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## QUESTION ONE

# DO YOU KNOW WHERE YOUR FREEDOM CAME FROM?

*T*he story is told of the time when Winston Churchill was being shown around Colonial Williamsburg, and the guide began to wax eloquent about the town that was the cradle of “the revolution against the English.”

“Revolution against the English!” the future prime minister snorted. “Nay, it was a reaffirmation of English rights. Englishmen battling a Hun king and his Hessian hirelings to protect their English birthright.” Or as he said on a more formal occasion, “The Declaration of Independence is not only an American document. It follows on the Magna Carta and the Bill of Rights as the third great title-deed in which the liberties of the English-speaking people are founded.”<sup>1</sup>

Churchill well knew that King George III was English-born and spoke English, unlike his German father and grandfather. But he was referring to what the colonists called “the ancient liberties of the English,” or what have more recently been called the distinctive benefits of the English-speaking world or “Anglosphere.”<sup>2</sup> The revolutionaries certainly portrayed themselves as oppressed and aggrieved (the “slaves of King George”), but they were actually fighting for freedom, from freedom, and as some of the freest people in the world of their times, and they believed that freedom was their birthright as Englishmen. As John Adams put it, “The patriots of this province desire nothing new; they wish only to keep their old privileges.”<sup>3</sup>

What was Adams referring to? Even before the Magna Carta, there had been a robust tradition in common law that set out the liberties of Englishmen that no king or noble could transgress. These ancient liberties included the common law, the right of habeas corpus, trial by a jury of one’s peers, elected

parliaments, taxation by consent, safeguards for property, and above all the notion of government by consent (King Edward I: “What touches all should be approved by all”). And they expressly stood against the statist trends in their day, and especially the Renaissance restoration of the Roman principle of *lex regia*, the idea that the will and pleasure of the king was law—which James I had given a Christian twist in his notion of the divine right of kings.

Not long before the sailing of the *Mayflower*, Sir Edward Coke had been foremost in championing these ancient liberties, as in his ringing declaration on behalf of Parliament against James’s son, Charles I. The sovereign power, or the power claimed by the sovereign, weakened the Magna Carta, he trumpeted. “Take heed what we yield unto; Magna Carta is such a fellow that he will have no sovereign.”<sup>4</sup>

The “ancient liberties of the English” have been traced back to their origins in German forests and open-air clan meetings, their crossing the English Channel with the Saxons, their repression under the Norman Conquest after 1066, and their reemergence under the barons who faced down King John at Runnymede. The line between the ancient Witan (council of the “wise men”) and modern Westminster is not always clear and straight, but it never disappears and it grew stronger all the time. Following the English Revolution and the rise of the Whigs, these ancient liberties became a well-known feature of the English in Europe. (In Mozart’s opera *The Abduction from the Seraglio*, one of the characters says with pride, “I am English, born of freedom.”)

This strong and ancient notion of personal freedom crossed the Atlantic with the American colonists, along with many cherished symbols of freedom, such as the liberty tree and liberty poles. In William Penn’s words, “Every Free-born subject of England is heir by Birth-right unto that unparalleled privilege of Liberty and Property, beyond all the Nations in the world beside.”<sup>5</sup> There is no question that, viewed together, these “ancient liberties” were crucial to the spirit and the demands that led to the Revolution, but by that name they have little appeal today. They would be familiar to historians, lawyers, and devotees of Winston Churchill and his vision of the English-speaking peoples. But in the wider American culture they have been eclipsed for many reasons—the decline of the special relationship under Barack Obama’s postcolonialism, the diminishing influence of New England, the repudiation of the founders, the disdain for all things WASP, and the rising

antiwhite movement across America. (“The white race is the cancer of human history,” Susan Sontag wrote in 1967.<sup>6</sup> The “key to solving the social problems of our age is to abolish the white race,” an American historian claimed.<sup>7</sup>) Plainly, it would take a Lincoln or a Churchill to revive the notion of the ancient liberties of the English and give it any positive resonance in the national conversation today.

Where then is the source of American freedom, and why does the story of freedom matter? *The first question therefore asks, do Americans realize where their freedom came from?* The story of freedom is essential and foundational to the sustaining of freedom. Scholars have recently explored the contribution to freedom of the eleventh-century “Paleo-Indians” in the American Northwest, but their direct contributions to American freedom and to 1776 are vague at best. Far more people assume quickly that “American democracy” must obviously come from democratic Athens or perhaps from Roman civic virtue, but that too would be wrong. For much as the founders tried to learn from classical models of Greek and Roman governance, and to build Capitol Hill in honor of their style, they were extremely wary of direct democracy because of its short-lived history and its turbulent record. A different, surprising, and far more important past deserves to be remembered and brought into the discussion today: the forgotten contribution of the Jews and Mount Sinai, and the way in which it both built on and decisively advanced the “ancient liberties of the English.”

### *The Great Gift of the Jews*

“What makes this night unlike all other nights?” This famous two-thousand-year-old question from Second Temple times has always been asked by the youngest Jewish child at a Seder. It was designed to provoke an annual commemoration and retelling of the defining moment of Jewish history—the Passover night more than three thousand years ago that launched the exodus from Egypt, which formed the birth of the Jewish nation. Like all traditions, it has doubtless been reduced at times to rite words in rote order, but it is one of the world’s oldest surviving rituals. It is also history’s most successful retelling of history and an indispensable key to the miraculous survival of the Jewish people across the centuries and across the world, despite their persecution and their scattering. No other people can lay claim to any similar long-enduring celebration, but the exodus stands as much more than

a Jewish parallel to the celebration of July Fourth. As the oldest political vision in the West, it is the direct ancestor of the Fourth of July, and it holds the missing key to America's independence, to America's freedom, to America's history, and therefore to the renewal of America's freedom today—but in ways that few Americans now appear to understand.

Daniel Elazar, Michael Walzer, Rabbi Jonathan Sacks, and others have all argued that the book of Exodus is the master story of Western freedom and the ultimate regime change in history. Savonarola, the reforming monk, cited it in his celebrated “bonfire of the vanities” in Florence. John Calvin expounded it in Geneva, and Zwingli in Zurich. John Knox thundered its lessons in Edinburgh. Oliver Cromwell declared that it was “the only parallel of God's dealing with us that I know” as he and his fellow Puritans led the English Revolution. William Bradford sailed the *Mayflower* under its inspiration, John Winthrop cited it in his famous sermon “A Modell of Christian Charity” onboard the *Arbella*, both Benjamin Franklin and Thomas Jefferson proposed to use its themes in the Great Seal of the United States, the African American slaves use it to express their longings for freedom in their immortal spirituals (“Go down, Moses”), and Martin Luther King Jr. preached from the story in his last sermon the night before he was assassinated in April 1968. To anyone who knows the story and the lessons of Exodus, there is no situation so bad that need stay as it is. There is always the possibility of another way and a better situation. There is always the possibility of liberation. There is always the hope of freedom.

In a Thanksgiving sermon in 1799, Abiel Abbot spoke for many Americans of his generation when he said, “It has often been remarked that the people of the United States come nearer to a parallel with ancient Israel, than any other nation upon the globe.”<sup>8</sup> Years later, the poet Heinrich Heine widened the same point: “Since the Exodus, freedom has always spoken with a Hebrew accent.”<sup>9</sup>

To be sure, 1776 was soon countered by 1789. Later, Friedrich Nietzsche attacked the exodus as the event that subverted the freedom that he advocated. In his first essay in *The Genealogy of Morals*, he argued that Israel's liberation from Pharaoh was simply the beginning of a two-thousand-year “slave revolt in morals,” the tragic moment when resentment won and the elevation of the herd overturned the rightful place of the hero.<sup>10</sup> Unable to fight the strong with strength, Jews and Christians gained their revenge by

a reversal of values, making the strong bad and the weak good. Thus the strength of the strong was turned into weakness, and the weakness of the weak into strength. This ignominy, Nietzsche held, was started by the Jews and continued by Christians, and it needed to be redressed by the rise of the Superman. For the same reason, it is plain that the exodus theme does not resonate through the revolutions of 1789, 1917, and 1949. Exodus for the leaders of those revolutions was a step backward, and their revolutions had no time for the Bible, its ideals, and its ways of promoting change. Clearly, the Russian and Chinese revolutions were all for 1789 and not 1776.

### *Sinai Before Athens*

Exodus was clearly central to the American Revolution and American revolutionaries. It was important as far more than a one-off precedent, far more than a template for personal salvation, and far more than merely a matter of heart-stirring rhetoric (“Let My people go”; “Proclaim liberty throughout the land” [Ex 5:1; Lev 25:10]). For at the heart of the exodus story is a template for society, for human personhood, for freedom, for justice, and for social change that shaped the American Revolution in highly practical ways. So much so that it has been truly said that Exodus and its influence on freedom long preceded Athens, has far outlasted Athens, and has strongly surpassed Athens in shaping some of the most important features of modern freedom in the eighteenth century and today. As Rabbi Sacks claims, “Ancient Israel was where the idea of freedom was born, and in many respects it remains a surer guide to liberty than the short-lived democracy of Athens.”<sup>11</sup>

Liberty as more than liberation, the rule of law, the consent of the governed, the responsibility of rights, the separation of powers, the notion of prophetic critique and social criticism, transformative servant leadership, the ethics of responsibility, the primacy of the personal over the political—all of these ideals and more are the legacy of Exodus, and their effect was to provide a massive boost for the ancient liberties of the English. Most importantly, the Sinai covenant at the heart of the exodus story came to America with the English and put its stamp on American history through its decisive contribution to the US Constitution and the notion of constitutionalism. For as Elazar, Walzer, and other scholars have demonstrated, the classical categories of monarchy, aristocracy, and democracy are not the only way to



classify societies. A different and helpful perspective emerges if societies are classified according to their founding rather than their types of government.

When classified according to their founding, four major types of society are prominent. First, there are *organic societies*, societies that are linked by blood, kinship, ancestral ties, and intimate acquaintance, often appearing to go back into the mists of time—for example, Scottish clans and African tribes. In such societies the individual tends to be regarded merely as part of the whole. Second, there are *hierarchical societies*, societies that are linked by force and conquest, such as kingdoms and empires—for example, the Roman Empire, the Prussian monarchy, and Chinese communism today (Voltaire described Prussia as “an army transformed into a state”). Divisions, classes, and castes are usually a feature of such societies. Third, there are *contractual societies*, societies based on a series of legal contracts that serve the interests of the citizens and allow for a politics that promotes the pursuit of self-interest. And fourth, there are *covenantal societies*, societies that are linked by choice and binding agreement, such as ancient Israel after the Sinai covenant, Switzerland after the birth of the Helvetic Confederation in 1291, and the United States after rejecting the Articles of Confederacy and passing the US Constitution in 1787.

The Reformation’s application of covenantalism to politics, and its impact on the rise of constitutionalism, long preceded the work of Thomas Hobbes, John Locke, and the notion of social contract, let alone the Enlightenment. And its rediscovery in the 1950s has been hailed as “a truly seminal concept in Western civilization” and “the jewel in the crown of the new science of politics of the modern epoch.”<sup>12</sup> If Lincoln, Elazar, and Walzer are right, Americans are not simply an “almost chosen people.” They live in an “almost covenanted polity” and they were the heirs of the Jewish “almost democracy.”<sup>13</sup>

### *Unique and Influential*

To be sure, there were covenants outside the Bible, such as the Hittite suzerainty treaties, the Celtic oath societies, and Alexander the Great’s Corinthian League, by which he tried to provide bonding for his vast Hellenic empire. (“We have declared in our treaty that all Greeks shall bind themselves by oath to the mutual defense of their freedom and autonomy.”)<sup>14</sup> There were also earlier covenants in the Bible: with Noah on behalf of humanity after the great flood, and with Abraham as father of his family. But Israel’s covenant at Mount Sinai was unique.



First, God himself was a partner to the covenant, even though he was the sovereign king in relation to the subordinate king, the people of Israel.

Second, the covenant included all the people of Israel—men, women, children, and both the born and the yet to be born. (“Speak to the entire assembly of Israel and say to them . . .” [Lev 19:1-2 NIV].) In Michael Walzer’s words, “The agreement is wholesale; all the people accept all the laws,” and the result is an “almost democracy.”<sup>15</sup> This principle, as I said, stands in strong contrast to most of the other suzerainty treaties, which are usually agreements between two individuals, a sovereign king and a subordinate king. It is also in complete contrast to the hierarchical and top-down governments of the rulers of Babylon and Egypt, and in strong contrast to Athenian government too, whether by aristocrats or democrats.

Even Athenian democracy was strikingly different from the covenant at Mount Sinai. While it differed from the earlier Greek oligarchy, it still included only men, and then only some men—those with the proper pedigree who had undergone military training, who were never more than 20 percent of the population. It excluded other men, such as farmers, laborers, mechanics, and resident aliens, and it excluded women, children, and slaves. Behind this democratic view was the Greek notion of hierarchy that was the equivalent of the Hindu caste system. As Plato expressed it, some people were golden, some silver, and some merely bronze and baser metals.<sup>16</sup> Or more simply, in Aristotle’s terms, some are born to be rulers and others to be ruled—these people are slaves by nature. Through the notion of the born and the unborn, the Sinai covenant also stands in marked contrast to America’s exaggerated generationalism. Far from marking off each generation as absolutely unique and radically different from the generation before and the generation after, it builds the Jewish people into an intergenerational community. It thus binds together the past, the present, and the future to form a live tradition that links the generations. No individual life, Rabbi Heschel writes, is a purely private concern. Each “is a movement in the symphony of ages.”<sup>17</sup>

Third, the articles of the Sinai covenant covered the whole of life, so that freedom was not just a moment of liberation but a people’s way of life for generations. It included what they wore, how they worked and rested, how they farmed, how they ran their businesses, how they treated the poor and the stranger, and how they understood time and history, and it was all aimed

at creating a just, free, and good society that was decisively different from the pagan empires the Jews had been freed from.

In sum, all the people and all of life were included in the terms of the covenant, so that it has been said that Israel was quietly democratized long before fifth-century Athens, and quietly made egalitarian long before the American and French revolutions. But what mattered supremely, and what shaped the later course of covenants, constitutionalism, and republican freedom, were the three central features of the covenant at Mount Sinai.

### *The Great Precedent and Pattern*

First, the covenant was a matter of *freely chosen consent*. Three separate times the Jewish people were asked for their response, and they answered, “All that the LORD has spoken we will do,” and they answered “with one voice” (Ex 19:8; 24:3, 7). In other words, they ratified the covenant voluntarily. Jonathan Sacks underscores the profundity of this fact. “A far-reaching principle is here articulated for the first time: *There is no legitimate government without the consent of the governed, even if the governor is creator of heaven and earth.* . . . God is not a transcendental equivalent of a Pharaoh. The commonwealth he invites the Israelites to join him in creating is not one where power rules, even the power of heaven itself.”<sup>18</sup>

Jewish commentators also point out that, though the Torah contains 613 specific commands, there is no Hebrew word for *obey*. The nearest is *shema* the word for *listen* best translated in the old English terms *hearken*, *heed*, or *pay attention*, which put the emphasis on the freedom and responsibility to listen, to deliberate, to decide for oneself, and then to act accordingly. There is no sense of blind obedience in the Muslim sense of Islam as “submission.” The Jews were indeed bound by the covenant, but as Walzer underscores, they were “freely bound.”<sup>19</sup> Their assent to the covenant was not simply a matter of power and obedience, as the Hittite vassal treaties were. Their assent and adherence was a threefold blend of obedience, gratitude for their liberation, and admiration—the recognition of the wisdom of the laws they were accepting. (“What great nation is there that has statutes and judgments as righteous as this whole law which I am setting before you today?” [Deut 4:8].)

Importantly, the result is a *nomocracy*, the freely chosen rule of law, rather than a *theocracy*, the direct rule of God. The latter term was chosen fatefully by the Jewish writer Josephus but ignored the key place of the people’s

consent. Importantly too, this incident is the earliest and weightiest example of the notion that is vital to free societies—“the consent of the governed.”

Second, the covenant was a matter of a *morally binding pledge*. It is this moral dimension that makes a covenant different from a contract, a political covenant stronger than a social contract, and a covenant of marriage before God deeper and more lasting than a civil marriage. (The Old English term *wedlock* was far from what it sounds like—a relationship that is a form of locked-up captivity and the butt of countless wedding jokes. *Wedlock* is a compound of the word *wed*, or pledge, and the word *lac*, or gift, so that marriage was the freely given pledge of love.)

A covenant is based on the foundational moral act of one person making a solemn promise to another person or to many others. This promise is both an expression of freedom and an assumption of responsibility. The freedom that is the heart of consent to the covenant carries within it the responsibility that is the heart of the obligation to the covenant. Thus people who covenant, whether in marriage or in nation building, make a morally informed and morally binding mutual pledge to each other that creates trust. The trust created by this mutual pledge is all-important because it replaces the need for force and regulation in relationships. It acts as the glue that binds as well as the oil that smooths.

Here is the significance of the Pledge of Allegiance and of standing during the national anthem that America needs to recapture, and that those who “take a knee” need to remember. Both are a solemn commitment to the American republic’s obligation on behalf of “liberty and justice for all.” At least two considerations are at stake. First, the freedom of conscience includes the right to the freedom of dissent, but dissent from the pledge and disrespect for the anthem are far more than dissent over party or political policy. They are a tacit rejection of the covenant/constitution itself. Second, dissent from them in the name of justice is contradictory and self-defeating, for it undermines the very standard and the obligation through which justice in America is to be achieved.

Needless to say, both these points carry weight only if 1776 and the American republic are to continue as they have always been understood. For Americans who still believe in the American republic, the better way is to take the Pledge of Allegiance and the national anthem out of the realm of the platitudinous, and expand its obligations to any who are currently excluded—

Dr. Martin Luther King's "promissory note" once again. But of course, this point is null and void if taking a knee is in fact a stand on behalf of 1789 and a different concept of freedom and revolution from that of 1776.

Those who make a covenantal/constitutional pledge voluntarily shoulder a responsibility and become partners in an ongoing project that none of them could undertake alone. They freely mortgage themselves and put themselves under an obligation to their fellow-citizen covenanters and to the future. They are promise makers and covenant partners, so they are promise keepers who have pledged to keep their word. The trust-creating reliability of the covenant partners over time is a key to the strength of the promise and therefore the success of the covenant.

Covenantal (and constitutional) societies therefore require a serious responsibility from their members (and citizens), which neither kings nor dictators require. Indeed, the personal and interpersonal takes priority over the political, responsibilities precede rights, and rights only grow out of responsibilities and have no meaning by themselves. The history of covenantal (or constitutional) societies can therefore be read as a commentary on the durability of the love and loyalty of the people and their leaders to the covenant partnership. This is surely a provocative reminder to America today. It is the antithesis of contemporary American relationships demonstrated in, say, the hookup culture of the sexual revolution, but the point is becoming ever clearer: Freedoms that frustrate the deepest longings of the human heart will always disappoint and prove to be a betrayal.

A covenant is broader and a contract is narrower, the one being emphatically moral and the other being purely legal. When the covenant is also "with God," or a constitution is "under God," the binding pledge is given the force of the ultimate standard of accountability (and in that sense the final "check and balance"). Both covenant and contract are completely different, of course, from modern "freedom of choice." We live in a day when consumer choice has become more noncommittal and nonbinding. Indeed, it has to be so if there is to be a constant turnover of sales. Which modern person in their right mind would make a choice that mortgages their future and rules out a thousand new possibilities of the latest and greatest (and cheaper, faster, fresher, and more powerful) that will soon be on offer, whether a new smartphone, a new car, a new house, or a new husband, wife, or partner? Hence the growing preference for renting over owning, cohabitation over marriage,

and the rise of such fast-growing businesses as Uber, Lyft, and Airbnb. And hence the underlying contradiction between the attitudes of market-based consumer societies and the ethos of spiritual, moral, and political faithfulness. To be sure, advertising works to build brand loyalty, even though the essence of consumerism undercuts it, but brand loyalty is a pale shadow of covenantal-love loyalty.

### *All for One and One for All*

Third, the covenant was a matter of *reciprocal responsibility of all for all*. Long before the celebrated maxim of the Three Musketeers, “All for one and one for all,” the Jewish covenant embedded the pledge of responsibility to God and all other Jews. It included the profound new ethic, “You shall love your neighbor as yourself,” and it reached out in care for the widow, the orphan, and even the stranger. (“Love the stranger, for you were strangers in the land of Egypt” [Deut 10:19 NKJV].) Indeed, as the rabbis pointed out, the celebrated command to love of the neighbor comes only once in the Torah, whereas the far more unlikely command to the love of the stranger, and so to resist tribalism, ethnocentrism, and xenophobia, comes no fewer than thirty-six times. In Walzer’s words, “We are responsible for our fellows—all of us for all of us.”<sup>20</sup>

Remarkably, the reciprocal responsibility even included the rights of the future, for its terms covered not only the born but the unborn and yet to be born. (“The LORD did not make this covenant with our fathers, but with us, *with all those of us alive here today*” [Deut 5:3].) There was equality of dignity for each individual before the covenant, and there was also equality of responsibility for all for all others who were within the covenant. By definition, the “stranger,” the “foreigner,” the “outsider,” and “the other” are not “people like us,” to use Aristotle’s term. But while none of them are in our image and “people like us,” they are all in God’s image, and as such they must be treated with dignity and compassion.

This ethic of responsibility later became the Jewish principle that “All Israelites are responsible for one another.” It meant, one rabbi said, that there was not one covenant at Sinai but 600,000 covenants, as all the Israelite men signed onto the covenant’s pledge. No, said another rabbi, there were really 600,000 times 600,000 covenants as everyone made a covenant not only with God but with all their fellow Israelites.<sup>21</sup> When the celebrated Rabbi

Hillel was asked if he could explain the essence of Judaism while standing on one leg, he replied that nothing could be simpler: “Do unto others as you will have others do unto you. The rest is commentary.”

In our own day, Rabbi Sacks underscores the simple but profound result: “A covenant is a pledge between two or more partners, each of whom respects the freedom and integrity of the other, to be loyal to one another and to do together what neither can do alone.”<sup>22</sup> Excessive dependency is a problem in any society, and so also is excessive autonomy. But such is the covenantal responsibility of each person, and the responsibility of each for each other, and all for all, that a covenantal community becomes a community with a partnership and a project at its core. Our concern here is the decisive influence of covenantalism on politics, but it has major implications for other areas of life too. In a later chapter we will look at the notion of the civil public square as a form of covenantal pluralism, and its resolution of the problem of living with our deepest differences. Covenantalism has been applied to business too, as in the new economics of mutuality, pioneered by Bruno Roche and Jay Jakob, and set out in their *Complementing Capitalism*, and by Michael Schluter and David John Lee in *Relational Manager*.

### *The Tragedy of the Commons*

Can it be said today that all Americans are responsible for all Americans? Or has American individualism shattered the bonds of solidarity and mutual responsibility beyond repair? The covenantal basis for both individuality and solidarity is quite clear, captured in the famous rabbinic saying “If I am not for myself, who will be? And if I am only for myself, what am I?” In the same vein, Elazar suggested that, just as the French saluted each other as “citizen” and the Russians and Chinese as “comrade” in the heyday of their respective revolutions, Americans should salute each other as “partner.” For every American should look at all other Americans and know that together they are partners in the American experiment, the American freedom project, and the American way of life. “We the people” have come together to form a partnership nation on behalf of freedom that creates a just and peaceful community of free people.

This means that the measure of the reciprocal responsibility of all Americans for all Americans is the yardstick of the health of the republic. The Pledge of Allegiance is therefore no idle recitation. It should be unthinkable

that any American leader should regard other Americans as “deplorables” or as anything other than fellow Americans and partners in the great cause of human freedom and justice for all. It is a mark of great leaders, not just that their followers have faith in them but that they have faith in their followers and can inspire them to live up to their ideals.

Today, America shows signs of two clear contrasts to this solidarity of covenantal partnership. The first is *politicization*, the idolatry of politics that trusts politics to do more than politics can do, and therefore turns all issues into political issues. The result is to prioritize the political at the expense of the personal. This priority grows from the Greek view that the polis, or city, is the highest form of allegiance, so that politics as service to the polis is the highest calling. From the covenantal perspective, by contrast, politics is important but is limited and kept in its place (“How small, of all that human hearts endure, / that part which laws or kings can cure”). Also, because power is the currency of politics, politics is especially prone to corruption and the abuse of power (“All power tends to corrupt”). Wisely understood, politics is downstream from the more creative and culture-shaping spheres of society, and it is always vital to remember the old maxim “The first thing to say about politics is that politics is not the first thing.”

The second contrast to covenantal solidarity is what is now known as the *tragedy of the commons*. In a highly individualistic society, each person takes back a little of their public commitment, thinking that their part is so small that no one will notice. Rabbi Sacks tells an old Hasidic story that captures the problem of such tiny acts of selfishness. There was a European village where it was decided that each villager should donate an amount of wine to fill a vat to present to the king on the occasion of his visit to the village. Secretly at night over the next few weeks, however, each villager took some of the wine, rationalizing the theft with the thought that such a small amount would not be missed. Each one then added water to the vat, so that the vat remained full to the top. When the king arrived, the villagers presented the vat to him, and he drank from it, but was disgusted. “It is just plain water!”<sup>23</sup>

The point is clear. The responsibility for a covenantal (or constitutional) society lies with each citizen, and it begins and ends with each one doing their part—in solidarity with other covenant partners. In Elazar’s words, “In all its forms, the key focus of covenant is on relationships. A covenant is the constitution of relationships.”<sup>24</sup> Such a covenantal (constitutional) republic



can die, not just because of bad government but death through a million tiny acts of selfishness. Americans should stop to ponder this point. Under the impact of radical individualism, America has become the land of the autonomous and unencumbered self, and the tragedy of the commons is far advanced in America.

George Bernard Shaw summed up the nihilism and irresponsibility of the European way of life in his own time when he said, “The golden rule today is that there is no golden rule.” Oswald Spengler blamed such selfish attitudes for the “failure of nerve” of the West at large, and such practical results as demographic childlessness that followed it: “It is all the same whether the case against children is the American lady who would not miss a season for anything, the Parisienne who fears that her lover would leave her, or the Ibsen heroine who belongs to herself—*they all belong to themselves and they are all unfruitful*.”<sup>25</sup> With the exception of Switzerland, Europe is not committed to covenantal arrangements, whereas America ostensibly still is. Yet the reality is now hard to see in America. The irresponsible society and the irresponsible generation think only of themselves. They take no thought for others, including the wider world and those as yet unborn.

There is an elemental lesson here that Americans must not miss. The term *republic* was coined by Cicero in the first century BC, but its meaning “public things” or “the property of the public” was anchored by the Sinai covenant centuries earlier. *Democracy as a notion has next to no moral content and absolutely no social content whatsoever, whereas covenantal (or constitutional) republicanism is moral at its heart and creates a society before it creates a state. It therefore puts responsible relationships and the common good at the heart of life and society.* Covenantal (or constitutional) republicanism rises and falls on the moral integrity and the social responsibility of the relationships of the citizens and on the condition of the common good. The implications for America could not be plainer and more challenging. Vital though presidents and governments are, relationships matter more to freedom than regimes. The personal and the interpersonal precede the political. Both the American family and the American republic were once rooted in covenants, so there is an iron link between the health of marriage, the health of families, the health of schools, the health of the common good, and the health of America, and to loosen one is to loosen the others. Improved gun laws may or may not help to curb the destructive ugliness of America’s social violence, but there is no

question that good relationships will always do more than the best of gun laws. It is no accident that the gunmen in America's tragic massacres are the "loners and disconnected"—those with no true relationships.

Thus the importance of the condition of American society, its marriages, its families, its schools, its voluntary associations, its civic education, and its handing down from generation to generation—all these things will always determine the state of the union more than the character of the president, the nature of the state, the size of the military, or the condition of America's roads, railways, bridges, and tunnels. America's obsession with presidents and presidential elections is expensive, diverting, and foolish.

The notion of democracy is designed to answer the question, Who rules? (Though as we shall see, even its answer to that question is weaker and less clear than many people think.) But covenantal republicanism answers a far deeper question, How are the democratic citizens who rule to relate to each other in ways that ensure a just, free, open, and caring society? Americans today celebrate democracy and downplay republicanism, when for those who prize freedom the priority should be the other way around.

### *Rediscovery at the Reformation*

The impact of the covenant and the notion of covenantalism can be seen in three periods in history. First, and most obviously, the Sinai covenant constituted the Jewish people and formed the Jewish nation. It is notable that the covenant constituted the Jewish way of life and the Jewish political arrangements centuries before Israel chose a Jewish king hundreds of years later. And the covenant continued to be the decisive factor in the way they lived long after the catastrophic disasters of AD 70 and AD 133. The Jews had lost their temple, their monarchy, their capital city, their priests, their prophets, their homeland, their independence, and almost their will to survive. (At the climax of the persecution under the Emperor Hadrian, there were rabbis who said that "by rights we should issue a decree that Jews should not marry and have children, so that the seed of Abraham comes to an end of its own accord.")<sup>26</sup> In other words, in the blackest night of Jewish experience the covenant was the key to Jewish survival. It was not only a framework for life but an anchor and a lifeline in the storms of evil that the Jewish people suffered.

The basic lesson of Jewish covenantalism is unmistakable. Relationships matter more than regimes, the character of society preceded the character

of the state, and the law came into being before the entry into the land. This central concern for the quality of a community means that the character of the state follows the quality of the relationships of the people who comprise it. As the community and the society goes, starting with the family and the school, so goes the state, and not the other way around.

Second, the precedent and pattern of the Sinai covenant was rediscovered and developed by the Reformation. Along with the truths of calling and conscience, it became one of the three most decisive gifts of the Reformation that shaped the rise of the modern world. Switzerland, the Netherlands, Scotland, England, and the United States—each was powerfully shaped by the Reformation and in its turn helped to shape the modern world, the last two in particular because of their influence in secular history. The Sinai covenant was especially important to the Reformed wing of the Reformation and the thinking that spread out from Calvin's Geneva and Zwingli's Zurich. The Jews had famously said, "Our people is a people only in virtue of its Torah," and an old Calvinist adage made the same point: "Where the Reformed are, there will be the covenant." The Jews were constituted by the Torah, and the Reformers were constituted by the covenant, and without them neither would have been anything. In the words of William Perkins, the great Cambridge teacher of countless Puritans, "We are by nature covenant creatures, bound together by covenants innumerable and together bound by covenant to our God. . . . Blessed be the ties that bind us."<sup>27</sup>

Sadly, Roman Catholic thought in Europe was emphatically not covenantal. From the fourth century through to the Renaissance in the late fifteenth century, the government of the Roman Catholic Church had been hierarchical, not covenantal. In its triumph over the other religions in the Roman Empire, the Catholic Church took over more of the existing Greek ideas and more of the existing Roman institutions than it thought through critically—so that the papacy, for instance, too often reflected the ways of the Caesars, not the biblical view of leadership. It was therefore no accident that the Church perpetrated the most egregious evils of Christendom as a direct result of the corruption of the hierarchical power of church leaders.

Lord Acton's famous maxim that "absolute power corrupts absolutely" was written to counter an uncritical defense of the Borgia popes. Both that and his fierce opposition to papal infallibility in 1870 (as a devout Catholic himself) were formulated in light of the corruptions of hierarchical power. More recently

Pope John Paul II confessed the sins of the church more than sixty times, but there is no question that they were sins and they were evil, and that they stemmed from the corruptions of the Church's hierarchical power. (For example, the evils of the Spanish Inquisition, the Index, the forced baptism of the Jews, and the horrendous notion that "error has no rights.")

It may seem graceless to mention this point after Vatican II and the great sea change in the Catholic Church over freedom and religious freedom. And the problem is not simply Catholic. German Protestants and American secularists must acknowledge their own part in suppressing the significance of the Jewish and biblical roots of freedom—German Protestants through their cowardly attempts to de-Judaize the Christian faith in the 1930s, and American secularists today through their adamant refusal to take the Jewish and Christian faiths seriously in public discussion. It is important to acknowledge the Jewish roots of the Revolution for two reasons. For one thing, it took American Catholics, shaped by America's principles and experience, to change the Church's mind at Vatican II. For another, the traditional Catholic position was both obvious and crucial to the generation of the American Revolution. They expressly fought for freedom of religion and conscience through the disestablishment of religion because of their bad experiences of established churches in Europe.

John Jay, for example, knew firsthand accounts of the persecution of his Huguenot family in France. John Leland was a Baptist pastor and friend of James Madison, who put the point bluntly:

The church of Rome was first constituted according to the gospel, and at that time her faith was spoken of through the whole world. Being espoused to Christ, as a chaste virgin, she kept her bed pure for her husband, almost three hundred years; but afterwards she played the whore with the kings and princes of this world, who with their gold and wealth came in unto her, and she became a strumpet: as she was the first Christian church that ever forsook the laws of Christ for her conduct and received the laws of his rivals, i.e., was established by human law, and governed by the legalized edicts of councils, and received large sums of money to support her preachers and her worship by the force of civil power.<sup>28</sup>

In short, the church went badly wrong, first the Catholics and later some of the Protestants, when it was corrupted by the power of establishment. In

Tocqueville's more gentle comment: "Whenever a religion joins forces with political powers, the alliance is bound to be onerous for religion."<sup>29</sup>

Sadly, too, the tragic fact is that reactions to Europe's corrupt and oppressive state churches, mainly Roman Catholic and supremely in France, are the single most important factor behind the intensity of European secularism and secularity today. French attitudes in particular hardened after the St. Bartholomew's Day massacre and the later expulsion of the (covenantal) Huguenots, and France became the epitome of a centralized, authoritarian, bureaucratic, and oppressive state, typified equally by Louis XIV, the Jacobins, and Napoleon (and in many people's minds today by Brussels and the European Union). The net effect was that for much of European history, religion and freedom were at loggerheads. Slowly, under the impact of the Reformation thinking and its restoration of the covenant, this alignment was reversed. Rediscovering the Bible and its relevance, the Reformers restored the significance of the Sinai covenant and applied it to their political arrangements—in Switzerland, the Netherlands, Scotland (the Covenanters, Whiggamores, and later Whigs), and in England, where it became a blueprint for "the revolution of the Saints" under Cromwell and the Puritans. With the failure of the Puritan Commonwealth and the restoration of Charles II to the throne in 1660, covenant politics became "the lost cause" in England—but only for it to migrate to New England, where it was to become the winning cause on a far bigger stage and with far greater significance.

From the *Mayflower* to the *Arbella*, and from Plymouth Rock to the Massachusetts Bay and beyond, the notion of covenant was applied to churches and marriages, and then to townships and commonwealths. It became the characteristic and unmistakable form of governance in seventeenth- and eighteenth-century New England. The Massachusetts Constitution of 1780, for example, is the oldest surviving written constitution in the modern world, and John Adams drafted it expressly in covenantal terms. ("It is a social compact, by which the whole people covenants with the each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good.")<sup>30</sup> As if to doff his cap to what he knew was the wellspring of constitutionalism, John Adams wrote, "I will insist that the Hebrews have done more to civilize men than any other nation."<sup>31</sup>

The third period of influence is the most recent. In the eighteenth century, the covenant tradition merged with the new science of politics and flowered

into the notion of constitutionalism, and in that form it has influenced many countries across the world ever since. Yet many Americans today still fail to appreciate the fundamental point. The US Constitution, which has been the pacesetter document for so many other countries and constitutions, is in essence a form of national and somewhat secularized covenant—and a notion that goes back to Mount Sinai. As such, it has all the strengths and weaknesses of the covenantal form of government, but it represents a direct and comprehensive contrast to the alternative of organic, hierarchical, and purely contractual forms of government. In Lord Acton’s estimate, covenantal federalism in America (the term *federal* comes *foedus*, the Latin for covenant) “has produced a community more powerful, more prosperous, more intelligent, and more free than any other which the world has seen.”<sup>32</sup>

### *Faith and Freedom Hand in Hand*

It is essential to understand both the strengths and the weaknesses of the covenantal and constitutional form of government, and for the purposes of assessing American freedom today one strength is paramount: covenantal politics restored the vital link between faith, freedom, and equality. The ideal of free and equal citizens is an extremely challenging ideal. No society has attained it for long. But in our own day, in spite of the constant obsession with equality, current inequalities and mistaken policies are driving us further away from the ideal than ever. We must therefore be prepared to consider what the notion of covenant promises. In Rabbi Sacks’s words, it holds out the vision of “a republic of free and equal citizens held together not by hierarchy or power but by the moral bond of covenant.”<sup>33</sup>

Daniel Elazar makes the same point applied to early American history.

Perhaps the greatest achievement of the new covenantalism was to restore the alliance between religion and liberty that had been sundered when Christianity became the established church of the Roman Empire 1200 years earlier. . . . It is a historical fact that those groups that accepted the covenant theology and made it the cornerstone of their faith were also the groups that became committed earliest to human liberty and contributed most to its advancement.<sup>34</sup>

Both Christians and secularists alike need to ponder these two claims, for the significance of covenant is as misunderstood by many Christians as it is

by atheists. Alexis de Tocqueville captured the link between faith and freedom pointedly. He opened his introduction to *Democracy in America* with his well-known contrast between what he found in America and what he knew from his own country, Catholic France. This contrast was also the general experience of many European countries with their established churches. In the old world, “Religious men do battle against liberty, and friends of liberty attack religion,” he noted.<sup>35</sup> For an illustration he might have quoted the popular saying of the encyclopédist Denis Diderot, which was picked up by the Jacobins in the French Revolution. There would never be real freedom, he argued, until “the last king was strangled with the guts of the last priest.” In ever-hierarchical and always-centralized Catholic France, Church and state, throne and altar had long been in collusion, and both were oppressive, so the revolution set its sights on both and overthrew them both.

America was quite different, Tocqueville observed. Religion in America was disestablished, yet through its indirect influence it had become “the first of the political institutions.”<sup>36</sup> “In France, I knew, the spirit of religion and the spirit of liberty almost always pulled in opposite directions. In the United States I found them intimately intertwined.”<sup>37</sup> The reason lay in the covenantal understanding of freedom. Faith, once disestablished and voluntary, was the guarantee and guardian of freedom. “Puritanism,” Tocqueville noted, “was not just a religious doctrine; in many respects it shared the most absolute and democratic and republican theories”—in other words, covenantalism.<sup>38</sup> Sovereignty rested with the people and not the state. Edmund Burke made the same point in his defense of the American colonists before the Parliament. Their passionate love of freedom was natural and should have been expected. After all, the New Englanders were the “Protestants of Protestantism and the dissenters of dissent.” Citizens under the covenantal form of governance held faith and freedom together.

### *The Weak Links in the Chain*

The weaknesses of covenantalism also need to be understood. Covenant thinking and covenant politics are as vital today as in the heyday of their rediscovery in the sixteenth century. For as many have noted, covenantal thinking cultivates the political equivalent of Martin Buber’s I–Thou relationships, and while always stressing the overall bonds of community, covenantal



citizenship thrives on the We–Thou conversation between citizens. No one is a citizen alone, any more than anyone can think entirely alone, or come to know their own identity entirely alone. As Rabbi Sacks underscores, gifts such as human love and human friendship are covenantal goods, in the sense that the more you give them away, the more you enjoy them as you receive them in return. Financial goods, such as money and property, are different, and a matter of zero-sum dealing. If you give away a million dollars, you are a million dollars poorer, but if you give out love and friendship, you almost always receive more in return, and multiplied.

Five hundred years ago, as the influence of the Reformation spread, the notion of covenant appealed especially to countries that were fluid, less settled, and at the frontiers of mainstream Europe—Switzerland and Scotland, for example, rather than France and Spain. Today, covenantalism holds out a similar political promise. It reinforces such notions as freedom, equality, responsibility, and community, while avoiding the advanced modern tendency to swing between the extremes of atomized individualism and centralized authoritarianism—or between the extremes of the Left and the Right, and the political bookends of anarchy and despotism.

It goes without saying that not all relationships should be covenantal. The marriage bond is covenantal at its beginning, but families are largely organic in character, just as an army or an orchestra should properly be hierarchical. A truly democratic orchestra or army would quickly be a disaster. But communities and political orders such as a republic flourish within covenantal agreements. It is obvious too that there are certain requirements for covenantal politics if it is to work well—supremely the maintenance of a living transmission through storytelling, education, and even song. Rabbi Sacks notes,

*To defend a land, you need an army, but to defend freedom, you need education. You need parents, families, and homes and a constant conversation between the generations to see that your ideas are passed on to the next generation and never lost. . . . You achieve immortality not by building pyramids or statues—but by engraving your values on the hearts of your children, and they on theirs, so that our ancestors live on in us, and we in our children, and so on until the end of time.<sup>39</sup>*

When public as well as private life is shaped by covenantalism, Sacks writes, “Politics has never been more radical, more ethical, and more humane.”<sup>40</sup>

### *Promise Makers, Promise Breakers*

It is important to say that there are weaknesses in covenantal politics, as in all forms of human politics, and these should be understood clearly—two above all. The first weakness is that covenantalism requires promise keeping, but we humans do not keep promises well. We make and break promises, both as individuals and as groups and nations. Making promises is the natural expression of human freedom. The Pledge of Allegiance is therefore a key part of the American republic's two-way promise: the pledge of the citizen to the republic, and the promise of the republic to the citizen. For Americans to make the pledge is to give their word of honor to stand by their promise, which is why standing rather than kneeling is the perfect expression of the pledge. Kneeling, by contrast, is a posture that expresses either worship or subservience, both of which are appropriate in other settings, but neither expresses what is being spoken and performed in the act of standing during the national anthem.

The taking-a-knee controversy in the National Football League in 2017 is misguided for another reason. It disrespects the authority and standard it must appeal to in fighting injustice—if the American republic is to fulfill its promise to its citizens, overcome its shortcomings, and achieve an ongoing and “more perfect union.” By disrespecting the anthem and the flag, the activists are disdainful of the promissory note. Which means that either they are cutting off the branch they are sitting on or, more radically, that they are appealing to a revolution other than 1776. Martin Luther King Jr. hated racism and injustice no less passionately than today's activists. But he believed in the American Revolution, so he appealed to the Declaration of Independence as America's “promissory note.” As the promissory note, the Declaration (and its symbols: the flag and the anthem) deserved and required respect as the American standard by which the evils of racism could be judged and fought. The kneeling controversy is therefore self-defeating when appeals to freedom of speech are used to undermine the promissory note altogether. One suspects that some of the activists do indeed have a different revolution in mind.

Regardless of the controversies surrounding the pledge, making promises and keeping promises are two different things, and the Bible itself candidly exposes this weakness in promise keeping. The problem is writ large in the

cycle of degeneration and renewal in the book of Judges, which comes not long after Exodus, and later in the checkered story of the Jewish kings. There is a cycle of nature (spring, summer, autumn, and winter), and there is a cycle of human failure (corruption, oppression, capitulation, redemption, and corruption again). They each require festivals to address the significance of their differences, but the first cycle is inevitable, whereas the second is preventable. Strikingly, the greatest, wisest, and richest of all the Hebrew kings, Solomon, demonstrates the corruption the most clearly. He so glorifies himself and his building ventures that he turns his entire people back into a slave labor force and turns himself into “another Pharaoh” and Israel into a “second Egypt.”

This candidly acknowledged failure creates the impetus for the characteristically Jewish notion of the Messiah and messianism. Whether the longed-for Messiah is true or false, religious (as in the desired Son of David) or secular (as in the nineteenth-century visions of Rabbi Marx), the messianic longing is for a second liberation to fulfill the first. It is a radical and visionary response that springs from the assumption that the exodus of the first liberation has proved crucially incomplete or has failed. The messianic hope is pregnant with meaning for the Jewish and Christian sense of history. But it is also crucial for the revolutionary secular Left, because secular messianism is essentially an expression of the failure of secular liberationism. With no divine Messiah in view, secular messianism becomes a dream politics of the Left. It is called on whenever history’s progressives have not progressed as promised, when the “long march” has gone through the institutions and got nowhere, and when the Babel project has foundered yet again.

To counter the dynamics of this spiritual and moral entropy, the Bible constantly warns against the danger of idolatry and self-glorification. It demonstrates the crucial importance of the prophetic corrective and teaches the requirement of faithful transmission of covenantal commitments—from leaders to their people, from parents to children, and from generation to generation, and it underscores the necessity of renewing the covenant when it is forgotten or broken. Yet in spite of all this, the record of covenant keeping will never be perfect. It will often be broken, and the messianic hope will burn brightly in contrast. Moses, the first liberator, and the coming Messiah, the second liberator, are the Bible’s two bookends for holding together freedom and hope. Thus the free person’s task in any age is to live

responsibly in the roller-coaster interim, always looking to the past with gratitude and humility, but always working toward the future with hope and energy. Life lived this way calls for engagement with hope and humility. Where we are going gives strength to what we are doing, and what we are doing becomes a sign of where we are going.

Many people have recognized this core problem of promise keeping and responded to it in different ways. One response was to see the flaw and exploit it cynically. In the Renaissance, for instance, Machiavelli turned the weakness into a virtue when he openly called for the prince to break his word whenever he needed to as a matter of statecraft. “The promise given was a necessity of the past: the word broken is a necessity of the present.” Since politics has no relation to ethics, “a wise ruler ought never to keep faith when by doing so it would be against his interests.”<sup>41</sup> Power, not trust, is the coin of the realm for Machiavelli’s prince—a philosophy and an attitude that is common again under the terms of postmodernism.

Another response was to rue the flaw and then use it to reject the notion of covenantalism itself. Philosopher David Hume, for example, writing from covenanting Scotland, raised the simple question, “Why are we bound to keep our promises?” He argued that promise making is “the most mysterious and incomprehensible operation that can possibly be imagined.”<sup>42</sup> Famously, he demonstrated in his own life that he had no intention of upholding what he considered impossible and unnecessary. Once, after he had fallen into a bog near Edinburgh, he called for help and said he was willing to recite the Lord’s Prayer to induce a rescuer to help him, only to mock the woman once he was back on terra firma. If Paris was worth a mass for Henry IV, reciting the Lord’s Prayer was an easy price for Hume to pay for his rescue. What was one more false and fickle oath if all oaths were false and fickle?

Yet another response was to face the flaw realistically and then attempt to strengthen promise keeping by safeguarding the place of truth, trust, oaths, vows, and loyalty. (“So help me, God.”) That concern was the reason why John Locke advised against respecting freedom of conscience for atheists. The problem was not that he was prejudiced, that his much-vaunted “tolerance” stopped short of tolerating atheists, or that he was inconsistent and hypocritical, as he is often accused of being. It was rather that since atheists did not believe in God, Locke did not think they had a standard by which to make oaths that were needed if the bonds of social trust were to be maintained.

*Accountable? Who Says?*

The second major weakness of covenantalism is closely related to the first. Any rejection of the standard, before which the covenantal pledge was made, means an automatic relaxing of accountability, and without accountability, covenantalism and constitutionalism weaken and fall apart. For the Jews at Sinai, the covenant was “with God”; for most of American history, the covenant was genuinely “under God”; but now it has become a constitution “without God.” The recent determination to remove both the term and the truth of “One nation under God” raises the question of accountability again. Kingdoms, empires, dictatorships, totalitarian governments, and authoritarian religions require no consent other than submission—blind, grudging, and sullen if necessary. But covenantal faiths and constitutional societies are nothing without the free and uncoerced promise making and promise keeping of their adherents and their citizens. Tether-free societies simply do not last. Hence the importance of the Pledge of Allegiance and civic education again, not as a formality but a reality.

Needless to say, the alternative to promise keeping is a resort to force, and therefore to the state as the only agent strong enough to hold citizens accountable and to provide the common superstandard of accountability. Statism and the creation of Leviathan was Thomas Hobbes alternative to covenantalism. Despite his formal nod to God and his multiple references to the Bible (far more than to the Greeks and the Romans), Hobbes had no real place for God in his “new science of politics.” It was to be a secularized form of contractual, not covenantal, governance. But he was candid enough to spell out the price that people would have to pay—and that Americans will have to pay today—if they reject God as the final standard of accountability. If the government was to do what Hobbes needed the government to do, and to help people escape the brutal state of nature, the state that would replace God would have to become god—or in Hobbes’s own words, Leviathan would have to be a “mortal god.”

The new government, Hobbes wrote, would be “made by covenant of every man with every man,” as everyone would say to everyone else, I give up my right to govern myself, and I authorize the ruler, on the condition that you too give over your right to the ruler, and support all his actions. When this happens, he argued, the united people are “called a COMMONWEALTH. . . .

This is the generation of that great LEVIATHAN, or rather to speak more reverently, of that mortal god, to which we owe under the immortal God, our peace and defense.”<sup>43</sup> You can escape the brutal state of nature, Hobbes promises. Peace, order, and stability can all be yours, but the price is steep. You may escape the “war of all against all” on one side, and you may step away from your dislike of any binding agreement with God on the other side. But your only option is to surrender to the “mortal god” of the all-powerful state, which as it grows will claim absolute arbitrary power over everyone and everything.

Make no mistake: the logical outcome of those who reject covenantalism (or constitutionalism) today is state control. There is undoubtedly a danger in what Leo Strauss called *reductio ad Hitlerum*—making Hitler the essence of all evil, and using him as the final argument to win arguments. But there have been too many political religions and too many semidivine states on both the left and the right to ignore the problem of statism, or what used to be called statolatry. “Man . . . must venerate the state as a secular deity,” Hegel said.<sup>44</sup> “To be a nation . . . is the religion of our time,” declared the German nationalist Ernst Arndt.<sup>45</sup> Abolish God, Chesterton commented on such claims, “and the Government becomes God. That fact is written all across human history.”<sup>46</sup> Supporters of 1789 and Left/liberalism should take careful note. The invasion of the private sphere, Christopher Dawson wrote, is “the original sin of every totalitarian system.”<sup>47</sup> For all the fancy Left/liberal blather about diversity, unity without God soon becomes enforced unity, which is another name for coercion and uniformity and the totalitarian suppression of real diversity. Thanks to political correctness, the process is well under way in America, and there is no greater need than the need to defend and expand the remaining spheres of freedom.

### *The Real Breaking of the Covenant*

Far more than fussiness over history is at stake in these issues. If the notions of covenant and constitution are central to the founding of the American republic, then the health or sickness of their condition must be central to any assessment of the state of the union, for quite literally they constitute America. A founding creates a nation’s DNA and establishes the lines along which it will develop until and unless it is defeated or taken in a completely different direction. No one can hope to make America great again in any direction without understanding what made America great in the first place.

America can neither be understood right nor led well unless the covenantal and constitutional character of American freedom is taken into account. Covenantalism and the essential responsibility it requires of citizens provide the missing key to restoring American freedom today—unless it is taken a quite different direction.

When Abraham Lincoln traveled to Washington to begin his presidency in February 1861, the storm clouds of war were darkening. He stopped in Philadelphia to pay his respects to Independence Hall and the two great documents that had been debated and framed there, the first being nothing less than America’s “birth certificate.” Citing Psalm 137, he solemnly made his own covenantal pledge: “I have never asked anything that does not breathe from those walls. All my political warfare has been in favor of the teachings coming forth from that sacred hall. May my right hand forget its cunning and my tongue cleave to the roof of my mouth if I ever prove false to those teachings.”<sup>48</sup> Lincoln’s parallel with the Hebrew psalm and its undying devotion to Jerusalem is stunning, and it shows up the chasm between him and many American leaders today. No people in all history have had a love for their city like the Jews for Jerusalem, even when they were separated from it for nearly two thousand years, yet Lincoln takes that supreme attachment as the standard for his love for the principles enshrined in America’s founding documents.

Few American leaders today have such an understanding of where the greatness of America came from. Such an inaugural trip to Philadelphia now would be little more than “optics” or tourism at best and hypocrisy at worst, for both the founders and their ideas are now under a cloud. There are four main ways Americans dismiss their covenantal past and weaken the role of the founders and the Constitution today. Indeed, it was the fateful convergence of these dismissals in the 1960s that created the cultural chasm between 1776 and 1789 that divides America now.

First and foremost, many Americans have rejected the founders because of their failure to address “America’s original sin”—the evil of slavery and their treatment of women and Native Americans, and the rank hypocrisy that was the result. Many people outside the United States had pointed to this hypocrisy—most famously the English writer Samuel Johnson: “How is it that we hear the loudest yelps for liberty among the drivers of negroes?”<sup>49</sup> Unquestionably, then, the founders’ silence over slavery was not unwitting.



It was the Faustian bargain made by the supporters of the US Constitution in 1787. Many of them personally opposed slavery, but they remained silent at the convention because if they had insisted on tackling the problem, as Samuel Hopkins and others urged, the Southern states would never have signed the Constitution. This devilish agreement carried over an egregious evil and created a blatant hypocrisy—the gap between the American genius for freedom and the reality of slavery, and thus between America’s ideals and self-image as the “land of the free” and the sordid realities of the long degradation of the African slaves and then of African Americans. Plastering over this blatant hypocrisy left the evil unaddressed, and the contradiction festered like an open wound until the stench could be disguised no longer. The hypocrisy was then ripped open by the civil rights movement to expose the ugly gangrene of racism for what it was.

The same was true of other inconsistencies and distortions from the founders’ America—supremely the treatment of women, of Native Americans, and the treatment of other nations through America’s sense of manifest destiny and exceptionalism. One after another, different sixties movements such as the women’s movement, the sexual revolution, and the antiwar movement echoed the civil rights movement, called the status quo into question, and sent shockwaves through the complacency and triumphalism of postwar America. What happened next is what matters today and what shaped the present polarizations: *American liberalism lurched sharply to the Left in the sixties and became the Left/liberalism of today*. Since then, Left/liberalism has been characterized by liberal shame, a discomfort with the founders, a decisive distancing from the American past, an unease with white dominance, an open animosity toward religion, a tendency to view ethics in public rather than personal terms, a proneness to disrespect the flag, and—fatefully—an openness to ideas and trends that owe more to 1789 than to 1776.

With hindsight, it is now clear that this lurch leftward was the real broken covenant. The critical shift led in its turn to the celebrated Rudi Dutschke-style, Left/liberal “long march through the institutions” in the decades after the sixties. The outcome was that Left/liberalism has captured the three main centers of American ideas and educated opinion that shape American culture: the universities, the press and media, and the world of entertainment. In the process, the triumph of Left/liberalism has turned American

history into a museum of evils, inflamed the culture wars, and bred the disagreements that have created the present bitter divisions between ordinary Americans and the educated American elites—and called into question the great experiment itself. Theodore Roszak wrote famously of “the making of the counter-culture” in the 1960s. It took much longer than he thought, but fifty years later its success is close even though many of the original revolutionaries did not live to see their triumph.

Among the many consequences of the great lurch left, the change in America’s way of addressing evil is titanic. Despite their tragic blind spots, the founders were generally realistic about the potential for corruption and the abuse of power. Equally, both the Jewish and Christian faiths, though frank about evil and injustice, emphasize the necessity for repentance and the possibility of forgiveness when addressing wrongs. Only through a separation of powers can abuse be prevented, and only through repentance and forgiveness can wrongs be addressed as wrongs, the past be left behind as the past, and the future be opened as the arena of the genuine second chance. From Samuel Hopkins to Abraham Lincoln to Frederick Douglass to Martin Luther King Jr., those who addressed the evils and hypocrisies of their times did so within the double framework of the biblical faiths and America’s founding declarations (Lincoln’s “new birth” of freedom, for example, and King’s “promissory note” of the Declaration).

No excoriation of slavery is more searing than Frederick Douglass’s 1852 speech, “What to the Slave Is the Fourth of July?” Even today it brings tears to the eyes, anger to the heart, and a stunned sense of wonder that such awful things could ever be countenanced in the “land of the free.” Distancing himself from the founders, he repeatedly calls them “your fathers,” and he then passionately attacks both the barbarism of slavery and the multiple hypocrisies of the “nation’s inconsistencies” over slavery. Yet Douglass still finishes his magisterial speech with unshaken confidence in the Constitution—“interpreted as it ought to be interpreted, the Constitution is a GLORIOUS LIBERTY DOCUMENT. Read its preamble, consider its purposes. Is slavery among them? Is it at the gateway? It is neither.”<sup>50</sup>

Many sixties radicals, and Left/liberals later, part company with Frederick Douglass, Booker T. Washington, and Martin Luther King Jr. at that point. They reject that recourse emphatically, and in doing so they wittingly or unwittingly break with the American covenant decisively. Such was the

depth of the evils exposed that they rejected the Bible, the founders, and the American founding altogether. Traditional America, they charged, had been shown up as inherently, foundationally, and chronically “racist,” “sexist,” “militarist,” and the like. And in the process of this dire shift in diagnosis, two fateful things happened. First, much of American liberalism itself lurched left and changed—from the classical and “capital L” liberalism of the founders and their heirs to the Left/liberalism of the radical movements that from then on have viewed America in a harsh and less flattering light. There could be no turning back to the America of the founders or to any serious talk of a “promissory note.”

Also, in rejecting both the founders and the Jewish and Christian perspective that underlie them, the radicals also turned from the biblical vision of justice to a secular view of justice as all-out, power-based confrontation. Whereas the former requires repentance, which requires an acknowledgment of both wrongs and responsibility, and then works for reconciliation and restoration, the latter aims only for redress and reparation that can be little more than revenge. The result of this shift is turning America into the land of vengeance. Victims seeking vengeance for a lengthening list of past sins produce more victims, who in turn seek fiercer vengeance that produces even more victims. And so it goes, eye for eye, tooth for tooth, murder for murder, and massacre for massacre.

Where will it end? Oddly, these brave new radicals do not realize how they are prone to violence because they are Rousseau’s children and utopians rather than heirs of the realism of Madison and the Bible. Yet it is actually their utopianism that drives them to violence. With utopian visions dancing before their eyes, they believe that only a clean sweep of the past can usher in a world of justice and freedom. Thus baby, bathwater, Bible—and now statuary, memorials, and all—have to be flung out of the window if there is to be a fresh start. As always, the utopians’ fresh start has to begin with a clean slate, and as always it takes violence to wipe the slate completely clean. Once again the violent echoes of 1789 are drowning out the cautionary realism of 1776.

Second, there are Americans, such as historian Charles Beard and his progressive school, and many recent thinkers and historians, such as Howard Zinn, who claim that they have “seen through” the founders’ real agenda and exposed them for the economic interests that lay behind their thinking and

their policies. Later historians have dismissed this charge as “quasi-Marxist nonsense,” but such charges gained their appeal because they debunked the mythical view of the founders, and they fit the postmodern analysis that everything can be reduced to its power equations.<sup>51</sup> Far from disinterested statesmen and heroes, the founders had rigged the system to thwart true democracy, Beard and the postmodernists argue. They were “hard-fisted conservatives” out to “protect their own interests and those of their class.”<sup>52</sup>

Third, there are other Americans, such as progressive leaders from Woodrow Wilson and John Dewey to Barack Obama, who have praised the founders for their contribution in their day, but insist that their work, however brilliant in their time, is now outdated and needs to be revised for the changing needs of today’s generation. There are in fact inherent problems in such progressivism and its dismissal of the past. Above all, it stands or falls by the Enlightenment belief in continuous advance, whether through the state (for those on the left), the market (for those on the right), or science and technology (for everyone, but the elites above all). The Enlightenment’s continuous advance has simply stalled, at least for the moment, and it did nothing to prevent the horrors of the Holocaust, the world wars, and the genocides in the twentieth century. Whether the progress hoped for was for human advance in general or the American dream of economic betterment in particular, the evident frustration and cynicism in the younger generation stems from its bitter conclusion: For most Americans, the promised future may not be better than the past.

Behind this practical weakness there were always theoretical flaws in progressivism. For a start, it was a parasite on the biblical view of time and hope, and it provided no standard by which to judge the progress that it claimed. Aside from the positive connotations of the word *progress*, the term *progressivism* could as easily be *regressivism*, for some of its “achievements,” such as the expanded state, are a step backward for personal freedom, not forward. G. K. Chesterton noted this inherent problem when he remarked, “Progress is simply a comparative of which we have not settled the superlative.”<sup>53</sup> T. S. Eliot remarked similarly on “an age which advances progressively backwards.”<sup>54</sup>

More importantly, progressivism requires certain assumptions for it to succeed. Many of its advocates do not hold these assumptions, and their philosophies have no right to them. Progressives often quote Martin Luther

King Jr., who was quoting Theodore Parker from the nineteenth century: “The arc of the moral universe is long, but it bends towards justice.” But in the very speech when King used this phrase, in his sermon from the Torah at Temple Israel of Hollywood in February 1965, he pointed out that many people do not have either the assumptions or the ideology to be able to undergird such a confident view of progress. Their idea of progress was no better than the notion King attacked, citing Thoreau, as “improved means to an unimproved end.”<sup>55</sup> When progressives breezily claim to be on the “right side of history” and consign their opponents to “the dustbin of history,” they simply cannot justify their claims. Indeed, they have no more credibility than Nikita Khrushchev when he angrily pounded the podium at the United Nations with his shoe and shouted, “Whether you like it or not, history is on our side. We will bury you!”

Such is the power of hope, of course, that in good times the appeal of the progressive attitude will always be stronger than its rationale. And what affects politics is the progressive attitude, and in particular the over-spill from its disdain for the past, in this case the past of the founders. Just before he retired as Secretary of State, Dean Acheson was speaking to a prominent European. “Looking back,” he said, “the gravest problem I had to deal with was how to steer, in this atomic age, the foreign policy of a world power saddled with the constitution of a small, eighteenth-century farmers’ republic.”<sup>56</sup>

Fourth, there are still others, perhaps now the majority of Americans, who have simply forgotten the founders. They have grown hazier and hazier in their understanding of the founders and the genius of their contribution—beyond some scant references on July Fourth. For all practical purposes, many Americans have simply forgotten the founders, and in the process have also lost touch with the founders’ view of covenant and the Constitution and its requirements. For John Winthrop, in 1630, covenant was at the heart of their purpose in coming to America. (“We are entered into Covenant with him for this work, we have taken out a Commission.”)<sup>57</sup> But by the time of Lyndon Johnson’s inauguration in 1965, the terms of the covenant had changed in a marked way, and the covenant was with the land and not with each other, let alone God. (“They came here—the exile and the stranger, brave but frightened—to find a place where a man could be his own man. They made a covenant with this land.”)<sup>58</sup> More recently, apart from a brief

and ineffectual mention by President Clinton in his early days, the notion of covenant has disappeared almost completely.

These four dismissals are different, but their combined effect has been to sever America's covenantal roots, banish the founders, distance the past, and stretch the elasticity of the Constitution to the breaking point. Now, under the fig leaf of the mantra "constitutional" and "unconstitutional," the declining prestige of the Constitution can be pressed into the service of any person or group that can grasp the levers of government power and press their own agenda. The irony is that in its assault on the past, contemporary America is becoming all the more captive to the past. Imagining itself free, it shows itself bound more than ever and unable to make real progress.

This is not the place for a comprehensive description of Left/liberalism and its links to 1789. My concern is the difference between 1776 and 1789 and its implications for freedom, which will unfold as we proceed. I am certainly not arguing that everyone on the American Left mimics the Jacobins and the sans-culottes, works for a full-blown Marxist revival, or subscribes to what Roger Scruton calls the "stunning 'nonsense machine'" of the foggy thought and impenetrable language of many postmodern European writers.<sup>59</sup> But the undeniable links and clear resemblances between 1789 and the American Left are what matters. The former struggled for *liberté* and *égalité*, the latter for "liberation" and "social justice." The former won through violent revolution, whereas the latter seeks to win through a cultural revolution, after which the elite imposes its will through administrative and bureaucratic procedures (regulative bodies and the law courts). And both are characterized by their reliance on the state, their open hostility toward religion, their radical separation of religion and public life, their attempt to control language in order to control reality (French and Soviet "Newspeak," "doublespeak," and American "political correctness"), their unashamed espousal of power, their egalitarian appeal to envy rather than liberty, and their naive utopianism that the removal of repression will mean the fulfillment of freedom.

No one should fail to see how these resemblances between Left/liberalism and 1789 add up to a triple tragedy after America's triumph over the Soviet Union in 1989. America has not only rejected its covenantal/constitutional heritage of freedom but wasted the rare and historic opportunity of its "unipolar moment," and is now in danger of surrendering to the way of thinking that led to the collapse of its former enemy.

For the purposes of this chapter, however, the question is: Has the Left/liberal exposure of hypocrisy in the sixties helped America move beyond the evils and hypocrisies of the past? On the contrary. Within the worldview of Left/liberal secularism there was no repentance required and no forgiveness to be offered, in contrast to Lincoln and King. So the effect of the harping on the evils of America's racism, sexism, and militarism has been to make America's evils irredeemable. Pounding on the "sins of the fathers," and assaulting the "structures of domination," a brigade of angry activists has forged a culture of grievance, resentment, anger, and *victim playing* turned *power mongering*. But they have stoked the problems, not solved them. Instead of remedying the evils and reconciling the parties, the Left/liberal activists have refought the battles of the past, widening the wounds to the present generation and spreading the devastation far beyond their original victims. And they have done so in a way that poisons American life and American politics from top to bottom.

The result is an American past that can never be atoned, an American debt that can never be repaid, an American apology that will never be accepted, an American hope that will forever be dashed, and an American credibility that is increasingly threadbare to America's own youth, let alone to the watching world. If this Left/liberal view prevails finally, the American project of freedom is tainted forever and finished.

From a covenantal perspective, the ultimate challenge is to see what happens to America when Americans finally render the Constitution ineffectual—what happens when Americans lose the sense of purposeful history that came with covenant and close down their horizons to the endless currents, eddies, swings, counterswings, graphs, statistics, pie charts, and punditry of modern political science, what happens when the "parchment barriers" prove too flimsy and even the "flexible constitution" becomes too elastic and there is effectively no constitutional framework at all. What happens when freely chosen consent is only a charade, and there is no morally binding pledge, no reciprocal responsibility of all for all, no checks and balances, no insistence that no one is above the law, and every American and American movement does what is right in their own eyes? Will Yeats's celebrated "center" still hold? Will the American falcon, "turning and turning in the widening gyre," be able to hear the falconer? The overwhelming evidence of history would suggest that if such a day were to come,

there would be only one possible outcome for the republic when “mere anarchy is loosed upon the world.”

Richard Niebuhr captured the gravity of the earlier American view of covenant, and in a way that makes contemporary citizenship appear lightweight and casual by contrast.

Covenant was the binding together in one body politic of persons who assumed through unlimited promise responsibility to and for each other, and for the common laws, under God. It was government of the people, for the people, by the people, but always under God, and it was not natural birth into natural society that made one a complete member of the people, but always the moral act of taking upon oneself, through promise, the responsibility of a citizenship that bound itself in the very act of exercising its freedom. For in the covenant conception the essence of freedom does not lie in the liberty of choice among goods, but in the ability to commit oneself for the future to a cause and in the terrible liberty of being able to become a breaker of the promise, a traitor to the cause.<sup>60</sup>

*Will it be said that freedom was too hard a challenge for Americans to overcome? Here, then, is the first question on the checklist that Americans must answer constructively: Do you remember where your freedom came from?*

Does the difference between republicanism and democracy still matter? What is the significance of the clash between supporters of the original constitution and supporters of an ever-changing living constitution? What is the state of the ethics of responsibility today? And if the notion of covenant is in the DNA of America, what happens if it is abandoned, deliberately or unwittingly? The challenge for Americans today, while they are still powerful and prosperous, is to remember the long road to freedom they have traveled, and to pay attention to its lessons while there is time for renewal.



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