovan, *The Desire of the Nations*, 148.

<sup>220</sup> Ibid., 24.

<sup>221</sup> Ibid., 148.

<sup>222</sup> Ibid., 233.

### The Church as political society

O'Donovan's thesis about the "re-authorisation" of political authority does not emerge purely out of an exegesis of passages in the New Testament that speak to the issue of political authority.<sup>223</sup> He argues that "a theological account of how this world is ruled...must proceed from and through an account of the church."<sup>224</sup> O'Donovan construes the Church as a "political society" by analogy.<sup>225</sup> Unlike other institutions in secular society, the church is "not brought into being and held in being...by a special function...but by a government that it obeys in everything."<sup>226</sup> This government is "ruled and authorised by the ascended Christ alone and supremely."<sup>227</sup> However, the church's government is "hidden," and thus to be "discerned by faith."<sup>228</sup> The marks of the church's "political character as a community ruled by Christ" are its catholicity and its order.<sup>229</sup>

O'Donovan clarifies that the Church and society do not form separate, independent entities. There is, he says, "but one structured human community."<sup>230</sup> But the church exists as a "sanctuary in the midst," representing God's kingdom "by living under its rule, and by welcoming the world under its rule."<sup>231</sup> Through the church humankind "participate[s] in God's rule."<sup>232</sup> It is not the role of the church, however, to "philosophise about the future world," nor is it the role of the church to exercise

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<sup>223</sup> In response to criticisms of *Desire* by Schweiker and Wolterstorff, O'Donovan explained that his "re-authorisation thesis" is in part driven by the emergence of "the church as a community acknowledging the kingly rule of Christ" ("Deliberation, History and Reading," 132).

<sup>224</sup> O'Donovan, *The Desire of the Nations*, 159.

<sup>225</sup> *Ibid.*

<sup>226</sup> *Ibid.*, 132.

<sup>227</sup> *Ibid.*

<sup>228</sup> *Ibid.*, 166.

<sup>229</sup> *Ibid.*, 169.

<sup>230</sup> *Ibid.*, 156.

<sup>231</sup> *Ibid.*, 156, 174.

<sup>232</sup> *Ibid.*, 181.

political authority, a task for which it is not “consecrated.”<sup>233</sup> The Church therefore has a dialectical relationship with society and secular government, marked by “martyrdom” or “mutual service” depending on the circumstance.<sup>234</sup>

A key function of the secular governmental task of judgment is to help facilitate the church’s mission by creating “a certain social space...for men and women of every nation to be drawn into the governed community of God’s Kingdom.”<sup>235</sup> Political authorities, O’Donovan explains, have been “thrust back by Christ’s victory to the margins...to perform a single function of which the church...[and]...the world [stand] in need for the time being.”<sup>236</sup> This notion marks one of the clearest points of convergence with Barth. In *Church and State*, Barth argued that the church needed a certain “freedom” to fulfil its mission and that this freedom could only be “guaranteed...through the existence of the earthly State which ordains that all men shall live together in concord.”<sup>237</sup>

### **“Government as Judgment” (1999)<sup>238</sup>**

Nine years separate the publication of *Desire* and *Judgment*, the second part of what was originally conceived as a single work. In the interim, O’Donovan published an essay called “Government as Judgment” in which he applied the theology of political authority he developed in *Desire* to the “constitutional problem” of “the rights and

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<sup>233</sup> Ibid., 187, 217.

<sup>234</sup> Ibid., 217.

<sup>235</sup> Ibid., 146. 1 Tim. 2:1–3 is cited as warrant for this view. Blount maintains that O’Donovan argues that government exists to promote the extension of the Gospel.” Brian K. Blount, “Response to *The Desire of the Nations*,” *Studies in Christian Ethics* 11, no.2 (1998), 11.

<sup>236</sup> O’Donovan, *The Desire of the Nations*, 156.

<sup>237</sup> Karl Barth, “Church and State,” in *Community, State, and Church: Three Essays*, introduction by Will Herberg (Gloucester, Mass.: Peter Smith, 1958), 129.

<sup>238</sup> Oliver O’Donovan, “Government as Judgment,” *First Things* 92 (1999). All quotations are taken from O’Donovan, “Government as Judgment,” in *Bonds of Imperfection*.

limits of judicial review of legislation.”<sup>239</sup> While he avows that this is a widespread problem in Western democracies, his essay focuses specifically on the case of the United Kingdom.

In parallel with the approach he took in *Desire*, O’Donovan suggests that the solution to this “problem” rests in rediscovering the Christian tradition’s understanding of the “*primacy of the act of judgment*...which explains more satisfactorily the nature and scope of the legislator’s authority over courts [original emphasis].”<sup>240</sup> Once again citing Rom. 13:1–7 for support, O’Donovan reiterates his contention from *Desire* that “the reign of Christ in heaven has left *judgment* as the single remaining political deed [original emphasis].”<sup>241</sup> “Judging between innocent and guilty,” he avers, is the “sole function” of secular governments as a consequence of Christ’s exaltation.”<sup>242</sup>

However, in “Government as Judgment” O’Donovan more closely and clearly links the exercise of judgment with divine law.<sup>243</sup> God’s law, he says, “provides human judges with a sufficient basis for their judgments” and “what rulers do when they act obediently to their vocation is to apply divine law to the infinite possibilities of human wrongdoing.”<sup>244</sup>

Given the sole function of government in the current age is judgment, “the *court* is the central paradigm of government *in all its branches* [original emphasis].”<sup>245</sup> O’Donovan contends that this is what we find in Ancient Israel, which was construed in *Desire* as the paradigm for Christian political theology: “the monarch is a judge who sits in court.”<sup>246</sup> O’Donovan is careful to clarify that acts of judgment are not merely

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<sup>239</sup> Ibid., 207, 209.

<sup>240</sup> Ibid., 209.

<sup>241</sup> Ibid.

<sup>242</sup> Ibid.

<sup>243</sup> *Desire* has surprisingly little to say about divine law.

<sup>244</sup> Ibid

<sup>245</sup> Ibid., 214.

<sup>246</sup> Ibid.

limited to the decisions of courts and case law. The “Head of Government”<sup>247</sup> is not only responsible for *founding* courts, but keeping them open and, crucially, ensuring that they “function” properly.<sup>248</sup> More broadly, the legislative work of the “Head of Government,” upon which courts depend, constitutes acts of judgment.<sup>249</sup>

O’Donovan believes the judicial act precedes the legislative act because divine law ultimately provides the basis for legislation.<sup>250</sup> As he explains, “divine law, natural or revealed, when mediated through traditions of right innate in the society, is sufficient to allow courts to develop a law by way of their own judgments, a conception which our shared English legal tradition names the “common law.””<sup>251</sup> However, according to O’Donovan modern constitutional theory has made the “mistake” of inverting this order so that the legislative act now takes precedence over the judicial act.<sup>252</sup>

This observation about the inverted order in modern constitutional theory leads O’Donovan to make a very interesting, and highly provocative (in the British context), case for a conception of constitutional monarchy in which “the legislature in a government is *the monarch in parliament* [original emphasis].<sup>253</sup> This is to say that the “Head of Government” is the monarch, exercising executive authority through ministers *in consultation* with Parliament. He laments the evolution of parliament from “a body that existed to represent popular concerns *to* government, to become a *branch* of government” because he feels that this caused “modern constitutional theory [to] los[e] a vital sense of the dialogue between government and governed as the heart of the legislative process [original emphasis].”<sup>254</sup> He maintains that “the problem arose in the

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<sup>247</sup> Ibid., 215.

<sup>248</sup> Ibid.

<sup>249</sup> Ibid., 216.

<sup>250</sup> Ibid.

<sup>251</sup> Ibid., 217.

<sup>252</sup> Ibid., 216, 219.

<sup>253</sup> Ibid., 219.

<sup>254</sup> Ibid., 219–220.

first place because populist constitutional doctrine asserted an idolatrously inflated conception of legislative power.”<sup>255</sup>

### ***The Just War Revisited (2003)***

*Just War* is yet another exercise in retrieval from the “High Christian Tradition.”<sup>256</sup> In parallel again to *Desire* and “Government as Judgment,” both of which investigated and drew on Christian tradition to help navigate contemporary political questions, *Just War* seeks to recover “a longstanding tradition” of Christian thinking about “doing justice in the theatre of war.”<sup>257</sup> Drawing on this tradition, O’Donovan argues that the “authority” for a government to pursue “armed conflict” is an act of “judgment” that has justice as its end. He contends that “armed conflict is to be re-conceived as an extraordinary extension of ordinary acts of judgment.”<sup>258</sup> Such an act of extraordinary judgment finds its authority by analogy with the authority that governments exercise in their performance of judgment in their domestic jurisdictions, recalling that O’Donovan believes Scripture has prescribed judgment as the sole legitimate function of secular governments in the wake of Christ’s triumph.<sup>259</sup>

The rationale for O’Donovan’s contention that justified warfare can be legitimised as an act of judgment is the unavailability of ordinary means of judgment in

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<sup>255</sup> Ibid., 224.

<sup>256</sup> O’Donovan, *The Just War Revisited*, viii. O’Donovan writes that “the just-war theory of these pages is a twentieth-century recovery of an approach that had reached a considerable level of sophistication in the sixteenth and early seventeenth centuries before falling into a long disuse.”

<sup>257</sup> Ibid., vii. O’Donovan is at pains to point out that “just war” is not an accurate description of this tradition, as it is “neither a ‘theory’, nor about ‘just wars.’”

<sup>258</sup> Ibid., 14.

<sup>259</sup> An implication of O’Donovan’s *Just War* thesis, albeit one not drawn out explicitly and in detail, is that those governments which embark on *justified* armed conflict mediate God’s judgment in regard to the conflict in question, just as the routine acts of judgment performed by governments domestically do *per Desire*.

the international arena.<sup>260</sup> “By definition,” he says, “war arises in the absence of an adequate formal authority to resolve a dispute.”<sup>261</sup> Therefore, “the just belligerent is supposed to venture, informally and with extraordinary means, the judgment that *would* be made by a formal court, *if* there were a competent one [original emphasis].”<sup>262</sup>

Like “Government as Judgment,” *Just War* does not substantively augment or alter the theoretical foundation laid in *Desire* vis-à-vis political authority. What it does do is provide interesting insight into how O’Donovan applies his government-as-judgment thesis to an area of real-world policy making. It is not until *Judgment* that the theology of political authority developed in *Desire* receives substantive elaboration.

### ***The Ways of Judgment* (2005)**

O’Donovan describes *Judgment* as a “sequel” to *Desire* and says that they are intended to be read together.<sup>263</sup> In the introduction to *Desire*, O’Donovan made a distinction between the theoretical discipline of political theology and the practical discipline of political ethics, with *Desire* conceived as an example of the former and *Judgment* the latter.<sup>264</sup> By the time he came to write *Judgment*, however, he had begun to doubt the validity of this distinction, describing them now rather as “pseudo-disciplinary designations.”<sup>265</sup> He questioned whether such a clear methodological distinction between “theory” and “practice” could, in fact, be made. He thus concluded in *Judgment* that the two books were in reality a mixture of both theory and practice.<sup>266</sup> The difference between the two books was reconceived in the following way: they both share a common subject matter, which is the correspondence of theological and political

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<sup>260</sup> Ibid.

<sup>261</sup> Ibid., 23.

<sup>262</sup> Ibid.

<sup>263</sup> O’Donovan, *The Ways of Judgment*, ix–x.

<sup>264</sup> Oliver O’Donovan, *The Desire of the Nations*, 15.

<sup>265</sup> O’Donovan, *The Ways of Judgment*, ix.

<sup>266</sup> Ibid., ix–x.

concepts, but *Desire* approaches it more from the theological side and *Judgment* more from the political side.<sup>267</sup>

Chaplin makes a useful distinction between political theology and Christian political philosophy that can help clarify the different approaches taken in *Desire* and *Judgment* respectively. Chaplin defines political theology as “reflection on political material in (or the political implications of) *biblical and theological sources*” and Christian political philosophy as “reflection on *political reality* in the light of those sources [original emphasis].”<sup>268</sup> *Desire* is self-consciously a work in Christian political theology, and while O’Donovan conceives *Judgment* as a work in Christian political ethics, it is fruitful to think of it as a work in Christian political philosophy in the sense articulated by Chaplin. *Desire* is concerned with developing an account of political authority from “biblical and theological sources” (as well as from Christian history) and *Judgment* represents an examination of “political reality” in the light of the theological and exegetical findings of *Desire*. This distinction helps to explain the very different ways that the question of political authority is handled in both works. *Judgment* does not revisit the *theological* and *exegetical* foundations of O’Donovan’s conception of political authority developed in *Desire*. This is to say that *Judgment* augments and nuances O’Donovan’s understanding of political authority, but it does not revise or significantly develop its theological foundation. In other words, the *theology* of political authority that is the subject of the critique undertaking in this thesis is carried through with no fundamental change to *Judgment*, where it serves as a foundation for elaboration and development of the *reality* of political authority, especially in its contemporary form.

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<sup>267</sup> Ibid. x.

<sup>268</sup> Chaplin, “Political Eschatology and Responsible Government,” 265 (footnote 2).

O'Donovan reaffirms the key conclusions he reached in *Desire* about political authority. In fact, *Judgment* begins precisely where the theoretical work of *Desire* ended: “the authority of secular government resides in the practice of judgment.”<sup>269</sup> Interestingly, although *Desire* concluded that the act of judgment is the sole legitimate function of secular government in the current phase of salvation-history, it did not actually offer a definition of judgment. That would have to wait until *judgment*. O'Donovan defines “judgment” as “an act of moral discrimination that pronounces upon a preceding act or existing state of affairs to establish a new public context.”<sup>270</sup> “Moral discrimination” entails the resolution of “moral ambiguity and...mak[ing] the right and wrong in a given historical situation clear.”<sup>271</sup> Judgment aims to establish “a public moral context,” i.e., “the good order within which we may act and interact as members of a community.”<sup>272</sup> The telos of judgment is ultimately “establishing, or maintaining, a just social order.”<sup>273</sup>

O'Donovan clarifies that he does not have in mind a conception of government reduced purely to a judicial function, “as in some libertarian fantasy.”<sup>274</sup> Rather, he construes “moral discernment” to entail the exercise of “political authority in all its forms.”<sup>275</sup> These forms include activities such as “lawmaking, war-making, welfare provision [and] education.”<sup>276</sup> However, such activities are to be “re-conceived...and subject to the discipline of enacting right against wrong.”<sup>277</sup>

Much more could be said of *Judgment's* government-as-judgment thesis. But the focus of the present thesis is *how* O'Donovan arrived at the proposition that the sole

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<sup>269</sup> O'Donovan, *The Ways of Judgment*, 3.

<sup>270</sup> *Ibid.*, 7.

<sup>271</sup> *Ibid.*

<sup>272</sup> *Ibid.*

<sup>273</sup> *Ibid.*, 93.

<sup>274</sup> *Ibid.*, 4.

<sup>275</sup> *Ibid.*, 5.

<sup>276</sup> *Ibid.*

<sup>277</sup> *Ibid.*

legitimate function of secular government is judgment, and whether this conclusion is *theologically* sound. So in the context of the present discussion I will accordingly restrict my attention to what *Judgment* adds to O'Donovan's understanding of political authority. In the analytical chapters that follow I will restrict my focus even further to what *Judgment* clarifies or illuminates in relation to O'Donovan's *theology* of political authority. Three chapters in *Judgment* substantively focus on political authority or aspects thereof: Chapter 8—"Political Authority," Chapter 9—"Representation" and Chapter 10—"Legitimacy".

I will first canvass some important clarification *Judgment* provides to several central concepts introduced in *Desire* in relation to political authority. I will then turn my attention to new facets of political authority introduced in *Judgment*, and which are not discussed substantively in *Desire*. To reiterate an important clarification made above, these new concepts are not presented as either theological or exegetical concepts, but rather emerge from O'Donovan's empirical and analytical reflection on the reality and operation of political authority *as it exists*.

#### Clarifying concepts in *Desire*

O'Donovan reaffirms the definition of political authority he developed in *Desire*: "Political authority arises where power, the execution of right, and the perpetuation of tradition are assured together in one coordinated agency."<sup>278</sup> He again frames his understanding of political authority through the lens of salvation-history: "the triumph of God in Christ has not left...[secular] authorities just were they were...It imposes the shape of salvation-history upon politics."<sup>279</sup>

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<sup>278</sup> Ibid., 142. This is a verbatim reproduction of theorem 1 from *Desire*. It is similarly characterised as a "theorem" in *Judgment*.

<sup>279</sup> Ibid., 5.

O'Donovan clarifies the importance of the eschatological horizon for understanding the function of political authority this side of Easter. Secular government is allowed to exercise political authority “pending the final revelation of Christ’s sovereignty” and “the coming reality of God’s own act of judgment.”<sup>280</sup> O'Donovan explains that the ongoing exercise of judgment by secular political authority constitutes an act of grace on God’s part.<sup>281</sup>

*Judgment* provides some clarification around the concept of “divine providence” as it relates to political authority. We recall theorem 2 from *Desire*, which stated: “That any regime should actually come to hold authority, and should continue to hold it, is a work of divine providence in history, not an accomplishment of the human task of political service.”<sup>282</sup> This theorem is reaffirmed in *Judgment*: “That the ruler we elect and the forms we devise should be able to assert and retain authority, *that* is something we cannot undertake. We can only entrust them and ourselves to God’s providential authorisation [original emphasis].”<sup>283</sup> O'Donovan further clarifies that he does not mean providence in the sense of a special intervention by God to appoint a particular ruler, or to establish some particular political form.<sup>284</sup> Rather, he means “a *general* provision of non-reciprocal relations under which we may flourish [original emphasis].”<sup>285</sup>

*Judgment* also offers some further clarification of “tradition.” “Tradition,” O'Donovan explains, “is “what is established”; and “what is established” is not the past, but the present as determined by the past.”<sup>286</sup> Therefore, “the authority of tradition resides in the way the community functions now to sustain its identity...the authority of

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<sup>280</sup> Ibid., 4–5.

<sup>281</sup> Ibid., 5. O'Donovan said in *Desire* that “by participating in the triumph of Christ we find ourselves under the ‘reign’ of grace” (*The Desire of the Nations*, 128).

<sup>282</sup> O'Donovan, *The Desire of the Nations*, 46.

<sup>283</sup> O'Donovan, *The Ways of Judgment*, 129.

<sup>284</sup> Ibid.

<sup>285</sup> Ibid.

<sup>286</sup> Ibid., 140.

tradition is that of its *continuity with immediate history* [original emphasis].”<sup>287</sup> He clarifies that “law is the only safe form of cultural memory” and, as such, “it is in a *tradition* of judgment, not in absolute justice itself, that political authority resides [original emphasis].”<sup>288</sup>

### New concepts

O’Donovan introduces several new concepts to the discussion of political authority in *Judgment*. He believes that “non-reciprocity is the stumbling block from which the dominant problematics of modern politics have arisen.”<sup>289</sup> The modern contractarian conception of political authority is based on the notion that citizens participate in “the reciprocal relations of self-government.”<sup>290</sup> But the “myth” that “political subjection was owed not to the rulers themselves but to the collective whole” was nothing more than the “failed attempt to resolve the paradox of political subjection.”<sup>291</sup> O’Donovan maintains that political subjection, *contra* modern contractarian orthodoxy, is not “servitude.”<sup>292</sup> Rather, “the political subject is freer *as* a subject [original emphasis].”<sup>293</sup> The conception of freedom O’Donovan has in view here relates to “the self-realisation of the individual within social forms.”<sup>294</sup> This idea relates back to the idea found both in *Resurrection* and *Desire* that “the objective correlate of freedom is authority.”<sup>295</sup> As I indicated above, O’Donovan accords providence a role in fostering “a *general* provision

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<sup>287</sup> Ibid.

<sup>288</sup> Ibid.

<sup>289</sup> Ibid., 127.

<sup>290</sup> Ibid., 128.

<sup>291</sup> Ibid.

<sup>292</sup> Ibid.

<sup>293</sup> Ibid.

<sup>294</sup> Ibid., 69.

<sup>295</sup> Ibid., 68. O’Donovan, *Resurrection and Moral Order*, 122; O’Donovan, *The Desire of the Nations*, 30.

of non-reciprocal relations” under which a non-reciprocal political authority can operate in such a fashion that secures human freedom rather than ending in human servitude.<sup>296</sup>

At the heart of the non-reciprocal nature of political authority is the idea that political authority creates an obligation to act on the part of subjects. O’Donovan explains that “obligation” is often erroneously conflated with “power.” “Power” entails compulsion, whereas “obligation” is the ability to get someone to do something *freely*.<sup>297</sup> Political authority is a form of obligation rather than power, although it does depend on the latter as a precondition.<sup>298</sup> In order for political authority to oblige someone to act, it must, O’Donovan argues, “present us with a reason for doing it.”<sup>299</sup> “Action,” he says, “is free only as it is intelligible.”<sup>300</sup> It is important to understand that O’Donovan’s contention is not that *blind* obedience leads to our freedom. On the contrary, the relationship of freedom to political obligation turns on “an element of discretion that can never be removed from the obedient subject.”<sup>301</sup> The subject is to “always...be clear in his or her own mind that this or that command actually *requires* obedience.”<sup>302</sup> The obligation to act commanded by political authority is further tempered by the obligation created by membership of a society: “something owed to the neighbour before anything is owed to the ruler.”<sup>303</sup> O’Donovan interestingly raises free

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<sup>296</sup> O’Donovan, *The Ways of Judgment*, 129.

<sup>297</sup> *Ibid.*, 129–130.

<sup>298</sup> *Ibid.*, 130.

<sup>299</sup> *Ibid.*

<sup>300</sup> *Ibid.* O’Donovan further clarifies that obligation to act can be differentiated from spontaneous action, which is an act entirely owned by the actor. In contrast, when a person is obliged to act by some political authority, the action is “laid upon” that person, “even though it is still free action.” He also stipulates that political authority is not the only kind of authority that is non-reciprocal. There is, he notes, “a multitude of non-political authorities... which direct us to perform certain actions: doctors, teachers, parents, employers...”

<sup>301</sup> *Ibid.*, 136.

<sup>302</sup> *Ibid.*

<sup>303</sup> *Ibid.*, 137.

speech as an important element in “strengthen[ing] the public and social bonds and prevent[ing] their being swallowed up by political demands.”<sup>304</sup>

One of the distinctive features of political authority is that the reasons for acting which O’Donovan says are intrinsic to what constitutes political authority—“the goods of action” are reason enough in themselves—is that these reasons are “non-transparent.”<sup>305</sup> As he poetically puts it, “reason and response flow delightfully together into an unruffled stream of experience and action.”<sup>306</sup> Even where action is mediated by political authority, the reasons are said to be ““absent” to the extent that they are not conspicuous.”<sup>307</sup> As O’Donovan explains, the obligation imposed by political authority “does not wait upon a mature perception of its rightness” as “an understanding of its ways is granted only as we obey.”<sup>308</sup>

At this point in his discussion of political authority, O’Donovan notes that the account of authority he gave in *Resurrection* was “in need of improvement.”<sup>309</sup> This represents the first of two explicit revisions to be found in his corpus in relation to the account of authority he gave in *Resurrection* (the other is in *Self, World, and Time*—see below). He noted that the list of quintessential natural authorities (discussed earlier)—“beauty,” “age,” “community” and “strength”—had not accounted for “actions arising out of the instinct for self-preservation, nor, perhaps for the good of play, or *mimesis*” [original emphasis]<sup>310</sup> He felt that he had been “injudicious in using the term “authorities” more or less interchangeably with “goods” in the objective sense, i.e., “grounds of action.””<sup>311</sup> This interchangeability obscured, according to O’Donovan, a

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<sup>304</sup> Ibid.

<sup>305</sup> Ibid., 133.

<sup>306</sup> Ibid., 131.

<sup>307</sup> Ibid.

<sup>308</sup> Ibid., 133.

<sup>309</sup> Ibid., 131.

<sup>310</sup> Ibid., 131–132.

<sup>311</sup> Ibid., 132.

“key difference” with respect to authority—“that the ground of action is not immediate, but mediated through another agent.”<sup>312</sup> O’Donovan was to revisit the mediated nature of authority in *Self, World, and Time* in more detail (see below).

O’Donovan expands on the mediated nature of political authority by arguing that recognition of political authority entails recognition of “a *particular bearer* of political authority,” and that “we hear the summons to defend the common good mediated through this or that political actor” [original emphasis].<sup>313</sup> O’Donovan clarifies that political obligation does not necessarily imply approval of “the way the bearer acquired authority,” nor a judgment regarding whether there is one better suited to bear political authority.<sup>314</sup> There is a further obligation, which can be thought of as a communal obligation, although O’Donovan does not couch it in such terms. This is the obligation “to sustain that bearer in place, to achieve continuity of regime.” This obligation relates to the promotion of “political institutions,” construed as “a series of common practices in which the exercise of political authority has a regular position.”<sup>315</sup> Political authority is therefore borne, and mediated, by human individuals (or groups), but also institutions.

There is an interesting difference of emphasis in the respective accounts of political authority in *Judgment* and *Desire* respectively. Whereas *Desire*, not unlike *Resurrection*, places the emphasis on political authority serving the purposes of addressing injured right, *Judgment* stresses the connection between political authority and the “common good” in a way that was obscured in *Desire*.<sup>316</sup> *Judgment* presents defending the common good as one of the tasks of government, performed through its

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<sup>312</sup> Ibid.

<sup>313</sup> Ibid., 135.

<sup>314</sup> Ibid.

<sup>315</sup> Ibid. O’Donovan clarifies that sustaining a regime can accommodate changes in administration and in democracies “loyal opposition.”

<sup>316</sup> Ibid., 138. The “common good” is mentioned several times in *Desire*, but it is nowhere explicitly linked to the definition or function of political authority. See, for example, O’Donovan, *The Desire of the Nations*, 17, 94, 282–283.

acts of judgment.<sup>317</sup> Moreover, the common good is connected to “right” and “tradition,” constitutive concepts in political authority. The relationship between right and common good can be understood in terms of “the good and the right *of a community*, that is, the sphere of social communications in which each member communicates within the whole [original emphasis].”<sup>318</sup> The common good also “implies the flourishing of a particular society with a particular identity,” which is to say “tradition.” O’Donovan concludes that right and tradition are the two aspects of the common good that form “the essential ground of political authority.”<sup>319</sup>

This new emphasis on political authority’s role of defending the common good and the connection of the common good with right and tradition does not constitute a revision of O’Donovan’s account of political authority in *Desire*, but rather a refinement. The ultimate purpose of political authority is still to execute right. The new insight is that defending the common good is a key means of executing right.

In keeping with the new, restricted purpose that government is afforded in the wake of Christ’s triumph, O’Donovan argues that the government’s responsibility is only to defend the common good “reflexively.”<sup>320</sup> It is the role of public activity to pursue the common good “directly.”<sup>321</sup> O’Donovan appears to have something akin to “civil society” in mind in relation to the term “public activity”, although he does not deploy the former explicitly. In what is perhaps his clearest statement on the relationship between judgment and the common good, O’Donovan notes that “governments react to wrong, actual or threatened; they do not determine our pursuit of the good.”<sup>322</sup> This position about the role of government being to *defend* the common

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<sup>317</sup> O’Donovan, *The Ways of Judgment*.

<sup>318</sup> Ibid.

<sup>319</sup> Ibid.

<sup>320</sup> Ibid., 56.

<sup>321</sup> Ibid.

<sup>322</sup> O’Donovan, “Deliberation, History and Reading,” 136.

good but not to *pursue* the common good appears to be a product of his belief that the sole legitimate function of government is making moral discriminations about right and wrong.

In the context of his discussion of the common good in relation to political authority, O'Donovan introduces the issue of "representation," which arises from the fact that

when we recognise a political authority summoning us to act together in defence of the common good, we recognise ourselves. We conceive ourselves as a "people," a community constituted by participation in the common good. On the relation between the "people" and the authority that summons it, hangs the delicate question of political representation.<sup>323</sup>

O'Donovan argues that to conceive ourselves as a people requires an imaginative grasp of "a common good that unifies our overlapping and interlocking practical communications, and so to see ourselves as a single agency."<sup>324</sup> It is this conception of a single agency that allows political authority to function representatively:

"In awakening our sense of ourselves as a people, political authority simultaneously awakens us to ourselves. We become aware of an authority that commands us, not abstractly but in a concrete form, as "our" government."<sup>325</sup>

This representative function of political authority also reflects the non-reciprocity discussed above: "But they [government and the people] are not equal and opposite subjects: a government exists to preserve and secure its people, not vice versa."<sup>326</sup>

O'Donovan also raises the issue of legitimacy, which he ties to "the subjection of

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<sup>323</sup> O'Donovan, *The Ways of Judgment*, 149.

<sup>324</sup> *Ibid.*, 150.

<sup>325</sup> *Ibid.*, 157.

<sup>326</sup> *Ibid.*

representation to law.”<sup>327</sup> As he explains, “legitimate rulers are not merely representative rulers; they meet *legal* conditions for their representative status; they have an entitlement to exercise political authority.”<sup>328</sup>

To recap, O’Donovan reaffirms theorem 1 from *Desire* that “political authority arises where power, the execution of right, and the perpetuation of tradition are assured together in one coordinated agency” and the central thesis of *Desire* that “the authority of secular government resides in the practice of judgment.”<sup>329</sup> What O’Donovan does in *Judgment* is to further clarify, nuance and elucidate how these constitutive concepts function in practice to defend the common good and promote justice. This included the observations that political authority is mediated by human bearers of political authority and institutions, that political authority creates non-transparent and non-reciprocal obligations that are nevertheless representative and legitimate by a stable legal framework. These issues will be revisited throughout the analytical chapters of the thesis as they become relevant.

### ***Self, World, and Time* (2013)**

O’Donovan’s most recent discussion of political authority is found in *Self, World, and Time*. Like *Resurrection*, it emerges within the context of a wider discussion of “authority.” For the fourth time O’Donovan states that “authority is the correlate of freedom.”<sup>330</sup> However, he concludes that his account of “authority” in *Resurrection* was “flat and this-worldly.”<sup>331</sup> He again concedes that he had not appreciated the “mediated” nature of authority in *Resurrection*, clarifying that “authority” is “an event in which

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<sup>327</sup> Ibid., 165.

<sup>328</sup> Ibid.

<sup>329</sup> Ibid., 3, 142.

<sup>330</sup> O’Donovan, *Self, World, and Time*, 53. O’Donovan acknowledges that this is a “thesis to which...[he has]...continually returned.” He also explains that in “classical terms, it means that freedom and obedience correspond” (*Self, World, and Time*, 42).

<sup>331</sup> Ibid., 53.

reality is communicated to practical reason by a social communication.”<sup>332</sup> “Authority,” he writes, “is not simply vested in the world, self and time as soon as we awake to them,” something which would reduce authority to “self-evidence” and “obedience to commonsense.”<sup>333</sup> Rather, authority “depends on a communicative event.”<sup>334</sup> It necessitates “another’s personal presence, activity or word, written or spoken” that “affords the agent a new perception of reality that is needed for effective action.”<sup>335</sup> He describes this process as “focused disclosure.”<sup>336</sup> O’Donovan explains that “without disclosure there is no authority; there is only unaided understanding on the one side, brute exercise of power on the other.”<sup>337</sup>

O’Donovan reiterates and clarifies the relationship between political authority and authority that he first articulated in *Resurrection*. He notes that authority can be seen “in a very broad range of social phenomena: in teaching, learning, questioning, associating, admiring and loving, quite as much as in governing and obeying.”<sup>338</sup> Political authority is therefore to be understood as a species of authority, one type of “social communication,” or “focused disclosure” amongst the many that govern human social life. The new insight pertaining to political authority is that it is “communicative event.”<sup>339</sup> It is not entirely clear how this use of “communicative” relates to the definition of “communication” provided in *Judgment*: “to hold something as common, to make it a common possession, to treat it as “ours,” rather than “yours” or “mine.””<sup>340</sup>

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<sup>332</sup> Ibid.

<sup>333</sup> Ibid.

<sup>334</sup> Ibid.

<sup>335</sup> Ibid.

<sup>336</sup> Ibid.

<sup>337</sup> Ibid., 54.

<sup>338</sup> Ibid., 55.

<sup>339</sup> Ibid., 58.

<sup>340</sup> O’Donovan, *The Ways of Judgment*, 242.

## Conclusion

The preceding exposition of O'Donovan's theology of political authority has traversed much ground, a product of the fact that O'Donovan has written substantively on the topic over the course of 27 years. Before moving to the critical phase of this thesis, I will offer some concluding observations. The first is to note just how remarkably consistent O'Donovan's thinking on political authority has been. The definition of political authority first offered in *Resurrection* (concurrence of might, tradition and injured right exercised by one subject) reappears with minor adjustment in *Desire* (power, execution of right, perpetuation of tradition in one coordinated agency) and is carried through unaltered to *Judgment*. Indeed, this definition is yet again reaffirmed in one of O'Donovan's most recent publications, the essay "Representation:" "I have defended elsewhere the thesis that 'the authority of government is constituted by the coincidence in one agency of power, representation and the exercise of judgment.'"<sup>341</sup> Moreover, the idea that authority is the objective correlate of freedom is a central and recurrent principle in O'Donovan's work, first appearing in *Resurrection* and subsequently reiterated in *Desire, Judgment and Self, World, and Time*.

The important connection between political authority and the more general sense of authority that makes free action intelligible and therefore possible, which was also first made in *Resurrection*, is revisited in *Self, World, and Time*. And in spite of the "correction" offered in relation to *Resurrection*, the fundamental account of "authority" remains consistent.

Another strikingly consistent theme in the works surveyed in this chapter is retrieval from the "High Christian Tradition" (1100–1650). Much of O'Donovan's work

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<sup>341</sup> Oliver O'Donovan, "Representation," *Studies in Christian Ethics* 29, no.2 (2016), 135 (footnote 1).

in political theology consciously and explicitly looks back to this tradition to help navigate contemporary political problems, particularly at the conceptual level.

Finally, two controlling concepts can be identified as being central to O'Donovan's theology of political which will be analysed in greater detail in coming chapters: "divine kingship" and "salvation-history."<sup>342</sup> Political authority finds its ultimate source in God's kingly rule over human history, and it is through the human exercise of political authority that God's rule is mediated to preserve and uphold human social life (providence). The point of God's kingly rule (delegated to Christ in the present age) is salvation. Thus human political authority mediates God's rule for the purposes of salvation. It is not that salvation is vested in political authority *per se*. Rather, political authority is an integral component in facilitating the social space and security required for the Church to perform its salvific mission.

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<sup>342</sup> "controlling concept" is an adaptation of Wolterstorff's "control belief." Nicholas Wolterstorff, *Reason within the Bounds of Religion*, 2nd ed. (Grand Rapids: Eerdmans, 1984).

## **Chapter 3**

**Questioning the formal arguments and Scriptural warrants adduced by O'Donovan in support of the “essence of political authority” and “re-authorisation” theses**

## Introduction

The preceding detailed exposition of O'Donovan's theology of political authority sought to preserve O'Donovan's own voice to the greatest extent possible to ensure that the account remained as accurate and impartial as possible. The present chapter marks the critical turn in this thesis from which point on my own critical voice will take the lead. The previous chapter established the extensive and substantive nature of O'Donovan's writings on political authority. A further sharpening of scope is therefore necessary in order to ensure that the critical chapters that follow can focus on substantive, yet manageable, material. It is hoped that such a refinement of scope will help to avoid Moberly's warning that "it is difficult...to know how best to comment on a project such as O'Donovan's without appearing merely to nit-pick."<sup>343</sup>

To achieve the twin ends of manageability and substance I will restrict my critical focus in this chapter to what I take to be two foundational theses in O'Donovan's account of political authority:

**Thesis 1**—Political authority arises where power, the execution of right and the perpetuation of tradition are assured together in one coordinated agency.<sup>344</sup>

**Thesis 2**—The authority of secular government resides in the practice of judgment.<sup>345</sup>

In my introduction I designated these theses the "essence of political authority thesis" and the "re-authorisation thesis" respectively. The rationale for the choice of these descriptive designators will become apparent when I discuss them in detail further below. This chapter will be dedicated to questioning the cogency of the argumentation provided by O'Donovan in support of these two theses regarding political authority.

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<sup>343</sup> Moberly, "The Use of Scripture in *The Desire of the Nations*," 61.

<sup>344</sup> O'Donovan, *The Desire of the Nations*, 46. Thesis 1 is a verbatim copy of theorem 1 in *Desire*.

<sup>345</sup> O'Donovan, *The Ways of Judgment*, 3. While the articulation of this thesis is taken from *Judgment*, the theoretical work is done in *Desire*.

Furthermore, these two theses—along with a third introduced and discussed in Chapter 5 (the “providence thesis”)—will remain a focus for the remainder of the thesis. As these two theses are foundational in O’Donovan’s account of political authority, their validity or otherwise has consequences for the overriding cogency of O’Donovan’s theology of political authority. It is on this basis that they have been selected for close examination in the present thesis.

The two theses that are the focus of this chapter share two important characteristics that will allow me to employ a consistent method of critique: they are both *theological* theses and supported by Scriptural warrants—the latter characteristic forms part of the “theological” nature of the former.<sup>346</sup> In characterising them as theological I mean to say that they assume and depend on the truth and authority of classical Christian doctrines, such as the incarnation, the resurrection of Jesus Christ and the existence of divine providence.

This is an important distinction to make because elements of O’Donovan’s account of political authority are more properly characterised as philosophical, sociological and historical rather than theological. The connection, for example, between tradition and identity, and its importance to political stability, is largely contingent on O’Donovan’s analysis of the way societies and political orders function in practice and is not claimed to be something revealed in Scripture or something that requires Christian doctrine in order to be intelligible.<sup>347</sup>

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<sup>346</sup> Definitions of “theology” are legion. I use it in a rather broad, non-prescriptive and traditional sense of “denot[ing] teaching about God and his relation to the world from creation to the consummation, particularly as it is set forth in an ordered, coherent manner.” D.F. Wright, “Theology,” in *The New Dictionary of Theology: Historical and Systematic*, 2nd ed., ed. Martin Davie et al. (Downers Grove, Ill.: IVP Academic, 2016), 903.

<sup>347</sup> By way of contrast, O’Donovan’s contention is that political theology is unintelligible without reference to “divine kingship.”

To help guide my critique of these two theses I will draw on Walton's *Fundamentals of Critical Argumentation*.<sup>348</sup> Walton helpfully points out that there are two ways to criticise an argument: to offer a rebuttal or counter-argument, or "to merely ask critical questions that express doubt about the argument, indicating weak points in it."<sup>349</sup> In this chapter I will restrict my purview to asking critical questions and expressing doubt about the arguments O'Donovan adduces for the two theses identified above. In the two chapters that follow, however, I will proceed to a "contra point of view" and offer rebuttals and counter-arguments to the two theses.<sup>350</sup> The rationale behind the "questioning" disposition adopted in this chapter is to establish with as little prejudice as possible a *prima facie* case for countenancing the possibility that O'Donovan's theology of political authority is problematic on account of the central role played in it by the two theses discussed in this chapter.

Before proceeding to the critical questioning disposition proper, I will briefly outline the methodological criteria for an authoritative theopolitical argument that O'Donovan sets for himself in *Desire*, and expand the horizon of my own critical methodology for evaluating the "essence of political authority thesis" and the "re-authorisation thesis."

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<sup>348</sup> Douglas Walton, *Fundamentals of Critical Argumentation* (Cambridge: Cambridge University Press, 2006), 15. I recognise that this an introductory text, but given this thesis is not about logic and argumentation *per se*, and given the stability of terminology in logic and wide agreement about the fundamentals of argumentation, it is fit for purpose.

<sup>349</sup> *Ibid.*, 41–42.

<sup>350</sup> *Ibid.*, 41. Walton explains that an attitude towards an argument can be "pro, contra or neutral."

## O'Donovan's theopolitical methodology

In *Desire*, O'Donovan outlines a methodology for establishing authoritative theopolitical proposals.<sup>351</sup> It consists of two principles and two criteria, which together form a logical schema representing a process that the political theologian can, and on O'Donovan's account should, follow when developing theopolitical arguments.<sup>352</sup>

**Principle 1**—political theology is a “theoretic discipline”;<sup>353</sup>

**Principle 2**—“true concepts” are constitutive of “theory”;<sup>354</sup>

**Criterion 1**—“true political concepts...must be authorised, as any datum of theology must be, from Holy Scripture”; and<sup>355</sup>

**Criterion 2**—political theology requires “a unifying conceptual structure” to “connect political themes with the history of salvation as a whole.”<sup>356</sup>

As O'Donovan explains the process: “identifying concepts comes before constructing theory; but it comes after reading the text, for it is not a matter of simply emphasising key words in the text...the words themselves are not the concepts but are like flags on a map which signal their presence.”<sup>357</sup> In response to criticism of this methodology, O'Donovan has clarified the necessity of marrying exegesis with theorising in the theological endeavour: “A commentary on a unique particular is not a theory; so that neither exegesis nor narrative in themselves are theoretical, though they could never be of much interest unless they also interacted with theory.”<sup>358</sup> In practical

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<sup>351</sup> O'Donovan uses the term “politico-theological.” I use the now more common “theopolitical” throughout this thesis.

<sup>352</sup> “Schema” is my description, not O'Donovan's.

<sup>353</sup> O'Donovan, *The Desire of the Nations*, 15.

<sup>354</sup> Ibid.

<sup>355</sup> Ibid.

<sup>356</sup> Ibid., 22. This criterion is designed to counter the danger of Scripture becoming “a mine for random sociological analogies dug out from the ancient world.”

<sup>357</sup> Ibid., 15–16.

<sup>358</sup> O'Donovan, “Response to the Respondents,” 97.

terms, the methodological schema consists of developing a theory from political concepts authorised from Scripture using a salvation-history hermeneutic. This provides useful insight into *what* O'Donovan believes he is doing methodologically when he develops a theopolitical argument or proposition and the *standard* by which he judges the authority of such arguments or propositions.

The principles and criteria set by O'Donovan for political theology function as axioms.<sup>359</sup> In principle, all axioms are contestable. However, while all axioms are intrinsically contestable, not all axioms are, in practice, controversial. Some of the axioms in O'Donovan's schema can safely be regarded as uncontroversial. It is difficult, for example, to conceive of a political theology that is not "theoretic" in the sense meant by O'Donovan. It is likewise difficult to conceive of a kind of "theory" that does not involve "concepts," since, as O'Donovan correctly points out, "true concepts are an essential prerequisite for organised theory."<sup>360</sup> Moreover, the notion that political theology requires "a unifying conceptual structure" seems to follow from the previous two axioms.

A cursory glance at contemporary theology, on the other hand, will quickly reveal that the notion that "true political concepts" can *only* be regarded as such if they are "authorised" from Scripture and that it is salvation-history that must bind the "unifying conceptual structure" of political theology together are contentious. These are elements of O'Donovan's approach to political theology that manifestly stem from his evangelical convictions—convictions not shared by all political theologians.<sup>361</sup>

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<sup>359</sup> By "axiom" I mean "an assertion that is taken as fundamental, at least for the purposes of the branch of enquiry in hand" (*Oxford Dictionary of Philosophy*, s. v. "axiom"). O'Donovan does not describe them as "axioms." Moberly also identifies them as axioms ("The Uses of Scripture in *The Desire of the Nations*," 47).

<sup>360</sup> O'Donovan, *The Desire of the Nations*, 15.

<sup>361</sup> See, for example, the work of Anglo-Catholic Anglican theologian John Milbank.

I propose to do two things in relation to O'Donovan's methodological schema. Firstly, I will examine the extent to which O'Donovan satisfies the methodological standard he has set for himself: true political concepts authorised from Scripture and a unifying conceptual structure that connects political themes with the history of salvation as a whole. Secondly, I will test the validity of these two axioms in the course of evaluating O'Donovan's theology of political authority. Indeed, one of the conclusions I reach is that O'Donovan fails to cogently demonstrate that his own theopolitical proposals are "authorised" from Scripture, indicating that the axiom itself probably sets too high a bar for political theology, even an *evangelical* political theology, even if it is sound for theology in the more traditional doctrinal sense.

**Kelsey: *The Uses of Scripture in Recent Theology***

There is an ambiguity in O'Donovan's use of the term "authorise" and the phrase "authorised *from*" in the methodological schema outlined above which proves problematic for the evaluation of the two theses I plan to critically question in this chapter. This is that O'Donovan does not elaborate on what precisely he means by the verb "authorise" in this context. O'Donovan does clarify, however, that "authorised from" is to be taken in a strong sense: "Nothing assures us a priori that politico-theological concepts are to be found; the question of their existence must be put to Scripture itself."<sup>362</sup> This appears to give "authorise" something approximating the sense of "verify." But O'Donovan does not provide enough clarity to be sure either way.

To help navigate this ambiguity I will draw on David Kelsey's seminal book *The Uses of Scripture in Recent Theology*. This book is relevant for this task because it investigates the notion of "Scriptural authority" in the context of theological

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<sup>362</sup> Ibid.

arguments.<sup>363</sup> Kelsey’s central insight is that “theologians use scripture in the *context* of an argument in support of a theological proposal [original emphasis],” but do so in distinct ways.<sup>364</sup> He identifies five different ways in which Scripture can be construed as “authoritative” in the context of theological arguments:<sup>365</sup> 1) the content of Scripture—“the authoritative element in scripture is its doctrinal or conceptual *content* [original emphasis]”; 2) the concepts of Scripture—“lay[ing] out the distinctively biblical concepts of one thing and another”; 3) narrative as authoritative—“narrative...construed as confessional recital”;<sup>366</sup> 4) narrative as identity descriptions—“biblical narrative...rendering an agent whose identity and actions theology is then to discuss”; and 5) biblical images—by ““expressing” the occurrence of the revealing and saving event, scripture somehow links us with that event.

Kelsey suggests that “scripture may properly be said to be “authority” for a theological proposal when appeal is made to it in the course of making a *case* for the proposal [original emphasis].”<sup>367</sup> He identifies the following functions that Scripture can perform in a theological argument: (D) “data”; (W) “warrant”—an “inference-license”; (B) “backing”—backing for the warrant; and (R) “rebuttal”—demonstrating that the conditions of rebuttal are excluded.<sup>368</sup>

Kelsey observes that theologians can and do use Scripture in any of these roles in the course of making theological arguments, i.e., (D), (W), (B) or (R).<sup>369</sup> This provides us with a model for identifying the formal ways that O’Donovan uses Scripture in the course of the arguments presented for the two theses to be analysed below. The virtue of

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<sup>363</sup> Kelsey, *The Uses of Scripture in Recent Theology*, 1.

<sup>364</sup> *Ibid.*, 3.

<sup>365</sup> *Ibid.*, 15. He does so through seven-case studies: Barth, Bartsch, Bultmann, Thornton, Tillich, Warfield and Wright. He notes that his case-studies are “not exhaustive of all the logical possibilities.”

<sup>366</sup> *Ibid.*, 15–17, 24, 33, 39, 56.

<sup>367</sup> *Ibid.*, 125.

<sup>368</sup> Kelsey, *The Uses of Scripture in Recent Theology*, 126–128. A formal argument also requires: (C) conclusion.

<sup>369</sup> *Ibid.*, 128–129.

this model is that it is not necessary to ascertain what O'Donovan *means* by the term “authorise,” but rather merely to identify how he *uses* Scripture in practice in support of his arguments. This will provide a basis upon which to assess the extent to which O'Donovan meets the self-stated criterion of authorising true political concepts from Scripture.

### **Evangelical biblical theology method**

Walton and Kelsey's works promise to provide some useful tools for evaluating O'Donovan's theology of political authority (reduced to its two core theses), particularly in the area of formal argumentation and the function that Scripture plays in theological argument. What these works are unable to provide, however, is a framework for evaluating the cogency of O'Donovan's arguments. This is because the type of formal logic that underpins Walton's overview of argumentation does not take account of some of the particularities of theological reasoning, such as “theological exegesis” from texts regarded as settled and authoritative, and the status and role of Christian doctrine in developing theological proposals. In Kelsey's case it is because he studiously avoids making a determination either way as to the validity of the different approaches he identifies, leaving us with a very effective heuristic for our purposes but not an evaluative criterion.

To address this gap I propose to evaluate O'Donovan's theology of political authority from within the evangelical hermeneutical and doctrinal framework through which it has been developed, i.e. through the lens of “evangelical biblical theology method.”<sup>370</sup> Cole describes the (evangelical) biblical theology method thus: “a text needs

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<sup>370</sup> I have taken and adapted Anglican evangelical theologian Graham Cole's use of the term “biblical theology method.” Graham A. Cole, *The God Who Became Human: A Biblical Theology of Incarnation* (Downers Grove, Ill.: InterVarsity Press, 2013), 172.

not only to be seen in its context but also seen in its literary unit, in its book in the canon and with the flow of redemptive history firmly in mind.”<sup>371</sup> This is an apt description of the way O’Donovan approaches Scripture in his political theology.<sup>372</sup> For the purposes of this thesis I will assume the general validity of this method as it applies to O’Donovan’s theology of political authority, including that Scripture provides a reliable and authoritative account of God’s salvific acts in history.

This approach has several advantages. Firstly, to question the very theological methodology employed by O’Donovan would seem to unavoidably move the focus of this doctoral thesis from a critical engagement with O’Donovan’s theology of political authority to a broader and more generic critique of evangelical theology, or at least evangelical theological method. This is not my interest or focus, nor my goal. Secondly, the author shares the axiomatic theological method indicated above in which case it would amount to unreasonable and unnecessary—if not dishonest—methodological artifice to critique O’Donovan from a framework not genuinely held by the critic in question. Thirdly, this seems to be a much fairer way to critically evaluate O’Donovan’s theology of political authority—from shared presuppositions—rather than to challenge each and every one of his fundamental theological convictions. If such convictions are untenable, then it follows that his political theology will also be untenable. It is not that his evangelical convictions are unimpeachable. Rather, it is that the theologian who has *a priori* reasons for doubting the validity of anything O’Donovan has to say presumably would not bother to conduct an inquiry of the sort embarked on here.

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<sup>371</sup> Ibid., 173.

<sup>372</sup> O’Donovan is far more comfortable with historical criticism than some evangelicals. But he still regards the received canon of Scripture as reliable, authoritative and broadly historical. Of historical-criticism he says the following: “Out of the vast quantity of intellectual detritus left behind by the historical-critical project, a few (remarkably few) penetrating insights survive the test of time and impose themselves—simply by virtue of shedding such light on the text that when one reads the text one feels it would be doing it violence to read it apart from that light.” Oliver O’Donovan, “Response to Walter Moberly,” in *A Royal Priesthood?*, 66.

### **“The essence of political authority thesis”**

—*Political authority arises where power, the execution of right and the perpetuation of tradition are assured together in one coordinated agency.*

The pathway to “the essence of political authority thesis” begins with O’Donovan’s analysis of political concepts associated with divine kingship in the Old Testament. The concepts in question are: “salvation,” “judgment” and “possession.” In the previous chapter we saw that “salvation” related principally to military victory, that “judgment” pertained to the act of making public moral distinctions between right and wrong and that “possession” entailed a tradition of law and, in an ancillary sense, the possession of a land. O’Donovan’s contention is that these “three affirmations...shape Israel’s sense of political identity and define what is meant by saying that Yhwh rules as king: he gives Israel victory; he gives judgment; he gives Israel its possession.”<sup>373</sup> We also saw in the previous chapter that these English concepts are each tied to a Hebrew term(s) in the text of the Old Testament: *yeshuah* = salvation, *tsdq* root words and *mishpat* = judgment and *nahalal* = possession. Henceforth I will refer to this triadic conceptual schema as the “divine kingship as salvation, judgment and possession paradigm” (not to be confused with the “essence of political authority thesis”—see below for clarification).

It is instructive to pay attention to how O’Donovan describes the analytical process he uses to develop the “divine kingship as salvation, judgment and possession paradigm.” In a move that *prima facie* appears to traduce one of his central methodological axioms, he says that “this analysis of concepts cannot, of course, claim

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<sup>373</sup> O’Donovan, *The Desire of the Nations*, 45.

to be directly *authorised* by the text of the Hebrew Scripture [emphasis mine].”<sup>374</sup> Rather, like all “exegetical structures” it seeks to “apprehend the text and illuminate it by allowing one aspect to shed light upon another.”<sup>375</sup> The concession that the “divine kingship as salvation, judgment and possession paradigm” is *not* authorised *directly* by Scripture likely reflects O’Donovan’s cognisance that while the text associates these concepts with divine kingship, it is O’Donovan who draws the conclusion that together they “shape Israel’s sense of political identity and define what is meant by saying that Yhwh rules as king.”<sup>376</sup> The original authors/editors/redactors of the Old Testament, rulers and officials in Ancient Israel, and even the populace of Israel more broadly, might have recognised this articulation of divine kingship and perhaps even have embraced it, but it is not a model presented explicitly in the Old Testament.

In other words, it is O’Donovan’s paradigm, not Scripture’s, even though Scripture provides the data (D)—the concepts “salvation,” “judgment,” and “possession” and the warrant (W)—their habitual grouping with the concept “divine kingship.” O’Donovan’s argument is that in associating “salvation,” “judgment” and “possession” so closely with divine kingship, the authors/compilers/redactors of the Old Testament provide insight into how they likely conceived divine kingship, even if they did not articulate it in the way that O’Donovan has.

O’Donovan is able to adduce ample biblical evidence that “salvation,” “judgment” and “possession” are bona fide biblical concepts and that they are indeed “habitually grouped” with the concept divine kingship.<sup>377</sup> O’Donovan can also uncontroversially claim that divine kingship itself is a biblical concept—“a concept

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<sup>374</sup> Ibid.

<sup>375</sup> Ibid.

<sup>376</sup> Ibid.

<sup>377</sup> Ibid., 37–41. For “salvation” O’Donovan references Ps. 21:11; 44:4; Isa. 46:13; 51:5–8; 56:1; 61:10; 62:1. For “judgment” he references 2 Sam. 8:15; 1 Kings 10:9; Jer. 22:3, 15; 23:5; 33:15; Ezek. 45:9. For “possession” he refers to Ps. 37:29ff; Josh. 24:13; Lev. 25:23.

fundamental to Israel's political self-awareness."<sup>378</sup> Moreover, there is little reason to doubt the characterisation of these concepts as genuinely "political" in the conventional Western sense of the term, i.e. "the practice of the art or science of directing and administrating states or other political units."<sup>379</sup>

Thus while the paradigm itself technically might not be "authorised" from Scripture, at least not directly in the way formulated by O'Donovan, as indeed he admits, it is nevertheless developed from genuinely biblical and political concepts. Recalling that the second criterion in O'Donovan's methodological schema is to establish a "unifying conceptual structure" that "connects political themes [concepts] with the history of salvation as a whole," it is possible to conclude that the paradigm can be construed reasonably as "authorised" from Scripture by virtue of the fact that Scripture provides the data (d) for the constitutive concepts of the paradigm *and* the warrant (w) for the paradigm on account of the habitual association of those concepts with divine kingship in the text.

It is noteworthy that the "divine kingship as salvation, judgment and possession paradigm" has not come under serious criticism in the critical secondary literature. Moberly and McConville, who both find much to criticise in O'Donovan's analysis of the Old Testament's political categories, nevertheless acknowledge the centrality of divine kingship in the Old (and New) Testament and the validity of associating

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<sup>378</sup> Ibid., 30. Provan, Long and Longman note that "the understanding that God is king lies at the heart of the biblical tradition." Iain Provan, V. Philips Long and Tremper Longman III, *A Biblical History of Israel* (Louisville: Westminster John Knox Press, 2003), 208. Not all agree, however, with Preuss arguing that "one cannot say that the conception of kingship of YHWH is very central and really basic for the Old Testament." Horst Dietrich Preuss, *Old Testament Theology Volume 1*, trans. Leo G. Perdue (Louisville: Westminster John Knox Press, 1995), 159. Goldingay takes a more nuanced middle view, maintaining that the Pentateuch very rarely speaks of Yhwh as king, but that it grew in prominence in Jerusalem and thereafter. John Goldingay, *Psalms*, 67.

<sup>379</sup> Iain McLean and Alistair McMillan, eds., *Oxford Concise Dictionary of Politics*, 3rd ed. (Oxford: Oxford University Press, 2009), s. v. "politics."

“salvation,” “judgment” and “possession” with it.<sup>380</sup> Hauerwas and Fodor, who *do* question the wisdom of using divine kingship as the controlling concept for political theology, nevertheless do not challenge O’Donovan’s contention that “salvation,” “judgment” and “possession” are habitually grouped with it.<sup>381</sup>

O’Donovan makes a critical move between the “divine kingship as salvation, judgment and possession paradigm” and the “essence of political authority thesis” that has consequences for the cogency of the thesis. This move forms the principal basis upon which I question the thesis. We recall that the “essence of political authority thesis” says that “political authority arises where power, the execution of right and the perpetuation of tradition are assured together in one coordinated agency.”<sup>382</sup> The transition from the paradigm to the thesis involves a subtle, unacknowledged, and, as a consequence, unwarranted conceptual move that I will contend makes it difficult for O’Donovan to show that the “essence of political authority thesis” is “authorised” from Scripture. It is significant that this conceptual move, and the problematic it causes, has passed unnoticed by secondary scholarship, perhaps on account of the absence of any explicit explanation for it.<sup>383</sup>

The move relates to the transition between the concepts “salvation” and “power,” on the one hand, and “possession” and “tradition,” on the other. The “essence of political authority thesis” also introduces the concept “one coordinated agency” that did not form part of the “divine kingship as salvation, judgment and possession paradigm,” but this concept could reasonably be implied in the notion of “divine

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<sup>380</sup> Moberly, “The Use of Scripture in *The Desire of the Nations*,” 61–62. J. Gordon McConville, “Law and Monarchy in the Old Testament,” in *A Royal Priesthood?*, 80.

<sup>381</sup> Hauerwas and Fodor, “Remaining in Babylon.”

<sup>382</sup> O’Donovan, *The Desire of the Nations*, 46.

<sup>383</sup> Hauerwas and Fodor questioned the general move from exegesis to theory, finding it “curious” and “puzzling.” However, they did not notice, or note, the conceptual move and its implications identified here. They did observe, however, that O’Donovan “owes the reader a clearer explanation of how his move from exegesis to theoretical description is warranted” (Hauerwas and Fodor, “Remaining in Babylon,” 38).

kingship.” “Judgment” and “execution of right” function synonymously in the two schemas and as such I will restrict my focus in the following discussion to the pairs of concepts: “salvation”—“power” and “possession”—“tradition.”

The process by which O’Donovan moves from the “divine kingship as salvation, judgment and possession paradigm” to the “essence of political authority thesis” is difficult to untangle. He states that “our view here,” probably in reference to the “divine kingship as salvation, judgment and possession paradigm,” “stretches beyond this exegetical claim to a *theoretical* one [emphasis mine].”<sup>384</sup> The “theoretical” claim appears from context to relate to the “essence of political authority thesis” which is introduced shortly thereafter. O’Donovan further states that the “divine kingship as salvation, judgment and possession paradigm” (my description not his) “will provide a *framework* for exploring the major questions about authority posed by the Western tradition [emphasis mine].”<sup>385</sup> The “essence of political authority thesis” (theorem 1) is then introduced with the following somewhat confusing preamble:

The direction to be taken can be indicated at this point in two theorems, to which we shall quickly add a third, which appropriate [*sic*], in terms *adapted* for general theoretical use, the threefold analysis of kingship on the one hand and the ascription of kingship to Yhwh on the other [emphasis mine].<sup>386</sup>

The important terms from the citations above are “theoretical,” “framework” and “adapted.” These provide some insight into the relationship between the “divine kingship as salvation, judgment and possession paradigm” and the “essence of political authority thesis.” The “essence of political authority thesis” appears to be a *theory adapted* from a *framework*—“the divine kingship as salvation, judgment and possession

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<sup>384</sup> O’Donovan, *The Desire of the Nations*, 45.

<sup>385</sup> Ibid.

<sup>386</sup> Ibid., 46. The “third” theorem referenced is: “In acknowledging political authority, society proves its political identity” (*The Desire of the Nations*, 47).

paradigm”—which in turn is based on an exegesis of terms habitually associated with the concept “divine kingship.”<sup>387</sup> In the context of the critical discussion that followed publication of *Desire*, O’Donovan clarified that “the analysis of political authority in terms of power, right and tradition” is the “theoretical form” of the “exegetical form”: “salvation, judgment and possession.”<sup>388</sup> He also clarified that “the theory about the components of political authority is not discovered by exegesis—which is to say, it is not the theory of any biblical author, but mine.”<sup>389</sup>

So what we have before us is a “theory” of political authority extrapolated from a paradigm of divine kingship “authorised” from Scripture (in the indirect sense understood by O’Donovan and outlined above). The question is whether O’Donovan can cogently show that his *theory* of political authority, as opposed to the *paradigm* from which it is extrapolated, can be construed as “authorised” from Scripture as he apparently believes it is. I do not think he can.

The first issue to note is that “power” and “tradition” are not described by O’Donovan as biblical concepts, and indeed no exegesis is conducted to justify their appearance in the discussion; they are not tied to Hebrew terms in Scripture in the way that the concepts of the “divine kingship as salvation, judgment and possession” were. This appears to leave two of the constitutive concepts of the “essence of political authority thesis” without ostensible biblical warrant.

It can be conceded that “salvation” and “power,” on the one hand, and “possession” and “tradition,” on the other, in the senses in which those concepts are

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<sup>387</sup> Hauerwas and Fodor have drawn attention to the disparity in the way that many of the moving parts of O’Donovan’s theology of political authority are characterised by him e.g. “frameworks,” and the way that they are actually used. They concluded, for example, that, “despite O’Donovan’s disclaimer that his exegetical framework has little more than heuristic value, he nonetheless wants to ‘stretch’ beyond the insights thereby gained and use them to make strong theoretical claims” (“Remaining in Babylon,” 38).

<sup>388</sup> O’Donovan, “Response to the Respondents,” 97.

<sup>389</sup> *Ibid.*, 98.

explained by O'Donovan, can be regarded as cognate. The question, however, is whether or not these conceptual pairs are commensurate, and if they are incommensurate, then what changes the new concepts ("power" and "tradition") introduce into O'Donovan's *biblical* account of political authority.

It is my contention that this pair of concepts is not commensurate and that they are therefore substantively different. The substantive difference of the substituted concepts "power" and "tradition" calls into question the notion that they can be construed as "authorised" from Scripture by virtue of the "divine kingship as salvation, judgment and possession paradigm's" biblical authorisation, which I assume for the purposes of this analysis. The most obvious and consequential difference between "salvation" and "power" is that military victory is not constitutive of O'Donovan's conception of "power." Recall that "salvation" in relation to the "divine kingship as salvation, judgment and possession paradigm" is defined principally in terms of the military victory God grants Israel. One could reasonably argue that warfare, and perhaps even military victory, are implicit in the concept "power." Indeed, O'Donovan makes clear in *Just War* that armed conflict can be a legitimate use of power in support of a just judgment in certain circumstances. But in truth warfare does not play the constitutive role in the "essence of political authority thesis" that it does in the "divine kingship as salvation, judgment and possession paradigm": "Yhwh's kingship is established by the fact that he delivers his people from peril in conflict with their enemies."<sup>390</sup> In contrast, O'Donovan does not treat victory over enemies in warfare as constitutive of political authority. On his account, political authority can exist without a regime ever having to embark on armed conflict—it merely needs to exercise power, execute right and perpetuate tradition in one coordinated agency. Moreover, a regime can conceivably lose a military conflict and retain political authority, perhaps via the

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<sup>390</sup> O'Donovan, *The Desire of the Nations*, 36.

terms of an armistice. So the move from “salvation” to “power” represents a substantive conceptual change.

There is a close connection between “possession,” with its construal as “a tradition of law,” and “tradition.” However, much like military victory, the link between “possession” and land is quietly dropped when it comes to the “essence of political authority thesis.” When discussing “possession,” for example, O’Donovan says that “originally and fundamentally the existence of Israel as a people was mediated through the land” and “possessing the land was a matter of observing that order of life which was established by Yhwh’s judgments,” and also that “we may say that the land was the material cause of Yhwh’s kingly rule.”<sup>391</sup>

So the important connection between land and law disappears with the move to “tradition” in the “essence of political authority thesis.”<sup>392</sup> It is not difficult to see why. In Israel’s case land was tied to a specific covenant, whereas the human exercise of political authority post-Easter has no such covenant with any specific land following Christ’s exaltation. Given that the “essence of political authority thesis” purports to describe the nature of *all* political authority, “tradition” naturally loses the connection to land explicitly contained in the notion of “possession,” which we must recall was, according to O’Donovan, constitutive of God’s divine kingship over Israel.

That said, O’Donovan could reasonably counter that the whole thesis presupposes the possession of *some* territory in order to give effect to the exercise of power, execution of right and perpetuation of tradition. Indeed, he implies as much in

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<sup>391</sup> Ibid., 41.

<sup>392</sup> O’Donovan has decried the fact that “contemporary Western society is marked by a loss of the sense of place”—what he evocatively calls “sedentary rootlessness.” In the essay “The Loss of a Sense of Place” he makes reference to the “reciprocal relation between nature and culture; geographical space mediating a possibility for human life in community.” But in spite of his call for a more rooted community, with connotations of “possession,” there is no sense that political authority cannot and does not function within the context of the West’s increasingly “placeless culture.” Oliver O’Donovan, “The Loss of a Sense of Place,” *The Irish Theological Quarterly* 55, no.1 (1989), 39, 47–48

various parts of his corpus. In *Judgment*, for example, he suggests that “no political authority is possessed by a “government in exile,” since a government that does not govern is nothing.”<sup>393</sup> But on the other hand Jewish history teaches that a tradition does not require possession of a sovereign territory, nor power for that matter, in order to survive, and arguably to perform its function, even if imperfectly.

The central problematic for O’Donovan is the question of how he can escape a charge of arbitrary conceptual change in this context. It is difficult to discern, for example, a warrant for making *these* conceptual changes rather than some *other* conceptual changes. In fact, it is difficult to discern the rationale for making any conceptual move at all. If “salvation” and “possession,” with their connection to warfare and land, are the *actual* political concepts associated with divine kingship in the Old Testament, and God’s divine kingship over Israel is to be construed as providing the basis for an understanding of the generic nature of political authority, then why not just stick with the concepts in the paradigm?<sup>394</sup> For this and the other reasons discussed above, it is reasonable to question the validity of O’Donovan’s contention that the “essence of political authority thesis” is “authorised” from Scripture.

#### Argument from analogy: the political norm of Israel

The problematic examined above—the unwarranted and arbitrary conceptual move that undermines the argument that the “essence of political authority thesis” is “authorised” from Scripture—does not end there. To show this, however, it is important to better identify what type of argument the thesis represents. The “essence of political authority

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<sup>393</sup> O’Donovan, *The Ways of Judgment*, 141.

<sup>394</sup> James W. Skillen, “Acting Politically in Biblical Obedience?,” in *A Royal Priesthood?*, 413. Skillen thinks even the concepts “salvation,” “judgment” and “possession” are “arbitrarily abstract[ed]” to represent the way that Israel’s political order was constituted. But this is a little unfair given their correspondence to Hebrew terms and O’Donovan’s ability to demonstrate that they are indeed habitually grouped with “divine kingship.”

thesis” appears to most closely resemble an argument from analogy, which, according to Walton, is “where one case is held to be similar to another case in a particular respect.”<sup>395</sup> The validity of arguments from analogy depends on establishing like properties in two different cases.<sup>396</sup> Walton further explains that arguments from analogy are “defeasible, because any two cases will be similar to each other in certain respects, but dissimilar to each other in other respects.”<sup>397</sup>

In the prologue to *Desire*, O’Donovan outlines a general framework for political theology premised on an analogy between the political acts of God and those of humankind. He explains:

political theology...does not suppose a literal synonymy between the political vocabulary of salvation and the secular use of the same political terms it postulates an analogy—not a rhetorical metaphor only, or a poetic image, but an *analogy grounded in reality*—between the acts of God and human acts, both of them taking place within the one public history which is the theatre of God’s saving purposes and mankind’s social undertakings [emphasis mine].<sup>398</sup>

Although this analogy is not referenced at the specific point in *Desire* where O’Donovan develops the “essence of political authority thesis,” it does help explain the logic of what might otherwise appear to be a somewhat perplexing move. Human political acts, and *ipso facto* the human exercise of political authority, are to be understood by reference to their analogy with God’s divine acts in history, and most particularly his divine rule of the historical nation Israel.<sup>399</sup> It is in this sense that the

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<sup>395</sup> Walton, *Fundamentals of Argumentations*, 96.

<sup>396</sup> Ibid.

<sup>397</sup> Ibid.

<sup>398</sup> O’Donovan, *The Desire of the Nations*, 2. This notion finds support in Preuss’ argument that “the Old Testament witnesses primarily, not to the “nature” of YHWH, but to his divine activity.” Preuss, *Old Testament Theology*, 23.

<sup>399</sup> Ibid., 20.

“essence of political authority thesis” appears to proceed on the basis of an argument from analogy between God’s political acts and divinely authorised human political acts.

But this is where O’Donovan’s “essence of political authority” departs from a traditional argument from analogy in a very important respect. An argument from analogy has the following technical form:

**Similarity premise:** Generally, case *CI* is similar to case *C2*.

**Base premise:** *A* is true (false) in case *CI*.

**Conclusion:** *A* is true (false) in case *C2*.<sup>400</sup>

O’Donovan’s argument from analogy, on the other hand, does not strictly follow this formula. He does not argue that any particular regime, say the government of the United States, represents *C2* to God’s reign over Israel *CI*, and therefore that the rule of *C2* is valid by analogy with *CI*. Rather, O’Donovan maintains that God’s reign over Israel *CI* reveals the very essence of political authority, thus producing the following analogy: *CI* to *Cx*, where *x* stands for the generic existence of political authority across all regimes. There are two indicative passages in *Desire* that attest to this logic: “the unique covenant of Yhwh and Israel can be seen as a point of disclosure from which the nature of *all* political authority comes into view [emphasis mine]”<sup>401</sup> and “the conjunction of power, judgment [*sic*] and tradition defines what political authority *is* [original emphasis].”<sup>402</sup> O’Donovan describes this conjunction as the “esse” of political authority which is why I have chosen to characterise the thesis as the “essence of political authority thesis.” The validity of the thesis therefore hinges on showing that it really does describe the essence of political authority. I will interrogate this idea in detail in Chapter 5.

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<sup>400</sup> Walton, *Fundamentals of Argumentation*, 96.

<sup>401</sup> O’Donovan, *The Desire of the Nations*, 45.

<sup>402</sup> *Ibid.*, 233.

### The normative role of Israel

O'Donovan repeatedly makes it clear in *Desire* that he regards Israel as politically normative for Christian political theology. In addition to the aforementioned reference to the “unique covenant of Yhwh and Israel” revealing the nature of “*all* political authority,” witness the following passages: “If political theologians are to treat ancient Israel’s political tradition as normative, they must observe the discipline of treating it *as history* [original emphasis]”;<sup>403</sup> “It is a clear illustration of the principle that, to treat Israel’s political tradition as normative, we have to wrestle with its history”;<sup>404</sup> “If Israel’s experience of government is to be taken as a model for other societies, then we must allow that divine providence is ready to protect other national traditions besides the sacred one”;<sup>405</sup> “This means that any question about social forms and structures must be referred to a normative critical standard: do they fulfil that will of God for human society to which Israel’s forms authoritatively point us?”;<sup>406</sup> and “From those concepts we may derive an orientation of political principle through which the legacy of Israel regulates our own political analysis and deliberation.”<sup>407</sup> O'Donovan further clarifies that “the history of divine rule is presented to us as *revealed* history which takes form quite particularly as the history of Israel [original emphasis].” So O'Donovan’s account of political authority works from the presupposition that Israel historically *reveals* political norms and that these norms can be identified in Scripture.

In light of this control belief about revealed norms and the analogy between God’s kingly rule over Israel and the human exercise of political authority, and the exegetical context in which the “essence of political authority thesis” is presented, one

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<sup>403</sup> Ibid., 27.

<sup>404</sup> Ibid., 74.

<sup>405</sup> Ibid., 73.

<sup>406</sup> Ibid., 25.

<sup>407</sup> Ibid., 29.

must conclude that O'Donovan believes the "essence of political authority thesis" is *revealed* in Scripture. In the next chapter I will dispute the cogency of this claim. For now, it suffices to summarise the questions I am posing in relation to the validity of the "essence of political authority thesis." The contention is that the "essence of political authority" is revealed in Scripture's account of God's divine rule over Israel. But the actual definition of the essence of political authority developed by O'Donovan consists of concepts arbitrarily abstracted from a conceptual framework (the "divine kingship as salvation, judgment and possession") indirectly "authorised" from Scripture, making the claim that the thesis is authorised from Scripture untenable.

#### The Ramsey factor

There is one further issue to canvass in relation to the validity of O'Donovan's contention that the "essence of political authority thesis" is revealed in Scripture. Chaplin made the incisive observation that the "essence of political authority thesis" is "simply a reformulation" of the definition of political authority O'Donovan provided ten years prior in *Resurrection*.<sup>408</sup> That definition was "might," "injured right" and "tradition" "exercised by one subject."<sup>409</sup> The significance of this convergence was also identified by Chaplin when he noted that O'Donovan "was able to propose this formulation in *RMO* without dependence upon the extensive exegetical work of justification he presented only in *DN*."<sup>410</sup> Chaplin's observation led him to question whether the "essence of political authority thesis," as I have called it, was "*derived from*

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<sup>408</sup> Chaplin, "Political Eschatology and Responsible Government," 299–300.

<sup>409</sup> O'Donovan, *Resurrection and Moral Order*, 128. In the prologue to the second edition of *Resurrection* (1994) O'Donovan indicated that he had come to prefer "power" instead of "might" (prologue to the second edition of *Resurrection and Moral Order*, xx).

<sup>410</sup> Chaplin, "Political Eschatology and Responsible Government," 298. In fact, O'Donovan ostensibly conducted no exegesis to arrive at his conception of political authority in *Resurrection*, as there is not a single reference to Scripture therein.

biblical exegesis or rather *brought to it* [original emphasis].”<sup>411</sup> In *Judgment*, O’Donovan responded to Chaplin’s observations by conceding that “the source of this triad [i.e., “power,” “right” and “tradition”], as I now realise, was Paul Ramsey’s analysis of authority as *lex, iustitia* and *ordo*.”<sup>412</sup> These terms appear in Ramsey’s 1968 essay “The Uses of Power”.<sup>413</sup>

This leads to a final characterisation of the good of politics, this time involving three terms: *lex, ordo* and *iustitia*—or law, the order of power, and justice. A Christian understanding of politics will be one that makes use of the concept of order (the order of power) in its relation to *iustitia* on the one hand and to *lex* on the other.<sup>414</sup>

It is difficult, at least from this essay, to discern from where Ramsey acquired these concepts. They are not supported by biblical warrants in “The Uses of Power.” So the influence of Ramsey on O’Donovan’s “essence of political authority thesis” *prima facie* further undermines the notion that the thesis could be construed as authorised from Scripture. This is because O’Donovan’s concession raises the possibility that Ramsey actually provides both the data (D) and warrant (W) for the “essence of political authority thesis” leaving no integral role for Scripture in the argument. Having said that, it is of course possible that Ramsey did, in the final analysis, arrive at this triad of concepts from his own analysis of either Scripture or Christian tradition, with the latter relying to some extent on Scripture.

### **“The re-authorisation thesis”**

—*The authority of secular government resides in the practice of judgment.*

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<sup>411</sup> Ibid., 298–299.

<sup>412</sup> O’Donovan, *The Ways of Judgment*, 142. O’Donovan clarifies that Ramsey used “*ordo*” in the sense of “control of the situation” and therefore “something more like power.”

<sup>413</sup> Paul Ramsey, “The Uses of Power,” in *The Essential Paul Ramsey: A Collection*, ed. William Werpehowski and Stephen D. Crocco (New Haven: Yale University Press, 1994).

<sup>414</sup> Ibid., 93.

Having determined that the Old Testament reveals the very nature of political authority encapsulated in the “essence of political authority thesis,” O’Donovan then uses the thesis as a hermeneutic for understanding the political impact of the Christ-event, albeit in quite a complex manner. As he explains it, he uses his analysis of divine kingship in the Old Testament to “clarify how God’s Kingdom was demonstrated in Jesus’ ministry.”<sup>415</sup> He discerns parallels between the political concepts associated with divine kingship in the Old Testament—“salvation,” “judgment” and “possession”—and the Christ-event as presented in the New Testament. The parallels O’Donovan discerns are as follows: “salvation” equates to Jesus’ “works of power” which are “victories over the demonic powers,” “judgment” equals Jesus’ proclamation of the coming judgment of Israel, and “possession” relates to putting Israel more effectively in possession of the law.<sup>416</sup>

It is significant that in drawing these parallels O’Donovan reverts back to the original concepts connected with divine kingship that he exegeted from the Old Testament—“salvation,” “judgment,” “possession”—instead of those contained in the “essence of political authority thesis.” This might have something to do with the fact that these concepts are a more conducive to the Christ-event. While Jesus demonstrated great authority (ἐξουσία) in his teaching and his interaction with the demonic (e.g. Mark 1:27<sup>417</sup>), he did not exercise “power” in any political sense. In fact, he expressly refused to do so. Scripture tells us that the devil, as part of his efforts to tempt Jesus, offered him “all the kingdoms of the world” (Mat. 4:8, Luke 4:5), an offer Jesus rejected. And after miraculously feeding a crowd beside the Sea of Galilee, Jesus “withdrew again to

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<sup>415</sup> O’Donovan, *The Desire of the Nations*, 93.

<sup>416</sup> *Ibid.*, 93, 96, 100.

<sup>417</sup> “They were all amazed, and they kept on asking one another, “What is this? A new teaching with authority! He commands even the unclean spirits, and they obey him.”

the mountain by himself” when he realised the crowd intended to “take him by force to make him king” (John 6:15).

Moreover, Jesus did not “execute right” in any judicial or political sense, though he did pronounce judgment in a moral sense (e.g. *pericope adulterae* of John 8:1–8). Furthermore, far from perpetuating Israel’s tradition (multivocal at the time), he transformed it in a way that was considered threatening by those who regarded themselves as the guardians of that tradition.<sup>418</sup> In any event, the Christ-event resulted in the emergence of a new and distinct community, the church, which would relatively quickly (in historical terms) become distinct from Judaism.<sup>419</sup> So the Christ-event marks something of a fork in the road for Jewish tradition, with one fork ultimately leading to Christianity, and the other leading in a different direction, one that does not recognise Jesus as the heir to David’s throne.

The Old Testament concept of “salvation,” as construed by O’Donovan, loses its connection with warfare when applied to Jesus for understandable reasons. It assumes a purely spiritual meaning on O’Donovan’s analysis. “Possession” also loses any link to land, also for understandable theological and historical reasons. Jesus’ “judgments,” moreover, are proclamatory, eschatological and moral rather than judicial in any temporal sense. The basic fact remains that while Yhwh ruled in a very tangible sense during the first temple period of Israel’s history, according to the Old Testament, Jesus did not, according to the New Testament. What this exercise *does* suggest, however, is that the “essence of political authority thesis” is unnecessary and arbitrary, for

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<sup>418</sup> Furnish offers the perceptive insight that the tradition of Jesus’ day was in any event significantly different from the tradition of the Davidic monarchy that presumably is ostensibly constitutive of political authority on O’Donovan’s account. Victor Paul Furnish, “How Firm a Foundation?: Some Questions about Scripture in *The Desire of the Nations*,” *Studies in Christian Ethics* 11, no.2 (1998), 22.

<sup>419</sup> O’Donovan does not subscribe to the view that the church was present in Israel before Christ (*The Desire of the Nations*, 162).

O'Donovan has demonstrated the relevance and suitability of the “divine kingship as salvation, judgment and possession paradigm” for interpreting the Christ-event.

This somewhat unusual inversion of the common theological method of interpreting the Old Testament in light of the New Testament has not gone unnoticed. Furnish, for example, has asked why O'Donovan did “not look to *Jesus*' proclamation of God's reign, or to *the earliest church*'s proclamation of Christ's lordship for his definitive political concepts? [original emphasis].”<sup>420</sup> In the final analysis, O'Donovan's examination of the four moments of the Christ event—“Advent,” “Passion,” “Resurrection” and “Exaltation”—and their parallels with divine kingship do not appear to play a significant function in the actual conclusion he forms about the role of political authority in the post-Easter phase of salvation-history, although Christ's fulfilment of the Davidic promise does remain germane and important (see Chapter 7 for a fuller discussion). In reality, as I will argue in Chapter 6, it is the “essence of political authority thesis” that functions as the principle hermeneutical key for interpreting Paul's famous statement about the governing authorities in Rom. 13:1–7, and hence of the impact of Christ's exaltation on secular political authority, and not the four moments of the Christ-event or the “divine kingship as salvation, judgment and possession paradigm.”

#### The Pauline view of government

As I explained in the overview of O'Donovan's theology of political authority in Chapter 2, O'Donovan maintains that the Christ-event results in a “re-authorisation” of political authority such that “judgment” (the execution of right) becomes the sole legitimate function of government as a consequence of Christ's exaltation.<sup>421</sup> This

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<sup>420</sup> Furnish, “How Firm a Foundation?” 19.

<sup>421</sup> O'Donovan, *The Desire of the Nations*, 233.

conclusion has some significant normative implications. If judgment is the *sole* legitimate function of secular government in the current phase of salvation-history, then presumably any other function a government seeks to perform ought to be construed, by the Christian at least, as illegitimate, or if not illegitimate, then as “unauthorised” (whatever that might mean). Conversely, any government that does not exercise judgment ought similarly to be deemed illegitimate or lacking the authority that could morally command obedience.

The warrant O’Donovan provides for the “re-authorisation thesis” is Rom. 13:1–7.<sup>422</sup> 1 Tim. 2:1–3 and 1 Peter 2:13–7 are also mentioned in this regard, but we are informed that they merely reaffirm the principles of Rom. 13:1–7.<sup>423</sup> O’Donovan contends that Rom. 13:1–7 “self-consciously dispenses with the other functions of political authority...strip[ping] down the role of government to the single task of judgment.”<sup>424</sup>

There is an ambiguity in O’Donovan’s use of Rom. 13:1–7 in the development of the “re-authorisation thesis” with respect to whether it functions technically as data (D) or warrant (W). In *Judgment* he contends that

such an interpretation of authority [i.e., Rom. 13:4]... *self-consciously dispenses* with other functions of political authority that must have suggested themselves to readers of

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<sup>422</sup> 1. Let every person be subject to the governing authorities; for there is no authority except from God, and those authorities that exist have been instituted by God. 2. Therefore whoever resists authority resists what God has appointed, and those who resist will incur judgment. 3. For rulers are not a terror to good conduct, but to bad. Do you wish to have no fear of the authority? Then do what is good, and you will receive its approval; 4. for it is God’s servant for your good. But if you do what is wrong, you should be afraid, for the authority does not bear the sword in vain! It is the servant of God to execute wrath on the wrongdoer. 5. Therefore one must be subject, not only because of wrath but also because of conscience. 6. For the same reason you also pay taxes, for the authorities are God’s servants, busy with this very thing. 7. Pay to all what is due them—taxes to whom taxes are due, revenue to whom revenue is due, respect to whom respect is due, honour to whom honour is due. NRSV.

<sup>423</sup> O’Donovan does not mention Titus 3:1, which could similarly be grouped with these passages: “Remind them to be subject to rulers and authorities, to be obedient, to be ready for every good work.”

<sup>424</sup> O’Donovan, *The Ways of Judgment*, 4.

the Hebrew Scriptures as well as observers of the Roman world; it *strips down* the role of government to the single task of judgment, and forbids human rule to pretend to sovereignty, the consummation of the community's identity in the power of its ruler [emphasis mine].<sup>425</sup>

The active verbs in this articulation of the “re-authorisation thesis”—*dispenses, strips down, forbids*—suggests that O’Donovan might view his interpretation of the passage as little more than expositional, which is to say that he appears to believe that the “re-authorisation thesis” is made by Paul in the text of Rom. 13:1–7. At one point in *Desire*, too, O’Donovan indicates that this interpretation is construed as expositional: “St Paul’s new *assertion* is that the performance of judgment alone justifies government; and this *reflects his new Christian understanding of the political situation*.”<sup>426</sup> At other points in *Desire*, however, O’Donovan gives every indication that the thesis is actually an ecclesiological and christological inference from Rom. 13:1–7, and therefore that the passage might rather have the function of warrant.<sup>427</sup> I return to this issue in Chapter 6 when I examine more closely the “re-authorisation thesis.”

In any event, the central question is whether Rom. 13:1–7 can support the “re-authorisation thesis” at all, whether as data or warrant. There are *prima facie* grounds to regard either notion as problematic. The argument appears to rely on the omission of the concepts “power” and “tradition” for the conclusion that Paul is “re-authorising” political authority to the restricted function of judgment, as O’Donovan has already concluded that the definition of political authority revealed in the Old Testament includes the conjunction of “power,” “execution of right” (i.e., judgment) and “tradition” in one coordinated agency, and Paul only mentions one of them, “judgment.” The validity, therefore, of the “re-authorisation thesis” relies on the questionable

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<sup>425</sup> Ibid.

<sup>426</sup> O’Donovan, *The Desire of the Nations*, 148.

<sup>427</sup> Ibid., 152.

premise that political authority has been revealed in the Old Testament to be the conjunction of “power, execution of right and perpetuation of tradition in one coordinated agency,” i.e., the “essence of political authority thesis,” the biblical authorisation for which I have already questioned in this chapter. It further relies on the notion that Paul was aware of this definition of political authority, for how else could he consciously “re-authorise” political authority? These issues will be pursued in detail in Chapter 6.

The problem that O’Donovan confronts in sustaining the “re-authorisation thesis” is that it is not demanded by the text. It is, as Wolterstorff has rightly noted, “an inference from silence.”<sup>428</sup> It does appear, on the other hand, to be a reading demanded by the “essence of political authority thesis,” for O’Donovan must account for the omission of “power” and “tradition” given he has predetermined that these, together with judgment, constitute the essence of political authority, and moreover that this essence was revealed in the Old Testament. O’Donovan explains this omission in terms of the “re-authorisation” of political authority:

secular authorities are no longer in the fullest sense mediators of the rule of God. They mediate his judgments only. The power that they exercise in defeating their enemies, the national possessions they safeguard, these are now rendered irrelevant by Christ’s triumph...Such claims are overwhelmed by the immediate claim of the Kingdom. There remains simply the rump of political authority which cannot be dispensed with yet, the exercise of judgment.<sup>429</sup>

The “essence of political authority thesis” therefore appears to be a premise in the “re-authorisation thesis” as it describes what it is that is being “re-authorised.” As a

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<sup>428</sup> Wolterstorff, “A Discussion of Oliver O’Donovan’s *The Desire of the Nations*,” 102.

<sup>429</sup> O’Donovan, *The Ways of Judgment*, 151. Note once again that O’Donovan appears to be working from two conceptual models here. This is a rare instance where we are given “power” in the sense of “salvation,” i.e. military victory.

consequence, the weaknesses identified in relation to the “essence of political authority thesis” above also undermine the cogency of the “re-authorisation thesis.”

Resurrection and the “re-authorisation” of political authority

Before bringing this chapter to a close, I will briefly revisit Chaplin’s observation that the “essence of political authority thesis” closely resembles the definition of political authority found in *Resurrection*. Chaplin also made the astute observation that the “re-authorisation” thesis itself can be found in that earlier work. In *Resurrection*, O’Donovan said that

They [might, injured right and tradition] are exercised together when the first two are put at the disposal of the third; that is, when one whose possession of *might* is in accord with the *established order* of a society takes responsibility for the *righting of wrongs* within a society.<sup>430</sup>

Compare this with the following articulation of the “re-authorisation” thesis in *Desire*:

The subjection of all authorities to Christ’s authority does not mean the dissolution of authority. The conjunction of power, judgment and tradition defines what political authority *is* [original emphasis]...Power and community tradition are still essential to establish authority; *the new development is that they are subordinated to just judgment* as means to an end [emphasis mine].<sup>431</sup>

I have already drawn attention to the fact that there is no exegesis, or even reference to Scripture, in the discussion of political authority in *Resurrection*. There is also no mention of the impact of the Christ-event or the emergence of the church on the role of political authority in the divine economy this side of Easter. So Chaplin has a point when he asked: “isn’t this ‘putting of power and tradition at the disposal of

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<sup>430</sup> O’Donovan, *Resurrection and Moral Order*, 128.

<sup>431</sup> O’Donovan, *The Desire of the Nations*, 233.

justice' precisely what the triumph of Christ is supposed *uniquely* to have effected [original emphasis]?"<sup>432</sup>

In response to Chaplin, O'Donovan provided the following explanation: "In *Resurrection* I assumed that the subordination of power and tradition to justice was typical of all political authority; by the time of *Desire* I had reached the conclusion that it was a fruit of Christ's triumph."<sup>433</sup> In deference to O'Donovan, Chaplin conceded that it was possible for a theologian to "intuit correct biblical insights prior to laying out (or even discovering) their full biblical warrant," and this appears to be O'Donovan's defence.<sup>434</sup> What O'Donovan's concession does do, however, is raise the prospect that O'Donovan might have eisegeted the "re-authorisation thesis" rather than exegeted it from Rom. 13:1–7. For this and the other reasons articulated in this section there are grounds to question the arguments adduced for the "re-authorisation thesis." In Chapter 6 I will dispute the validity of O'Donovan's use of Rom. 13:1–7 as a warrant for the "re-authorisation thesis."

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<sup>432</sup> Chaplin, "Political Eschatology and Responsible Government," 300.

<sup>433</sup> Oliver O'Donovan, "Response to Jonathan Chaplin," in *A Royal Priesthood?*, 309.

<sup>434</sup> Chaplin, "Political Eschatology and Responsible Government," 298.

## **Chapter 4**

**Disputing O'Donovan's contention that the Davidic monarchy reveals the essence of political authority.**

## **Introduction**

In the previous chapter I questioned the cogency of O'Donovan's contention that the Old Testament's account of God's kingly rule over Israel reveals the essence of political authority as encapsulated in what I have termed the "essence of political authority thesis." In this chapter I will argue that O'Donovan has in fact developed a genuinely insightful definition of political authority that can be affirmed on empirical grounds, but dispute the notion that this definition can be regarded as revealed in the Old Testament.

### **O'Donovan's ambiguous conception of "divine kingship" and its implications**

"Divine kingship" functions as the controlling concept in O'Donovan's account of political authority: politics consists in divinely authorised human acts analogous to the kingly acts of God. It will be helpful at this juncture to provide a more detailed exposition of O'Donovan's understanding of divine kingship. Such an exposition will reveal that O'Donovan is actually working with a complex conception of divine kingship that has three aspects to it, and that as a consequence there is some ambiguity as to which aspect or aspects is operative in the development of the "essence of political authority thesis."

O'Donovan follows medieval tradition in making a distinction between God's *potentia absoluta* ("the bare fact of creation itself") and his *potentia ordinata* ("the covenant that is established through creation").<sup>435</sup> Both constitute complementary aspects of God's divine sovereignty. God's kingship, however, is an "expression" of his

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<sup>435</sup> O'Donovan, *The Desire of the Nations*, 19.

*potentia ordinata*, not of his *potentia absoluta*.<sup>436</sup> As O'Donovan explains, "It is divine authority, not divine power, that is communicated by the idea" of *potentia ordinata*.<sup>437</sup>

O'Donovan then appears to identify three distinct aspects in which God's divine kingship manifests in the world, but these distinctions are not made explicit and their interrelationship is not explicated. The first aspect I will call "universal kingship." This relates to God's general rule over creation and history. O'Donovan says that "Yhwh's kingship is...an act of providence, keeping faith with creation once made."<sup>438</sup> He adds that God's kingship "offered a geophysical reassurance about the stability of the natural order" and "reassurance about the international political order."<sup>439</sup> He also says that God's authority was "shown forth on earth through cataclysmic events, not only of a natural but also of a political order," and that it "secured the relations of the nations and directed them towards peace."<sup>440</sup> Thus "universal kingship" relates to God's providential rule over the natural world and global political order in a generic sense.

However, one nation uniquely experiences, expresses and mediates God's kingship: Israel. This represents an act of "special providence" in O'Donovan's view.<sup>441</sup> O'Donovan maintains that what gives meaning to God's kingship is that "he gives Israel victory; he gives judgment...[and] he gives Israel its possession."<sup>442</sup> This cannot be said of any other nation. I will describe this aspect of "divine kingship" as "covenantal kingship." God's "covenantal kingship" and "universal kingship" appear to have something of a dialectical relationship in O'Donovan's mind, although this relationship is not developed in *Desire*. He simply alludes to a "difference between the ways in

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<sup>436</sup> Ibid., 32. O'Donovan actually says very little about God's *potentia absoluta* because, as he says, political authority relates to God's *potentia ordinata*.

<sup>437</sup> Ibid.

<sup>438</sup> Ibid.

<sup>439</sup> Ibid.

<sup>440</sup> Ibid., 49, 71

<sup>441</sup> Ibid., 72.

<sup>442</sup> Ibid., 45.

which Yhwh's national and international sovereignties were understood, the one mediated by the monarch, the other not susceptible of unitary mediation at all."<sup>443</sup> Thus God rules as king of the "international order" and also specifically and uniquely as the king of the nation Israel.

The third aspect in which O'Donovan talks about "divine kingship" relates specifically to the Davidic monarchy, which, on his account, expresses God's kingship in a way that other periods in Israel's covenantal history did not: "for the claims of monarchy were precisely to hold together military, judicial and, ultimately, tradition-bearing functions in one pair of hands."<sup>444</sup> "The strategy of David and Solomon," according to O'Donovan, "in moving the Ark to Jerusalem and housing it in a temple adjoining the royal palace had been to create a unified centre of worship and government."<sup>445</sup> Recall that "one coordinated agency" is a constitutive element of O'Donovan's "essence of political authority thesis." Thus O'Donovan appears to make a distinction between God's more general "covenantal kingship" over Israel, which traversed a diverse set of political orders and circumstances, from slavery in Egypt to second temple priestly rule, and between the way that the Davidic monarchy uniquely mediated God's kingship. I refer to the latter as "mediated Davidic kingship."

"Universal kingship," "covenantal kingship" and "mediated Davidic kingship" mark a movement from the generic to the progressively more particular. I have sought to capture this sense of movement in the shorthand designations given to each aspect. The value in identifying these three different senses of "divine kingship," which are evident in O'Donovan's discussion in *Desire*, is that they help illuminate one possible

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<sup>443</sup> Ibid., 72. In *Judgment*, O'Donovan argues against the coherence of the notion of a world government: "a world-government would have to be predicated on a world-people, but a world-people could come into existence only, one might say, when Martians arrived" (*The Ways of Judgment*, 208).

<sup>444</sup> O'Donovan, *The Desire of the Nations*, 52.

<sup>445</sup> Ibid., 43.

reason for the unacknowledged and unwarranted conceptual shift between the “divine kingship as salvation, judgment and possession paradigm” and the “essence of political authority thesis” discussed in the previous chapter. The paradigm appears to have been derived from God’s “covenantal kingship” and the thesis from “mediated Davidic kingship.”

There is evidence to suggest that the “divine kingship as salvation, judgment and possession paradigm” comes from O’Donovan’s reading of God’s “covenantal kingship” and not the Davidic monarchy *per se*. The clearest indication is the way O’Donovan applies the paradigm to the Exodus and Moses’ leadership over the Hebrew people more generally. He says, for instance: “Indeed, Moses’ role throughout the Book of Exodus, as we now have it, corresponds to the same pattern: he leads the people out of Egypt to the *victory* of the Red Sea; he *judges* their cases in the wilderness; he lays before them the pattern of their new life in *possession* of their land at Sinai [emphasis mine].”<sup>446</sup> This single citation illustrates two important features of the “divine kingship as salvation, judgment and possession paradigm”: 1) it is not dependent on the Davidic monarchy in the way I will shortly argue the “essence of political authority thesis” is; and 2) it clearly covers a range of different political circumstances and periods in Israel’s history. It is not difficult to see how the paradigm might justifiably be applied to other periods in Israel’s political history. The priestly rule of the Ezra–Nehemiah period is a case in point (see Ezra 8:9).<sup>447</sup> O’Donovan could argue that God “saved” the Israelite people by liberating them from exile and returning them to their possession.

In contrast, the “essence of political authority thesis” is difficult to apply consistently to all of the periods that span Israel’s covenant with God. Moses does not

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<sup>446</sup> Ibid., 52. O’Donovan even characterises Moses as a “quasi-monarchical” figure. O’Donovan, “Response to Gordon McConville,” in *A Royal Priesthood?*, 90.

<sup>447</sup> “For we are slaves; yet our God has not forsaken us in our slavery, but has extended to us his steadfast love before the kings of Persia, to give us new life to set up the house of our God, to repair its ruins, and to give us a wall in Judea and Jerusalem.”

appear to have exercised “power” in the sense meant by O’Donovan, at least not in Egypt. Indeed, Israel’s bondage in Egypt would appear to represent the very essence of powerlessness. Furthermore, it is not clear that Moses “perpetuated Israel’s tradition” so much as established it in the Sinaitic Covenant. Again, “power” is an awkward fit to Israel’s circumstances in Babylon during the exile. And even after the return to Judah, the Israelites only exercised a limited, delegated “authority,” subject to a higher authority within an alien political, religious and cultural tradition. It is therefore doubtful that the returned exiles in Judah could be regarded as exercising power, executing right and perpetuating tradition *in one coordinated agency*. Bishop, Moore and Kelle, argue that Sheshbazzar, Nehemiah and Ezra probably functioned as “acknowledged officials in the Persian system,” and that the Jewish elite that ruled the Persian satrapy of Judah likely collected tax on behalf of the Persian rulers.<sup>448</sup> Bimson describes the Israelite attitude toward Persian kings as “ambivalent,” torn between the view that those kings were agents of God yet also the source of their bondage.<sup>449</sup> Miller, however, notes that the returned exiles nevertheless exercised a degree of self-government.<sup>450</sup> In a sermon of O’Donovan’s published in the collection *The Word in Small Boats*, he observed that “Ezra still complains of political dependence upon Persia.”<sup>451</sup> In any case, a relatively clear cut case would appear to be the judges period where there evidently was not a single coordinated agency ruling Israel. The “essence of political authority thesis” appears even more difficult to apply to the Hellenistic and Roman colonial periods. Both periods witnessed actions by governing authorities that

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<sup>448</sup> Megan Bishop Moore and Brad E. Kelle, *Biblical History and Israel’s Past: The Changing Study of the Bible and History* (Grand Rapids: Eerdmans, 2011), 438.

<sup>449</sup> John J. Bimson, “Ezra,” in *Theological Interpretations of the Old Testament: A Book-by-book Survey*, ed. Kevin J. Vanhoozer (Grand Rapids: Baker Academic, 2008), 135.

<sup>450</sup> Maxwell J. Miller, *A History of Israel and Judah*, 2nd ed. (Louisville: Westminster John Knox Press, 2006), 523.

<sup>451</sup> Oliver O’Donovan, *The Word in Small Boats: Sermons from Oxford*, ed. Andy Draycott (Grand Rapids: Eerdmans, 2010), 14.

were imposed against the wishes of the indigenous population and which threatened the people's tradition. This threat was one of the principal causes of rebellion.

The disparity between the “essence of political authority thesis” and Israel's pre- and post-monarchical political forms is evident in the language O'Donovan uses to describe those periods. He describes, for instance, the Israelites' post-exilic political experience as one of “dual authority,” in recognition that following the downfall of the monarchy, Israel was never to hold “power,” “execute right” and “perpetuate tradition” in “*one coordinated agency*” again, at least not until the formation of the state of Israel in 1947. As for the Judges period, O'Donovan says:

In the pre-monarchical period the nearest approximation to a continuous governmental function that can be discerned was provided by ‘the judges’, and it was a crucial element in the case for a monarchy that they had failed to provide not only the security necessary for Israel's identity but even a consistent standard of justice itself.<sup>452</sup>

Thus, using O'Donovan's own analysis of Israel's pre- and post-monarchical periods of history, it seems reasonable to conclude that political authority on his definition did not exist in many, perhaps even all, of these periods. This is an implication that Wolterstorff drew from *Desire*:

God's kingship over Israel did not cease when she was carried into captivity; but no longer were the three components of God's kingship over Israel mediated by one coordinated agency. *There was now no genuine human political authority* [emphasis mine].<sup>453</sup>

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<sup>452</sup> O'Donovan, *The Desire of the Nations*, 56. O'Donovan's construal finds support in Alan J. Groves, “Judges,” in *Theological Interpretations of the Old Testament*, 96.

<sup>453</sup> Wolterstorff, “A Discussion of Oliver O'Donovan's *The Desire of the Nations*,” 93–94. He goes on to say that “the third section in O'Donovan's narration of the history of God's rule over Israel is the story of Israel living in its homeland after its return from exile... Yet there is no true political authority within Israel: no agency combining the three authorised functions of...”

This raises a question as to whence O'Donovan has derived his definition of political authority. The answer would appear to be: from the Davidic monarchy *exclusively*. For this is the only political form in Israel's diverse history that appears to accurately describe the essence of political authority. Notice how O'Donovan describes the monarchy in contrast to the way he describes the Exodus and Moses' "quasi-monarchical" kingship: "For the claims of monarchy were precisely to *hold together military, judicial* and, ultimately, *tradition-bearing* functions in one pair of hands [emphasis mine]."<sup>454</sup> This statement mirrors the concepts found in the "essence of political authority thesis." Contrast this with the way that O'Donovan implies that the monarchy uniquely performed a "perpetuation of tradition" function: "The most important thing the monarchy had to offer Israel was the *function of continuity*, ensuring an unbroken tradition in the occupation of the territory and the perpetuation of the national identity [original emphasis]."<sup>455</sup>

This insight helps to further refine the real nature of O'Donovan's argument that Israel reveals the essence of political authority. The argument in actual fact appears to be that the *Davidic monarchy* reveals the essence of political authority. O'Donovan does not make this argument explicitly. I contend, however, that it is an implicit consequence of the fact that the definition only describes the monarchy and no other period in Israel's variegated history. In other words, if one removes the Davidic monarchy from the picture, it is difficult to see how O'Donovan could have arrived at his definition of the essence of political authority from an analysis of Scripture. Coupled with O'Donovan's explicit contention that Israel is normative for Christian political theology, it is possible to infer that O'Donovan argues, in effect, that the Davidic monarchy reveals the essence of political authority. It is important to be clear here that

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<sup>454</sup> O'Donovan, *The Desire of the Nations*, 52.

<sup>455</sup> *Ibid.*, 61.

this is not, in fact, what O'Donovan argues. I am arguing that O'Donovan is possibly unaware just how dependent on the Davidic monarchy his "essence of political authority thesis" is, and the implication that he in effect treats it as the normative phase in Israel's political history, and hence the norm an understanding of political authority.

This important insight has not thus far emerged in the secondary literature on O'Donovan's political theology. This may have a lot to do with the complexity of O'Donovan's argument, involving several different aspects of divine kingship and two different schemas produced thereof: the "divine kingship as salvation, judgment and possession paradigm" and the "essence of political authority thesis." McConville, for example, has correctly identified the centrality of the Davidic monarchy for O'Donovan's account of political authority, writing that O'Donovan's "exposition of the progress of salvation-judgment-possession in Israel has its centre of gravity in the Zion-Davidic synthesis and the period of the monarchy."<sup>456</sup> But note how McConville has incorrectly associated the "divine kingship as salvation, judgment and possession paradigm" with the monarchy, rather than the "essence of political authority thesis."

### **The problematic notion that the Davidic monarchy reveals the essence of political authority**

The insight that O'Donovan's "essence political authority thesis" is derived from, and in turn dependent on, the Davidic monarchy helps to sharpen the focus of the present critical inquiry. I have already sought to establish that O'Donovan fails to demonstrate that this definition of political authority is "authorised" from Scripture on account of the fact that it appears to be rather a theory abstracted from a framework of related, but different, concepts habitually associated with divine kingship in the Old Testament. It

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<sup>456</sup> McConville, "Law and Monarchy in the Old Testament," 82.

may be that the “essence of political authority thesis” is in actual fact derived from O’Donovan’s analysis of the Davidic monarchy rather than any exegetical analysis of Scripture. Whatever the case, I will dispute the notion that the Davidic monarchy reveals the essence of political authority.

O’Donovan does not claim that monarchy *per se* is the normative political model for all societies in all times. He contends, for example, that “It is not the goal [of political theology] to describe an ideal set of political institutions, for political institutions are anyway too fluid to assume an ideal form, since they are the work of Providence in the changing affairs of successive generations.”<sup>457</sup> He also notes that “to demand” that “societies outside the European sphere of influence, which do not have the historical experience of Christendom behind them...conform to practices normative in the West deserves, perhaps, the over-used epithet ‘cultural imperialism’ as clearly as anything does.”<sup>458</sup> And in response to McConville, O’Donovan clarified that “David and the Davidides are only a small part of what is implied” by the theme *yhwh malak*, and that monarchy is “only one of the mediations of YHWH’s kingship,” the law being “a much larger part.”<sup>459</sup>

Rather than monarchy being the norm, it is the way that the monarchy combined “power,” “right” and “tradition” in “one coordinated agency” that reveals the essence of political authority. The “one coordinated agency” could just as well be an oligarchy or democracy, to apply the three-form model of polity (*politeia*) identified and discussed by Greek philosophers (and everyone since).<sup>460</sup> Simply put, monarchy is not part of the

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<sup>457</sup> O’Donovan, *The Desire of the Nations*, 20.

<sup>458</sup> *Ibid.*, 230.

<sup>459</sup> O’Donovan, “Response to Gordon McConville,” 89.

<sup>460</sup> Hannah Arendt points out that “not a single novel form of government has been added for 2,500 years.” Hannah Arendt, “The Great Tradition I. Law and Power,” *Social Research* 74, 3 (2007), 715.

essence of political authority, just one legitimate and functionally effective means by which it can be exercised.

The immediate question that arises relates to the rationale by which one might regard the political order of the Davidic monarchy as normative for Christian political theology from amongst the Israelites' highly variegated political experience as the covenanted people of God.<sup>461</sup> The Israelites experience just about every political circumstance known in recorded history while remaining in covenant with God: patriarchal, slavery, tribal, charismatic leadership (judges), monarchy, exile, priestly (theocratic) rule, migration/diaspora and colonial rule. There are multiple ways of schematising the phases of Israel's political history. Gottwald, for example, identifies three "horizons" in Israel's political history as recorded in the Hebrew Bible: 1) decentralised politics embedded throughout its social institutions (1250–1000 B.C.E.), 2) centralised autonomous politics (1000–586 B.C.E.) and 3) a colonial form of centralised politics dictated by foreign sovereignties within which a native/Judahite hierarchy was empowered to act in local matters (586–63 B.C.E.).<sup>462</sup> Hanson has identified five different "political models" in the Bible: "theocracy," "monarchy," "prophetic," "sapiential" and "apocalyptic."<sup>463</sup> Hanson describes these models as "strictly epiphenomenal," by which he means that "they are human responses to faith as faith seeks appropriate application in the concreteness of human existence."<sup>464</sup> The point is that Israel's history has discernably different phases when viewed through the lens of "political order," the lens through which O'Donovan builds his theological

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<sup>461</sup> Furnish criticises O'Donovan for not giving greater prominence to "covenant" in *Desire* ("How Firm a Foundation?," 21). While O'Donovan does mention the "covenant" at several points in of his discussion of political authority in relation to the Old Testament, it plays no significant role in his conception of political authority.

<sup>462</sup> Norman K. Gottwald, *The Politics of Ancient Israel* (Louisville: Westminster John Knox Press, 2001), 15–16.

<sup>463</sup> Paul Hanson, "Prophetic and Apocalyptic Politics," in *The Last Things: Biblical & Theological Perspective on Eschatology*, ed. Carl E. Braaten and Robert W. Jensen (Grand Rapids: Eerdmans, 2002), 43, 51–52, 57.

<sup>464</sup> *Ibid.*, 44.

account of political authority. Moreover, other theologians, by way of contrast, have emphasised periods other than the Davidic monarchy as the normative locus for the church and its relationship to the state. Many, by way of example, emphasise the exilic motif. Hauerwas and Willimon famously argued that “in baptism our citizenship is transferred from one dominion to another, and we become, in whatever culture we find ourselves, resident aliens.”<sup>465</sup>

O’Donovan is conscious of the variegated political history of the Israelites. Indeed historical change is implied in the very notion of salvation-history. He has wisely observed, for example, that political theologians must “deal...with a disclosure which took form in a succession of political developments, each one of which has to be weighed and interpreted in the light of what preceded and followed it.”<sup>466</sup> He too schematises Israel’s history into different periods: “tribe, monarchy, cultural-ethnic enclave, moment of world-renewal.”<sup>467</sup> The variegated nature of the historico-political circumstances through which God’s covenantal kingship over the Israelites traverses raises the following question: what is the rationale for positing that the political forms of the Davidic monarchy have a normative function for Christian political authority in the post-Easter phase of salvation-history? O’Donovan provides no such rationale. It may be that O’Donovan takes it as self-evident that the Israelites’ bondage in Egypt, their exile in Babylon, the judges period and the various post-exilic periods of colonial rule do not form the basis for a viable normative account of political authority, leaving the Davidic monarchy. But this still does not explain why we are to assume that *any* of Israel’s political forms from any period are to be taken as normative, let alone those of

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<sup>465</sup> Stanley Hauerwas and William H. Willimon, *Resident Aliens: A Provocative Christian Assessment of Culture and Ministry for People Who Know that Something is Wrong* (Nashville: Abingdon, 1990), 12.

<sup>466</sup> O’Donovan, *The Desire of the Nations*, 27.

<sup>467</sup> *Ibid.*, 29.

the monarchy. I will now offer several counter arguments to this notion and suggest that the Davidic monarchy ought to be regarded as historically contingent.

### **The historical context of the Davidic monarchy in the flow of salvation-history**

There are two historical objections to the notion that the Davidic monarchy provides Christian political norms. The first has to do with the place of the monarchy in the biblical narrative of salvation-history and the chronology of Israel's secular history, which are both dealt with in this section.<sup>468</sup> The second relates to the lack of explicit warrant in the canon of Scripture for regarding the Davidic monarchy as normative for *Christian* political theology and the evident ambivalence in the biblical testimony about the rise of the monarchy. These objections are dealt with in the following section.

O'Donovan's political theology seems to presuppose that the Davidic monarchy was the telos of Israel's political history and that through it God revealed certain political norms, including the very essence of political authority—the conjunction of power, right and tradition in one coordinated agency. But technically the monarchy forms an *interregnum* in both the biblical narrative and the chronology of Israel's secular history. This creates a number of problems for O'Donovan's treatment of the monarchy in his account of political authority.

According to the biblical narrative there were three kings who ruled what historians call the "united monarchy": Saul, David and Solomon (c. 1050–930 B.C.E.) This was followed by a period known to historians as the "divided monarchy" where two kingdoms each ruled a part of the Promised Land—Israel in the north and Judah in the south. The northern kingdom came to an end with its seizure by Assyria in 722

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<sup>468</sup> Allen has noted that O'Donovan's "comments on the development of divine authority within the political theology of the Old Testament do not follow the canonical ordering of the Scriptures" ("Theological Politics and the Davidic Monarchy," 144).

B.C.E and the southern kingdom met a similar fate in 587/6 B.C.E. at the hands of Babylon.<sup>469</sup> The exile of the Judeans in 587/6 B.C.E. marked the permanent end of the Davidic dynasty and of Israelite monarchy in the biblical narrative. Israel's secular history would see the re-establishment of a monarchy in Palestine in the form of the Hasmonean dynasty (110–63 B.C.E) before it eventually succumbed to Rome. Provan, Long and Longman put the period of Israel's united monarchy in historical perspective:

Although the period of David and Solomon has often grasped the imagination of Bible readers down through the ages, the period during which Israel had one king who ruled over both its parts (Israel in the north and Judah in the south) was brief when compared to the following period in which Israel and Judah were each ruled by their own kings.<sup>470</sup>

So the period during which Israel was ruled by “one coordinated agency” in the form of a monarchy was historically, *and Biblically*, brief.

Moreover, the biblical narrative intimates that God had a hand in bringing the northern kingdom to an end. According to 2 Kings 17:7, “This [the Assyrian invasion] occurred because the people of Israel had sinned against the Lord their God...” and 2 Kings 17:18 “Therefore the Lord was very angry with Israel and removed them out of his sight; none was left but the tribe of Judah alone.” Scripture is even more explicit that it was God who ended the southern kingdom. 2 Chron. 16–17 says accordingly:

the wrath of the Lord against his people became so great that there was no remedy. Therefore he brought up against them the king of the Chaldeans, who killed their youths with the sword in the house of their sanctuary, and had no compassion on young man or young woman, the aged or the feeble; he gave them all into his hand.

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<sup>469</sup> There is disagreement about the exact year that the temple in Jerusalem was destroyed by the Babylonians. William S. Morrow, *Introduction to Biblical Law* (Grand Rapids: Eerdmans, 207), 17.

<sup>470</sup> Provan, Long and Longman, *A Biblical History of Israel*, 259.

The Hasmonean dynasty forms an interesting case study for the notion that Israel is the normative standard for Christian political theology. O'Donovan does not consider it in *Desire*, presumably because it falls outside the scope of sacred history. Its significance rests in the fact that it was not only the first and only recrudescence of monarchy in Israel's secular history following the fall of Judah, but it was the first and only Israelite government (until the creation of the state of Israel in 1947) to exercise rule over Palestine unambiguously in "one coordinated agency."<sup>471</sup> In fact, it was the first and only regime between the fall of the Davidic monarchy and the establishment of the state of Israel that can be said to have unambiguously exercised political authority on O'Donovan's definition—conjunction of power, right and tradition in one coordinated agency. It also explicitly cast itself in the mould of heir to the Davidic dynasty.<sup>472</sup> Thus the Hasmonean monarchy, which falls outside of sacred history, and therefore does not have revelatory status for Christian theology, is actually the one period of Israel's post-exilic history which closely resembled the normative mediation of God's rule represented by the Davidic monarchy.

We have before us, then, the following facts<sup>473</sup> according to the biblical accounts: Israel and Judah were relatively briefly (by historical standards) ruled by "one coordinated agency" in the form of Saul, David and Solomon before splitting into two

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<sup>471</sup> Larry R. Helyer, "The Hasmoneans and the Hasmonean Era," in *The World of the New Testament: Cultural, Social, and Historical Contexts*, ed. Joel B. Green and Lee Martin McDonald (Grand Rapids: Baker International, 2013), 44. Helyer points out that the Hasmoneans rejected the "dyarchy" that had characterised political rule in the Seleucid colonial period.

<sup>472</sup> *Ibid.*, 46. Helyer notes that "the author of 1 Maccabees imparts to his work a Davidic typology fulfilled in the Hasmonean leaders." In spite of these efforts the fact remained that the leaders were not in fact from the line of David and, as some scholars have pointed out, they ruled more in the mould of Hellenistic kings. See Adam Kolman Marshak, *The Many Faces of Herod the Great* (Grand Rapids: Eerdmans, 2015), 56.

<sup>473</sup> I acknowledge that my use of the term "fact" in this context is contentious. However, I use it in keeping with the evangelical biblical theology framework I have set as a parameter for the critical evaluation of O'Donovan's theology of political authority. O'Donovan treats Scripture as a reliable account of God's saving acts in history, in which case it is reasonable to hold him to account according to the historical narrative of Scripture.

rival kingdoms, and hence two “coordinated agencies” within the one covenant, before both were brought to an end by God on account of their persistent sin and breach of the covenant. This was followed by a brief revival of monarchy in the Hellenistic period which falls outside the scope of sacred history, but which nevertheless resembled the purported sacred norm revealed in the Davidic period better than any other period of Israel’s sacred pre-and post-monarchical history. To place this in a simple historical schema, we have a covenant that spans the patriarchal tribal period to the colonial period in which the Christ-event occurs. At a particular point in the history of that covenant the Davidic monarchy rises and then falls, followed by a period of non-monarchical rule, followed again by the rise and fall of (Hasmonean) monarchy, this time marking a permanent end to monarchy in Israel’s history. Does this provide evidence for the normativity of the political culture of the Davidic model or rather make it look historical contingency? To what degree is it coherent to suppose that God would reveal a political norm through the Davidic monarchy and then remove, by his own hand, that norm permanently in the life of Israel? This appears to be the concern that Blount was alluding to in his observation of *Desire* that “it appears...that the imperatives which derive from the understanding that Yhwh’s rule is mediated in various ways, through various agencies and persons, are socio-contextually derived” and “when one privileges the norm one also privileges the contextual (both historical and social) situation from which that norm was derived.”<sup>474</sup>

O’Donovan own account of the post-exilic period of Israel’s history Israel appears to undermine the notion that the Davidic monarchy could be normative: “the Babylonian experience...became the paradigm of Jewish existence” after the end of the

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<sup>474</sup> Blount, “Response to *The Desire of the Nations*,” 16.

monarchy, “even with the resettlement of Judah and the rebuilding of Jerusalem.”<sup>475</sup> The chapter in *Desire* bridging the discussion of political authority in the Old Testament (“The revelation of God’s kingship—chapter 2) and the “re-authorisation thesis” (“The triumph of the kingdom—chapter 4) is aptly, and revealingly, called “Dual authority and the fulfilling of time.” Jesus appeared to affirm this “dual authority” status quo of his day, most famously in the “render unto Caesar” verses, and as O’Donovan recognises, it was carried forward into the Christian era via Augustine’s twin cities motif.<sup>476</sup> O’Donovan notes that this “dual-authority tradition...though subject to troubling ambiguities and mistakes, was essentially sound.”<sup>477</sup>

O’Donovan, however, might reasonably counter with some biblical facts of his own. Although it is true that the united monarchy split, the northern kingdom and its people largely disappear from the biblical narrative after the Assyrian conquest and it is the southern kingdom that carries forward the line of David and, crucially, the covenant. It is also through the southern kingdom of Judah that Christ’s lineage is traced. So perhaps we could view the southern kingdom as the continuation of the united monarch’s “one coordinated agency” within the context of the covenant.

Although the Davidic monarchy did come to a permanent end, it is still significant that it remained the ideal political type and political goal of Second Temple Judaism. As Brueggemann highlights, “David is the dominant figure in Israel’s narrative.”<sup>478</sup> There were even hopes for its restoration.<sup>479</sup> O’Donovan could argue,

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<sup>475</sup> O’Donovan, *The Desire of the Nations*, 83. Morrow notes that historians currently do not agree on whether the post-exilic phase of Israelite history has ended or continues, and if ended, when. Proposals exist for the phase ending with the emergence of rabbinic Judaism, the Christ-event and the formation of modern state of Israel (*An Introduction to Biblical Law*, 19).

<sup>476</sup> *Ibid.*, 158.

<sup>477</sup> *Ibid.*, 158–159.

<sup>478</sup> Walter Brueggemann, *David’s Truth: In Israel’s Imagination and Memory*, 2nd ed. (Minneapolis: Fortress Press, 2002), 1.

<sup>479</sup> Blenkinsopp has noted that “the preservation of the genealogy of David’s descendants by the author of Chronicles...demonstrates that for some of Nehemiah’s contemporaries hope for the restoration of the dynasty had not faded. Joseph Blenkinsopp, *David Remembered: Kingship*

then, that the Davidic monarchy performed a normative function in the political imagination of post-exilic Israel, in spite of dual authority become the political norm in practice. Moreover, while other periods in Israel's variegated political history occupied a significant place in the collective memory and identity of the Jewish people, as seen in the passover celebration, for example, no other period served as a political archetype in the manner in which the Davidic monarchy did following its eclipse.

O'Donovan could further point to the consistent allusions in Scripture to Jesus being the fulfilment of the Davidic promise, something which again elevates the status and importance of the Davidic monarchy relative to other periods of Israel's political history vis-à-vis the Christ-event.<sup>480</sup> The theme of Christ as Davidic heir plays a central role in O'Donovan's account of political authority. He argues that "Jesus laid claim to the legacy of Davidic expectation in his great entry into Jerusalem, a demonstration of popular support staged to evoke the memory of the king's coming in triumph to Zion in Deutero-Zechariah (9:9)."<sup>481</sup> He also says that "the ascended Christ takes his throne, as the Davidide monarch was summoned to do in the ancient psalm (2:1), on the right hand of the divine majesty."<sup>482</sup> The question, however, is whether Second-Temple Judaism's political nostalgia for the Davidic monarchy and hope for its reinstatement, and Christ's messianic fulfilment of the Davidic promise, necessitate the view that the monarchy's *political forms* are normative for *Christian* political theology? I don't believe it does.

It is difficult to discern a cogent basis upon which this view of Davidic normativity necessarily follows from Christ's messiahship, fulfilment of the Davidic

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*and National Identity in Ancient Israel* (Grand Rapids: Eerdmans, 2013), 108. Waltzer, on the other hand, describes this Davidic hope as an "impractical, apolitical, messianic fantasy" (*In God's Shadow*, 71).

<sup>480</sup> For discussion of the Davidic promise, see Gary N. Knoppers, "David's Relation to Moses: The Contexts, Content and Condition of the Davidic Promises," in *King and Messiah in Israel and the Ancient Near East: Proceedings of the Oxford Old Testament Seminar*, ed. John Day (London: Bloomsbury, 2013).

<sup>481</sup> O'Donovan, *The Desire of the Nations*, 117.

<sup>482</sup> *Ibid.*, 144.

promise, and even exaltation and heavenly rule. O'Donovan is actually sensitive to the fact that Jesus' fulfilment of the Davidic promise and *heavenly* rule as king mark a *new* development in the way God's authority is mediated in human affairs, thus representing a significant historical moment of *discontinuity* with Israel, and in particular the Davidic monarchy. In explaining the political impact of Christ's exaltation, he says:

Here the mediatorial role is elevated to transparency. God's rule is discerned through the judicial tasks of angels and kings in all the nations; it was discerned in special covenant through the vocation of the Davidide line. But now the last layer of the veil is drawn back. The divine authority is irreplaceably immediate in the dying, rising and future disclosing of Jesus. The Davidides are not forgotten at this moment, but consciously recalled. Yet what we see there is *nothing like a revival*. It carries the role forward to a moment of revelation that is of *a different order entirely* [emphasis mine].<sup>483</sup>

This entirely "different order" is captured in the "re-authorisation thesis," which we recall argues that political authority undergoes a fundamental change in its function to that which it played for Israel as a consequence of Christ's exaltation:

Government was given to safeguard Israel's existence in relation to the land and the law...St Paul's new assertion is that the performance of judgment alone justifies government; and this reflects his *new* Christian understanding of the political situation [emphasis mine].<sup>484</sup>

So the "re-authorisation thesis" itself appears to contradict the notion that the way the Davidic "vocation" mediated God's political authority is normative for Christian political theology. O'Donovan even maintains in "The Loss of a Sense of Place" that

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<sup>483</sup> Ibid., 124.

<sup>484</sup> Ibid., 148.

“the apostolic community was to see in the resurrection of Jesus God’s *decisive repudiation of the exclusive status of Israel’s territory and institutions.*”<sup>485</sup>

It is possible that O’Donovan is simply relying on the authority of Christian tradition for the Davidic norm. Canning explains that in the medieval period “kingship was viewed as an office existing within a Christian normative structure.”<sup>486</sup> But he also notes the following in relation to the development of this norm:

In itself Christianity advocated no particular form of government, but because the church was confronted with monarchy as the only form of rule existing in late antiquity and the early Middle Ages, Christian political thought emerged as monarchical.<sup>487</sup>

Notwithstanding the historical contingency that Canning discerns in the development of medieval Christian kingship norms, these norms were still developed with reference to Scripture: “The origins of the idea of kingship by divine grace lay in interpretations of the Bible,” in particular Rom. 13:1 and John 19:11, but also importantly the Old Testament, which “provided ample evidence for the divine source of the power of the kings of Israel.”<sup>488</sup>

### **Biblical ambivalence regarding the rise of monarchy in Israel**

A final counter to the notion that the Davidic monarchy ought to be regarded as normative for Christian political authority is the widely accepted ambivalence evident in the Old Testament’s account of the emergence of the monarchy.<sup>489</sup> O’Donovan accepts that “it is a textbook commonplace that we can distinguish two competing strands of

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<sup>485</sup> O’Donovan, “The Loss of a Sense of Place,” 53.

<sup>486</sup> Joseph Canning, *A History of Medieval Political Thought 300–1450* (London: Routledge, 1996), 484.

<sup>487</sup> *Ibid.*, 4.

<sup>488</sup> *Ibid.*, 18.

<sup>489</sup> O’Donovan too uses the word “ambivalence” to describe Scripture’s portrayal of the origins of monarchy in Israel (*On the Thirty Nine Articles*, 59).

thought about the monarchy within the Hebrew Scriptures.”<sup>490</sup> “There are,” he continues, “texts of anti-monarchical provenance (e.g. 1 Sam. 8) and texts of pro-monarchical provenance (e.g. 1 Sam. 9, 10).”<sup>491</sup> But he maintains that the opposition was not to the “idea of human mediation of divine kingship” but rather the “erection of an image of Yhwh,” i.e. a form of idolatry whereby the king replaced God.<sup>492</sup> He thus concludes that ultimately “nobody opposed the monarchy.”<sup>493</sup>

This may be true in the sense that there was no concerted or serious movement to depose the monarchy according to Scripture, but can the opposition to the monarchy really be construed as opposition merely to the “erection of an image of Yhwh”? The “anti-monarchical” *locus classicus* 1 Sam. 8:4–7 is instructive in this regard:

4. Then all the elders of Israel gathered together and came to Samuel at Ramah, 5. and said to him, “You are old and your sons do not follow your ways; appoint for us, then, a king to govern us, like other nations.” 6. but the thing displeased Samuel when they said, “Give us a king to govern us.” Samuel prayed to the Lord, 7. and the Lord said to Samuel, “Listen to the voice of the people in all that they say to you; *for they have not rejected you, but they have rejected me from being king over them* [emphasis mine].

The highlighted verse 7b could reasonably be interpreted as an objection to installing a human king over Israel in place of their divine king Yhwh. 1 Sam. 12:19 appears to confirm such a reading: “All the people said to Samuel, “Pray to the Lord your God for your servants, so that we may not die; for we have added to all our sins the evil of demanding a king for ourselves.” Moreover, 1 Sam. 8:22 gives the impression that God acquiesces to the people’s demand for a king, indicating that such an acquiescence was a concession to human need more than an imperative of salvation-history: “The Lord said to Samuel, “Listen to their voice and set a king over them.” When placed alongside

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<sup>490</sup> O’Donovan, *The Desire of the Nations*, 52.

<sup>491</sup> *Ibid.*, 52–53.

<sup>492</sup> *Ibid.*, 52.

<sup>493</sup> *Ibid.*, 53.

the other objections raised above, this ambivalence about the origins of monarchy in Israel lends further plausibility to the notion that monarchy, like Israel's other political forms, is historically contingent and therefore a weak basis upon which to posit Christian political norms.

**Was Israel the first historical entity to exercise power, execute judgment and perpetuate tradition in one coordinated agency?**

The previous section focused on the notion that Israel, and more specifically the Davidic monarchy, from which O'Donovan appears to have derived the "essence of political authority thesis," is normative for Christian political authority. I have disputed this notion and offered counter arguments against it. One of the interesting things about the "essence of political authority thesis" is that it is not strictly speaking a normative statement. It is rather an ontological statement, purporting to describe what political authority *is*. O'Donovan does, however, use this description of political authority to create a moral norm that will be the subject of the next chapter. For now, I will focus on disputing the notion that Israel can cogently be construed as having revealed the essence of political authority. The problem with this notion is twofold: one relating to the logic of the argument and the other to Israel's place in human history.

**The revelation of the generic nature of political authority from the particular form it took in the Davidic monarchy**

In the previous chapter I contended that the "essence of political authority thesis" resembles a formal argument from analogy, but that rather than arguing the validity of *C2* by analogy to *C1*, it argues *Cx*, where *x* stands for all regimes, diachronically and synchronically, by analogy with *C1* the Davidic monarchy. This posits that the Davidic monarchy reveals what political authority is, has been, and always will be. I indicated in

my exposition of O’Donovan’s theology of political authority in Chapter 2 that O’Donovan understands the essence (*esse*) of political authority to remain unchanged by the “re-authorisation” of the Christ-event, which changes political authority’s *bene esse*—the performance of judgment alone. As he explained it:

In chapter four [*Desire*] we marked the transition from *esse* to *bene esse* in terms of the execution of right, which justified the persistence of secular authority until the full appearing of the Kingdom. But the *bene esse* cannot undo the *esse*. The subjection of all authorities to Christ’s authority does not mean the dissolution of authority. The conjunction of power, judgment and tradition defines what political authority *is* [original emphasis].<sup>494</sup>

This helps to clarify the central issue in relation to the notion implicit in O’Donovan’s development of the “essence of political authority thesis” that the Davidic monarchy reveals the essence of political authority: can it be shown that Israel was the first regime in history to conjoin power, right and tradition in one coordinated agency? The simple answer is no, it cannot. The great virtue of the “essence of political authority thesis” is that it provides an apt description of most regimes in history, which is what a good description of the essence of political authority ought to do. For example, it appears to offer an accurate description of the political orders of the two oldest civilisations known to recorded history: Ancient Egypt and Sumer, as well as many other ancient regimes that had no contact with Israel and its political traditions, such as regimes in China and on the Sub-continent. These regimes all held power, executed right and perpetuated tradition in one coordinated agency. However, the success of the “essence of political authority thesis” in explicating the generic elements that must combine in order to constitute stable rule and the ability to demonstrate this empirically makes it difficult to see how Israel could be construed as revealing the essence of

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<sup>494</sup> Ibid., 233.

political authority, except in the rather weak sense of illuminating something that can be observed widely in history. The description's validity, which can be empirically verified, as I will endeavour to show in the next chapter, is paradoxically what undermines the notion that it is revealed historically in Israel.

Interestingly, Scripture itself has no pretention to have discovered the very essence of political authority. On the contrary, it makes it very clear that the institutional form of the Davidic monarchy was modelled on the political order the Israelites observed around them. According to 1 Samuel 8:19–20, “they said...we are determined to have a king over us, *so that we also may be like other nations* [emphasis mine].” This sentiment is echoed in Deuteronomy 17:14 “...I will set a king over me, *like all the nations that are around me* [emphasis mine].” One could further observe that the first kings in human history, according to the biblical narrative date back to the Genesis period (14:1–2).<sup>495</sup>

Thus O'Donovan's contention that Israel, and in reality the Davidic monarchy, is normative for Christian political authority runs up against several obstacles, namely: the lack of indication in either the Biblical narrative or Israel's secular history that the political forms of the Davidic monarchy are to be construed as normative; the lack of explicit biblical warrant attesting to the normativity of Davidic political forms; the evident ambivalence in Scripture, acknowledged by O'Donovan, regarding the legitimacy of monarchy, particularly in relation to God's divine kingship; the biblical evidence that it was the Israelites who clamoured for a monarchy in order to be like the other nations around them; and the fact that the definition of political authority

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<sup>495</sup> “In the days of King Amraphel of Shinar, King Arioch of Ellasar, King Chedorlaomer of Elam, and King Tidal of Goiim, 2. these kings made war with King Bera of Sodom, King Birsha of Gomorrah, King Shinab of Admah, King Shemeber of Zeboim, and the king of Bela (that is, Zor).” Interestingly, Bauckham identifies Nimrod as the first king: “‘the first on earth to be a mighty man’ (Gen. 8).” Richard Bauckham, *The Bible in Politics: How to Read the Bible Politically* (London: SPCK, 1989), 11.

purportedly revealed in the Davidic monarchy is generic enough to be identified in many regimes that pre-date or have no historical contact with Israel. Conversely, this collection of evidence forms a strong case for viewing the Davidic monarchy as historically contingent.

Dispensing with the notion that Israel reveals the essence of political authority ameliorates many of the problems identified and analysed thus far. The problem caused by O'Donovan's inability to cogently show that the "essence of political authority thesis" is "authorised" from Scripture and the possibility that the thesis might have come from Ramsey dissipate if the revelation idea is dropped. For the validity of the thesis becomes its explanatory power and its empirical verifiability rather than its divine revelation. It also frees O'Donovan's generic conception of political authority from the problematic notion that Israel is normative for Christian political authority. It does, admittedly, have some profound consequences for O'Donovan's axiom that true political concepts must be "authorised" from Scripture, but I will show how this can be remediated by grounding political authority in the ontology of the created order (see Chapter 9).

Moreover, it does not render the Old Testament or Israel irrelevant to Christian political theology. In fact, it arguably elevates the importance of Israel because O'Donovan can credibly argue that *he* discovered some very important insights into the nature of political authority by studying and reflecting on the Old Testament's account of God's reign over Israel. Conceivably a political philosopher or political scientist could have arrived at these insights by studying Ancient Greece or the Abbasid Caliphate, for where there is political authority, there one will find the conjunction of power, right and tradition in one coordinated agency. But in O'Donovan's case they were genuinely derived from his study of Israel's political forms. In this sense it is not

so much that Israel uniquely reveals the essence of political authority, but that it reflects the nature of political authority that I will contend is embedded in the created order.

It is conceivable that O'Donovan could attempt to argue that, although the essence of political authority can be seen in many ancient historical regimes that pre-date and coincide with Israel, there is something uniquely illuminating about the Old Testament's account of the way that the Davidic monarchy mediated God's kingly rule. But given, as I have endeavoured to show, that it is doubtful that O'Donovan can cogently demonstrate that the actual definition of political authority comes from Scripture, this seems like an unfruitful avenue.

### **“Politics” in the Old Testament**

Before turning to the next chapter, I wish to conclude by briefly raising an issue that is relevant to the present discussion but which will be pursued in more detail in Chapter 8. This relates to the possibility that O'Donovan might be looking for something in Scripture that simply is not there: a conception or definition of political authority. Jewish-American political philosopher Michael Walzer, in his recent illuminating study of the politics of the Old Testament, *In God's Shadow: Politics in the Hebrew Bible*, came to the conclusion that “there is no political theory in the [Hebrew] Bible...Nor is there a clear conception of an autonomous or distinct political realm, nor of an activity called politics...And there is no systematic effort to think about this realm.”<sup>496</sup> He goes on to make the point that the very concept of political theory did not emerge until later in Ancient Athens.<sup>497</sup> Christian Historian Norman Gottwald, in his classic *The Politics of Ancient Israel*, came to a similar judgment, averring that “the legacy of ancient Israel provides us with no distinctive politics and with no template for translating culture and

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<sup>496</sup> Waltzer, *In God's Shadow*, xii.

<sup>497</sup> Ibid.

religion into a viable polity.”<sup>498</sup> He argues that, “what proved to be distinctive of ancient Israel was not its politics but rather its literature and religion, in which the states of Israel and Judah played an important but ancillary role.”<sup>499</sup>

That an eminent political philosopher and a highly regarded historian of Israel can conclude *contra* O’Donovan that the Old Testament offers no model, theory or even conception of politics highlights that there is a perhaps unavoidable degree of anachronism in the whole notion of looking for a conception of political authority in the Old Testament. Yet this is precisely what O’Donovan purports to demonstrate, by deriving the essence of political authority from the way the Davidide monarchs conjoined power, right and tradition in one coordinated agency.

This is a legitimate act of anachronism if one assumes that the essence of political authority is revealed in human history rather than the Davidic monarchy *per se*, which is patently not the first historical regime to make the conjunction identified by O’Donovan. But this anachronism does ostensibly present a problem for O’Donovan’s methodological axiom, suggesting that it might be perhaps too constrictive for the task of developing a theology of *political* authority given the Bible is *not* in the first order a treatise in political theory or comprehensive history of global human political development.

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<sup>498</sup> Gottwald, *The Politics of Ancient Israel*, 249.

<sup>499</sup> *Ibid.*, 247.

## **Chapter 5**

**The “essence of political authority” as normative criterion  
for assessing the legitimacy of actual regimes:  
A North Korea case study.**

## **Introduction**

In the previous chapter I highlighted that O'Donovan regards Israel, and in reality the Davidic monarchy, as normative for Christian political theology. I have also shown how O'Donovan develops a definition of political authority from the political norms of the Davidic monarchy: the combination of power, execution of right and perpetuation of tradition in one coordinated agency. In this chapter I will show how O'Donovan takes this description of the essence of political authority and makes it a premise in a normative view of the legitimacy of regimes in a proposition I will term the "providence thesis" (explained below). I will contend that this move appears to create a theodicy problem, something I will demonstrate via a case study of North Korea. The case study will apply O'Donovan's "essence of political authority thesis" to the North Korean regime to discover whether the "providence thesis" might imply that the regime is the work of divine providence. The case study will serve the further objective of demonstrating the empirical accuracy and explanatory power of the "essence of political authority thesis," something I suggested in the previous chapter.

My contention is not that O'Donovan supports the regime in North Korea, or even that he regards it as the work of divine providence. My contention will be that, when applied to actual regimes, his "providence thesis," by virtue of the "essence of political authority thesis" upon which it is dependent, appears to legitimate regimes that Christians—possibly including O'Donovan—would instinctively wish to condemn. This is to suggest that the theodicy problem I will contend O'Donovan's account of political authority creates is inadvertent on O'Donovan's part. In Chapter 9 I will show how O'Donovan can condemn the North Korean regime through the christological *bene esse* of political authority.

### **“The providence thesis”**

—*That any regime should actually come to hold authority, and should continue to hold it, is a work of divine providence in history, not a mere accomplishment of the human task of political service.*<sup>500</sup>

“The providence thesis” is introduced on the same page as the “essence of political authority thesis” in *Desire* and as such it is presented as a conclusion that follows from the preceding analysis of divine kingship in the Old Testament. However, unlike the “essence of political authority thesis,” which is an extrapolation from the “divine kingship as salvation, judgment and possession paradigm,” the connection of the “providence thesis” to either the paradigm, the “essence of political authority thesis,” or simply to divine kingship is obscure. This is because “providence” is not mentioned at all in the preceding discussion of divine kingship, in which case it emerges incongruously.<sup>501</sup>

This lack of exegetical support for the introduction of the concept “providence” to the discussion of divine kingship and political authority possibly stems from the fact that O’Donovan is looking for Hebrew political concepts in the texts of the Old Testament and, as Carson notes, “Hebrew has no root for ‘providence.’”<sup>502</sup> Carson also points out, however, that “the concept itself is woven into all divisions of the Hebrew canon,” so it is conceivable that O’Donovan could have conducted an analysis of the implicit concept of providence in the Old Testament.<sup>503</sup> On the other hand, though, there are theologians who “have recommended against its [providence] use on the grounds

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<sup>500</sup> This is “theorem 2” in *Desire*.

<sup>501</sup> This is not to say that O’Donovan says absolutely nothing about providence in *Desire*, just that he provides no rationale for introducing the concept in such a central way to his definition of political authority.

<sup>502</sup> D.A. Carson, *Divine Sovereignty and Human Responsibility: Biblical Perspectives in Tension* (London: Marshall, Morgan & Scott, 1981), 3–4. There is also no occurrence of “providence” in the New Testament, although there are several references in the Apocrypha, possibly on account of their Hellenistic provenance.

<sup>503</sup> *Ibid.*

that it is not merely non-scriptural but also inevitably distorting of Christian witness concerning the reality and character of God.”<sup>504</sup> So “providence” is contentious theological territory, which is one reason why its appearance in such a central role in O’Donovan’s account of political authority *without greater discussion* is a little perplexing. It is the least developed aspect of O’Donovan’s theology of political authority, in spite of its centrality.

The closest thing to a warrant for the contention that divine providence is responsible for regimes that successfully exercise political authority is an inference O’Donovan appears to draw from his axiomatic belief that political authority *cannot* be regarded as a human “achievement.” O’Donovan makes this claim several times in *Desire*. He says, for example, that “whatever the role of political agents...in determining the shape and form that political authority shall take in any time and place, no one can pretend to have invented authority or to have devised it as an instrument to serve some pre-political purposes of his or her own.”<sup>505</sup>

O’Donovan does hint at a rationale for this axiomatic belief. It seems to have something to do with the complex social conditions required for political authority to emerge and endure. O’Donovan contends that “the pressure of changing social circumstances” is an ever-present threat to political authority because “it does not lie within the power of political orders to secure the social conditions for their own indefinite prolongation.”<sup>506</sup> This theme re-emerges in *Judgment*, where O’Donovan says that “theologians, in pointing to providence as the source of political authority, understood it as a service of human progress, securing the social world in the face of

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<sup>504</sup> Charles M. Wood, “Providence,” in *The Oxford Handbook of Systematic Theology*, ed. Kathryn Tanner, John Webster and Iain Torrance (Oxford: Oxford University Press, 2015), online edition, doi: 10.1093/oxfordhb/9780199245765.003.0006), 100.

<sup>505</sup> O’Donovan, *The Desire of the Nations*, 46–47.

<sup>506</sup> *Ibid.*, 47.

disintegration and preparing it for its goal in redemption.<sup>507</sup> In other words, no government or ruler can control or manipulate the complex social conditions necessary for stable rule. All rulers, therefore, are to a certain extent at the mercy of uncontrollable social forces. Rist construes this move by O'Donovan's as tantamount to suggesting that "problems are so complicated that only an omniscient God could get them right."<sup>508</sup>

There are some further indications in *Desire* that the "providence thesis" might simply represent part of O'Donovan's project to retrieve the lost tradition of High Christian political thought, in which case he may simply be assuming the authority of the thesis on the basis of its historical pedigree as part of the catholic tradition. O'Donovan pinpoints the seventeenth century as the moment when "philosophy came to lose confidence in the objectivity of final causes," contrasting this with the Christian tradition that taught that "political communities, even when created from below, had been believed to be ordained by Providence to serve the end of earthly perfection."<sup>509</sup> There is also the following approving reference to Augustine in connection with providence in *Desire*: "In Augustinian political theology it used to be said that only sociality itself was given in creation, all other political structures were given by divine providence."<sup>510</sup>

Compounding matters is the lack of clarity about exactly what is to be understood by the term "divine providence" in the context of "the providence thesis." There are three well known traditional senses in which "providence" is used in theology: "providential action"—"God's preservation or sustaining of creaturely reality"; "God's concurrence or cooperation in creaturely activity"; and "God's

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<sup>507</sup> O'Donovan, *The Ways of Judgment*, 134.

<sup>508</sup> John Rist, "Judgment, Reaction and the Common Good," *Political Theology* 9, no.3 (2008), 371.

<sup>509</sup> O'Donovan, *The Desire of the Nations*, 8.

<sup>510</sup> *Ibid.*, 14. In *Judgment* O'Donovan cites John Chrysostom as an archetypical case of the traditional Christian view of locating the "origin of government" *post lapsum* (*The Ways of Judgment*, 59).

governance or direction of all events toward their proper end.”<sup>511</sup> There are, moreover, many distinct theoretical models for how God’s providence, in whichever of these three senses, operates and interacts with human will and natural laws.

It is clear from context that O’Donovan does not mean to suggest that humans have no role in the exercise of political authority. He regards human participation in, and effect on the shape of, political authority as conscious, accountable and tangible.<sup>512</sup> Although O’Donovan contends that political authority is not a human achievement, he does understand it to be a human activity—O’Donovan’s political theology is after all set within the paradigm of human political acts authorised by and analogous to God’s divine acts in history. Nor does O’Donovan intend to imply that enduring regimes owe their success to an act(s) of special divine intervention in history.<sup>513</sup> He appears to have a much more generic idea of providence in mind: “behind every historically successful regime, there is the divine regime of history.”<sup>514</sup> The idea seems to be that God is responsible for the generic social conditions that are necessary for political authority to emerge, endure and to be efficacious. But if that is the case, then O’Donovan leaves the whole notion of what Carson calls the “sovereignty-responsibility tension” largely unexplained and unexplored.<sup>515</sup>

There is an inescapable ambiguity to the whole “providence thesis” that arises from the lack of clarity around the central concept and the underdeveloped references to “social conditions.” Does O’Donovan *only* mean to suggest that providence merely creates the generic global conditions in which political authority can arise and nothing more? Or, does he mean that providence provides the specific conditions in order to facilitate the emergence of specific regimes in specific locations in specific ages, even if

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<sup>511</sup> Wood, “Providence,” 94.

<sup>512</sup> O’Donovan, *The Ways of Judgment*, 128–136.

<sup>513</sup> *Ibid.*, 129.

<sup>514</sup> O’Donovan, *The Desire of the Nations*, 46.

<sup>515</sup> Carson, *Divine Sovereignty and Human Responsibility*, 1.

it does not choose specific rulers? It is impossible to resolve this question solely on the basis of O'Donovan's work. There are, however, passages that indicate that something more than a disinterested creation of self-perpetuating generic social conditions is in view. In *Desire*, O'Donovan suggests that "political institutions...are the work of Providence in the changing affairs of successive generations."<sup>516</sup> He also argues that the "liberal achievement" can be regarded "as the victory won by Christ over the nations' rulers" and that this victory "represent[s] a (provisional) perfection and fulfilment of *political* order which derives its political character from the rule of divine providence [original emphasis]."<sup>517</sup> So there is reason to believe that O'Donovan perceives an active providential role in human political history beyond that of merely creating the generic social conditions necessary for the mere existence of political authority.

However, without the Scriptural authorisation or warrant for the thesis it unavoidably begins to look epistemically speculative.<sup>518</sup> The "providence thesis" is a speculative inference drawn from the axiomatic belief that humans cannot "invent" (O'Donovan's word) political authority.<sup>519</sup> The intuition that political authority is not something "invented" by humankind is, in my view, sound; there simply is no point in history to which one can point as the moment or period of invention, as is the case for technological inventions, like the wheel or agriculture. But this insight appears to lead to, or perhaps is a consequence of, an axiomatic dichotomy that O'Donovan appears to be working with: political authority is either the product of human ingenuity *or* of divine providence. Speculative theories are by their nature difficult to evaluate, to either prove or disprove, and the "providence thesis" is no exception. In part, this difficulty

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<sup>516</sup> O'Donovan, *The Desire of the Nations*, 20.

<sup>517</sup> *Ibid.*, 229.

<sup>518</sup> I am not contending here that no biblical warrant *could* be found, merely that none is given by O'Donovan in the course of introducing the "providence thesis."

<sup>519</sup> I take "invent" to mean: "to originate as a product of one's own contrivance" or "to produce or create with the imagination." *Macquarie Australian Dictionary*, s. v. "invent."

stems from the fact that it is difficult for the holder of a speculative theory to develop it in enough detail and with enough clarity to facilitate its critical evaluation.

We have in the “providence thesis” a theopolitical proposal that is simply asserted as a corollary of the “essence of political authority thesis” without sufficient argumentation and conceptual clarity for it to be effectively evaluated. There is nothing intrinsically wrong with speculative theories, particularly if they serve a heuristic function. But as I indicated above, O’Donovan appears to implicitly treat the “providence thesis” as a normative standard for judging the legitimacy of actual regimes, and it is this that makes the thesis highly problematic.

The “providence thesis” makes a universal generalisation: “That *any* regime should actually come to hold...[emphasis mine].” It then creates a moral norm: regimes that come to hold and continue to hold political authority do so by virtue of divine providence. “Norm” and “normativity” are disputed concepts in philosophy and my purpose is not to resolve or contribute to ongoing debates in this regard. I merely wish to explore the real world implications of the “providence thesis,” in which case I propose to adopt the definition of “norm” provided in the *Oxford Dictionary of Philosophy*: “a rule for behaviour, or a definite pattern of behaviour, departure from which renders a person liable to some kind of censure.”<sup>520</sup>

By attributing the existence of political authority to the “work of divine providence,” O’Donovan transforms the “essence of political authority thesis” into a norm, and in a very conservative fashion. It is a norm in the sense that any regime that holds power, executes right and perpetuates tradition in one coordinated agency, i.e., “holds authority,” implicitly has God’s support and therefore cannot legitimately be opposed on moral grounds. This trajectory would make the vast majority of contemporary states legitimate, including, as I will shortly argue, North Korea.

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<sup>520</sup> Blackburn, *Dictionary of Philosophy*, s. v. “norm.”

O'Donovan makes the normativity of the “essence of political authority thesis” more explicit in *Resurrection* than in *Desire*, where he maintained that “when these three authorities [might, injured right, tradition] are exercised together by one subject, then they are endorsed by a *moral authority* which requires that we *defer to them* [emphasis mine].”<sup>521</sup> This moral norm is reaffirmed in the essay “Representation,” where he writes: “any duty we owe to political authority is a duty to support a stable and lawful social order, an order *de facto* and *de jure*, and no political agency that cannot command stability and sustain lawfulness can lay claim to obedience.”<sup>522</sup> The only qualification to this moral norm added by the “providence thesis” is the phrase “continue to hold it,” thus indicating that a legitimate government must hold power, execute right and perpetuate tradition in one coordinated agency for some extended period of time in order to be regarded as the work of providence, and hence legitimate. Hauerwas and Fodor have duly noted that O'Donovan does not stipulate precisely how long a regime must exercise political authority in order to be regarded as legitimate.<sup>523</sup>

The “providence thesis” combined with the “essence of political authority thesis”—upon which it is dependent—thus makes the following claim: *where any regime holds power, executes right and perpetuates tradition in one coordinated agency in an enduring manner, it does so thanks to divine providence, and therefore does so legitimately.* Legitimacy is therefore determined by simply answering the following question: “does regime *x* hold power, execute right and perpetuate tradition in one coordinated agency in an enduring manner?”

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<sup>521</sup> O'Donovan, *Resurrection and Moral Order*, 128.

<sup>522</sup> O'Donovan, “Representation,” 135.

<sup>523</sup> Hauerwas and Fodor, “Remaining in Babylon,” 39 (footnote 6).

### **The theodicy problem: the case of North Korean**

In the following case study I will investigate whether North Korea can be said to hold political authority, and to have held it with enough longevity, for the regime to be regarded as the work of divine providence *per* O'Donovan's "providence thesis." There are two limitations to using North Korea as a case study in this context that must to be acknowledged at the outset. Firstly, space prohibits me from embarking on an extensive critical engagement with the literature on North Korean politics.<sup>524</sup> Secondly, North Korea is a notoriously difficult society to research because the regime is highly secretive and researchers have very limited access to the country and its people. So the literature that I am constrained from surveying comprehensively has its own intrinsic gaps and limitations.

Fortunately, the generic content of "power," "execution of right," "perpetuation of tradition" and "one coordinated agency" substantially attenuates the impact of these limitations. There is sufficient scholarship on North Korea to enable a satisfactory exploration of the implications of O'Donovan's generic conception of political authority and ill-defined concept of providence.<sup>525</sup> Finally, it is worth noting that O'Donovan does not apply any of his theses to any case studies of actual regimes, with the arguable exception of Christendom, which is more properly construed as a civilisation rather than a regime.<sup>526</sup> This lack of applied political theology is a general weakness of the discipline, and O'Donovan is far from unique in not applying and testing his theories to actual regimes, past or present.

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<sup>524</sup> This is a constraint on any case study in this context.

<sup>525</sup> I do not wish to imply that O'Donovan's conception of providence is ill-defined in general, just that it is ill-defined in the context of his account of political authority.

<sup>526</sup> Indeed, O'Donovan treats it as a civilisation, not as a regime. *Just War* could reasonably be regarded as a work in applied political theology and more specifically an applied study of O'Donovan's government-as-judgment thesis in the policy area of international armed conflict. But it does not represent or involve an applied study of his theology of political authority to any actual regime past or present.

### **North Korea: power and longevity**

It is possible to dispense expeditiously and uncontroversially with two elements of the “essence of political authority thesis” as it applies to North Korea: “power” and “one coordinated agency.” The North Korean regime objectively holds power by any definition. In fact, the regime probably has more power over more of its society than any other extant regime.<sup>527</sup> The regime also incontrovertibly exercises authority in “one coordinated agency,” again, possibly to a greater extent than any other extant regime. It is also possible to dispense expeditiously and uncontroversially with the “longevity” clause of the “providence thesis,” notwithstanding its open-endedness. The Democratic People’s Republic of Korea was formally founded in 1948, and at the time of writing is 69 years old. The country has been ruled by a single party within the context of a single polity and has had just three changes in leadership since its foundation. Oh reminds us that from the perspective of longevity, the North Korean “regime has been a great success, even though the country is a basket case.”<sup>528</sup> Furthermore, Kang notes that North Korea has long defied “outsiders’ expectations about its survivability.”<sup>529</sup>

### **O’Donovan’s generic conception of “right” and “tradition” in the “essence of political authority thesis”**

It is much more difficult to evaluate the question of “right” and “tradition” in the case of North Korea as it requires a qualitative judgment. For there is no question that the

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<sup>527</sup> According to the South Korean Ministry of Unification’s “Understanding North Korea” document, “North Korea was the most highly centralized economy among socialist states in the 20<sup>th</sup> century.” “Understanding North Korea,” *Institute for Unification Education, Ministry of Unification*, 2014. <http://eng.unikorea.go.kr/content.do?cmsid=1817>. The Ministry of Unification produces an annual edition of “Understanding North Korea” in Korean. The May 2012 edition was translated into English and published in 2014.

<sup>528</sup> Kongdan Oh, “Understanding North Korea,” *Brookings Institution*, 1 April 2013, <https://www.brookings.edu/articles/understanding-north-korea/>, 6.

<sup>529</sup> David C. Kang, “They Think They’re Normal: Enduring Questions and New Research on North Korea—A Review Essay,” *International Security* 36, 3 (2011/2012), 143.

regime “executes *a* right” and “perpetuates *a* tradition.” The question is *what type* of right must be executed and *what type* of tradition perpetuated in order for a regime to rule legitimately under O’Donovan’s providentialist model, and does the type of right and tradition found in North Korea qualify?

### Execution of right

In *Desire*, O’Donovan identifies two qualities of execution of right—“moral discrimination” and “public context”: “to judge is to make a distinction between the just and the unjust...[and]...to bring the distinction which already exists between them into the daylight of public observation.”<sup>530</sup> These two themes can also be seen in the definition of “judgment” provided in *Judgment*: “an act of moral discrimination that pronounces upon a preceding act, or existing state of affairs to establish a new public context.”<sup>531</sup> It is important to note that “injured right” (*Resurrection*), “execution of right” (*Desire*) and “judgment” (*Judgment*) function as synonyms in O’Donovan’s corpus.<sup>532</sup>

With respect to the scope of judgment, O’Donovan implies that he regards all judicial activity as acts of judgment and *some*, though not all, legislative and executive activities. O’Donovan claims that many “public” acts, for example, performed by government do not qualify as judgments. Such acts include deciding the outcome of a tender process, the appointment of statutory office holders and warnings related to health and public safety.<sup>533</sup> As an interesting aside, there is no suggestion by O’Donovan that such activities fall outside the scope of appropriate governmental

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<sup>530</sup> O’Donovan, *The Desire of the Nations*, 38.

<sup>531</sup> O’Donovan, *The Ways of Judgment*, 7–8, 10.

<sup>532</sup> The strongest evidence of synonymity is the substitution of “execution of right” by “judgment” at one point in *Desire* when O’Donovan articulates the “essence of political authority thesis” (*The Desire of the Nations*, 233).

<sup>533</sup> O’Donovan, *The Ways of Judgment*, 9.

activity, in spite of his contention that judgment is the sole legitimate function of government *per* the “re-authorisation thesis.” Admittedly, activities of this nature could be construed as administratively necessary in order for a government to perform its task of moral discrimination.

O’Donovan clarifies that the objective of political judgment is not “absolute justice itself,” but rather “a *tradition* of judgment [original emphasis]”<sup>534</sup> that strives for justice “in the relative sense in which it is appropriate to speak of it in human communities.”<sup>535</sup> Judgment, he says, “achieves its goal only if a public moral context is established by the judgment, and the public moral context is, in some respect, *more just as a result* [emphasis mine].”<sup>536</sup> O’Donovan identifies two criteria that are integral to judgment: “truth” and “effectiveness.”<sup>537</sup> He says “a well-made judgment is a statement that is true, and *as such* a deed that is effective [original emphasis].”<sup>538</sup> In the case of judgment, “the right is indeterminate” and “the wrong determined.”<sup>539</sup> O’Donovan illustrates this point with a judicial example: “no judge can declare comprehensively what is right to do...What the judge can determine is the wrong done at a given point.”<sup>540</sup>

It is worth briefly noting that the judiciary is another area where O’Donovan’s “government-as-judgment” conception of political authority begins to strain. There is no doubting that judges perform “acts of moral discrimination” which “determine...the

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<sup>534</sup> Ibid., 144.

<sup>535</sup> O’Donovan, *Resurrection and Moral Order*, 72, 129. O’Donovan wrote that “Western theology starts from the assertion that the kingdoms of this world are *not* the kingdom of our God and of his Christ, not, at any rate, until God intervenes to make them so at the end. If we ask why not, the answer must surely be that their judgments cannot reconcile the world; thus they can neither be perfectly true nor perfectly merciful.”

<sup>536</sup> O’Donovan, *The Ways of Judgment*, 8.

<sup>537</sup> Ibid., 9.

<sup>538</sup> Ibid.

<sup>539</sup> Ibid., 58.

<sup>540</sup> Ibid.

wrong done at a given point.”<sup>541</sup> But is that all they do? Determinations about the custody arrangements of children in a divorce settlement, for instance, do not *prima facie* appear to be acts of judgment. Rather, they are arrangements made to serve the best interests of the child. Similarly, constitutional rulings by higher courts are not always about determining “the wrong done at a given point,” but rather are often about clarifying ambiguities around the legislative powers and jurisdiction of federal governments (in federal systems).

O’Donovan’s contention that judgment is the sole legitimate function of government also strains under closer examination of the executive and legislative activities most citizens appear to take for granted as legitimate. There is no doubt that government budgets include many discrete acts of moral judgment, such as adjusting the tax-free threshold to help the disadvantaged. But can budgets cogently be described solely in terms of moral discriminations between right and wrong and bringing them into daylight? It is difficult to see how the allotment of moneys to individual institutions, such as the department of defence, could be meaningfully described as a moral discrimination. Again, it might be possible to construe the funding of government institutions as necessary auxiliary tasks to the legitimating business of moral judgment. But other cases still sit awkwardly with O’Donovan’s notion of judgment. In Australia, for example, a large part of the federal budget is devoted to the Medicare program which provides all citizens with free emergency care in public hospitals and a generous rebate for routine visits to a doctor and for many procedures carried out in hospitals. It is difficult to conceive this policy in terms of moral discrimination, unless one assumes that making citizens pay for medical care is morally wrong.

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<sup>541</sup> Ibid.

O'Donovan claims that his "government-as-judgment" model should not to be conflated with the "libertarian insistence on "minimal government.""<sup>542</sup> But the only way he can effectively dissociate his model from libertarian models is to give "judgment" a much more expansive definition than is natural. He contends, for instance, that it is possible to construe judgment so that it includes "failures of wisdom" and "failure to avoid avoidable harms."<sup>543</sup> He then tries to claim that a government decision about whether to found a university can be construed as an act of judgment.<sup>544</sup> But "judgment" then begins to look rather like a catchall term for the routine activity of government that most people take for granted and would not instinctively describe by the term "judgment."

In any event, the important point for our case study is to recognise that "execution of right" includes both the judiciary, legislative and executive arms of government, and includes a wide range of government activities, including in the field of education and even "economic intervention."<sup>545</sup> So any judgment about the legitimacy of the regime in North Korea will depend on a more systemic evaluation of the way that institutions of government operate collectively.

That settles the question of the scope of the term "judgment." But what of the objective criteria by which evaluative assessments can be made about a particular regime's system of judgments and tradition? These are much more difficult to discern as O'Donovan does not offer normative criteria beyond the generic principles discussed above: "moral discrimination," "public context," "a tradition of judgment" and "relative justice." He does nevertheless provide some clarification of where the normative boundaries might lie. He argues that the iniquities of individual officials and one or

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<sup>542</sup> Ibid., 61.

<sup>543</sup> Ibid., 62.

<sup>544</sup> Ibid.

<sup>545</sup> Ibid., 63.

several bad laws do *not* delegitimise an entire tradition of judgment, and hence the legitimacy of a regime—“As one swallow does not make a summer, so one bad law—even a handful—do not make a refusal of right.”<sup>546</sup> Many would regard this sentiment as uncontroversial.

But O’Donovan then goes on to assert that even a systematic refusal of right, such as in an apartheid regime, does not invalidate its claims to legitimately exercise political authority. He says that in such scenarios “those whom it [i.e., the government] treats as citizens by enacting justice for them...may owe it the ordinary duties of citizens, though they do not owe it cooperation in its policy of planned injustice.”<sup>547</sup> He illustrates this principle with legalised abortion in Western states, which he clearly regards as unjust, but which he also believes does not invalidate the legitimacy of the political authority of those states.<sup>548</sup> O’Donovan also intimates that protest, even against injustice, lacks the authority of tradition and therefore cannot command moral obedience.<sup>549</sup> These qualifications of the concept “execute right” will strike many as representing a deeply conservative view of political authority, as it effectively provides strong support for the status quo by setting the threshold for any radical change, even on account of systematic injustice, very high. O’Donovan nevertheless does believe that such a threshold exists. He says there are “powers which *are* political authorities because they take up the tasks of justice, but which are guilty of such grave faults in their performance that we are bound to ask ourselves whether something better may be put in their place.”<sup>550</sup>

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<sup>546</sup> Ibid., 145.

<sup>547</sup> Ibid.

<sup>548</sup> Ibid.

<sup>549</sup> Ibid.

<sup>550</sup> Ibid. The term “revolution” is ambiguous in this context. Does he mean a radical change to a polity by constitutionally valid means or a change of polity by illegal means, or an extra-judicial popular overthrow of a government within an existing structure?

To understand just how conservative this threshold is, though, one need only look at the examples O'Donovan provides of regimes that have ceased to exercise political authority legitimately: Rwanda (during the genocide), Somalia and Bosnia (during the civil war).<sup>551</sup> In other words, states which have failed and therefore do not hold political authority at all have, by definition, ceased to be legitimate. The corollary of this, however, is that any stable regime, no matter how oppressive or unjust, might hold political authority legitimately.<sup>552</sup>

Thus I have identified two important attributes of “execution of right” that are relevant to my applied case study of North Korea. Firstly, any judgment about the legitimacy of a government’s “execution of right” must be made on account of its *tradition* of judgment rather than merely individual laws or government policies. This is to say that a regime’s individual acts of injustice, even some level of systematic injustice, must be considered in the wider context of its collective judgments and the relative justice this realises before a determination of illegitimacy can be made. Secondly, there is a threshold beyond which a regime’s failure to execute right can and does invalidate its legitimacy. Although not precisely defined, it is evidently a rather high threshold.

#### Perpetuation of tradition

In *Judgment*, O'Donovan provides the following succinct definition of “tradition”: “Tradition is “what is established”; and “what is established” is not the past, but the present as determined by the past.”<sup>553</sup> He adds that “the authority of tradition is that of its *continuity with immediate history* [original emphasis]” and “its claim is the claim of

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<sup>551</sup> Ibid., 146.

<sup>552</sup> Ibid., 147. Interestingly, O'Donovan views the fall of the communist regime in Soviet Russia with approval, contending that the new government was “no usurper” because it was the tradition itself that was the issue of dispute.

<sup>553</sup> Ibid., 140.

what has proved its worth by survival.”<sup>554</sup> The latter contention illuminates the longevity component of the “providence thesis:” the tradition within which a regime rules must enjoy some degree of historical continuity. O’Donovan provides two important qualifications to this conception of tradition. Firstly, the goods produced by tradition are “limited” and “corruptible.”<sup>555</sup> Secondly, tradition must be “representative” in order to properly constitute political authority: “An unrepresentative power might do all kinds of good, but it would do it from the outside; it would not be a good done *by* that community.”<sup>556</sup> Representation is therefore “one of the essential elements of political authority.”<sup>557</sup>

Tradition must be representative in order to enact right on a community’s behalf.<sup>558</sup> O’Donovan does not mean representative in a democratic sense in this context. He means representative as “embodying the identity of the community.”<sup>559</sup> As with execution of right, O’Donovan does not provide explicit and objective criteria by which to judge the legitimacy of actual traditions beyond the measure of “continuity with the past.” This again appears to set a rather conservative threshold for making determinations about the legitimacy of concrete tradition. In effect, whatever stands the test of time and remains broadly representative of a people’s identity is *prima facie* legitimate.

Finally, O’Donovan recognises that “the tradition of a community is not a homogeneous whole but the confluence of a multitude of streams.”<sup>560</sup> He says that “social controversy...is the very essence of tradition” and “what is important to the

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<sup>554</sup> Ibid; O’Donovan, *The Desire of the Nations*, 194.

<sup>555</sup> O’Donovan, *The Ways of Judgment*, xiv–xv.

<sup>556</sup> Ibid., 160.

<sup>557</sup> O’Donovan, “Representation,” 135.

<sup>558</sup> O’Donovan, *The Ways of Judgment*, 140.

<sup>559</sup> Ibid.

<sup>560</sup> Ibid., 148.

notion of tradition...is not the *differences* but the *contest* [original emphasis].”<sup>561</sup> Such controversies, he contends, presuppose that there is a “hegemonic tradition to be contended for.”<sup>562</sup> So tradition involves continuity with the immediate past and must be representative of a people’s identity in order to facilitate the execution of right. By the same token, however, tradition is intrinsically contested and also liable to corruption.

### **Non-prescriptive construal of “right” and “tradition”**

The analysis above of the meaning of “right” and “tradition” as they pertain to the “essence of political authority thesis” reveals that they are non-prescriptive and generic. With respect to the content of laws, for example, O’Donovan does not go into a level of specificity that would explain, for instance, whether a drug like cannabis should be licit or illicit, and if licit, then in what way it should be regulated, and if illicit, then what punishment should attend. In relation to tradition, O’Donovan has stated that “recognising the right of tradition...is an amoral business, depending on *post hoc* judgments about how things have actually gone.”<sup>563</sup> This non-prescriptive quality is entirely appropriate, in fact necessary, if “execution of right” and “perpetuation of tradition” are constitutive of the universal nature of political authority.

However, while “right” and “tradition” are construed generically in relation to the essence of political authority, they clearly are not conceived as *relative*. O’Donovan does not claim that *any* right and *any* tradition will do. He does, after all, condemn apartheid-like discrimination and abortion, even if they do not on their own invalidate the legitimate exercise of political authority. The whole notion of judgment too, one

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<sup>561</sup> O’Donovan, “Judgment, Tradition and Reason,” 406.

<sup>562</sup> Ibid., 405. “Chaplin wants to propose that a state may embrace an “agonistic” relation among a number of comprehensive doctrines, and I am wholly in accord with him. But agonistic practice makes sense only on the hypothesis that there is a hegemonic tradition to be contended for.”

<sup>563</sup> O’Donovan, *The Ways of Judgment*, 147.

must remember, presupposes the ability and necessity of identifying and distinguishing “right” from “wrong.” But by setting a very high threshold for invalidating the legitimate execution of right, and by giving both “right” and “tradition” a non-prescriptive, generic content, and by then tying the mere existence of this non-prescriptive and generic conception of political authority to providence, O’Donovan unavoidably creates a theodicy problem.

### **Perpetuation of tradition in North Korea**

Given tradition intrinsically involves questions of continuity with the past, any assessment of the legitimacy of North Korea’s political tradition must contend with the historical context in which it emerged. From 1392 until 1910, the Korean peninsula was ruled by the Choson dynasty (also known as Joseon). Robinson explains that the political order of the Choson dynasty consisted of a “monarch rul[ing] through a centralised bureaucratic system that was staffed by the *yangban* elite,” which functioned like an aristocracy.<sup>564</sup> The *yangban* elite “maintained itself through the legal and de facto inherited status privileges, landholding, officeholding and utilisation of Confucian orthodoxy.”<sup>565</sup> Choson monarchs ruled through what Robinson describes as a “Confucian political ideology,” which, among other things, “support[ed] a stratified social structure.”<sup>566</sup>

The traditional Korean legal system in the Choson era was heavily influenced by Confucianism and Chinese legal norms and did not recognise a separation of powers

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<sup>564</sup> Michael Edson Robinson, *Cultural Nationalism in Colonial Korea, 1920–1925* (Seattle: University of Washington Press, 1988), 15.

<sup>565</sup> *Ibid.*

<sup>566</sup> *Ibid.*, 15–16.

between the judiciary and the executive.<sup>567</sup> In 1876 Korea entered the international system through a series of treaties with Western powers and embarked on a modernisation program.<sup>568</sup> The modernisation process involved the introduction of Western legal concepts and Korea's first modern written constitution in 1894.<sup>569</sup>

Japan annexed Korea in 1910 and ruled it as a colony until Japan's defeat at the end of World War II in 1945. During the colonial period the Japanese legal system was enforced throughout Korea, replete with Japanese judges and a Japanese governor-general who held "absolute administrative and legislative powers."<sup>570</sup> Kim points out that at the time Japanese colonial rule began "there was no written law in Korea to govern civil law matters, except for a few provisions included in criminal codes," so the colonial administration established a system of "customary law" that "reworked old Korean laws and popular practices."<sup>571</sup> One of the tensions the Japanese colonial administration encountered was how to deal with "customs based on Confucian rituals" that the Japanese, whose legal code had been heavily influenced by the German legal code, regarded as "irrational and impractical."<sup>572</sup> They found a solution in codifying and reworking Korean customs and Confucian rituals into a body of law.<sup>573</sup>

Following the liberation of Korea in 1945 the peninsula was divided into two administrative zones: a Soviet zone in the North and an American zone in the South. These zones were run by the Soviet and American militaries respectively until the establishment of the Democratic People's Republic of Korea in the North and the Republic of Korea in the South in 1948. North and South Korea were established under

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<sup>567</sup> Kipyoo Kim, "Overview," in *Introduction to Korean Law*, ed. Korea Legislation Research Institute (New York: Springer, 2013), 2.

<sup>568</sup> Robinson, *Cultural Nationalism in Colonial Korea*, 19.

<sup>569</sup> Kim, "Overview," 3–5.

<sup>570</sup> *Ibid.*, 5.

<sup>571</sup> Marie Seong-Hak Kim, "Law and Custom under the Choson Dynasty and Colonial Korea: A Comparative Perspective," *The Journal of Asian Studies* 66, no.4 (2007), 1069.

<sup>572</sup> *Ibid.*, 1082.

<sup>573</sup> *Ibid.*

Soviet and American supervision respectively, and reflected the political ideals and norms of their respective patrons. North Korea was established as a socialist state along Soviet lines, but it was never merely a Soviet clone, quickly developing its own distinctively Korean socialist culture and political norms.<sup>574</sup>

Important aspects of North Korean socialism that are peculiar to North Korea include hereditary rule, *suryong* (“monolithic one-man control”), *juche* (“self-reliance”) and *songun* (“military-first”)—the latter two are formally recognised in the constitution.<sup>575</sup> Of these, *juche* is the most important, but also the most difficult to define. It is the creation of North Korean founder Kim Il-sung and is claimed to date back to his guerrilla days fighting Japanese occupation.<sup>576</sup> *Juche* is “a nationalist ideology” resting on three pillars: “political sovereignty,” “independent economy” and “military self-defence.”<sup>577</sup> “*Juche* philosophy,” says Goedde, “pervades all aspects of North Korean society” and could be regarded as a “spiritual creed that requires putting North Korea first in every respect.”<sup>578</sup>

O’Donovan has given us three criteria by which to judge the legitimacy of a tradition: continuity with the past, representation of the people’s identity and enacting right. The case of North Korea provides ample demonstration of just how difficult it is to make objective judgments about an actual political tradition on the basis of these criteria. On the face of it, the establishment of the socialist state in North Korea represents a radical break with Korea’s past. But on closer inspection, it is not clear that it marks radical discontinuity with either the Choson or colonial political orders that preceded it. All three, for example, were authoritarian, with absolute power vested in a

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<sup>574</sup> Institute for Unification Education, “Understanding North Korea,” 11.

<sup>575</sup> *Ibid.*, 1; Institute for Unification Education, “Understanding North Korea,” 12, 32.

<sup>576</sup> Patricia Goedde, “Law “Of Our Own Style”: The Evolution and Challenges of the North Korean Legal System,” *Fordham International Law Journal* 27, no.4 (2003), 1265–1266.

<sup>577</sup> *Ibid.*, 1273.

<sup>578</sup> *Ibid.*

single ruler. All three recognised no functional separation between executive and judicial authority. In all three regimes the people had little say in the running of their affairs. This authoritarian tradition is also in evidence when one considers the parallel history of South Korea. Oh notes that South Korea differed little from North Korea in the 1950s, observing that “both countries were dictatorships and both were poor.”<sup>579</sup> In this regard, it is worth noting that democracy was not established in the Korean Peninsula until the 1990s (in the South), in which case *juche*-socialism might have a better claim to legitimacy on the basis of continuity with the immediate past, longevity and representativeness of the community’s identity than democracy.

There is a further mark of continuity worth emphasising in relation to North Korea’s political culture. This is the socialist regime’s Confucian substratum (to use a linguistic analogy). The Institute of Unification Education, for example, notes that “Confucian norms and traditions are relatively strong in North Korean society.”<sup>580</sup> Choi identifies “honour” (face saving) and the “culture of collectivism” as “traditional characteristics of Korean society” that “still exist in North Korea.”<sup>581</sup> Goedde notes that “strands of traditional Korean legal history underlie the North Korean legal system in subtle but enduring ways.”<sup>582</sup> She argues that concepts from the Choson “Neo-Confucian ideology,” such as “ancestral lineage and worship, as defined by patrilineal descent,” are evident in North Korea “in terms of dynastic succession and inheritance of family class status.”<sup>583</sup> She even suggests that the Workers’ Party of Korea (WPK) has

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<sup>579</sup> Oh, “Understanding North Korea,” 6.

<sup>580</sup> Institute for Unification Education, “Understanding North Korea,” 17. Such norms include “Grand Socialist Family,” which requires North Koreans to give their “trust, love [and] respect” to the leader figure.

<sup>581</sup> Changyang Choi, ““Everyday Politics” in North Korea,” *The Journal of Asian Studies* 72, no.3 (2013), 667.

<sup>582</sup> Goedde, “Law “Of Our Own Style,”” 1274.

<sup>583</sup> Ibid. Haggard and Noland point out that North Korea administratively classifies its people into three classes: “reliable supports, the basic masses and the “impure class.”” They add that “family background is a key determinant of life in North Korea.” Stephan Haggard and Marcus

replaced the traditional *yangban* as the “elite core of society.”<sup>584</sup> This is not to suggest that the establishment of a socialist state in North Korea does not mark substantive change from Korea’s past. Rather, it is to suggest that there are some deep continuities with the recent past that could, on O’Donovan’s definition of tradition, satisfy the “essence of political authority thesis” in relation to North Korea.

The fact is that political revolutions, in spite of the intentions and rhetorical pretensions of revolutionaries, are always built on a pre-existing substratum that never entirely disappears, many elements of which inevitably are appropriated rather than rejected. This is what de Tocqueville discovered when he investigated the origins of the French Revolution: “The more I progressed in this study, the more surprised I was to see, at every turn, in the France of that period many characteristics which strike us still today.”<sup>585</sup> One should also be mindful that many extant regimes born in revolution are regarded as uncontroversially legitimate. Neither American nor British citizens regard the United States’ political tradition as unrepresentative of its people’s identity in spite of its violent break with its British tradition and political innovation.

On the basis of O’Donovan’s insight that tradition must be representative of the people’s identity and execute their right in order to be legitimate it is possible to conclude that the Japanese colonial administration was illegitimate. It was not representative of any Korean tradition—its laws, traditions, rulers and judges were all alien. The armed resistance and birth of modern Korean nationalism are testament to this unrepresentative rule. The Democratic People’s Republic was established precisely to remove and replace this alien tradition, as articulated in the preamble of the Socialist Constitution: “Comrade Kim Il Sung authored the immortal Juche idea and, by

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Noland, “Economic Crime and Punishment in North Korea,” *Political Science Quarterly* 127, no.4 (2012), 671.

<sup>584</sup> Ibid.

<sup>585</sup> Alexis de Tocqueville, *The Ancient Regime and the Revolution*, trans. Gerald Bevan, intro. Hugh Brogan (London: Penguin, 2008), 9.

organising and leading the anti-Japanese revolutionary struggle under its banner, created the glorious revolutionary traditions and achieved the historic cause of national restoration.”<sup>586</sup> In contrast to the Japanese colonial administration, the socialist state was run by Koreans and was not imposed against popular will.

Whether on account of the longevity of the North Korean regime, its restoration of Korean self-determination, the popularity of the implementation of socialism (at least in the early years), the legitimacy and popularity of its founding leader Kim Il-sung, or the Choson-Confucian roots of North Korea’s unique brand of socialism, the regime in Pyongyang can claim to rule within a broadly representative tradition. It is difficult to show otherwise, at any rate, recalling the generic, non-prescriptive content of “tradition” in O’Donovan’s “essence of political authority thesis.” If *Juche*-socialism is not representative of the North Korean people’s identity, then what is: Neo-Confucianism, Choson monarchy, Western liberal democracy?

### **Execution of right in North Korea**

That North Korea is a serious and serial human rights abuser is not in question.<sup>587</sup> Establishing that it fails to execute right to such an extent, and in such a fashion, that it cannot be regarded as exercising political authority on O’Donovan’s generic definition is far less straightforward, which in turn would satisfy the “providence thesis” and appear to make the regime legitimate by implication. A study of 1300 North Korean refugees conducted between 2004 and 2005, for example, found that, of the ten per cent

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<sup>586</sup> “Socialist Constitution of the Democratic People’s Republic of Korea,” *Foreign Languages Publishing House* (Pyongyang: North Korea, 2014), 1.

<sup>587</sup> Human Rights Watch describes North Korea as “one of the most repressive authoritarian states in the world” responsible for “systematic, widespread and gross human rights violations committed by the government include[ing] murder, enslavement, torture, imprisonment, rape, forced abortion and other sexual violence.” “Human Rights Watch World Report 2017,” *Human Rights Watch*, [https://www.hrw.org/sites/default/files/world\\_report\\_download/wr2017-web.pdf](https://www.hrw.org/sites/default/files/world_report_download/wr2017-web.pdf), 457.

who had been incarcerated in detention facilities, “90 per cent reported witnessing forced starvation, 60 per cent deaths due to beating or torture and 27 per cent executions.”<sup>588</sup> In another example, a great famine in North Korea in the years 1995 to 1998 killed between 600,000 and 1,000,000 people according to Haggard and Noland.<sup>589</sup> Many scholars attribute the causes of the famine to failures in North Korean policy and administration, although the weather also played a part.<sup>590</sup> But the criterion O’Donovan has set in relation to “execution of right” is the standard of “relative” justice, not absolute justice. Even systematic acts of injustice do not necessarily invalidate the authority of a regime. North Korea’s tradition of right therefore must be assessed holistically.

Three components are involved in making a holistic judgment about execution of right in North Korea. One must consider the formal legal-institutional arrangements that reflect the intention of how society is supposed to be run and administered. One must also consider the informal system of how affairs are run in practice. And then there is the question of popular perceptions about whether the regime enacts its citizens’ right. I will restrict my focus to North Korea’s judicial system and will take the findings to be indicative of the regime more broadly, given it is a one party state and in practice there is no functional separation between the executive, the legislature and the judiciary.

The first thing to acknowledge is that North Korea’s legal and institutional arrangements aspire to achieve justice. It is easy to be cynical, but the reality is that these legal and institutional arrangements are not structured to oppress its citizens.

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<sup>588</sup> Haggard and Noland, “Economic Crime and Punishment in North Korea,” 660.

<sup>589</sup> Ibid., 659; Kang, “They Think They’re Normal,” 142.

<sup>590</sup> Kang, “They Think They’re Normal,” 153. Kang, for example, says “The famine was not the result of a few years of bad weather and harvests. Rather, it was the culmination of a long series of poor government decisions that accrued slowly over decades.” There are dissenting voices, however, such as Woo-Cumings, who “argues “that the North Korean famine was due largely to environmental causes, not the regime’s policies.” Charles K. Armstrong, “Trends in the Study of North Korea,” *The Journal of Asian Studies* 70, 2 (2011), 362.

North Korea has a “tri-level court system...[with] a Central Court, twelve provincial courts and approximately 100 people’s courts.”<sup>591</sup> These courts usually deal with criminal and divorce cases.<sup>592</sup> A Central Procuracy, in conjunction with provincial and county procuracies, investigates and prosecutes crimes, and audits state organs.<sup>593</sup> Unlike in Western legal systems, all North Korean lawyers work for the state. Judges and “public prosecutors” (the English translation used in North Korea’s official translation of the Socialist Constitution) are appointed by and accountable to the Supreme People’s Assembly, the legislative body in North Korea.<sup>594</sup> The constitution stipulates that “court cases are heard in public and the accused is guaranteed the right of defence” (Article 164) and “in administering justice, the Court is independent, and judicial proceedings are carried out in strict accordance with the law” (Article 166).<sup>595</sup> At the constitutional and institutional level North Korea has a justice system that is organised, coherent and capable of administering justice.

In reality, however, the judiciary functions as an extension of the WPK and therefore is not independent.<sup>596</sup> Judges, prosecutors and lawyers are party members and are appointed by the People’s Assembly, which is again made up exclusively of party members. Cho explains that “North Korean courts and judges appear to lack any independence whatsoever and are wholly subservient to the dictates of the Worker’s Party, constitutional provisions notwithstanding.”<sup>597</sup> The role of the WPK in the North Korean judicial system reflects the very different philosophical assumptions that govern socialist jurisprudence. Goedde helpfully clarifies that in North Korea “law is derivative

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<sup>591</sup> Goedde, “Law “Of Our Own Style,”” 1277. There is also a separate military court, just as there is in Western countries.

<sup>592</sup> Ibid.

<sup>593</sup> Ibid.

<sup>594</sup> “Socialist Constitution of the Democratic Republic of Korea,” 32–34.

<sup>595</sup> Ibid., 34.

<sup>596</sup> WPK = Workers’ Party of Korea.

<sup>597</sup> Sung Yoon Cho, “Judicial System in North Korea,” *Asian Survey* 11, no.12 (1971), 1181.

of...party policy, a means to implement State objectives, a party code that citizens should follow, and a ruthless mechanism by which to punish those that [*sic*] do not.”<sup>598</sup>

The North Korean judicial system has some additional characteristics that are that are germane to our assessment of whether the North Korean regime can be said to execute right effectively. These relate to the degree of arbitrariness in the way the judicial system functions in practice and the regime’s expansive conception of crime to include political crimes (North Korea has “political prison camps”—*kwan-li-so*).<sup>599</sup> Political crimes in particular are an area of serious human rights abuse in North Korea using Western legal norms. Haggard and Noland explain that “a distinctive feature of the management of political crimes is that there is little pretence of due process” as “political crimes appear to fall outside of criminal statute altogether and are managed...by the NSA [National Security Agency]” rather than the judiciary proper.<sup>600</sup> A 2008 study of 102 refugees who had been incarcerated found that just 13 reported receiving any trial at all.<sup>601</sup> North Korea also utilises collective punishment that includes incarcerating extended family members.<sup>602</sup>

The category of “political crimes” is again reflective of a different philosophical approach to administering justice. Goedde attributes it to the fact that, while “the Constitution lists rights for its citizens...these rights are unavailable to those located outside its ideal socialist society.”<sup>603</sup> Such people include “those who offend the State,

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<sup>598</sup> Goedde, “Law “Of Our Style,” 1267.

<sup>599</sup> Haggard and Noland, “Economic Crime and Punishment in North Korea,” 662.

<sup>600</sup> *Ibid.*, 663. Interestingly, the arbitrariness of judicial authority works both ways, with many refugees reporting arbitrary release well before completing statutory sentences (“Economic Crime and Punishment in North Korea, 673).

<sup>601</sup> *Ibid.*, 673. Haggard and Noland do not indicate whether these respondents were incarcerated for breaching the criminal or civil code, or for political crimes, or indeed a mixture thereof.

<sup>602</sup> *Ibid.*, 663.

<sup>603</sup> Goedde, “Law “Of Our Own Style,”” 1278

intentionally or not.”<sup>604</sup> North Korea’s official class system is also a contributing factor to this state of affairs, with the descendants of “reactionaries, pro-Japanese and former landowners” being “constantly subjected to State and peer scrutiny for the smallest of offenses.”<sup>605</sup>

As far as popular opinion in the West is concerned, the authoritarian nature of the North Korean regime, the lack of personal freedoms afforded its citizens, the widespread poverty of its people and above all the systematic human rights abuses evident in its justice system are more than enough to condemn the regime. But one of the virtues of O’Donovan’s generic and non-prescriptive “execution of right” and “perpetuation of tradition” is that only a relative justice need be achieved for a regime to hold political authority. As he explained in *Resurrection*:

The exercise of political authority is the search for a compromise which, while bearing the fullest witness to the truth that can in the circumstances be borne, will, nevertheless, lie within the scope of possible public action in the particular community of fallen men which it has to serve.<sup>606</sup>

O’Donovan’s realist insight is that a regime need only exercise *enough* power, enact *enough* right *enough* of the time and perpetuate a sufficiently representative tradition in order to have sufficient political authority to rule. A lot of the caricatures of North Korea as a devilish regime fail to appreciate this seminal insight. Such unequivocal moral judgments about “evil” regime are predicated on the existence of an ideal state—usually the one to which the critic belongs—which can do no wrong. There is more to North Korea’s justice system than human rights abuses, and more to its political order than mere repression. Goedde wisely counsels that North Korea’s

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<sup>604</sup> Ibid. One should not assume that all those found guilty of “political crimes” are innocent of the charges thereof, irrespective of what one thinks about the justice of the criminalisation of such activity.

<sup>605</sup> Ibid.

<sup>606</sup> O’Donovan, *Resurrection and Moral Order*, p. 130.

“multifaceted legal system...warrants more than ritual dismissal for not conveniently falling under a rule-of-law heading.”<sup>607</sup> Kang similarly cautions that “there is a potential danger in evaluating North Korea based on outside standards.”<sup>608</sup> “The North Korean system works,” he says, “for a reason; it is often dysfunctional, but still functional enough to sustain itself like many other nation-states around the world.”<sup>609</sup> He also perceptively observes that “outsiders project their fears and hopes onto North Korea rather than viewing the country on its own terms.”<sup>610</sup> A fair, realistic and meaningful judgment about the way North Korea executes right, where right has a non-prescriptive meaning, must weigh up its human rights abuses with its legitimate judgments—moral discriminations between right and wrong—and both against the relative standards of justice globally.

The confronting truth is that even “repressive” and “authoritarian” regimes are capable of genuinely enacting right and of ruling within the boundaries of a legitimate tradition. In the case of North Korea, it is important to recognise that many crimes regarded as such in Western justice systems, such as theft and murder, are also designated crimes in North Korea. Furthermore, when offenders of such crimes are convicted in North Korea, a moral discrimination has been made between right and wrong and it has created a new public context. Once we arrive at the realisation that the North Korean regime both violates human rights *and* enacts right, we are in a position to frame the question: does the injustice perpetrated by the regime undermine the justice it realises to such an extent that the regime crosses O’Donovan’s ill-defined threshold of illegitimacy? This is really only something the North Korean people are in a position to answer.

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<sup>607</sup> Goedde, “Law “Of Our Own Style,”” 1287.

<sup>608</sup> Kang, “They Think They’re Normal,” 169.

<sup>609</sup> Ibid.

<sup>610</sup> Ibid.

First to the issue of arbitrary detention and cruel punishments for political crimes in North Korea. The US Department of State estimates that there are between 80,000 and 120,000 political prisoners in North Korean prison camps.<sup>611</sup> Accurate figures are simply not available, so it is conceivably much higher. Commonsense dictates that there must also be significant numbers of North Koreans who have spent time in incarceration at some point in their life. Notwithstanding the challenges of accurately estimating the total current and former prisoner population in North Korea, it is important to recognise that the figure of 120,000 does not actually place it amongst the ranks of nations with the highest incarceration rates, especially when one factors in its total population of over 24 million (24,052 million according to the last official census in 2008).<sup>612</sup> Commonsense therefore also seems to dictate that a significant percentage of North Koreans have never been incarcerated. We must further assume that a percentage of those who are incarcerated are guilty of the crimes charged. The point I'm driving at is that one cannot assume that even a majority of North Koreans have been subjected to the more egregious human rights violations that have given the country its global notoriety. This is relevant to the question of the perception of North Koreans about the legitimacy of the regime in Pyongyang and the relative justice of their society.

It is impossible to say what North Korean perceptions are of the legitimacy of its regime and the relative justice of their political order.<sup>613</sup> It is conventional wisdom in the West to assume that North Koreans are either "brainwashed robots," as Kang puts it, or would-be liberal democrats stoically suffering in silence.<sup>614</sup> But both these views are

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<sup>611</sup> "Prison Camps of North Korea," U.S. Department of State, Humanrights.gov. <https://www.humanrights.gov/dyn/news/features/prison-camps-of-north-korea/>.

<sup>612</sup> Thomas Spoorenberg and Daniel Schwegendiek, "Demographic changes in North Korea: 1993–2008," *Population and Development Review* 38, no.1 (2012), 140.

<sup>613</sup> Choi, "Everyday Politics" in North Korea, 657.

<sup>614</sup> Kang, "They Think They're Normal," 146.

indicative of the fears and hopes Westerners project onto North Koreans, to borrow from Kang again. Kang argues that North Koreans regard themselves as normal “and take the circumstances of their lives for granted.”<sup>615</sup> It is easy to overlook the social good provided by a “bureaucracy [that] is routinised and stable.”<sup>616</sup> For all its dysfunction, North Korea is not a failed state, like Syria, and the stable order it provides does constitute a genuine good, as unpalatable as that might be for some Western critics.

It can be taken for granted that no human being desires to be imprisoned and tortured, or to starve. But can the Western observer really assume that because some North Koreans have suffered such a fate that all North Koreans regard the state as illegitimate, or even that they regard torture and political crimes as illegitimate? Gause highlights that some of the human rights abuses (by Western standards) are grounded in traditional Korean culture, and therefore might not strike the North Korean as particularly unusual, foreign or perhaps even illegitimate: “*Yeon-jwa-je*—guilt by association—imprisonment in political prisoner camps of up to three generations...and *Songbun*, North Korea’s discriminatory social classification system, both originate in the Chosun Dynasty’s feudal practices.”<sup>617</sup>

It is also not uncommon for citizens to attribute their problems to external causes rather than to their own governments, traditions or cultural practices. One cannot assume that North Koreans blame their government for famines, as opposed to the weather, or the Western “imperialism” that forces them to maintain an enormous army, and so forth. Armstrong notes some interesting results from refugee studies in this regard, including that “most North Koreans leave their country for economic reasons,

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<sup>615</sup> Ibid.

<sup>616</sup> Ibid., 147.

<sup>617</sup> Ken E. Gause, “Coercion, Control, Surveillance, and Punishment: An Examination of the North Korean Police State,” *The Committee for Human Rights in North Korea*, 2012, 5.

not out of political dissatisfaction”; that “defectors maintain an overall positive view of...DPRK founder Kim Il Sung”; and “33% say they would return to the North if they could.”<sup>618</sup>

Then there is the difficult question of propaganda. One cannot underestimate the impact of state propaganda in shaping the attitudes of North Koreans. But it is far from clear that regime propaganda imposes on North Koreans an utterly alien *weltanschauung* that without coercion would otherwise have no meaning, resonance or relevance to their history, traditions, culture and sense of identity. Kang argues that “the North Korean state’s effectiveness at embedding its rule within Korean cultural and social foundations” is at least in part attributable to “casting “long-standing Confucian family traditions...as the basis of a universal structure.””<sup>619</sup> Political psychology is relevant in this regard. “Systems justification theory,” van der Toorn and Jost explain, “proposes that people actively defend and bolster existing social arrangements, often by denying or rationalising injustices and other problems.”<sup>620</sup> “Social dominance theory,” on the other hand, “views all of the familiar group-based oppression...as special cases of a more general tendency for humans to form and maintain group-based hierarchy.”<sup>621</sup>

On the basis of the preceding discussion, I conclude that it is very difficult to conclusively show that North Korea so abjectly fails to execute right, or executes right within a tradition that is so unrepresentative of the people’s identity, that the regime can be construed as *not* holding political authority on O’Donovan’s definition. The “providence thesis” says: “That any regime should actually come to hold authority, and should continue to hold it, is a work of divine providence in history...” And as

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<sup>618</sup> Armstrong, “Trends in the Study of North Korea,” 359.

<sup>619</sup> Kang, “They Think They’re Normal,” 163.

<sup>620</sup> Jojanneke van der Toorn and John T. Jost, “Twenty Years of System Justification Theory: Introduction to the Special Issue on “Ideology and System Justification Processes,” *Group Processes & Intergroup Relations* 17, no.14 (2014), 414.

<sup>621</sup> Jim Sidanius et al., “Social Dominance Theory: Its Agenda and Method,” *Political Psychology* 25, no.6 (2004), 846.

O'Donovan suggested in *Resurrection*, when “might” (power) “right” and “tradition” “are exercised together by one subject, then they are endorsed by a moral authority which requires that we defer to them.”<sup>622</sup> Whether O'Donovan intended it or not, by linking the mere existence of political authority to providence, and with political authority construed generically and non-prescriptively, he appears to have made God responsible in some sense and to some degree for the existence of the regime in North Korea, which implies that it rules with legitimacy. This is a conclusion that will jar against the intuition of most Christians.

### **In search of an objective normative definition of tradition and right**

The North Korea case study examined above revealed two things about O'Donovan's theology of political authority: the very real explanatory power of the “essence of political authority thesis” and the theodicy problem created by the “providence thesis.” On the one hand, the “essence of political authority thesis” successfully does exactly what it promises to do—demonstrate how it is that the regime in Pyongyang has been able to rule for so long in spite of being widely reviled as a basket case: it holds enough power, executes enough right and perpetuates a sufficiently representative tradition in one coordinated agency to give it enough legitimacy that enough people obey it.<sup>623</sup> O'Donovan's insight about the nature of political authority and its connection to stable political order is a seminal contribution. He appears to have identified correctly the three constitutive elements of stable political rule, and by the same token, why certain regimes fail. It may even have predictive potential, something that could be investigated further in political science. When and if the North Korean regime fails, O'Donovan's

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<sup>622</sup> O'Donovan, *Resurrection and Moral Order*, 128.

<sup>623</sup> Coercion is obviously an important variable in North Korea's case. But history, including recent history, teaches that even the most coercive regimes can crumble in the face of popular revolution. Many others give rise to interminable insurgencies as part of the population rebels.

theory of political authority will direct us to investigate whether it is because the regime lost power, reached the threshold of not executing right or ceased to rule through a tradition representative of its people's identity.

But attaching the *essence* of political authority to providence in the normative way O'Donovan does must be counted as an error, for it implicates God in a regime that is routinely ranked as the most hostile and oppressive towards Christians and the Church.<sup>624</sup> What O'Donovan's "providence thesis" needs is some objective normative criterion, or criteria, by which to make evaluative moral judgments about the type of right regimes *must* execute and the type of tradition they *must* perpetuate in order to be regarded as legitimate and therefore to command moral obedience. The irony is that O'Donovan provides just such a criteria, but does not attach it to the "providence thesis."

In the last section of the last chapter of *Desire* O'Donovan states that "Christian theology can venture to characterise a *normative political culture* broadly in continuity with the Western liberal tradition [original emphasis]."<sup>625</sup> This is because the Western liberal tradition, according to O'Donovan, is built on the foundations of four key political principles that emerged from Christendom. These are "freedom," "merciful judgment," "natural right" and "openness of speech."<sup>626</sup> And because these principles emerged from Christendom, they can be regarded as the fruits of Christ's triumph over the nations.

By freedom O'Donovan does not mean "an assertion of individuality," but rather "a new disposition of society around its supreme Lord which sets it loose from its

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<sup>624</sup> Open Doors, "About North Korea," [opendoorsusa.org, https://www.opendoorsusa.org/christian-persecution/world-watch-list/north-korea/](https://www.opendoorsusa.org/christian-persecution/world-watch-list/north-korea/).

<sup>625</sup> O'Donovan, *The Desire of the Nations*, 275.

<sup>626</sup> *Ibid.*, 254–270.

traditional lords.”<sup>627</sup> Merciful judgment entails the recognition that human judges themselves are subject to law and moral judgment. It is merciful because it is premised on Christian notions of reconciliation, penitence and forgiveness.<sup>628</sup> Natural right (not to be confused with natural rights in the plural) consists of the Christian concepts of “natural equality,” “affinity,” “reciprocity” and “creaturely cohabitation of human and non-human species in a common world.”<sup>629</sup> Openness of speech relates to “access to public deliberations” and “responsible government.”<sup>630</sup> If this is the normative standard by which the legitimacy of regimes in the present age is to be judged then North Korea fails on all accounts. The heart of the problem is that O’Donovan has tied the legitimacy of regimes to the *esse* of political authority rather than to its *bene esse*, with its roots in the Christ-event, its development in Christendom, and its normative expression in Western (Christian) liberalism.

The conflation of the *esse* and *bene esse* of political authority is evident at several points in *Desire* where O’Donovan makes what could be regarded as contradictory statements about global political norms. At one point, for example, he appears to countenance the extension of Israel’s divine law to other nations, which would make a lot of sense if Israel were genuinely normative for all politics: the “theoretical generalisation of Israel’s experience presupposes that Yhwh’s law can be extended in principle to other nations than Israel.”<sup>631</sup> In another place, however, he expressed doubt that even the Western liberal tradition can be regarded as normative for non-Western nations: “To demand” that “societies outside the European sphere of influence, which do not have the historical experience of Christendom behind them”

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<sup>627</sup> Ibid., 254.

<sup>628</sup> Ibid., 256–261.

<sup>629</sup> Ibid., 262.

<sup>630</sup> Ibid., 270.

<sup>631</sup> Ibid., 65.

“conform to the practices normative in the West deserve...perhaps, the over-used epithet ‘cultural imperialism’ as clearly as anything does.”<sup>632</sup>

### **O’Donovan’s Davidic problem**

The reason for this error—tying the moral legitimacy of a regime (via the “providence thesis”) to the nature of political authority (the “essence of political authority thesis”)—appears to be a product of O’Donovan’s insistence that the Davidic monarchy is the source of political norms. The fundamental issue is that the Davidic monarchy was not a Western (Christian) liberal democracy, and therefore does not itself conform to the “*normative political culture* broadly in continuity with the Western liberal tradition” that Christian political theology is supposed to “venture.”<sup>633</sup> Whether or not Western (Christian) liberal norms such as “freedom,” “merciful judgment,” “natural right” and “openness of speech” can trace their roots in some fashion back to Israel or not is beside the point. It is difficult to believe that someone could extrapolate liberal democracy from a study of the Davidic monarchy. The point is that these values, even on O’Donovan’s own analysis, trace their roots back to the church’s reflection on the political impact of the Christ-event. The Christ-event, therefore, seems to naturally lend itself as the locus of a normative conception of political authority, something I will argue in Chapter 9. If the Davidic monarchy (the source of the “essence of political authority thesis”) were truly normative, on the other hand, then Western liberalism would mark a serious deviation from that norm.

This is one possible explanation for why O’Donovan extrapolates a non-prescriptive and generic conception of right and tradition from the Davidic monarchy: its *particular* legal, cultural and political traditions and institutions would delegitimise

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<sup>632</sup> Ibid., 230.

<sup>633</sup> Ibid.

the Christian liberalism that O'Donovan wants to uphold in modern Western nation-states. Thus it is not the Levitical code, absolute hereditary monarchy, prophetic witness or tribal elders that constitute political norms, but the far more generic notions of executing *a* right and perpetuating *a* tradition.<sup>634</sup>

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<sup>634</sup> Moberly observed that “despite all that O’Donovan says about the importance of law as embodying the authority of God...little attention is given to the actual content of Israel’s law, or how its emphases and priorities demonstrate the nature of the divine rule” (“The Uses of Scripture in *The Desire of the Nations*,” 54).

## **Chapter 6**

**Disputing O'Donovan's use of Romans 13: 1–7 as biblical  
warrant for the “re-authorisation thesis”**

## **Introduction**

Thus far I have disputed the cogency of O'Donovan's claims that the Davidic monarchy is normative for Christian political theology and that it reveals the essence of political authority. I have further maintained that these ideas appear to have misled O'Donovan to conflate the *esse* and *bene esse* of political authority with the result that the "providence thesis" appears to create a serious theodicy problem. This chapter sees our attention shift from the Israel and the Davidic monarchy to the Christ-event and the New Testament. In this chapter I will dispute O'Donovan's contention that Rom. 13:1–7 forms either data (D) or warrant (W) for the "re-authorisation thesis" and therefore that he cannot demonstrate that the thesis is "authorised" from Scripture. As part of this exercise I will bring O'Donovan's interpretation of Rom. 13:1–7 into conversation with New Testament scholarship and show that it is idiosyncratic and not supported by several consensuses regarding the interpretation of this passage.

## **The "re-authorisation thesis" and its exegetical support**

The "re-authorisation thesis" emerges in Chapter 4 of *Desire* ("The Triumph of the Kingdom") in a sub-section entitled "The subjection of the nations." The chapter explores the theological implications of the dawn of the kingdom of God and Christ's exaltation. The first thing to note is that, although O'Donovan appears to believe that his "re-authorisation thesis" can be expounded from Rom. 13:1–7, or at the very least is warranted by the passage, the thesis actually turns on a christological and ecclesiological argument.<sup>635</sup> The christological element of the thesis is signposted early in the chapter when O'Donovan says that "political theology...must learn how to perform...[its task]...christologically, making its way along that stream which flows

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<sup>635</sup> O'Donovan, *The Desire of the Nations*, 152. O'Donovan states that the "concern" of Rom. 13:1–7 is "ecclesiological and, more indirectly, Christological."

from the apostles' proclamation of Christ as 'Lord'.<sup>636</sup> O'Donovan claims that Rom. 13:1–7, which he describes as “the most famous, and most disputed, discussion of political authority in the New Testament,” needs to be read “with fresh eyes.”<sup>637</sup> O'Donovan's “fresh” reading identifies a three-fold context, which, it is argued, illuminates the meaning of the passage. These are: 1) Christ's exaltation; 2) the emergence of the church as an authorised political society and 3) Yahweh's kingly rule over Israel.

The exegetical basis of the “re-authorisation thesis” actually begins not with Rom. 13:1–7 but with Col. 2:15: “He [God] disarmed the principalities and powers and made a public show of them in Christ's triumphal procession.”<sup>638</sup> This, O'Donovan argues, is “the primary eschatological assertion about the authorities, political and demonic, which govern the world: they have been made subject to God's sovereignty in the Exaltation of Christ.”<sup>639</sup> The fact that the eschatological horizon awaits fulfilment is what “opens up an account of secular authority,” according to O'Donovan.<sup>640</sup> It is against this backdrop that O'Donovan asserts that “the theme of Romans 13 is the authority which remains to secular government in the aftermath of Christ's triumph.”<sup>641</sup>

O'Donovan argues that Israel is the specific context of Rom 13:1–7—Paul's “claim for the continued significance of Israel as a social entity in God's plans for final redemption.”<sup>642</sup> The importance of O'Donovan's salvation-history hermeneutic is in evidence here. “Christ's victory,” he argues “is the same victory that was promised to Israel over the nations” and “as Israel is claimed for faith, then, so the authorities are

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<sup>636</sup> Ibid., 123.

<sup>637</sup> Ibid., 147.

<sup>638</sup> Ibid., 146. Although I cannot be certain, many of the biblical quotes in this section of *Desire* appear to be O'Donovan's own translations. Col. 2:15 in the NRSV, which I have been using for biblical quotes in this thesis, is: “He disarmed the rulers and authorities and made a public example of them, triumphing over them in it.”

<sup>639</sup> O'Donovan, *The Desire of the Nations*, 146.

<sup>640</sup> Ibid.

<sup>641</sup> Ibid., 152.

<sup>642</sup> Ibid., 147.

claimed for obedience to Israel, chastened and reduced to the familiar functions that were once assigned to Israel's judges."<sup>643</sup> He further maintains that the description of political authority in Rom. 13:1–7 "follows from the understanding that the authority of the risen Christ is present in the church's mission," which raises the following question: "to what extent is secular authority compatible with this mission and, so to speak, re-authorised by it?"<sup>644</sup> This is the ecclesiological part of the "re-authorisation thesis." Citing 1 Tim. 2:1–4, O'Donovan argues that "if the mission of the church needs a certain social space, for men and women of every nation to be drawn into the governed community of God's Kingdom, then secular authority is authorised to provide and ensure that space."<sup>645</sup> O'Donovan claims that this "idea" set out in 1 Tim. 2:1–4 "underlies" Rom. 13:1–7.<sup>646</sup> The responsibility of secular governments for providing the social space required by the Church to perform its mission appears to open the door to a more expansive conception of the legitimate function of government beyond mere judgment, although O'Donovan might contend that the creation and maintenance of this social space is itself a consequence of judgment. In any event, O'Donovan does not explore this role of government and restricts his focus to the task of secular governments mediating God's judgments.

On the basis of his christological and ecclesiological reading of Rom. 13:1–7 and what he believes to be its "divine kingship" context, O'Donovan concludes that Rom. 13:1–7 argues that the "whole rationale of government is seen to rest on its capacity to effect the judicial task."<sup>647</sup> According to O'Donovan, in Rom. 13:1–7 "Paul undertakes to show that it is by God's purpose that the structures of the old age 'continue to exercise their sway' (*eis auto touto proskarterountes*, 13:6)," and that this

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<sup>643</sup> Ibid.

<sup>644</sup> Ibid., 146.

<sup>645</sup> Ibid.

<sup>646</sup> Ibid., 147.

<sup>647</sup> Ibid., 148.

purpose is judgment.<sup>648</sup> O'Donovan contends that this marks a "change" from the function of political authority in the Old Testament and is a "novelty" among both "classical and Old Testament sources."<sup>649</sup> In the essay "Government as Judgment," O'Donovan maintained that Rom. 13:1–7 sets out an "*unprecedentedly* lean doctrine of civil government [emphasis mine]."<sup>650</sup> In *Judgment*, he explained that "the terms on which the bearers of political authority function in the wake of Christ's ascension are *new terms*," adding that "the triumph of God in Christ has not left these authorities just where they were, exercising the same right as before [original emphasis]."<sup>651</sup> Also in *Judgment*, O'Donovan says that this "iconoclastic" passage

self-consciously dispenses with other functions of political authority that must have suggested themselves to readers of the Hebrew Scriptures as well as observers of the Roman world; it strips down the role of government to the single task of judgment, and forbids human rule to pretend to sovereignty, the consummation of the community's identity in the power of its ruler... Other tasks that governments *might* perform, and in ancient Israel *did* perform, such as determining the form that public worship must take, could have no interest in a world where God had conferred his sovereignty upon his Christ [original emphasis].<sup>652</sup>

So in *Desire*, and again in *Judgment*, O'Donovan argues that the Christ-event and the emergence of the church re-authorise political authority so that it functions in a new and restricted fashion in the current age of salvation-history: the performance of judgment. He purports to find this argument in Rom. 13:1–7 when it is read in the light

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<sup>648</sup> Ibid., 147. This is a somewhat idiosyncratic translation of 13:6 at odds with the translations one finds in commentaries on Romans. However, it is not loadbearing for O'Donovan's re-authorisation thesis and consequently will be noted but not discussed further.

<sup>649</sup> Ibid., 148.

<sup>650</sup> O'Donovan, "Government as Judgment," 209. O'Donovan means historically unprecedented at the time of Christ's exaltation.

<sup>651</sup> O'Donovan, *The Ways of Judgment*, 5.

<sup>652</sup> Ibid., 4.

of the way political authority functioned under divine kingship in Israel, the emergence of the church and the exaltation of Christ.

### **New Testament scholarship and Rom. 13:1–7**

This section of the chapter will bring O’Donovan’s interpretation of Rom. 13:1–7 into conversation with New Testament scholarship, primarily in the form of commentaries on the book of Romans. The goal is to ascertain the extent to which O’Donovan’s interpretation of Rom. 13:1–7 accords with or conflicts with New Testament scholarship. Such an exercise has not been undertaken before. Several scholars have made passing reference to the relationship of O’Donovan’s interpretation of aspects of Rom. 13:1–7 with New Testament scholarship, but not in the systematic way undertaken here. It is also noteworthy that O’Donovan does not engage with any New Testament scholarship or commentaries in relation to his discussion of Rom. 13:1–7 in either *Desire* or *Judgment*.<sup>653</sup>

Before beginning this exercise, it will be helpful to clarify several important matters of scope. The intention is not to embark on a comprehensive review of New Testament scholarship on Rom. 13:1–7, nor to retrace the history of the Church’s interpretation of this famous of passage. The objective is not to draw conclusions about the state or course of New Testament scholarship on Rom. 13:1–7, but rather to draw conclusions about the soundness of O’Donovan’s particular interpretation and the implications of our findings for the “re-authorisation thesis.” The following survey of

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<sup>653</sup> O’Donovan, *The Desire of the Nations*, 151–152. The only scholar O’Donovan engages with directly in his discussion of Rom. 13:1–7 in *Desire* is John Howard Yoder. This appears in an in-text note and is presented as a summary of what “divides” O’Donovan’s “reading” of the passage from Yoder’s. In the acknowledgments to the book O’Donovan thanks his then Oxford colleagues H.G.M. Williamson and C.C. Rowland for having “educated” him “on matters where [his] biblical scholarship was too thin to support [his] ambitions to skate” (*Desire of the Nations*, xi).

commentaries on Rom. 13:1–7 is therefore sufficiently broad for the purpose at hand without any pretence to being exhaustive.<sup>654</sup> Finally, my survey does not attempt to resolve any of the myriad exegetical controversies raised by the passage and subject to debate in New Testament scholarship. Many such controversies are simply not germane to evaluating the cogency of O’Donovan’s “re-authorisation thesis.” The dispute, for instance, about whether the “judgment” (κρίμα—*krima*<sup>655</sup>) against those who resist the earthly authorities mentioned in verse 2 is effected by a divine eschatological judgment or by the earthly authorities themselves—both views have their advocates—has no bearing either way on the validity of O’Donovan’s “re-authorisation thesis.”<sup>656</sup>

My analysis will focus on three core interpretive questions in relation to the “re-authorisation thesis”:

- 1) Rom. 13:1–7 ought to be read christologically as Paul’s reflection on the impact of Christ’s exaltation on political authority;
- 2) Paul outlines the full extent of the function of secular political authority; and
- 3) Paul’s theory of government-as-judgment marks a change from the function of political authority in the Old Testament period.

Each of these propositions must be sustained if Rom. 13:1–7 is to provide cogent warrant for O’Donovan’s “re-authorisation thesis.”

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<sup>654</sup> The choice of commentaries was determined by the availability of commentaries in the St Mark’s library of the School of Theology, Charles Sturt University, Canberra. I acknowledge that this is a limitation.

<sup>655</sup> All Greek references are taken from Barbara Aland et al., eds., *Novum Testamentum Graece* 28th ed. (Stuttgart: Deutsche Bibelgesellschaft, 2013).

<sup>656</sup> Rom. 13:2 “Therefore whoever resists authority resists what God has appointed, and those who resist will incur judgment.” O’Donovan makes no reference to this debate.

### **Rom. 13:1–7: Christological or theological?**

There is a clear consensus amongst the commentaries consulted that there is no Christology in Rom. 13:1–7. Rather, the commentators maintain that the passage is fundamentally *theological*. As discussed above, O’Donovan’s interpretation is christological and his “re-authorisation thesis” depends on this christological reading: Paul is consciously re-authorising political authority in light of Christ’s triumph (and the emergence of the church discussed below). Or put another way, the absence of any mention in Rom. 13:1–7 of either “power” or “tradition,” constitutive concepts in the Old Testament account of political authority according to O’Donovan, can be explained as disappearing as a consequence of Christ’s triumph and rule over the nations.

The first observation to make in relation to O’Donovan’s christological reading of Rom. 13:1–7 is that Jesus is nowhere mentioned in the text itself. On the basis of this silence, many New Testament scholars explicitly rule out a christological reading of the passage. Käsemann writes that “we do not find any sign of any specifically eschatological or christological motivation of the section... Instead reference is made to the will of the Creator.”<sup>657</sup> Keck, who notes that “the basic warrant for submission is... theological,” maintains that “what makes the silence about Christ noteworthy is not just the absence of the name itself but the fact that the passage takes no account of the significance of the Christ-event as a whole.”<sup>658</sup> Hultgren argues that “least of all can the passage be considered Paul’s “Christological grounding of the state,” for there is no mention at all of Christ in the entire passage.”<sup>659</sup> Fitzmyer notes that “it is remarkable that Paul can discuss this topic in the absence of any christological consideration.”<sup>660</sup>

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<sup>657</sup> Ernst Käsemann, *Commentary on Romans*, trans. Geoffrey W. Bromiley (Grand Rapids: Eerdmans, 1980), 351.

<sup>658</sup> Leander E. Keck, *Romans* (Nashville: Abingdon Press, 2005), 312, 321.

<sup>659</sup> Arland J. Hultgren, *Paul’s Letter to the Romans: A Commentary* (Grand Rapids: Eerdmans, 2011), 467.

<sup>660</sup> Joseph A. Fitzmyer, *Romans: A New Translation with Introduction and Commentary* (New York: The Anchor Bible Doubleday, 1993), 663.

Toews simply concludes that “there is no Christology here; it is all theology.”<sup>661</sup> Thus, none of the commentaries consulted supports O’Donovan’s contention that the exaltation of Christ must be read as the context of Rom. 13:1–7, or that Paul is specifically reflecting on the impact of Christ’s exaltation in that passage. Moreover, a number of scholars altogether rule out a christological interpretation of the passage.

While the exhortations in Rom. 13:1–7 are obviously addressed to a church in a specific location, Rome, there is actually nothing in the text itself to suggest that Paul is thinking about the relationship of the church to secular political authority. As Schreiner points out, the *πᾶσα ψυχή* (every soul/person) of verse 1a “suggests that this injunction applies to both unbelievers and believers.”<sup>662</sup> The first verse thus makes the context a single political order under God to which all humans are subject. Moreover verses 3b and 4a–b, in which Paul utilises the rhetoric of “diatribe,”<sup>663</sup> are addressed to the second person singular, thus reinforcing the “every soul” of verse 1a: (3b) *θέλεις δὲ μὴ φοβεῖσθαι τὴν ἐξουσίαν τὸ ἀγαθὸν ποίει, καὶ ἔξεις ἔπαινον ἐξ αὐτῆς* (4a). *θεοῦ γὰρ διάκονός ἐστιν σοὶ εἰς τὸ ἀγαθόν.* (4b) *ἐὰν δὲ τὸ κακὸν ποιῆς, φοβοῦ...*<sup>664</sup>

This makes an ecclesiological reading somewhat strained. It is not so much the existence of the church—at that time a politically insignificant and organisationally disparate community—and its relationship with political authority that forms the context for Rom. 13:1–7, but how the individual Christian who is redeemed in Christ and who worships the creator of the cosmos and from whom all authority flows is to behave towards the earthly Caesar who makes certain demands on the Christian, such as

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<sup>661</sup> John E. Toews, *Believers Church Bible Commentary: Romans* (Scottsdale, Pen.: Herald Press, 1989), 318.

<sup>662</sup> Thomas R. Schreiner, *Romans* (Grand Rapids: Baker Books, 1998), 682.

<sup>663</sup> Soulen and Soulen, *Handbook of Biblical Criticism*, s. v. “diatribe.” “an imaginary or fictitious dialogue of moral paraenesis (e.g., Rom 12–15...)”

<sup>664</sup> (3b) “Do you wish to have no fear of the authority? Then do what is good, and you will receive its approval; (4a) for it is God’s servant for your good. But if you do what is wrong, you should be afraid....”

the levying of taxes. Bertschmann concludes in this regard that “Paul makes no effort whatsoever to integrate the world of politics into his Christological and ecclesial narrative.”<sup>665</sup>

### **Rom. 13:1–7: theoretical or paraenetic?**

There is unanimity amongst the commentaries consulted that Paul offers neither a theory of state nor a theory of the relationship between church and state in Rom. 13:1–7. This judgment is to a large extent based on the recognition that the passage is paraenetic or exhortatory rather than theoretical, with the emphasis being on the proper response and disposition of the Christian vis-à-vis secular political authority, not the nature of political authority or government *per se*.<sup>666</sup> Käsemann contends that “Paul is not advancing any theoretical considerations.”<sup>667</sup> Keck maintains that “the literary context itself shows that Paul is *not* outlining his view of “the state”” [original emphasis].<sup>668</sup> Hultgren believes Paul does not provide any “theory of the state” and is instead “more concerned about the life of the believer within the civil sphere than about the nature of the state itself.”<sup>669</sup> He further contends that “Paul is not discussing in exhaustive fashion the relation of Christians to governing authorities.”<sup>670</sup> Jewett thinks “Romans 13:1–7 was not intended to create the foundation of a political ethic for all times and places in succeeding generations.”<sup>671</sup> Gorman agrees, arguing that the passage does not “create a

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<sup>665</sup> Bertschmann, *Bowing before Christ—Nodding to the State?*, 177.

<sup>666</sup> For example, see Hultgren, *Paul’s Letter to the Romans*, 467. “Within its literary context, the passage belongs to a lengthy paraenetic section of the letter (Rom 12:1–15:13)...Paul’s concern here is not with the state or civil government *per se*, but with the life of the believer that takes place in the world and within the civic life.”

<sup>667</sup> Käsemann, *Commentary on Romans*, 354.

<sup>668</sup> Keck, *Romans*, 311.

<sup>669</sup> Hultgren, *Paul’s Letter to the Romans*, 472.

<sup>670</sup> Fitzmyer, *Romans*, 665.

<sup>671</sup> Robert Jewett, *Romans: A Commentary* (Minneapolis: Fortress Press, 2007), 786.

political theology, especially not one for all times and circumstances.”<sup>672</sup> Stott remarks that Paul’s “emphasis is on personal citizenship rather than on any particular theory of church–state relations.”<sup>673</sup> Witherington sees “no full-blown theology of church and state” in the passage, and believes that “it is what Christians do in reaction to the state that Paul is concerned about.”<sup>674</sup> In a similar vein Schreiner writes that “the text is not intended as a full-blown treatise on the relationship of believers to the state.”<sup>675</sup> Talbert argues that Rom. 13:1–7 “is not a complete statement about the Christians and government.”<sup>676</sup> De Kruijf considers O’Donovan’s interpretation of the “task” of government in Rom. 13:1–7 “overcharged.”<sup>677</sup> He thinks O’Donovan’s error is to extend the Christological reading into verse 4, an exegesis, he contends, no one has ever supported.<sup>678</sup> He maintains that “it is impossible for this text to carry the weight necessary for it to function as a definition of the political act in the exclusive way O’Donovan claims.”<sup>679</sup>

In light of the above survey, the following question arises: does O’Donovan’s “re-authorisation thesis” presuppose that Paul *is* offering a comprehensive or exhaustive *theory* of state? To answer that question, let us recall the following summation of the thesis from *Judgment*:

It [Paul’s description of the function of political authority in Rom. 13:1–7] self-consciously *dispenses with other functions of political authority* that must have suggested themselves to readers of the Hebrew Scriptures as well as observers of the

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<sup>672</sup> Michael J. Gorman, *Apostle of the Crucified Lord: A Theological Introduction to Paul & His Letters* (Grand Rapids: Eerdmans, 2004), 396.

<sup>673</sup> John R.W. Stott, *The Message of Romans: God’s Good News for the World* (Leicester: Inter-Varsity Press, 1994), 339.

<sup>674</sup> Ben Witherington III, with Darlene Hyatt, *Paul’s Letter to the Romans: A Socio-Rhetorical Commentary* (Grand Rapids: Eerdmans, 2004), 307.

<sup>675</sup> Schreiner, *Romans*, 687.

<sup>676</sup> Charles H. Talbert, *Romans* (Georgia: Smyth & Helwys, 2002), 296.

<sup>677</sup> De Kruijf, “The Function of Romans 13 in Christian Ethics,” 234.

<sup>678</sup> *Ibid.*

<sup>679</sup> *Ibid.*, 234–235.

Roman world; *it strips down the role of government* to the single task of judgment, *and forbids* human rule to pretend to sovereignty, the consummation of the community's identity in the power of its ruler [emphasis mine]<sup>680</sup>

O'Donovan's summary of Paul's argument in Rom. 13:1–7 in the citation above seems to presuppose that Paul is offering a “theory” of secular political authority because it is normative (universal in scope and application), exhaustive (judgment is the sole function of government) and to a certain extent conceptually abstract (there is a change in the function of government based on the triumph of Christ—from “power,” “right” and “tradition” to “judgment” alone).

Close attention to the subtle language O'Donovan uses to articulate his “re-authorisation” reading of Rom. 13:1–7 further reveals the underlying assumption that Paul *is* in fact offering a theory of political authority. Witness, for example, his description of Rom. 13:1–7 as “a passage which it is necessary to read with fresh eyes...in order to see how it contributes to a *reconception* of political authority in the Gospel era [emphasis mine].”<sup>681</sup> “Reconception,” on any analysis, is unambiguously theoretical language. In his essay “Government as Judgment,” O'Donovan even refers to Paul's “conception” of government when interpreting Rom. 13:1–7.<sup>682</sup> At one point in *Desire*, O'Donovan maintains that the “aim” of Rom. 13:1–7 was to provide a “definition of the ruler's right.”<sup>683</sup>

O'Donovan is not entirely alone in perceiving a theory of government in Rom. 13:1–7. Sanders, for example, who describes Rom. 13:1–7 as “controversial” but “not one of the most difficult to comprehend,” says that verses 3–4 “describe government as Paul saw it,” but then adds *contra* O'Donovan: “If anyone is looking for a passage in

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<sup>680</sup> O'Donovan, *The Ways of Judgment*, 4.

<sup>681</sup> O'Donovan, *The Desire of the Nations*, 147.

<sup>682</sup> O'Donovan, “Government as Judgment,” 209.

<sup>683</sup> O'Donovan, *The Desire of the Nations*, 152.

the Bible that can no longer be literally applied, he or she need look no further.”<sup>684</sup> Sanders cautions that Paul did not “construct a systematic theology like that of...John Calvin” and that “his principal theological discussions derived from events and issues that he faced in converting gentiles and establishing congregations of Christians.”<sup>685</sup> Circumspection, therefore, is called for in ascribing to Paul a theory of government in Rom. 13:1–7. There is no agreement about what the precise pastoral question is that prompted the inclusion of this specific exhortation about the governing authorities in this letter to the Christians at Rome. There is no dispute amongst scholars, however, that Paul was likely addressing a specific question that may have been the subject of controversy amongst the Christians in Rome that involved the “governing authorities” and the relationship of believers to them.

### **Rom. 13: 1–7: continuity or discontinuity with the Old Testament?**

There is also a consensus relating to the link between Rom. 13:1–7 and the Old Testament view of political authority. The commentaries consulted agree that there is deep continuity in Rom. 13:1–7 with the Jewish attitude towards political authority *contra* O’Donovan’s contention that it is marked by novelty and change. Käsemann argues that “the statements of Paul...unmistakably derive from the tradition of Judaism and especially of the Diaspora synagogue.”<sup>686</sup> Keck maintains that “in verse 1, then, Paul formulates in universal, generic terms what was a commonplace, as well as what

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<sup>684</sup> E.P. Sanders, *Paul: The Apostle’s Life, Letters, and Thought* (London: SCM Press, 2016), 692–693. Sanders offers a highly politically-charged reading of Rom. 13:1–7 that barely disguises his discomfort with what he describes as Paul’s “enthusiastic and idealistic, or perhaps naïve, description” of government which is “over the top” (*Paul*, 694). He thinks some ulterior motive must have been driving Paul’s exhortation and that he could not possibly have “approved all governmental actions with the degree of enthusiastic approbation shown in Rom. 13:1–7” in good conscience (*Paul*, 695).

<sup>685</sup> *Ibid.*, 707. The most popular view is that it had to do with the question of paying taxes.

<sup>686</sup> Käsemann, *Commentary on Romans*, 354.

he learned from scripture and inherited from Judaism,” as “Paul knew that scripture too said that kingship comes from God, not only Israel’s kingship (as in 2 Sam 12:7–8) but also that of its conqueror, Babylon (Jer. 27:4–7).”<sup>687</sup> Matera contends that “Paul is not breaking new ground but affirming what Israel’s scriptures already teach...“By me kings reign, and rulers decree what is just; by me rulers rule, and nobles, all who govern rightly (Prov. 8:15–16).”<sup>688</sup> In a similar vein Kruse says that “Paul is drawing upon teaching in Jewish literature about God’s sovereignty over the rise and fall of earthly rulers.”<sup>689</sup> According to Hultgren, “the admonition is in fact so general, and so much in keeping with both Jewish and Gentile Hellenistic traditions, that it is not clear that Paul has any particular problem at Rome in view at all.”<sup>690</sup> He points to Josephus as support: “no ruler attains his office save by the Will of God.”<sup>691</sup> Stott writes that Paul “had inherited a long-standing tradition from the Old Testament that Yahweh is sovereign over human kingdoms.”<sup>692</sup> Schreiner considers Paul’s exhortations in Rom. 13:1–7 to be “in continuity with both the OT and Jewish tradition.”<sup>693</sup> Talbert sees the passage as expressing “a Jewish conviction” which “Early Christians endorsed.”<sup>694</sup> Bertschmann concluded that, “for Paul political authority has not changed after Christ.”<sup>695</sup>

The question of continuity verses novelty marks perhaps the greatest divergence between O’Donovan and the commentaries consulted in relation to Rom. 13:1–7. This divergence is readily explicable by virtue of the fact that O’Donovan’s christological, ecclesiological and theoretical reading of Rom. 13:1–7 leads him to infer a change in the function of political authority this side of Easter, whereas the theological reading of

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<sup>687</sup> Keck, *Romans*, 314.

<sup>688</sup> Frank J. Matera, *Romans* (Grand Rapids: Baker Academic, 2010), 294.

<sup>689</sup> Colin G. Kruse, *Paul’s Letter to the Romans* (Grand Rapids: Eerdmans, 2012), 493.

<sup>690</sup> Hultgren, *Paul’s Letter to the Romans*, 469.

<sup>691</sup> *Ibid.*, 467.

<sup>692</sup> Stott, *The Message of Romans*, 340.

<sup>693</sup> Schreiner, *Romans*, 682.

<sup>694</sup> Talbert, *Romans*, 294.

<sup>695</sup> Bertschmann, *Bowing before Christ—Nodding to the State?*, 179.

the commentators leads them to recognise close parallels between the passage and numerous Old Testament texts (along with Josephus).

The central problematic for O'Donovan is to explain the absence of any mention in Rom. 13:1–7 of “power” and “tradition,” which he has already concluded are constitutive of political authority as revealed in God’s divine kingship over Israel. He infers that these two aspects of political authority have been made irrelevant by virtue of Christ’s triumph and the emergence of the church, and that this is the point Paul wishes to make in this section of his letter to the Roman church via his omission of “power” and “tradition.” The commentators, on the other hand, do not need read Rom. 13:1–7 through the hermeneutical lens of the “essence of political authority thesis,” in which case Paul has not omitted anything, nor “re-authorised” political authority. In contrast, they believe Paul is simply reaffirming a traditional Jewish view of political authority: all authority comes from God and is to be obeyed.

### **Has O'Donovan misread Rom. 13:1–7?**

There is another problem with O'Donovan’s proposition that Rom. 13:1–7 argues that judgment is now the *sole* legitimate function of secular government. To my knowledge no scholar disputes that verse 4b and 4c—“for the authority does not bear the sword in vain! It is the servant of God to execute wrath on the wrongdoer—indicates that judgment is *a* legitimate function of political authority in the divine economy. And it is important to keep in mind that “judgment” is, according to O'Donovan, an element of continuity between the Old Testament and New Testament view of government. It is the subordination of power and tradition to judgment alone that marks the new development in the divine economy and redemptive history. Schreiner, for example, in concord with O'Donovan reads 4b and 4c as revealing that “the state...mediates God’s judgment in

history.”<sup>696</sup> However, verses 4b and 4c must be read in conjunction with verse 4a, with which it is clearly connected by both topic and language (e.g., use of the preposition *γὰρ* in both 4a and 4c):

**4a** θεοῦ γὰρ διάκονός ἐστιν σοὶ εἰς τὸ ἀγαθόν. **4b** ἐὰν δὲ τὸ κακὸν ποιῆς, φοβοῦ· οὐ γὰρ εἰκῆ τὴν μάχαιραν φορεῖ· **4c** θεοῦ γὰρ διάκονός ἐστιν ἔκδικος εἰς ὀργὴν τῷ τὸ κακὸν πράσσοντι.

**4a** for it is God’s servant for your good. **4b** But if you do what is wrong, you should be afraid, for the authority does not bear the sword in vain! **4c** It is the servant of God to execute wrath on the wrongdoer.

The critical linking concept in this verse is the word *διάκονος* (*diakonos*), translated as “servant” in the NRSV. The verse indicates that political authority, what the NRSV calls “the authority” (*ἐξουσία*—*exousia*), is a servant (*διάκονος*) for two purposes: 1) “for your good” and 2) “to execute wrath on the wrongdoer.” This is why verse 5 explains that it is right to be subject to the governing authorities *διὰ τὴν ὀργὴν* (“because of wrath”) and *διὰ τὴν συνείδησιν* (“because of conscience”). The “wrath” of verse 5—“Therefore one must be subject, not only because of wrath but also because of conscience—relates back to the wrath of verse 4c and the “conscience” to the “good” of 4a. It is a matter of conscience to do good and facilitating this appears to be one of the tasks of government, according to Rom. 13:1–7.

This is certainly how many scholars interpret verse 4a. Käsemann, for example, believes that *τὸ ἀγαθόν* in this context relates to “political good conduct.”<sup>697</sup> On the basis of this verse Matera argues that “Paul affirms that God employs those who rule as his servants to assure the social order necessary for people to attain the good that God

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<sup>696</sup> Schreiner, *Romans*, 684.

<sup>697</sup> Käsemann, *Commentary on Romans*, 353.

wills for them.”<sup>698</sup> Wannenwetsch believes this verse has suffered from misleading translations. He contends that the Greek should be rendered “it is God’s *diakonos* for you *towards* the good” [original emphasis] and not, as in the NRSV above, “it is God’s servant *for your good* [emphasis mine].”<sup>699</sup> He concludes that “political authority is established to help and to enable people to do good works and thus contribute to the common good.”<sup>700</sup> Skillen, who disagrees with O’Donovan’s “re-authorisation thesis” and his interpretation of Rom. 13:1–7, understands Paul to be telling the Roman Christians “to recognise the authorities as servants of God for their good.”<sup>701</sup> Moreover, verse 6, which begins with *διὰ τοῦτο* (“for the same reason”) links the paying of taxes by Christians to the “wrath” and “conscience” of verse 5. John Chrysostom understood the link between the paying of taxes in verse 7 and the conscience and good of verses 4a and 5. On the basis of these verses he identified “civil order, peace, public service, including those responsible for military and economic arrangements,” as “benefits accruing to cities from their governments” and said that “by contributing tax, you acknowledge that you receive benefits.”<sup>702</sup>

In fact, John Chrysostom’s interpretation of Rom. 13:1–7 is important for our purposes precisely because he recognised the dual *diakonos* functions of government in Rom. 13:1–7, demonstrating that such a view is a part of the Christian exegetical tradition on Rom. 13:1–7:

Therefore one must be subject, not only to avoid wrath but also for the sake of conscience.” What does “not only to avoid wrath” mean? He means, not only that insubordination opposes God and brings great evils on one’s head, both at God’s hands and the government’s, but that *government is highly beneficial, ensuring peace and*

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<sup>698</sup> Matera, *Romans*, 295.

<sup>699</sup> Bernd Wannenwetsch, “Soul Citizens: How Christians Understand Their Political Role,” *Political Theology* 9, no.3 (2008), 381.

<sup>700</sup> Ibid.

<sup>701</sup> Skillen, “Acting Politically in Biblical Obedience?” 410.

<sup>702</sup> John Chrysostom, “Twenty-fourth Homily on Romans,” in *From Irenaeus to Grotius*, 94.

*good administration of society. Innumerable benefits accrue to cities from their governments, and if you removed them everything would disappear...[emphasis mine]*<sup>703</sup>

Calvin represents another interesting case, this time of a “Western” theologian, who in his commentary on Romans took account of verse 4a: ““For he is God’s minister for good,” etc. Magistrates may hence learn what their vocation is, for they are not to rule for their own interest, but for the public good.”<sup>704</sup> Calvin broadly shares O’Donovan’s view that judgment is a central role of government: “But if we understand that the magistrate, in inflicting punishment, acts not of himself, but executes the very judgments of God, we shall be disencumbered of every doubt.”<sup>705</sup> But unlike O’Donovan, he also sees a more constructive role for government in promoting the social good: “For it [civil polity] not only tends to secure the accommodations arising from all these things, that men may breathe, eat, drink, and be sustained in life, though it comprehends all these things while it causes them to live together.”<sup>706</sup>

It is worth observing that Christendom and Western theology form the frame of reference for O’Donovan’s political theology, and more specifically his analysis of political authority. He does not conduct any substantive engagement with Byzantine political order, culture or political thought, or any contemporary Eastern Orthodox political theology, in the “historico-theological” work *Desire*.<sup>707</sup> O’Donovan clearly

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<sup>703</sup> Ibid.

<sup>704</sup> John Calvin, “Commentaries on Romans,” in *Calvin: On God and Political Duty*, ed. and intro. John T. McNeil (Indianapolis: Bobbs-Merrill, 1954), 86.

<sup>705</sup> John Calvin, “On Civil Government,” in *Calvin*, 57, (20.10). “But if we understand that in the infliction of punishments the magistrate does not act at all from himself, but merely executes the *judgments* of God...[emphasis mine].”

<sup>706</sup> Ibid., 46–47, (20.3).

<sup>707</sup> This may have something to do with the fact that Catholic-Protestant theological engagement was arguably more mature in 1996 than Protestant-Orthodox dialogue, still in many ways in its infancy at the time of writing, and to the fact that Eastern Orthodox political theology is a relatively recent phenomenon, with key works being of much more recent provenance than 1996. See Jonathan Cole, “Personhood, Relational Ontology, and the Trinitarian Politics of Eastern Orthodox Thinker Christos Yannaras,” *Political Theology*, published online 22

regards his view of political authority as rooted in the Western tradition. In the introduction to the entry for Gregory I in their tour de force *From Irenaeus to Grotius*, the O'Donovans explain that, “according to Gregory, following Rom. 13:1–7, political power or authority is a divinely appointed office (station) whose function is juridical or disciplinary.”<sup>708</sup>

An intriguing intimation of the fact that O'Donovan might view the Eastern conception of government as deviating from Paul's teaching in Rom. 13:1–7, he argued in “Government as Judgment” that “it was Latin-speaking Western Christendom that adhered most fully to Paul's conception” of government.<sup>709</sup> However, the citation above from Chrysostom—taken from *From Irenaeus to Grotius* interestingly enough—demonstrates that when one includes the “East” as part of Christian history and tradition, something one really ought to do when investigating the impact of the Christ-event on salvation-*history*, then it becomes more difficult to contend that the Christian tradition has always and everywhere understood Rom. 13:1–7 as advocating an exclusively government-as-judgment perspective.

Significantly, O'Donovan makes no reference at all to verse 4a in his “re-authorisation” exegesis of Rom. 13:1–7 in *Desire*.<sup>710</sup> Skillen has been the only commentator to date to note this consequential omission. He thinks “Paul is telling the Roman Christians...to recognise the authorities as servants of God for their good” and

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February 2017, <http://dx.doi.org/10.1080/14623117X.2017.1291127>, 1–2. For a rare engagement of Orthodox political thought, see Oliver O'Donovan, review of *The Mystical as Political: Democracy and non-Radical Orthodoxy*, by Aristotle Papanikolaou, *International Journal for the Study of the Christian Church* 13, no.1 (2013).

<sup>708</sup> O'Donovan and Lockwood O'Donovan, “Gregory I (ca. 540–604),” in *From Irenaeus to Grotius*, 195–196.

<sup>709</sup> O'Donovan, “Government as Judgment,” 209.

<sup>710</sup> O'Donovan was even more explicit in his essay “The Political Thought of the Book of Revelation” where he said that the “central paradigm for politics” is “the punishing of wrongdoing.” Oliver O'Donovan, “The Political Thought of the Book of Revelation,” *Tyndale Bulletin* 37 (1986), 73.

argues that O'Donovan "chooses to ignore the beginning of...verse [4]."<sup>711</sup> So in addition to O'Donovan's contention that Paul argues in Rom. 13:1–7 that the *sole* legitimate function of political authority in the secular age is judgment being an "inference from silence," as Wolterstorff perceptively identified, it is an inference from only one of two clearly linked themes in the passage—wrath and virtue.<sup>712</sup> O'Donovan treats government as a *διάκονος* only for judgment when Paul in fact argues that government is *also* a *διάκονος* for the good. Interestingly, in *Common Objects of Love* O'Donovan contends that it is through "sharing a common view of the good [that] we become a "multitude" no longer, but a "people," capable of...a common identity."<sup>713</sup>

O'Donovan has responded in some detail to a criticism of *Desire* levelled by Wolterstorff. The criticism centres on O'Donovan's perceived disallowance of any governmental role in or responsibility for "flourishing."<sup>714</sup> I have already canvassed that O'Donovan only envisages a role for secular government in defending the common good, but not in *promoting* it. This is the only role for the "common good" that fits into the notion of government-as-judgment. Promoting, contributing to and fostering the common good fall to civil society and are the responsibility of citizens, not governments. O'Donovan's response to Wolterstorff is indicative of the problems his narrow construal of the legitimate functions of government creates:

We must not be led astray here by Wolterstorff's strange insistence that if the health of such communities is among the ends of God's providence, it must therefore also be among the ends of the state. God's providence may rule the hearts of men and women and the fates of communities by many means—including the weather.<sup>715</sup>

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<sup>711</sup> Skillen, "Acting Politically in Biblical Obedience?" 410.

<sup>712</sup> To borrow John Chrysostom ("From the Twenty-fourth Homily," 94).

<sup>713</sup> O'Donovan, *Common Objects of Love*, 21–22.

<sup>714</sup> This debate, interestingly enough, is not conducted with any reference to Rom. 13:1–7.

<sup>715</sup> O'Donovan, "Deliberation, History and Reading," 136.

This is a persuasive argument *if*, and only if, one accepts that the Bible makes it clear that “judgment” is the sole legitimate function of government post-Easter. But as I have argued above, not only is this reading of Rom. 13:1–7 quixotic, but exegetes past and present have interpreted 4a as broadly supportive of what Wolterstorff terms “flourishing,” in which case one could argue on exegetical grounds that it is in fact O’Donovan’s insistence that the common good *ought not* to be among the ends of government that is the stranger interpretation.

### **Criticisms of O’Donovan’s “re-authorisation thesis” and Rom. 13:1–7 exegesis**

Of the many scholars who have engaged O’Donovan’s political theology, surprisingly few have taken a close critical look at his “re-authorisation thesis,” and even fewer have examined in any detail the argument’s exegetical basis. Nevertheless, those who have taken a close look at that thesis and its exegetical basis have found both wanting.<sup>716</sup> Wolterstorff has questioned both the “re-authorisation thesis” and the exegesis of Rom. 13:1–7. His central criticism is that they are both inferences from silence.<sup>717</sup> As he correctly notes, “no New Testament writer says concerning the authority of government, that once it was thus, now it is so.”<sup>718</sup> He adds in relation to Rom. 13:1–7 that “Paul does not add: ‘and this is the entire extent of which rulers are now authorised to do.’”<sup>719</sup> He further questions the basis for making *this* inference and not some other inference: “so why would the Christ-event imply the *re-authorisation* of governmental regimes” rather than “instead imply[ing] the healing of their malformations? [original

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<sup>716</sup> Although not included in the following discussion, Greene and de Kruijf have both criticised the thesis and its exegetical support. They do not elaborate beyond the fundamental criticism, which is why they are not discussed in the section. Colin J.D. Greene, “Revisiting Christendom: A Crisis of Legitimization,” in *A Royal Priesthood?*, 318; De Kruijf, “The Function of Romans 13 in Christian Ethics,” 234.

<sup>717</sup> Wolterstorff, “A Discussion of Oliver O’Donovan’s *The Desire of the Nations*,” 102.

<sup>718</sup> *Ibid.*

<sup>719</sup> *Ibid.*

emphasis]”<sup>720</sup> He concludes that “such inferences, absent additional evidence, are obviously weak” and that Scripture does not teach “that there was a re-authorisation of governmental authority corresponding to the inauguration of the church, so that now the state is authorised to do only what is needed to insure [*sic*] justice.”<sup>721</sup>

Skillen similarly finds the “re-authorisation thesis” unconvincing. He maintains that O’Donovan’s construal of the Church as the new Israel leaves no place for rulers, in which case they “exist outside the people of God.”<sup>722</sup> He further argues that “membership in Christ replaces all other political identities,” and that together these leave O’Donovan with both a “structurally narrow understanding of the church as one institution among many in secular society” and a structurally narrow understanding of the function of government.<sup>723</sup> Skillen thinks such an understanding finds no basis in Rom. 13:1–7.<sup>724</sup>

Bertschmann identifies several problems with the “re-authorisation thesis” and its exegetical support in Rom. 13:1–7. She thinks the thesis is “slightly arbitrary” in the sense that “it is not obvious why a Christologically tempered state should embody this, rather than that feature of the triad of political *esse* [“power,” “right,” “tradition” in “one coordinated agency].”<sup>725</sup> She further concludes that “a state, which solely judges but has no business in ‘protecting the polis and its identity’, seems to be hardly feasible at all.”<sup>726</sup> In line with the consensus of New Testament scholars regarding the lack of

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<sup>720</sup> Ibid.

<sup>721</sup> Ibid. 102–104, 108. Wolterstorff thinks O’Donovan makes this inference from his understanding that “membership of the church—which is determined by relation to Christ—replaces all other national identities, indeed, all other ‘collective’ identities.” But he finds this argument to be “shaky.”

<sup>722</sup> Skillen, “Acting Politically in Biblical Obedience?” 410.

<sup>723</sup> Ibid., 411, 415.

<sup>724</sup> Bertschmann, *Bowing before Christ—Nodding to the State?*, 130. Bertschmann makes the observation that “we have no notion of a separate community in Paul’s brief political exhortation.”

<sup>725</sup> Ibid., 33.

<sup>726</sup> Ibid.

Christology in Rom. 13:1–7, Bertschmann concludes that “Paul keeps Christ out of the picture” and “the activities of the authorities are Christologically under-integrated.”<sup>727</sup>

Bertschmann represents an example of the way that sympathy for O’Donovan’s political theology possibly has prevented some scholars from pursuing their criticisms to their logical conclusions. In spite of identifying what she considers to be serious problems with the cogency of the “re-authorisation thesis” and the Rom. 13:1–7 exegesis upon which it rests, Bertschmann does not conclude that the thesis is untenable. This possibly has something to do with her evident admiration for O’Donovan’s “laudable” and “heroic” efforts to “bring together Paul’s loose threads and to state in what way the future and present Lord of the Universe already affects the rulers of this world positively or negatively.”<sup>728</sup> She has perhaps failed to appreciate that O’Donovan is not so much attempting to tie up loose ends as to argue that Paul has already done so for us by “self-consciously” re-authorising political authority in Rom. 13:1–7.<sup>729</sup>

O’Donovan sought to clarify his “re-authorisation” thesis in *Judgment*, partly in response to criticism from Wolterstorff.<sup>730</sup> He conceded, for instance, that “re-authorisation” is a term “doubtless capable of improvement.”<sup>731</sup> In fact, in response to de Kruijf in the context of the 2001 Scripture and Hermeneutics Seminar that he

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<sup>727</sup> Ibid., 180.

<sup>728</sup> Ibid., 183.

<sup>729</sup> To be fair to Bertschmann, O’Donovan’s theology of political authority and specifically his exegesis of Rom. 13:1–7 is not the subject of her study. She uses O’Donovan and Yoder as “guides” in her examination of “Paul’s political discourse” (Bertschmann, *Bowing before Christ—Nodding to the State?*, 4–5). De Kruijf, like Bertschmann, is sympathetic to O’Donovan’s political theology and this may in part help to explain his apparent reluctance to conclude that O’Donovan’s “re-authorisation thesis” is untenable in light of the exegetical problems he identifies. For instance, he finds “the concept of judgement that O’Donovan develops convincing, as [he] does his handling of biblical, chiefly Old Testament, concepts that contribute to this understanding” (“The Function of Romans 13 in Christian Ethics,” 234).

<sup>730</sup> O’Donovan, *The Ways of Judgment*, 4.

<sup>731</sup> Ibid.

participated in, O'Donovan suggested that the term could happily be recast as "partial de-authorisation," a term that is indeed a more accurate description of the thesis.<sup>732</sup>

### **O'Donovan's reading of Rom. 13:1–7 is idiosyncratic**

It is now possible to articulate with more precision the central problematic of O'Donovan's "re-authorisation thesis": he does not cogently show that the thesis is "authorised" from Scripture. The thesis presupposes that Paul is articulating a comprehensive theory of government and that his omission of "power" and "tradition" can support the inference that "judgment" and judgment alone is the new "re-authorised" or "partially de-authorised" function of government post-Easter. O'Donovan suggests that this is a valid inference on christological and ecclesiological grounds, but in reality it presupposes, implausibly in my view, that Paul had *O'Donovan's* theory of political authority in mind, i.e. the "essence of political authority thesis," when he sat down to compose his letter to the church at Rome.

Moreover, several apparent consensuses amongst New Testament scholars rule out such inferences on the following grounds: there is no Christology in Rom. 13:1–7; Paul is not in fact articulating a doctrine of government or of church-state relations; and the passage does not represent any fundamental change to the ancient, Jewish understanding of political authority. O'Donovan's "fresh" reading of Rom. 13:1–7 is therefore idiosyncratic. Its idiosyncrasy does not, in and of itself, mean that it can be summarily dismissed. Consensuses can and are overturned from time to time. It does, however, require a strong "rebuttal," to return once again to Kelsey's schema, to show either that the consensuses I have identified here are actually mistaken, or that

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<sup>732</sup> O'Donovan, "Response to Gerrit de Kruijf," in *A Royal Priesthood?*, 239.

O'Donovan's reading is not in fact incompatible with them. This is something O'Donovan does not do.

Finally, there is the counterargument based on Rom. 13:4a, which many contemporary exegetes, and some from the past *a la* John Chrysostom and Calvin, have understood as articulating a positive function for government in promoting the common good alongside that of performing judgment. O'Donovan ostensibly ignores this aspect of Rom. 13:1–7 and offers no rebuttal to the view that the verse authorises secular government to promote the good.

This all leaves the “re-authorisation thesis” without any Scriptural support, and this changes significantly the epistemic character of the thesis. Fellow Anglican evangelical Graham Cole advises that, “if a putative doctrinal proposal is textless—that is to say, it lacks biblical support—then it may be held as a speculative possibility but not as a candidate for a non-negotiable conviction expressing the Faith.”<sup>733</sup> This sounds like an apt description of O'Donovan's “re-authorisation thesis”: it is a “speculative possibility” misconstrued as a “candidate for a non-negotiable conviction.” O'Donovan can still retain the “re-authorisation” thesis as a speculative possibility for discussion and analysis, but he cannot cogently argue, as he does, that Scripture reveals and authorises the particular view of secular government he advances.

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<sup>733</sup> Graham A. Cole, *God the Peacemaker: How Atonement Brings Shalom* (Downers Grove: InterVarsity Press, 2009), 27.

# **Chapter 7**

## **Salvation-history, Biblical theology and Political authority**

## **Introduction**

The previous chapter concluded that the “re-authorisation thesis” is without Scriptural warrant and therefore can only be held as a speculative possibility rather than doctrine. Lack of Scriptural warrant has emerged as a common theme in my critique of O’Donovan’s theology of political authority. In preceding chapters I have argued that O’Donovan fails to demonstrate cogently that either the “essence of political authority thesis” or the “providence thesis” are “authorised” from Scripture, undermining the notion that his theology of political authority represents a “unifying conceptual structure” founded on “true political concepts,” as he defines them. This conclusion naturally directs attention to O’Donovan’s hermeneutic as a possible source of his consistent failure to demonstrate Scriptural “authorisation” for his theses. This chapter will critically examine O’Donovan’s salvation-history hermeneutic within the context of evangelical biblical theology. It asks the following question: does a salvation-history hermeneutic necessitate any of the theses thus far explored, namely the “essence of political authority thesis,” the “providence thesis” or the “re-authorisation thesis.” To aid this endeavour I will bring O’Donovan into critical dialogue with Ernest Wright, who broadly shares O’Donovan’s salvation-history hermeneutic, but who draws different conclusions than O’Donovan, including none of the aforementioned theses.

For the sake of clarification, and again in keeping with the evangelical biblical theology method by which this thesis critically examines O’Donovan’s theology of political authority, I do not challenge O’Donovan’s salvation-history biblical hermeneutic, nor his understanding of the course and meaning of history in terms of salvation-history. The focus of this chapter is restricted to asking whether these two core characteristic evangelical understandings of Scripture and history necessitate or positively support the theopolitical propositions I have disputed in previous chapters. **I therefore assume for the purposes of this chapter, and the thesis more widely, the**

validity of a salvation-history hermeneutic as an appropriate way to read, interpret and understand Scripture. I further assume the validity of regarding the course and telos of human history as the history of God's redemptive acts through Israel and the Christ-event.

### **O'Donovan's salvation-history biblical hermeneutic**

O'Donovan describes "salvation-history" as a "matrix" for reading Scripture.<sup>734</sup> He does not, however, provide a concise definition of his salvation-history biblical hermeneutic and nor has he written substantively on the issue. So the contours of this biblical hermeneutic must be gleaned and from various references across his corpus. To help facilitate the discussion in this chapter, I will draw on the work of Klink and Lockett's *Understanding Biblical Theology*.<sup>735</sup> They provide the following description of the task of a salvation-history biblical hermeneutic—what they call "biblical theology as history of redemption"—that can help illuminate O'Donovan's approach to reading Scripture:

...to discern the historical progression of God's work of redemption through an inductive analysis of key themes developing through both discrete corpora and the whole of Scripture. Major themes such as covenant or kingdom constitute the theological connecting fibres between the Old and New Testaments, and these themes necessarily run along a historical trajectory, giving fundamental structure to the theology of the Bible.<sup>736</sup>

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<sup>734</sup> O'Donovan, "Deliberation, History and Reading," 140.

<sup>735</sup> Edward W. Klink III and Darian R. Lockett, *Understanding Biblical Theology* (Grand Rapids: Zondervan, 2012). Klink and Lockett identify and discuss a five-fold typology of biblical theology, one of which is "biblical theology as history of redemption." The other four are: "biblical theology as historical description," "biblical theology as worldview-story," "biblical theology as canonical approach" and "biblical theology as theological construction."

<sup>736</sup> *Ibid.*, 61.

Klink and Lockett maintain that “the relationship between the OT and the NT stands as one, if not the, central issue in a “whole Bible” biblical theology and that “the very DNA of biblical theology requires representing the biblical material in a unified form.”<sup>737</sup> O’Donovan believes that the story of Israel and the Christ-event represent a fundamental unity. However, he is equally conscious that there also exists “discontinuity” between Israel and the Christ-event.<sup>738</sup> As he put it in *Thirty Nine Articles*, “empirical investigation reveals points of diversity and points of harmony” in the scriptural testimony.<sup>739</sup> The “line of continuity,” according to O’Donovan, consists in “relating Jesus and the Christian faith to the history of the Jewish people.”<sup>740</sup> This makes it possible to read scripture as “communicat[ing] a unified outlook and perspective.”<sup>741</sup>

The way that O’Donovan deals with the discontinuity between the two testaments is through a process he describes as “historical dialectic.”<sup>742</sup> The problem with the notion of “contradiction” in scripture, he explains, is that it “bespeaks an ahistorical, two-dimensional understanding of the Scriptural texts that conceives of them all as synchronous and competing propositions, rather than dialectically successive and mutually implicating testimonies of God’s unfolding self-disclosure.”<sup>743</sup> Klink and Lockett capture this point when they note that “biblical theology’s claim that God’s revelation is progressive assumes *historical* progression [original emphasis].”<sup>744</sup> Thus Israel represents “part of the historical dialectic through which the gospel of Christ was

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<sup>737</sup> Ibid., 17–18.

<sup>738</sup> O’Donovan makes the pertinent observation that the very concept of “history” presupposes a “unity” of some kind (*On the Thirty Nine Articles*, 61).

<sup>739</sup> Oliver O’Donovan, “The Possibility of a Biblical Ethic,” *Theological Students Fellowship Bulletin* 67 (1973), 19.

<sup>740</sup> Ibid., 21.

<sup>741</sup> Oliver O’Donovan, *On the Thirty Nine Articles*, 56–57.

<sup>742</sup> Ibid., 61.

<sup>743</sup> Ibid., 60.

<sup>744</sup> Klink and Lockett, *Understanding Biblical Theology*, 62.

revealed.”<sup>745</sup> The objective of “historical dialectic,” however, is not to smooth over all difference. Rather it is to recognise that the historically progressive nature of revelation presupposes some elements of disunity. As such, “reading for contrast,” according to O’Donovan, “rather than simply reading for harmony, can be wonderfully illuminating of the text.”<sup>746</sup>

The notion of “historical dialectic” presupposes a distinction between “contingent” and “universal” (O’Donovan’s terms) elements in Israel’s history as recorded in the Old Testament. “The theologian’s task in expounding the Old Testament,” says O’Donovan, “is to allow the contingent and the universal to emerge distinctly.”<sup>747</sup> He explains that:

If the *universal* does not shine through the contingent, then what is done is not theology, but only history: if the universal does not shine *through the contingent*, then what is done is bad theology, not founded in the narration of God’s mighty deeds in saving-history, and so inadequately Christian [original emphasis].<sup>748</sup>

O’Donovan’s salvation-history biblical hermeneutic therefore consists in the notion that there is a fundamental unity between the Old and New Testaments on account of the relationship between Christ and Israel. However, this unity is mediated through a “historical dialectic” which must make a distinction between the contingent and universal elements in Israel’s history. It is on this basis that O’Donovan concludes that “not everything about ancient Israel is equally paradigmatic.”<sup>749</sup> This is a significant concession to which I will return.

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<sup>745</sup> O’Donovan, *On the Thirty Nine Articles*, 64.

<sup>746</sup> *Ibid.*, 57.

<sup>747</sup> *Ibid.*, 64.

<sup>748</sup> *Ibid.*

<sup>749</sup> O’Donovan, “Deliberation, History and Reading,” 140.

### **Salvation-history and the “essence of political authority thesis”**

O’Donovan’s recognition that there are both universal and contingent elements in Scripture and that the theologian must distinguish between them further undermines the notion that the political pattern of the Davidic monarchy can be regarded as normative for Christian political theology. O’Donovan’s claim is that the universal nature, and in reality normative function, of political authority is revealed in the contingent institutional arrangements of the Davidic monarchy. There is a circular quality to this argument. O’Donovan effectively contends that the normative pattern of political authority was revealed during the Davidic monarchy because the Davidic monarchy exhibited the normative pattern of political authority. But if, as O’Donovan admits, the monarchy’s institutional arrangements, much like those found in other periods of Israel’s history, such as tribal confederation or priestly rule, are contingent, then how can he be sure that they reveal any political norms? The more straightforward conclusion would seem to be that, since the Davidic monarchy’s institutional arrangements are contingent, they merely *reflect*, rather than *reveal*, the nature of political authority, and therefore are not normative for Christian political theology. In the discussion that follows I will investigate whether a salvation-history hermeneutic necessitates the view that Israel, and more particularly the Davidic monarchy, is normative in some sense for an understanding and praxis of politics post-Easter.

### ***God Who Acts***

To test whether a salvation-history biblical hermeneutic necessitates treating the political culture of the Davidic monarchy as in some sense normative, I will compare

and contrast G. Ernest Wright's seminal book *God Who Acts with Desire*.<sup>750</sup> I have selected *God Who Acts* for the fact that in it Wright adopts a similar salvation-history biblical hermeneutic to O'Donovan which leads him to emphasise the connection between Christ's kingship and the Davidic monarchy as the locus of unity between the two testaments, but which does not lead him to adopt anything like O'Donovan's "essence of political authority thesis" or "re-authorisation thesis."<sup>751</sup>

Wright argues that the best and most faithful way to do "biblical theology" is to read Scripture as "recital." As he explains it: "Biblical theology is first and foremost a theology of recital, in which Biblical man confesses his faith by reciting the formative events of his history as the redemptive handiwork of God."<sup>752</sup> Via a process of recital the Christian identifies with and "participates...in the original events."<sup>753</sup> Scripture is thus construed as "a reflection on the meaning of God's acts" rather than as a system of ideas.<sup>754</sup> Underlying this reflection is the notion of the "unity and meaningfulness of universal history from the beginning of time until the end of time."<sup>755</sup> The meaning of history, according to the reflection of Scripture, is that "God through it was revealed as in process [*sic*] of redeeming all history."<sup>756</sup> Theology, for Wright, is therefore a process of drawing inferences from God's redemptive acts in history, and their interpretation in Scripture.<sup>757</sup>

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<sup>750</sup> G. Ernest Wright, *God Who Acts: Biblical Theology* (London: SCM Press, 1966).

O'Donovan makes no reference to *God Who Acts* in either *Resurrection, Desire or Judgment*.

<sup>751</sup> Kelsey used the term "salvation-history" to describe Wright's approach to the Bible (*The Uses of Scripture in Recent Theology*, 50).

<sup>752</sup> Wright, *God Who Acts*, 38.

<sup>753</sup> *Ibid.*, 28.

<sup>754</sup> *Ibid.*, 32.

<sup>755</sup> *Ibid.*, 39.

<sup>756</sup> *Ibid.*, 42.

<sup>757</sup> *Ibid.*, 44.

O'Donovan made the perspicacious observation in *Desire* that “epochs are characterised not by positions but by debates.”<sup>758</sup> *God Who Acts* is no exception to this rule.<sup>759</sup> The biblical theology as recital that Wright sets out in the book is offered as an alternative and remedy to the “abstract” and “propositional” approach of the systematic biblical theology of his day (1950s American Protestantism).<sup>760</sup> *Desire* forms part of a very different debate. It offers a remedy and alternative to both the contractarianism of modern liberal political thought and contemporary political theologies which have lost sight of the relevance of Israel’s history. It is important to be mindful of this difference when comparing and contrasting the two books, as they form part of two very different debates. This difference is reflected in the fact that one is cast as a work in biblical theology and the other in political theology.

Notwithstanding the constraint identified above, there are very clear parallels between the way Wright and O'Donovan approach Scripture. While O'Donovan does not adopt Wright’s language of “recital,” he does employ the related term “proclamation.” Reading Scripture as “proclamation,” according to O'Donovan, involves reading it as the history of God’s saving acts: “If the Scriptures are to be read as a proclamation, not merely as a mine for random sociological analogies dug out from the ancient world, then a unifying conceptual structure is necessary that will connect political themes with the history of salvation as a whole.”<sup>761</sup> Whether or not “recital” and “proclamation” function precisely as synonyms in Wright and O'Donovan is beyond the scope of the present focus. Their clear connection, however, helps validate the notion that these two biblical hermeneutics are similar enough to allow comparison.

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<sup>758</sup> O'Donovan, *The Desire of the Nations*, 9. He added: “it is the way they state their disagreements rather than their agreements that binds the thinkers of an age together.”

<sup>759</sup> Wright, *God Who Acts*, 9.

<sup>760</sup> *Ibid.*

<sup>761</sup> O'Donovan, *The Desire of the Nations*, 22.

Like O'Donovan, Wright regards the notion of divine kingship as central to salvation-history: "God's revealed purpose was that the whole earth shall become his kingdom."<sup>762</sup> And just like O'Donovan, Wright believes God's kingship is mediated firstly through the nation of Israel and subsequently through the exaltation of Christ: God "exercised his rulership by mediate means; that is, by leaders like Moses"; "and in his resurrection...[Jesus]...assumed the royal or messianic office of Israel, so that he reigns on God's right hand over the universal creation."<sup>763</sup> Wright too interprets the "advent of Jesus Christ" as the "historical event which was the climax of God's working since the creation."<sup>764</sup> Wright also lays great emphasis on the link between king David and Jesus. He argues that "the most notable saving acts of God in Israel were seen concluded in David, only to be renewed again in Jesus Christ, who is in truth the new David long awaited."<sup>765</sup> He supports his construal of Israelite history as running from David directly to Jesus on the basis of Paul's recital of that history in Acts 13:17–23.<sup>766</sup> He claims the "Jerusalem *kerygma*" "did not use the exile and restoration" to interpret Jesus, and that the "events most often alluded to" in the New Testament "are the great acts of God in the record beginning with Abraham and *ending* with David [emphasis mine]."<sup>767</sup>

In spite of the evident parallels between the salvation-history biblical hermeneutic employed by both Wright and O'Donovan, Wright does not draw the conclusion that O'Donovan does about the revelation of the essence of political authority in the Davidic monarchy. This can be explained by several critical differences

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<sup>762</sup> Wright, *God Who Acts*, 25.

<sup>763</sup> *Ibid.*, 52, 62.

<sup>764</sup> *Ibid.*, 52, 56.

<sup>765</sup> *Ibid.*, 80. In relation to *God Who Acts*, Kelsey observes that "David is the shifting point from Old Testament *kerygma* to New Testament *kerygma*" (*The Uses of Scripture in Recent Theology*, 35).

<sup>766</sup> Wright, *God Who Acts*, 81.

<sup>767</sup> *Ibid.*, 69.

in the way these two theologians interpret the significance and function of the Davidic monarchy in salvation-history. The first is that, unlike O'Donovan, who sees the mediation of God's authority primarily through institutions and the somewhat abstract concept of political authority, Wright identifies "personality" as "God's mediate *agent* in history" [original emphasis].<sup>768</sup> This marginalises the importance of the institutions of the Davidic monarchy in Wright's account of the relationship between Jesus' kingdom and that of David's. It might also help explain why it did not occur to him that the way political authority functioned during the Davidic monarchy revealed either the essence of political authority or norms for a Christian understanding of politics. "Political authority" is ostensibly of little importance to Wright's salvation-history biblical hermeneutic, because God's saving purpose is advanced through the raising up of charismatic leaders.

The second difference, which is possibly a consequence of his emphasis on charismatic leadership, relates to Wright's typological understanding of Scripture, which construes king David as one of several Old Testament types fulfilled by Jesus—"lawgiver," "prophet," "priest" and "Adam" are the others.<sup>769</sup> "Typology," according to Wright, "points to the centre of the Bible in a divinely directed, unique history wherein as a result of the fulfilment one is enabled to see that events of the Old Testament were meant by God to be preparatory events...only to be comprehended fully in Jesus Christ."<sup>770</sup> However, while he thinks it "impossible...to discard New Testament typology without separating ourselves from Biblical faith," he is conscious that "there is a great danger in typology if it is used as the exclusive, or even central, guide to the unity of the Bible."<sup>771</sup> His concern is that typology can all too easily slip into "allegory"

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<sup>768</sup> Ibid., 60–61.

<sup>769</sup> Ibid., 62.

<sup>770</sup> Ibid., 64–65.

<sup>771</sup> Ibid., 65.

or a “static approach” to Scripture.<sup>772</sup> “King” therefore forms one of several roles (types) that Jesus adopts which *together* fulfil God’s promises to Israel. Wright’s typological reading of Jesus’ fulfilment of Israel’s history naturally lends itself to (perhaps it is a product of?) an emphasis on the role of individual figures in mediating God’s rule in history rather than institutions.

The third difference revolves around the role of “covenant.” “Covenant” constitutes the controlling concept for understanding the function of the Davidic “type” in relation to Jesus. In fact, covenant is the controlling principle of salvation-history itself: “promise and fulfilment,” Wright explains, are “the central Biblical themes.”<sup>773</sup> Moreover, covenant is what binds the personalities of Israel’s history together: “the person and the office of Jesus are seen in pure typological relation to the various offices of the Israelite covenant community, so that he fulfils them all in himself.”<sup>774</sup> Thus, while O’Donovan connects the political leaders of Israel’s history through their exercise of political authority and mediation of God’s judgments, for Wright it is covenant that connects the charismatic leadership type of Israel’s history fulfilled in Christ.

In a further indication of how Wright’s emphasis on covenant leads him to different conclusions from O’Donovan, witness the following comment he makes in relation to the “centralised government” of the monarchy, recalling that this constitutes a critical development in the revelation of the essence of political authority and ultimately its re-authorisation in O’Donovan’s account: “centralised government, however, while a political necessity was nevertheless a theological problem, for it had to be fitted into the framework of the theocratic covenant.”<sup>775</sup>

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<sup>772</sup> Ibid.

<sup>773</sup> Ibid., 25.

<sup>774</sup> Ibid., 62. The meaning of the term “office” in relation to Jesus is unclear in this context.

<sup>775</sup> Ibid., 52.

In contrast to Wright, the concept of covenant plays little substantive role in O'Donovan's political theology and in his interpretation of the role of the Davidic monarchy in salvation-history specifically, in spite of O'Donovan identifying "the unique covenant of Yhwh and Israel" as "the point of disclosure from which the nature of all political authority comes into view."<sup>776</sup> This lacuna has come to the attention of several critics. McConville notes that "covenant...plays a surprisingly small part in the argument in *DN*, in view of its prominence in the OT."<sup>777</sup> Moberly observed that Moses and the Sinai covenant are "near-invisible" in *Desire*.<sup>778</sup> In response to such criticisms O'Donovan has conceded that he said too little about covenant.<sup>779</sup>

Because O'Donovan interprets Jesus' fulfilment of the Davidic covenant through the lens of God's sovereignty, i.e. his kingly rule, he is led to search for concrete, tangible links between the *way* that God's rule was mediated in the Davidic monarchy and the way that secular governments today mediate Christ's rule. This makes the politics of the Davidic monarchy relevant to an understanding of Christ's rule: "Israel's knowledge of God's blessings was, from beginning to end, a *political* knowledge [emphasis mine]."<sup>780</sup> Wright, on the other hand, does not regard the *political order* of the Davidic monarchy as germane to understanding Christ's rule. Rather it is Jesus' fulfilment of the covenantal promise that illuminates political themes like "justice" and "security."<sup>781</sup>

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<sup>776</sup> O'Donovan, *The Desire of the Nations*, 45.

<sup>777</sup> McConville, "Law and Monarchy in the Old Testament," 81.

<sup>778</sup> Moberly, "The Uses of Scripture in *The Desire of the Nations*," 55.

<sup>779</sup> O'Donovan, "Response to Gordon McConville," 89. "I plead guilty, on the other hand, to saying too little about 'covenant.'"

<sup>780</sup> O'Donovan, *The Desire of the Nations*, 23.

<sup>781</sup> Wright, *God Who Acts*, 56.

## “Covenant” versus “political authority”

Wright’s focus on covenant makes for an illuminating contrast with O’Donovan’s focus on political authority. One important difference—to be added to those already canvassed—is that “covenant” is unambiguously a biblical concept with political connotations, and thus ostensibly a true political concept “authorised” from Scripture under O’Donovan’s schema. Morrow explains: In the Torah, Israel’s covenant with God is expressed in literary structures similar to political agreements called vassal treaties and loyalty oaths.<sup>782</sup> I do not mean to suggest that “covenant” is incompatible with O’Donovan’s controlling concept of “authority.” Rather, it is a question of proper emphasis. It is surely instructive that the word “covenant” occurs 293 times in the NRSV translation of the Old Testament and “authority” a mere 18 times, in which case one might expect to see a greater role for “covenant” in a political theology that seeks to work from an account of God’s saving acts in history.<sup>783</sup> Covenant arguably does a much better job at connecting the phases of Israel’s variegated political history within the context of a salvation-history hermeneutic than does political authority. Preuss highlights, by way of example, argues that the concept of “divine election” connects the different “spheres” of Israel’s history, including “the exodus, the ancestors, the king, Zion and the priesthood.”<sup>784</sup> Waltzer, on the other hand, maintains that it is difficult to discern from the biblical texts “how authority was actually exercised in ancient Israel.”<sup>785</sup> Greater emphasis by O’Donovan on covenant therefore might have provided him with a means of integrating Israel’s diverse political history under a framework of

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<sup>782</sup> Morrow, *Introduction to Biblical Law*, 28–29. “A vassal treaty is an agreement between a king and a lesser ruler.”

<sup>783</sup> The tables turn once we move into the New Testament, however, with the word “authority” occurring more frequently in the NRSV translation than “covenant.” The connection between these two terms and the possibility that the perspective shifts from an emphasis on covenant to “authority” is a question that warrants further study.

<sup>784</sup> Preuss, *Old Testament Theology*, 37.

<sup>785</sup> Waltzer, *In God’s Shadow*, 185.

divine kingship with far greater Scriptural “authorisation” than his singular focus on political authority.

It is conceivable that the fact that covenant is no longer a political term of any currency in contemporary Western liberal democracies might have dissuaded O’Donovan from adopting it as a foundational theopolitical concept.<sup>786</sup> O’Donovan’s apparent aversion to covenant as a *Christian* theopolitical covenant might also have something to do with its evocation of “contract” and hence of the contractarianism that is *Desire’s* foil. This semantic connection between covenant and contract was quite explicit in the enlightenment political thought. Hobbes, for example, in a characteristic passage of *Leviathan* writes: “From hence it followeth, that when the Actor maketh a Covenant by Authority, he bindeth thereby the Author, no lesse than if he had made it himselfe.”<sup>787</sup> Indeed, O’Donovan has indicated that a reason he neglected “covenant” in *Desire* was his concern for the “temptation to the modern mind, for which the slide from ‘covenant’ to ‘contract’ was a fatally easy one.”<sup>788</sup> On the other hand, however, given “covenant” was a term of prominence in Christian enlightenment political thought, it could feasibly have formed part of O’Donovan’s program of retrieval from the “High Christian Tradition.”

The significance of Wright’s covenant-based interpretation of the Davidic monarchy and its “preparatory” relationship to Christ’s kingship is not its relative merits, but rather its demonstration of the fact that a salvation-history hermeneutic does not demand either the “essence of political authority thesis” or “re-authorisation thesis.”

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<sup>786</sup> Paul D. Hanson, *Political Engagement as Biblical Mandate* (Eugene, Oreg.: Cascade Books, 2010), 70. Hanson notes that the “meaning” and “significance” of covenant “remain quite foreign to the thought of most people today.”

<sup>787</sup> Thomas Hobbes, *Leviathan*, ed. with intro. C.B. Macpherson (London: Penguin, 1968), 218. “Covenant” in this context obviously has a different meaning from covenant in the Old Testament, but it is not unrelated and demonstrates that it was an important concept in political thought of the 17th century.

<sup>788</sup> O’Donovan, “Response to Gordon McConville,” 89.

Nor does it demand the construal of Israel as politically normative for post-Easter politics.

## **Chapter 8**

**The created order, history and providence: the unresolved  
tension in O'Donovan's account of the ontology of  
political authority**

## Introduction

In the introduction to this thesis I indicated that O'Donovan enjoys the rare distinction of being an esteemed moral theologian *and* political theologian. With this in mind it is interesting to highlight two characteristics about O'Donovan's oeuvre: his work in moral theology has not elicited the level of critical engagement elicited by his political theology, and most of his work can be characterised as falling into one or the other of these two fields but not both combined, at least not in a sustained and substantive fashion. O'Donovan's most recent work—the three volume series *Ethics as Theology* published between 2013 and 2017—has been in the area of moral theology, leaving *Judgment* in 2005 as his last substantive work in political theology.<sup>789</sup>

Another interesting characteristic of O'Donovan's work, possibly a consequence of the functional separation of his writings in moral and political theology, is that few commentators on O'Donovan's political theology have taken into substantive consideration his moral theology and the illumination such an activity can provide for an understanding of his political theology. Notable exceptions to this rule are Skillen, Chaplin and McIlroy.<sup>790</sup>

I have already discussed the insights Chaplin discovered through his careful comparative analysis of *Resurrection* and *Desire*, namely that the “essence of political authority thesis” and the “re-authorisation thesis” are both evident in the short discussion of political authority in *Resurrection* where they were developed using a different methodology. But these genuine parallels mask a subtle, yet significant difference between the definitions of political authority provided in both books. On

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<sup>789</sup> The final book in the trilogy was published shortly before the conclusion of this thesis. Oliver O'Donovan, *Entering into Rest: Ethics as Theology 3* (Grand Rapids: Eerdmans, 2017).

<sup>790</sup> Skillen, “Acting Politically in Biblical Obedience?”; Chaplin, “Political Eschatology and Responsible Government.” McIlroy, “The Right Reason for Caesar to Confess Christ as Lord”; Errington provides a rare analysis incorporating both O'Donovan's moral and political theology in “Authority and Reality in the Work of Oliver O'Donovan.” However, he only touches on the issue of “political authority” lightly (“Authority and Reality in the Work of Oliver O'Donovan,” 372).

closer analysis the “essence of political authority thesis” found in *Desire* and its correlate in *Resurrection* are not in fact identical. In this final critical chapter I will argue that this difference represents an unresolved tension evident across O’Donovan’s work, and that this tension might have played a role in creating some of the problems identified and discussed in the preceding critical chapters. The difference relates to the ontology of political authority and whether it belongs to the realm of the created order of the order of providential history. I construe ontology in the following straightforward sense for the purposes of the discussion that follows: “the study of what there is.”<sup>791</sup>

### **The tension in O’Donovan’s account of the ontology of political authority**

The entire premise of O’Donovan’s account of “authority” in *Resurrection* is that it is part of the created order, which is to say that “authority” is *natural*. Indeed, the section immediately preceding the “digression” on political authority is aptly titled “natural authority and the authority of truth.” O’Donovan’s account of authority begins with the notion that “created beings can evoke free action” and that “many characteristic features of human society arise because some human beings have this power over others.”<sup>792</sup> O’Donovan identifies four primary kinds of authority that “command” and “compel” human action: “beauty,” “age,” “community” and “strength”—the latter includes “the whole range of natural virtue, from might to wisdom.”<sup>793</sup> Importantly, these four primary forms of authority are described as “‘*natural* authorities’ within the created order [emphasis mine].”<sup>794</sup> O’Donovan says that, “to account for authority, therefore, is

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<sup>791</sup> Thomas Hofweber, “Logic and Ontology,” in *Stanford Encyclopedia of Philosophy*, Stanford University, article published 4 October 2004, substantive revision 30 August 2011, <https://plato.stanford.edu/entries/logic-ontology/#Ont>.

<sup>792</sup> O’Donovan, *Resurrection and Moral Order*, 124.

<sup>793</sup> *Ibid.*

<sup>794</sup> *Ibid.*

to describe a borderland between culture and *nature*, where culture draws upon, and is shaped by, *natural* forces [emphasis mine].”<sup>795</sup>

O’Donovan then adds that “the authority of injured right...the authority which shapes our structures of justice and governance” can also be described as natural “in ‘a relative sense’, which is to say that it belongs to the *natural* order as it is encountered under the conditions brought about by Adam’s sin [emphasis mine].”<sup>796</sup> What distinguishes genuinely natural authorities, such as “beauty,” “age,” “community,” “strength” and “tradition,” to take some of those explicitly identified by O’Donovan, and the “relatively natural” authority of “injured right,” is that while the former belong to the good creation and therefore both predate *and* survive the fall, “injured right” emerges *historically* and *post lapsum*.

The fact that authorities are natural does not mean humans are to respond to them uncritically. They are not “unconditional” by mere virtue of their existence within the created order. “Natural authority,” O’Donovan writes, “is subject to the review of a higher authority,” namely “truth.”<sup>797</sup> But he then clarifies that “truth” too is a form of natural authority “in the sense that it is inherent in the created order.”<sup>798</sup> The difference is that “truth” is not experienced immediately, but rather relates to a comprehension of the world “as an ordered whole”: “Its authority belongs to the order of things as a totality, whereas those other authorities belong to differing elements within it.”<sup>799</sup> Thus O’Donovan’s understanding of authority is explicitly and inextricably connected to the notion of a natural created order of ends and kinds which make human action intelligible.<sup>800</sup>

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<sup>795</sup> Ibid., 125.

<sup>796</sup> Ibid.

<sup>797</sup> Ibid.

<sup>798</sup> Ibid.

<sup>799</sup> Ibid.

<sup>800</sup> Ibid., 127.

Political authority, as a species of the genus “authority,” is construed in *Resurrection* as substantially natural, i.e. belong to or embedded within the create order: “Political authority...owes something both to the immediacy of *natural authorities* and to the critical reflectiveness of moral authority [emphasis mine].”<sup>801</sup> The significance of the distinction between political authority and moral authority is not entirely clear given O’Donovan ultimately traces the source of the authority of truth back to nature as well. In *Self, World, and Time*, he writes that “all authority is *prima facie* moral.”<sup>802</sup> When it comes to O’Donovan’s definition of political authority, highlighted several times already in this thesis, the adjective “natural” also occurs:

The distinctive form of authority which we call ‘political’ is, then, at its simplest, a concurrence of the *natural* authorities of might and tradition with that other ‘*relatively natural*’ authority, the authority of injured right. When these three authorities are exercised together by one subject, then they are endorsed by a moral authority which requires that we defer to them [emphasis mine].<sup>803</sup>

There is even an indication in *Resurrection* that government too is to be construed as belonging to the created order, and therefore as in some sense natural:

Christian ethics...respects the *natural structures of life in the world*, while looking forward to their transformation. This can be seen...in the First Epistle of Peter, which starts with a general characterisation of the Christian life in terms of ‘hope’, which is set ‘fully upon the grace that is coming to you at the revelation of Jesus Christ’, and then a special ethics in terms of respectful submission ‘for the Lord’s sake’ to every institution of human life, especially the *institutions of government*, labour and marriage (1 Pet. 1:13; 2:13ff.)...A hope which envisages the transformation of existing *natural structures* cannot consistently attack or repudiate those structures [emphasis mine].<sup>804</sup>

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<sup>801</sup> Ibid.

<sup>802</sup> O’Donovan, *Self, World, and Time*, 59.

<sup>803</sup> O’Donovan, *Resurrection and Moral Order*, 128.

<sup>804</sup> Ibid., 58.

In this passage O'Donovan appears to place "government" in the same category as "labour" and "marriage," i.e., the category of "natural structures."

When it comes to *Desire*, however—written ten years after *Resurrection*—the adjective "natural" is dropped entirely from the discussion of political authority. "Power" and "tradition" are nowhere described as "natural," nor is "right" described as "relatively natural." The same situation inheres in *Judgment*. There is a reference in *Desire* to "natural...structures of human community" and a similar reference in *Judgment* to the natural sociality of human beings: "mankind is communal by virtue of God's creation, not by political invention."<sup>805</sup> But there is no indication in either work that there is anything natural about political authority or that it is connected in any substantial way with the created order. *Desire* therefore provides a very different account of the ontology of political authority—one that leaves no substantive role for the created order highlighted in *Resurrection*.

The emphasis in *Desire* and *Judgment* is on providence and history. The framework for a theological understanding of political authority is the analogy of human political acts to God's *providential* acts in *history*—his judgments—and the way that these judgments are mediated through the human exercise of political authority. In contrast with the aforementioned reference to 1 Peter in *Resurrection* that appears to construe government as a natural part of the created order, there is a reference in *Judgment* to "the pre-political society of God's creation" which appears to militate against such a notion.<sup>806</sup> But then there is also a reference in *Judgment* to "the history of the emergence of political from pre-political concepts, the slow evolution from clan to

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<sup>805</sup> O'Donovan, *The Desire of the Nations*, 279; O'Donovan, *The Ways of Judgment*, 156.

<sup>806</sup> O'Donovan, *The Ways of Judgment*, 238.

state,” which appears to view the development (“evolution”) of political forms from pre-political forms as a natural process.<sup>807</sup>

In response to criticism from Schweiker and Wolterstorff following publication of *Desire*, O’Donovan clarified that politics, and hence presumably political authority, belongs exclusively to the ontology of providence and history and not of the created order: “politics belongs within the category of history, not of nature” and “Political order is a *providential* ordering [original emphasis].”<sup>808</sup> This apparent dichotomy was reinforced in *Judgment*, where O’Donovan appears to distinguished political authority from certain “social authorities” on the basis that the latter are natural: “When every allowance has been made for the lines of connection between political authority and *natural* social authorities such as parents and teachers...”<sup>809</sup> In *Common Objects of Love*, O’Donovan avers that “to have a political identity means accepting the contingent determination of one’s society by the decrees of God’s historical providence.”<sup>810</sup> In a response to Bartholomew, O’Donovan clarified that he regards politics and government as *post lapsum* developments: “This leaves me with a version of the *felix culpa* motif. Some variants of this say that the fall was happy because it made Mary queen...My own, more daringly, says that it made God King.”<sup>811</sup> Again in *Judgment*, O’Donovan observed that “the earliest Christian reflections on the origins of civil government, led by the Yahwist primeval history, located the origin of government *post lapsum*, a doctrine that prevailed throughout the patristic period.”<sup>812</sup>

The clearest indication of a dichotomy between the created order and the providential historical order in relation to political authority is represented by the

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<sup>807</sup> Ibid., 127.

<sup>808</sup> O’Donovan, “Deliberation, History and Reading,” 137.

<sup>809</sup> O’Donovan, *The Ways of Judgment*, 134.

<sup>810</sup> O’Donovan, *Common Objects of Love*, 43.

<sup>811</sup> Oliver O’Donovan, “Response to Craig Bartholomew,” in *A Royal Priesthood?*, 115.

<sup>812</sup> O’Donovan, *The Ways of Judgment*, 59.

“providence thesis” examined in detail in Chapter 5: “That any regime should actually come to hold authority, and should continue to hold it, is *a work of divine providence in history*, not a mere accomplishment of the human task of political service [emphasis mine].”<sup>813</sup> This thesis appears to attribute the very existence of political authority to providence. In *Resurrection*, O’Donovan makes an interesting distinction between the regularity of the created order and the *sui generis* character of God’s providential intervention in history:

Moral authority is the authority of order, the created order of kinds and ends in which all created beings participate. It is ‘universal’...that is, it supposes a universe of meaning which created beings inhabit in common. The authority of divine transcendence, on the other hand, is beyond world-order, and can only appear to us as an unaccountable and mysterious breach in the world-order. *Encounter with divine authority must be a unique event, irreducibly particular, incapable of comparison with any other* [emphasis mine].<sup>814</sup>

“History,” O’Donovan contends, “must be shaped by the unique, by that which cannot be guessed from the scrutiny of natural repetitions.”<sup>815</sup> He adds that “we must also insist on [God’s] freedom within this world to do more than merely reiterate the changeless summons of the generic order once given.”<sup>816</sup>

This “irreducibly particular” and “unique” character of history, which is the theatre in which providence is operative, seems at odds with the role of the “essence of political authority thesis” as a premise in the “providence thesis.” O’Donovan wants to claim that he has identified the universal nature of political authority and at the same time that this universal phenomenon of political authority can only exist by a unique, particular, *sui generis* act of divine providence. Such a view understandably obviates

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<sup>813</sup> O’Donovan, *The Desire of the Nations*, 46.

<sup>814</sup> O’Donovan, *Resurrection and Moral Order*, 143.

<sup>815</sup> *Ibid.*, 83.

<sup>816</sup> *Ibid.*, 41.

the need to explain the existence of political authority by reference to the generic and teleological order that makes human activity intelligible, but it also seems to inevitably result in political authority being solely explicable as a providential act of God. I take this theme up in the next chapter.

Thus, in spite of the two definitions of political authority provided in *Resurrection* and *Desire* being conceptually identical, they actually represent two different ontological accounts of political authority: natural and created order in the case of *Resurrection* and providence and history in the case of *Desire/Judgment*. Moreover, O'Donovan appears to have made these two accounts mutually exclusive by virtue of his categorical statement cited above that politics does not belong to the realm of created order.

More recently, O'Donovan seems to offer a third account of the ontology of political authority. In stark contrast to the dichotomy he drew in "Deliberation, History and Reading" between the created order and the providential order of history, in *Self, World, and Time* O'Donovan suggests that "divine authority begins with God's self-disclosure in *creation and providence* [emphasis mine]."<sup>817</sup> He elaborates that "the divine in its sheer absoluteness has no "authority," only control...But the divine...has shaped a world to ground our being, a covenanted sphere of communication between himself and ourselves, evoking agency and practical reason among us."<sup>818</sup> He once again notes Rom. 13:1's statement that "all authority is from God," adding that it is also "of the world."

The suggestion then appears to be that human political authority, which finds its source in God's authority, is a type of "social communication" that involves God's self-disclosure in *both* creation and providence in a manner that evokes human action.

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<sup>817</sup> O'Donovan, *Self, World, and Time*, 57. There is an oblique reference to "the problem of creation and history" in "The Political Thought of the Book of Revelation," 74.

<sup>818</sup> O'Donovan, *Self, World, and Time*, 57.

O'Donovan does not develop this intriguing third possibility further, and therefore this insight does not provide the clarity and argumentation that might resolve the mutually exclusive accounts of the ontology of political authority provided in *Resurrection* and *Desire/Judgment* respectively.<sup>819</sup> Although *Self, World, and Time* does not contain any substantive discussion of political authority, it does nevertheless suggest that God's providential communication in the human social sphere depends to some extent on the created order. By way of example, O'Donovan critiques P.T. Forsyth's account of authority for relying too heavily on the notion that authority functions like a "miracle" and for "failing...to give sufficient weight to the purpose and moral order of the world as creation [original emphasis]."<sup>820</sup> But this is precisely what O'Donovan's account of political authority in *Desire* implies. In any event, in *Self, World, and Time* O'Donovan describes authority as "an event which continually and repeatedly occurs, wave after wave of disclosure" which seems to return the emphasis to providence rather than the created order.<sup>821</sup> He even says that "institutions are formed around authority—events and renewed by them."<sup>822</sup>

The ontology of political authority is thus an unstable and inconsistent element in O'Donovan's theology of political authority. We are provided with three different accounts across three major works covering a 17 year period: 1) natural authorities in the created order; 2) providential acts in history; and 3) some kind of interplay between the two. It is important to clarify at this point that I do not claim that this particular tension runs throughout O'Donovan's entire theology, political or otherwise. In fact, one of the distinctive marks of O'Donovan's theology is the way that he relates created order to history. My criticism is restricted to O'Donovan's account of the ontology of

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<sup>819</sup> This is an observation, not a criticism, as resolving this tension is not the subject of the book in question.

<sup>820</sup> *Ibid.*, 58.

<sup>821</sup> *Ibid.*, 59.

<sup>822</sup> *Ibid.*

political authority, and it is the fact that O'Donovan's theology is framed within a rich dialectic between created order and history that I have been able to detect this tension across multiple O'Donovan works.

With the exception of Skillen, this inconsistency has gone unnoticed in the secondary literature. Writing before the publication of *Self, World, and Time*, he observes that *Resurrection* presents political authority as “political from the beginning to the end of creation, and human government, just as family life, friendship, agricultural and animal husbandry and much more, reveals or images the Creator.”<sup>823</sup> In contrast, he notes that in *Desire* “O'Donovan has nearly, if not entirely, lost from view the meaning of creation and creation redeemed.”<sup>824</sup> Skillen concluded that it was losing sight of creation in the account of political authority in *Desire* that prompted some of the book's more complex and difficult theoretical moves:

Because O'Donovan sees earthly government, at least in part, as foreign to creation and not fully embraced by redemption in Christ, he develops an elaborate set of categories and theorems to explain how government came into existence in history and how it had to be modified historically by the coming of Christ.<sup>825</sup>

In the next chapter, which will mark the constructive turn in this thesis, I will argue that O'Donovan's instinct in *Resurrection* to ground political authority in the ontology of the created order was sound, and that many of the problems identified and critiqued in this thesis are connected to the decision in *Desire* to ground political authority exclusively in the ontology of providential history. I will also seek to demonstrate how returning the ontology of political authority to the created order might resolve these problems. Before doing so, however, it is necessary to probe more deeply O'Donovan's understanding of the terms “politics” and “political,” as much hinges on

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<sup>823</sup> Skillen, “Acting Politically in Biblical Obedience?,” 404.

<sup>824</sup> *Ibid.*, 407.

<sup>825</sup> *Ibid.*, 415

the definition of these terms when discussing whether *political* authority belongs to the created order, the providential historical order or some admixture of the two.

### **Defining the “political” in *political* theology**

One of the more significant lacunae in *Desire* is that O’Donovan never defines “politics” or “political,” in spite of the book being a self-articulated work in *political* theology. O’Donovan is hardly exceptional amongst the ranks of political theologians in leaving these central terms undefined.<sup>826</sup> It is all too common. It is still a serious omission, though, because as Kessler points out, “different definitions of political theology abound” and therefore one cannot simply assume an implicit definition without controversy.<sup>827</sup> Compounding the proliferation of definitions of political theology are the complexity and opacity of many of them. Cavanaugh and Scott offer a popular definition in the *Blackwell Companion to Political Theology*: “Political theology is...the analysis and criticism of political arrangements (including cultural-psychological, social and economic aspects) from the perspective of differing interpretations of God’s ways with the world.”<sup>828</sup> Their definition of “political,” as it functions in this definition, is “the use of structural power to organise a society or community of people.”<sup>829</sup> Cavanaugh and Scott aptly describe this definition as “expansive.”<sup>830</sup> However, a consequence of such an expansive definition is an unavoidable degree of opacity. Political theology, the definition tells us, relates to

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<sup>826</sup> For extended discussion, see Jonathan Cole, “Christian Political Theology Needs to Grow up and Become a Real Discipline,” *Political Theology Today*, 5 October 2016. <http://www.politicaltheology.com/blog/christian-political-theology-needs-to-grow-up-and-become-a-real-discipline-jonathan-cole/>.

<sup>827</sup> Michael Jon Kessler, introduction to *Political Theology for a Plural Age* (Oxford: Oxford University Press, 2013), 1.

<sup>828</sup> William T. Cavanaugh and Peter Scott, introduction to *The Blackwell Companion to Political Theology* (Oxford: Blackwell, 2005), 1.

<sup>829</sup> *Ibid.*

<sup>830</sup> *Ibid.*

“political arrangements,” which include, but presumably are not limited to, “cultural-psychological, social and economic aspects,” which in turn are presumably to be qualified in some way by the concept “structural power.” This open-ended and somewhat opaque definition of political theology has not prevented the definition from gaining traction.<sup>831</sup>

If Cavanaugh and Scott’s definition suffers from opacity, then Hent de Vries’ definition in *Political Theologies* suffers from convolution:

“Political theology” connotes, as Jan Assmann suggests in *Authority and Salvation: Political Theology in Ancient Egypt, Israel, and Europe*, the “ever-changing relationships between political community and religious order, in short, between power [or authority: *Herrshaft*] and salvation [*Heil*].” Yet its contemporary range and implications reach further and encroach upon the central questions of political philosophy, and juridical varieties, from which its original metaphysical impetus must also be distinguished. In addition to theorising “the political,” “political theology” also enters into relationship with urgent questions of daily “politics,” without, of course, being immediately (or fully) rendered (or contradicted) by them.<sup>832</sup>

This definition provides the concepts “political community,” “religious order,” “power,” “political philosophy,” “juridical varieties” and “metaphysical impetus” along with the activities “encroaching upon,” “theorising” and “entering into relationships.”<sup>833</sup>

But in what sense can this description be construed as a definition of political theology

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<sup>831</sup> Phillips, for instance, adopts Cavanaugh and Scott’s definition (*Political Theology*, 3). Losonczi, Luoma-Aho and Singh, “broadly speaking...subscribe to Cavanaugh and Scott’s definition of political theology.” Péter Losonczi, Mika Luoma-Aho and Aakash Singh, introduction to *The Future of Political Theology: Religious and Theological Perspectives* (Farnham: Ashgate, 2011), 3.

<sup>832</sup> Hent de Vries, “Introduction: Before, Around, and Beyond the Theologico-Political,” in *Political Theologies: Public Religions in a Post-Secular World*, ed. Hent de Vries (New York: Fordham University Press, 2006), 25.

<sup>833</sup> For more detail, see Jonathan Cole, “The Art of Political Theology—Finding the Right Definition and the Proper Set of Questions,” *Political Theology Today*, 8 March 2017, <http://www.politicaltheology.com/blog/the-art-of-political-theology-finding-the-right-definition-and-the-proper-set-of-questions-jonathan-cole/>.

at all? The closest de Vries actually comes to defining “political” is to ostensibly equate it with “power.”<sup>834</sup>

A more succinct, but still open-ended, definition is offered by the *Cambridge Companion to Political theology*: “an inquiry carried out by Christian theologians in relation to the political, where the political is defined broadly to include the various ways in which humans order common life.”<sup>835</sup> This definition appears to identify the “political” with the “social,” or even “human,” with all that it encompasses. Wolterstorff offers an even more succinct, though still relatively broad, definition: “theology of or about the political, more specifically, theology of or about the state.”<sup>836</sup>

At the other end of the spectrum there are numerous works that could reasonably, if anachronistically, be described as “political theology.” The term “political theology” does not occur in Yoder’s highly influential book *The Politics of Jesus*.<sup>837</sup> But as the title suggests, it would be absurd to construe this classic as falling outside the scope of political theology on any of the definitions outlined above. The *New Dictionary of Theology* claims that political theology emerged in the early and patristic church, and Lilla has even suggested that “political theology is a primordial form of human thought.”<sup>838</sup> Much of the confusion surrounding how to define the meaning and

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<sup>834</sup> Ibid.

<sup>835</sup> Hovey and Phillips, *The Cambridge Companion to Political Theology*, xi-xii.

<sup>836</sup> Nicholas Wolterstorff, *The Mighty and the Almighty* (Cambridge: Cambridge University Press, 2012), 2 (footnote 3).

<sup>837</sup> John Howard Yoder, *The Politics of Jesus: Behold the Lamb! Our Victorious Lamb* (Grand Rapids: Eerdmans, 1994).

<sup>838</sup> D.B. Forrester, “Political Theology,” in *The New Dictionary of Theology*, 683; Mark Lilla, *The Stillborn God: Religion, Politics, and the Modern West* (New York: Alfred A. Knopf, 2007), 3–4. Phillips, like many others, credits controversial German Catholic philosopher Carl Schmitt (1888–1985) with bringing “the phrase back into use” with his publication of *Politische Theologie: Vier Kapitel zur Lehre von der Souveranität* in 1922 (*Political Theology*, 4). See Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. and intro. George Schwab, new foreword Tracy B. Strong (Chicago: University of Chicago Press, 1985). But this seems unlikely given the emergence of the term in English-language discourse is evidently of much more recent provenance. The earliest anecdotal evidence I have been able to find for usage of the term in its modern context is a reference to “political theologians” in Walter Wink, *Naming the Powers: The Language of Power in the New Testament Volume 1*

scope of *political* theology likely stems from the fact that “the definition of politics is highly, perhaps essentially, contested,” with “considerable disagreement on which aspects of social life are to be considered ‘political.’”<sup>839</sup> In other words, the difficulty of defining “politics” is brought to political theology, not created by it.

O’Donovan does eventually provide a definition of “politics” in *Judgment*. Noting the disputed nature of the term—“a jungle of incompatible conventions”—he begins by making a distinction between the semantic fields of the noun “politics” and the adjective “political.”<sup>840</sup> In the case of the former, it has to do with “government,” whereas in the case of the latter it can include “any kind of socially aware activity...from writing poetry to organising a drop-in shelter.”<sup>841</sup> Seeking something of a “mean” between the widest and narrowest definitions of “politics” and “political,” O’Donovan settles on the following definition: “those activities with a direct relation to government, but not only those activities with a direct relation to elected office.”<sup>842</sup> This is a rather conventional definition of “politics” and “political,” albeit located at the narrower end of the definitional spectrum.

Although O’Donovan introduces his definition of “politics” and “political” in *Judgment* with the qualifier—“for the purposes of our present discussion”—it seems reasonable to suppose that this definition does not mark a radical departure from the implicit definition operative in *Desire*.<sup>843</sup> Indeed, the definition provided in *Judgment* is broadly consistent with the usage of “politics” and “political” in *Desire*. Note, however,

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(Basingstroke: Marshall Pickering, 1984), 6. Edmund Burke made a reference to “political theologians, and theological politicians,” but this was not meant in the modern sense of political theology. Edmund Burke, *Reflections on the Revolution in France: and on the Proceedings in Certain Societies in London Relative to that Event. In a Letter Intended to Have Been Sent to a Gentleman in Paris. By the Right Honourable Edmund Burke* (ECCO—TCP: Eighteenth Century Collections Online, Text Creation Partnership), iPhone.

<sup>839</sup> Blackburn, *Oxford Dictionary of Politics*, s. v. “politics.”

<sup>840</sup> O’Donovan, *The Ways of Judgment*, 55.

<sup>841</sup> *Ibid.*, 55.

<sup>842</sup> *Ibid.*, 56.

<sup>843</sup> *Ibid.*

that, although O'Donovan identifies a difference between the semantic field of "politics" and "political," he actually proceeds to collapse both terms into a single definition: "'politics' and 'political'...indicate those activities with a direct relation to government..."<sup>844</sup>

In *Desire*, O'Donovan defines political theology as "proposals...which draw out an earthly political discourse from the political language of religious discourse."<sup>845</sup> That discourse, of course, relates to Scripture. O'Donovan elaborates that such proposals do not proceed on the basis of a "literal synonymy between the political vocabulary of salvation and the secular use of the same political terms," but rather on the basis of "an analogy grounded in reality."<sup>846</sup> This analogy is "between the acts of God and human acts, both of them taking place within the one public history."<sup>847</sup> Combining this explication of "political theology" in *Desire* with the definition of "political" in *Judgment* discussed above produces the following more encompassing definition of political authority: "proposals...which draw out an earthly...discourse [about "those activities with a direct relation to government"] from the political language of religious discourse."

I mentioned above that it is not unusual for political theologians to avoid defining "politics" in their work in political theology. But in O'Donovan's case one does wonder if the omission might relate to his methodology: the pursuit of true *political* concepts authorised from Holy Scripture. The issue is that neither the term "politics" nor "political" occur anywhere in Scripture.<sup>848</sup> As a consequence, neither is

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<sup>844</sup> Ibid.

<sup>845</sup> O'Donovan, *The Desire of the Nations*, 2.

<sup>846</sup> Ibid.

<sup>847</sup> Ibid.

<sup>848</sup> Several cognates, such as "*politeuma*" (Phil. 3:20) and "*politeia*" (Acts 22:28, Eph. 2:12), do occur. But the adjective "*politikos-i-o*" (political) does not occur. I acknowledge that a limitation of this work is that the author does not have biblical Hebrew. An electronic search of the NRSV translation of the Hebrew Bible reveals that it does not include either of the English terms "politics" or "political." That said, there are terms used in the Scriptures which would

technically a biblical term. O'Donovan's entire political theology, however, proceeds from the premise that true *political* concepts must be authorised from Scripture. In the absence of any explicit definition of the concept "political" in Scripture, it is difficult to see a basis upon which O'Donovan could use Scripture to verify true *political* concepts, except by introducing an extra-biblical definition of "political," which is exactly what he appears to do. The lack of occurrence of any Hebrew, Aramaic or Greek word(s) that could be translated as "political" does not prevent O'Donovan from defining "political" in the context of political theology—something he did in *Judgment*. And as I indicated above, this definition is entirely "conventional," by which I mean that it is a definition one routinely encounters in secular discourse and shared by atheists who do not obtain their political concepts from Scripture.<sup>849</sup> This appears to be a good example of what Biggar was driving at in admonishing O'Donovan for not being clearer about what "pre-understandings" and "pre-biblical convictions" he brought to *Desire*.<sup>850</sup>

The real problem, however, is that the absence of an explicit definition of "political" in Scripture makes O'Donovan's definition look arbitrary in the context of his efforts to identify true political concepts authorised from Holy Scripture. Prominent Orthodox theologian Christos Yannaras, for example, approaches the question of *political* theology with a very different conception of "politics" from O'Donovan. He construes politics as relating to the pursuit of "authentic existence."<sup>851</sup> Politics, he says, is "the organic consequence of the participation of the citizen in the common struggle of

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uncontroversially be regarded today as "political" terms, such as ἀρχή (arche)—rule, e.g. Luke 20:20 and ἡγεμών (hegemon)—governor e.g., Matt 2:6.

<sup>849</sup> De Jouvenel, for example, says "the use of the word 'politic' designates not a thing, but the relations of anything to government." Bertrand de Jouvenel, *Sovereignty: An Inquiry into the Political Good*, trans. J.F. Huntington (Cambridge: Cambridge University Press, 1957), 15.

<sup>850</sup> Nigel Biggar, "On Defining Political Authority as an Act of Judgment: A Discussion of Oliver O'Donovan's *The Ways of Judgment* (Part I)," *Political Theology* 9, no.3 (2008), 278.

<sup>851</sup> Jonathan Cole, "The Communo-centric Political Theology of Christos Yannaras in Conversation with Oliver O'Donovan," in *Mustard Seeds: Between and Beyond Theology, Philosophy, and Society*, ed. Sotiris Mitralaxis (Wilmington, Del.: Vernon Press, 2017), 71.

a community of relationships.”<sup>852</sup> Because authentic existence has its origin and telos in the Trinitarian Christian God, authentic politics becomes about living in communion with all creation in the image of and in direct relationship with what Yannaras calls “the personal otherness of a creative loving communion of persons which form the trinitarian first principle of the existent.”<sup>853</sup> Yannaras, like O’Donovan, cannot claim that his conception of “politics” can simply be expounded in Scripture. But it is a distinctively *Christian* conception of politics unlike O’Donovan’s extra-Biblical conventional definition of “politics” as “those activities with a direct relation to government.” This is not an argument in favour of Yannaras’ definition *per se*. It is merely to highlight the arbitrariness of the definition of “politics” and “political” that governs O’Donovan’s biblical account of *political* authority.

The absence of explicit reference to the concepts “politics” or “political” in Scripture is not, of course, evidence that the biblical authors had no concept of what we now denote by the term “politics” and “political.” One could hardly argue with any seriousness that the Davidic monarchy had no politics, or that Paul, when he wrote his famous exhortation to the Christians at Rome had no concept of “political,” as defined by O’Donovan, even though he used no such term. Rather, it is to question the wisdom of O’Donovan’s theopolitical methodological axiom that true political concepts must be authorised from Scripture. In light of my contention that O’Donovan fails to demonstrate with any cogency that the “essence of political authority thesis,” the “providence thesis,” or the “re-authorisation thesis” are “authorised” from Scripture, in conjunction with the total absence of any explicit reference to the concept of “politics” or “political” in Scripture, one begins to wonder whether O’Donovan is simply looking for something in Scripture that is not there: a theory of political authority.

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<sup>852</sup> Ibid.

<sup>853</sup> Cole, “Personhood, Relational Ontology, and the Trinitarian Politics of Eastern Orthodox Thinker Christos Yannaras,” 9.

### **The challenge of political epistemology**

Having expounded O'Donovan's conception of "politics" and "political," it is now possible to venture a hypothesis as to why O'Donovan might believe that political theology must proceed from true political concepts authorised from Scripture. O'Donovan contends that "politics" belongs to the realm of history and not nature. He further argues that history is the story of God's kingly rule and that that kingly rule manifests in the history of one particular nation: Israel. Furthermore, O'Donovan maintains that the whole purpose of God's kingly rule over history is Christ's redemption of creation and humankind's participation in the moral order. If one accepts these propositions then it seems to follow logically that the *only* place one can expect to find reliable political knowledge is in Scripture, given it represents the unique and authoritative account of God's kingly rule and Christ's triumph over the nations. This appears to be what O'Donovan meant to suggest in *Resurrection*, when he maintained that "in the sphere of revelation...and only there, can we see the natural order as it really is and overcome the epistemological barriers to an ethic that conforms to nature."<sup>854</sup>

To understand the challenge of political epistemology that I contend might explain, or at last might have contributed to, O'Donovan's axiom that true political concepts must be "authorised" from Scripture, it is necessary to look more closely at the way O'Donovan conceives "morality" as "man's participation in the created order," and the way that participation in that order is seriously compromised by sin.<sup>855</sup> The "fallenness" of humankind results in its "persistent rejection of the created order" and

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<sup>854</sup> O'Donovan, *Resurrection and Moral Order*, 19–20.

<sup>855</sup> *Ibid.*, 76.

“an inescapable confusion in perceptions of it.”<sup>856</sup> Humankind’s proper participation in the created order can therefore only be accessed through Christ: Knowledge of the created order “must be a knowledge that is vindicated by God’s revelatory word...[and]...[s]uch knowledge, according to the Christian gospel, is given to us as we participate in the life of Jesus Christ.”<sup>857</sup> Jesus “is the point from which the whole is to be discerned...And he is the one whose faithfulness to the created moral order was answered by God’s deed of acceptance and vindication, so that the life of man within this order is not lost but assured for all time.”<sup>858</sup> Therefore “true knowledge of the moral order is knowledge ‘in Christ.’”<sup>859</sup> Moreover, this knowledge “in Christ” is an “exclusive knowledge,” albeit with an “inclusive object,” involving a “polarity...between revelation in the particular and created order in the universal.”<sup>860</sup> Christ therefore serves as something of an epistemological cipher, restoring humankind’s corrupted perception the created order.

It is not that the fall has created a state of total ignorance. Rather it has created “disorder” where “order” previously existed. Thus “the universe, though fractured and broken...remains accessible to knowledge *in part* [emphasis mine].”<sup>861</sup> O’Donovan recognises that “it requires no revelation to observe the various forms of generic and teleological order which belong to it.”<sup>862</sup> It takes “knowledge ‘in Christ,’” however, to see the created order as a whole, which is a *sine qua non* of humankind’s moral participation in that order.<sup>863</sup> Revelation does not confer knowledge of the created order

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<sup>856</sup> Ibid., 19.

<sup>857</sup> Ibid., 85.

<sup>858</sup> Ibid.

<sup>859</sup> Ibid.

<sup>860</sup> Ibid.

<sup>861</sup> Ibid., 88.

<sup>862</sup> Ibid.

<sup>863</sup> Ibid.

that was previously unknown or inaccessible to humans, but rather “a knowledge of the shape of *history*” which was not possessed beforehand.<sup>864</sup>

Christ’s vindication of creation redeems “mankind in his context as the ruler of the ordered creation that God has made.”<sup>865</sup> By “redeem” O’Donovan means “the recovery of something given and lost.”<sup>866</sup> In practical terms, it is the Holy Spirit who “makes the reality of redemption *present* to us [original emphasis]” and who “evokes our *free* response as moral agents to the reality of redemption [original emphasis].”<sup>867</sup> The spirit restores humans “*as moral agents*” and its “redemptive work...restor[es]...our access to reality.”<sup>868</sup> Thus, while humans can discern in their fallen state the fundamental generic and teleological order of reality, they can only effectively participate in that order as moral agents “in Christ” and through the work of the Holy Spirit. Although not a central theme in *Desire*, there are *en passant* references to Christ’s redemption of creation, such in the following passage:

The first mistake is to ignore the meaning of Christ’s triumph as the restoration of creation, and to convert it exclusively into a doctrine of history. A redemption that has merely the transformation of the world in view will not deal seriously with the fact that what God has done in Christ he has done for his creation...<sup>869</sup>

What is remarkable about this passage is that it occurs in the chapter in which O’Donovan develops the “re-authorisation thesis,” yet there is no sense that the redemption or vindication of creation (to use the language of *Resurrection*) is of any significance for understanding the nature and purpose of political authority, which as explained above, O’Donovan situates in the realm of history. It is similarly worth noting

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<sup>864</sup> Ibid., 89.

<sup>865</sup> Ibid., 54–55.

<sup>866</sup> Ibid., 54.

<sup>867</sup> Ibid., 102, 106.

<sup>868</sup> Ibid., 106, 112.

<sup>869</sup> O’Donovan, *The Desire of the Nations*, 143.

that the Holy Spirit does not play any significant role in O'Donovan's account of political authority in *Desire*. I will revisit the question of the role of the Holy Spirit in the next chapter.

This is arguably a coherent political epistemology, *if* one accepts the axiomatic view that "politics" arises *post lapsum* and belongs exclusively to the realm of history. But of course Christian tradition has long been split on this foundational question. There is a popular perception that Christian tradition consists of two distinct views forming a dichotomy: that "politics" and government form part of the created order and alternatively that they arise as a consequence of and response to the fall. Each side of this dichotomy is traditionally associated with Augustine and Aquinas/Aristotle respectively. O'Donovan's account of the ontology of political authority appears to have a foot in both the Augustinian and Thomist/Aristotelian camps.

The control belief that politics belongs to the realm of history might also explain what at first glance might strike the critical reader as a particularly unsystematic exegetical method for discovering Christian political concepts in the Bible. We recall that O'Donovan's exegesis begins with the enthronement Psalms and the refrain *Yhwh malak*. If politics does indeed begin at some point after creation then this might explain why O'Donovan largely ignores Genesis and focuses so intently on the Davidic monarchy, for this is when politics proper begins in Israel's history using his own definition of "politics," for Israel did not have a "government" prior to that. But as I argued in chapter 4, one of the problematics confronting O'Donovan's contention that Israel reveals political norms, including the essence of political authority, is that while the Davidic monarchy arguably marks the beginning of politics in Israel's history, it does not mark the beginning of politics in human history, and there is nothing particularly unique about Israel's combing of "power," "right" and "tradition" in "one

coordinated agency,” recalling that O’Donovan uses them in a generic, non-prescriptive sense.

## **Chapter 9**

### **The redemption of political authority**

## Introduction

This chapter marks the third and final mode of this thesis, which, as foreshadowed in the thesis' introduction, will be constructive. In the previous chapters I have argued that O'Donovan's "essence of political authority thesis"—"power," "right," "tradition" in "one coordinated agency"—is an insightful description of the nature of political authority that can be applied fruitfully to the empirical study of actual regimes, past and present. But I have also disputed O'Donovan's claim that the essence of political authority is revealed in Israel, and specifically in the Davidic monarchy. I have argued that O'Donovan takes this thesis, which in the first instance merely purports to describe the phenomenology of political authority, and turns it into a normative principle that describes the legitimacy of actual regimes via the "providence thesis." I have demonstrated that the "providence thesis" appears to create a serious theodicy problem by virtue of the generic, non-prescriptive content of the constitutive concepts of the "essence of political authority thesis." I have also disputed O'Donovan's contention that Rom. 13:1–7 provides warrant (perhaps data) for his argument that the Christ-event "re-authorises" political authority such that judgment, and judgment alone, becomes the sole legitimate function of political authority in the post-Easter phase of salvation-history.

Finally, in the previous chapter I demonstrated that O'Donovan provides three different accounts of the ontology of political authority across his work—created order, the providential historical order and some admixture of the two. I concluded that this creates a tension in O'Donovan's account of political authority that contributed to his problematic axiomatic belief that political theology must begin with the search for true political concepts authorised from Scripture on account of what I have termed the "political epistemological challenge." This challenge relates to the fact that the ontology of political authority assumed in *Desire* and *Judgment* appears to logically make

Scripture the sole repository for reliable political knowledge. But I also argued in that chapter, as elsewhere, that Scripture does not seem to be as concerned with addressing this epistemological challenge as O'Donovan, and that his axiom that true political concepts must be authorised from Scripture might be too constrictive for the task of political theology.

The aim of this chapter is to propose a theology of political authority that builds on O'Donovan's proposal but avoids the problems that undermine its cogency and coherence. My proposal is to ground the ontology of political authority in the created order and to locate the *bene esse* in Christ's redemption of political authority.

### **The need for a distinction between *pre lapsum* political authority and *post lapsum* politics**

What O'Donovan's theology of political authority lacks is a framework that can distinguish between the *nature* of political authority, on the one hand, and the salvation-historical *telos* of political authority on the other. This is what I believe is required for a coherent and cogent theological account of political authority. Such a framework would differentiate the *post lapsum* requirement for the redress of "injured right" and the *natural* authorities in the created order used to *execute* that right in practice. This framework need not compromise the notion of a perfect Creator or of a good creation. A central function of political authority in human history would still be what Ramsey termed "restraining and remedying sin."<sup>870</sup>

The foundation for a framework that distinguishes the *pre lapsum* nature of political authority from its *post lapsum* salvation-historical telos could be predicated on

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<sup>870</sup> Ramsey, *Basic Christian Ethics*, 330. The full quote is "in relations among men in larger groups, political democracy may be given the compelling justification only if some reference be made to the problem of restraining and remedying sin."

the further important distinction between *political authority* and *politics*. The “political” in *political* authority could be construed in the Aristotelian/Thomist sense of the social organisation that naturally arises from humankind’s nature as “political animals.”<sup>871</sup> “Politics,” meanwhile, could retain its fundamentally Augustinian definition adapted by O’Donovan as: “those activities with a direct relation to government.”<sup>872</sup> In the previous chapter I noted that O’Donovan gave the adjective “political” the same meaning as “politics” in *Judgment*, in spite of differentiating their semantic fields shortly prior. I think O’Donovan has incorrectly given the “political” in *political* authority a sense too closely connected to the *post lapsum* definition of “politics” as relating exclusively to government and judgment. Government and judgment relate to the salvation-historical ends of political authority but not its nature, which must be grounded in the created order if it is to be coherent.

On occasion, O’Donovan’s work appears to implicitly recognise a distinction between “political” and “politics” with respect to their nature and historical telos. But this distinction does not perform the controlling function I believe it must for a compelling theology of political authority. In a revealing passage in *Judgment*, O’Donovan indicates that he might believe that the putative classical dichotomy between the Aristotelian/Thomist view of the origin and nature of government and the Augustinian view can be reconciled:

St. Thomas’s departure from the *post lapsum* account under Aristotle’s influence and his elaboration of an administrative view of government that might have served unfallen man, [*sic*] has been singled out as a dramatic departure...The tension [of this view with that of the origin of government as *post lapsum*] proved resolvable. By the sixteenth century an Augustinian such as Luther can find the germ of political life in Adam’s

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<sup>871</sup> Aristotle, *The Politics*, trans. T.A. Sinclair, rev. Trevor J. Saunders (London: Penguin, 1992), 59. “It follows that the state belongs to the class of objects which exist by nature, and that man is by nature a political animal.”

<sup>872</sup> O’Donovan, *The Ways of Judgment*, 56.

naming of the animals in the garden, whilst his Thomist contemporary Vitoria can assign the origins of the city to Cain and Nimrod, and see its purpose as to ward off attack. The two emphases converged upon a consensus, that while creaturely possibilities of human existence, the crystallisation of these into political functions of command and restraint presupposes a threat to mankind, and it may also represent the measures that divine providence devises to protect them.<sup>873</sup>

Aquinas' distinction between the two senses of *dominium* is helpful here. One sense of *dominium* is as follows: "a master [*dominus*] means one to whom another is subject as a slave."<sup>874</sup> This kind of *dominium* was not part of what Aquinas referred to as the "state of innocence." The other sense of *dominium*, however, relates to somebody who "is the master of a free subject, by directing him either towards his proper welfare, or to the common good."<sup>875</sup> This type of *dominium* Aquinas believed was integral to the created order ("the state of innocence"): "Man is naturally a social being, and so in the state of innocence he would have led a social life. Now a social life cannot exist among a number of people unless under the presidency of one to look after the common good."<sup>876</sup> Augustine too understood this distinction, according to Rist. While he thought "politics" was "a mark of fallen society" he also thought "there was still to be authority" before the fall, albeit an authority that "had no need to coerce."<sup>877</sup>

There is an interesting correlation between Aquinas' view that mastership in the state of innocence involved directing free humans towards their proper or common good and O'Donovan's refrain that "authority is the objective correlate of freedom."<sup>878</sup> Aquinas' question for O'Donovan, however, is this: notwithstanding the important

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<sup>873</sup> Ibid., 60.

<sup>874</sup> Saint Thomas Aquinas, *Summa Theologiae Prima Pars*, 50–119, trans. Fr. Laurence Shapcote, ed. John Mortensen and Enrique Alarcón (Lander, Wyo.: The Aquinas Institute for the Study of the Works of St. Thomas Aquinas, 2012), 1a.96.a4ad.

<sup>875</sup> Ibid.

<sup>876</sup> Ibid.

<sup>877</sup> John M. Rist, *Augustine: Ancient Thought Baptized* (Cambridge: Cambridge University Press, 1994), 252–253.

<sup>878</sup> O'Donovan, *The Desire of the Nations*, 30.

salvation-historical function of political authority in mediating God's judgments for the purpose of addressing injured right, in what sense could *pre lapsum* society have functioned without political authority, where "political" refers to social organisation and "authority"? Aquinas' insight is that some form of political authority is required even in a state of innocence for a community to pursue and realise the goods of creation. O'Donovan, on the other hand, has removed the pursuit of the "good" from the legitimate remit of secular government via the "re-authorisation thesis" severing the necessary connection between political authority and creation.

### **The case for a creation ontology of political authority**

When it comes to the human act of judgment—"an act of moral discrimination that pronounces upon a preceding act or existing state of affairs to establish a new public context"—it is necessary to differentiate between the *need* for such judgments and what is *practically* involved in *executing* such judgments.<sup>879</sup> Whether viewed from the perspective of legislative, executive or judicial judgments, the execution thereof *entirely* consists of the utilisation of faculties and resources best understood as belonging to the natural ends and kinds of the created order. These include reason, analysis, communication, consultation, speech/language, writing, process, consistency, coordination, organisation, collaboration, deliberation, use of natural resources, labour and the human imagination and creativity required to put all these together into appropriate institutions. It may be the case that God's intervention is required to reveal the moral good according to which moral discriminations are to be made. But practically speaking there is nothing supernatural about the human institutions used to make such discriminations. As O'Donovan observed in *Judgment*, "no human act can

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<sup>879</sup> O'Donovan, *The Ways of Judgment*, 7.

be *radically* creative in the sense of giving existence to things that had no existence before [original emphasis].”<sup>880</sup>

O’Donovan reminds us that human creativity is natural because human nature belongs to the ends and kinds of the created order.<sup>881</sup> “Christian freedom,” he says, “allows man to make moral responses creatively.”<sup>882</sup> Humans have “the authority to designate the character of the reality which [they] encounter...not merely to adhere to certain designations that have already been made for him.”<sup>883</sup> This human creativity represents the “restoration of Adam’s lordship in the natural order.”<sup>884</sup> This insight provides compelling grounds upon which to view the creation of human institutions, including those that execute right, as natural—the expression of the human nature that God has located in the created order. *Imago Dei* therefore might represent a fertile lens—one unexplored by O’Donovan—through which to understand the origin of political authority within the created order. Caird understood this potential, arguing in his classic study *Principalities and Powers* that “man...was made to reflect the divine glory and in particular the *divine authority* [emphasis mine].”<sup>885</sup> Refusing to “exercise this *delegated authority* over the rest of creation,” Caird added, “brings dishonour upon himself and upon the God for whose glory he was created.”<sup>886</sup>

One of O’Donovan’s compelling insights about the natural authorities found in the created order is the way that they can explain the “generic intelligibility” of human action. “Authority,” O’Donovan avers, “is what we encounter in the world which makes it meaningful for us to act...something which, by virtue of its kind, constitutes an

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<sup>880</sup> Ibid., 9.

<sup>881</sup> Ibid., 16.

<sup>882</sup> O’Donovan, *Resurrection and Moral Order*, 24.

<sup>883</sup> Ibid.

<sup>884</sup> Ibid.

<sup>885</sup> G.B. Caird, *Principalities and Powers: A Study in Pauline Theology* (Oxford: Clarendon Press, 1956), 19.

<sup>886</sup> Ibid.

immediate and sufficient ground for acting.”<sup>887</sup> This insight, however, reveals one of the fundamental problems of attributing the existence of political authority to providence and the historical order. It leaves O’Donovan without an account for how political authority can be an immediate and sufficient ground for human action.<sup>888</sup> O’Donovan explains that, without the “generic indelibility” of natural authorities, there would be “nothing in the world which invited our action,” thus making the very notion of freedom “problematic,” something more akin to “an irruption into a system that was closed against it.”<sup>889</sup> This is why authority is the objective correlate of freedom: “since freedom is not indeterminacy or randomness but purposive action, that means describing the world as a place in which actions may have ends.”<sup>890</sup>

Yet an irruption into a closed system is precisely the character O’Donovan’s providentialist account of political authority in *Desire* gives political authority. Look at the way Errington interprets O’Donovan’s account of authority: “The idea of authority... recognis[es] the miraculous, providential nature of authority as the gift of God which happens, and then is taken away...authority is mysterious.”<sup>891</sup> But O’Donovan has succeeded, as I have argued in this thesis, in providing a compelling description of the *essence* or *nature* of political authority, showing that it exists universally and consistently both diachronically and synchronically. The “essence of political authority thesis” is inconsistent with the miraculous, *sui generis* quality of political authority implied by the “providence thesis” and articulated by Errington above.

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<sup>887</sup> O’Donovan, *Resurrection and Moral Order*, 122.

<sup>888</sup> Errington, “Authority and Reality in the Work of Oliver O’Donovan,” 84. Errington observes that “what authority does is to *mediate* reality to our practical life.” However, the “reality” it mediates consists of the ends and kinds of the created order according to O’Donovan’s account of morality.

<sup>889</sup> O’Donovan, *Resurrection and Moral Order*, 122.

<sup>890</sup> *Ibid.*

<sup>891</sup> Errington, “Authority and Reality in the Work of Oliver O’Donovan,” 382–383.

### **The redemption of political authority**

In the previous chapter I introduced the notion found in *Resurrection* that the seminal meaning of the Christ-event is its restoration (“redemption”) of the ability of human beings to participate *morally* in the created order: “Morality is man’s participation in the created order” and “Christian morality is his glad response to the deed of God which has restored, proved and fulfilled that order, making man free to conform to it.”<sup>892</sup> “Christian freedom,” O’Donovan adds, is the “participation in Christ’s authority within the created order” and “the redeemed creation does not merely confront us as moral agents, but includes us and enables us to participate in it.”<sup>893</sup>

O’Donovan makes an important distinction between the generic, objective created order which “does not exclude a certain ‘natural knowledge’ which is also a part of man’s created endowment,” and humankind’s *moral* participation “in Christ.”<sup>894</sup> As O’Donovan explains, it is “not that the created order has changed, or was ever anything other than what God made it, but that in Christ man was able for the first time to assume his proper place within it, the place of dominion which God assigned to Adam.”<sup>895</sup> The problem with the created order, therefore, is not primarily ontological. It is moral. This opens a vista to a view of the Christ-event as redeeming the natural goods of political authority rather than “re-authorising” its function.

O’Donovan defines “redemption” as the recovery of something given and lost.<sup>896</sup> Crucially, what the Christ-event redeems is *mankind in his context as the ruler*

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<sup>892</sup> O’Donovan, *Resurrection and Moral Order*, 76.

<sup>893</sup> *Ibid.*, 24, 101.

<sup>894</sup> *Ibid.*, 20.

<sup>895</sup> *Ibid.*, 24.

<sup>896</sup> *Ibid.*, 54.

*of the ordered creation* that God has made [emphasis mine].”<sup>897</sup> Redemption, therefore, can be construed as restoring humankind’s ability to exercise political authority in a morally right way, which is to say, according to the generic and teleological order that God has created. So while natural authorities in the created order make human action intelligible, it is “only in Christ [that] we apprehend that order in which we stand and that knowledge of it with which we have been endowed.”<sup>898</sup>

### **Providence and the christological *bene esse* of political authority**

I have argued that political authority is best thought of as belonging to the natural created order and that the Christ-event redeems humankind’s ability to exercise political authority as part of its restored moral participation in the created order. This view, however, leaves the role of providence to be explained. I believe the solution to this problem emerges from O’Donovan’s distinction in *Desire* between the *esse* and *bene esse* of political authority. His claim is that the Christ-event “re-authorises” political authority such that enacting judgment becomes its new *historical bene esse*. In Chapter 6 I demonstrated that this thesis is without biblical warrant and therefore is not “authorised” from Scripture.

The first thing to say about the distinction between the *esse* and *bene esse* of a phenomenon like political authority is that it presupposes that there is a *natural unchanging, existential esse* of political authority. O’Donovan says that “the *bene esse* cannot undo the *esse*...The conjunction of power, judgment and tradition defines what political authority *is* [original emphasis].”<sup>899</sup> The necessity of viewing the *esse* of a phenomenon as belonging to the created order for the purposes of identifying its *bene*

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<sup>897</sup> Ibid., 54–55.

<sup>898</sup> Ibid., 20.

<sup>899</sup> O’Donovan, *The Desire of the Nations*, 233.

*esse* can be seen in the following illustration. Sexual intercourse is uncontroversially regarded as natural, and for the Christian as belonging to the created order. Moreover, O'Donovan can helpfully point out that it is an "immediate and sufficient grounds for acting."<sup>900</sup> Sexual intercourse between a married couple requires no explanation: it is inherently intelligible. But it seems equally uncontroversial to say that sexual intercourse can be misused, or used inappropriately and harmfully, whether through rape, child sexual abuse or dangerous promiscuity. The fact, however, that sexual intercourse can be perverted does not make it unnatural in the ontological sense. It still remains a natural authority in spite of the fact that it can be perverted. When sexual intercourse occurs in circumstances that make a travesty of its *bene esse*, such as in the case of rape, its fundamental essence still remains unchanged, i.e. the physical act that defines sexual intercourse. Political authority functions in a similar way.

One of O'Donovan's mistakes in *Desire* was to derive a norm from the essence of political authority rather than from its *bene esse*, as I argued in Chapter 5. He conflated the *bene esse* of political authority, i.e. what legitimates a regime, with its *esse*, i.e., what political authority is. Yet, O'Donovan wants to identify the *bene esse* of political authority with Western (Christian) liberalism—"Western society as a *bene esse* of political order which has the narrative of the Christ-event stamped upon it."<sup>901</sup> O'Donovan even identifies a set of principles that represent this *bene esse* of political authority that could be developed into moral criteria through which to make moral judgments about the legitimacy of particular regimes. These principles of Christian liberalism were: "freedom," "merciful judgment," "natural right" and "openness of speech." O'Donovan also identified "natural equality," "affinity," "reciprocity" and

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<sup>900</sup> O'Donovan, *Resurrection and Moral Order*, 122.

<sup>901</sup> O'Donovan, *The Desire of the Nations*, 283. Although O'Donovan appears to draw a distinction between Western and Christian liberalism, it is not entirely clear if they both represent the *bene esse* of political authority or if Christian liberalism represents its *melior esse*.

“creaturely cohabitation,” which he placed under the category of “natural right,” but which could just as well stand in their own right.<sup>902</sup> “Natural equality” relates to encountering other human beings “as a partner in humanity, neither slave nor lord.”<sup>903</sup> “Affinity” denotes respecting the affinities that “create our national and cultural homes, affinities of language, tradition, culture and law.”<sup>904</sup> “Reciprocity” means “fellowship with other human beings, thus establishing the communication of a universal humanity, not as an integrated super-home but as a network of meetings and mutual acknowledgements.”<sup>905</sup> Finally, “creaturely cohabitation” represents the harmonious co-existence of “human and non-human species in a common world.”<sup>906</sup>

Those regimes that do not govern according to these principles, such as North Korea, can be construed as perverting the natural political authority and failing to rule in accordance with the christological *bene esse* expressed in the principles of Christian liberalism. This construal provides the Christian with a mechanism for condemning a regime like North Korea on both *moral* and *theological* grounds. It also explains how such regimes can exist in the first place without creating a theodicy problem. Regimes like North Korea are able to hold political authority because its essence rests within the created order and is therefore accessible to all who bear the image of God.<sup>907</sup> Such regimes can even realise some good. But providence is not responsible for the perversion of this good. Rather, North Korea’s rulers are responsible by their rebellion against the moral order and rejection of its redemption in the Christ-event. Acknowledging God’s kingly rule through Christ entails implementing some version of

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<sup>902</sup> Ibid., 262.

<sup>903</sup> Ibid.

<sup>904</sup> Ibid.

<sup>905</sup> Ibid.

<sup>906</sup> Ibid.

<sup>907</sup> McIlroy, “The Right Reason for Caesar to Confess Christ as Lord,” 315. McIlroy correctly understood that O’Donovan’s account of political authority does not deny the possibility of making correct moral decisions on particular issues without acknowledging Christ.”

the Christian liberalism that O'Donovan identifies as both the intellectual and historical achievement of Christian societies subjecting their authority to Christ's.

Conversely, the *historical* achievement of Christian liberalism could be attributed largely to divine providence. Indeed, O'Donovan does as much, maintaining that, "to display the liberal achievement correctly, we have to show it as the victory won by Christ over the nations' rulers."<sup>908</sup> He also says that Christendom "attests, as a matter of history, [to] the actual impact of the Christian faith on European politics."<sup>909</sup> The movement of history towards the christological *bene esse* of natural political authority as expressed and implemented in Christian liberalism could therefore be regarded as "the work of divine providence in history, not a mere accomplishment of the human task of political service."<sup>910</sup> A christologically grounded Christian liberalism removes the ontological gap that O'Donovan's account of political authority opens and which he fills with the "providence thesis." Through the lens of Christian liberalism providence provides a Christian explanation for the actual course of Western political development since the Christ-event.

### **Political authority and the Holy Spirit: the missing link?**

Another element that is present in *Resurrection* but absent from *Desire* is a significant role for the Holy Spirit. In *Resurrection*, the Holy Spirit is given an important, one might even say primary, role in Christ's redemption and vindication of creation, and in turn humankind's restored moral participation in the created order. If political authority truly belongs to the created order, then the door opens to a significant role for the Holy Spirit in the proper functioning of political authority, what I have been calling its

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<sup>908</sup> O'Donovan, *The Desire of the Nations*, 229.

<sup>909</sup> *Ibid.*, 194.

<sup>910</sup> *Ibid.*, 46.

christological *bene esse*. It is the Holy Spirit, O'Donovan tells us, who "makes the reality of redemption, distant from us in time, both *present* and *authoritative*" and "evokes our *free* response to this reality as moral agents [original emphasis]."911 O'Donovan further maintains that "the Holy Spirit brings God's act in Christ into critical opposition to the falsely structured reality in which we live...and through the same act he calls into existence a new and truer structure of existence."912

O'Donovan sees the work of the Holy Spirit in communities, not just "individual human agents."913 "Communities, too," he says, "act as subjects; and if they are to act in such a way that the sin, righteousness and judgment manifest in Christ shapes their acts and attitudes, it will be only by the Holy Spirit's work."914 Could this be the missing link in O'Donovan's providentialist account of political authority? If the *bene esse* of political authority is christological, in the sense that normative political order is that which acknowledges Christ's exaltation, vindication of creation and kingly rule over the nations, then arguably the proper exercise of political authority can be more directly attributed to the work of the Holy Spirit than to providence. This view is not incompatible with the notion that divine providence helps direct the course of history towards God's salvific purposes, including the unfolding redemption of political authority. Rather, the Holy Spirit might provide a more compelling agency than providence by which to explain how it is that certain rulers and regimes are able to realise the christologically redeemed *bene esse* of political authority, i.e. how to participate morally in the political order of creation. It might even be possible to subsume the concept of "providence" into the Holy Spirit in this context, such that the

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911 O'Donovan, *Resurrection and Moral Order*, 102.

912 *Ibid.*, 104.

913 *Ibid.*, 106.

914 *Ibid.*

political work of the Holy Spirit is the mark or agent of God's providential care for his creation and indeed of the progress of salvation history.

### **A Christian liberal political manifesto**

The christological locus of the *bene esse* of *natural* political authority provides the foundation for a political manifesto that could make an important contribution to discourse about the crisis of liberalism and its post-liberal alternative. Such a manifesto would include advocating reforms in non-liberal political orders that will find willing partners in the secular political universe, while simultaneously arguing that illiberal regimes need to embrace Christ's vindication of creation and kingly reign in order to truly and effectively realise the relative justice that is possible through liberal norms. O'Donovan's Christian liberalism could also constitute the basis for a Christian manifesto for the West, this time in more of a prophetic mode than a reforming mode.

The "prodigal" regimes of Western liberalism, on the other hand, are to be reminded that the political goods of liberalism cannot be realised effectively and credibly without the theological horizon that lead to their achievement in the first place.<sup>915</sup> This is a role that O'Donovan ascribes explicitly to the church in *Judgment*: The church's "political character is worked out through engagement with the secular political societies among whom it lives, witnessing to the risen Christ and claiming their judgments in obedience to him."<sup>916</sup> Thus, if regimes like North Korea can be construed as perversions of the normative christological service of political authority, then Western liberal regimes, largely through the conceit of contractarianism as O'Donovan's would have it, run the risk of degenerating into perversion too by turning

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<sup>915</sup> O'Donovan, *The Desire of the Nations*, 275.

<sup>916</sup> O'Donovan, *The Ways of Judgment*, 88. McEvoy thinks O'Donovan advocates a more "directive" role for the church in relation to secular political rule, but "witness" is closer to the mark ("A Dialogue with Oliver O'Donovan about the Church and Government," 953).

their back on liberalism’s “theological horizons.”<sup>917</sup> This is what O’Donovan was driving home in his provocative but apparently prescient warning that Western secular liberalism “can be conceived as Antichrist, a parodic and corrupt development of Christian social order.”<sup>918</sup>

There is more developmental work to be done in translating these principles into robust criteria that could allow the Christian to make deliberative judgments about the legitimacy of regimes, to campaign for the reform of regimes which do not conform to the *bene esse* of political authority, and to develop a political manifesto for the West that could be translated into tangible political action and concrete policy proposals.

### **Resolving problems**

In what follows I will endeavour to show how grounding the ontology of political authority in the created order and locating the *bene esse* of political authority in Christ’s redemption of the created order can resolve the problems I have identified and critiqued in this thesis in relation to O’Donovan’s theology of political authority.

#### Israel reveals political norms

By making the distinction between the natural ontology of political authority and the unnatural ends towards which it is ordered and providentially directed in history, O’Donovan can abandon the problematic notion that Israel, or Scripture, *reveals* the essence of political authority. This move would entirely negate my criticism of the unacknowledged and unwarranted conceptual move that O’Donovan makes between the “divine kingship as salvation, judgment and possession paradigm” and the “essence of

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<sup>917</sup> O’Donovan, *The Desire of the Nations*, 20. “Modernity is the child of Christianity, and at the same time...it has left its father’s house and followed the way of the prodigal,” (*The Desire of the Nations*, 275).

<sup>918</sup> *Ibid.*, 275.

political authority thesis” analysed in chapter 3. It would further obviate the problems of the lack of explicit Scriptural warrant for regarding the Davidic monarchy as politically normative, the Old Testament’s ostensible lack of interest in political authority at the theoretical level, the ambivalence about the rise and status of the monarchy evident in Scripture, the fact that Israel is not the first regime in history to combine “power,” “right” and “tradition” in “one coordinated agency,” the need to explain why God raises then ends the Davidic monarchy and why Jesus did not reinstate the monarchy, but rather “re-authorises” it on a new footing. It also nullifies the Ramsey factor.

All O’Donovan need do is show that Scripture confirms, accords with, or, perhaps more minimally, is not incompatible with, what can be empirically observed through a study of human political history. He could go further than this, however, and credibly claim that *he* arrived at his highly incisive conception of political authority through his study of the way Israel mediated God’s rule, thus making Israel *relevant*, if not *normative*, to discourse about the *essence* of political authority, including to secular political philosophy and political science. In and of itself this represents a significant and valuable contribution and goes a long way to addressing O’Donovan’s well-founded concern to restore the relevance of Israel to Christian political theology.<sup>919</sup>

O’Donovan might even reasonably claim that there is something unique in the way that Israel understood God to be their king that allowed the biblical authors/redactors to describe the political norms of the Davidic monarchy with such clarity that the constitutive elements of political authority can be discerned more readily in Scripture than through any comparable study of the historical records of other ancient regime. Such an argument, however, would require detailed comparative historical analysis for substantiation.

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<sup>919</sup> He claimed in *Desire*, for instance, that “failure to attend to Israel is what left Christian political thought oscillating between idealist and realist poles” (*The Desire of the Nations*, 27).

It is even conceivable that O'Donovan might be able to retain the notion that Israel *revealed* the essence of political authority in a highly nuanced way. Such an argument might run as follows: God perhaps can be regarded as having revealed—in the sense of giving his assurance—that the conjunction of natural authorities identified by O'Donovan through his analysis of the Old Testament scriptures really does represent the essence of political authority, and that while this conjunction has existed wherever a stable and enduring regime has risen, including those that predate Israel, we could not be confident that we had correctly identified the essence of political authority in the absence of Israel. Whether this would represent a coherent notion of the concept “reveal” is moot, with Scripture's lack of ostensible interest in a theory of political authority remaining a major obstacle to such a notion.

There are other ways to retain the significance of Israel in the flow of salvation-history that do not require positing the Davidic monarchy's political forms as normative for Christian political theology. One could view Israel's history primarily through the lens of covenant, as indeed many theologians have, including, as we saw in chapter 7, Ernest Wright. The strength of this covenantal lens is that it can better account for the *whole* of Israel's variegated political history as the people of God, while still retaining the intertestamental continuity by virtue of Jesus representing both the fulfilment and renewal of the covenant, including as David's heir. Covenant has the further advantage of being a much more unambiguously, and far more central, biblical concept than political authority.

A view of the Davidic monarchy that does not assume the normativity of its political culture can still preserve its historical and theological significance: it can still be regarded without any contradiction as a significant moment, even *the* seminal moment, in salvation-history by preparing the groundwork for the climax of history: the Christ-event, which restores humankind's ability to exercise political authority *morally*.

However, such a view is not ostensibly incompatible with the notion that the monarchy's political norms are historically contingent. This approach would entail highlighting the significance of Israel, and in particular the Davidic monarchy, in the progress of salvation-history, whilst minimising the significance, though not removing the relevance, of Israel's political forms.

#### Replacing “re-authorise” with “redeem”

If the Old Testament does not *reveal* the essence of political authority then there is no need to posit that Paul expounds its “re-authorisation” by omitting constitutive elements of the “essence of political authority thesis.” This releases O’Donovan from the implausible view that Rom. 13:1–7 argues that judgment is the sole legitimate function of political authority following Christ’s triumph. It also allows a more expansive conception of the role of government that retains, on the one hand, the undisputed role for judgment, but adds, on the other, a constructive role for promoting the common good. This more expansive view of the function of government is more compatible with Rom. 13:1–7, and in particular verse 4a, which O’Donovan does not discuss in *Desire*: “For it is God’s servant for your good”—“for you *towards* the good” [original emphasis] according to Wannewetsch.<sup>920</sup> As I demonstrated above, the “re-authorisation thesis” could be replaced by my “redemption thesis,” which is largely derived from O’Donovan’s own moral theology.

The redemptive view of political authority preserves O’Donovan’s belief that the Christ-event fundamentally changes the function and role of political authority in salvation-history. O’Donovan can still claim—perhaps with even more conviction—that “much has changed in history, and much of that change may derive one way or another from the events of Bethlehem and Calvary” and that “something about our human

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<sup>920</sup> Wannewetsch, “Soul Citizens,” 381.

vocation has been shown us...our calling to a final destiny in the life of a city, the new Jerusalem.”<sup>921</sup> The seminal historical development is now humankind’s ability to reclaim its Adamic rule as seen in the historical development of Christian liberalism, rather than the somewhat anti-climactic restriction of political authority to the sole task of judgment.

### **Biblical warrants for a creation ontology of political authority**

While space prohibits a detailed and systematic analysis of Scripture in relation to my proposal to ground O’Donovan’s conception of political authority in the created order and its *bene esse* in the Christ-event, expressed by the tradition of Christian liberalism, I will suggest two passages which appear to offer support: Col.1:16 and 1 Peter 2:13–14.<sup>922</sup> I do so, however, with the caveat that this question requires more research and that the meaning of these passages, as is de rigueur in biblical studies these days, are disputed. The object of this section is to merely demonstrate that a *prima facie* case can be made for the compatibility of the creation ontology of political authority discussed in this chapter with Scripture. Col.1:16<sup>923</sup> says:

For in him [Jesus] all things in heaven and on earth were created, things visible and invisible, whether thrones [θρόνοι] or dominions [κυριότητες] or rulers [ἀρχαὶ] or powers [ἐξουσίαι]—all things have been created through him and for him.

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<sup>921</sup> O’Donovan, “Deliberation, History and Reading,” 138.

<sup>922</sup> Col. 1:16 forms part of a poem or hymn which runs from verses 15–20. As N.T. Wright explains, “most scholars agree that the passage is skilfully worded and rhythmically balanced, deserving to be called a poem,” and that “some have...suggested that it is, or contains, a hymn already well known before being quoted” by Paul. N.T. Wright, *Colossians and Philemon: Tyndale New Testament Commentaries Volume 12* (Downers Grove, Ill.: InterVarsity Press, 1986), 68.

<sup>923</sup> O’Donovan does not explicitly refer to Col. 1:16 in either *Desire* or *Judgment*, although there is a reference in the former to Col.1:15 & 18 (*The Desire of the Nations*, 181).

Ἐξουσία (*exousia*)—“powers” in the NRSV translation—is also commonly translated “authorities” in many contexts. It is the all-important term (also in the plural) found in Rom. 13:1: “Let every person be subject to the governing authorities [ἐξουσίας ὑπερεχούσας—*exousiais hyperechousais*]...” The term “powers,” therefore, likely had connotations for Greek speakers of the era that included something akin to what today might be called “political authority”—remembering that the word is never qualified by the adjective “political” (*politiki/politikai*). One of the real curiosities of *Desire* is that, having undertaken some linguistic analysis of Hebrew terms associated with divine kingship in the Old Testament, O’Donovan conducts no substantive or systematic analysis of the Greek political vocabulary of the New Testament, particularly given the frequency with which the Greek term ἐξουσία (*exousia*)—“authority”—occurs including in contexts, such as Rom. 13:1–7, where something akin to *political* authority appears to be in view.

That said, in the case of Col. 16:1 many commentators favour an interpretation of “thrones,” “dominions,” “rulers” and “powers” that relates specifically to the angelic and/or demonic realm—there is dispute about which of the two provides the correct context—even while admitting that a reading that views the referents as both supermundane and earthly is acknowledged as possible.<sup>924</sup> Even so, Moo helpfully reminds that the introduction to the hymn in verse 15— “He is the image of the invisible God, the firstborn of all creation”—evokes the creation story in Genesis.<sup>925</sup>

It is important to consider the term *exousia* and its occurrence (in the plural) in Col. 1:16 in a wider perspective, given it is a frequently occurring term in the New

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<sup>924</sup> Markus Barth and Helmut Blanke, *Colossians: A New Translation with Introduction and Commentary by Markus Barth and Helmut Blanke*, trans. Astrid B. Beck (New York: The Anchor Bible, 1994), 201. Peter T. O’Brien, *Colossians, Philemon: World Biblical Commentary Volume 44* (Waco, Tex.: Word Books, 1982), 46. Douglas J. Moo, *The Letters to the Colossians and to Philemon* (Grand Rapids: Eerdmans, 2008), 113.

<sup>925</sup> Moo, *The Letters to the Colossians and to Philemon*, 122.

Testament with a complex semantic field requiring multiple English words for rendering in English. *The Theological Dictionary of the New Testament*, for instance, explains how *exousia* can mean “express[ing] the invisible power of God whose Word is *creative* power [emphasis mine],” as well as denoting “the power of decision...active in a legally ordered whole, especially in the state and in all the authoritarian relationship supported by it.”<sup>926</sup> *The Theological Dictionary of the New Testament* further indicates that *exousia* “can also denote the fact that His will prevails in the sphere of *nature* as an ordered totality” and “the ἐξουσία and power of God are variously displayed in the *sphere of nature*...The frequent use of the term in this context shows that *nature is regarded as an ordered totality* [emphasis mine].”<sup>927</sup>

It is therefore essential to understand the connection between these different senses in which *exousia* is used in the New Testament. “Governing authorities,” or perhaps “political authority,” appears to have been understood as a species of “authority” in a hierarchy of authority that begins with God, pervades the angelic and demonic realm and then infuses the natural order and human social life—an “ordered totality.” Consequently, even if *exousiai* has a strictly supermundane sense in Col. 16:1, it is likely that the original audience would have understood the term in the context of an “ordered totality” that included earthly political *exousiai*. The notion that God could create such authorities through Christ opens the door to countenancing the possibility that *all* authority, including what we have come to know as *political* authority, was created in and for Christ. N.T. Wright’s interpretation of Col. 1:16 accords with this “ordered totality” sense of the term *exousia*: “No power structures are, however, independent of Christ: for *all things were created by and for him* [original emphasis].”<sup>928</sup>

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<sup>926</sup> Gerhard Friedrich, ed., *The Theological Dictionary of the New Testament, Volume II*, trans. and ed. Geoffrey W. Bromiley (Grand Rapids: Eerdmans, 1964), s. v. ἐξουσία, 566.

<sup>927</sup> *Ibid.*, 566–567.

<sup>928</sup> Wright, *Colossians and Philemon*, 77.

The possibility that political authorities were created *in* and *for* Christ is not only compatible with O'Donovan's view of the moral order, and my proposal to view political authority as redeemed by Christ's resurrection, but is positive support for such a notion.

A more detailed study would also bring into scope 1 Peter 2:13–14,<sup>929</sup> which uniquely connects the noun *κτίσις* (*ktisis*—“creation”) to positions of human political authority such as “emperors” and “governors.” Many commentators regard the NRSV translation of *ktisis* as “human institution” to be misleading.<sup>930</sup> Some scholars interpret this passage in a way that appears to open the door to connecting political authority with creation. As Boring explains, “since elsewhere in the Bible “creation” [*ktisis*] always refers to God's act...it is better to see the phrase as referring to the structures of society as part of God's creation.”<sup>931</sup> There are other interpretations, of course, such as that of Michaels, which sees the focus of the passage as being “humanity (in distinction from the natural order) as God's creation.”<sup>932</sup>

This brief discussion of Col.1:16 and 1 Peter 2:13–14—two passages that play a non-existent and negligible role respectively in the exegetical discussion of *Desire*—indicates that these verses can be read in such a way that connects political authority to the created order. If anything, this possibility illustrates the paucity of O'Donovan's exegetical analysis of the New Testament, which does not systematically investigate the Greek term *exousia*, does not engaged deeply New Testament scholarship, and which

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<sup>929</sup> 13. For the Lord's sake accept the authority of every human institution, whether of the emperor as supreme, 14. Or of governors, as sent by him to punish those who do wrong and to praise those who do right.

<sup>930</sup> See, for example, Lewis Donelson, *I & II Peter and Jude: A Commentary* (Louisville: Westminster John Knox Press, 2010), 71; and Edmund P. Clowney, *The Message of 1 Peter: The Way of the Cross* (Leicester: Inter-Varsity Press, 1988), 105.

<sup>931</sup> Eugene M. Boring, *1 Peter* (Nashville: Abingdon Press, 1999), 115.

<sup>932</sup> J. Ramsey Michaels, *1 Peter: World Biblical Commentary Volume 49* (Waco, Tex.: Word Books, 1988), 124.

does not investigate in any detail the full gamut of verses that appear to touch on political authority.

### **True political concepts authorised from Holy Scripture**

Before proceeding to the conclusion of this thesis, it is time to form some conclusions about O'Donovan's methodological axiom that true political concepts must be "authorised" from Scripture, which has been a consistent theme in my discussion. By construing political authority as embedded in the natural created order, O'Donovan can amend this theopolitical methodological axiom. Rather than Scripture performing the task of "authorising" *each* and *every* political concept in Christian political theology, it could instead perform the function of a *regula fidei politici*. By *regula fidei politici* I mean the use of Scripture's own political concepts, such as divine kingship, as well as its salvation-history narrative, to test, illuminate and/or interpret where applicable political concepts that appear to emerge from nature, or which appear to be the consequence of human ingenuity—itsself not unrelated to the created order.<sup>933</sup>

It might be more useful to think of Scripture as "illuminating" political concepts rather than "authorising" them in the strong sense apparently intended by O'Donovan: "the question of their existence [i.e., "politico-theological concepts"] must be put to Scripture."<sup>934</sup> This would permit Christian political theology to work with concepts such as the association of "power," "right" and "tradition" in "one coordinated agency" and the principles of Christian liberalism without having to demonstrate that their existence is "authorised" in Scripture. Provided such concepts are not proscribed by Scripture

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<sup>933</sup> This is an adaptation of the historical meanings of *regula fidei* identified by Drecoll: "denot[ing] the normative practice of the church," "refer[ing] to the ethics of the faithful" and "denot[ing] the indispensable content of the faith." Volker Henning Drecoll, "Regula fidei," in *Religion Past and Present*, ed. Hans Dieter Betz et al. (BrillOnline Reference Works, 2011), [http://dx.doi.org/10.1163/1877-5888\\_rpp\\_SIM\\_024876](http://dx.doi.org/10.1163/1877-5888_rpp_SIM_024876).

<sup>934</sup> O'Donovan, *The Desire of the Nations*, 15.

and/or can be shown to be consistent or compatible with the political and theological conceptuality of Scripture, or with its salvation-history narrative, then they can be countenanced in good conscience. “Democracy” is a good case in point. One will look in vain for this concept in Scripture. Yet most Christians embrace it without second thought. A case can be made that democracy is compatible with the ethos of Christian teaching, the natural freedom of human anthropology and so on, in which case it could be approved under a *regula fidei politici*. But it is far from clear that “democracy” is demonstrably and unambiguously an “authorised” political concept in Scripture. This reveals the danger of limiting the conceptuality of contemporary Christian political theology to the political conceptuality of Scripture, particularly given elaborating a comprehensive political conceptuality is not a priority of Scripture.

Bauckham provides some useful advice about how to use the bible in political theology that can help flesh out the principle of *regula fidei politici* that I am recommending. He makes the helpful distinction between what is political *instruction* for Christians living today versus what is politically *instructive* for Christians.<sup>935</sup> With reference to the Old Testament, he argues that “none of it applies directly to us, as *instructions*, but all of it is relevant to us, as *instructive*.”<sup>936</sup>

My recommendation does not entail a radical departure from the role O’Donovan wishes to accord Scripture. It entails, rather, an amendment. The political conceptuality of Scripture would still retain its foundational role for political theology. It would also perform a controlling function for extra-biblical political concepts, proposals and theories. It is also perfectly compatible with a salvation-history biblical hermeneutic and a salvation-history political hermeneutic. Its virtue would be that it

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<sup>935</sup> Bauckham, *The Bible in Politics*, 6.

<sup>936</sup> Ibid. Waltzer, who approaches Scripture as a political philosopher and not a theologian, goes even further: “It appears, then, that the Bible has no political teaching, not, at least, in the sense in which it can be said to have religious and moral teaching” (*In God’s Shadow*, 204).

would allow the Christian political theologian to consider a wider cast of political concepts and ideas beyond those explicitly mentioned in Scripture. I believe this approach to Scripture and politics is necessary if political theology is to realise the “full conceptuality” that O’Donovan rightly identifies as essential to its task.<sup>937</sup> As Bauckham notes, “a more imaginative and creative hermeneutic is necessary for the Bible to speak to modern political life.”<sup>938</sup> Waltzer agrees. He thinks the Bible’s “indifference” to politics is an asset, “leav[ing] politics free, open to prudential and pragmatic determinations.”<sup>939</sup> There are alternative views of course. Cullman famously argued that the gospel could not be understood divorced from politics because “the question of Church and State...is so closely bound up with the Gospel itself that they emerge together.”<sup>940</sup>

There is an important analogy here to be made between the way that Christian scholars in secular fields use the Bible in support of their work and that political theologians could learn from. The Christian anthropologist, sociologist and physicist, to take several examples, do not restrict themselves to the conceptuality of Scripture in their respective inquiries. They do not expect to find ready made anthropological, sociological or scientific theories in Scripture, nor do they require that theories that can be empirically or experimentally verified also be “authorised” from Scripture before they will accept them. But neither do they disregard the illumination Scripture can provide for their research. Scripture provides important insight into the origin and telos of the universe, and consequently of human life and history, with all that that entails. I think political theology should take a similar approach.

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<sup>937</sup> O’Donovan, *The Desire of the Nations*, 2.

<sup>938</sup> Bauckham, *The Bible in Politics*, 12.

<sup>939</sup> Waltzer, *In God’s Shadow*, 205.

<sup>940</sup> Oscar Cullman, *The State in the New Testament*. London: SCM Press, 1957, 3. O’Donovan engages *The State in the New Testament* in the notes of *Desire (The Desire of the Nations, 232)*.

Admittedly, there is a limitation to this analogy. As O'Donovan stresses, the conceptuality of Scripture intersects with secular political vocabulary in a way that it arguably does not in the case of sociology, anthropology and physics. *Yhwh malak*, the Psalms inform us. So Scripture does uniquely bring God and political conceptuality into close proximity, directing the Christian to the analogy “between the acts of God and human acts, both of them taking place within the one public history which is the theatre of God’s saving purposes and mankind’s social undertakings.”<sup>941</sup> Still, there is no gainsaying the implications of the fact that while Scripture employs political vocabulary—“almost the whole vocabulary of salvation in the New Testament has a political pre-history of some kind”—it does not provide any obvious, unambiguous or timeless political theory that can uncontroversially be expounded, let alone implemented.

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<sup>941</sup> O'Donovan, *The Desire of the Nations*, 2.

# **Conclusion**

Throughout the course of my examination and critique of Oliver O’Donovan’s theology of political authority I have striven to be a sympathetic critic in accord with his wise dictum that “the lover of truth has no truer friend than an intelligent critic.”<sup>942</sup> O’Donovan wrote of his debt to Augustine in the preface to *The Problem of Self-Love in St. Augustine*, and to adapt his words, “to live with...[O’Donovan] for [three years]...under his tutelage, has been a life-shaping experience.”<sup>943</sup> Again, channelling O’Donovan on Augustine, I can honestly say that “I can sympathise with what [O’Donovan] gets wrong as well as with what he gets right.”<sup>944</sup>

In setting out the task of political theology in *Desire*, O’Donovan emphasised the need for “a unifying conceptual structure” and “an architectonic hermeneutic” in order to “connect political themes with the history of salvation as a whole.”<sup>945</sup> “Architect” is an apt metaphor for O’Donovan’s contribution to political theology. His *magna opera* *Desire* and *Judgment* can be thought of, by analogy, as a building designed by O’Donovan. In this thesis I have surveyed this structure and found elements of its foundations wanting. But I have also identified and highlighted aspects of its design that really succeed.

O’Donovan developed a definition of political authority—a description of its essence—constructed from the political concepts “power,” “right” and “tradition” in “one coordinated agency.” He contended that these were revealed in the Davidic monarchy and that he discerned this through his exegesis of Hebrew terms habitually associated with divine kingship in the Old Testament. But the actual concepts he exegeted were the related, but ultimately different, concepts “salvation,” “judgment” and “possession.” The essence of political authority thus turns out to be O’Donovan’s

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<sup>942</sup> Ibid., ix.

<sup>943</sup> O’Donovan, *The Problem of Self-Love in St. Augustine*, viii.

<sup>944</sup> Shortt, “Political Theology,” 267.

<sup>945</sup> O’Donovan, *The Desire of the Nations*, 22.

own theory of political authority extrapolated from his analysis of Hebrew terms associated with divine kingship, and in reality his analysis of the Davidic monarchy, and perhaps even simply a conceptual model eisegeted from Ramsey.

But the description of political authority itself is sound. It is genuinely insightful and promises a vista into a deeper understanding of what it takes to establish and maintain a stable political order, and what is required to achieve relative justice in the context of a political community. This insight could aid the political analysis of actual regimes, and might even have predictive potential. Elsewhere I have called for political theology to do a better job of “demonstrate[ing] to non-Christian political philosophers that political theology can credibly challenge, illuminate and constructively contribute to the work they do.”<sup>946</sup> O’Donovan’s insights about the way that the conjunction of power, right and tradition enables stable political order and its ability to effect relative justice demonstrates that political theology is capable of answering that call. For such a dialogue to occur, however, we must drop the deeply problematic notions that the Davidic monarchy reveals the essence of political authority and that divine providence is responsible for its existence. As I have shown, neither proposition is necessary on biblical or theological grounds, and together they create an unnecessary theodicy problem.

O’Donovan correctly identifies the Christ-event as the locus of the *bene esse* of political authority. But attributing the existence of the essence of political authority to providence leaves him with merely the restriction of political authority to judgment as a consequence of Christ’s triumph. He claimed that this view could be expounded from Rom. 13:1–7, but I have demonstrated that this reading is highly idiosyncratic and

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<sup>946</sup> Jonathan Cole, “Political Theology Must Be Engaged More Profoundly With Political Philosophy,” *Political Theology Today*, 4 May 2017, <http://www.politicaltheology.com/blog/political-theology-must-be-engaged-more-profoundly-with-political-philosophy-jonathan-cole/>.

unpersuasive, leaving O'Donovan without Scriptural warrant for the thesis. I have proposed instead that the *bene esse* of political authority be located in Christ's redemption of creation, which facilitates humankind's ability to participate in the moral order. Rather than providence upholding the existence of political authority, it can be construed as directing the course of history towards this christological *bene esse*, culminating in the type of Christian liberalism that O'Donovan supports.

I have demonstrated the existence of two fundamental problems that undermine the foundations of O'Donovan's theology of political authority. The first is the notion that political theology must be constructed from the material of true political concepts authorised from Holy Scripture. O'Donovan attempts to honour this methodological axiom but systematically fails to satisfy it. It is not that his account stands in contradiction with the text or narrative of Scripture. Rather, it is an epistemic point: O'Donovan fails to show that his theses have the authority of Scripture behind them. As a consequence, the "re-authorisation thesis" and the "providence thesis" are really *theologoumena*, and therefore unsuitable for the normative claims O'Donovan makes on the basis of them: regimes that exercise political authority are legitimate because they do so thanks to divine providence and the sole legitimate function of government this side of Easter is judgment.

The second problem relates to the ontology of political authority. This is the one significant element in O'Donovan's theology of political authority that is unstable and inconsistent across his work. The ontology of political authority is presented as belonging to the created order of nature, the providential realm of history and some complex interrelation between the two. The decision to approach political authority exclusively through the lens of the providential order of history in *Desire*, in spite of the prior conclusion in *Resurrection* that political authority substantively belongs to the created order, likely contributed to O'Donovan's axiom that Scripture alone can verify a

true political concept. For if true political concepts cannot be discerned amongst the ends and kinds of the created order, but rather solely from God's unique and miraculous rule over history, then the Bible, as the authoritative account of that rule, is logically the only reliable resource for true insight into the political.

I have proposed an alternative account of political authority grounded in the ontology of the created order. Such an account supports my related proposal to locate the *bene esse* of political authority in Christ's redemption of creation. Humans can once again assume their rightful place as heirs of Adam and realise the goods of creation, while also achieving a relative justice in the context of a fallen world, by exercising the natural political authority of the created order *in Christ* and *through the Holy Spirit*.

A framework that supports this ontology of political authority exists in the distinction between the *need* for justice in the flow of redemptive history and the *practical* means by which humans use their divinely delegated political authority to enact justice. God's perfect justice can be preserved by making the further, and related, distinction between the *pre lapsum* political authority of the created order, where "political" is given an Aristotelian/Thomist sense of social organisation, and *post lapsum* "politics" in the Augustinian sense of responding to the destructive social consequences of sin.

Finally, locating the ontology of political authority in the created order and locating its *bene esse* in Christ's redemption of that order facilitates a different understanding of the role of Scripture in political theology. Rather than treating Scripture as the sole repository for the "full conceptuality" required of political theology, Scripture could function more like what I have dubbed a *regula fidei politici*. A creation ontology of political authority allows for the existence of true political knowledge in nature. Scripture, as the authoritative story of God's redemption of creation in Christ, can serve to illuminate and clarify the political concepts that humans

discern in nature, in the dual sense of what they observe amongst the ends and kinds of the natural order and in the sense of the product of natural human creativity. Some concepts will find verification in Scripture and other concepts will find condemnation. Many, however, will be greeted by silence and require the discerning minds of political theologians.

In this thesis I have sought to move political theology further along its path towards a theology of political authority. My engagement with O'Donovan's conception of political authority has highlighted three important areas for further research that promise to advance political theology further towards this goal. They currently do not receive the attention they are due from political theologians and are as follows:

- 1) The political meaning of Israel and its significance for contemporary Christian political authority:

The view that Israel's political forms and culture are not normative for Christian political thought and praxis should not imply their irrelevance for Christian political theology. O'Donovan is right that political theology must take seriously the Psalms' refrain *Yhwh malak*. But a much more sophisticated and nuanced perspective on Israel is required than the simplistic dichotomy one often encounters in political theology—that between the view that Israel is of utter irrelevance, or indeed condemnable, on the one hand, and the optimistically naïve call to reorient Western law so that it is founded exclusively on ancient Israel's, or the apologetic urge to prove that every single facet of Western civilisation somehow finds its origin in ancient Israel, on the other. O'Donovan's view of Israel does not fall into this simplistic paradigm, but nor does it reach the levels of cogency required for a viable political theology. So

the proper place and understanding of Israel in Christian political theology remains an open and important question for political theology.

2) The need for an ontologically aware political theology:

Political theology needs to become more ontologically aware. It needs to be cognisant of the implicit ontological claims and implicit ontological consequences of its theopolitical proposals, which have a tendency towards the abstract. In the light of Christian doctrine about the creation of the world, the nature and purpose of history and the eschatological destiny of humankind, political theology cannot avoid addressing the fundamental ontological question of what “politics” is and where it sits in the divine economy. The putative traditional dichotomy between the Augustinian and Thomas/Aristotelian view of the origin of politics is not merely an intellectual curiosity for the contemporary Christian political theologian. It goes to the heart of the kinds of questions political theology should treat as foundational.

3) Christian–secular dialogue on politics:

Christian political theology could benefit enormously from a deeper critical dialogue with relevant secular disciplines that investigate the “political,” such as political history, political philosophy and political science. If political authority, by way of example, has an essence or a nature, as O’Donovan and I agree that it does, then researchers in the social sciences who investigate this phenomenon have much to offer the political theologian. The point is that political theologians, political historians, political philosophers and political scientists all claim to be investigating the same phenomenon, “politics,” in which case the

political theologian must be able to provide a compelling description of that phenomenon if their theopolitical theories are to have any credibility. In short, political theologians should spent more time studying politics *qua* politics, because, as I have argued elsewhere, “political theology...is strong in theology and weak in politics.”<sup>947</sup>

I share O’Donovan’s concern that Western politics is imperilled for having “turned its back on its theological horizons.”<sup>948</sup> Indeed, we are beginning to live through the uglier and more worrisome consequences of the haughty abandonment of these horizons. I too regard one of the central tasks of political theology to be “push[ing] back the horizon of commonplace politics and open[ing] it up to the activity of God.”<sup>949</sup> However, political theology cannot afford to restrict its own conceptual horizon exclusively to the text of Scripture. Scripture is the story of God’s vindication of creation in Christ. A credible political theology, therefore, must begin where that story begins: the divine rule of God over his creation. But the story of God’s rule should not be misconstrued as a political manifesto. This is a task properly left to theologians, to be done together as members of the body of Christ, reading the Scriptures, and exercising their discernment in the daylight of the redeemed moral order.

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<sup>947</sup> Cole, “Political Theology Needs to Grow UP and Become a Real Discipline,” <http://www.politicaltheology.com/blog/christian-political-theology-needs-to-grow-up-and-become-a-real-discipline-jonathan-cole/>.

<sup>948</sup> O’Donovan, *The Desire of the Nations*, 20.

<sup>949</sup> *Ibid.*, 2.

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