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The Right Reason for Caesar to Confess Christ as Lord: Oliver O'Donovan and Arguments for the Christian State

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Abstract
The ostensible arguments advanced by Oliver O'Donovan for a confessionally Christian constitutional order are not persuasive, even in the terms of his own scheme, because they presuppose that such a confession may be required as a representative act. Within his theory lies, however, the assumption that confessing Christ is fundamental to all right decision-making, including the political. This renders the confession of Christ not merely a possibility for legitimate governments but rather essential to just political judgments. If O'Donovan's ostensible arguments prove too little, the underlying logic of his position claims too much. O'Donovan is mistaken in his assumption that political judgments must be placed within the same comprehensive moral vision as personal decisions. Because political judgments bear only an indirect relationship to absolute right they may be rightly made without the express confession of Christ in the constitutional order.

Keywords
Augustinian politics; Christian state; confessional state; liberal Christendom; O'Donovan; political liberalism

Introduction

O'Donovan is owed an incalculable debt for making the great writings of Western political theologians accessible once again. A long perspective will be of immeasurable benefit to Christian political reflection as it faces the challenges of our day. O'Donovan is the most learned, persuasive advocate of a Christian state writing in the English language today. His arguments for the Christian state are both subtle and powerful. Although

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O'Donovan claims that his task is that of making politics 'morally intelligible',[1] he has been read as offering a defence of Christendom, a vision of politics in which the state is confessionally Christian.

Exegeting O'Donovan on this point is difficult because O'Donovan claims that he is only in favour of the possibility of a confessionally Christian constitutional order, not its necessity. O'Donovan insists that the possibility of a government which is confessionally Christian is legitimate, because he says that this is an appropriate response of government in a society which is confessionally Christian.

Already the use of the word 'state', with its double reference to a society and its government, reveals something central about O'Donovan's thought. It is a term which O'Donovan is careful to use sparingly in his own writings. In *The Ways of Judgment* at p. 149 he reminds his readers that it is important to conceive moral society in its own right, before then turning to the political organization which serves the moral society. However, it will be argued in this paper that O'Donovan elides the recognition of Christ by a society with the confession of Christ by its government, and it is therefore appropriate in the present context to speak of his arguments for a Christian state.

O'Donovan's ostensible arguments for the possibility of a Christian state are based on the impossibility of the state being neutral as regards the claims of God-in-Christ, the appropriateness of a conscious response by government to the mission of the Church, and the rightness of recognition of the Church by government as an act of representation. Underlying those arguments, however, are deeper commitments by O'Donovan to, first, the necessity of the evangelical obedience of rulers being given expression in the form of an act of recognition of the Church; and, secondly, an understanding of the central importance of Christ to right decision-making.

The power of O'Donovan's arguments is not just his own. O'Donovan's writings have rightly been described as a contemporary version of *The City of God*.[2] O'Donovan derives from Augustine the following propositions which are foundational for his own political theology:

1. The Church, not the political community, is the true society.[3]
2. Societies are united by their common objects of love, i.e. by the things which they identify as most important.[4]
3. Worship, including the ascription of ultimate worth, offered to that which is not God is worship of the demonic.

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1 O. O'Donovan, *The Ways of Judgment* (Grand Rapids, MI: Eerdmans, 2005), p. xi.

2 G. De Kruijf, 'The Function of Romans 13 in Christian Ethics', in C. Bartholomew et al. (eds.), *A Royal Priesthood?* (Carlisle: Paternoster, 2002), p. 232. J. G. McEvoy in 'A Dialogue with Oliver O'Donovan about Church and Government', *Heythrop Journal* 48 (2007), pp. 952–71 (p. 964) has also noted the strong influence of book XIX of Augustine's *City of God* on O'Donovan's arguments in *The Desire of the Nations: Rediscovering the Roots of Political Theology* (Cambridge: Cambridge University Press, 1996).

3 This is not to equate the Church with the *civitas Dei*, but rather recognising that for Augustine, as for O'Donovan, it is the Church and not the political community which is primary.

4 Augustine, *City of God*, Book XIX, ch. 24.

4. There can be no right in a society that does not acknowledge the right of God.[5]
5. Government action is only justified when, in the absence of such action, wrong would be done ('the wrong principle').
6. Government may legitimately offer deliberate assistance to the Church.

In the light of those propositions, O'Donovan's surface arguments for the possibility of the Christian state will be considered first, before turning to the deeper arguments regarding the nature of judgment which undergird his work.

O'Donovan's Ostensible Arguments for the Possibility of a Christian State

The Impossibility of Neutrality

For O'Donovan, political authority is adequately constituted when there is in a society a person or an institution which possesses '(1) sufficient might to govern, (2) sufficient identification with the tradition of the community to govern legitimately, and (3) sufficient commitment to righting wrong to govern justly'.[6] The *esse* of political authority is the effective combination of power, tradition and judgment.

However, in *The Desire of the Nations*, O'Donovan argues that the Ascension of Christ means that political authority, whilst still needing to rest on the threefold combination of power, tradition and judgment, is now solely justified by its role in delivering judgment. This, he argues, is the unprecedentedly lean doctrine of political authority which Paul offers in Romans 13.

Although they remain indispensable requirements for the exercise of political authority, what has changed in the light of the resurrection-Ascension is that 'The accumulation of power and the maintenance of community identity cease to be self-evident goods; they have to be justified at every point by their contribution to the judicial function. The responsible state is therefore minimally coercive and minimally representative.'[7] After the Ascension, judgment alone is the *bene esse* of political authority. Government is to be coercive and representative only to the extent necessary to give its judgments over the matters in respect of which judgment needs to be given effectiveness and authority.[8] The wrong principle restrains the ambit of just judgment to those matters on which a political ruling is necessary. Because of its threefold basis, however, political authority is subject to the endemic temptation to forget its primary obligation and to concentrate on the exercise of power or its representative role.

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5 Augustine, *City of God*, Book XIX, ch. 21; O'Donovan, *The Ways of Judgment*, p. 76.

6 O. O'Donovan, *Resurrection and Moral Order: An Outline for Evangelical Ethics* (Leicester: Apollos, 2nd edn, 1994), p. 129; *The Ways of Judgment*, p. 227.

7 O. O'Donovan, *The Desire of the Nations*, p. 233. In *Ways of Judgment*, p. 4, he says: 'the New Testament…strips down the role of government to the single task of judgment, and forbids… the consummation of the community's identity in the power of its ruler'.

8 O'Donovan is not an advocate of the minimalist or ultra-minimalist state, but he does want to limit the powers of government to those which are necessary for the doing of judgment.

O'Donovan identifies the political rulers of this age among the powers whom Christ has defeated.[9] According to O'Donovan in *The Desire of the Nations*, following the Ascension of Christ, henceforth political authorities can either obediently accept their limited role or idolatrously reject it. There is no other choice.[10]

As Jonathan Chaplin summarises it, the fundamental shape of O'Donovan's political thought is that 'what God has done in Jesus Christ is focused in the life and mission of the church, which is called to bear witness to the triumph of Christ before the world and its rulers, and to summon them to obedience to him'.[11]

> The service rendered by the state to the church is to facilitate its mission. The state itself cannot pursue the mission of the church, for it is not consecrated to that task and its weapons of coercion are not fitted for it. But it may facilitate the mission of the church, or impede it. It may facilitate it, first, simply by performing its own business responsibly and with modest pretensions. In the Christian era there is no neutral performance on the part of rulers; either they accommodate to the energy of the divine mission, or they hurl themselves into defiance.[12]

The neutrality of late-modern liberalism is unmasked by O'Donovan and revealed to be a godless or idolatrous oppression of the Church, a subtle and disguised form of humanity's rebellion against God. Neutral liberalism's rebellion takes the particular form of seeking to reduce the Gospel to a private matter, denying its right or power to effect public transformation.

The Conscious Recognition by Government of the Mission of the Church

The most controversial part of O'Donovan's thesis, however, is the assertion that beyond the conscientious performance of the state's own tasks, 'there may be a conscious facilitation [of the church by the state], based on the recognition of the church and acknowledgment of its mission'.[13]

This cooperation between state and Church is a blessing which may result if the state responds positively to the Church's witness to it. What is fundamentally important, however, is not the state's response but the faithfulness of the Church's witness.

From the book of Daniel, O'Donovan draws the lesson that '[t]he co-operative relation between Israel and the empire is not a right, and to make a priority of preserving it can lead to fatal compromises'.[14] The cooperation is not a stable one because the empire itself is not stable. One of the reasons for their instability is that empires do not understand themselves; they are unaware of their own fragility.[15] The Church must never

9 De Kruijf, 'Function of Romans 13 in Christian Ethics', pp. 226–28.

10 O. O'Donovan, *Peace and Certainty: A Theological Essay on Deterrence* (Oxford: Clarendon, 1989), pp. 116–17; *The Desire of the Nations*, p. 147.

11 J. Chaplin, 'Political Eschatology and Responsible Government: Oliver O'Donovan's "Christian Liberalism"', in Bartholomew et al., *A Royal Priesthood?* pp. 265–308 (269).

12 O'Donovan, *The Desire of the Nations*, p. 217.

13 O'Donovan, *The Desire of the Nations*, p. 217.

14 O'Donovan, *The Desire of the Nations*, pp. 87, 216.

15 O'Donovan, *The Desire of the Nations*, p. 88.

become so comfortable in its relationship with government that it prioritises its privileges over its primary duty of speaking the word of God into political life. Only by understanding the nuances of O'Donovan's qualifications that the mission of the Church is never complete and that the Church does not have the right to expect cooperation from government can premature triumphalism be avoided.

It is also important to understand the ways in which O'Donovan seeks to limit the role of government. For O'Donovan, 'the kingdoms of *this* age are not in the business of saving subjects' souls', that is what they are incompetent to do.[16] They may, however, lend assistance to the church which is in that business. The state and the Church are not parallel organisations in O'Donovan's thought. Because of Christ, the Church is the primary society, and secular society cannot approximate to a *societas perfecta*.[17] O'Donovan rejects the Aristotelian thesis that the role of government is to lead in the creation of a *societas perfecta*.[18] He insists that the common good is not something created by the ruler,[19] and social harmony is 'not a design conceived in a ruler's head, but a nexus of social communications that exist and flourish antecedently'.[20] It is the proclaimed commitment to righting wrongs, rather than the embodiment of communal values or the pursuit of communal goods, which is the fundamental basis for political authority and law.[21] Government's task is merely 'to respond to *threats* to the common good, repelling whatever obstructs our acting freely together'.[22] In order for O'Donovan to make good his claim that government may consciously recognise the Church, acknowledge its mission and facilitate the same, one would expect O'Donovan to demonstrate why, despite government's limited function and the fact that government is not called by God to create the *societas perfecta*, there is nonetheless a wrong which will occur, an obstacle to the common good which must be removed, if government does not, at least in certain circumstances, explicitly recognise the Church and actively facilitate its mission. Instead, what one finds on the surface of O'Donovan's work are arguments for the formal recognition of the Church based on government's representative role.

Recognition of the Church as an Act of Representation

As O'Donovan has argued that judgment, not representation, is the *bene esse* of government (at least in the Post-Ascension Era), it is surprising to find that the overt arguments he offers for the confessional state are arguments from the representative function of government.

Central to O'Donovan's 'defence of Christendom' is the claim that a human society has a need to express its shared moral and religious agency through its government, to

16 O. O'Donovan, 'Behold, the Lamb!', *Studies in Christian Ethics* 11 (1998), p. 105.

17 O'Donovan, *The Ways of Judgment*, p. 241.

18 O. O'Donovan, *Bonds of Imperfection: Christian Politics, Past and Present* (Grand Rapids, MI: Eerdmans, 2004), p. 243; *The Ways of Judgment*, p. 172.

19 O'Donovan, *The Ways of Judgment*, p. 57.

20 O'Donovan, *The Ways of Judgment*, p. 61.

21 O'Donovan, *Resurrection and Moral Order*, p. 128; 'Payback: Thinking about Retribution', *Books & Culture* (July–August 2000), pp. 16–21 (p. 19); *The Ways of Judgment*, p. 159.

22 O'Donovan, *The Ways of Judgment*, p. 57; original emphasis.

have its government reflect its 'deep social agreements'.[23] The political act 'can give moral form to a community by defining its commitment to the good in a representative performance'.[24] Because of this need, to exclude government from 'evangelical obedience' also undermines the capacity of society for such obedience.[25]

The way the account is put forward is reminiscent of old forms of argument that rulers act as fathers of their nations, who can commit on behalf of their nations to follow God. In O'Donovan's thought, the godly prince is not just a blessing to the nation which he governs, but may be the embodiment of that nation's choice to serve the one true God.

O'Donovan's argument at *The Desire of the Nations*, pp. 246–50 is summarised by Chaplin as follows:

> given the need of society for government in order to express its shared moral and religious agency, excluding government from 'evangelical obedience' also undermines the capacity of society for such obedience… [S]ince only government is able to define the unifying moral vision which every society needs, a vital part of the task of the church now is to proclaim anew the legitimate function of political authority as mediating the authority of God.[26]

O'Donovan's concern is that by asserting that religion is none of the government's business, the Church also concedes that government is none of God's business.[27] He sees the paradigm example of this error as being found in the (non-)establishment clause of the First Amendment to the US Constitution.

O'Donovan's argument seems to run thus. Only when a society conceives itself as under the rule of God can it expect evangelical obedience of its rulers. Therefore if a society denies that its rulers are capable of or required to submit expressly to the rule of God, then it is denying that it is itself capable of or required to submit to the rule of God. Such a claim requires that the response from the ruler which is demanded be a representative response. If the role of the ruler does not require express submission to the rule of God, then an agnostic attitude by the ruler to questions of faith need not compromise the society's own response to God.

O'Donovan has correctly ruled out the possibility of rulers' responding to the Church's mission as an act of their power, but his own theory seems to rule out the appropriateness of their response as a purely representative one. In the era after the Ascension, if the role of government is limited to determining questions of right and wrong, the ruler's response to the Church's mission can only be legitimate if it is required as an act of judgment, for

23 O'Donovan, *The Desire of the Nations*, p. 222. O'Donovan's wife, Joan Lockwood O'Donovan, complains in 'A Timely Conversation with *The Desire of the Nations* on Civil Society, Nation and State', in C. Bartholomew et al., *A Royal Priesthood?*, pp. 377–94 (p. 392) about the use of judicial interpretation of human rights legislation to 'undermine the legitimate representation of the moral and spiritual understandings within society'.

24 O'Donovan, *The Desire of the Nations*, p. 249.

25 O'Donovan, *The Desire of the Nations*, pp. 246–50; Chaplin, 'Political Eschatology and Responsible Government', p. 287.

26 Chaplin, 'Political Eschatology and Responsible Government', p. 287.

27 O'Donovan, *The Desire of the Nations*, p. 213.

that is the *bene esse* of politics. The question, therefore, is whether underlying O'Donovan's explicit arguments for recognition of the Church as an act of representation is a deeper argument that recognition of the Church *may* or *must* be required as an act of judgment.

O'Donovan's Underlying Presuppositions which Lead to the Necessity of a Christian State

The Political Implications of the Gospel in Terms of the Evangelical Obedience of Rulers

As the previous section has shown, although O'Donovan's overt argument is that a Christian state is only a legitimate possibility and not a necessity, O'Donovan's underlying presuppositions render a state which refuses to confess Christ in its government a state which participates, at an institutional level, in the rebellion of humanity against the rule of God.

This is revealed in the form of O'Donovan's attack on the (non-)establishment clause of the First Amendment to the US Constitution. O'Donovan wants to rehabilitate the idea that it is legitimate for political authorities to 'offer deliberate assistance to the church's mission'.[28] O'Donovan attacks the (non-)establishment clause as the paradigm denial of the possibility of the Christian state. He writes:

> The evangelical Christians who helped shape the new doctrine…proposed to instruct princes that they were dispensable to the Holy Spirit's work, and to send them to the spectators' seats… [I]t ended up promoting a concept of the state's role from which Christology was excluded, that of a state freed from all responsibility to recognise God's self-disclosure in history.[29]

O'Donovan sees the great danger facing the Church today as being that of allowing the state to define the scope of its own authority, and rubber-stamping that authority. He is more worried about that than about the state becoming the Church's tool for religious coercion. In *The Desire of the Nations*, he argued that while both religious coercion and civil religion offend against the Gospel and natural justice, 'civil religion wears the form of the Antichrist, drawing the faith and obedience due to the Lord's Anointed away to the political orders which should have only provisional authority under him'.[30]

Even in his early work *On the Thirty Nine Articles*,[31] O'Donovan's preoccupation was to stress what has been lost through the demarcation of the sacred–secular distinction in terms of 'violence to the wide-ranging claims of the apostolic gospel' rather than to criticise the mediaeval and Reformation attempts to police Christian society.[32] O'Donovan wants to re-assert 'the claims of God's word over all our social life'.[33] To fail to proclaim

28 O'Donovan, *The Desire of the Nations*, p. 244.
29 O'Donovan, *The Desire of the Nations*, p. 245.
30 O'Donovan, *The Desire of the Nations*, p. 22.
31 O. O'Donovan, *On The Thirty Nine Articles: A Conversation with Tudor Christianity* (Carlisle: Paternoster, 1986).
32 O'Donovan, *Thirty Nine Articles*, p. 102.
33 O'Donovan, *Thirty Nine Articles*, p. 102.

the political implications of God's saving power leaves 'people enslaved where they ought to be set free from sin – their own sin and others'.[34]

Civil religion is, however, only one face of a more general temptation: 'that of accommodating the demands of the Gospel to the expectations of society'.[35] O'Donovan's attack on late-modern liberalism is that it has fallen prey to another aspect of this temptation by reducing the scope of the Gospel message so as to exclude public affairs. O'Donovan defends establishment as a possibility because where it is not recognised as a possibility, there is a tendency for both the state and the Church to presume that the Church has nothing to say to the state which the state needs to hear. In O'Donovan's view, although establishment is a *possibility*, the separation of religion and politics is not, and is an idolatry, rendered all the more dangerous by the fact that its nature as such is concealed.[36]

In O'Donovan's opinion, such a separation is the nefarious consequence of the (non-) establishment clause of the First Amendment.

> By denying any church established status in principle, the framers of the First Amendment… effectively declared that political authorities were incapable of evangelical obedience. And with this the damage was done… Excluding government from evangelical obedience has had repercussions for the way society itself is conceived. Since the political formation of society lies in its conscious self-ordering under God's government, a society conceived in abstraction is unformed by moral self-awareness, driven by internal dynamics rather than led by moral purposes. To deny political authority obedience to Christ is implicitly to deny that obedience to society, too.[37]

Historically, it is doubtful that the evidence from US history bears out O'Donovan's claim. Whilst establishing this would be the subject of a different paper, a plausible case can be made that the existence of the (non-)establishment clause did not prevent, amongst many other possible examples, Abraham Lincoln from pursuing principled political goals on a declaredly Christian basis, nor did it prevent the disastrous, but religiously inspired, attempt at banning alcohol through Prohibition. Nor even, in the twentieth century, did the First Amendment make inadmissible Martin Luther King's leadership of the Civil Rights Movement seeking the political implementation of what he saw as Gospel values. The current deployment of the (non-)establishment clause to keep religion out of politics is, on one possible reading of US history at least, a disturbing novelty.

Does O'Donovan's attack on the constitutionally entrenched separation of Church and state square with his claim that he is only in favour of 'the theological *possibility* of the Christian state, but not its *necessity*'?[38] At best, they are only partially compatible. O'Donovan's assertion that he is only in favour of the theological possibility of the

34 O'Donovan, *The Desire of the Nations*, p. 3.

35 O'Donovan, *The Desire of the Nations*, p. 225.

36 O'Donovan, *The Desire of the Nations*, p. 49; S. Hauerwas and J. Fodor, 'Remaining in Babylon: Oliver O'Donovan's Defense of Christendom', *Studies in Christian Ethics* 11 (1998), pp. 30–55 (p. 36 n. 3).

37 O'Donovan, *The Desire of the Nations*, p. 246.

38 O. O'Donovan, 'Response to Gerrit de Kruijf', in Bartholomew et al., *A Royal Priesthood?*, p. 239; original emphasis.

Christian state appears to mean that he does not think that Christians, when they are a minority in a country, should seize power and impose a Christendom solution on the majority population. Instead, he is arguing that, when political conditions are right, and when the public recognition of the Gospel is truly representative of a society's response to God, a Christian ruler may rightfully recognise the Church expressly. For O'Donovan, eschatology is only over-realised when the political authority purports to enforce on all its citizens that commitment to a particular vision of Christianity which it has declared *pars pro toto*.

The difficulty in regarding O'Donovan as arguing only for the possibility of the Christian state is that the assumptions underlying his arguments seem to render the non-Christian state an error, or worse.[39] It is O'Donovan's arguments against non-establishment, rather than his own arguments in favour of the *possibility* of a recognition of the Church by government, which justify the designation of O'Donovan as a proponent of the Christian state. O'Donovan is a proponent of the Christian state because he declares the non-confessional state to be guilty of committing a cardinal error, of participating in humanity's rebellion against the authority of the ascended Christ, if not of succumbing to idolatry.

The Necessity of Recognition of Christ as the Foundation for Right Moral Decision-making

O'Donovan has not just given us a powerful political theology, he has also offered an important moral theology. The interaction between his political theology and his moral theology is not straightforward. Jonathan Chaplin in particular has pointed out that the political theology of *The Desire of the Nations* does not fit exactly into the space made for it in *Resurrection and Moral Order*.[40]

O'Donovan argues in *Resurrection and Moral Order* for what has rightly been called 'the most theological view possible of the doctrine of natural law'.[41] In that book O'Donovan argues that there is an objective moral order in creation, but that we only apprehend that moral order rightly when we understand it in the light of the work and person of the crucified and ascended Christ.

As has already been identified, the proposition that there can be no right in a society that does not recognise the right of God is foundational for O'Donovan's thinking. The importance of this proposition is that in O'Donovan's general moral theory, right judgments cannot be made unless they are made in the light of the work of Christ.

Christ relates to the moral order in two different ways. First, because our relationship to Christ or lack of it is fundamental, only in relation to Christ do individual moral decisions form a coherent whole. Christ is therefore the capstone of the moral order. Second, the light of Christ illuminates the moral landscape so that it is easier to make correct moral decisions because we see the true nature of things more clearly.

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39 McEvoy, 'Dialogue with Oliver O'Donovan', p. 966.

40 Chaplin, 'Political Eschatology and Responsible Government', p. 300, and O'Donovan's 'Response to Jonathan Chaplin', p. 309, both in C. Bartholomew et al., *A Royal Priesthood?*

41 D. Novak, 'Response to *The Desire of the Nations*', *Studies in Christian Ethics* 11 (1998), pp. 62–68 (63).

O'Donovan makes the same point about the centrality of Christ to the moral order in his political theology. Recognition of Christ is, for O'Donovan, essential to discerning the divine law, natural and revealed, which is the backdrop to human law-making. His central message is that the Church must constantly have a message to government about its God-given responsibilities, telling government what is required in order to do right judgment. Only when government listens to the Church's witness to Christ will government discharge its own distinct moral responsibilities rightly, recognising the created moral order in its true form.

It seems to follow that because, in O'Donovan's view, it is fundamental to true moral understanding to see creation as made, ordered, sustained and directed by the triune God who has revealed Godself fully in the resurrection–ascension of Christ, a political authority can only understand what it is to do judgment rightly if it understands creation in that light.

If a ruler cannot do right unless the right of God is acknowledged and if right judgments cannot be made unless they are made in the light of Christ and His resurrection then it follows that government will not govern rightly unless Christ is confessed.

Hence, when it is placed within the context of his moral theology, O'Donovan's political theology invites the questions: must government confess Christ expressly and constitutionally in order to make the right judgments which the political community requires? The first four of the Augustinian propositions identified at the beginning of this article appear to be deployed by O'Donovan in such a way as to demand the answer 'yes'.

However, the moves from the fourth to the sixth Augustinian propositions which O'Donovan makes require careful scrutiny. As I have already suggested, O'Donovan's ostensible arguments for a constitutionally confessional Christian order appear to bypass the fifth proposition, the requirement that wrong would be done if no such government recognition was forthcoming. He does not explicitly make the case that the constitutional confession of Christ is intrinsic to the activity of just judgment which government is called to perform. O'Donovan does, however, provide reasons in his writings for concluding that wrong is inevitably done if government does not confess Christ expressly and constitutionally.

The logic of O'Donovan's position is not just that government is mistaken if it does not make its judgments expressly in the light of Christ; it is also that such a government succumbs to, or worse still, leads its people into, idolatry.

In *The Problem of Self-Love in St. Augustine*, O'Donovan writes:

> The city of this world loves itself so much that it despises God by comparison, the eternal city loves God so much that it despises itself by comparison…[T]he critical idea is that the love has lost its proper grasp on the order of things: it has put second things first and first things second. The obedient believer, by contrast, has a love that is perfectly ordered to the proportions of reality.[42]

As O'Donovan understands Augustine, Augustine does not deny the existence or reality of worldly goods, but he does deny that these are worth anything *in comparison* with the

42 O. O'Donovan, *The Problem of Self-Love in St. Augustine* (New Haven, CT: Yale University Press, 1980), p. 64.

eternal good of enjoying God.[43] Worldly goods must not be loved excessively. The love of them must be ordered and subordinated to the *finis bonorum* of loving God.[44] Therefore, if you love God rightly, you love everything else in its proper place. O'Donovan argues that in the light of the resurrection, it is given to Christians to discern the proper place for everything else. However, if you do not love God, then your love of other things is disordered. *Radix malorum est cupiditas*. The root of all evil is avarice.[45] The covetousness of improperly directed love gives rise to the idolatry which is part and parcel of disordered politics.

There is a constant sub-theme in O'Donovan's writings that liberalism exaggerates the differences in desires in society. He argues that what binds societies together is their *Common Objects of Love*. This description is taken straight from Augustine's *City of God* Book XIX.[46]

Augustine defined a 'people' as 'a gathered multitude of rational beings united by agreeing to share the things they love'.[47] Commenting on this definition, O'Donovan writes:

> Augustine's purpose, it is often said, though not uncontroversially, was to challenge an idealist understanding of organised social life with a realist one. To expect 'law' of a political entity was to expect too much, Augustine thought. If one only understood what a high and comprehensive good law really was, the most that one could reasonably expect of sinful and prideful communities was some consensus on goals worth pursuing.[48]

For Augustine, human societies are held together by what they have in common, by their common objects of love. Unless their common object of love is Christ, a society is idolatrous and damned. Without that common object of love, justice (*iustitia*) is impossible.

For Augustine, the only justice, the only rightness that matters is rightness with God. It is not surprising, therefore, that in this context he concludes that unless founded on this rightness, earthly justice is of no eternal value. However, the godly prince is called to exhibit justice as one of his primary virtues.

The combination of O'Donovan's claims that (1) only Christians love worldly things in a rightly ordered fashion and (2) the true nature of the objective moral order can only be discerned in the light of the resurrection–ascension, gives the Church epistemological authority to speak to secular authorities. Underlying the defence of a confessionally Christian government expressly offered in *The Desire of the Nations* is this Augustinian claim. O'Donovan has already expounded this claim in terms of moral theology in *Resurrection and Moral Order*. The natural order which God has created can only be rightly and truly apprehended in the light of the salvation which God has given in Christ.

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43 O'Donovan, *Problem*, p. 25; Augustine, *De Trinitate*, Book VIII, ch. 4.

44 O'Donovan, *Problem*, pp. 29, 31.

45 Augustine, *De Trinitate*, Book VIII, ch. 5; O'Donovan, *Problem*, p. 95.

46 O'Donovan and Lockwood O'Donovan, *Bonds of Imperfection*, p. 54; McEvoy, 'Dialogue with Oliver O'Donovan', p. 958.

47 Augustine, *City of God*, Book XIX, ch. 24; O. O'Donovan, *Common Objects of Love*: *Moral Reflection and the Shaping of Community* (Grand Rapids, MI: Eerdmans, 2002), p. 20.

48 O'Donovan, *Common Objects of Love*, p. 21.

Only a ruler who recognises this can truly govern rightly and wisely. Wrong will therefore inevitably be done by a political order which does not confess Christ because such a political order will fail to discern right and wrong in the light of Christ.

According to O'Donovan's moral theology, the express confession of Christ is essential to true political judgment. This presupposes, however, that just political judgments must demonstrate the same comprehensiveness and coherence as individual morality. As will be explored in the next section, O'Donovan's own account of the task of government suggests that this assumption is incorrect.

O'Donovan's Vision of the Christian State

O'Donovan's political theology, whilst and perhaps because it is deeply rooted in the Western tradition of Christian political thought, is a political theology for our time. He offers his vision of a liberal Christendom as an alternative to the neutral secular liberalism which is felt to be robbing the West of its moral resources and of its spiritual commitments without merely mirroring the fusion of religion and government which Islamists seem to demand.

For O'Donovan, Christian thought leads to a law-governed society, which is sustained and informed by 'the missionary presence of the church within its midst' and 'the law of the Spirit of life in Christ Jesus'.[49] The sympathetic ruler does not aim to implement the Kingdom of God by force or to make their whole populace good Christians, but instead to maintain a relatively peaceful and just social space within which the church's mission can flourish. They acknowledge that their rule is subject to the rule of law, which it is their responsibility to promote and uphold.[50]

Echoing T. S. Eliot, who famously said that humankind cannot bear very much reality,[51] O'Donovan teaches us that human beings cannot bear too much justice. The witness of the godly ruler to God's justice must therefore always be indirect and partial. He writes:

> Yet, even at its best, public right action can bear only an indirect relation to the demands of truth and goodness considered absolutely. Justice in human communities is only relatively just. It is not mistaken to think of political authority, by positive law or by other means, as 'applying' the principles of natural law to social life; for 'applying' is a sufficiently broad term to cover any kind of conscientious attempt to make action correspond to the demands of right. But this 'application' is something rather different from what is involved in individual moral decision.[52]

Political authority is a witness to the truth but compromised by the circumstances of governing fallen humankind. For O'Donovan, a political order 'bears witness to God's

49 O'Donovan, *The Desire of the Nations*, p. 249.
50 O'Donovan and Lockwood O'Donovan, *Bonds of Imperfection*, p. 217.
51 T. S. Eliot, 'Burnt Norton', in *Four Quartets* (London: Faber & Faber, 1936), Pt. 1.
52 O'Donovan, *Resurrection and Moral Order*, p. 130.

justice' when it enacts and enforces law which promotes behaviour in line with the objective reality of the creation order, in so far as is tolerable in a given society.

O'Donovan displays a more moderate reticence about *iustitia* than he finds in the writings of Augustine.[53] Nonetheless, judgment is a performance not a normative state. It seems as if the closest a Christian ruler can approximate to justice is in expressing 'merciful judgment' to the extent that the society he governs will tolerate.

For O'Donovan, the moral order in creation is not self-interpreting. Moreover, different human societies display different characteristics. Human laws therefore are the product not merely of reflection on the created moral order but also on the particular characteristics of the society which they are to regulate. 'The law (even assuming that in every case it is wise and good law) will differ in accordance with differing social needs.'[54]

Whilst the governmental act of judgment may be described as the application of 'divine law (natural and revealed) to the 'infinite possibilities of human wrongdoing',[55] this has to be qualified by stressing that judgment 'is always relative to what is reasonably possible within that society'.[56] 'The truth of a law must also be a truth about the society in which the law will function.'[57] Framing wise laws is therefore an art, an exercise of practical wisdom. Such a task ought, however, to be informed by the Church's understanding of the given moral order, for it is in Christ alone that this moral order can be rightly perceived.

This description that O'Donovan gives of the task of just judgment begins to reveal the possibility of a different answer to the question posed by the fifth proposition: would wrong be done if political rulers did not expressly confess Christ? It is because the task of government, as O'Donovan conceives it, is different from that of personal decision-making, that governments need not expressly confess Christ in the same way as individuals do.

An Augustinian Response to O'Donovan's Vision of the Christian State

It has already been argued in this paper that O'Donovan calls upon us to recognise the impossibility of the religiously neutral state and to acknowledge that just as religiously inspired values permeate a culture, so too they affect the practice of ruling. As has already been seen, O'Donovan contends that a culture may legitimately express its acceptance of the gospel through its constitutional and legal arrangements.

O'Donovan would concede that it is inappropriate for a government to make a strong confessional commitment on behalf of a religiously diverse society. He defends,

53 O'Donovan, *Bonds of Imperfection*, pp. 60–61, compared with 'Romulus's City: The Republic without Justice in Augustine's Political Thought', a paper O'Donovan delivered at the Society for the Study of Theology Conference 2008.

54 O'Donovan, *Thirty Nine Articles*, p. 63.

55 O'Donovan, *Bonds of Imperfection*, p. 14; *Resurrection and Moral Order*, p. 130.

56 O. O'Donovan, *The Just War Revisited* (Cambridge: Cambridge University Press, 2003), p. 99.

57 O'Donovan, *The Ways of Judgment*, p. 19.

however, the possibility that such a commitment may legitimately be made provided it is representative of society's recognition of Christ.

Responses to O'Donovan's position have tended to argue, on the basis of history, that the problems of *hubris* inextricably associated with confessionally Christian constitutional orders mean that such arrangements are best avoided.[58]

The problems with O'Donovan's position are, however, not merely practical. His arguments in favour of the constitutionally Christian state only work if government is called to play a role which O'Donovan explicitly denies is appropriate after the Ascension of Christ.

The Augustinian and Aristotelian Understandings of Government

Christian approaches to government divide over the question of whether government would have existed apart from the Fall. For O'Donovan, following Augustine, government, at least as we know it today, is necessitated by the Fall and is a response to the Fall. For others, influenced by Aristotle, human beings are political animals, and government is therefore 'natural' to the human condition.[59]

In Aristotle's conception of political authority, government has the role of directing a society towards its good. Government would therefore appear to need the sort of total moral vision which O'Donovan claims is only truly available if the moral order is seen in the light of Christ.

However, on the Augustinian account of judgment presented by O'Donovan, such a total conception of the true nature of the moral order is not necessarily required. In O'Donovan's account in *Resurrection and Moral Order* of the practice of making just judgments he distinguishes between individual moral decision-making and what he calls in that book 'public right action'.

Key to O'Donovan's view of judgment and the relationship it bears to human freedom is that while a judge is incompetent to declare comprehensively what it is right to do, such a judge is obliged to determine when a wrong has occurred of such a nature that it demands public remedy. In the practice of judgment by political authorities, therefore, 'wrong has epistemological priority over right'.[60] It is for precisely this reason that O'Donovan is able to retain important elements of liberalism and constitutionalism in his political theology.

If the task of government in a political order run on Augustinian lines is not to declare comprehensively the vision of the moral goods which that society will pursue, but rather to determine, through the exercise of practical wisdom, which wrongs cannot be

58 T. Gorringe, 'Authority, Plebs and Patricians', *Studies in Christian Ethics* 11 (1998), pp. 24–29 (p. 27); C. J. D. Greene, 'Revisiting Christendom: A Crisis of Legitimization', in Bartholomew et al., *A Royal Priesthood?* pp. 314–40 (p. 332).

59 This latter position is most commonly associated with Aquinas but Joan Lockwood O'Donovan recognises that in Aquinas's own writings the Aristotelian directive and administrative paradigm of political authority is held in tension with the Pauline juridical paradigm: *Bonds of Imperfection*, pp. 227–28.

60 O'Donovan, *The Ways of Judgment*, p. 58.

tolerated, then both his overt argument that the confession of Christ in a constitutional order is required as a representative act and his implicit claim that such a confession is essential to making just political judgments are unpersuasive.

The Inappropriateness of a Representative Political Confession of Christ by an Augustinian Political Order

At the outset of this essay I indicated the way in which O'Donovan elides the moral commitments required of a society and those appropriate to its government. The slide occurs between the fourth and fifth of the Augustinian propositions which undergird O'Donovan's thought. In his arguments against the (non-)establishment clause of the American Constitution, O'Donovan moves from the claim that not just individuals, but also societies, are required to display their evangelical obedience to Christ, to the claim that not just societies, but also their governments, are required to display their evangelical obedience to Christ. What is more, the way in which O'Donovan makes that move indicates that he regards it as including the assertion that governments should display their evangelical obedience to Christ in the same way that societies as a whole should display their evangelical obedience to Christ. Hence if a society as a whole confesses Christ it follows that its political institutions should confess Christ.

If government bears the directive function which it has according to Aristotle, then government may call a society to confess Christ and society should answer that call. O'Donovan's account, by contrast, presupposes that society calls its government to confess Christ and that government may answer that call in the form of an explicit recognition of Christ.

O'Donovan's own account of politics has, however, dismantled the pretensions of rulers to direct their societies by reference to a comprehensive, government-determined vision. It is difficult to understand a representative act of Christian confession by a ruler as operating as anything other than a call to dissentients to acknowledge Christ in the way that the ruler has done. Such a call made by a ruler is not a mere facilitation of the mission of the Church; it is an appropriation of the mission of the Church by the organs of government and hence illegitimate.

The ruler may commit himself to following Christ, but his nation's commitment to following Christ must be embodied in the Church not in the ruler's decision. Even if Christians were in a majority and even if they had a substantial agreement amongst themselves regarding ecclesiology and the political implications of the gospel, it would still not be government's responsibility to make a political declaration of Christ's sovereignty on behalf of the nation.

On his own premises, O'Donovan cannot establish the legitimacy of the necessarily representative status of any act of faith-commitment by a ruler without showing that this is required as an act of just judgment. O'Donovan's argument that the constitutional separation of Church and state is a concealed idolatry, a rebellious denial of God's providence, similarly depends on him showing that the assertion of Christ's lordship over the whole of life demands the express and immediate recognition of that lordship through institutional political arrangements.

The Non-necessity of a Political Confession of Christ in Order to Render Just Judgments

The implicit accusation in O'Donovan's underlying argument regarding the nature of political choices is that arguments for a free church and a neutral state proceed on the basis of a denial of original sin and of a downplaying of the centrality of Christ to the moral order.

However, O'Donovan's argument in *Resurrection and Moral Order* is not that correct moral decisions cannot be made in particular instances unless Christ is acknowledged but rather that such decisions are more difficult to make if Christ is not acknowledged and that such decisions only make coherent sense, in the final analysis, if Christ is acknowledged. This treats the moral decisions made in particular instances as a part of a whole, forming part of an individual life which is to be evaluated in terms of the person's relationship to Christ. O'Donovan could be closely questioned about his assumption that moral decisions made by societies must display the same coherence through express reference to Christ. But even if that step were to be conceded, O'Donovan cannot make out his case regarding government unless he establishes that, *at least in certain circumstances*, wrong would be done if Christ were not to be expressly recognised in political institutions.

The essence of the point at issue can be captured by the question: is the task of government to do just judgment in the absolute sense and in the singular sense or is the task of government to make just judgments in the relative sense and in the plural sense?

As has been argued above, O'Donovan's moral theology in *Resurrection and Moral Order* does not deny the possibility of making correct moral decisions on particular issues without acknowledging Christ. What he denies is their ultimate coherence and validity, in the final analysis, without such an acknowledgment. Just judgments in the relative and plural senses are possible, though more difficult, if made without the light of Christ, but just judgment in the absolute and singular sense is not.

The weight of O'Donovan's argument about the distinctions between individual moral decision-making and political acts of judgment is, however, that whereas the former responds directly to the absolute call of God, the latter performs the task which Christ has left it through acting only when wrong would be done, and responding to wrong or potential wrong relatively and provisionally. Given the limited, relative and provisional task of rendering just judgments, government is not called upon to provide society with a comprehensive moral vision.

The quest for absolutely right answers is a misunderstanding of the political task. If the ruler's role is to search for a workable compromise, then on that basis precisely because of the limited nature of the tasks government is called to perform, government can survive on a more limited morality than a fully explicit christologically grounded vision. It is precisely because political judgments differ from personal moral decisions, and because the indirect testimony to right and wrong which they offer creates space within which humans can freely respond to Christ's love, that political obedience to Christ does not demand the institutional confession of Christ.