

The Evangelical Origins Of The Living Constitution

For centuries, the concept of a "living Constitution" has been at the forefront of American constitutional thought and debate. This idea posits that the Constitution is not a static document, but rather an evolving and adaptable one that must be interpreted and applied in light of contemporary societal values and needs. While various factors have contributed to the development of this concept, one significant yet often overlooked influence is the role of evangelical Protestantism in shaping its theological and legal foundations.



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by John W. Compton

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Historical Connections

The roots of the living Constitution can be traced back to the early 19th century, a period marked by the rise of evangelical Protestantism in the United States. Evangelical leaders, such as Lyman Beecher and Horace

Bushnell, argued that the Constitution should not be understood as a rigid and unchanging document, but rather as a "living organism" that must adapt to the changing needs of the nation.

This view was rooted in their theological belief in the sovereignty of God and the progressive nature of human history. They believed that God's providence was guiding the nation's development, and that the Constitution should be interpreted in a way that reflected this ongoing process of improvement.

Theological Foundations

Evangelical Protestants drew upon several theological principles to support their view of the living Constitution. First, they emphasized the idea of "common law," a legal tradition that emphasized the importance of precedent and the gradual evolution of the law over time. They argued that the Constitution should be interpreted in accordance with this common law tradition, allowing for its adaptation to new circumstances.

Second, evangelicals emphasized the doctrine of "natural law," which holds that certain moral principles are inherent in human nature and can be discerned through reason. They believed that the Constitution embodies these natural law principles, and that it should be interpreted in a way that reflects these eternal truths.

Third, evangelicals emphasized the importance of "experience" in shaping legal interpretation. They argued that the Constitution should not be interpreted solely based on its text, but also in light of the lived experiences of the American people. This emphasis on experience laid the groundwork for a more flexible and adaptable approach to constitutional interpretation.

Influence on Legal Thought

The theological foundations of the living Constitution were instrumental in shaping the legal arguments advanced by evangelical leaders in the 19th century. They argued that the Constitution should be interpreted in a way that was consistent with the principles of common law, natural law, and experience. This approach was reflected in the writings of influential jurists such as Joseph Story and Lemuel Shaw, who played a significant role in developing the doctrine of judicial review.

The living Constitution concept also influenced the development of the "progressive" movement in the late 19th and early 20th centuries. Progressive reformers argued that the Constitution should be interpreted in a way that promoted social and economic justice. They believed that the living Constitution provided the flexibility and adaptability necessary to address the challenges of a rapidly changing society.

Ongoing Debates

The concept of a living Constitution remains a subject of ongoing debate in American legal discourse. Critics argue that it undermines the stability and predictability of the law, and that it allows judges too much discretion in interpreting the Constitution. Supporters, on the other hand, argue that it is essential for the Constitution to remain relevant and responsive to the needs of a changing society.

The debate over the living Constitution is ultimately a reflection of the tension between two competing visions of the American legal system: one that emphasizes stability and predictability, and one that emphasizes adaptability and responsiveness. This debate is likely to continue for many

years to come, as the search for a balance between these two competing values continues.

The evangelical origins of the living Constitution provide a fascinating lens through which to understand the development of this influential concept in American constitutional thought. Evangelical Protestantism's emphasis on the sovereignty of God, the progressive nature of human history, and the importance of experience laid the theological foundations for a view of the Constitution that emphasized flexibility and adaptability. This view has had a profound impact on legal thought and constitutional interpretation in the United States, and it continues to shape debates over the nature and purpose of the Constitution today.



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