

The Declaration and Constitution: Their Christian Roots

Written by Kerby Anderson

The Declaration of Independence

Many are unaware of the writings and documents that preceded these great works and the influence of biblical ideas in their formation. In the first two sections of this article, I would like to examine the Declaration of Independence. Following this, we'll look at the Constitution.

On June 7, 1776, Richard Henry Lee introduced a resolution to the Continental Congress calling for a formal declaration of independence. However, even at that late date, there was significant opposition to the resolution. So, Congress recessed for three weeks to allow delegates to return home and discuss the proposition with their constituents while a committee was appointed to express the Congressional sentiments. The task of composing the Declaration fell to Thomas Jefferson.

Jefferson's initial draft left God out of the manuscript entirely except for a vague reference to "the laws of nature and of nature's God." Yet, even this phrase makes an implicit reference to the laws of God.

The phrase "laws of nature" had a fixed meaning in 18th century England and America. It was a direct reference to the laws of God in a created order as described in John Locke's *Second Treatise on Civil Government* and William Blackstone's *Commentaries on the Laws of England*.

What Jefferson was content to leave implicit, however, was made more explicit by the other members of the committee. They changed the language to read that all men are "endowed by their Creator" with these rights. Later, the Continental Congress added phrases which further reflected a theistic perspective. For example, they added that they were "appealing to the Supreme Judge of the World for the rectitude of our intentions" and that they were placing "firm reliance on the protection of divine Providence."

The Declaration was not drafted in an intellectual vacuum, nor did the ideas contained in it suddenly spring from the minds of a few men. Instead, the founders built their framework upon a Reformation foundation laid by such men as Samuel Rutherford and later incorporated by John Locke.

Rutherford wrote his book *Lex Rex* in 1644 to refute the idea of the divine right of kings. *Lex Rex* established two crucial principles. First, there should be a covenant or constitution between the ruler and the people. Second, since all men are sinners, no man is superior to another. These twin principles of liberty and equality are also found in John Locke's writings.

John Locke and the Origin of the Declaration

Although the phrasing of the Declaration certainly follows the pattern of John Locke, Jefferson also gave credit to the writer Algernon Sidney, who in turn cites most prominently Aristotle, Plato, Roman republican writers, and the Old Testament.

Legal scholar Gary Amos argues that Locke's *Two Treatises on Government* is simply Samuel Rutherford's *Lex Rex* in a popularized form. Amos says in his book *Defending the Declaration*,

Locke explained that the "law of nature" is God's general revelation of law in creation, which God also supernaturally writes on the hearts of men. Locke drew the idea from the New Testament in Romans 1 and 2. In contrast, he spoke of the "law of God" or the "positive law of God" as God's eternal moral law specially revealed and published in Scripture.¹

¹ Gary Amos, *Defending the Declaration* (Brentwood, TN: Wolgemuth and Hyatt, 1989), 57.

This foundation helps explain the tempered nature of the American Revolution. The Declaration of Independence was a bold document, but not a radical one. The colonists did not break with England for “light and transient causes.” They were mindful that they should be “in subjection to the governing authorities” which “are established by God” (Romans 13:1). Yet when they suffered from a “long train of abuses and usurpations,” they argued that “it is the right of the people to alter or to abolish it, and to institute a new government.”

The Declaration also borrowed from state constitutions that already existed at the time. In fact, the phraseology of the Declaration greatly resembles the preamble to the Virginia Constitution, adopted in June 1776. The body of the Declaration consists of twenty-eight charges against the king justifying the break with Britain. All but four are from state constitutions.²

Jefferson no doubt drew from George Mason’s Declaration of Rights (published on June 6, 1776). The first paragraph states that “all men are born equally free and independent and have certain inherent natural Rights; among which are the Enjoyment of Life and Liberty, with the Means of Acquiring and possessing property, and pursuing and obtaining Happiness and Safety.” Mason also argued that when any government is found unworthy of the trust placed in it, a majority of the community “hath an indubitable, inalienable, and indefensible Right to Reform, alter, or abolish it.”

Constitution and Human Nature

The influence of the Bible on the Constitution was profound but often not appreciated by secular historians and political theorists. Two decades ago, Constitutional scholars and political historians (including one of my professors at Georgetown University) assembled 15,000 writings from the Founding Era (1760-1805). They counted 3154 citations in these writings, and found that the book most frequently cited in that literature was the Bible. The writers from the Founding Era quoted from the Bible 34 percent of the time. Even more interesting was that about three-fourths of all references to the Bible came from reprinted sermons from that era.³

Professor M.E. Bradford shows in his book, *A Worthy Company*, that fifty of the fifty-five men who signed the Constitution were church members who endorsed the Christian faith.⁴

The Bible and biblical principles were important in the framing of the Constitution. In particular, the framers started with a biblical view of human nature. James Madison argued in *Federalist #51* that government must be based upon a realistic view of human nature.

But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.⁵

Framing a republic requires a balance of power that liberates human dignity and rationality and controls human sin and depravity.

As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust, so there are other qualities in human nature, which justify a certain portion of esteem and

² Donald S. Lutz, *The Origins of American Constitutionalism* (Baton Rouge: Louisiana State University Press, 1988), 114.

³ *Ibid.*, 140.

⁴ M.E. Bradford, *A Worthy Company: Brief Lives of the Framers of the United States Constitution* (Marlborough, NH: Plymouth Rock Foundation, 1982).

⁵ James Madison, *Federalist*, #51 (New York: New American Library, 1961), 322.

confidence. Republican government presupposes the existence of these qualities in a higher degree than any other form.⁶

A Christian view of government is based upon a balanced view of human nature. It recognizes both human dignity (we are created in God's image) and human depravity (we are sinful individuals). Because both grace and sin operate in government, we should neither be too optimistic nor too pessimistic. Instead, the framers constructed a government with a deep sense of biblical realism.

Constitution and Majority Tyranny

James Madison in defending the Constitution divided the problem of tyranny into two broad categories: majority tyranny (addressed in *Federalist* #10) and governmental tyranny (addressed in *Federalist* #47-51).

Madison concluded from his study of governments that they were destroyed by factions. He believed this factionalism was due to "the propensity of mankind, to fall into mutual animosities" (*Federalist* #10) which he believed were "sown in the nature of man." Government, he concluded, must be based upon a more realistic view which also accounts for this sinful side of human nature.

A year before the Constitutional Convention, George Washington wrote to John Jay that, "We have, probably, had too good an opinion of human nature in forming our federation." From now on, he added, "We must take human nature as we find it."

Madison's solution to majority tyranny was the term *extended republic*. His term for the solution to governmental tyranny was *compound republic*. He believed that an extended republic with a greater number of citizens would prevent factions from easily taking control of government. He also believed that elections would serve to filter upward men of greater virtue.

Madison's solution to governmental tyranny can be found in *Federalist* #47-51. These include separation of powers, checks and balances, and federalism.

Madison realized the futility of trying to remove passions (human sinfulness) from the population. Therefore, he proposed that human nature be set against human nature. This was done by separating various institutional power structures. First, the church was separated from the state so that ecclesiastical functions and governmental functions would not interfere with religious and political liberty. Second, the federal government was divided into three equal branches: executive, legislative, and judicial. Third, the federal government was delegated certain powers while the rest of the powers resided in the state governments.

Each branch was given separate but rival powers, thus preventing the possibility of concentrating power into the hands of a few. Each branch had certain checks over the other branches so that there was a distribution and balance of power. The effect of this system was to allow ambition and power to control itself. As each branch is given power, it provides a check on the other branch. This is what has often been referred to as the concept of "countervailing ambitions."

Constitution and Governmental Tyranny

James Madison's solution to governmental tyranny includes both federalism as well as the separation of powers. Federalism can be found at the very heart of the United States Constitution. In fact, without federalism, there was no practical reason for the framers to abandon the Articles of Confederation and draft the Constitution.

⁶ Ibid., *Federalist* #55, 346.

Federalism comes from *foedus*, Latin for covenant. “The tribes of Israel shared a covenant that made them a nation. American federalism originated at least in part in the dissenting Protestants’ familiarity with the Bible.”⁷

The separation of powers allows each branch of government to provide a check on the other. According to Madison, the Constitution provides a framework of supplying “opposite and rival interests” (*Federalist* #51) through a series of checks and balances. This theory of “countervailing ambition” both prevented tyranny and provided liberty. It was a system in which bad people could do least harm and good people had the freedom to do good works.

For example, the executive branch cannot take over the government and rule at its whim because the legislative branch has been given the power of the purse. Congress must approve or disapprove budgets for governmental programs. A President cannot wage war if the Congress does not appropriate money for its execution.

Likewise, the legislative branch is also controlled by this structure of government. It can pass legislation, but it always faces the threat of presidential veto and judicial oversight. Since the executive branch is responsible for the execution of legislation, the legislature cannot exercise complete control over the government. Undergirding all of this is the authority of the ballot box.

Each of these checks was motivated by a healthy fear of human nature. The founders believed in human responsibility and human dignity, but they did not trust human nature too much. Their solution was to separate powers and invest each branch with rival powers.

Biblical ideas were crucial in both the Declaration and the Constitution. Nearly 80 percent of the political pamphlets published during the 1770s were reprinted sermons. As one political science professor put it: “When reading comprehensively in the political literature of the war years, one cannot but be struck by the extent to which biblical sources used by ministers and traditional Whigs undergirded the justification for the break with Britain, the rationale for continuing the war, and the basic principles of Americans’ writing their own constitutions.”⁸

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⁷ Lutz, *Origins*, 43

⁸ *Ibid.*, 142.