

With Radiant Countenance: Creation, Redemption, and Revelation

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I. Creation, Redemption, and Revelation

A. "Creation" in D of I and anti-slavery argument

B. "Redemption" in anti-slavery argument; Cover's "redemptive constitutionalism"

C. Yet "creation" and "redemption" are incomplete as Biblical categories for the divine-human relationship. The category of "Revelation" is necessary from a Biblical stand-point. I will follow here Franz Rosenzweig, the great phenomenologist, who began his work The Star of Redemption on bits of paper and postcards sent home from the Macedonian front in WWI. R's model ("configuration"):

- one equilateral triangle: god, humankind, world
- second equilateral triangle: Creation, Revelation, Redemption

Creation is a relation between God and world (God creates world)

Revelation is a relation between God and Humankind (God speaks to humankind, calling for us and to us)

Redemption is a relation between Humankind and world, a reconciliation between Revelation and Creation.

The two triangles also express realities visible in the structure of language: tense (past, present, and future), and persons: first, second, and third. R associated Creation with the past, Redemption with the future, and Revelation with the present. And in deliberate contrast to Martin Buber's I-Thou relations, R stressed also the "I-It" and the "He-It" relations, central to our existence as creatures in a created world.

Together the two superimposed triangles compose the Star of David, which Rosenzweig also conceives as God's radiant countenance, as invoked for example in the blessing set out in Numbers 6:25, ***"May he let his countenance shine upon you."***

This turning of God's face toward us sometimes is a call, even a test, as when God called to Abraham, and he answered ***"Here I am."*** (Genesis 22:1) Though such a call might be understood as issued by God to You-singular, it might also be to You-plural, or to "one people," and so Rosenzweig understands it. God's radiant countenance turns toward us again in the bestowal of the law. ***"And the Lord spake unto Moses face to face, as a man speaketh unto his friend."*** (Exodus 33:11) The command to love the neighbor is of special importance here, because it is through recipience of and response to this command, acting within its spirit and for its own sake, that human action carries forward the work of Redemption. Love of neighbor is under the sign of Creation (since neighbor is like oneself precisely in sharing the status as created by God in God's image and likeness), but it is also under the sign of Revelation (since this love is commanded by God, and ultimately leads to the response to God's own love of us, in our love of God). Coming under both signs, this love accomplishes the Redemption of the world, the overcoming of the gap between God and world implicit in God's creation of the world. Rosenzweig asks: ***"[W]hat else would Redemption be but this, that Revelation and Creation are reconciled!"***

I will draw on R's model and method ultimately for the purpose of raising a question about Revelation. Does this category belong in any way to constitutionalism, or American constitutionalism? Initially it would seem at best in very poor taste to speak of revelatory constitutionalism, or revealed constitutionalism, in parallel to Cover's ***"redemptive constitutionalism."*** But if R is correct, we are hardly even talking about Creation and Redemption either, when we collapse the triadic structure into a dualism, since in so doing we fundamentally misconceive the structures of our existence.

R offered what he called a ***"New Thinking"*** and about it he said that it ***"needs another person and takes time seriously – actually, these two things are identical."*** I'll begin by following that principle as I read the texts.

II. Creation

The Constitution begins with the word **“We,”** and the Declaration of Independence with the word **“When.”** **“We the people of the United States....”** **“When in the course of human events....”** These first words already indicate a people understanding itself as agent or subject within a moment in time. But the Bible begins with the words **“Beginningly”** and **“created.”** **“In the beginning God created the heaven and the earth.”** **“Beginningly,”** or **“In the beginning,”** also situates the action within a temporal frame, but not in just the same way as **“when.”** “When” already presupposes a course of human events, a movement of humanity over time and in time. But the **“Beginningly”** of the Bible is not a moment within time but an announcement of the start of time itself, for time and world are **“created”** by the eternal. The third word of the Bible is God, **“Elohim;”** God is agent and has created time and world. Humankind is not yet, there is no course of human events, and there is no **“We.”**

There is no **“we”** in the Bible until Elohim creates humankind; and when the first person plural appears, it is in God’s own speech. **“And God said, Let us make man in our image, after our likeness...”** Until this point in the creation story, as Rosenzweig observes:

God speaks, but his word is still as if something in him were speaking, and not himself... Until he opens his mouth for the last act of Creation and says: “Let us make a man.” “Let us” – for the first time the yoke of objectivity is broken, for the first time there comes, out of the one mouth that till now has spoken in Creation, instead of an “it,” an “I,” and more than an “I”: with the “I” at the same time a “You,” a “You” which the “I” addresses to itself: “Let us.”

There is no **“we”** in the Bible’s beginning; it comes only with the first speech of person to person, I to you, all on the side of the eternal. But the Constitution begins with **“we,”** and does not recall **“our”** origins in the relationships of Creation and Revelation. So **“the people,”** **“we the people,”** begin not in response to another – by thanking the Creator, yearning toward the Redeemer, opening up to the Revealer – but in self-concern. This is a **“we”** that turns quickly to the possessive. We **“secure the Blessings of Liberty to ourselves and our Posterity.”** The Constitution ends as it began, framing the **“we”** within the possessive **“our.”**

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the

***Independence of the United States of America the Twelfth[.] In
Witness whereof We have hereunto subscribed our Names....***

The Constitution begins and ends with these expressions in the first person plural – their only appearances in the text, to open it and to close it. The only appearances of the first person plural and, with one exception almost too insignificant to mention, the only appearance of the first person in the whole of the Constitution.

The possessiveness of the plural agent – “**our**” posterity, “**our**” names, “**our**” Lord – invites questions. Who is “**our**” posterity – who is the “**we**” who will be then, rather than in the “**when**” (the time of separation, the time of creation)? Who is “**Lord,**” and whose? Is “**Lord**” a name – whose name? Does the “**we**” of creation act in the “**name**” of the Creator, or also in the “**name**” of the Revealer and Redeemer?

At the outset of the Declaration of Independence, the people, “**one people,**” is in the third person. This people is not “**we**” yet, or even “**us,**” but “**them.**”

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them,....

The first sentence of the Declaration brings the people to the brink of agency, the object caught in the natural necessity and in the human course almost becoming an actor, but still in the third person: “**a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.**” As the people separate themselves politically, so a second separation splits the world. The world of nature and of nature’s god impels and causes, creating a “**them**” in “**the course of human events;**” but “**mankind**” is also more than a course, more than an ordered sequence, in that its opinions command the kind of respect that ought to be shown in speech. Only in offering such due speech does “**them**” complete the movement through “**they**” to “**we**”: “**We hold these truths to be self-evident.**”

That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights,

governments are instituted among men, deriving their just powers from the consent of the governed....

As God breaks through to the first person in a dialogue of I and You, ***“let us make man,”*** so the people break through to the first person, ***“We hold,”*** in contemplation of ***“mankind.”*** (Similarly, though Humankind names the animals, human speech is not recorded in the Bible until the moment of human mutuality arises – but even then, the human refers to the human as ***“she,”*** not as ***“you.”***) But ***“we hold”*** not the one truth, but ***“these truths;”*** and we hold not the one truth of Revelation but truths ***“self-evident.”*** They are self-evident because their evidence is supplied to the natural order by the natural order, all under the auspices of Creation: ***“that all men are created equal; that they are endowed by their Creator with certain unalienable rights....”*** So ***“one people”*** can perform its decisive acts of political separation and become one of the ***“powers of the earth,”*** that is, become one particular political-legal people, and in the voicing of universalistic reasons to ***“mankind”*** become a ***“we”*** people. But just as ***“we hold”*** not the one truth but ***“these truths,”*** and do so under the sign of the ***“laws of nature and of nature’s god,”*** so we do not confess ***“our Creator”*** but take refuge again in the third person: ***“their Creator.”*** And it remains unsettled whether the referent of ***“their Creator”*** is the same as the referent of ***“our Lord,”*** and unclear whether the time of the ***“when”*** is the same time as ***“the year of our Lord.”*** But even in the latter case the time of ***“our Lord”*** is not a fully tensed time in which the present moment invites and commands a response, a word of ***“yes”*** or ***“no,”*** to God’s word directed to us. There is not yet, in this account, any word of God’s directed to us. The dialogue that brings God to the first person is a dialogue within the eternal, and ***“mankind”*** may not be aware of it (outside the Revelation that is Bible); either it is not ***“self-evident,”*** or it is ***“evident”*** only to a ***“self”*** that is prepared to be and become ***“self.”*** ***“In the year of our Lord”*** requires no tenses, insists on no privileged special present moment, but instead . measures in the untensed time of the yardstick, the timeline, on which all times are qualitatively just the same. Only the numbers are different; on the timeline, the birth of ***“our Lord”*** and the Independence of the United States are just marks, one at one thousand seven hundred and eighty seven, the other at twelve.

As ***“them”*** becomes ***“they”*** and ultimately, in affirmation of Creation as endowment of equality and rights, the ***“we”*** of ***“we hold these truths,”*** so ***“we hold”*** matures by Declaration’s end into the mutuality and danger of ***“we mutually pledge.”*** The risky and dangerous vow or oath, or exchange of

promises, is sworn under the auspices of the eternal, but not specifically under the auspices of Creation and Creator.

We, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies solemnly publish and declare, That these United Colonies are, and of right ought to be, Free and Independent States; that they are absolved from all allegiance to the British crown and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved....

For the “*when*” of necessity, “*in the course of human events,*” it was enough to appeal to “*the laws of nature and of nature’s god;*” for the holding of abstract truths, it was enough to appeal to the Creator; but for the actual performance of separation, for risky action announcing a free and independent entity, the “*we*” appeals beyond nature and creation, beyond world, to “*the Supreme Judge of the world.*” While “*nature’s god*” might be ingredient or discernible within the “*laws of nature,*” and Creator’s gift self-evident within the creaturely endowment, here for the first time is a clear appeal beyond the world, to its Judge who stands outside it. Though “*we*” act in the “*name*” and by the “*authority*” of the “*people,*” we “*appeal*” beyond them, as beyond the world itself, to the “*Supreme Judge.*” As if “*we*” were unsure of the jurisdiction of this “*judge,*” our “*appeal*” is modest. “*We*” do not act either in the “*name*” of the “*Supreme Judge*” (which would prove embarrassing, for what is the name of this Judge – “*Creator*”? “*Lord*”?), or by this Judge’s “*authority*” (is it the authority of the Creator over creatures, or perhaps the authority of lawgiver over those who receive the commandments?). Instead, “*we*” merely “*appeal*” as a form of oath-taking, a preliminary swearing to the uprightness of “*our intentions,*” before the main event: the hazarding of all that is of worth, the venturing of our own names, our own writing, our own signatures. “*And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.*”

This last sentence of the Declaration, like the Constitution’s first and last sentences, is built around the “*we*” and the “*our,*” but its action is strikingly different. Where “*we the people*” act possessively, securing Blessings for “*ourselves and our posterity,*” the “*we*” who “*mutually pledge*” act by putting all that is of worth, “*our*” worth, at risk – letting go of it (for the sake, to be sure, of

better or more fully securing it). Where *“in witness”* to what was *“done in Convention” “we have hereunto subscribed our Names,”* the signing of the Declaration requires a higher witness (cf. the expressions *“as God is my witness,” “as God is my judge”*). Where the Constitution’s *“our Lord”* is only an index on a chronology by which the years are conveniently marked, the Declaration finds it necessary to *“appeal”* to the *“Supreme Judge”* and to express a *“firm reliance on the protection of Divine Providence.”* But while more is sought, in these confident gestures to an Other who guarantees *“our”* self-confidence, less is claimed. The Other is not *“our”* but merely *“the”* Supreme Judge, *“of the world;”* not *“our”* protector but merely Divine Providence, as impersonal in relation to history as *“nature’s god”* in relation to nature. At the conclusion as at the outset of the Declaration, the *“we”* comes into being in the act of declaring to all *“mankind”* on common ground, even as the *“we”* in signing the declaration *“mutually pledge”* as brethren, sharers in the *“one people,”* that is, in particularism.

3. Revelation of and to the “Self”

I return, now, to the question about Revelation, and offer these observations.

(1) Revelation initially appears much more foreign than Creation or Redemption to the language, framework and dispositions of the American Constitution (or American constitutionalism). But both Creation and Redemption already presuppose Revelation. Time is created, and death is a natural reality for all creatures, but both time and death give rise to presentiments of the eternal. Rosenzweig says that *“The created death of the creature is at the same time the sign that announces the Revelation of life which transcends that of the simple creature.”* Redemption already presupposes both a first Revelation in the creation of all human persons equally in God’s image and likeness, hence equally the neighbor, and a second Revelation in God’s word of love to the person, which is at the same time a command to love the neighbor and a way to the love of God. So Creation and Redemption already implicate Revelation, just as they implicate one another. The three stand or fall together.

(2) Creation appears initially to be least problematic because of its temporal ontology: the time of Creation is the past. But if Creation is truly a dimension of sacred time, it must be able to become fully present and fill the present with its meaning. Thus the Sabbath brings the sacred time of Creation

into the cycles of lived present time, as it also brings the sacred time of Redemption. Thus one could say that Independence Day, or Juneteenth, or Martin Luther King's Birthday, are sabbaths of American constitutionalism, bringing into the cycle of present time both the Creational past and the Redemptive future of **"created equal."** In fact, more fundamentally than any civic occasion or ceremony of remembrance or hope, constitutional decision as such is always decision for me and for us, here and now. We completely understand King when he says that **"Now is the time,"** and when he insists on **"the fierce urgency of now."** Now is the time of decision, when the vectors of past and future intersect in us; and now is precisely the time of Revelation. **"All Revelation is placed under the great sign of the today,"** says Rosenzweig; **"it is 'today' that God commands and it is 'today' that his voice is to be heard. It is the today in which the love of the lover lives – this imperative today of the commandment."**

(3) Creation and Redemption may seem more fitting than Revelation for constitutionalism because less personal. Being created, even in God's image, seemingly requires no personal choice, and the **"endowment"** of rights appears initially as a universal truth that transcends the subject's own consciousness or wishes. This universality or objectivity of equal natural rights certainly supplies one possible meaning to the inalienability of such rights (**"endowed by their creator with certain unalienable rights"**). And the third person wording of the Declaration reinforces this sense that in rights one is simply reading off the world as it is, rather than making a personal choice in the matter. But every outward and inward act and every consideration pertaining to the act, for example whether it comes from love of neighbor, puts in play or at risk my own status as created in God's image and likeness. Redemption also has this double-sidedness, in that my own hope and destiny and the renewal/restoration of the world in God's love cannot be separated out from one another. So does Revelation, which is always simultaneously intimate and legal-normative. God spoke to Moses **"mouth to mouth,"** in a communication and communion that is equally an intimacy and a transmission of the law (along with the hermeneutic traditions and norms for the law's elaboration). Creation, Redemption, and Revelation are as deeply personal as they are deeply impersonal, and these two sides require one another.

Surely the sovereign people are not God, and even what the Joint Opinion in Casey called **"the full meaning of the covenant"** is not Revelation. Neither does the Equal Protection Clause comprise Redemption, or define the measure

of its ultimate significance. Neither does the Declaration of Independence explore the heights of Creation, the sense in which God saw that all of it was good, or the depths of human creatureliness. Nowhere is the light refracting from the facets of the fractal Star more needed than within the institutions of our finitude, to teach us that finitude precisely in relation to the eternal. So the Star illuminates:

The judgment. ***“We... appeal[] to the Supreme Judge of the world for the rectitude of our intentions.”*** But all encounter with the divine Other is judgment, and carries with it growth and change in the self. If the ***“one people”*** were already upright in its self, it would not require God’s command, law, and love.

The truth. ***“We hold these truths to be self-evident.”*** But if God is truth, then some part of the truth in human equality and human rights, some pertinent part of the truth in our status as Created, is hidden. We have at best a preliminary understanding, just as we have at best imperfect intentions. To the extent that God is truth, then the light in that truth radiates upon us. We cannot hold the truth any more than we can hold the light.

The blessing. ***“We the People of the United States, in Order... to secure the Blessings of Liberty to ourselves and our Posterity.”*** Given what has already been said: with what degree of confidence can we recognize ***“we the people”*** in the call and promise to Abraham? Shall we understand ***the “we,” “ourselves,”*** and ***“our posterity”*** in the particularism of a nation (***“one people”*** assuming a ***“separate and equal station”***), in the universalism of ***“all men are created equal,”*** or in some dynamic tension between these two principles? Who is the ***“you”*** who receives the blessing, ***“May he let his countenance shine upon you,”*** and in what way (if at all) can the work of constitutionalism ***“secure”*** it?

The self. The self in ***“self-evident”*** is at risk for hubris. This is the self that appeals to the Supreme Judge of the world for the rectitude of its intentions; that holds the truth, in a posture that may not lend itself to beholding in the light of truth; that claims to know already who is ***“we”*** and ***“our.”*** Rosenzweig observes that ***“I become an ‘I’ only thanks to the Thou of the divine who calls and therefore individuates my self.... [W]hile God calls Abraham twice, only the second time, when he answers ‘Here I am’ to God, does Abraham achieve authentic selfhood.”*** But we must take care with our ***“Here I am”*** so that we do not lie to ourselves about whose call we think we are answering.

The oath. The sweep of communal action in politics and history sometimes enables the formation and expression of a self, however authentic or

inauthentic: a collective self. The power to say “**we**” is like the power to say “**I do**” – a move to be and become someone and something new, and to be recognized as such. A solemn swearing, an undertaking, an oath, calls forth this new self – or not, depending on the inward devotion of the partners and the outward recognition and support that is given them or withheld from them. “**We**” have sworn three times: first when “**we**” appealed to the Supreme Judge for the rectitude of our intentions (a testimonial oath); second when “**we**” mutually pledged our lives, our fortunes, and our sacred honour (a revolutionary oath); third when “**we**” subscribed “**our**” names to the Constitution. In the act of signing our names “we” expose and commit an emergent public self. But all of this is in the first person plural. Is there no place in the texts and traditions of constitutionalism for the first person singular?

Article II §1 concludes by laying an obligation on each newly elected President: “***Before he enter on the execution of his office, he shall take the following oath or affirmation: ‘I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.’***” Here in this oath, this little recitation which we will all be listening to a few days from now, one person says “**I**.” “**I solemnly swear,**” “**I will faithfully execute**” – here are the only appearances of this word in the Constitution, and only the incoming President can speak this little word in fulfillment of the Constitution’s command.

The whole world will watch, and in the days and years to come the debate about what it means to “**preserve, protect and defend the Constitution**” will continue. While many will argue about whether the President is preserving or destroying the Constitution, protecting and defending or abandoning it, some will ask with more particularity whether the President is executing the duties of his office “**faithfully**” as the oath requires. Does “**faithfully**” go to the inner commitment, to meaning and motivation, or only to the outer act? And some of us, finally, will add to these concerns one final question. What does the Constitution mean by “**I**”? The unity of the self is surely as elusive a concept as that of the unitary Executive, and equally controversial in its own way. How does the self grow in authenticity, how does it integrate, under the strains of the call? With what hope, with what hubris, can one speak for oneself, and for all those who have gone before and those who will follow, the responsive words “**Here I am**”?