

Title – Of Covenants: How Biblical Frameworks Informed American Constitutional Design

Program of Study – Government: Politics and Policy

Presentation Type - Three Minute Thesis

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Abstract – This presentation seeks to vindicate covenantalism as the authentic heritage of American liberty and constitutional design, especially when contrasted against such contemporary counterfeits as the Social Contract Theory. The tradition of organizing communities through the use of voluntary covenants can be traced as far back as the Reformation. In their attempt to apply Biblical frameworks to the whole of life, early Protestants gravitated to the covenant form as an essential instrument of social arrangement. This emphasis was particularly robust in the British Isles, as dissenting Protestants began using covenants to gather themselves together into voluntary church polities, independent of the Anglican hierarchy. Heavy persecution, however, soon caused several sects of dissenting Protestants – most prominently the Puritans and the Pilgrim Separatists – to flee the British Isles, and take refuge in America. When they arrived on the shores of New England, they found themselves with the need to create not just a church, but a state as well. The same covenantal form and structure which they had developed to create their ecclesiastical polity was now deployed to form civil polities as well, with the famous Mayflower Combination being the first and most significant American political covenant. From there, the civil covenant went through several stages of development, forming the basis for many colonial charters, compacts, and proto-constitutions, which themselves provided the foundation for early state constitutions. The National

Constitution of 1787 represents the pinnacle of this tradition, itself incorporating many highly and exclusively covenantal principles of societal combination and organization. This can be contrasted with certain Enlightenment rationalist conceptions of state-forming, most prominently the social contract theory, in the following ways: covenantalism assume the Law of Nature Theory, whereas the social contract assumes the State of Nature Theory; covenants are binding in perpetuity, whereas contracts are binding on the parties involved; and covenants create lasting union, whereas contracts can only create temporary alliance. Considering this, covenantalism as opposed to contractualism represents the authentic tradition of liberty and self-government exemplified in the American constitutional order and system.