

service on Democracy, MPUUC, 2021 July 04, Paul K Davis

MESSAGE - PART 1

Democracy - Protecting the Majority from an Oppressive Minority

Today is the Fourth of July, the national holiday of the United States of America. It supposedly marks the independence of the United States from Great Britain, though that was actually a long process. The Revolutionary War had in fact begun the year before, the motion to declare independence was made in Congress some weeks before, the declaration was written and revised, and the motion adopted on the Second of July. The Fourth marks its publication. The war was not over for years until the Treaty of Paris was signed.

Independence day also supposedly marks the rejection of monarchy for democracy, but that is actually an even longer process, beginning in ancient times and not yet complete as I speak. It is this great democratic process which I take as my topic today. I will seek to place democracy in the context of interdependence, which is our monthly theme for July.

We Unitarian Universalists hold democracy to be sacred. One of our fundamental principles reads, "We affirm and promote the right of the conscience and the use of the democratic process within our congregations and society at large."

One may ask why a religious movement should include in its principles any reference to "society at large", let alone specifically advocating democracy? Many religions are solely about the individual, their relationship to the divine and to others within their religious group. But I don't see that we can promote the principles we espouse without the principle of democracy. Society at large, including government, exists whether we wish or not. We must engage it.

Over two thousand years ago a king approached the Confucian philosopher Mengzi, called Mencius in Latin. The king requested private lessons. Mengzi agreed, asking the king whether he thought there was any difference between killing a man with a club versus with a sword. The king said there was not. Then Mengzi asked whether there was any difference between killing a man with a sword versus with a system of government. This succinctly expresses to me why people who espouse positive values should promote democratic forms of

government.

But what is democracy? Without meaning for the term, our affirmation is empty and our promotion is, at best, disjointed.

In fleshing out this meaning, I note first that the noun in our statement of principle is not "democracy", but rather "process" - we affirm and promote not democracy as a static condition, but rather the democratic process. In our special music earlier from our Peak Performers choir we heard Ella Baker's words, that "we who believe in freedom cannot rest." Democratic freedom is a relationship, a relationship among all of us, which, if not constantly being exercised and improved, will decay and wither away, or even collapse.

There is much to this democratic process. We are accustomed to equating democracy with voting, but this is an extremely limited and very incomplete definition. Today I wish to bring attention to other important components of the democratic process, some of which even began to develop in ancient times before efforts to establish voting and elections. To organize this analysis, I start with what the purpose of democracy is, dividing this into two apparently contradictory aspects; but two aspects each of which is in fact necessary to support the other.

I say the goal of democracy is anti-oppression, and the two aspects are: protecting the majority from an oppressive minority, and protecting minorities from an oppressive majority. I present my comments in two corresponding parts, though I see much interconnection between these two aspects.

One can see a connection between voting and protecting the majority from an oppressive minority, provided, of course, everyone is allowed to vote and the results of the vote are respected. If not everyone is allowed to vote, then the tables may turn, with a minority winning an election, and potentially oppressing the majority. This is an interdependence between protection from an oppressive majority and protection from an oppressive minority.

It is not, however, at all practical for everyone to vote concerning everything. We quite properly have most of our laws voted on just by legislatures, and criminal or civil trials voted on just by a small jury. In each of these cases the democratic process occurs, but only if the smaller group is representative of the whole. Legislatures must be elected by the people, and this must be without gerrymandering or other stratagems to bias the result. Juries and judges must be selected without racial, gender or other bias. Our highest courts must be fully

representative of all.

All this voting is irrelevant if the results of a vote are disregarded. Of critical importance here is the limitation of the power of the executive, otherwise a power-hungry leader will be able to retain power, either ignoring election results or fabricating them.

The need to limit the concentration and arbitrary exercise of power applies to many forms of government, and was already understood in ancient times. Even the ancient Persian emperors, the most powerful people in the world before Alexander the Great, acknowledged this, while also chaffing at it. A story recounted by the classical Greek historian Herodotus says that the second emperor, Cambyses, wished to marry his sister, which he knew was illegal. Rather than attempting to abolish or disregard the law, he put the question to his lawyers. They, presumably fearing for their lives, concocted a loophole allowing the marriage. Though Cambyses got his way, it shows that the principle of limited executive power already existed. This same principle, that not even the emperor could alter or disregard a law, also plays a role in the Biblical book of Esther, set in the reign of the fourth Persian emperor.

The principle of limited executive power, while rarely effective, was never forgotten. In England it played a role in adoption of the Magna Carta, and again in the Puritan Civil War, in which King Charles I was convicted of treason and executed. It had strong influence in the formation of the initial government of the United States, the Articles of Confederation, which actually went way too far, establishing a nearly powerless executive. The Constitution struck a better balance, but recent events have severely tested this nation's adherence to this vital principle.

A frequent problem with officials is the use of government authority to enrich the individual. One ancient Greek city dealt with this by requiring each President, at the beginning and ending of their term of office, to completely disclose their financial status and property ownership, so that it could be easily seen whether they had gained personal wealth when they should have been serving the people. I believe provisions of this sort are essential for the continuation of the democratic process.

There are many more considerations in fashioning a democratic process to successfully protect from an oppressive minority. I cannot call them all forth now. I would move on to discussion of protecting minorities from an oppressive

majority, but first I invite you to join in singing.

MESSAGE - PART 2

Democracy - Protecting Minorities from an Oppressive Majority

It is essential that the democratic process not only protect the majority from an oppressive minority, but also protect minorities from an oppressive majority. These two goals are much more closely interdependent than commonly realized.

We see that, if a majority is allowed to exclude any minority from voting, then a smaller and smaller group can successively exclude more and more minorities, until the new situation is again a minority unjustly oppressing the majority.

Another consideration, perhaps unexpectedly, involves written versus unwritten laws. One of the demands of the common people of ancient Rome, well before it became an empire, was that the laws be written. They objected to the Senate convicting people of crimes without them having any notice of what was a crime. The Senate did comply, and erected a monument with laws written on its various faces.

The Romans, by the way, though never achieving in ancient times the levels of democracy occasionally attained elsewhere, did have a goddess named Libertas, who was especially the protector of freed slaves. The Statue of Liberty resident in New York Harbor is modelled on her. If you do not have travel to New York in your plans, you can drive by the home of our member Don Ramy this afternoon or evening to see a scale model.

One might think we have solved the problem of writing laws, with our written laws now filling bookcases in libraries, but one of the biggest present dangers to democracy in the United States is unwritten laws. I speak of the unwritten laws which I know accompany the flurry of voting regulations currently being pushed through the legislatures of various states. The unwritten law is that these written laws will be enforced chiefly in predominantly African-American neighborhoods. I saw this in 1964 when I was a poll watcher in central Indianapolis. Poll watchers for the other party were rigidly applying both written and fantasized rules in minority neighborhoods, but not in the White suburbs. Last year, when voting results were challenged and recounts demanded in various states, it was specifically in predominantly minority counties that signatures and votes were

repeatedly scrutinized and recounted. Even a fairly worded law, when unevenly enforced, is anti-democratic.

I have long felt that the two goals of democracy could be met by the combination of elections, to protect the majority, and constitutional guarantees to protect minorities, but I have come to realize this is inadequate. Our constitution contains many great provisions. Perhaps the most far reaching is that "no state shall ... deny to any person within its jurisdiction the equal protections of the laws." But the constitution does not leap off the bookshelf to enforce itself. So long as a sufficient number of people have the will, unwritten discriminatory practices will undermine the good intentions behind the grand phrases.

I only know of one answer which has the potential to succeed. It is hinted at in words from the hymn we have just heard, "Though I may speak with bravest fire .. and have not love, my words are vain." These are based on words of Paul the Apostle, "Though I speak with the tongues of men and of angels, but have not love, I have become sounding brass or a clanging cymbal. ... Though I bestow all my goods to feed the poor, ... but have not love, it profits me nothing."

Paul is not alone in proclaiming this. Another author who helped form my beliefs is the eighteenth century German, Immanuel Kant. He begins his "Metaphysic of Morality" with "No doubt it is a good and desirable thing to have intelligence, sagacity, judgment, and other intellectual gifts; it is also good and desirable to possess by nature such qualities as courage, resolution, and perseverance; but all these gifts of nature may be in the highest degree pernicious and hurtful, if the will which directs them is not itself good."

So too it is with nations. We can have the most eloquent Declaration of Independence and the most carefully balanced Constitution, with inadequacies corrected in a sequence of amendments, but if the people, most of the people, do not have loving good will, it will not accomplish the high ideals expressed in those documents. Our mission must be to spread the loving good will needed for democracy to succeed.

The building of this full democratic process is not something that can be achieved in one revolution. People have been working at it for millennia. We must, in the words popularized by Alice Wine, "Keep Our Eyes on the Prize." Alice, by the way, was an African-American born over a century ago in South Carolina. She learned to read at age forty so she could pass the literacy test then required for voting.

I take inspiration, as did Benjamin Franklin, from a Native American leader of the thirteenth century, a couple hundred years before Columbus. His name was Deganawida, and he became disgusted with the warfare between his tribe and others. He connected first with a woman named Jigonhsasee, who was weary of binding the wounds of warriors. They then recruited an orator name Hiawatha to the cause. Together this trio convinced five tribes to form a confederacy, with no internal warfare, meeting periodically in a grand council to resolve disagreements.

Oral tradition ascribed to Deganawida the words, "It will take the form of the longhouse in which there are many hearths, one for each family, yet all live as one household under one chief mother. They shall have one mind and live under one law. Thinking will replace killing, and there shall be one commonwealth." Their confederation took as its name Haudenosaunee, meaning longhouse. Others later joined the confederation, which is also known as Iroquois.

This, then, is the prize on which we keep our eyes: the cessation of a minority oppressing the majority and of the majority oppressing minorities, with all participating in one commonwealth, practicing a democratic process, in which thinking replaces killing. We affirm and promote this vision.

Again I invite you to join in singing.