

Covenant and Civil Religion:

A Commentary on Papers presented at the Eric Voegelin Society/

American Political Science Association Annual Meetings,

3 September 2006

Copyright 2006 Stephen A. Marini

I wish to thank all of our presenters for their thoughtful and stimulating work. They have supplied far too much material of far too excellent quality for me to attempt anything more than the most tentative of critical responses in the brief time I have. What I will say is further constrained by my own expertise as a historian of Anglo-American religious culture who makes occasional forays into theology, philosophy, ethics, aesthetics, and social and cultural theory.

I observe first that we have heard a great deal from our panelists about covenant but very little about civil religion. This fact may simply reflect the interests of these scholars, or the rather pronounced disfavor in which the concept of civil religion finds itself today in professional, if not in popular, political circles. But this emphasis on covenant also reveals at least two common themes that run through all four of our papers. One is the historical and analytical question of the origins and transformations of covenantal ideas in the West, especially at three historic nodal points: ancient Israel and the classical Greco-Roman world, the Reformation including Puritanism, and the American experience. All of the papers offer interpretations of covenantal concepts from at least one of these periods, inspecting them for their religious and moral grounding of social order, government, and law. Several of the papers cover large portions of chronology from biblical Israel to America and cast their interpretations as narratives of secular declension.

The other theme is the theoretical and evaluative one of assessing the potential of covenantal ideas for practical applicability in today's political world. Although several of the papers express a wistful hope for twenty-first century covenantalism, the two essays most directly concerned

with this theme reject the covenant's fitness for contemporary politics. There also may be a tacit commentary here on academic cultural attitudes in the fact that the two most historically oriented papers are also the most sanguine about the covenant's continuing relevance, while the other pair of more theoretically driven essays are almost categorically negative on the question. I will take the rest of my time addressing these two pairs in some detail, beginning with the more theoretical coupling of Jason Ross and Glenn Moots.

Jason Ross

Ross locates the question of "covenant and civic identity" in a larger framework that is as much theological as it is theoretical. He sees covenanting as a response to the human experience of oppression that initially creates a new civic identity for the oppressed, then empowers them to be "fit for action" in the world. Their historic mission, however, is doomed to inevitable failure due to something like human finitude, which in any case condemns them ultimately to adapt their sense of divine empowerment into a vehicle for mounting a moral critique of a social existence they no longer control. Ross uses Voegelin's distinction between pragmatic and paradigmatic history to great effect here in presenting a rather detailed account of Israel's Exodus and the Sinaitic covenant as well as the development of British covenantal ideas from Marian Exiles like John Ponet and Christopher Goodman through the Scottish Covenanters.

Ross has selected these latter examples because they illustrate the continuing role of oppression in motivating covenantal movements through the early modern period and beyond. While they indeed do so, however, I am not sure they can bear the aetiological weight that Ross assigns to them. Ross interprets Ponet and Goodman in terms of Lutheran teachings on the political order, but both men wrote from a Calvinist perspective already significantly at odds with Lutheranism. Ponet published his *Short Treatise on Political Power* as an exile in Reformed Strasbourg and Goodman composed his treatise on *How Superior Powers Ought to be Obeyed* in Calvin's Geneva. I understand that exempla must do extraordinary duty, especially in a short paper like this, but Ross is not alone among our panelist--or among political theorists in general--in using terms like "Protestant" or "Puritan" in over-generalized ways.

That being said, Ross's larger point is not a historical claim but rather a theoretical one, and I have great sympathy with what I would call his tragic view of the covenant. Ross's Voegelinian insight that pragmatic reality can never match the paradigmatic claims of a divinely mediated societal covenant has the ring of truth to it, at least to me. If we accept Ross's conclusion that practical difficulties necessarily prevent the covenant from fulfilling its ideals, however, then we are faced, like him, with finding any justification at all for covenantal beliefs and acts. He says that this situation leads to a restricted yet genuine role for the covenant as a moral critique of the fallen practical political world. But why exactly should covenantalism be granted any moral credibility at all after its "inevitable" and repeated historical failures? Why, in other words, shouldn't the pragmatic inadequacy of covenantalism trump its paradigmatic claims morally as well as practically?

Glenn Moots

Such a moral and practical dismissal of political covenantalism inhabits the paper of our session leader Glenn Moots. From a very different methodological perspective, Moots explores the biblical covenant as interpreted by two contemporary scholars, Daniel Elazar and David Novak, deriving from the exercise two possible paths for covenanting in the present and future of Western politics, both of which he finds wanting. Moots characterizes the biblical covenant with Israel as "relational, particular, interpretive, and revelational," qualities also assumed by Elazar and Novak. Beyond those unities, however, Moots's two authorities conceive of the covenant's role in quite disparate ways.

For Elazar, the significance of the covenant lies in its ability to constitute political and social communities under a regime of freedom and responsibility secured by the superintending power of "transcendent higher authority." Working from the Sinaitic covenant through to its modern successors, Elazar sees the covenant as the essential grounding concept of modern constitutionalism, able even in its secular forms to undergird principles of liberty, equality, justice, and consent that Classical models cannot sustain. Elazar's view also includes a complementary principle of declension by which the essential quality of covenant as a divine-

human transaction weakens and reifies with secularization and the consequent loss of God as a guarantor of both moral liberty and moral law. David Novak's approach is a quite different one that differentiates covenanted communities from the general body politic precisely because covenants entail obligations to others in the name of God whereas secular social contracts do not. The biblical covenant creates specific moral norms binding on persons as a scheme of rights and duties, uniting them mutually into a community that does not and should not vest final authority in utilitarian secular constitutions.

Moots's purpose in drawing out these two interpretations is to assess them for their applicability to the contemporary political environment. He finds both versions to be confronted by "general obstacles" that they are too exclusive, insufficiently individualistic, and irreconcilable with rationalism and materialism. Elazar's covenant, according to Moots, is further beset with the problem of retaining precisely its distinguishing divine and biblical marks "in a culture of democratic pluralism." Moots's verdict on the path of creating or renewing such societal covenants is therefore negative. He sees more promise in Novak's alternative, because the model of including covenanted communities within a secular state not only preserves the rights of such groups to pursue their lives under God, but it also helps to resist the collapse of governmental secularity--a neutral enforcement of constitutional norms on all groups--into a coercive civil religion of secularism.

I must briefly remark here that I do not share Moots's apparent equation of civil religion with secularism. That was certainly not the case for Rousseau, or for the American political leaders, preeminently Lincoln, who fashioned the American civil religion of communitarian interests grounded in transcendent libertarian principles. But for me the chief burden of this paper is to ask whether it is better in the twenty-first century to envision a religiously covenanted state or a pluralistic democratic state that includes covenanted communities in it. Moots's option for the latter seems reluctant, more a matter of yielding to the practical prevalence of secular pluralistic democratic culture than of granting its superiority in principle. Indeed for many Christians and Jews the political and moral implications of their faith dictate the former path of national covenant, with the additional imperative of eradicating the secularist agenda that commits national sins.

My question is to ask by what criteria we should make such a choice. Covenant forces the issue between the pragmatic and the paradigmatic, and since the issue is radically religious--religious at its root--I would think that for the believer, accepting a tolerationist pluralism like Novak's is at best a compromise, at worst a betrayal. Securing its rights may be the most that a minority religious group can do to protect itself in the practical political world, but as Moots quite rightly says, to give up the sacred dimension of the covenant is to severely weaken its distinctive political attributes. I would go further and say that for a traditional covenantalist to settle for a pluralistic view like Novak's is to compromise not only the political dimension of religious faith, but the central claim of God's sovereignty itself. Now I do not personally believe that Christian faith, at least, entails national covenants at all, but if the discourse is limited, as Moots has done, to the alternatives of Elazar and Novak, then I want to know why political considerations should supervene religious imperatives.

Raath and de Freitas

Turning now to the two papers of a more historical cast, I want to begin with Raath and de Freitas's interpretation of the influence of Cicero on Reformation, Puritan, and American political thought. Their central claim is that Ciceronian natural law ideas of benevolence, justice, law, reason, covenant community, and resistance significantly informed Protestant reflection on the nature of government from 1500 to 1800. On its face, this assertion must be granted without objection. The Reformers certainly read Cicero as part of their appropriation of Renaissance humanism, as did later British and American thinkers during the Enlightenment.

The problem for interpreters like Raath and de Freitas is to understand how these figures squared the natural law foundations of "the Ciceronian spirit" with the biblical and Augustinian theological imperatives that more profoundly shaped their worldviews. Our colleagues address this problem by seizing on Romans 2, especially verses 14 and 15 where Paul speaks of the Gentiles having "a law unto themselves" written in their hearts and conscience" that enables them to "do the things contained in [God's] law by nature." This remark, they argue, provided an entryway for Classical political philosophy into Christian political theology that remained open

through the Reformation and Enlightenment periods and still remains available today for constructive and apologetic purposes. Their paper reads as an effort both to reconstruct a stronger role for specifically Ciceronian elements in Reformation and Enlightenment Protestant political thought than is usually granted and also to advocate the use of those elements as a means of renewing Christian political theology today.

Their case therefore turns on their ability to demonstrate that Cicero in fact had a substantive, even foundational, influence on the political thought of figures like Luther, Calvin, and Rutherford. In short, they must make natural law humanists out of Augustinians. This is no easy task, however, because Ciceronian benevolence, justice, law, and community fly in the face of Augustinian portrayals of human nature and divine justice. Where Cicero taught that humans are by nature benevolent and reasonable, and therefore just and able to create laws that will serve the common good, the predominant Christian--and certainly Protestant--view is that humans are by nature sinful and irrational, and therefore unjust unless assisted by grace to obey the divine law, which in itself is apodictic rather than communitarian.

To their credit, Raath and de Freitas make a fair attempt at squaring this circle. Take their treatment of Luther and Melanchthon for example. It is true that both of these leaders left room in their doctrine of the two kingdoms for reason to function in the formulation of laws governing human society--they were not covenantalists in the Calvinist sense. Raath and de Freitas dutifully mine Luther's *Lectures on Genesis* and on *Galatians*, as well as Melanchthon's *Unterschiedt zwischen weltlicher und Christlicher Fromkeyt*, to show that they mandated external rules of piety and moral discipline to maintain social order, if not to gain justification with God. Our authors claim that such arrangements derive from Luther's views on human nature which, they say, "come close" to Cicero's own "except for man's fall into sin, and the effects of sin on the faculties of man." (p5) This exception, however, is an immense and categorical one that had as much impact in the political realm as in the spiritual kingdom. Both Luther and Melanchthon witnessed its disorderly manifestations in the disruption of Wittenberg by Carlstadt and the Zwickau Prophets in 1521-1522 and in the Peasants' War soon after. These all-too-human episodes issued in Luther's grim assessment of the political task of rulers in texts like *Von weltliche Oberkeit*, in which the Ciceronian spirit is not easily detectable.

The picture shifts a bit when we come to Calvinists like Rutherford who, unlike Luther, vested more confidence in the state as an agency for enforcing the divine law. Rutherford's is indeed a covenanting model, but like all Calvinist schemes it was based squarely on the Sinaitic model, which does not really need Ciceronian natural law for its theoretical justification. Ciceronian benevolence and reason do have a significant place in Calvinist political theory, however, because the incorrigible fallibility of humanity has been given curatives of grace tenaciously applied by both church and state, producing a citizenry that knows it ought to be good even if it cannot in fact be so. But here benevolence and beneficence are fruits of antecedent obedience to God's law, not derivatives of human nature. Something like "the Ciceronian spirit" seems present in a Calvinist theorist like Rutherford, but I do not think it plays the constitutive role in the scheme that Raath and de Freitas want it to. If anything, natural law reason and benevolence work as subsidiary qualities in both Lutheran and Calvinist political thought, including the American Puritans. These human capacities derived from what they sometimes called "the ruins of the prelapsarian state," faculties that function fallibly and fitfully even when assisted by grace, yet nonetheless can help humans create and maintain the social order necessary for honoring God's law.

When we come to American Founders like Jefferson, however, the Ciceronian influence is indeed much more prominent, as our authors show. The problem is that by the mid-eighteenth century Anglo-American political thinkers like Jefferson had jettisoned virtually all the biblical and theological elements of Reformed covenantalism in exchange for Enlightenment moral theories like Hutcheson's moral sense, which universalized reason and benevolence as components of human nature. Jefferson did not need Reformed covenantalism any more than Calvin needed Ciceronian reason and benevolence. All of the figures reviewed in this paper included rhetorical and substantive elements of their theoretical opposites because they all worked within the two kingdoms framework, however much attenuated it had become by the late eighteenth century.

I sympathize keenly with the concluding call of Raath and de Freitas for a renewal of universal principles as a ground for political theory, and their proposal to fuse the Ciceronian and Reformed traditions may well be a valid approach to that end for many Christian thinkers. But their account of these two traditions as substantive parallels does not fully persuade. I read the

progression from Luther and Calvin through Rutherford to Jefferson as a process of moralization--not secularization--of divine higher law that gradually admitted more of the Ciceronian aspects precisely at the cost of excluding the distinctively Reformed elements. It may well be possible to derive purely theoretical parallels between the Ciceronian and Reformed traditions, as our authors argue, but I question whether they were historically commensurable.

Maddox and Moore

Our final paper by Graham Maddox and Tod Moore is more narrow in chronological scope. It argues that two types of "radical" covenantalisms existed in Revolutionary America, both of them derived from Calvinism but bearing substantively different political, ideological, and denominational characteristics. Seeking to place political theology more centrally on the agenda of Revolutionary interpretation and to disabuse it of the still-common association of Calvinist political thought exclusively with New England, they propose to distinguish between the more familiar New England Congregationalist tradition, which they call I-type Calvinism for "Independent," the English term for what we call Puritans, and P-type Calvinism for Presbyterians, who were ascendent in the Middle Colonies and the Upper South after 1750. In their view, Congregationalists were more localist, Biblicist, lay oriented, and tolerationist, while the Presbyterians were more synodical, national, classicist, elitist, and establishmentarian. In a word, the Congregationalists were more democratic, the Presbyterians more republican. From this typology, Maddox and Moore read selected sermons and political texts of the Revolutionary period--notably John Dickinson's *Letters from a Farmer in Pennsylvania* and *The Federalist*-- to claim that P-type Calvinism was in fact more influential in the American founding than I-type.

There is much to applaud in this well-conceived paper. The authors are certainly correct that the religious world of Revolutionary America was far more complex than historians and political scientists have acknowledged and that it had far greater influence in the political culture of the Revolutionary generation. They are also correct about the rapidly increasing presence of Presbyterians in the Middle Colonies and the Upper South after 1750. One marker of this occurred as early as 1763 when they virtual took over of the provincial government of

Pennsylvania after the Quakers refused to take up arms in the French and Indian War. I can also confirm that in 1776 the Presbyterians were the third largest American communion after the Anglicans and the Congregationalists. Given Presbyterians' keen and urgent interest in political theory from their own experiences in Scotland and Ireland, it is not surprising that they should apply and develop that tradition in the American colonies. What is surprising is that scholars should continue to ignore that contribution in light of preponderant evidence to the contrary.

Having said this, I do have several caveats and suggestions to add. First, I am not sure that John Dickinson is the best representative of P-type Calvinism. He was, after all, a Quaker with Presbyterian leanings, but not a committed covenantalist, and he was an early leader of the Independence movement who in fact rejected the revolutionary alternative and retired from politics after 1776. Witherspoon is of course a superior example of the type, and Hamilton should be included here, but I would recommend James Wilson of Pennsylvania as another good representative figure. Wilson was one of the most highly-regarded constitutional theorists of his generation, a signer of the Declaration of Independence, a delegate to the Constitutional Convention, and an Associate Justice of the original Supreme Court. And he was a thorough Presbyterian, born a Scot in 1742, who represented the new western settlements of Pennsylvania beyond the Susquehanna.

Secondly, on the correlation of the P-type with republicanism and the I-type with democratic principles, there is significant counter evidence against the former in the Pennsylvania Constitution of 1776, the most radical and experimental of all of the new state constitutions, which was framed by a predominantly Presbyterian state assembly. Relative to the latter, it is important to note that New England was the seedbed and last bastion of Federalism, not of Democratic-Republicanism, and that the maintenance of a Congregationalist religious establishment there was an important, even iconic, element of a conservative and elitist political culture, albeit one informed by Enlightenment liberal theological ideas. In this sense John Adams is perhaps the best representative of New England's liberal religion and conservative politics, a blend that does not quite square with the I-type's specifications.

In fact, the American experience scrambles Maddox and Moore's typology, which is British in its historical and intellectual derivation, not American. In colonial America, the Presbyterians could

not create the religious establishment and covenanted society that their P-type political theology dictated, while the New England Congregationalists on this account violated their I-type principles immediately by erecting and maintaining just such an establishment in New England until the early nineteenth century.

Even if we accept the P- and I- typological distinction on the terms proposed, however, the model remains historically incomplete. Beginning with Roger Williams and increasingly after the Great Awakening, another variety of Calvinist covenantalism flourished, especially among the Baptists, which might be called the S-type for Separatist or sectarian. These were covenanting Calvinists with a vengeance, who composed detailed rules of moral and public behavior for their members and enforced them in church courts. But they were also localist in church polity, anti-establishmentarian in their constitutional principles, and radically libertarian in their political theology. This combination proved quite attractive to the Revolutionary generation, who made the Regular, Separate, and Freewill Baptists the fastest growing denominational family in America between 1750 and 1790 and one of the two largest religious identities in the new nation by the latter year. If there was a genuinely "radical" kind of Calvinism in America during the late eighteenth century, it was this S-type, which also found new and powerful non-Calvinist analogues in the Methodists and smaller sectarian movements after the Revolution.

At the end of their paper, Maddox and Moore suggest the need for new research into the religious identities of Revolutionary political leaders in order to solidify the claim that political theology shaped the American Founding. As one who has been working on precisely that sort of research for nearly a decade--accumulating more than 1000 religious biographies of local, regional, and national political leaders--I can report no crystalline pattern of religio-political identity. I do think, and have written, that in the context of the Constitutional debates, Evangelical identity correlated roughly with Antifederalism and Liberal religiousness to Federalism. The picture is much more murky for the Revolutionary period proper, however, and above all, the evidence shows that religious and political attitudes and rhetoric were highly volatile throughout the late eighteenth century.

Theoretical typologies like Maddox and Moore's are essential for understanding those attitudes and rhetorics and for asserting the much-needed claim that religion deeply informed the Founders' understanding of their world. But it is equally important to grasp the fact that for Americans in the late eighteenth century, religion and politics were also primarily products of local and regional cultures, blending together in varied and rapidly changing ways and creating a historic movement whose telos was always more a matter of hope than of certainty.