Recovering the covenant

by William Johnson Everett in the November 10, 1999 issue

The Covenant Tradition in Politics (4 vols.), by Daniel J. Elazar
Vol. 1: Covenant and Polity in Biblical Israel
Vol. 2: Covenant and Commonwealth
Vol. 3: Covenant and Constitutionalism
Vol. 4: Covenant and Civil Society

The past 40 years have been times of liberation from oppressive orders, whether colonial, totalitarian, racist or sexist. The next 40 years must be times of founding and refounding orders of covenantal relationship. In terms of religious symbols, it is time to move from Exodus to Sinai, Shechem and Shiloh.

This is the message of Daniel J. Elazar's four-volume study of "The Covenant Tradition in Politics." The recovery and refashioning of this tradition challenges Jews and Christians, who have both heralded and hidden this treasure.

Elazar is professor of political science at Temple University, Philadelphia, and Bar-Ilan University, Jerusalem. His experiences as an American and a religious Jew have called him to fathom the dynamics of federalism, which have deeply shaped American life, and those of covenant, which constitute the core of historic Judaism.

Elazar's first task is to reintroduce us to the Bible as a sourcebook for political theory and practice. The Bible can be seen as a series of case studies in Israel's struggle to be a Holy Commonwealth. The political wisdom we find in the Bible seeks to hold together the dynamics of power with the requirements of justice. Both are necessary ingredients in the struggle for proper relationships under the human conditions of frailty and aspiration. The Bible, with its high moral call as well as its honest recognition of human faults, as with King David, illuminates ways to do this.

The struggle for a just order of power must also hold together the bonds of kinship with the freedom of consent. The moral and emotional bonds of family, tribe, ethnic group, and race are powerful determinants of behavior. Yet kinship and ethnicity are finally unable to order our relations with strangers, foreigners, and people who don't look or act like us. An order of justice between truly different people can emerge

only through pacts, treaties, agreements, contracts, covenants and constitutions based on our active consent. A politics of justice, to be effective, has to take into account both kinds of claims. Again, the Bible, with its rich genealogies as well as its universal ethic, does both.

Finally, biblical political wisdom, Elazar claims, seeks to hold together the human demand for personal freedom with the fundamental need for trustworthy relationships. The freedom that we seek, however, is not the "natural liberty" that serves only our immediate needs and interests. Such a liberty, widespread in America today, ultimately leads to the war of all against all, as Thomas Hobbes pointed out over three centuries ago. The freedom which also serves our human need for trustworthy relationship is "federal liberty." Federal liberty arises when we covenant with one another to maintain certain dependable relationships with each other. "Federalism," indeed, is simply the English rendering of the Latin word for covenant, *foedus*.

Federal relations are negotiated among people who can give free consent to promises that bind their future behavior toward one another. The Israelites needed to shake off not only the hand of Pharaoh but the enslavement of their minds before they could enter into voluntary covenant at Sinai. This living together in covenantal bonds makes possible a life that is relatively orderly and predictable while at the same time recognizing our appropriate human need for autonomy. Without such autonomy we are no longer moral and spiritual beings.

A federal order for human relationships stands as a third classic alternative alongside organic development and hierarchical command. Organic theories liken political order to the growth of a plant or animal, with its necessary stages and functional requirements. Appeals to the "nature" of a social order demand that we conform to its requirements for survival. In our time, the economy, with its stock market for a temperature gauge, drives our life like a ceaseless and relentless heart. In their more demonic form, organic theories have led to the racist politics of fascism, which appeals to the insatiable demands of the race or people as a living organism.

The politics of command, known most recently in the communist "command economies" as well as in military dictatorships, tries to order human relationships as automatic mechanical reactions to forces at the "top" or "center." Like organic approaches, this kind of politics seeks to reduce personal freedom in the service of a

larger whole. Instead of the larger whole being "natural," it is explicitly the product of the will of the commander. Both political models have found theological sources of support—the organic in appeals to nature and creation, the hierarchical in appeals to a God who commands and humans who are to obey. The covenantal approach seeks to hold together human freedom among equals with the need for coordination, cooperation and mutual relationships.

In covenantal relationships, people are seen as potential partners, not only in marriage and family, but in the widest possible scope of human affairs. Indeed, God is also seen as a covenantal partner (*haver*), as are other creatures and the creation itself. Citing William James, Elazar speaks of our existence in a "federal universe." These federal relationships are not sheer acts of obedience. Hebrew does not have the concept of "obey," but only of "hearken and observe." The Decalogue, literally the "Ten Words," is not a set of "commandments" but descriptions of the path Israel is called to take. Even these terms, as the Book of Exodus points out, were products of artful negotiation between Moses and YHWH.

This idea of partnership extends to the way the ancient Hebrews spoke of God as "governing" like a president among equals rather than "ruling" like a despot or king. Indeed, as 1 Samuel sets it out, Israel's choice of a king was an accommodation to military necessity, and even the monarchy at its height was bound up in covenantal constraints. Elazar is at pains to point out that Samuel himself, like succeeding prophets, calls the king *nagid* (high commissioner) to denote his subordinate status to God. Only the people, obsessed with collective power, call Saul "king" (*melekh*). Indeed, later prophetic references to a messianic "king" refer to him only as *nagid* (magistrate), not "prince" as English Bibles usually translate the term.

Israel's messianic vision, rather than longing for a "king," as Christians usually have proclaimed, always involved a return to the confederation of tribes characteristic of its earlier years. In our own time, this utopian longing has been reconstituted, Elazar thinks, as the struggle for a world federation of republics, something only faintly anticipated by the United Nations (which is flawed by its allegiance to the idea of state sovereignty, a thoroughly unbiblical conception).

Many pastors and theologians were introduced to covenant through George Mendenhall's description of covenant as a treaty between conquering kings and vassals. Such a model tended to reinforce patriarchal hierarchies of command as privileged paradigms of divine-human and human-human relationships. Elazar's

research, like that of other recent scholars, points out the rich variety of covenants in biblical life, all of which contain a strain of negotiation and consent. Covenant, with its emphasis on consensus and mutuality, is the seedbed of democratic citizenship and constitutionalism.

The path of covenantal agreement does not depend only on observance of the law, which can lead to a legalism that misses the point of living faithfulness. It depends even more fundamentally on *hesed*, which Elazar translates as "loving covenant faithfulness." The English word love is sorely inadequate here, for it tends to omit the structure of covenantal obligation. Even *agape*, the favorite Greek term for God's self-giving love, fails to indicate this context of covenant and complex political relationship. By failing to grasp the idea of *hesed*, Christians fall into false dualisms of love versus law or law versus grace.

At the same time, covenant, with its affirmation of human freedom, assumes the reality of broken promises, failed commitments, and "turning away" from the path. Thus, life becomes a continual task of return, repair and reform. This is different, Elazar maintains, from the usual Protestant concept of unilateral divine redemption, for it focuses not only on God's call but on our "hearkening" and our return, like the Prodigal Son, to right relations with God and each other. The Bible offers us a series of "prismatic" stories to give us insight into this dynamic of covenant, *hesed* and return. Elazar's exposition of the story of Joseph (in volume one) illuminates this dynamic in a vivid and arresting way. *Hesed* and return can help Christians rethink their understanding of redemption in relational ways that construe grace as return from chaotic violence and aimlessness.

These core concepts and practices were first developed in ancient Israel. Jesus's own ministry was an effort to recover and reground a proper covenantal relationship between God and humanity. Diaspora Jews and itinerant Christian bearers of the Bible carried these ideas westward. In three successive volumes Elazar excavates the continual reemergence of the covenant tradition from its submergence in Roman imperium and transalpine kingship. The Reformed Protestantism of the Rhineland rediscovered biblical covenant as a principle of political and religious organization, transmitting it to Scotland, England and the Netherlands, from which it spread over the globe. Federalist principles and practices, even when people are not aware of their biblical roots, now inspire innumerable efforts to reconstitute nations and states in ways that honor democratic participation and republican order.

It is Elazar's mission to make us conscious of the rich basis of this federal struggle, both to inspire and to guide it. Without an awareness of these deep religious and moral roots, the constitutionalism based in covenant will disintegrate into self-interested factionalism, legalism and self-absorbed nationalism. Because of federalism's deep roots in a theological heritage, Christians and Jews have a special call to nourish the conditions for its renewal.

Christians and Jews, with their internal divisions, will approach this task of nurture in differing ways. Elazar has in a sense tried to provide a common biblical ground for this task and a concept of how covenantalism has worked itself forward through the centuries. We can learn not only from the case studies of its biblical origins but from those of its history as well. Indeed, he provides a whole volume on the Reformed Protestant development of covenant before turning to the American and then the contemporary global experience.

Let me conclude this brief introduction by identifying a couple of key points of entrée to this history—points that deal with the conception of rights, the distortions of covenant, and the moral basis of covenant.

A covenantal perspective understands rights as expressions of covenantal obligation. In some sense we all have the "right" to enter into covenantal relationships as humans created in the image of God, the primordial covenant partner. This covenant not only liberates us from a world of arbitrary rule but also obligates us to faithful relations with the other covenant partners. This is "federal liberty." We therefore begin not with our inalienable "right" to be treated in a certain way, but from the fact that we are all obligated to treat others in terms of the covenant. The reference point for a theory of rights is not our own needs, interests, passions or self-image but the terms of the covenant that binds us with others. A covenantal theory of rights points us in the direction of the primacy of the public, the commonwealth and the common good—a very different starting point and trajectory of thinking than is generally presupposed in contemporary debates.

Covenant, as a form of thought and action, is not immune to the prevailing sins and weaknesses of human beings. It too can slide into distortions, some of which Elazar alludes to. First of all, covenantal societies can fall into a legalism that forgets the fundamental purpose of the covenant. This is why the preambles and historical review that begin most covenants are essential. These are the elements lost in simple contracts and pacts, but are vital if constitutions and agreements are to keep

sight of their rationale and purpose.

Second, covenantal peoples can become too closed. In biblical terms, they can focus only on the covenant *b'nai brit*—the singular people with a mission—and lose site of the crucial *baalei brit*—the covenants among nations. The covenant of God with Abraham can overwhelm the more general covenant with Noah. While this elevation of singularity has been a besetting distortion in America, and by some accounts South Africa, nowhere is this more wrenching than in contemporary Israel, where the descendants of the original bearers of covenantalism seem to be caught in a tragic failure to reach appropriate covenants with the other inhabitants of the land.

The real limits of covenant exist where the potential partners do not share the same "god"—that is, the same ultimate sense of obligation that makes their mutual promises binding. This need for a common theological and moral basis for covenant led ancient Israel to continual internal purges of all vestiges of foreign gods and any practice of intermarriage with other peoples. The voluntary binding of covenant can occur only within some kind of common faith that can give rise to mutual trust.

Our own institutional separation of religion from political compact makes it difficult to understand this. However, the problem emerges in our own time with the realization that without a common public morality, legitimate government cannot function. Government ends up being reduced to a simple effort to harmonize individual passions and interests or to an authoritarian demand for conformity. At the present, because of America's enormous affluence, we are relying on a sense of "automatic governance" through the market. Elazar persistently probes the limits of such an individualistic ethic as a basis for a public life that can sustain humans in their search for meaning and goodness as well as freedom.

In the face of our persistent reduction of covenant thought to a personal relation to a saving God, we have largely lost the wider importance of covenantalism as the basis for our common life within the fullness of God's creation. Elazar's challenging presentation is an invitation to recover that wider vision.