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Politics

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Abstract

This Article offers a capacious definition of politics and religion and then reviews selectively (1) some of the early modern European models of politics born of the Protestant Reformation; and (2) the transplantation and adaptation of some of these Protestant models in American history.

Keywords: politics, constitution, rule of law, democracy, Reformation, Lutheranism, Calvinism, Anabaptism, Anglicanism, medieval canon law, United States Constitution, First Amendment, religious freedom, establishment of religion

Introduction

In its most basic sense, politics (from the Greek word <u>polis</u>) is the activity of governing a discrete people and territory. Historically in the West, those who governed came to their positions by conquest, custom, or consent, by inheritance, election, or appointment. Some polities were organized as monarchies, some as oligarchies, some as democracies, most a mixture of the same. Their officers could be emperors, monarchs, or dukes, popes, bishops, or abbots, tribal chieftains, manorial princes, or feudal lords. Their regimes ranged from extended households, to bishoprics, to tribal lands, to cities, nations, and empires. Whatever their origin, organization, and orbit of influence, political officials in the West have generally engaged in a common set of activities that constitute the heart of politics. They protect and preserve the community and its welfare, make and enforce law, broker and resolve disputes, punish crime and civil offenses, negotiate diplomacy, collect taxes, raise armies, wage war, and engage in numerous activities that are necessary and proper to this office.

To be effective and enduring, political activity requires a balance of the political virtues and attributes of power, authority, coercion, persuasion, piety, charisma, justice, equity, clemency, courage, moderation, temperance, force, faithfulness, and more. Religious officials have long been essential political allies in striking this balance--

lending sanctity, legitimacy, and pageantry to the political office, counsel, comfort, and commodities to political officials. Strong Western Christian leaders over the centuries have also served variously as critics or condoners of political abuse, as agents or opponents of political reform and revolt. Strong Christian clergy over the centuries have also seized their own political power and established powerful polities to rival the civil powers.

Today, most Western nations have constitutions that define the powers and provinces of political authorities without much direct involvement from religious officials and with detailed provisions to govern the tender moments of political reform, transition, or expansion. Most Western nations now make formal distinctions among the executive, legislative, and judicial powers of government and functions of law, each designed in part to check and balance the other. Most have sophisticated rules and procedures to facilitate the legal transactions and interactions of their citizens and subjects and to resolve disputes between and among citizens and political authorities. Most recognize multiple sources of law and political power—-constitutions, treaties, statutes, regulations, judicial precedents, customary practices, and a growing body of private and public international laws.

Protestants have made important and diverse contributions to the development of Western political ideas and institutions, often reshaping Classical, Patristic, Scholastic, and Enlightenment traditions in so doing. This Article reviews selectively (1) some of the early modern European models of politics born of the Protestant Reformation; and (2) the transplantation and adaptation of some of these Protestant models in American history. *See further articles on Anabaptism; Anglicanism; Calvinism; Church and State Overview; Democracy; Evangelicalism; Human Rights; Lutheranism; Puritanism; Reformation.*

Protestant Political Models of Early Modern Europe

The sixteenth-century Protestant Reformation was, in part, an attack upon the political power and structure of the medieval Catholic Church. Since the twelfth century, the Church had been organized as an autonomous political corporation in Western Christendom. The Church claimed a vast jurisdiction--personal jurisdiction over clerics, pilgrims, students, heretics, and the poor, subject matter jurisdiction over doctrine and liturgy; church property and polity; marriage and family; inheritance and trusts; education and charity; contracts and oaths; and sundry moral and ideological crimes. While the Church could not make good on all these jurisdictional claims, particularly as papal power waned in the fourteenth and fifteenth centuries, many clerics held enormous political power.

By the fifteenth century, the Church had developed an elaborate system of laws, called canon laws, that prevailed throughout Western Christendom. Canon lawyers licensed by the Church collated the early apostolic constitutions and Christianized Roman law, which were then heavily supplemented by new papal and conciliar laws

and legal commentaries. A vast hierarchy of church courts and officials administered this canon law in accordance with sophisticated new rules of procedure and evidence. A vast network of church officials discharged the church's executive and administrative functions. The medieval Church was, in F.W. Maitland's famous phrase, "the first modern state in the West," its canon law the first modern international law.

The Protestant Reformation began as a call for freedom from this ecclesiastical regime--freedom of the individual conscience from canon laws and clerical controls, freedom of political officials from ecclesiastical power and privilege, freedom of the local clergy from central papal rule and revenue collection. "Freedom of the Christian" was the rallying cry of the early Reformation. Catalyzed by Martin Luther's posting of the 95 Theses in 1517 and his burning of the canon law books in 1520, the Reformation leaders denounced Church laws and authorities with unprecedented alacrity and urged radical political reforms on the strength of the new Protestant theology.

The Reformation broke the unity of Western Christendom and thereby laid the foundation for the modern Western system of political and religious pluralism. The Reformation broke the superiority of clerical authority and canon law and thereby vested new power in civil authorities and civil law. The Reformation broke the primacy of corporate Christianity, and thereby laid new emphasis upon the role of the individual in the economy of salvation and the individual rights that should attach thereto. Lutherans, Anabaptists, and Calvinists forged the three main Protestant political models, with Anglicans striking something of a via media among them.

Lutheranism. The Lutheran Reformation territorialized the Christian faith, and gave ample new political power to the local Christian magistrate. Luther replaced medieval teachings with a new two-kingdoms theory. The "invisible" church of the heavenly kingdom, he argued, was a perfect community of saints, where all stood equal in dignity before God, all enjoyed perfect Christian liberty, and all governed their affairs in accordance with the Gospel. The "visible" church of this earthly kingdom, however, embraced saints and sinners alike. Its members still stood directly before God and still enjoyed liberty of conscience, including the liberty to leave the visible church itself. But, unlike the invisible church, the visible church needed both the Gospel and human law to govern its members' relationships with God and with fellow believers. The clergy must administer the Gospel. The magistrate must administer the law.

Luther insisted that the church was not a political or legal authority. The church had no sword, no jurisdiction, no daily responsibility for the administration of law and politics. To be sure, church officers and theologians must be vigilant in preaching and teaching the law of God to magistrates and subjects alike, and in pronouncing prophetically against injustice and tyranny. But formal legal authority lay with the state not with the church, with the magistrate not with the cleric.

Luther and his followers regarded the local magistrate as God's vice-regent called to elaborate natural law and to reflect divine justice in his local domain. The best source and summary of natural law was the Ten Commandments and its elaboration in

the moral principles of the Bible. The magistrate was to cast these general principles of natural law into specific precepts of human law, designed to fit local conditions. Luther and his followers also regarded the local magistrate as the "father of the community" (Landesvater, paterpoliticus). He was to care for his political subjects as if they were his children, and his political subjects were to "honor" him as if he were their parent. Like a loving father, the magistrate was to keep the peace and to protect his subjects in their persons, properties, and reputations. He was to deter his subjects from abusing themselves through drunkenness, sumptuousness, gambling, prostitution, and other vices. He was to nurture his subjects through the community chest, the public almshouse, the state-run hospice. He was to educate them through the public school, the public library, the public lectern. He was to see to their spiritual needs by supporting the ministry of the local church, and encouraging attendance and participation through civil laws of religious worship and tithing.

These twin metaphors of the Christian magistrate--as the lofty vice-regent of God and as the loving father of the local community--described the basics of Lutheran political theory for the next three centuries. Political authority was divine in origin, but earthly in operation. It expressed God's harsh judgment against sin but also his tender mercy for sinners. It communicated the Law of God but also the lore of the local community. It depended upon the church for prophetic direction but it took over from the church all jurisdiction. Either metaphor of the Christian magistrate standing alone could be a recipe for abusive tyranny or officious paternalism. But both metaphors together provided Luther and his followers with the core ingredients of a robust Christian republicanism and budding Christian welfare state.

Accordingly, Lutheran magistrates in early modern Germany, Scandinavia, and Switzerland replaced traditional Catholic canon laws with new Lutheran civil laws on religious doctrine and worship, church administration and supervision, marriage and family life, education and poor relief, public morality and discipline for each local polity. Many of these local Lutheran legal reforms found constitutional protection in the principle of cuius regio, eius religio guaranteed in the Peace of Augsburg (1555) and again in the Peace of Westphalia (1648). Under this principle, each local magistrate was authorized to establish by civil law the appropriate forms of religious doctrine, worship, liturgy, charity, and education for his polity--with religious dissenters granted the right to worship and educate their children privately in their homes or to emigrate peaceably from the polity. This new constitutional policy rendered the German region of the Holy Roman Empire, with its 350 plus polities, a veritable honeycomb of religious and political pluralism.

Anabaptism. Contrary to Lutherans, Anabaptists advocated the separation of the redeemed realm of religion and the church from the fallen realm of politics and the state. In their definitive Schleichtheim Confession (1527), the Anabaptists called for a return to the communitarian ideals of the New Testament and the ascetic principles of the apostolic church. The Anabaptists eventually splintered into various groups of Amish, German Brethren, Hutterites, Mennonites, Swiss Brethren, and others. Some of these splinter groups were politically radical or utopian, particularly those following the

tradition of Thomas Münster of Germany. But most Anabaptist communities by the later sixteenth century had become Christian separatists.

Anabaptist communities ascetically withdrew from civic life into small, self-sufficient, intensely democratic communities. When such communities grew too large or too divided, they deliberated colonized themselves, eventually spreading the Anabaptist communities from Russia to Ireland to the furthest frontiers of North America. These communities were governed internally by biblical principles of discipleship, simplicity, charity, and non-resistance. They set their own internal standards of worship, liturgy, diet, discipline, dress, and education. They handled their own internal affairs of property, contracts, commerce, marriage, and inheritance without appeal to state law.

The state, most Anabaptists believed, was part of the fallen world, which was to be avoided so far as possible. Though once the perfect creation of God, the world was now a sinful regime beyond the perfection of Christ and beyond the daily concern of the Christian believer. God had allowed the world to survive through his appointment of state magistrates who were empowered to use coercion and violence to maintain a modicum of order and peace. Christians should thus obey the political authorities, so far as Scripture enjoined, such as in paying their taxes or registering their properties. But Christians were to avoid active participation in and interaction with the world. Most early modern Anabaptists were pacifists, preferring derision, exile, or martyrdom to active participation in war. Most Anabaptists also refused to swear oaths, or to participate in political elections, civil litigation, or civic feasts and functions. This aversion to political and civic activities often triggered severe reprisal by Catholics and Protestants alike. Anabaptists suffered waves of bitter repression throughout the early modern era.

While unpopular in its genesis, Anabaptist theological separatism ultimately proved to be an influential source of later Western political arguments for separation of religion and politics and for protection of the civil and religious liberties of religious minorities. Equally important for later political developments was the new Anabaptist doctrine of adult baptism. This doctrine gave new emphasis to religious voluntarism as opposed to traditional theories of birthright or predestined faith. In Anabaptist theology, the adult individual was called to make a conscious and conscientious choice to accept the faith--metaphorically, to scale the wall of separation between the fallen world and the realm of religion to come within the perfection of Christ. Later Free Church followers, both in Europe and North America, converted this cardinal image into a powerful platform of liberty of conscience and free exercise of religion not only for Christians but eventually for all peaceable believers.

Calvinism. The Calvinist Reformation charted a course between the Erastianism of Lutherans that subordinated the church to the state, and the asceticism of Anabaptists that withdrew the church from the state and society. Like Lutherans, Calvinists insisted that each local polity be an overtly Christian commonwealth that adhered to the general principles of natural law and that translated them into detailed

positive laws of religious worship, Sabbath observance, public morality, marriage and family life, social welfare, public education, and more. Like Anabaptists, Calvinists insisted on the basic separation of the offices and operations of church and state, leaving the church to govern its own doctrine and liturgy, polity and property, without interference from the state. But, unlike both groups, Calvinists insisted that both church and state officials were to play complementary roles in the creation of the local Christian commonwealth and in the cultivation of the Christian citizen.

Building on the work of the Genevan reformer John Calvin, Calvinists emphasized more fully than other Protestants the educational use of the natural and positive law. Lutherans stressed the civil and theological uses of the natural law--to deter sinners from their sinful excesses and to drive them to repentance. Calvinists emphasized the educational use of the natural law as well-- to teach persons both the letter and the spirit of the law, both the civil morality of human duty and the spiritual morality of Christian aspiration. While Lutheran followers of Philip Melanchthon had included this educational use of the natural law in their theology, Calvinists made it an integral part of their politics as well. They further insisted that not only the natural law of God but also the positive law of the state could achieve these three civil, theological, and educational uses.

Calvinists also emphasized more fully than other Protestants the legal role of the church in a Christian commonwealth. Lutherans, after the first two generations, left law largely to the Christian magistrate. Anabaptists gave the church a strong legal role, but only for voluntary members of the ascetically withdrawn Christian community. Calvinists, by contrast, drew local church officials directly into the enforcement of law for the entire Christian commonwealth and for all citizens, regardless of their church affiliation. In Calvin's Geneva, this political responsibility of the church fell largely to the consistory, an elected body of civil and religious officials, with original jurisdiction over cases of marriage and family, charity and social welfare, worship and public morality. Among most later Calvinists--French Huguenots, Dutch Pietists, Scottish Presbyterians, German Reformed, and English and American Puritans--the Genevan-style consistory was transformed into the body of pastors, elders, deacons, and teachers that governed each local church congregation, and played a less structured political and legal role in the broader Christian commonwealth. But local clergy still had a strong role in advising magistrates on the positive law of the local community. Local churches and their consistories also generally enjoyed autonomy in administering their own doctrine, liturgy, charity, polity, and property and in administering ecclesiastical discipline over their members.

Anglicanism. Anglicanism struck something of a middle way among these competing Lutheran, Anabaptist, and Calvinist political models. The sixteenth-century English Reformation pressed to extreme national forms the Lutheran model of a unitary Christian commonwealth under the final authority of the Christian magistrate. Building in part on Lutheran and Roman law precedents, King Henry VIII severed all legal and political ties between the Church in England and the pope. The Supremacy Act (1534) declared the monarch to be "the only Supreme Head in Earth of the Church of England,"

with final spiritual and temporal authority in the Church and Commonwealth of England. Thus the Tudor monarchs, through their Parliaments, established a uniform doctrine and liturgy and issued the Book of Common Prayer (1559) and Authorized (King James) Version of the Bible (1611). They also assumed final legal responsibility for poor relief, education, and other activities that had previously been carried on under Catholic auspices. Communicant status in the Church of England was rendered a condition for citizenship status in the Commonwealth of England. Contraventions of royal religious policy were punishable both as heresy and as treason. A whole battery of apologists rose to the defense of these unitary Anglican political forms and norms, most notably Thomas Cranmer, Richard Hooker, and Robert Filmer.

The Stuart monarchs moved slowly, through hard experience, toward greater toleration of religious pluralism and greater autonomy of local churches. From 1603-1640, King James I and Charles I persecuted Protestant non-conformists with a vengeance, driving tens of thousands of them to the Continent and often from there to North America. In 1640, those who remained led a revolution against the English Crown, and ultimately deposed and executed King Charles I. In 1649, they passed laws that declared England a free Christian commonwealth under the protectorate of Oliver Cromwell. Royal rule was reestablished in 1660, however, and repression of Protestant dissenters renewed. But when the dissenters again rose up in revolt, Parliament passed the Bill of Rights and Toleration Act of 1689 that guaranteed freedom of association, worship, self-government, and basic civil rights to all peaceable Protestant churches. Many of the remaining legal restrictions fell into desuetude in the following decades, though Catholicism and Judaism remained formally proscribed in England until the Emancipation Acts of 1829 and 1833.

Protestant Political Influence in America

These early modern Protestant political experiments were transmitted across the Atlantic to the Americas during the great waves of colonization in the sixteenth to eighteenth centuries and great waves of immigration in the nineteenth and twentieth centuries. In the colonial period, European Catholic, Anglican, Lutheran and Calvinist rulers alike, eager to extend their political and religious regimes, chartered hundreds of colonial companies in the New World under the rule of the distant mother country and mother church. At the same time, numerous Protestant dissenters (along with Catholics, Jews, and others) flocked to America to escape hardship at home. They escaped not only from the repression of seventeenth-century England, but also from Germany and the Lowlands that were wracked with religious warfare from 1618-1648 and from France whose monarchy had grown increasingly hostile to Protestants and then banned them in the Edict of Fontainebleau (1685).

The American colonies and later states featured a fantastic variety of Protestant (among other) political forms and norms--some in emulation of European models, many products of ample local innovation and experimentation. Two Protestant political formulations had the most innovative and enduring influence on American political life:

(1) the Reformed models born in New England; and (2) the Evangelical models born of the Great Awakenings.

Reformed Models. The fullest American adaptation and amplification of European Protestant political theory came in the New England colonies and their successor states. New England writers--ultimately comprised of Puritans, Calvinists, Reformed, Congregationalists, Huguenots, and Presbyterians--repeated Calvinist and classical commonplaces, but they also refashioned this inheritance, especially through the doctrine of covenant.

The New England Puritans described the relationship between the person and God primarily as a covenant, an exchange of solemn promises about grace and works. Initially, the Puritans viewed this covenant as something of a divine adhesion contract, with God setting all the terms and even dictating through predestination who could enter the covenant and enjoy its promise of salvation. By the turn of the nineteenth century, however, Puritans described the covenant more as a bargained contract of salvation--each person choosing to reach his or her own conclusions about the duties owed to God, neighbor, and self based on reason, conscience, experience, and biblical meditation. This understanding of private religious liberty for all theistic religions figured very prominently in the religious liberty provisions in the charters of later colonial New England, and in the New England state constitutions of 1777-1818.

The New England Puritans also used the doctrine of covenant to describe the relationships among persons. The Puritans distinguished: (1) social covenants--the Mayflower Compact (1620) and its hundreds of colonial progeny; (2) political covenants--colonial charters and state constitutions as well as oaths for political office; and (3) church covenants--the Cambridge Synod and Platform (1648) and the hundreds of church charters and covenants that followed. The social covenant created the society or commonwealth as a whole. It defined each community as "God's elect nation," a "city on a hill," a "light to the nations." It also set out in detail the virtues of piety, justice, moderation, temperance, industry, frugality, and more that the law should protect and that persons should respect, on pain of divine and human sanction. The political and ecclesiastical covenants created the two chief seats of authority within that community, the state and the church. The Puritans emphasized that church and state were two independent covenantal associations within the broader covenantal community. Each was called to discharge discrete covenantal duties, as adumbrated in the laws of God and nature, and elaborated in the covenant by which they were formed. Each was to be separate from the other in their forms and functions, offices and officers, but mutually responsible to see that all served the common good in accordance with the terms of the social covenant.

While the offices of church and state were divinely ordained, their officials were invariably sinful. Left to their own devises, church and state officials would invariably convert their offices into instruments of self-gain. Such official arbitrariness and abuse would inevitably lead to both popular insurrection and divine sanction. The Puritans

thus advocated and adopted a variety of constitutional safeguards against autocracy and abuse within both church and state.

First, church and state officials must have as "godly" a character as possible, notwithstanding their inherent sinfulness. Officials were to be models of spirituality and morality for the community. Political officers were to be professing members of a locally preferred if not established church and to swear oaths of allegiance to God and the Bible. Second, both church and state officials must occupy their offices only for limited tenures. Life tenures were too dangerous, for they afforded the official the opportunity slowly to convert his office into an instrument of self-gain and self-aggrandizement. It was safer to limit the official's tenure and require periodic election and rotation of officers. Third, the Puritans advocated the development of self-limiting "republican" forms of government for both the church and the state. Rather than consolidate all forms of authority in one person or one office, they insisted on separate forms or branches of authority, each checking the sinful excesses of the other. Church authority was divided among the pastors, elders, and deacons of the consistory, state authority among executive, legislative, and judicial branches, each with a measure of responsibility and control over the other. Fourth, the Puritans adopted what they called a federalist (from foedus, "covenantal") structure of government for both the church and the state. The church was divided into semi-autonomous congregations, but each loosely conjoined and democratically represented in a broader synod or presbytery. The state was divided into semi-autonomous town governments but conjoined in a broader colonial and (later) state government. Fifth, the Puritans advocated the development of legal codes and clear statutes in the state, and clear confessions and canons in the church, so that officials were limited in their discretion. Sixth, the Puritans advocated regular popular meetings for officials to give account of themselves, and for their subjects to have occasion for discussion of important issues. In the church, this took the form of congregational meetings, in the state, the form of town meetings and popular referenda. Seventh, the Puritans advocated regularly-held democratic elections of both church and state officials.

The early American Reformed tradition provided an important source and resource, alongside many others, for the growth of American constitutionalism. Many of the basic ideas and institutions of the social, ecclesiastical, and political covenants were written directly into the constitutions of the New England states and openly advocated for the nation by Puritan sermonizers and political conservatives such as John Adams and John Witherspoon. Moreover, several fundamental Puritan ideas found parallels, if not progeny, among other schools of American politics in the later 1700s and 1800s. Various "liberal" writers found in the Puritan ideas of a social covenant and a political covenant prototypes for their theories of a social contract and a governmental contract. They found in the doctrine of church covenants and separation of church and state a foundation for their ideas of disestablishment of religion and free exercise for both religious individuals and religious groups. They found in the doctrine of popular meetings and periodic elections important prototypes for the freedom of press and assembly and the right to vote. Various "republican" writers, by contrast, transformed the Puritan idea of the elect nation into a revolutionary theory of American nationalism.

They recast the Puritan ideal of the covenant community into a theory of public virtue, discipline, and order. They translated the Puritans' insistence on spiritual rebirth and reformation into a general call for "moral reformation" and "republican regeneration."

Moreover, basic Puritan constitutional institutions survived within the new federal and state constitutions of the young American republic. Political rulers were still required to manifest a moral, virtuous, and godly character. Most officials were required to stand for democratic elections to their offices. Political offices usually had limited tenures. Political authority was distributed among executive, legislative, and judicial branches, each with authority to check the others. Federalism was constitutionally prescribed. Liberties of citizens were copiously enumerated. Church and state were separated, yet allowed to cooperate.

New Evangelical Accents. While Reformed political models and rhetoric continued to dominate American politics for the next century and a half, Evangelical political models became increasingly prominent in the nineteenth and early twentieth centuries.

The rise of Evangelical political influence was, in part, a function of simple demography. American Evangelicals had their roots in small colonial Baptist and Anabaptist communities, many clustered in Roger Williams' Rhode Island. Their small size and separatist leanings kept them from exercising much political influence at first. The First Great Awakening (ca. 1720-70), however, led by George Whitfield, John Wesley, Jonathan Edwards, and others, divided many Protestant denominations into traditional Old Light and evangelical New Light groups. It also sparked the rise of Baptist and Methodist churches, whose leaders Isaac Backus and John Leland joined others to secure constitutional guarantees of religious liberty. The Second Great Awakening (ca. 1810-60) splintered and stunted traditional Calvinist, Anglican, and Lutheran denominations still further, and led to the explosive growth of Baptists and Methodists which, together, constituted some two-thirds of all Protestant churches by 1900.

The rise of Evangelical political influence was also, in part, a function of theological innovation. While nineteenth-century American Evangelicals did not work out a detailed new political theology, they added accents to the Protestant inheritance that helped shape American politics. Evangelicals emphasized Christian conversion, the necessary spiritual rebirth of each sinful individual. On that basis, they strongly advocated the liberty of conscience of each individual and the free speech and press rights and duties of the missionary to proselytize, both on the American frontier and abroad. Evangelicals had a high view of the Christian Bible as the infallible textbook for human living. On that basis, they celebrated the use of the Bible in chapels, classrooms, prisons, and elsewhere, and they castigated Jews, Catholics, Mormons, and others for their use of partial, apocryphal, or surrogate Scriptures. Evangelicals emphasized sanctification, the process of each individual becoming holier before God, neighbor, and self. On that basis, they underscored a robust ethic of spiritual and moral progress, education, and improvement of all.

Many Evangelicals coupled this emphasis on personal conversion and sanctification with a concern for social reform and moral improvement of the community. Great numbers of Evangelicals joined the national campaign and Civil War to end slavery--though this issue permanently divided Methodists and Baptists, as well as Presbyterians and Lutherans. Nineteenth-century Evangelicals were more united in their support for successive campaigns against dueling, freemasonry, reservating Indians, lotteries, drunkenness, Sunday mails, Sabbath-breaking, and more. In the later nineteenth century, many Evangelical leaders also joined the struggle for the rights and plights of emancipated blacks, poor workers, women suffragists, and labor union organizers--none more forcefully and successfully than Walter Rauschenbusch, the leader of the Social Gospel Movement. But on these issues, too, Evangelical camps were often bitterly divided.

On occasion, nineteenth-century Evangelicals became actively involved in national party politics, albeit with little success. At the turn of the nineteenth century, for example, many Evangelicals joined the Federalist Party to oppose the suspect religious and biblical views of Republican nominee Thomas Jefferson in favor of the more traditionally religious incumbent President John Adams. At the close of the twentieth century, Evangelicals flocked to the support of three-time Democratic nominee William Jennings Bryant, attracted by his public views on the inerrancy of Scripture and on the need for a sober Christian America that cultivated its own moral virtues, and curbed its imperialist ambitions around the world.

Most Evangelical groups, however, were suspicious of the national government, and were staunch believers in the virtues of federalism and in no formal state establishments of religion. Many Evangelicals further believed that the individual congregation and the voluntary association were the more essential sources of governance and improvement. Churches, schools, clubs, charities, businesses, unions, corporations, learned societies and other voluntary associations were essential buffers between the individual and state and essential brackets upon state power.

The Rise and Fall of Public Protestantism. These Evangelical and Reformed political models, together, gave a distinctive cast to American law and politics in the nineteenth and early twentieth centuries. Though there were endless local variations, most American states balanced the freedom of all peaceable private religions with the patronage of a public Protestant religion.

By 1833, every state constitution had formally disestablished religion, and guaranteed liberty of conscience and free exercise of religion for all. At the same time, many government officials patronized biblical Christianity. "In God We Trust" and similar confessions appeared on currency, stamps, state seals, and government stationery. The Ten Commandments and favorite Bible verses were inscribed on the walls of court houses, public schools, and other public buildings. Crucifixes and other Christian symbols were erected in state parks and on state house grounds. Flags flew at half mast on Good Friday. Christmas, Easter, and other holy days were official holidays. Sundays remained official days of rest. Government-sponsored chaplains

were appointed to Congress, the military, and various governmental asylums, prisons, and hospitals. Prayers were offered at the commencement of each session of Congress and of many state legislatures. Thanksgiving Day prayers were offered by presidents, governors, and other state officials.

Government officials subsidized Christian missionaries and schools on the frontier. States and municipalities underwrote the costs of Bibles and liturgical books for poorer churches and donated land and services to them. Property grants and tax subsidies were furnished to Christian schools and charities. Special criminal laws protected the property, clergy, and liturgy of the churches. Tax exemptions were accorded to the properties of many churches, clerics, and charities. Tax revenues supported the acquisition of religious art and statuary for museums and other public buildings.

Government officials predicated some of their laws and policies directly on the moral and religious teachings of the Bible and the Christian church. The first public schools and state universities had mandatory courses in religion and compulsory attendance in daily chapel and Sunday worship services. Employees in state prisons, reformatories, orphanages, and asylums were required to know and to teach basic Christian beliefs and values. Polygamy, prostitution, pornography, and other sexual offenses against Christian morals and mores were prohibited. Blasphemy and sacrilege were still prosecuted. Gambling, lotteries, fortune-telling, and other activities that depended on fate or magic were forbidden. It was a commonplace of nineteenth century American legal thought that "Christianity is a part of the common law."

This state patronage and participation in a general Protestant public religion worked rather well for the more religiously homogeneous times and towns of the American republic. The public religion confirmed and celebrated each community's civic unity and confessional identity. It also set natural limits to both political action and individual freedom--limits that were enforced more by communal reprobation than by constitutional litigation. To be sure, religious dissenters, who resisted or criticized the local public religion, fared poorly under this system. New England states remained notably inhospitable to dissenting Quakers and Methodists. New Jersey and Pennsylvania dealt churlishly with Unitarians and Catholics. Virginia and the Carolinas were hard on conservative Episcopalians and upstart Evangelicals alike. Few legislatures and courts anywhere showed much respect for the rights of Jews or Muslims, let alone those of Native- or African-Americans.

But the saving assumption of this system was the presence of the frontier, and the right to emigrate thereto. Religious dissenters did not stay long to fight the local establishment as their European counterparts had done. They moved--sometimes at gunpoint--to establish their own communities on the frontier, often on the heels of missionaries and schoolmasters who had preceded them. Mormons moved from New York to Ohio, to Missouri, to Illinois, before finally settling in Utah and surrounding states. Catholics moved to California, the Dakotas, Illinois, Louisiana, Montana, Nevada, and New Mexico. Experimental Baptists and Methodists poured into the

southern states from Georgia and Tennessee to Mississippi and Missouri. Free spirits escaped to the open frontiers of Wyoming, Montana, Washington, and Oregon.

The right--sometimes the duty--to emigrate was a basic assumption of the American political experiment, which even the most churlish establishmentarians respected. Many first generation Americans had left their Europeans faiths and territories to gain their freedom. Accordingly, they embraced the right to leave--to exit their faith, to abandon their blood and soil, to reestablish their lives, beliefs, and identities afresh--as a veritable sine qua non of freedom. It was this right of the religious dissenter to emigrate and to start anew that provided the release valve for this Protestant model of religion and politics to function so long and so effectively in America.

As the American populace became more pluralized and the American frontier more populated, however, this political system became harder to maintain. The Second Great Awakening not only sparked the explosion of Baptists and Methodists, but also introduced to the American scene a host of newly minted faiths--Adventists, Christian Scientists, Disciples, Holiness Churches, Jehovah's Witnesses, Mormons, Pentecostals, Unitarians, and more. The American Civil War and Reconstruction Amendments not only outlawed slavery but also liberated a host of long-cloaked African beliefs and rituals, some in pure African or Muslim forms, many inculturated with various Christian traditions. The great waves of immigration after the 1860s brought strong new concentrations and forms of Catholics, Jews, Eastern Orthodox, Buddhists, Confucians, Hindus, and other Eastern religions. Materialism, Marxism, atheism, and various liberal and secular beliefs were also emerging.

This radical reconfiguration of the American religious landscape required a new model of religion and politics. In particular, state policies of patronizing a public Protestant religion became increasingly difficult to maintain. A number of Baptists and Methodists, returning to their separatist roots, insisted that states adhere more firmly to principles of disestablishment of religion. Religious minorities in many communities also began to ally themselves in opposition to this system, particularly the patronage of a common Protestantism within the public schools. Some of these minority religious and secular communities refused to conform or to assimilate. Others refused to live or leave quietly. Still others began to crusade actively against the system.

When neither assimilation nor accommodation policies proved effective, state and local legislatures began to clamp down on these dissenters. In the early twentieth century, local officials began routinely denying Roman Catholics their school charters, Jehovah's Witnesses their preaching permits, Eastern Orthodox their canonical freedoms, Jews and Adventists their Sabbath accommodations. As state courts and legislatures turned an increasingly blind eye to their plight, religious dissenters began to turn to the federal courts for relief, often supported by new or non-religious groups.

In the landmark cases of <u>Cantwell v. Connecticut</u> (1940) and <u>Everson v. Board of Education</u> (1947), the United States Supreme Court applied the First Amendment

religion clauses to state and local governments. In its early application of the free exercise clause, the Court set out to protect the rights of newly emergent religious groups against recalcitrant local officials. Jehovah's Witnesses, the Court held repeatedly, could not be denied licenses to preach, parade, or pamphleteer just because they were unpopular. Public school students could not be compelled to salute the flag or recite the pledge if they were conscientiously opposed. Other parties, with scruples of conscience, could not be forced to swear oaths before receiving citizenship status, property tax exemptions, state bureaucratic positions, or social welfare benefits.

In its early application of the establishment clause, the Court sought to outlaw state patronage of public religion altogether, particularly in the schools. On the one hand, the Court banned religion from public schools. Public schools could not offer prayers or moments of silence, could not read Scripture or religious texts, could not house Bibles or prayerbooks, could not teach theology or creationism, could not display Decalogues or crèches, could not use the services or facilities of religious bodies. On the other hand, the Court removed religious schools from state support. States could not provide salary and service supplements to religious schools, could not reimburse them for administering standardized tests, could not lend them state-prescribed textbooks, supplies, films, or counseling services, could not allow tax deductions or credits for religious school tuition.

In <u>Lemon v. Kurtzman</u> (1971), the Court held further that every federal or state law and policy would survive constitutional scrutiny only if it had: (1) a secular purpose; (2) a primary effect that neither advances nor inhibits religion; and (3) minimal entanglement between church and state. This test rendered the establishment clause a formidable obstacle to many traditional forms of state patronage of public Protestant religion. Legislatures and courts alike used this new test to outlaw all manner of government subsidies for religious charities, social services, and mission works, government use of religious services, facilities, and publications, government protections of Sundays and Holy Days, government enforcement of blasphemy and sacrilege laws, government participation in religious rituals and religious displays. It often did not take law suits to effectuate these reforms. Particularly local governments, sensitive to the political and fiscal costs of constitutional litigation, often voluntarily ended their prayers, removed their Decalogues, and closed their coffers to religion long before any case was filed against them. While federal and state cases at the end of the twentieth century have begun to relax some of these holdings, they remain the basic law.

These strong constitutional challenges, together with the rapid liberalization of their theologies and defection from their churches, drove many Protestants from active political life and learning in the post-World War II period. While individual luminaries such as Reinhold and Richard Niebuhr charted provocative new political pathways, American Protestants did not develop an authentic political model and program on the order of Roman Catholicism after the Second Vatican Council. Some Protestants repeated old political formulas, and often nostalgically recounted Protestant progress and prowess in American history. Other Protestants focused their attention on single

political issues--prayer in public schools, the eradication of abortion, the protection of the traditional family--often mobilizing ample political support for these causes. But a comprehensive Protestant political platform, faithful to the cardinal convictions of historical Protestantism and responsive to the needs of an intensely pluralistic polity, did not emerge.

A notable exception to the recent pattern of Protestant political quietism in America was the civil rights movement of the 1950s-1960s, led by the Baptist preacher Martin Luther King, Jr. that helped to bring greater political and civil equality to African-Americans in a series of landmark statutes and cases. Another exception was the rise of the Moral Majority and Christian Coalition in the 1980s and early 1990s led by Jerry Falwell, Pat Robertson, and others--a broad political and cultural campaign to revitalize public religion, restore families, reform schools, reclaim unsafe neighborhoods, and support faith-based charities. A still further exception has been the very recent coalition of Protestant and other religious and academic groups that have led campaigns for the greater protection of international religious freedom. Whether these movements are signposts for a vibrant new Protestant political mission and ministry remains to be seen.

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