

A DEMOCRATIC FAITH

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When Lincoln declared at Gettysburg that the Civil War would test whether “that nation, or any nation, so conceived and so dedicated, can long endure,” it could not have taken his listeners by surprise that he would raise the possibility that *their* nation might not long endure. But perhaps it was not so evident to those gathered at Gettysburg why he would then add that, in fact, “*any* nation,” which is both conceived in liberty and dedicated to the proposition of human equality, might prove, in the long run, nonviable.

However, it seems to me that Lincoln’s precise wording helps to clarify the nature of his doubt. This is, I think, what he intended: Inasmuch as the United States was born in the wake of revolution and outfitted with a constitution focused on the limited powers of government, the nation was imprinted, as a chick is imprinted with the first few things it sees, with an attachment to liberty. This legacy of liberty, he continues, was joined in the heat of the revolution with what he calls a “proposition” of equality.¹ This “proposition,” he says, was at that moment being tested as a mathematical theorem is tested, the truth of it being presumed, but not yet proven. Thus, conception in liberty and a proposition of equality, one a matter of history and the other of possibility, were congenitally joined in the thinking and intent of the founders—the continuation of liberty inextricably bound up with the working out of the proposition of equality. This, he concludes, would prove a source of instability for *any* such nation, absent the constant rededication of the people to the holding together of these two things despite the fact that they may at times actually seem to stand at odds with one another.² American politics could, at any given moment, move

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1. Lincoln tended to use “proposition” in the mathematical sense of a “theorem.” See Garry Wills, *Lincoln at Gettysburg: The Words that Remade America* 174 (Simon & Schuster 1992).

2. The leitmotif of “dedication” weaves together the balance of the Address, bringing together the theme of dedication of the cemetery at Gettysburg—a task, he says for which the

along one of these lines or the other, provided that it ultimately moved on both.

So it was. And, I think, so it is.

But from whence does such dedication come? In revolutionary France a call to *fraternite* had proven an insufficient bond for the holding together of *liberte* and *egalite*, and the American experience, already by Lincoln's day, had demonstrated that Locke alone would not be enough. When Locke spoke of "everyone," invested as he himself was in the slave trade and capable as he was of the considered opinion that "the grass my horse has bit, the turfs my servant has cut, and the ore I have digged" were all mine,³ he clearly delineated his understanding of "everyone"—i.e., "everyone" in the limited sense of the term. Lincoln, on the other hand, was moving ever closer, against the current of his own prejudices, to defining "the people" as "the accidental everyone," irrevocably beyond all self-serving preference. With ever greater clarity, Lincoln sought to answer those who would seize upon Lockean liberalism as justification for slavery. On several occasions, he couched his response in terms of an unprecedented reading of *Genesis* 3:19, as for example in his Second Inaugural Address, noting that "It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces." On other occasions, he asserted the priority of labor over capital, and the virtues of working class consciousness and solidarity.⁴ In each case the effect was to call for a dedication to equality that would extend the definition of "the people" far beyond the limits Lockean liberalism alone could be expected to yield.

No, dedication of this sort would require something more. *Y creo que es como La Bamba. Ustedes recuerden que*

*Para bailar la bamba,
Se necessita una poca de gracia,
Y una otra cosita.
Pero, que es esta "otra cosita"?*⁵

words spoken that day would prove all too inadequate—with the rededication of the people to the founding principles of the Republic.

3. John Locke, *The Second Treatise of Government* 18 (Thomas P. Peardon ed., Liberal Arts Press 1952).

4. See Earl Schwartz, "A Poor Hand to Quote Scripture": *Lincoln and Genesis 3:19*, 23 J. Abraham Lincoln Assn. 37 (Summer 2002).

5. And I think it's like (the song) La Bamba. You'll recall that
To dance La Bamba
it takes a little grace.
and something else.
But what is that "something else"?

Paul of Tarsus, in his *Letter to the Galatians*, foresaw a new covenant community of free and equal believers, brought into being by the Spirit. The realization of such a society, he concluded, would be no less than a miracle, outstripping all that might be accomplished by law.

Let me ask you only this: Did you receive the Spirit by works of the law or by hearing with faith? . . . Does he who supplies the Spirit to you and works miracles among you do so by works of the law, or by hearing with faith . . .?⁶

But the fruit of the Spirit is love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, self-control; against such there is no law. And those who have belonged to Christ Jesus have crucified the flesh with its passions and desires.⁷

But democracy cannot afford such a miracle. In a democracy, the “other needed thing” must grow from “common sense”—a common sense which, when the term first came into fashion in the eighteenth century, was recognized immediately as having serious political implications, both in its commonality and its sensibility.⁸ In a democracy, the “other needed thing” cannot be a rare orchid of noble virtue, as Machiavelli would have it, nor a well-honed expertise in dialectical materialism.⁹ It must be, instead, within the grasp of one and all, if good government is to be *of* and *by* the people, as well as for it. There are some things, as Learned Hand remarked, that must grow in the hearts of a free people, or the best of laws and constitutions would be of no avail.

And yet, if a free and equal society is not a miracle, there is nevertheless a long line of tradition leading back to the founders of the republic to the effect that the successful coexistence of freedom and equality is to be associated with how religious faith is realized in a democracy. Perhaps the following clarifies this association. In all of Hebrew Scriptures, Moses, midwife of both the covenant and the law, is identified with only one moral quality, and it isn't courage, or wisdom, or honesty, though each would have been appropriate. In *Numbers* 12:3 we learn of Moses' preeminent attribute:

6. Gal 3:2-6 (All Biblical citations are from the English Stand. Version.).

7. Gal 5:22-24.

8. See Mark A. Noll, *America's God: From Jonathan Edwards to Abraham Lincoln* 93-113 (Oxford U. Press 2002).

9. Note Engels' criticism of “common sense” in the second section of Friedrich Engels, *Socialism: Utopian and Scientific*, in *Classics of Political and Moral Philosophy* 868, 875-879 (Steven M. Cahn ed., Oxford U. Press 2002).

That man Moses was the most humble man on the face of the Earth!”

A few verses earlier, when advised by Joshua to “shut up” (or “shut down,” “or shut out”—in Biblical Hebrew it’s essentially the same thing), two elders touched by his spirit that they might assist him in leading the people, who had begun to “prophesy in the camp” rather than with the other elders sequestered at the Tent of Meeting, Moses had replied:

“Oo me yitane kol am adonai n’vee-im . . .”

“If only the whole people of God were prophets!”

—prophets of, by, and for the people. Rabbi Leo Baeck would seem to have had this aspect of Moses’ character in mind when he maintained in his essay *Mystery and Commandment*¹⁰ that a genuine awareness of God’s Presence leaves one with a profound sense of obligation, and, at the same time, a clarified awareness of one’s own humble condition—an awareness sufficient to make room for a genuine apprehension of human equality; enough room for making one’s peace with an “accidental everyone.”¹¹

It seems to me that Baeck’s observation points to the “otra cosita” that makes possible the dedication we must bring to a polity that would aspire to both a legacy of liberty and a principled egalitarianism. I don’t think that we are speaking here of what Justice Roberts has termed a “certain humility,”¹² nor of Justice Breyer’s notion of “judicial modesty.”¹³ Moses’ humility does not seem to have been at odds with his own judicial activism. Biblical humility doesn’t lend itself to public reticence, nor to characterization of the social realm as an ever-unfolding tragedy. Rather, as we see from Moses’ example, it leads to a

10. Leo Baeck, *Mystery and Commandment*, in *Judaism and Christianity: Essays by Leo Baeck* 171 (Walter Kaufmann trans., Atheneum 1970).

11. Elsewhere in the essay Baeck describes the Biblical description of the experience of God’s presence as the simultaneous revelation of “the knowledge of what is real and the knowledge of what is to be realized.” *Id.* at 171.

12. Sen. Comm. On the Jud. U.S. Sen., *Confirmation Hearing on the Nomination of John G. Roberts, Jr. to be Chief Justice of the United States*, 109th Cong. 55 (Sept. 12, 2005) (“[A] certain humility should characterize the judicial role. Judges and Justices are servants of the law, not the other way around.”)

“I prefer to be known as a modest judge [That] means an appreciation that the role of the judge is limited

Another part of that humility has to do with respect for precedent Part of that modesty has to do with being open to the considered views of your colleagues on the bench.” *Id.* at 158 (Sept. 13, 2005).

13. “Judicial modesty” is a major theme of Justice Stephen Breyer’s *Active Liberty: Interpreting Our Democratic Constitution* (Knopf 2005).

deep and abiding confidence in the pursuit of the public good, through a binding together of the obligation to seek God's purposes "in the camp" with a humbling self-awareness that the burden of one's obligation, no matter how exalted the source, does not translate into license to "shut them up," down, or out.

It seems to me that Jewish sources, descended from this Biblical tradition, tend to teach that living this way, amidst differences, isn't a miracle. Living this complex truth isn't a miracle, it is just very hard. It cannot be deduced, as we well know, from the simple assertion of liberty rights. I would add in this regard that it seems to me that the civil rights movement, though certainly an equal rights movement, was never simply about rights. It was also a movement of rededication, as Lincoln had intended the term, and that is, I think, one reason why it proved so fateful.

Now, if people on the right tend to be not very forthcoming regarding the "obligation" side of things, folks on the left often have a hell of a time with humility. But absent this dual sense of obligation and realistic humility, I do not think we can muster the dedication Lincoln prescribed, nor can we, to cite a more recent thinker who struggled with similar questions, construct the mechanisms John Rawls describes. I would even suggest that we might understand the "original position" Rawls intends as the position of durable commitment to the accidental everyone, seasoned by a humbling awareness of self. In failing to arrive at this position, we demonstrate why a nation conceived in liberty and dedicated to the proposition that all are created equal may, in fact, not long endure. A democratic society that is conceived in liberty and committed to human equality is, therefore, indebted to religious communities in proportion to the degree that they contribute to developing this compound quality among the citizens.

And finally, a "pragmatic" afterword. For several years now I have had the opportunity to participate with a group of Israeli, Palestinian and Jordanian educators in the development of civic education materials, having to do with human equality, the rule of law, pluralism, and active citizenship. The materials are being developed jointly, and are intended for use in all three educational systems. Along the way, I have been able to listen in as these educators talk to one another about the content and methods of such a curriculum.

I'm sorry I can't share with you excerpts from the hours and hours of written and face-to-face conversations that have ensued concerning how best to prepare children for active involvement in democratic societies. But I can say this: I have seen the dedication Lincoln spoke

of, first of all, in the participants' willingness, despite all that has happened, to speak with one another, and work with one another on such a project. They are models of dedication to a democratic future for their peoples; dedication informed by a concrete, and yet transcendent reality—the reality of children as both our heirs and inhabitants of a time we ourselves will not reach; a dedication infused with sufficient humility to be willing to listen to others across borders far more daunting than anything separating a red state from a blue state. If they can find a way to talk about such things, then I have reason to be hope that we can as well.