



## Creedal Nation vs. a Civil Association

America has a *creed* and this creed is embodied in our Declaration of Independence. Such is the frequency, and the certainty, with which this is said that few people think to question it. And of those who do think to question it, far fewer dare to do so, for to question it is to expose oneself to the charge that one is a heretic, an *anti-American*.

The America that was forged into an independent nation at the time of the composition of the Declaration had no creed. And it could not have had one. More so than most others in our history, the founding generation was consumed by the fear of tyranny. Its members knew all too well that there was nothing so poisonous to political liberty than that of a creed — any creed.

Creeds are the stuff of religious and philosophical *communities*. They contain statements of belief that all members of the community are expected to affirm. The Nicene Creed that Roman Catholics the world over affirm on a regular basis is a classic illustration of a creed. Individual Catholics consider themselves distinct parts of *one body*, a single community with a single vision of the good life. Irrespective of where one lives, anyone can belong to the Catholic, or “universal,” Church — as long as one accepts its Creed.

The pioneers who settled America were motivated first and foremost by their desire to advance their *liberties*. Where liberty of the sort with which the colonists were familiar prevails, so too does *individuality*, the freedom to think and act in ways that may deviate from those of the majority.

This is one strike against the notion that America was intended to be a community. Another is the fact that the generation of '76 regarded America as a *union* of sovereign states.

Together, these two considerations establish that America simply could not be a community in the sense in which “community” has ordinarily been understood.

Rather, America was understood by the Founders as a *civil association*. The members of a civil association do not share a vision of the good. What they share is an *interest* that *the law* that holds their association together be observed by every one of its members.

Unlike orders and commands, laws do not tell us *what* we must do. That is, they do not impose purposes upon those who are bound by them. Instead, laws are concerned with *how* we go about pursuing the purposes of our *own choosing*. Friedrich Hayek once likened the law to a map. A map specifies no destination. It does, however, inform us of the roads that are available to get us to whatever destinations we select for ourselves.

It is America’s Constitution — not the Declaration of Independence — that distinguishes America for the



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kind of association that it is. The Constitution is *law*. It is utterly devoid of the kind of lofty, utopian-friendly rhetoric of which the Declaration is ridden. There is not a trace of talk of “rights” to “life, liberty, and the pursuit of happiness,” rights that are held to be “unalienable” and “self-evident.” It doesn’t deny such rights. But it does exclude them.

The Constitution guarantees as wide a distribution of power and authority as is compatible with the existence of a federal government. It delineates a self-divided government, and the complex of constraints of which such a government consists. From these constraints, our liberties are derived.

Yet while lip service to the Constitution remains in vogue today, it has been a long, long time since America has functioned as the civil association that its founders intended for it to be. This explains why it is the Declaration that ideologues of all stripes invoke in justifying their programs, visionary plans requiring an ever larger, stronger national government.

In other words, the Declaration, with its resounding affirmation of self-evident, universal rights, comes ready-made as “the creed” of “the community” into which the apostles of Big Government are laboring away to *fundamentally transform* America.

Besides the destruction of the civil association that America was supposed to have been, the replacement of law and liberty with creed and compulsion, there is another big problem with the idea of America as a community or “creedal nation”: If being an American is all about affirming a set of propositions, then anyone anywhere and at any time can be an American. America’s borders are no more — and can be no more — than lines on a map. One never even needs to set foot on what is treated as American soil in order to be an American.

If you ask me, it is not the rejection of this idea of America as a creedal nation or community that it is anti-American. It is its endorsement that convicts us of anti-Americanism.



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