

Christianity, Our Early State Constitutions, and American Federalism

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Our early state constitutions, declarations of rights and bills of rights were framed and ratified during and after the successful movement for the states' independence. They antedated the Articles of Confederation, our first national constitution, and its replacement, the United States Constitution. They were functioning fundamental laws before our national Constitution was framed. They were precedents for the Federal Constitution and its famous Bill of Rights.

The Federal Constitution was framed partly to establish a stronger central government than that provided by the Articles of Confederation and partly to provide a less democratic form of government than those of most of the states. Yet the form, features, principles and functions of the state constitutions, declarations of rights and bills of rights were emphatically influential on the structure, features, principles, and intended functions of the Constitution and its Bill of Rights.

The states were—and were intended to be—essential, indestructible units of the federal system of civil government which was established with the ratification of the Constitution of the United States of America. Representatives of the states framed the Constitution at Philadelphia in 1787 and the Bill of Rights in 1789. Representatives of the peoples of the states ratified the Constitution and, later, the Bill of Rights. Neither the Constitution nor the Bill of Rights was intended to abolish, replace, or transform the states or their fundamental laws.¹

The states under the Constitution had authority over all of their internal affairs—with the exception of those powers which the states had delegated to the new national government and the few key subjects over which the states themselves, in the Constitution, forbade the state governments to exercise authority. The authority of the state governments (and of their local governments) was also limited, of course, by the provisions of each state's

1 See M. Stanton Evans, "The States and the Constitution", *The Intercollegiate Review*, Vol. 2, No. 3 (November-December, 1965), pp. 176-199.

constitution, declaration of rights, or bill of rights.

The Federal Constitution was not intended to establish a centralized government. Nor was it meant to create a legal system which would enable the central government to gradually usurp the powers of the states, to slowly centralize and increase power in the national government. Such intentions—evident or manifest for many decades in the nineteenth and twentieth centuries—were denied emphatically by the advocates of adoption of the Constitution.²

Nor was the Bill of Rights meant to create a centralized, or centralizing, national government. The Bill of Rights, quite clearly, was intended to deny authority to, and restrain the powers of, the national government, not the state governments. The Bill of Rights was not intended to apply to the states, nor to restrict the authority or actions of the state governments.

All of this meant that the original intention behind the U.S. Constitution was to leave the states' constitutional and governmental arrangements the way they were at the time of the ratification of the Constitution. Or to allow the people of the several states, within the limitations of the Constitution, to make what constitutional changes that they themselves—not the national majority, much less an elite or elites within the central government—saw fit to make in their own fundamental laws. Except for such changes as would be made by amendments to—not judicial reinterpretations of—the Federal Constitution, or by a new constitutional convention, the states were intended to retain authority over their own internal affairs. The Federal Constitution left changes in the states' constitutions, declarations of rights, and bills of rights to the people of each respective state.

The Christian Context of the States' Fundamental Laws

Now, the peoples of the several states were not of an indeterminate religious, cultural, and ethical background, profession, or belief. They were not—by any stretch of the imagination—either religiously, culturally, and ethically “neutral” or secularist. Nor were they to any significant—much less dominant—degree rationalistic, deistic, or what would later be called Unitarian in their religious, ethical, educational, legal or political professions and values. The peoples or societies of the several states were distinctly Christian and Protestant in their religious profession, culture (or subcultures), ethical and moral values, education, laws, and politics.

2 See Alexander Hamilton, James Madison, and John Jay, *The Federalist* (New York: The Modern Library, n.d; also available from other publishers), especially numbers 40-46, 47-51. For even more telling evidence, see Jonathan Elliot, *The Debates in the Several State Conventions on the Adoption of the Federal Constitution, as Recommended by the General Convention at Philadelphia in 1787*, or *Elliot's Debates*, 4 vols. (Washington: Taylor and Maury, 1854), which is even more authoritative than *The Federalist* because it contains the record of the actual debates in the state conventions which debated ratification of the Constitution. In these debates advocates of ratification made it clear that their purpose was neither immediate nor gradual centralization of power. This is a principal reason why these voluminous debates are not studied in American institutions of higher learning.

The newly independent states had more than 150 years of colonial history behind them in 1776, and that history was dominated by Christianity. There had been some decline in Christianity during that time, and some movement away from the Calvinistic, covenantal theology which had been predominant during the founding decades of the colonies. And there had been a growth of man-centered rationalistic thought which was manifested in Deism and would eventually produce Unitarianism and secularist rationalism. Yet what “Enlightenment” rationalism there was among the clergy had been overwhelmed by the Great Awakening (1735-1770s), which revived Christianity and Calvinism, even while it produced a revivalistic Evangelicalism which would eventually become predominant in American society. Laymen, of course, were widely and profoundly affected by the revivals of the Great Awakening. As Patricia U. Bonomi has shown, Christianity was influential in every section of the country, including the frontier, and at every social level during the pre-independence decades, and it affected politics as well as ecclesiastical matters.³ Even such non-Christian statesmen as Jefferson and Franklin were far more influenced by Christianity than by “Enlightenment” rationalism.⁴

Early American education remained overwhelmingly Christian and Protestant during the decades before, during, and after our early state constitutions, declarations, and bills of rights were established. This was true of every type and level of education: family education, home education, denominational and non-denominational education, and private education; elementary education, grammar school, preparatory school, and college. College education followed a curriculum which was basically unchanged since the mediæval period; however, it was Protestant because the American people were so overwhelmingly Protestant. Nor was Christianity divorced from the ethical and political instruction given at the college level (or at any level): on the contrary, Christianity was fundamental to the ethical and political teachings of American colleges which produced the new nation's leaders.⁵

Our early statesmen's and political writers' reading on politics was dominated by the Bible and conservative Protestant and Roman Catholic political thinkers. The Bible was, far and away, the source most frequently cited as authoritative by early American writers and commentators on politics. Conservative Protestant and Roman Catholic political thinkers were cited as authoritative by early American political writers far more frequently than were ancient or modern pagan political thinkers—including Hobbes and Rousseau.⁶

The teaching of law was similarly Christian in its foundation and content. Through

3 Patricia U. Bonomi, *Under the Cope of Heaven: Religion, Society and Politics in Early America* (New York: Oxford University Press, 1986).

4 See John Eidsmoe, *Christianity and the Constitution; The Faith of Our Founding Fathers* (Grand Rapids: Baker Book House, 1987), pp. 43-45.

5 See Archie P. Jones, *Christianity in the Constitution; The Intended Meaning of the Religion Clauses of the First Amendment*, Ph.D. Dissertation, University of Dallas, 1991 [available from UMI, 300 North Zeeb Road, Ann Arbor, Michigan 48106], pp. 79-144.

6 Charles S. Hyneman and Donald Lutz, “The Relative Influence of European Political Writers on Late Eighteenth-Century American Political Thought”, *American Political Science Review* 189 (1984), pp. 189-197. This study is ably summarized and supplemented in Eidsmoe, pp. 51-53.

William Blackstone's *Commentaries on the Laws of England* (four volumes: 1765-1769), early American lawyers, gentlemen, and gentlewomen received a clearly Christian philosophy of law which pointed men to the original “law of nature” revealed by God to Adam in the Garden of Eden, and, given the reality of Original Sin, to the Scriptures as the ultimate standard of law.⁷

The content of the English common law, the law inherited from England—and from the mediæval past when the laws of the countries of the West were Christianized—was plainly (though that is not to say perfectly) Christian.⁸

The laws which the states inherited from their colonial past were also clearly Christian and Protestant, as were the colonial charters under which those laws had been enacted. Two states retained their colonial Charters (which were Christian documents) as constitutions well into the nineteenth century—Connecticut until 1818, and Rhode Island until 1842. Moreover, the Christian English common law was not abandoned with independence, but remained fundamental to the laws of the states.⁹

Furthermore, a long tradition of Christian theories of the right and duty of resistance against tyranny was the foundation and motivation of the War for Independence. Clearly traceable to the Bible, these theories of the right of resistance had been formulated during the long Christian centuries of the mediæval period, revived because of the religious persecution of Lutherans and Calvinists during the Protestant Reformation, and embodied in various books and other documents which were influential on the movement for the American states' independence. Such teachings had been conveyed to early American citizens and statesmen by the clergy, from the pulpits and via sermons and lectures delivered on official public occasions.¹⁰

Finally, Christian purposes, principles, leadership and involvement were emphatically evident in the whole effort which eventually achieved the states' independence. In fact, the leaders of American political life at the state as well as the federal level continued to be overwhelmingly Christian in their public profession long after the achievement of independence.

7 Various editions of this old classic are available. The University of Chicago published a reprinted edition in 1990. The best, that produced by Saint George Tucker, and now out of print, contains some citations from Scripture.

8 See Harold J. Berman, *Law and Revolution; The Formation of the Western Legal Tradition* (Cambridge: Harvard University Press, 1983), and Jones, pp. 1-78; 145-230.

9 See Jones, pp. 145-230 and passim.

10 Jones, pp. 90-93. For an excellent set of examples of such public political sermons, see Ellis Sandoz, ed., *Political Sermons of the American Founding Era 1750-1805* (Indianapolis: Liberty Press, 1991). The best exposition of the teachings of these long-neglected public political sermons is Ellis Sandoz, *A Government of Laws: Political Theory, Religion, and the American Founding* (Baton Rouge: Louisiana State University Press, 1990).

Christian Constitutions, Declarations, and Bills of Rights

It would have been surprising, in light of this background, if our early states' fundamental laws were what we have been accustomed to being told they were—anything other than Christian. Contrary to the long-regnant secularist or “religious neutralist” (“religious pluralist”) mythologies, the constitutions, declarations, or bills of rights of our early states were emphatically Christian.

The rhetoric of these early documents was, insofar as it was religiously or philosophically identifiable, *unmistakably Christian*. It recognized and proclaimed the existence, importance and nature of God. He was recognized to be: one God (South Carolina, Connecticut), good (Massachusetts), Almighty (North Carolina, Delaware, Pennsylvania, New Jersey, Vermont), the Supreme Being (Massachusetts), the Creator (Massachusetts), the Great Legislator of the Universe (Massachusetts), the Governor of the Universe (Pennsylvania, Vermont), and the inspirer of the scriptures of the Old and New Testaments (South Carolina, Pennsylvania). His Divine Providence was recognized (New York, Connecticut, Massachusetts), as was the fact that He is Savior and Lord (Connecticut). The Preamble to the Massachusetts Declaration of Rights (1780) made it clear that the action of the statesmen who framed that state's fundamental law was under the authority and providential rule of the Lord:

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the Great Legislator of the Universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit, and solemn compact with each other; and of forming a new Constitution of Civil Government, for ourselves and posterity, and devoutly imploring His direction in so interesting a design, Do agree upon, ordain and establish, the following Declaration of Rights, and Frame of Government, as the Constitution of Massachusetts.

Their references to God—particularly when seen in the context of these documents' other provisions—made it clear that these declarations and constitutions were made by men who plainly recognized and acknowledged God's nature and authority, as well as man's dependence upon the Lord's authority and providential rule. The makers of these documents saw their compact with each other as being framed under the authority of Almighty God.

These fundamental laws spoke of “rights”, “natural rights”, and “the law of nature”. But the context of such terms made it clear that *these rights and this law, have their origin in the God who is the Providential Ruler of His created universe* (“nature”), not in the mere desires of man or the arbitrary actions of man's civil governments. The rights which these declarations and bills of rights set forth were God-given, not man-made. Clearly, the ethical, legal, and political tradition of the mediæval period, the Reformation,

and Christianity, not modern man-centered thought, was the source of such concepts.

These documents spoke of *duties* and of *virtue* as well as of rights, and *they made it clear that "religion" (Christianity) is essential to the maintenance of virtue, and thus of liberty.* Perhaps the Massachusetts Declaration of Rights (1780) best stated these relationships:

III. As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused throughout a community but by the institution of public worship of God, and of public instructions in piety, religion and morality: Therefore, to promote their happiness and to secure the good order and preservation of their government, the people of this Commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies-politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily....

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law; And no subordination of any one sect or denomination to another shall ever be established by law.

These early state constitutions, declarations and bills of rights were clearly products of the tradition of Christian covenantal or federal political thought which had been bequeathed to the United States through the Protestant Reformation. Their recognitions of God—particularly in their recognition of Him as the Great Legislator of the Universe, as the Governor of the Universe, and as the Providential Ruler of the universe and of history—certainly implied men's, states' and nations' dependence upon Him. These recognitions of the being and nature of God also implied the necessity of obedience to Him, the danger of His divine chastisement or judgment upon disobedience to Him, and the possibility of His blessings on a state or nation whose people had faith in Him and kept His commandments. Such principles were also implied in constitutions' and declarations' statements of the duty of public worship of God, and especially in the numerous statements of the relationship between true religion, the maintenance of virtue, and the preservation of liberty.

State constitutions or laws requiring *Christian religious test oaths for the holding of public office* also evidenced belief in the people of the state having a covenantal relationship with God. Some of the states which required religious test oaths for the holding of civil office explicitly stated the necessity of one's believing in the Trinity. Other states which had such oaths clearly implied the Biblical doctrine of God, by

requiring affirmation of belief in Christianity or in Protestant Christianity.¹¹

Disestablishment Was Not De-Christianization

The much-celebrated and misinterpreted disestablishment of various colonies' or states' established churches which accompanied or followed the states' declarations of independence and constitutions was not intended to de-Christianize the laws of the states. In no state—including the celebrated Virginia—did such a motive rule, or even play a significant role in, the movement for ending the state's legal support of one church or denomination as the official church of the state.

Nor did it in fact do so. *Disestablishment was overwhelmingly the work of Christians, with the help of a very few prominent professing Christians such as Jefferson (who was not a Deist but what would later be called a Unitarian)—not of secularists, Deists, rationalists, or unbelievers. And having achieved disestablishment, these Christian citizens and statesmen did not proceed to divorce or exclude Christianity from the conduct of their state and local governments or from their states' laws.*

The states' laws retained their intimate, fundamental connection with Christianity and Christian ethics long, long after independence and disestablishment.¹²

Christian Principles

Christian principles were fundamental to these early state constitutions, declarations of rights, and bills of rights. These documents were not all equally Christian in their rhetoric or in their embodiment of Biblical principles, but they were all identifiably—and most were unmistakably—Christian.

We have seen that *Christian rhetoric* was basic to the state declarations, constitutions, and bills of rights. Although today ungodly politicians have given rhetoric a bad name, the art of rhetoric does not deserve such a stigma. For rhetoric was traditionally understood to be the art of persuading people to do what they ought to do, and this implies its communication of a sound religious-philosophy and a sound system of ethics. The rhetoric of these early fundamental laws did communicate a sound religious-philosophy and sound ethics: Christian philosophy and ethics. This Christian rhetoric thus conveyed a valuable set of theological, ethical, and legal teachings to those who read or studied the states' constitutions, declarations, or bills of rights.

A Christian understanding of God was also fundamental to these states' constitutions and declarations. While they were neither theological treatises nor documents based upon an

11 Jones, pp. 339-477; see also Archie P. Jones, *Christianity and Our Early State Constitutions, Declarations, and Bills of Rights*, Parts I and II (Marlborough, New Hampshire: Plymouth Rock Foundation, 1994).

12 Jones, *Christianity in the Constitution*, pp. 395-477.

explicitly, systematically stated theological foundation, these instruments were clearly (or at least evidently, for they vary in the degree of theological precision and fullness) based upon a Christian understanding of the existence and nature of God. This is seen not only from the documents' rhetorical references to God but also from the various other Christian provisions of these early constitutions, declarations and bills of rights.

A Christian understanding of the nature of man was fundamental to these documents. *Man was seen as being created by God, not as an accidental product of blind, irrational evolutionary chance.* He was therefore seen as being responsible, under God and before the civil government authorities, for his deeds. His deeds were seen to be under the standard of God's law, revealed in nature and—the documents' Christian provisions make clear—in Scripture. This was the case whether a man is an official of civil government or a private citizen. All men's actions are to be evaluated—and limited—according to the standard of God's laws revealed in nature and in Scripture.

Man was also seen as having fallen into sin. Original Sin was seen as basic to the nature of man—to all men, the many as well as the few. It was this awareness which was a foundation of these constitutions' and declarations' numerous provisions placing principled as well as institutionalized legal restraints on the powers of the civil governments which they established. Although experience led most of the Framers of the United States Constitution to frame a less democratic representative government than those of the states' constitutions, the civil governments established by these constitutions were by no means simple majoritarian democracies. The democratic republics which these state constitutions established were not intended to be based on unlimited majority rule, unmitigated by any principles other than the changeability of the majority will. These were to be limited governments. Knowledge of the sinful nature of man was basic to the desire to formulate written constitutions and declarations of rights which would place legal limits on the authority and powers delegated to the mere men who would be placed in positions of civil government authority over the citizens and residents of the state. Consequently, these documents featured many institutional and legal limits on the powers of civil government, many limits on majority will.

In these documents, *man was seen as having certain inherent rights, liberties, and duties—under, and implicitly or explicitly from, God.* Rights were not based on mere human desires, after the vain notions of modern rationalistic or romantic theories of “natural rights” or “human rights”. This view of rights was not a simplistic individualistic concept of rights. Rights were seen as both individual and corporate: there are individual, God-given rights and rights possessed, under God, by civil governments, or by the people of the society from which civil governments are established. Rights were conceived as being consistent with Christian morality, and Christian morality was seen as being the necessary foundation of good laws.

The right to religious liberty was basic to most of these documents. Religious liberty, however, was not conceived in terms of modern, man-centered intellectual and moral relativism. There was an understanding that diverse religions teach differing systems of

ethics. Hence, *religious freedom was understood to be consistent with Christian ethics*, and so as to be contrary to the permission of an alleged "right" do, in the name of "religion" or "religious freedom", that which is wrong, that which violates Christian ethics. The Delaware Declaration of Rights (1776) exemplifies such an understanding:

Sect. 2. That all men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences and understandings; and that no man ought or of right can be compelled to attend any religious worship or maintain any ministry contrary to or against his own free will and consent, and that no authority can or ought to be vested in, or assumed by any power whatever that shall in any case interfere with, or in any manner controul the right of conscience in the free exercise of religious worship.

Sect. 3. That all persons professing the Christian religion ought forever to enjoy equal rights and privileges in this state, unless under colour of religion, any man disturb the peace, the happiness or safety of society.

Consistent with, and a part of these rights, were traditional rights, inherited principles of rightness and justice, embodied in the common law. The English common law was fundamentally (though that is not to say perfectly) Christian. It was formed during the mediæval period, when Europe was converted to Christianity and the world-and-life-views of most of the people of Europe were Christianized. With the peoples' conversion from paganism to Christianity came, sooner or later, a change in their views of ethics. From this changed view of right and wrong came, in the eleventh and twelfth centuries, the Christianization of the laws of the peoples of Europe. Although this was not accomplished perfectly, it did succeed in applying Biblical principles to virtually all areas of law. Hence, Biblical principles of rightness and justice were made legally binding in the common law and in other systems of European law. Because these laws and legal principles endured, many Biblical principles became traditional, legally recognized rights.¹³

The common law was (except for the parts of it that were obviously inconsistent with the principles of the independent states—a monarch, an hereditary nobility, the Church of England as the national established church, etc.) retained by the newly independent American states. Several states (Maryland, New Jersey, New York) made this explicit. In other states it was implicit. This meant that *the traditional, Biblically-based legal rights of Englishmen under the common law remained basic to the legal rights of the people of the new American states*. These rights included *rights to life, liberty, and property*. They also included procedural rights to justice which protect a person's life, liberty, person, and property: the right to a trial by a jury of one's peers, in the place where a crime is alleged to have taken place; the right to confront one's accusers; the right to bring witnesses to support one's defense; the right to habeas corpus; the right to petition rulers for a redress

13 For the best account of this process, see Harold J. Berman, *Law and Revolution; The Formation of the Western Legal Tradition* (Cambridge, Massachusetts: Harvard University Press, 1983).

of grievances, and many more.

All of the above principles make it clear that our early American constitutions, declarations, and bills of rights were founded upon the Biblical principle of *the de-divinization of the state*. Since God alone is Lord, civil government is merely an institution ordained by God to establish justice according to His law-word. It is under God and His law-word. It must act as His minister, in accordance with His standards of justice and law (Romans 13: 1-7f). God's standards of justice are not unknowable, but are revealed in the Holy Scriptures, which He has inspired. Civil government and its officials rightly have only that power which God's law-word permits, and may do only that which His law-word permits. Civil government officials must protect those who do good and restrain—by punishing—those who do evil: according to the immutable standards of good and evil which God's word has revealed.

Moreover, since God's only Son, Jesus Christ, is the only Savior, neither civil government nor any civil government official—or any other mere man—is, or can be, the savior of anyone, much less of the people of any society or of mankind. It is folly (unbelief, a denial of God's existence and attributes) to look to civil government for salvation, and so to permit it to attempt to exercise absolute power.

Such Biblical principles make it clear that civil government is, and must be *limited government*. The power and authority of civil governments and their rulers is and ought to be limited in accordance with God's standards of ethics, justice and law. The state, civil government, must not be unlimited; its officials must not be unrestrained. The state must not be permitted to usurp authority or powers, nor to undertake policies which God's word prohibits men and rulers to have or exercise.¹⁴

Constitutionalism—the creation of written constitutions by which to define and limit the authority, powers, functions and duties of civil governments and their various branches and officials—was a basic outworking of such Christian beliefs. The state constitutions, declarations, and bills of rights were manifestations of a long tradition of Christian constitutionalist theory and practice.

The principle of *the rule of law and not of men*—the concept that law, under God, must be supreme over, and place limitations upon, civil government rulers and officials—was a further, obviously related, outworking of Christian faith, applied to civil government and law. This principle, so visible in the famous Declaration of Independence, was, like the philosophy of the Declaration, a part of the Christian heritage in law and government derived from the Bible, from Christian influence on ethical, legal, and political thought, and from Christian action in the mediæval period.¹⁵

14 On the de-divinization of the state, see Rousas John Rushdoony, *The One and the Many; Studies in the Philosophy of Order and Ultimacy* (Craig Press, 1971). On the relationship between Christianity and civil government, see Rousas John Rushdoony, *Christianity and the State* (Vallecito, California: Ross House Books, 1986).

15 See Gary T. Amos, *Defending the Declaration; How Christianity Influenced the Writing of the*

The right of resistance against tyranny was consistent, historically and philosophically, with the principle of the de-divinization of the state, as well as with the principles of constitutionalism, the revelation of ethical and legal absolutes, and the rule of law. A long tradition of Christian resistance theory, based upon the Bible and inherited from the mediæval period and the Reformation, lay behind our movement for independence and our states' constitutions.¹⁶ Christianity, Christian thought, and Christian action were basic to the American states' War for Independence.¹⁷

The right, or duty, of resistance against tyranny was one of the fundamental rights recognized in these state constitutions, declarations, and bills of rights. In many states this was implicit: they asserted and exercised such a right in the very act of declaring and achieving independence. Of those that made the concept explicit, the manifestly Christian Maryland Declaration of Rights (1776) stated it the most forcefully:

IV. That all persons invested with the legislative or executive powers of government are the trustees of the public, and, as such, accountable for their conduct; wherefore, whenever the ends of government are perverted and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought, to reform the old or establish a new government. The doctrine of non-resistance, against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

As has been noted, these early fundamental laws also evidenced *an awareness of the connection between religion, virtue, and the preservation of liberty*. Such an awareness was common among our early statesmen and ministers, who were fairly diligent in teaching the principle to the public. Many state constitutions and declarations had provisions recognizing that true religion is necessary to the preservation of morality, which in turn is necessary to the preservation of liberty. The Massachusetts Declaration of Rights (1780) contained perhaps the best statement of the principle:

XVIII. A frequent recurrence to the fundamental principles of the

Declaration of Independence (Brentwood, Tennessee: Wolgemuth and Hyatt, 1989).

- 16 The best survey of this tradition is Quentin Skinner, *The Foundations of Modern Political Thought; Volume Two: The Age of Reformation* (Cambridge: Cambridge University Press, 1978). See also Julian H. Franklin, trans. and ed., *Constitutionalism and Resistance in the Sixteenth Century; Three Treatises by Hotman, Beza and Mornay* (New York: Pegasus, 1968), Richard L. Greaves, *Theology and Revolution in the Scottish Reformation; Studies in the Thought of John Knox* (Grand Rapids: Christian University Press, 1980), and Samuel Rutherford, *Lex Rex* (Harrisonburg, Virginia: Sprinkle Publications, [1644] 1982). For simple surveys of the doctrine of the right of resistance against tyranny, see Francis A. Schaeffer, *A Christian Manifesto* (Westchester, Illinois: Crossway Books, 1982), and Archie P. Jones, "Christian Resistance Against Tyranny", audio and videotape (Fort Lauderdale, Florida: Coral Ridge Ministries, 1990).
- 17 Archie P. Jones, "The Christian Roots of the War for Independence", *The Journal of Christian Reconstruction*, Vol. III, No. 1 (Summer, 1976), pp. 6-54; see also John W. Robbins, "The Political Philosophy of the Founding Fathers", *The Journal of Christian Reconstruction*, Vol. III, No. 1 (Summer, 1976), pp. 52-68.

constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the commonwealth.

These are some of the key Christian principles which can be discerned in our early states' constitutions, declarations of rights, and bills of rights. This brief survey of such principles neither exhausts nor fully expounds the Christian principles which are to be found in these documents, but it does give us an accurate sketch of the nature and scope of the Christian influence upon our early states' fundamental laws.

The Framework of the Constitution and Bill of Rights

These constitutions, declarations, and bills of rights were precedents and models for the Constitution of the United States and its famous Bill of Rights. They were the legal and political framework for the Constitution and its Bill of Rights. The United States Constitution and its Bill of Rights are incomprehensible—or at least are subject to gross misinterpretation or distortion—without a knowledge of these early state constitutions, declarations of rights, and bills of rights.

No national constitution which proposed to abolish the states, to subject the internal affairs of the states to central government control beyond that which the U.S. Constitution authorized, or to make concentration of power in the central government easy, or a mere matter of changing the “interpretation” of certain selected clauses in the Constitution would have been ratified. No such constitution *could* have been ratified.

Nor would a national constitution or bill of rights which proposed to destroy or erode the Christian principles of the states' constitutions, declarations, and bills of rights have been approved by the representatives of our early states. Our early states' fundamental laws were intended to embody and preserve Christian principles for an overwhelmingly Christian, Protestant people. A “religiously neutral” Constitution or Bill of Rights which lowered Christianity to a position of religious and ethical equality with all the false religions of the world would have set the religious-philosophy of the national government in opposition to that of the states' constitutions, declarations or bills of rights, and would have tended to destroy the principles upon which the states' fundamental laws were based. It would have set the central government on a course which would eventually destroy the large degree of justice and liberty achieved via the states' constitutions. A secularist Constitution or Bill of Rights would have had the same effects. Neither the United States Constitution nor the First Amendment—nor any other article of the Bill of Rights—was intended to destroy or to subvert the Christian principles of our early state constitutions,

declarations, and bills of rights. The United States Constitution, the First Amendment, and the whole Bill of Rights were intended to be consistent with the Christian religious and ethical views upon which our early state constitutions, declarations, and bills of rights were founded.¹⁸ With the states' constitutions, declarations of rights, and bills of rights, the United States Constitution and its Bill of Rights gave us a Christian federalism, a federal system of civil government based upon Christian principles.

Certainly our statesmen—in the central or national government as well as in the states' governments, and from the earliest days until well into the nineteenth century—saw the law of the land as being consistent with Christianity. Even in the national government, our elected representatives were not hesitant to connect and proclaim connections between Christianity, or Christian principles, and our history, civil government, “public policy”, and law.¹⁹ They knew that our federal system was a Christian political and legal order, a Christian federalism.

The Decline of Christian Federalism

America's Christian federalism was not a perfect system of applied Christianity. Yet it was a system of civil government which was intended to apply Biblical truths to civil government and law and which did succeed, to a large extent, in accomplishing its intent.

18 For extended statements of this view, see Jones, *Christianity in the Constitution*, Eidsmoe, *Christianity and the Constitution*, B.F. Morris, *Christian Life and Character of the Civil Institutions of the United States, Developed in the Official and Historical Annals of the Republic* (Philadelphia: George W. Childs, 1864). For further sources, see the Bibliography in Jones, pp. 764-805.

19 Evidence of the connection between Christianity and our central government is summarized in Jones, *Christianity in the Constitution*, pp. 654-734, and in the Bibliography, pp. 764-805. See also, in particular, Morris, *Christian Life and Character of the Civil Institutions of the United States*; Eidsmoe, *Christianity and the Constitution*; Ellis Sandoz, *Political Sermons of the American Founding Era 1750-1805* (Indianapolis: Liberty Press, 1991); Ellis Sandoz, *A Government of Laws: Political Theory, Religion and the American Founding* (Baton Rouge: Louisiana State University Press, 1990); Steven Alan Samson, *Crossed Swords: Church and State in American History*, Ph.D. dissertation, University of Oregon, 1984; Sanford H. Cobb, *The Rise of Religious Liberty in America* (New York: Cooper Square Publishers, [1902] 1968); Isaac A. Cornelison, *The Relation of Religion to Civil Government in the United States of America; A state without a Church but Not without a Religion* (New York: DaCapo Press, 1985); James A. Reichley, A. James, *Religion in American Public Life* (Washington, D.C.: The Brookings Institution, 1985); Tim LaHaye, *Faith of Our Founding Fathers* (Brentwood, Tennessee: Wolgemuth and Hyatt, 1987); Charles W. Dunn, *American Political Theology; Historical Perspective and Theoretical Analysis* (New York: Praeger, 1984). This connection between Christianity and our central government is also important in regard to the interpretation—and misinterpretation—of the First Amendment. See Robert L. Cord, *Separation of Church and State: Historical Fact and Current Fiction* (New York: Lambeth Press, 1982); Norman De Jong and J. Van Der Slik, *Separation of Church and State: The Myth Revisited* (Jordan Station, Ontario: Paideia Press, 1985); Daniel L. Driesbach, *Real Threat and Mere Shadow; Religious Liberty and the First Amendment* (Westchester, Illinois: Crossway Books, 1985); Philip Schaff, *Church and State in the United States: or The American Idea of Religious Liberty and Its Practical Effects* (New York: Charles Scribner's Sons, 1888); Anson Phelps Stokes, *Church and State in the United States*, 3 vols. (New York: Harper and Brothers, 1950); and John W. Whitehead, *The Separation Illusion; A Lawyer Examines the First Amendment* (Milford, Michigan: Mott Media, 1977).

It was therefore of great practical utility to the Republic and to its citizens and inhabitants. It secured a high degree of justice and liberty, godly order and freedom, for the people of these United States. These conditions led, in turn, to a high degree of prosperity and opportunity in these United States. This justice, order, liberty, prosperity and opportunity made the United States of America attractive to people who wanted to escape the oppressive conditions created by the less Christian or decidedly man-centered governments of Europe. Later such conditions attracted people from around the world.

The decline of the Christian federalism which is seen in our early states' fundamental laws was not due to any defects in the system of belief upon which our Christian federalism was based. Rather, it was based upon departures from, or rejections of, the predominant religious, ethical, and political consensus upon which our early state constitutions, declarations, and bills of rights had been established.

The causes of that decline are many. They include many failures of the church, of Christians:

- the rise of pietism, which truncated the scope of the Bible's authority and denied the duty of Christians to apply the principles of God's law-word in all areas of thought and life
- belief in the myth of neutrality—the notion that the mind of man is neutral in all, or nearly all, areas of thought and human action—which turned these areas over to the really sinful mind of supposedly neutral man, and so denied the authority of the revealed word and law of God in areas such as education, civil government, law, and politics
- the exaltation of “natural law” to a position of superiority over that of God's law-word revealed in the Bible—which had the same effects as, and was related to, the myth of neutrality
- Christians abandonment of education and intellectual pursuits—turning such crucial activities over to civil government and the modern pagans
- many Christians' preoccupation with the supposedly imminent end of the world—which *led, and leads*, to their neglect of our Lord's commandment to occupy until He returns (Luke 19: 13)
- Christians' neglect of our Lord's command to do all things whatsoever that He has commanded us to do—neglect of the duty to apply His law-word to all areas of thought and life—neglect of the Great Commission (Matthew 28: 18-20)
- Christians' acceptance of false doctrines of unbelievers: the “higher criticism” of the Scriptures, rationalism, evolutionism, the social gospel, theological liberalism,

“neo-orthodoxy”, and other apostate theological views

- in short, Christians' failure to be salt and light.

Another chief set of causes lies in the destructive 'progress' of modern man-centered philosophical, theological, social, economic, psychological, political, and legal thought. Such thought is opposed, in principle and in practice, to a Bible-based, God-centered view of God, men and things, and particularly to Christian standards and principles of ethics and law. It has its anarchist wing and its near-anarchist libertarianism, as well as its collectivist mainstream; both are opposed to the Biblical principles upon which our early state constitutions and our whole federal system were founded. Its main political and legal thrust is the re-divinization of the state, of civil government, and particularly of the central government. Unlimited government, socialism, arbitrary, ungodly law, and hostility to Biblical principles of justice and liberty are basic to this re-divinization of the state. This is radically opposed to the limited, decentralized system of Christian republics bequeathed to us by the statesmen who gave us our early state constitutions, declarations, and bills of rights, as well as our Constitution and Bill of Rights.

A third set of causes is to be found in the ungodly ambitions and desires of men, who seek to gratify their lusts for power, blood, fame, wealth, others' property, sexual gratification, and the destruction of others via the political process. The intellectual and moral relativism of modern man-centered philosophical, theological, political, social, economic, and legal thought has fostered such sinful motivations and made it easier for thinkers, writers, teachers, and politicians to pursue courses of action dictated by such motivations. The de-Christianization and secularization of American education has increased such thinking and action exponentially. The failures of Christians have facilitated the decline. And the sins of Americans—the abandonment of a Biblical view of the world and of life, the neglect of our Christian history, the flight from responsibility, the surrender of education to the state, acquiescence to, or participation in secularist “crusades”, wars, etc.—have afforded ample opportunities for the destruction of both the Christian foundation of our original Christian federalism and that Christian federalism itself.

The Revival of Christian Federalism

America's Christian federalism is nearly dead. Those who are in positions of power in education, cultural influence, law, and politics are either ignorant of it or hostile to it. Virtually all of those who run our national government and state governments have world-and-life-views which are alien to the spiritual, ethical, legal, and political foundations upon which our Christian federalism was established. Despite lip service to the Constitution, they are ignorant of, or hostile to the intentions behind our Constitution and the federal system which it established. Hence, they misinterpret, neglect, and violate the Constitution the Bill of Rights, and the intended role of the states in our federal system with impunity.

Sadly, American Christians are ignorant of their heritage in religion, ethics, civil government and law. Most denominations have long since departed from the full-orbed Christian faith which established the moral, legal, and governmental foundations of this once great nation of states. Though recent decades have seen a great revival of Christian schools and home education, few Christian schools or curricula teach a Biblical view of the world and of life, an understanding of the Biblical foundations and principles upon which our civil governments and laws were based, and the duty of Christians to attempt to revive, restore, and improve the Christian federalism which is evident in our early constitutions, declarations, and bills of rights.

The Lord blessed Americans through our early constitutions, declarations, and bills of rights because of the Christian faith and obedience of the people and their elected representatives which was represented in those documents. Despite the shortcomings of these early documents, their nature, principles, and practical consequences are far superior to those of American civil governments today.

We will not see a revival of America's Christian federalism until there is a revival of the Christian foundations upon which our traditional Christian federalism was based. For this to occur, there must at least be a mighty movement of God's Spirit, which will produce a revival of true belief in the sovereignty of God over all areas of life, an application of Biblical principles to all areas of human thought and practice, a restoration of understanding of the true nature and principles of our early constitutions, declarations, bills of rights and laws, and comprehensive action by Christians to restore and improve the precious heritage which is visible in our early state constitutions, declarations of rights, and bills of rights.