

# The Declaration and Constitution: Their Christian Roots

## 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}](#)

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 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.

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."[\[8\]](#)

## Notes

1. Gary Amos, *Defending the Declaration* (Brentwood, TN: Wolgemuth and Hyatt, 1989), 57.
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.
6. Ibid., *Federalist* #55, 346.
7. Lutz, *Origins*, 43,
8. Ibid., 142.

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# Christian View of Government and Law

*Kerby Anderson helps us develop a biblically based, Christian view of both government and the laws it enforces. Understanding that the New Testament does not direct a*



*particular type of government, Kerby leads us to understand how the principles of the New Testament will help us select governmental models that are conducive to Christian life and witness.*

## **Christian View of Government**

Government affects our lives daily. It tells us how fast to drive. It regulates our commerce. It protects us from foreign and domestic strife. Yet we rarely take time to consider its basic function. What is a biblical view of government? Why do we have government? What kind of government does the Bible allow?

Developing a Christian view of government is difficult since the Bible does not provide an exhaustive treatment of government. This itself is perhaps instructive and provides some latitude for these institutions to reflect the needs and demands of particular cultural situations. Because the Bible does not speak directly to every area of political discussion, Christians often hold different views on particular political issues. However, Christians are not free to believe whatever they want. Christians should not abandon the Bible when they begin to think about these issues because there is a great deal of biblical material that can be used to judge particular political options.

The Old Testament teaches that God established government after the flood (Gen. 9:6). And the Old Testament provides clear guidelines for the development of a theocracy in which God was the head of government. These guidelines, however, were written for particular circumstances involving a covenant people chosen by God. These guidelines do not apply today because our modern governments are not the direct inheritors of the promises God made to the nation of Israel.

Apart from that unique situation, the Bible does not propose nor endorse any specific political system. The Bible, however,

does provide a basis for evaluating various political philosophies because it clearly delineates a view of human nature. And every political theory rests on a particular view of human nature.

The Bible describes two elements of human nature. This viewpoint is helpful in judging government systems. Because humans are created in the image of God (Gen. 1:26–27), they are able to exercise judgment and rationality. However, humans are also fallen creatures (Gen. 3). This human sinfulness (Rom. 3:23) has therefore created a need to control evil and sinful human behavior through civil government.

Many theologians have suggested that the only reason we have government today is to control sinful behavior because of the Fall. But there is every indication that government would have existed even if we lived in a sinless world. For example, there seems to be some structuring of authority in the Garden (Gen. 1–2). The Bible also speaks of the angelic host as being organized into levels of authority and function.

In the creation, God ordained government as the means by which human beings and angelic hosts are ruled. The rest of the created order is governed by instinct (Prov. 30:24–28) and God's providence. Insect colonies, for example, may show a level of order, but this is due merely to genetically controlled instinct.

Human beings, on the other hand, are created in the image of God and thus are responsible to the commands of God. We are created by a God of order (1 Cor. 14:33); therefore we also seek order through governmental structures.

A Christian view of government differs significantly from views proposed by many political theorists. The basis for civil government is rooted in our created nature. We are rational and volitional beings. We are not determined by fate, as the Greeks would have said, nor are we determined by our

environment as modern behaviorists say. We have the power of choice. Therefore we can exercise delegated power over the created order. Thus a biblical view of human nature requires a governmental system that acknowledges human responsibility.

While the source of civil government is rooted in human responsibility, the need for government derives from the necessity of controlling human sinfulness. God ordained civil government to restrain evil (cf. Gen. 9). Anarchy, for example, is not a viable option because all have sinned (Rom. 3:23) and are in need of external control.

Notice how a Christian view of human nature provides a basis to judge various political philosophies. For example, Christians must reject political philosophies which ignore human sinfulness. Many utopian political theories are based upon this flawed assumption. In *The Republic*, Plato proposed an ideal government where the enlightened philosopher-kings would lead the country. The Bible, however, teaches that all are sinful (Rom. 3:23). Plato's proposed leaders would also be affected by the sinful effects of the Fall (Gen. 3). They would not always have the benevolent and enlightened disposition necessary to lead the republic.

Christians should also reject a marxist view of government. Karl Marx believed that human nature was conditioned by society, and in particular, the capitalist economy. His solution was to change the economy so that you would change human nature. Why do we have greed? Because we live in a greedy capitalist society. Marx taught that if society changed the economy from capitalism to socialism and then communism, greed would cease.

Christians should reject the utopian vision of marxism because it is based upon an inaccurate view of human nature. The Bible teaches that believers can become new creatures (2 Cor. 5:17) through spiritual conversion, but that does not mean that the effects of sin are completely overcome in this life. The Bible

also teaches that we will continue to live in a world tainted by sin. The view of Karl Marx contradicts biblical teaching by proposing a new man in a new society perfected by man's own efforts.

Since civil government is necessary and divinely ordained by God (Rom. 13:1–7), it is ultimately under God's control. It has been given three political responsibilities: the sword of justice (to punish criminals), the sword of order (to thwart rebellion), and the sword of war (to defend the state).

As citizens, Christians have been given a number of responsibilities. They are called to render service and obedience to the government (Matt. 22:21). Because it is a God-ordained institution, they are to submit to civil authority (1 Pet. 2:13–17) as they would to other institutions of God. As will be discussed later, Christians are not to give total and final allegiance to the secular state. Other God-ordained institutions exist in society alongside the state. Christians' final allegiance must be to God. They are to obey civil authorities (Rom. 13:5) in order to avoid anarchy and chaos, but there may be times when they may be forced to disobey (Acts 5:29).

Because government is a divinely ordained institution, Christians have a responsibility to work within governmental structures to bring about change. Government is part of the order of creation and a minister of God (Rom. 13:4). Christians are to obey governmental authorities (Rom. 13:1–4, 1 Peter 2:13–14). Christians are also to be the salt of the earth and the light of the world (Matt. 5:13–16) in the midst of the political context.

Although governments may be guilty of injustice, Christians should not stop working for justice or cease to be concerned about human rights. We do not give up on marriage as an institution simply because there are so many divorces, and we do not give up on the church because of many internal

problems. Each God-ordained institution manifests human sinfulness and disobedience. Our responsibility as Christians is to call political leaders back to this God-ordained task. Government is a legitimate sphere of Christian service, and so we should not look to government only when our rights are being abused. We are to be concerned with social justice and should see governmental action as a legitimate instrument to achieve just ends.

A Christian view of government should also be concerned with human rights. Human rights in a Christian system are based on a biblical view of human dignity. A bill of rights, therefore, does not grant rights to individuals, but instead acknowledges these rights as already existing. The writings of John Locke along with the Declaration of Independence capture this idea by stating that government is based on the inalienable rights of individuals. Government based on humanism, however, would not see rights as inalienable, and thus opens the possibility for the state to redefine what rights its citizens may enjoy. The rights of citizens in a republic, for example, are articulated in terms of what the government is forbidden to do. But in totalitarian governments, while the rights of citizens may also be spelled out, power ultimately resides in the government not the people.

A Christian view of government also recognizes the need to limit the influence of sin in society. This is best achieved by placing certain checks on governmental authority. This protects citizens from the abuse or misuse of governmental power which results when sinful individuals are given too much governmental control.

The greatest threat to liberty comes from the exercise of power. History has shown that power is a corrupting force when placed in human hands. In the Old Testament theocracy there was less danger of abuse because the head of state was God. The Bible amply documents the dangers that ensued when power was transferred to a single king. Even David, a man after

God's own heart (1 Sam. 13:14; Acts 13:22), abused his power and Israel experienced great calamity (2 Sam. 11–21).

## **Governmental Authority**

A key question in political theory is how to determine the limits of governmental authority. With the remarkable growth in the size and scope of government in the 20th century, it is necessary to define clearly the lines of governmental authority. The Bible provides some guidelines.

However, it is often difficult to set limits or draw lines on governmental authority. As already noted, the Old Testament theocracy differed from our modern democratic government. Although human nature is the same, drawing biblical principles from an agrarian, monolithic culture and applying them to a technological, pluralistic culture requires discernment.

Part of this difficulty can be eased by separating two issues. First, should government legislate morality? We will discuss this in the section on social action. Second, what are the limits of governmental sovereignty? The following are a few general principles helpful in determining the limits of governmental authority.

As Christians, we recognize that God has ordained other institutions besides civil government which exercise authority in their particular sphere of influence. This is in contrast to other political systems that see the state as the sovereign agent over human affairs, exercising sovereignty over every other human institution. A Christian view is different.

The first institution is the church (Heb. 12:18–24; 1 Pet. 2:9–10). Jesus taught that the government should work in harmony with the church and should recognize its sovereignty in spiritual matters (Matt. 22:21).

The second institution is the family (Eph. 5:22–32, 1 Pet. 3:1–7). The family is an institution under God and His

authority (Gen.1:26–28, 2:20–25). When the family breaks down, the government often has to step in to protect the rights of the wife (in cases of wife abuse) or children (in cases of child abuse or adoption). The biblical emphasis, however, is not so much on rights as it is on responsibilities and mutual submission (Eph. 5:21).

A third institution is education. Children are not the wards of the state, but belong to God (Ps. 127:3) and are given to parents as a gift from God. Parents are to teach their children (Deut. 4:9) and may also entrust them to tutors (Gal. 4:2).

In a humanistic system of government, the institutions of church and family are usually subordinated to the state. In an atheistic system, ultimately the state becomes a substitute god and is given additional power to adjudicate disputes and bring order to a society. Since institutions exist by permission of the state, there is always the possibility that a new social contract will allow government to intervene in the areas of church and family.

A Christian view of government recognizes the sovereignty of these spheres. Governmental intervention into the spheres of church and family is necessary in certain cases where there is threat to life, liberty, or property. Otherwise civil government should recognize the sovereignty of other God-ordained institutions.

## **Moral Basis of Law**

Law should be the foundation of any government. Whether law is based upon moral absolutes, changing consensus, or totalitarian whim is of crucial importance. Until fairly recently, Western culture held to a notion that common law was founded upon God's revealed moral absolutes.

In a Christian view of government, law is based upon God's

revealed commandments. Law is not based upon human opinion or sociological convention. Law is rooted in God's unchangeable character and derived from biblical principles of morality.

In humanism, humanity is the source of law. Law is merely the expression of human will or mind. Since ethics and morality are man-made, so also is law. Humanists' law is rooted in human opinion, and thus is relative and arbitrary.

Two important figures in the history of law are Samuel Rutherford (1600-1661) and William Blackstone (1723-1780). Rutherford's *Lex Rex* (written in 1644) had profound effect on British and American law. His treatise challenged the foundations of 17th century politics by proclaiming that law must be based upon the Bible, rather than upon the word of any man.

Up until that time, the king had been the law. The book created a great controversy because it attacked the idea of the divine right of kings. This doctrine had held that the king or the state ruled as God's appointed regent. Thus, the king's word had been law. Rutherford properly argued from passages such as Romans 13 that the king, as well as anyone else, was under God's law and not above it.

Sir William Blackstone was an English jurist in the 18th century and is famous for his *Commentaries on the Law of England* which embodied the tenets of Judeo-Christian theism. Published in 1765, the *Commentaries* became the definitive treatise on the common law in England and in America. According to Blackstone, the two foundations for law are nature and revelation through the Scriptures. Blackstone believed that the fear of the Lord was the beginning of wisdom, and thus taught that God was the source of all laws. It is interesting that even the humanist Rousseau noted in his *Social Contract* that one needs someone outside the world system to provide a moral basis for law. He said, "It would take gods to give men laws."



Unfortunately, our modern legal structure has been influenced by relativism and utilitarianism, instead of moral absolutes revealed in Scripture. Relativism provides no secure basis for moral judgments. There are no firm moral absolutes upon which to build a secure legal foundation.

Utilitarianism looks merely at consequences and ignores moral principles. This legal foundation has been further eroded by the relatively recent phenomenon of sociological law. In this view, law should be based upon relative sociological standards. No discipline is more helpless without a moral foundation than law. Law is a tool, and it needs a jurisprudential foundation. Just as contractors and builders need the architect's blueprint in order to build, so also lawyers need theologians and moral philosophers to make good laws. Yet, most lawyers today are extensively trained in technique, but little in moral and legal philosophy.

Legal justice in the Western world has been based upon a proper, biblical understanding of human nature and human choice. We hold criminals accountable for their crimes, rather than excuse their behavior as part of environmental conditioning. We also acknowledge differences between willful, premeditated acts (such as murder) and so-called crimes of passion (i.e., manslaughter) or accidents.

One of the problems in our society today is that we do not operate from assumptions of human choice. The influence of the behaviorist, the evolutionist, and the sociobiologist are quite profound. The evolutionist and sociobiologist say that human behavior is genetically determined. The behaviorist says that human behavior is environmentally determined. Where do we find free choice in a system that argues that actions are a result of heredity and environment? Free choice and personal responsibility have been diminished in the criminal justice system, due to the influence of these secular perspectives.

It is, therefore, not by accident that we have seen a dramatic

change in our view of criminal justice. The emphasis has moved from a view of punishment and restitution to one of rehabilitation. If our actions are governed by something external, and human choice is denied, then we cannot punish someone for something they cannot control. However, we must rehabilitate them if the influences are merely heredity and environmental. But such a view of human actions diminishes human dignity. If a person cannot choose, then he is merely a victim of circumstances and must become a ward of the state.

As Christians, we must take the criminal act seriously and punish human choices. While we recognize the value of rehabilitation (especially through spiritual conversion, John 3:3), we also recognize the need for punishing wrong-doing. The Old Testament provisions for punishment and restitution make more sense in light of the biblical view of human nature. Yet today, we have a justice system which promotes no-fault divorce, no-fault insurance, and continues to erode away the notion of human responsibility.

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