

democracies. To ground Kim's argument for the correspondence between liberalism and Confucianism, some account of the lingering, even if embattled, influence of Confucianism on the sociopolitical institutions of contemporary East Asian societies is thus needed. Here, one would expect important differences between the South Korean and Chinese states' relationships to Confucianism. This also brings us back to the historical argument about the relationship between Confucianism and the absence of religious conflict in East Asia: In what ways were the relevant social and political institutions Confucian? And is Kim's proposed Confucian Constitutionalism "Confucian" in the same way as these older institutions? If not, how can we identify it as Confucian, despite the historical change?

It is ultimately a virtue of Kim's book to raise these big and important questions and compel us to consider the historical trajectory and social composition of non-Western societies without taking Western history as the default model. Add to this the comprehensiveness of the work—which covers the basis and goals of Confucian government, centered on ideals like human dignity and well-being, the rule of law and the place of rights, deliberation in the public sphere, and the design of institutions like the legislature and the judiciary—and you get a highly ambitious and powerful case for thinking about democracy in East Asia in its own right.

The Classical and Christian Origins of American Politics: Political Theology, Natural Law, and the American

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In his best-selling and much-discussed book *Why Liberalism Failed* (2018), Notre Dame political theorist Patrick Deneen traced liberalism's failures to its rejection of the idea of a standard of morality above human willfulness. Echoing Leo Strauss's quip that Locke and the politics of modern natural rights amount to a "joyless quest for joy" (*Natural Right and History*, 1953, 251), Deneen took the "East Coast Straussian" (see Steven Smith's characterization in chapter 7 of *Reading Leo Strauss*, 2006) "low but solid" interpretation of the American founding and modified it to "low and degenerate." He argued, at least implicitly, that faithful Christians and others holding traditional moral beliefs ought not to admire the United States or its founding principles.

In *The Classical and Christian Origins of American Politics*, Kody W. Cooper and Justin Buckley Dyer offer a spirited rejoinder to Deneen's pessimism, contending that a more careful examination of the founders' thought

and practices reveals their alignment with classical and Christian natural law principles. According to Cooper and Dyer, the precepts animating the founding include the following: a divine Creator exists and the Creator's will is inseparable from His reason and goodness; the Creator is the author of a prescriptive natural law that imposes moral duties and obligations on individuals and on nations; a rightly ordered political community is modeled after divine sovereignty in which power and goodness are unified and will is tethered to reason; power alone does not confer sovereignty; sovereigns, including the people themselves, are bound by a higher moral law; nature, including human nature, is teleological; and the natural law and the foregoing precepts are knowable via reason, which is epistemologically distinct from, but not contrary to, revelation.

In their especially clear and helpful introductory chapter, Cooper and Dyer explain that the founders understood human happiness to be found not in the mere satisfaction of our own wills but in living according to our rational nature, including our nature as political animals. The founders' Christianity builds on this classical foundation by adding the idea of the Creator as the author of nature and as a lawgiver who is neither arbitrary nor capricious but rather is bound by His own goodness and reason. The founders' Creator is not Hobbes's sovereign, whose will is obeyed on account of his superior power, but rather the Creator God who governs the world through His sustaining and intervening Providence. The natural law consists of those aspects of divine governance discernible through human reason that direct men to the ends proper to their nature. Although the founders differed on ecclesiastical and soteriological questions, Cooper and Dyer argue that they shared—and grounded their politics in—a natural theology that emerged from the Christian engagement with classical philosophy.

The authors present their natural law interpretation of the founding in six substantive, chronologically organized chapters, bookended by excellent introductory and concluding chapters. Four chapters focus on the period before and through the Revolutionary War, discussing the pamphlet debates starting in the 1760s, the political theology of the Declaration of Independence, just war and natural law justifications for revolution and independence, and how notions of providentialism and natural law guided American counterintelligence and diplomacy during the war itself. Two chapters focus on the founders' constitutionalism: one on how the founders, in contradistinction to Rousseau, understood natural law as a limit on popular sovereignty, and the other on how James Wilson's *Lectures on Law* (1789–91) reflect the founders' Christian engagement with the natural law tradition.

Common to all the chapters are a few key points: the founders held liberty in the state of nature to be limited by the moral law; their understanding of human beings as

rights-bearing individuals was not amoral, “atomistic,” or asocial, and their state of nature doctrine was not opposed to the teleological anthropology of classical political thought; and their understanding of equality was consistent with classical natural law, which can affirm fundamental political equality in conditions void of political authority.

The book develops these themes particularly forcefully in a chapter titled “Thomas Jefferson, Nature’s God, and the Theological Foundations of Natural-Rights Republicanism.” Cooper and Dyer explicitly challenge the interpretations set forth by Danielle Allen, Matthew Stewart, and a number of Straussians who hold that the Declaration reflects the “emancipation of the political order from God,” to quote Stewart in his 2014 book, *Nature’s God* (8). Cooper and Dyer recognize that Jefferson was “among the most religiously skeptical of the founders,” but they argue that he “understood Nature’s God to be a creating, particularly providential, and moralistic being” and that he held these beliefs to be warranted on the basis of reason. Jefferson’s natural theology, they continue, “was essential to natural-rights republicanism in that God’s creation and ordering of man to happiness grounded the moral law, human moral equality, and the natural right of property.” Jefferson’s motto “Rebellion to Tyrants Is Obedience to God,” according to Cooper and Dyer, “reflects his belief in a moral order established by God’s will, which human will must accord with to be just” (76).

Another noteworthy contribution is the chapter discussing how debates during the 1787 Constitutional Convention in Philadelphia distinguish the founders’ conception of popular sovereignty from those of Hobbes and Rousseau. The authors colorfully describe the latter’s view of sovereignty as “the Hobbist mortal god, baptized with the waters of democracy” (163). By contrast, the founders held that, although no human authority is above the people, the sovereignty of the people itself is limited by the natural moral law. Cooper and Dyer helpfully connect their discussion of sovereignty to contemporary scholarship on constitutional interpretation, critiquing leading originalist and non-originalist scholars—including Bruce Ackerman, Keith Whittington, Randy Barnett, and Michael Rappaport and John McGinnis—for elevating the authority of the people’s will over their reasonableness. “The most compelling case for the Constitution’s authority,” Cooper and Dyer state, “is a natural-law-based theory of popular sovereignty and the people’s constitution-making power as an exercise of reason rather than will” (177). Lincoln, I think, would have agreed.

Ackerman and most contemporary legal theorists, I suggest, would not agree. They might respond that “a natural-law-based theory of popular sovereignty” is persuasive only to those who believe in the natural law. Insofar as the existence of an authoritative and binding

natural law depends on belief in a creator God, it would seem to be ill suited as a governing philosophy today, given contemporary moral and religious pluralism. That sort of critique, of course, assumes that the natural law possesses its obligatory character because it is accepted by the people, a premise that Cooper and Dyer would deny. It also overlooks that, in addition to Lincoln, the Reverend Martin Luther King Jr. turned to classical and Christian conceptions of the natural law to guide the United States through one of its deepest moments of constitutional and moral crisis.

Whether the idea of natural law is still relevant today, Cooper and Dyer’s primary aim in this book is to explain how it was relevant to the founders. Although Harry Jaffa’s name does not appear in the index (and I do not recall a discussion of his work in the text), Cooper and Dyer offer a Christian elaboration of Jaffa’s thesis—as articulated in his 1987 *Interpretation* article, “Equality, Liberty, Wisdom, Morality, and Consent in the Idea of Political Freedom,” and chapter 2 of *A New Birth of Freedom* (2000)—that the American founding does not represent a fundamental break with the ancients but rather a prudential adaptation of Aristotelian political thought in light of Christianity’s transpolitical character and the Gospel’s separation of political authority and divine authority. Cooper and Dyer admirably defend their interpretation not by relying on Leo Strauss’s interpretation of Hobbes and Locke but through a careful engagement with the primary texts and political history of the American founding. This is a serious work of scholarship that scholars of the early American republic ought to consider with care.

The Government of Chance: Sortition and Democracy from Athens to the Present. By Yves Sintomer. Cambridge:

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The Government of Chance is a magisterial compendium of the uses of sortition across the ages and across cultures and for varying purposes. It is a must read for anyone interested in the application of random selection for a whole range of social and political purposes. The examples are endlessly fascinating to this reader and, I suspect, to the book’s author Yves Sintomer. We hear the author’s views on the Athenian case, Rome, Florence, Venice, China, the United Kingdom, the United States, and on various practices all over Europe. We hear about Roman Saturnalia celebrations in which a young man was selected by lot to parade in royal clothing during the celebration and have his every desire satisfied for thirty days, after which he was “forced to slit his throat upon the divine altar” (62). In