THE DECLARATION OF INDEPENDENCE AND GOD

“Self-evident-truths” was a profound phrase used by the drafters of the American Declaration of Independence to insist on their rights and freedom from oppressive government. How did this Enlightenment concept of self-evident human rights come to be used in this historic document, and what is its true meaning?

In *The Declaration of Independence and God*, Owen Anderson traces the concept of a self-evident creator through America’s legal history. Starting from the Declaration of Independence, Anderson considers both challenges to belief in God from thinkers like Thomas Paine and American Darwinists as well as modifications to the concept of God by theologians like Charles Finney and Paul Tillich. Combining history, philosophy, and law in a unique focus, this book opens exciting new avenues for the study of America’s legal history.

The Declaration of Independence and God

SELF-EVIDENT TRUTHS IN AMERICAN LAW

Owen Anderson

Arizona State University
To John and Leanna
CONTENTS

Preface page ix

Introduction: The Formula of the Declaration of Independence: Epistemology, Metaphysics, Ethics . . . . . 1

1 Thomas Jefferson and Thomas Paine. . . . . . . . . . 31

2 The Reformed Influence on Common Sense Philosophy . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 50

3 Common Sense and the Self-Evident in Law . . . . . . 69

4 Intuition and the Self-Evident in Law . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 86

5 Naturalism, Darwinism, the Self-Evident, and Law. . . . . . 100

6 Revivalism, New Religious Movements, and Law. . . . . 124

7 Liberal Theology and Legal Transformations . . . . . . 140

8 Secular and Religious Goods in the Twentieth Century. . 157

Conclusion: Building on Past Insights: A Philosophy of History . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 173

Notes 179

Bibliography 191

Index 197

© in this web service Cambridge University Press
www.cambridge.org
PREFACE

This book is the product of my time as a research fellow in the James Madison Program at Princeton University. There I was able to pursue the question of what the Declaration of Independence means when it says that it is self-evident that God created humans. This book is a continuation of the research in my previous books. Wanting to know what is the highest good motivates these books. Early in my studies of philosophy, I came to recognize the difference between having an opinion, even a true opinion, and having knowledge. The many attempts to explain the difference between knowledge and opinion often by-pass the role of reason in showing what is clear. In topics such as God and the good, there are many competing beliefs or opinions. If we are responsible for knowing what is good then it must be clear to reason what is good.

I also came to understand that if we cannot know what is good, then we cannot be held responsible for failing to pursue the good. If we cannot know what is good, then it is a mere accident whether a person is pursuing what is actually good. This same is true about knowing God. If God cannot be known, then we cannot be held responsible for failing to know God. Out of this understanding came my desire to study our ability to know the good and God and contrast this with skepticism and fideism about these subjects.

This book was inspired by my children. They remind me that we are born asking fundamental philosophical questions. From our earliest years, we ask the basic questions about knowledge, reality, and the good. My hope for myself, for them, for my students, and for my readers is that we will continue to pursue this knowledge about the highest good.