Opinion outside the Theme

Taking advantage of the American anniversary being observed now, we introduce a new feature in *Promissio* for the expression of theologically informed opinion on the open questions of third order theology. Readers are invited to submit on topics of concern on the model of the following essay.

What Is Freedom?

The Declaration of Independence on its 250th Anniversary

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Conundrums of American Freedom

Abundant historical and political commentary surrounds the July 4 Independence Day holiday this year in the USA, the 250th anniversary of the Declaration of Independence. By the printing of this editorial, the dust will have settled somewhat from the polemical back and forth, though the heat still radiating from it will not have abated. The American experiment in "constitutional democracy" and/or "democratic republicanism" survives under considerable strain today from growing polarization. I have often likened this to the breakdown of the post-World War I German democracy and called it "Weimarization," as street battles between the Reds and the Browns facilitated the Nazi pitch of Adolf Hitler who declared he would bring an end to "the chaos of parliamentarianism." There is much food for thought to be found in the German philosopher Carl Schmitt who wrote at that time about the "perpetual state of emergency," necessitating the lawless imposition of a legal order, a paradox that he named "a permanent state of exception." Schmidt thought that these dynamics of "political theology" would increasingly characterize 20th century politics.

Indeed, when we think back to the American Civil War, this very complaint about executive overreach was lodged against the Lincoln administration even as Lincoln's initial purpose was to save the Union during the "state of emergency"

created by Southern secession. *Sic semper tyrannis* was not by accident the motto of rebel Virginia voiced in the assassin's triumphant cry as he jumped from the balcony of the Ford Theater, leaving behind a mortally wounded Lincoln. The mutual exchange of accusations about creeping authoritarianism in the name of saving "our democracy" shouted from both sides of our partisan divide today displays a similar dynamic. The best theological contribution at this moment would be to try to shed greater light (and emit less heat) on a persisting contradiction from the origins of the nation in the Declaration's privileging of *negative* freedom, of liberty as "freedom *from*," as in the Declaration's rousing brief against tyranny—an inherited conceptual problem at the root of our present polarization. Negative freedom has become a zero-sum game in which each side plays the *sic semper tyrannis* card on the other.

Interestingly, a similar diagnosis of our current malaise could be read out of the 28th article of the Augsburg Confession, which protested the tyranny that comes from the fusion of temporal (the Holy Roman Empire) and spiritual power (the Roman papacy). Lutheran confessors did not utterly separate these spiritual and temporal powers into segregated spheres but rather allowed for their jurisdictional overlap and functional interaction. This qualification importantly permits the spiritual power's civic advocacy of positive freedom, of "freedom for," even as it delimits the competence of secular power to securing negative freedoms by protecting the innocent from evildoers. This reflects the confessors' law-gospel distinction: the law can only secure negative freedom with the commandment "thou shalt not…" trespass against your neighbor. It is the gospel that spiritually enables the positive freedom of forgiven and forgiving love that is the fulfillment of the law as in Jesus's amplifications of the commandments in the Sermon on the Mount. These two words, *both* of God, in governance of the fallen and unruly creation collaborate so long as they are not confused. By contrast, an utterly secular conception of temporal power will know only "freedom from" without any sense for its ultimate purposes. In knowing only that, a radically secularized political culture cannot but succumb to the lethal syndrome of Lincoln's factionalized "house divided, which cannot stand." The axis around which contemporary American polarization turns is precisely mutually antagonistic claims of "freedom from" that divide the house.

The Lutheran Reformation, in response to the papal claim to jurisdiction over the temporal power, upheld the teaching of Romans 13—for the sake of conscience, believers are to submit to the governing authority, be it of ancient Romans, the conquering Turks, or the threatened Holy Roman Empire. But this immediately involved them in difficult considerations, if not Jesuitical casuistry, over the degree to which temporal authority is to be obeyed and subsequently concerning the right of lesser magistrates to resist manifest authoritarianism of a superior estate. Of course, any act of rebellion or insurrection must be profoundly troubling where Romans 13 is taken seriously, which seems to grant to the powers-that-be significant autonomy and uncritical deference. We shall see that this appearance is mistaken. Still, where this Scripture about the divine institution of governing authority is honored, even the vitriolic partisan contestation for political power that characterizes "our" de-

mocracy is and must be troubling. Many of my age will remember being taught that whatever disagreement we might have with an elected official, we are nevertheless to honor the office. In our vulgar culture, that kind of respect has long vanished.

However, in being taken aback by the murderous history of 20th century Europe, our contemporary disorientation in political theology is compounded by honest confrontation with Luther's overreaction to the Peasants' Revolt in Germany: he needlessly egged on the ferocious violence of the nobility in suppressing the peasants (the temporal justice of whose cause he had acknowledged and advocated to the nobility). The legacy here sits heavily upon the conscience of Lutheran theologians. Today, witnessing the breakdown of the liberal order and the postwar settlement on which it was based, many of us are on the cusp of political despair. We honestly question whether our Lutheran legacy is part of the problem rather than offering any help or solution.

Pauline Conscience and Political Liberty

Let us therefore return to the sources! A more careful look at what the apostle actually teaches in Romans 13 uncovers some nuances that have largely been neglected. In the context of this section of Romans, Paul addresses the Christian *conscience* that is bound to God and His institution of powers and authorities. One submits to the governing authority not because of any regime's claim to allegiance but because of the divine institution supervening the regime. That divine purpose alone can bind Christian conscience. The divine institution grants the power of the sword to enforce rough justice and tolerable peace upon the alienated creation fraught with destructive conflicts between human sinners contending for power. In this apocalyptic scenario, obedience to any regime is a matter of conscience responsible to God where God's purpose is for the protection of the innocent and the punishment—only—of manifest offenders.

That divine institution provides believers with a criterion for discernment. When the state violates its own divine institution, conscientious submission to it as a matter of obedience to God's purpose becomes a conscientious duty before God to resist (as Luther called for resistance when the imperial power banned his translation of the Bible) or *publicly* to disobey, even rebel, just as later Lutherans (Luther reluctantly concurring) justified the armed resistance of the Smalcald League against counterreformation aggression. Public disobedience as a matter of conscience is distinguished (although not yet justified) from private criminality by the very fact that a rationale is publicly submitted for the justice of taking up arms.

As I recently reread the Declaration of Independence, it struck me that the opening paragraph reproduces this very argument. The necessity created in the course of human history to dissolve a political relation of fealty by publicly declaring the institution of a new form of government, an action "which the laws of nature and of nature's God entitle," must be explained and justified out of a "decent respect

to the opinions of mankind." Justifying revolutionary war thus entails a conscientious public appeal to a higher authority. Has the Pauline teaching on conscience bound to divine law, as I just took it, trickled down through the centuries until this formulation of it in the Declaration of Independence?

Propagandizing the Idealist Vision

Recent historians, however, want to deflate the lofty idealism of the preamble concerning equality and rights in that it has never fully corresponded to American reality, either before, during, or after the Revolutionary War. Jefferson's enlightenment idealism soars rhetorically in the preamble, as Joseph Ellis has written to deflate its pretensions: "crav[ing] for a world in which all behavior was voluntary and therefore all coercion unnecessary, where independence and equality never collided, where the sources of all authority were invisible because they had already been internalized." Nonetheless, this vision of beloved community, eclipsing the actual grievances articulated in the Declaration, echoed through the centuries to play its role prodding this nation (and others!) forward; alas, like most utopianisms, however, that role has not been altogether salutary.

The Declaration's utopian aspiration for beloved community did triple duty, masking for present purposes the hypocrisy of the American colonists who oppressed the enslaved Africans and aggressed against the indigenous Americans while at the same time raising the standard of an aspirational morality for ever greater inclusion, which became historically effective in Frederick Douglas, Abraham Lincoln, and Martin Luther King Jr. Perhaps above all, however, from our theological perspective, it *muted* crucial and specific dependence on the Protestant Christian cultural tradition for its affirmation of the Creator's endowment of life, liberty, and the pursuit of happiness, *muted* when it characterized the truth of this endowment as "self-evident." Such equality and rights have been anything but self-evident in human history wherein the master-slave dynamics of superiority and inferiority have driven the human story.

Accordingly, contemporary historians want to deflate Jefferson's overblown oratory and reframe the Declaration as ideology-cum-propaganda, i.e. the "down on the ground" sales pitch executed in the long list of grievances against the British Crown that fill up most of the Declaration. We need a historian to help us understand all these grievances; they amount to a laundry list of fact and fiction, but they can be sorted into several basic bundles.

First, they indict the Crown for creeping tyranny; second, they allege and elaborate specific crimes committed against the colonies; third, and probably most telling, so far as the Declaration is an act of propaganda whipping up support for armed rebellion, a concluding but incoherent race card is played, blaming the crown for the slave trade while accusing the crown of inciting slave rebellions within the colonies along with aggression against the colonies by the "merciless Indian savages" on the Western frontier.

Like any act of propaganda, the list of grievances was carefully edited by the Continental Congress to be persuasive in mustering support across the colonies and so also to avoid a potential split between slaveholding and abolitionist forces. Tragically in hindsight, Jefferson had composed a stinging indictment of slavery as "cruel war against human nature itself" (a critique that he could've lifted straight from John Locke's *Second Treatise of Government*), but his sharp language was deleted by the Continental Congress *not only* because it threatened the material interests of colonial slaveholders (many of whom incidentally were well supplied and wanted the trade *ended* because a threatened surplus from continued importation from Africa would flood the market and devalue their human property) but *also* because Jefferson's language reflected badly on the moral standing of colonial slaveholders signing on to the ballyhooed cause of liberty. As such, they mitigated his indictment while retaining his incoherent case, blaming the slave trade on King George III and at the same time accusing the King of inciting revolts against the colonists. Of course, as history would show "four score and seven years later," deleting the language about the contradiction of slavery to liberty did not make the reality of a house divided disappear.

In any event, the argument the Declaration makes for American independence expressly concedes that "mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed." Something so grave as sundering historical bonds in a call to arms should not be undertaken for "light or transient reasons." Nevertheless, if persistent historical experience "evinces a design to reduce [the people] under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security." This is an iteration of John Locke's "appeal to heaven," when there is no earthly tribunal able and available to adjudicate justice in a state of emergency.

That "appeal to heaven" precisely concluded the Declaration: "appealing to the supreme Judge of the world for the rectitude of our intentions….With a firm reliance on the protection of divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honor." The birth of the nation is thus an act of covenant-making, appealing to heaven for the vindication of divinely endowed right. The echoes of the biblical tradition are unmistakable.

Historians are nevertheless right to point out that despite its unmistakable and indeed deep dependence on Christian tradition, particularly the English Protestant tradition represented in the Enlightenment by the philosophy of John Locke, the United States was *not* founded as a "Christian nation." The deliberately Deist language appealing to Nature's God in the Declaration was presupposed in the United States Constitution to exclude any sectarian establishment of a religion of state. Moreover, it's abstract and minimalist theology has made the Declaration amenable through the centuries to many different peoples and religions. Why, Ho Chi Minh modeled the Vietnamese Declaration of Independence from the French colonial regime upon the American Declaration of Independence! Nonetheless, while it

is right to insist that the Declaration and its signatories did not intend to create a "Christian" nation-state, it is equally ahistorical to deny the profound cultural influence of Protestant Christianity. Just as the 19th century abolitionist movement was fueled culturally by the Second Great Awakening, the revolutionary movement of the 18th century was fueled by the First Great Awakening.

Does Freedom Have a Future?

Today the argument rages, however, over this complicated legacy. Those nostalgic for the medieval synthesis argue that "liberalism failed" because it created a "naked public square" where values of the common good could only be greeted with suspicion as fronts for some covert hegemony. Our rising band of cynics left and right, offended by American hypocrisy (without recognizing the "irony of American history" [Niebuhr], i.e., how hypocrisy is "the tribute vice plays to virtue"), seem to be increasingly happy to see the whole damn thing burn down. The former "mainline" WASP establishment has long abandoned its cultural role as the Christian custodian of American values while the evangelicals who have replaced them are tempted to White Christian Nationalism. That would be dangerous overreach on the precedent of the Ku Klux Klan. Nonetheless, the evangelicals have truth on their side when they point to the cultural context of Protestant Christian inspiration for the American Revolution (e.g. the revolutionary slogan in South Carolina, "We have no king but Jesus"). However, evangelicals represent, as Bonhoeffer put it, "Protestantism without Reformation;" they are in urgent need today of the sharper theological analysis of Reformation theology.

A sharper theological analysis can point to the root of our polarization in the deep self-contradiction borne by the negative notion of American freedom, e.g. the rattlesnake motto, "don't tread on me." This is a one-sided notion of freedom, absent any thicker account of positive goods, truly good and truly common. As such, I have observed that the right to bear arms for self-defense and the right to an abortion to eliminate an unwanted pregnancy are exactly the same civil right to assert and secure my life, liberty, and happiness against trespasses according to my sovereign desire for personal happiness. Americans are rich with such "freedom from" but poor in "freedom for," although our better lights pointed forward to the beloved community as the purpose for which rights of negative freedom are given and preserved: "With malice towards none, with charity towards all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just and a lasting peace, among ourselves, and with all nations." Lincoln's appeal here to *caritas* richly drips with Christian theology even if it goes unnamed in this concluding moment of his speech. But a scriptural theology of divine governance and judgment is explicitly invoked in the foregoing to set the rhetorical stage redemptively supplying an articulation of America's sorely needed "freedom for."

America, free and independent among the nations of the earth, is not a Christian nation if only because no nation-state in this age can be qualified by the adjective Christian that properly modifies only the polity that is the ecclesia living under the saving Lordship of Jesus. Fractured Christianity in America has a lot of work to do in setting its own house in order before presuming to pontificate about secular political disorder. Troubled as we are, though, ours is still a national polity that Christians are able to support, thanks to the negative freedoms guaranteed in the Bill of Rights, just as we bear the promise and hope of the beloved community of God into our polarized politics, particularly against the many forces today pronouncing and even willing a death sentence upon liberty, both political and spiritual.

Christian Freedom in Support of Political Liberty

I recently discovered an instructive sermon by one Samuel Miller, a Presbyterian preacher in New York City who went on to teach at Princeton Seminary; he delivered it on the July 4 anniversary of the Declaration in 1793. The preacher rightly maintained historically "the important influence of the Christian religion in promoting political freedom" while expressly differentiating that Christian freedom is "liberty of a different kind," namely "glorious deliverance from the power, and the ignoble chains of sin and Satan, which is affected by the Spirit of the Lord in every soul in which his special and saving influences are found." Relying on the Spirit in this way is also deliverance from legalism that fosters self-righteousness and scapegoating rather than humility and charity. With this baseline theology established, Miller sets out to show in the sermon that the "general prevalence of real Christianity [as he had just described], in any government, has a direct and immediate tendency to promote, and to confirm therein, political liberty."

A fundamental claim to truth Miller elaborates against the secularist temptation in the Deist theology of his day, evident in debates about the new constitution, states that "political liberty does not rest, solely, on the form of government, under which a nation may happen to live. It does not consist, altogether, in the arrangement or in the balance of power; not even in the rights and privileges which the Constitution offers to every citizen." The force for good of such institutional mechanisms is not negligible, of course, but "human laws are too imperfect, in themselves, to secure completely this inestimable blessing. It must have its seat in the hearts and dispositions of those individuals which compose the body politic; and it is with the hearts and dispositions of men that Christianity is conversant." Thus, Miller's sermon aims at capturing hearts and minds for the freedom for which Christ has set us free.

Miller, as a good Calvinist, calls attention to countervailing desire, an innate "love of dominion" (Augustine's *libido dominandi*) in fallen humanity against which he poses the Christian reminder "to those who are placed at the helm of government, to remember, that they are called to preside over equals and friends, whose best interest, and not the demands of selfishness, is to be the object of their first

and highest care." This in turn enjoins upon every citizen the liberating duty "to reverence himself, to cherish a free and manly spirit—to think with boldness and energy—to form his principles upon fair inquiry, and to resign neither his conscience nor his person to the capricious will of men. It teaches, and it creates in the mind, a noble contempt for that abject submission to the encroachment of despotism, to which the ignorant and the unprincipled readily yield…. [But] knowing that we have a Master in heaven, to whom both rulers and those whom they govern are equally accountable," one acknowledges no master on this earth.

The sermon lifts up the neglected nurturing of Christian culture that can foster free and independent life (e.g. "My conscience is captive to the word of God. Here I stand. I cannot do otherwise. God help me"). Beloved community comes about as love's harmonization of such free and independent lives for new forms of interdependence. Miller affirms that Christianity has its most salutary political impact by attending to the pre-political realm of culture. The truth of the Declaration is in fact not "self-evident" but must be revealed by the God who is Creator of all that is not God, so that in reality recognition of the rights of human persons may prevail universally, whether we be Greek or Jew, slave or free, married or single, Christian or not. This apocalypse of the truly human in Jesus Christ must be taught, catechized, and ingrained in the communion of the church so that in the midst of the conflicted society of Adam, the ecclesia of Christ exists as a zone of freedom, populated by the freed-thinkers of their liberating Lord. Thus, "Christianity, more powerful than human strength, and more efficacious than human law, regulates the passions, and roots out the corruptions of men" by inculcating positive freedom, the "freedom for."

Miller accordingly concluded his sermon with a powerful attack on American slavery. "Humanity, indeed, is still left to deplore the continuance of domestic slavery, in countries blessed with Christian knowledge, and political freedom. The American patriot must heave an involuntary sigh, at the recollection, that, even in these happy and singularly favored republics, this offspring of infernal malice, and parent of human debasement, is yet suffered to reside. Alas, that we should so soon forget the principles, upon which our wonderful revolution was founded!"

What the Declaration *is* depends in large part upon what each generation takes it to mean. Miller's sermon points American Christians in the right direction to make this meaning: we are freed from political despotism to be freed for love expressing itself socially in justice. We do not passively inherit a liberty secured once and for all by a morally *ambiguous* past, but as justified sinners whose faith is operative in love, we actively appropriate the aspiration intimated in the Declaration when we surrender neither conscience nor intellect to any other master than Christ Jesus. In the liberty for which he has set us free, we nurture a culture of people to live *both* freely *and* interdependently as indispensable preparation for the beloved community of God to come.

For Further Reading

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