

Introduction: Christianity and American Law

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Christianity and its sacred text have had a distinct and significant influence on American jurisprudence. This reflects Christianity's expansive influence on Western culture in general and legal tradition in particular. Christian influences were introduced to American legal culture and incorporated into law both directly through appeals to biblical texts and indirectly through the adoption of legal systems and practices that had long before drawn on Christian beliefs and customs. The first English colonists in British North America brought with them the common law, a system of jurisprudence they had known in England. According to authoritative common law jurists, including Sir Edward Coke, Sir Matthew Hale, Sir William Blackstone, and Lord Mansfield, Christianity is and always has been the foundation of the common law, and any expression of the common law inconsistent with divine revelation is invalid.¹ In colonies both north and south, the Bible was an important source for early colonial codes. The New England Puritans, especially, sought to establish Bible commonwealths based in part on biblical law as they understood it. A distinctly biblical influence – both Hebraic and Christian – was manifested in broad principles of law and politics and in specific laws, including provisions pertaining to Sunday or Sabbath observance, oaths, usury, blasphemy, marriage and domestic relations, various sexual practices, etc. And lest there be any doubt, written laws often included references to specific biblical authority for legal provisions contained in them. The law that emerged in the colonies was a blend of common law (adapted to local conditions), biblical law (interpreted through the lens of Protestant theology), and developing local customs.

A variety of intellectual, legal, and political traditions and perspectives informed American law and politics in the colonial and founding eras.

¹ See note 36 below.

Among the influences scholars have identified and studied are British constitutionalism, classical and civic republicanism, and Enlightenment liberalism (in a variety of forms). Christianity also contributed to American legal culture and jurisprudential thought, especially colonial and early national laws and traditions. Even before the adoption of the US Constitution, however, influential jurists and jurisprudential perspectives distinctly secular and at times antagonistic to Christianity began to emerge. These jurists and jurisprudential schools of thought were increasingly in tension with legal perspectives in harmony with traditional Christian thought. By the early nineteenth century and continuing to the present, secular and separationist perspectives increasingly challenged the propriety, legitimacy, and constitutionality of lingering Christian influences on law and politics. Thomas Jefferson, for example, disputed the ancient maxim that Christianity was the basis of common law.² Also, biblically inspired laws regarding Sabbath observance, blasphemy, and, in the twentieth century, the teaching of creation in public schools, were challenged through legislation and litigation.³ Christianity's influence on law was strongest in the colonial era, but it continued to exert influence in the founding era and the centuries that followed, albeit to a diminishing extent as other, secular, jurisprudential perspectives emerged and exerted influence on the legal culture. Indeed, the vestiges of Christian influences on American law have, over the course of the last two centuries, faced increasing challenges in courts of law and public opinion.

This chapter reflects on Christianity's influence on American law, starting with a brief overview of the Bible's mark on colonial laws. Attention is then turned to Christianity's and the Bible's contributions to an emerging constitutional tradition, culminating in the framing of the national constitution of 1787. Finally, several nineteenth-century controversies are briefly considered to illustrate challenges to Christian influences on selected laws and practices. This chapter's focus on Christianity's influence is not meant to discount, much less dismiss, other sources of influence or schools of thought that shaped American jurisprudence. Rather, highlighting Christianity's place in the legal culture provides a more complete picture of the ideas that informed American law.

² See note 34 below.

³ See generally Daniel L. Dreisbach, "The Bible in American Law," in *The Oxford Handbook of the Bible in America*, ed. Paul C. Gutjahr (New York: Oxford University Press, 2017), 276–288 (portions of this work were adapted for this chapter); Patrick M. O'Neil, "Bible in American Law," in *Religion and American Law: An Encyclopedia*, ed. Paul Finkelman (New York: Garland Publishing, 2000), 30–35.

BIBLICAL INFLUENCES ON COLONIAL LEGAL CULTURE

Since the first colonists arrived and established permanent settlements in British North America, Christianity and the Bible have had a significant impact on American legal culture. The New England Puritans, in particular, set out to build Bible commonwealths based on God's law and Reformed theology; accordingly, they looked to the Bible in establishing political and legal institutions. They consulted biblical sources for their laws because they feared that reliance on the mind of man to frame their laws, given humankind's fallen nature, would unavoidably taint their legal codes. The Puritan divine John Cotton remarked that "[t]he more any Law smells of man the more unprofitable."⁴ "[D]ivine ordinances, revealed in the pages of Holy Writ and administered according to deductions and rules gathered from the Word of God," were the only laws uncorrupted by a fallen, sinful world.⁵ Moreover, the Bible was a "unifying force" in the law insofar as it "commanded ultimate loyalty and juridical respect" from a Bible-loving people.⁶

Early colonial laws drew extensively from biblical sources, especially Mosaic law, and colonial jurists frequently cited Scripture as legal authority. The colonists, to be sure, did not adopt all aspects of biblical law, and the Bible was not the sole source of their laws. Indeed, they sometimes departed from a literal application of biblical legal pronouncements when a biblical provision did not appear to meet the pressing concerns and values of the community or they did not believe a biblical text was binding on them in their time and place.⁷ Nonetheless, the Bible was a vital, authoritative source of law in their new political communities.

The foundational expressions of law written in New England often claimed explicitly to be based on the "Word of God." When colonists convened in 1639 to frame the "Fundamental Articles for the Colony of New Haven," they unanimously affirmed that "the Scriptur[e]s doe holde forth a perfect rule for the direction and government of all men in all duet[ies] which they are to

⁴ John Cotton, "How Far Moses Judicials Bind Mass[achusetts]," in Worthington Chauncey Ford, *John Cotton's Moses His Judicials and Abstract of the Laws of New England* (Cambridge, MA: John Wilson and Son, 1902), 15; Worthington Chauncey Ford, "Cotton's 'Moses His Judicials,'" *Massachusetts Historical Society Proceedings*, 2nd series, XVI:284 n. 121.

⁵ John D. Cushing, introduction to *The Laws and Liberties of Massachusetts, 1641–1691: A Facsimile Edition, Containing Also Council Orders and Executive Proclamations*, 1 (Wilmington: Scholarly Resources Inc., 1976), xvi.

⁶ John W. Welch, "Biblical Law in America: Historical Perspectives and Potentials for Reform," *Brigham Young University Law Review* 2002 no. 3 (2002): 635.

⁷ See George Lee Haskins, *Law and Authority in Early Massachusetts: A Study in Tradition and Design* (New York: Macmillan, 1960), 145–154.

performe to God and men as well in the government of famyles and commonwealths as in matters of the chur[ch].”⁸ The New Haven colonists agreed “that the word of God shall be the only rule to be attended unto in ordering the affairs of government in this plantation.”⁹ The “Fundamental Orders of Connecticut” (1639), arguably the first written constitution in North America, declared that a governor and his council “shall have power to administer justice according to the Lawes here established, and for want thereof according to the rule of the word of God.”¹⁰ The “Massachusetts Body of Liberties” of 1641 identified “the word of god” as a standard of law.¹¹ It further affirmed that “No custome or prescription shall ever prevaile amongst us in any morall cause, our meaneing is maintaine anythinge that can be proved to bee morrallie sinfull by the word of god.”¹²

The Puritans were not alone among early colonists in their attraction to Mosaic law. Even before the Pilgrims and Puritans arrived in New England, the Virginians wove the laws of Moses into their rules and regulations. When discipline deteriorated in Jamestown, the Virginia Company of London retained Sir Thomas Dale, a professional military man, to restore order in the troubled, fractious settlement. Shortly after arriving in the colony in May 1611, he issued military regulations, supplementing a civil code promulgated the previous year, that together was known as “Articles, Lawes, and Orders, Divine, Politique, and Martiall for the Colony in Virginea” (1610–1611). These rules and regulations have been described as “the earliest extant English-language body of laws in the western hemisphere.”¹³ Like the legal codes subsequently framed in Puritan commonwealths to the north, it bore the unmistakable influence of the Ten Commandments (Exodus 20:1–17), as interpreted through the lens of their religious tradition. It prohibited and harshly punished speaking “impiously or maliciously against the holy and blessed Trinitie, . . . [or] the Christian faith,” blaspheming God’s “holy

⁸ “Fundamental Articles of New Haven” (1639), in *Colonial Origins of the American Constitution: A Documentary History*, ed. Donald S. Lutz (Indianapolis: Liberty Fund, 1998), 222.

⁹ Charles J. Hoadly, ed., *Records of the Colony and Plantation of New Haven, from 1638 to 1649* (Hartford: Case, Tiffany and Co., 1857), 21.

¹⁰ “Fundamental Orders of Connecticut” (1639), in *The Sacred Rights of Conscience: Selected Readings on Religious Liberty and Church-State Relations in the American Founding*, ed. Daniel L. Dreisbach and Mark David Hall (Indianapolis: Liberty Fund, 2009), 89.

¹¹ “Massachusetts Body of Liberties” (1641), in Lutz, *Colonial Origins*, 71; see the same language in “Connecticut Code of Laws” (1650), in Lutz, *Colonial Origins*, 242.

¹² “Massachusetts Body of Liberties” (1641), in Lutz, *Colonial Origins*, 79.

¹³ Brent Tarter, “Lawes Divine, Morall and Martiall,” *Encyclopedia Virginia* (Virginia Foundation for the Humanities, January 20, 2012). Web. Aug. 31, 2017.

name,” subjecting God’s “holy word” to derision, Sabbath-breaking, murder, swearing false oaths, bearing false witness, and committing adultery, fornication, sodomy, and other sexual offenses.¹⁴

Biblical precepts were woven into the fabric of early New England codes even more explicitly and extensively than Virginia’s law. A seminal code was the Massachusetts “Body of Liberties” (1641), which was enlarged upon in “The Laws and Liberties of Massachusetts” (1648). A decade after the Puritans arrived in Massachusetts Bay, and after several failed attempts to frame a body of laws, the Massachusetts General Court approved the “Body of Liberties” in December 1641.¹⁵ It has been described as the first code of laws established in New England and the first colonial bill of rights. Compiled by the Reverend Nathaniel Ward, the “Body of Liberties” borrowed from a draft code known as “Moses His Judicials” framed by the Reverend John Cotton, the colony’s leading clergyman, in 1636,¹⁶ which, in turn, was based largely on Mosaic principles. Cotton wanted to demonstrate the supremacy and sufficiency of God’s revealed Word for guiding a godly commonwealth in legal concerns. Ward’s version drew on both the English common law and Mosaic law with which he was familiar as a barrister and clergyman. Ward was a Cambridge-educated lawyer, clergyman, and pamphleteer. The son of a Puritan minister, he, too, became a leading Puritan minister in England, following a ten year career in the law. He eventually immigrated to Massachusetts in 1634 to escape the persecution of the Puritans. Few seventeenth-century jurists in British North America were more overt than he in incorporating biblical law into the laws of their community or as successful in advancing an explicitly Christian jurisprudence.¹⁷

The “Body of Liberties” borrowed from Mosaic law, as interpreted within the colony’s theological tradition, in mandating the death penalty for “worship[ing] any other god, but the lord god”; “Blasphem[ing] the name of God, the father, Sonne, or Holie ghost”; witchcraft; murder; man-stealing

¹⁴ “Articles, Lawes, and Orders, Divine, Politique, and Martiall for the Colony in Virginea” (1610, 1611), in Lutz, *Colonial Origins*, 315–318.

¹⁵ See generally Haskins, *Law and Authority in Early Massachusetts*, especially 113–140.

¹⁶ See Shira Wolosky, “Biblical Republicanism: John Cotton’s ‘Moses His Judicials’ and American Hebraism,” *Hebraic Political Studies* 4.2 (Spring 2009): 104–127.

¹⁷ K. Grudzien Baston, “Ward, Nathaniel (1578–1652),” in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: Oxford University Press, 2004), online ed., ed. David Cannadine, October 2006, www.oxforddnb.com/view/article/28700 (accessed October 20, 2017); Frederick S. Allis, Jr., *Nathaniel Ward: Constitutional Draftsman* (Ipswich, MA: Ipswich Historical Society, 1984). Ward and Cotton were among the handful of leading figures responsible for framing “The Laws and Liberties of Massachusetts,” the 1648 enlargement on the “Body of Liberties” and a code that would form the colony’s basic statutory law through the remainder of the seventeenth century. Haskins, *Law and Authority in Early Massachusetts*, 106, 132–134, 136.

(kidnapping); perjury with intent to secure the death of another; bestiality; homosexuality; and adultery.¹⁸ It also contained provisions, derived from diverse jurisprudential sources, which later Americans would recognize as essential to a regime of ordered liberty. Indeed, a number of the “liberties” set forth in the document found expression in the national Bill of Rights written in 1789 and added to the US Constitution in 1791. It affirmed in the first article, for example, the rights of due process of law. It then proceeded in subsequent sections to recognize equal protection under the law (art. 2), a right to trial by jury (art. 29), a right to a speedy trial (arts. 2, 41), a right to bail (arts. 18, 41), the protection of private property from a taking for public use without fair compensation (art. 8), a privilege against self-incrimination (art. 45), a prohibition on double jeopardy (art. 42), and a prohibition on cruel and unusual punishment (arts. 43, 46). In designated sections, it specifically recognized the rights or liberties of women, children, servants, “foreigners and strangers,” and “brute creatures.”

Biblical influence was evident in the laws of other New England colonies. Well over 50 percent of the provisions in a 1655 code adopted in New Haven, for example, give evidence of biblical authority.¹⁹ As one measure of that influence, every commandment in the Decalogue found expression in at least one of New England’s colonial legal codes. The biblical citations that often accompanied these early statutes underscored how closely and deliberately these provisions followed biblical precepts.

Historians have debated the nature of the relationship between the colonial codes explicitly based on “the Lawes of God”²⁰ and the common law the colonists brought with them from England. As Daniel J. Boorstin observed: “Scholarly dispute as to whether early New England law was primarily scriptural or primarily English is beside the point. For early New Englanders these two turned out to be pretty much the same.” These pious settlers believed English common law was derived from Christianity and biblical sources and, thus, biblical law and common law were thought to be in substantial harmony. The New England Puritans, to be sure, made statutory revisions to the common law, especially to the catalog of capital offenses, which aligned their laws even more closely with Mosaic law.²¹ They saw a coincidence, for

¹⁸ “Massachusetts Body of Liberties” (1641), in Lutz, *Colonial Origins*, 83–84.

¹⁹ Louis Israel Newman, *Jewish Influence on Christian Reform Movements*, vol. 23 of Columbia University Oriental Studies (Columbia University Press, 1925; reprinted New York: AMS Press, 1966), 642.

²⁰ “The Lawes and Liberties of Massachusetts” (1647), in Lutz, *Colonial Origins*, 99.

²¹ Daniel J. Boorstin, *The Americans: The Colonial Experience* (New York: Random House, 1958), 28.

the most part, “between what the scriptures required and what English law had already provided.”²² They were clear, however, that biblical law took priority over man’s laws, including the laws of England. In short, they believed that no human law should be permitted to contradict the revealed or divine law found in Scripture.

THE BIBLE AND THE AMERICAN CONSTITUTIONAL TRADITION

The founding generation, in the last third or so of the eighteenth century, contributed to an evolving constitutional tradition built on biblical, European, and American legal foundations. Many in the founding era retained a profound respect for the Bible and its relevance to their legal culture. Judge Nathaniel Freeman, in an 1802 charge to a Massachusetts grand jury, expressed the deference many in the new nation continued to accord biblical law: “The laws of that system . . . must be respected as of high authority in all our courts. And it cannot be thought improper for the officers of [our] government to acknowledge their obligation to be governed by its rules.”²³

Despite increased secular influences, Americans continued to draw on legal principles informed by Scripture in framing new constitutions at both the state and national levels. Contrary to claims that the US Constitution crafted in Philadelphia in the summer of 1787 was a strictly secular – or even “godless” – document,²⁴ selected constitutional provisions, in content and design, were familiar to a Bible-reading people. More important, the constitutional tradition and political vision that informed the US Constitution and the two dozen or so state constitutions framed in the wake of independence reflected biblical influences. These influences – both direct and indirect – were manifested in several ways:

First, general theological or doctrinal propositions regarding human nature, civil authority, political society, and the like informed conceptions and institutions of law and civil government.

Scholars have remarked, for example, that a biblical understanding of original sin and humankind’s radical depravity (Genesis 3) inspired the framers to design a constitutional system that would guard against the concentration or abuse of government powers vested in fallen human actors. The most

²² Boorstin, *The Americans*, 24.

²³ Nathaniel Freeman, *A Charge to the Grand Jury, at the Court of General Sessions of the Peace, holden at Barnstable, within and for the county of Barnstable, March term, A.D. 1802* (Boston: Manning & Loring, 1802), 7.

²⁴ See, e.g., Isaac Kravnick and R. Laurence Moore, *The Godless Constitution: The Case against Religious Correctness* (New York: W. W. Norton, 1996).

basic, fundamental features of the American constitutional design – limited government, separation of powers, checks and balances, and representative government – are best understood in the light of this theological doctrine of radical depravity and the attendant necessity to check, in the words of Federalist # 37, “the infirmities and depravities of the human character.”²⁵ This biblical anthropology was expressed in the Convention chambers. James Madison, for example, remarked: “The truth was that all men having power ought to be distrusted to a certain degree.”²⁶

Oaths of office and civic responsibility, ubiquitous in state constitutions and statutes in the founding era, were often explicitly premised on a belief in a future state of rewards and punishments – a belief in a heaven and hell. The South Carolina Constitution of 1778, for example, described a qualified elector as one who “acknowledges the being of a God, and believes in a future state of rewards and punishments.”²⁷ The Pennsylvania Constitution of 1790 stated: “no person, who acknowledges the being of a God and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this commonwealth.”²⁸

The Constitution’s four oath requirements found in Article 1, § 3, cl. 6; Article II, § 1, cl. 8; Article VI, cl. 3; and Amendment IV arguably mandated a profoundly religious act. Moral philosophers and constitutional framers in the founding era typically defined an oath as a solemn appeal to God for the

²⁵ Publius, *The Federalist*, Number 37, in *The Federalist*, The Gideon Edition, ed. George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001), 185. Because men are not angels, James Madison famously counseled in *The Federalist*, Number 51, “[a]mbition must be made to counteract ambition.” *Ibid.*, 268. Although this is the most famous passage, it is certainly not the only passage in *The Federalist Papers* that addresses humankind’s fallen nature. See also Publius’s warning in Number 6: do not forget “that men are ambitio[u]s, vindictive, and rapacious.” *Ibid.*, 21. In Number 10, Publius lamented that “[t]he latent causes of faction are thus sown in the nature of man”; and faction, of course, reflects man’s most base, selfish, oppressive, vexatious, and mischievous impulses. *Ibid.*, 43. In Number 15, Publius wrote: “Why has government been instituted at all? Because the passions of men will not conform to the dictates of reason and justice, without constraint.” A love of power and biased disregard to the “public weal” (or public good), Publius continued, “results from the constitution of man [or ‘human nature,’ in other editions].” *Ibid.*, 73, 74. In Number 24, Publius lamented that “a man of calm and dispassionate feelings . . . would indulge a sigh for the frailty of human nature.” *Ibid.*, 119. It should be acknowledged that various political traditions recognize the fallibility of human actors, but the tradition that most influenced Americans of the founding era on this point was Reformed Protestantism.

²⁶ Speech of James Madison, July 11, 1787, in *The Records of the Federal Convention of 1787*, ed. Max Farrand (New Haven: Yale University Press, 1911), 1:584.

²⁷ South Carolina Constitution of 1778, art. XIII.

²⁸ Pennsylvania Constitution of 1790, art. IX, sec. 4.

truth of what is said by a person who believes in the existence of a Supreme Being and in a future state of rewards and punishments.²⁹ The accompanying provisions permitting an “Affirmation” in the alternative to an oath were almost certainly an accommodation for Quakers, Moravians, Mennonites, and other religious sects for whom swearing oaths offended their religious scruples because they take literally the biblical injunction to “swear not at all” (Matthew 5:33–37; see also James 5:12) and, for some, they objected to references to God in oaths (fearing, perhaps, that this violated the Third Commandment).

Second, the founding generation saw in the Bible political and legal models that they sought to incorporate into their political and legal systems.

For example, in Article IV, § 4, cl. 1, the Constitution requires every state to maintain “a Republican Form of Government.” Many in the founding generation believed that the Hebrew commonwealth described in the Old Testament provided a divinely inspired model for republican government (see Exodus 18:13–27; Deuteronomy 1:9–18), which was worthy of emulation in their own political experiments. In an influential 1775 Massachusetts election sermon, Samuel Langdon, the president of Harvard College and later a delegate to New Hampshire’s constitutional ratifying convention, opined: “The Jewish government, according to the original constitution which was divinely established, . . . was a perfect Republic . . . The civil Polity of Israel is doubtless an excellent general model, allowing for some peculiarities; at least some principal laws and orders of it may be copied, to great advantage, in more modern establishments.”³⁰

²⁹ This standard definition of an oath was repeated in the debates on Article VI of the US Constitution in the state ratifying conventions. See, e.g., the July 30, 1788 speech of Judge James Iredell (NC), in *The Debates in the Several State Conventions on the Adoption of the Federal Constitution*, ed. Jonathan Elliot, 2nd edn., vol. 4 (Washington: Printed for the editor, 1836), 196. See also “Kentucky Constitution of 1792,” art. VIII, § 5; and “Kentucky Constitution of 1799,” art. VI, § 7, *Text of Kentucky Constitutions of 1792, 1799 and 1850* (Frankfort, KY: Legislative Research Commission, 1965). Virtually every late eighteenth-century moral philosopher defined oaths in similar terms. See, e.g., John Witherspoon, “Of Oaths and Vows,” in *Lectures on Moral Philosophy*, ed. Varum Lansing Collins (Princeton: Princeton University Press, 1912), 130.

³⁰ Samuel Langdon, *Government Corrupted by Vice, and Recovered by Righteousness. A Sermon Preached before the Honorable Congress of the Colony of the Massachusetts-Bay in New England, Assembled at Watertown, on Wednesday the 31st Day of May, 1775. Being the Anniversary Fixed by Charter for the Election of Counsellors* (Watertown: printed by Benjamin Edes, 1775), 11, 12. See also Samuel Langdon, *The Republic of the Israelites an Example to the American States. A Sermon, Preached at Concord, in the State of New-Hampshire; Before the Honorable General Court at the Annual Election. June 5, 1788* (Exeter: printed by Lamson and Ranlet, 1788), 8–12.

Most of what the founders knew about the Hebrew commonwealth they learned from the Bible. They were well aware that ideas like republicanism found expression in traditions apart from the Hebrew experience, and, indeed, they studied these traditions both ancient and modern. The republic described in the Hebrew scriptures, however, reassured pious Americans that republicanism was a political system that enjoyed divine favor. And this was reason enough for them to embrace this form of civil government.

Third, the Bible *may* have influenced some specific provisions written into the US Constitution. To be sure, it can be difficult to establish definitively that a specific constitutional provision was taken directly from a specific biblical text; rather, a more plausible claim is that constitutional principles were indirectly influenced by biblical concepts that had long before found expression in western legal tradition, especially in the English common law and, more recently, colonial laws.³¹

Consider, for example, Article I, § 7, cl. 2, which excepts Sundays from the ten days within which a president must veto a bill. This is an implicit recognition of the Christian Sabbath, commemorating the Creator's sanctification of the seventh day for rest (Genesis 2:1–3), the fourth commandment that the Sabbath be kept free from secular defilement (Exodus 20:8–11, 31:12–17), and, in the Christian tradition, the resurrection of Jesus Christ from the dead (Matthew 28:1–8; Mark 16:1–8; Luke 24:1–10; see also John 20:1–8).

The Article III, § 3, cl. 1 requirement that convictions for treason be supported by “the testimony of two witnesses” conforms to a familiar biblical mandate for conviction and punishment (see, e.g., Deuteronomy 17:6; see also Deuteronomy 19:15; Numbers 35:30; Matthew 18:16; John 8:17; 2 Corinthians 13:1; 1 Timothy 5:19; Hebrew 10:28).

For one final example, the Fifth Amendment, crafted by the first federal Congress, prohibits double jeopardy, or trying a defendant twice for the same offense, which St. Jerome in a late fourth-century commentary, and legal scholars ever since, have said was a principle found in the book of the prophet Nahum 1:9 (“affliction shall not rise up the second time”). This doctrine was incorporated into canon law and then transferred to civil law, common law,

³¹ The evidence for biblical influence on the US Constitution is not necessarily reflected in the abbreviated and arguably unreliable notes on deliberations in the Constitutional Convention of 1787. The delegates only occasionally referenced the Bible in debates on substantive provisions, which critics have said indicates that the Bible had little or no influence on the Constitution. This analysis, however, misses the multiple channels through which the Bible exerted its influence on the legal culture and constitutional tradition that informed the Constitution.