

FROM ECCLESIASTICAL ESTABLISHMENT TO VOLUNTARY BODY: THE TRANSFORMATION OF AMERICAN RELIGIOUS INSTITUTIONS

In our own time, nothing is more emblematic of the spirit of philanthropy than the image of the collection plate being passed through a congregation. Controversies over the separation of church and state have not dimmed the conviction of the essentially voluntary nature of churches, but have centered instead on such questions as the diversion of public funds for purposes deemed to be private -- school buses, textbooks for parochial schools, and school prayer. In no instance have such controversies involved issues of religious establishment -- that is, the government support of a particular denomination in preference to all others.

And yet throughout the colonial period and well into the nineteenth century, religious institutions in most parts of the United States were not voluntary bodies. In Massachusetts, Connecticut, Virginia, and other states, churches were supported by taxes collected from believer and unbeliever alike, willing or unwilling. Membership in an "established" denomination was in many places a formal prerequisite for holding public office, serving on a jury, or sharing in the distribution of common and undivided lands. In addition, the formation of dissenting congregations was often forbidden or strongly discouraged and the advocacy of unorthodox views punished. Even in those colonies -- Rhode Island, Maryland, and Pennsylvania -- founded on a belief in religious toleration, no question was more complex or more persistently vexing than that of the status of the church in relation to civil government.

The problem has both historical and doctrinal roots. Historically, the church in England -- and in western Europe generally -- was more than a voluntarily gathered body of believers. By medieval times it had become an extraordinarily powerful and wealthy social and political institution, more formidable in many instances that

government itself. Even with the curtailing of its privileges, as occurred in England under the Tudors in the sixteenth century, it retained many important roles, including virtual control of the system of poor relief, the schools, and the universities, as well as significant jurisdiction over the adjudication and administration of estates. Moreover, the Tudors' jealousy of the power of the church did not preclude their using it as an instrument for consolidating and buttressing the power of the state itself. With Henry VIII's break with Rome, the King became the head of the Church of England.

The radical variants of protestantism that flourished in England during and after the reformation, while asserting the preeminence of the individual's religious experience and stressing the need to purify and reform the church, did not necessarily break with older traditions of religious establishment. The mainstream of puritanism regarded itself as being a movement within the church. And even most of those who fled to the New World never official broke with Anglicanism, however much their own doctrines and practices may have differed from those of the English establishment. Of the early settlers, the Plymouth "Pilgrims" were exceptional in their insistence on separation from Anglicanism. The founders of the Massachusetts Bay and Connecticut colonies were no more tolerant of religious dissent than their counterparts in England. And, as in the Old World, churches were supported by taxation and the clergy enjoyed official status and a variety of special privileges that in many ways resembled those accorded them in the Old World.

But Puritanism's doctrinal emphasis on the individual created a central ambiguity which would lead to endless internal conflicts. To begin with, by constituting their churches as gatherings of believers and, in effect, not only abolishing the episcopacy, but also any central coordinating body between the congregations, the New England Puritans had introduced an inherent instability to their ecclesiastical polity -- one that

would prove to be especially troublesome in a setting wherein many fundamental doctrinal issues remained unsettled. (Puritanism was not a fixed body of beliefs, but a general doctrinal tendency about which leading ministers and laymen differed on major points of detail). Not surprisingly, institutional crises came early, beginning with the Antinomian controversy of 1636, in which some of the Massachusetts colony's most prosperous and outspoken inhabitants challenged the authority of the ministry to dictate doctrine to congregations. The Antinomians were prosecuted and exiled. One of their leaders, Roger Williams, fled to Rhode Island, where he established a colony founded on liberty of conscience and whose government eschewed the power of the state to interfere in religious matters.

But even such an open religious marketplace was not able to completely free itself of the ancient habits of temporal power being wielded by the church. When Rhode Island Baptists in the 1760s sought a charter for their own university, the colony's Congregationalists attempted to subvert the institution's charter by placing a Congregational majority on its governing boards, through which they evidently hoped to move towards state-support of their denomination. Similarly, in Pennsylvania, which had been founded on Quaker William Penn's convictions about religious toleration, Episcopalians in the mid-eighteenth century pushed for state support and virtually took over the non-sectarian academy established by Franklin in pursuit of that scheme.

The first Great Awakening of the early eighteenth century shook religious establishments throughout the colonies, both through direct challenges to the authority of the tax-supported ministry, and by encouraging the formation of dissenting congregations. In addition, itinerant preachers like George Whitfield initiated and legitimated the practice of voluntary support for his evangelical ministry, as well as other religion-related causes. Some of the new sects which began to spread by the mid-

eighteenth century, particularly the Baptists, stressed the issue of voluntary support by members of congregations a matter of doctrine. For others, like the Anglicans, it was a matter of necessity in places like New England where they were not established (and where they could not be suppressed because of the church's status in the mother country).

While colonies like Connecticut, Massachusetts, and Virginia responded to these challenges by passing statutes permitting the organization of dissenting congregations and exempting their members from the obligation to support the established ministry, in practice these gestures of toleration rang hollow. The preamble of Virginia's 1772 statute "for extending the benefit of the several acts of toleration to his majestie's protestant subjects, in this colony, dissenting from the church of England," claimed to permit believers "full and free exercise of their religion without molestation or danger of incurring any penalty whatsoever" (quoted in Morgan Edwards 1984, II: 68). But the statute went on to forbid private religious meetings and to submit to the authority of local magistrates who -- if they judged the proceedings to be disorderly -- was empowered to severely punish the offending worshippers. Dissenting ministers were required to obtain certification from county courts and to post bonds (in amounts set at the discretion of the magistrates) to guarantee their "good behavior." With the courts firmly in the hands of the Anglican establishment, dissenters did not fare well. Moreover, they were not exempted from paying taxes to support the Anglicans.

Connecticut's 1784 general toleration act was a similarly backhanded gesture. The law allowed dissenters who presented certificates declaring themselves members of "some regular society recognized by law" to be exempted from payment of the Congregational tithe. But the category of "regular societies" did not include Baptists, Methodists, Universalists, Roman Catholics, or Quakers. Moreover, earlier Connecticut

laws passed to discourage itinerant evangelists, came down with particular force on sects, like the Baptists, whose beliefs did not extend to support of a settled ministry. Not only did dissenting societies suffer greater hardships under the toleration statutes, the certificate system opened individual dissenters to official and unofficial persecution and harassment by the Congregational majority (Purcell 1963, 11-12; Greene 1970, 368-92).

The creation of a viable culture of religious voluntarism was a tortuous process, involving on the one hand political struggles against religious establishments and, on the other, the development of doctrines within churches which could articulate their place in the democratic civil polity. The latter proved to be especially difficult, for even when formal ties between church and state were severed (or where, as in the West, they had never existed at all), the extent to which religious organizations could act as political bodies or could seek to force their doctrines on the general public (in regard to such matters as the strict observance of the Sabbath), remained questions which took decades to resolve -- and which to some extent have remained unresolved to this day.

The significance of these struggles goes well beyond the sphere of religion. Involvement in efforts to establish religious freedoms deepened and broadened understanding of the importance of other kinds of pluralism. Thus, for example, James Madison, whose maiden act as a Virginia assemblyman was a "Memorial and Remonstrance" urging the Virginia Convention of 1776 to treat religious liberty as a natural right, ultimately became the most sophisticated and persuasive champion of the right of citizens to voluntarily associate for political and other purposes.

TOWARDS A VOLUNTARY RELIGIOUS TRADITION: THE ESTABLISHMENT OF RELIGIOUS LIBERTY IN VIRGINIA

Religious liberty had been an area of contention in Virginia since the late seventeenth century, as the mountainous areas beyond the Tidewater began to be settled by Presbyterian Ulstermen. The Great Awakening intensified these conflicts, especially as Baptist evangelical preachers effectively undermined the corrupt and oppressive structure of the colony's Anglican parishes. They were met with state-sanctioned violence and repression. Their threats to appeal to the Crown led to the passage of the disingenuous toleration act of 1772.

At the same time, a struggle was unfolding within the established Anglican church itself. In England, the Anglican clergy was supported by endowments, by the patronage of great families, or by the wealth of the church itself. Clergymen were accountable only to their ecclesiastical superiors. In Virginia, despite laws allocating taxes for the support of churches and the clergy, the ministry remained fundamentally dependent on the generosity of the legislature and, more particularly, on the good will of the local notables who sat as vestrymen and at whose pleasure occupied the pulpit. In the mid-eighteenth century, Virginia's Anglican clergy responded to challenges from dissenting sects by seeking greater financial and institutional autonomy. This brought it into conflict with the squirearchy, which jealously guarded its powers over local institutions. Over time, the conflict alienated the sympathies many influential families (Isaac 1982). It is significant that James Madison, the son of an Anglican vestryman, was sent to Princeton, a Presbyterian institution,

rather than to Anglican William & Mary. Although remaining Anglicans the Madisons, like many other members of Virginia's gentry, were moving towards a more voluntaristic conception of religious life. These inclinations were further confirmed by bloody violence of the Anglicans' effort to suppress Baptist congregations in the state during the 1760s.

James Madison's voluntaristic conception of religion, rooted in Virginia's historical experience and his exposure to the intellectual legacy of the Great Awakening at Princeton (where Jonathan Edwards himself would shortly be called to serve as president), found its ultimate expression in the secular language and conceptualizations of Enlightenment political theory, particularly the concept of natural rights and their relation to the state. Even when political theory had, as in Locke, accepted the possibility of democracy as a legitimate form of government, it had, in vesting sovereignty in the people, granted the majority absolute powers comparable to those exercised by a monarch. The conception of natural rights advanced by Madison counterpoised to this majoritarianism the notion that certain rights of persons remained inviolable. Such ideas brought him into association with men like Thomas Jefferson, who were thinking along similar lines.

Madison was active as a member of Virginia's 1776 constitutional convention and joined with Jefferson in drafting the state's Declaration of Rights. Later, he and Jefferson joined in efforts to disestablish the Anglican church. The Assembly would discontinue paying the salaries of Anglican clergymen in 1779, but several years later, citing complaints about the decline of public morals, the church's friends in the legislature sought to reinstate public support. Madison's "Memorial and Remonstrance," written in the fall of 1785, played a leading role in arousing public opinion against the measure

and in paving the way for the passage in 1786 of Jefferson's "Act for Establishing Religious Freedom."

TO THE HONORABLE THE GENERAL ASSEMBLY
OF
THE COMMONWEALTH OF VIRGINIA.
A MEMORIAL AND REMONSTRANCE.

We, the subscribers, citizens of the said Commonwealth, having taken into serious consideration, a Bill printed by order of the last Session of General Assembly, entitled "A Bill establishing a provision for Teachers of the Christian Religion," and conceiving that the same, if finally armed with the sanctions of a law, will be a dangerous abuse of power, are bound as faithful members of a free State, to remonstrate against it, and to declare the reasons by which we are determined. We remonstrate against said bill.

1. Because we hold it for a fundamental and undeniable truth, "that Religion or the duty which we owe our Creator and the Manner of discharging it, can be directed only

by reason and conviction, not by force and violence."⁴ The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. It is unalienable; because the opinions of men, depending only on the evidence contemplated by their own minds, cannot follow the dictates of other men: It is unalienable also, because what is here a right towards men, is duty toward the Creator. It is the duty of every man to render to the Creator such homage, and such only, as he believes to be acceptable to him. This duty is precedent both in order of time and degree of obligation, to the claims of Civil Society. Before any man can be considered as a member of Civil Society, he must be considered as a subject of the Governor of the Universe: And if a member of Civil Society, who enters any subordinate Association, must always do it with a reservation of his duty to the general authority; much more so must every man who becomes a member of any particular Civil Society, do it with a saving of his allegiance to the Universal Sovereign. We maintain therefore that in matters of Religion, no man's right is abridged by the institution of a Civil Society, and that Religion is wholly exempt from its cognizance. True it is, that no other rule exists, by which any question which may divide a Society, can be ultimately determined, but by the will of the majority; but it is also true, that the majority may trespass on the rights of the minority.

2. Because if religion be exempt from the authority of the Society at large, still less can it be subject to that of the Legislative Body. The latter are but the creatures and viceregents of the former. Their jurisdiction is both derivative and limited. . . . The preservation of free government requires not merely, that the metes and bounds which separate each department of power may be invariably maintained; but more especially,

⁴ Decl. Rights, Art. 16.

that neither of them be suffered to overleap the great Barrier which defends the rights of the people. . . .

3. Because, it is proper to take alarm at the first experiment on our liberties. We hold this prudent jealousy to be the first duty of citizens, and one of [the] noblest characteristics of the late Revolution. The freemen of America did not wait till usurped power had strengthened itself by exercise, and entangled the question in precedents. They saw all the consequences in the principle, and they avoided the consequences by denying the principle. We revere this lesson too much, soon to forget it. Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects? That the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?

4. Because, the bill violates that equality which ought to be the basis of every law, and which is more indispensable, in proportion as the validity or expediency of any law is more liable to be impeached. If "all men are by nature equally free and independent,"⁵ all men are to be considered as entering into Society on equal conditions; as relinquishing no more, and therefore retaining no less, one than another, of their natural rights. Above all are they to be considered as retaining an "*equal* title to the free exercise of Religion according to the dictates of conscience."⁶ Whilst we assert for ourselves a freedom to embrace, to profess and to observe the Religion which we believe to be divine in origin, we cannot deny an equal freedom to those whose minds have not yet yielded to the evidence which has convinced us. If this freedom be abused, it is an offence against God, not against man: To God, therefore, not to men, must an

⁵ Decl. Rights, Art 1.

⁶ Art: 16.

account be rendered. As the Bill violates equality by subjecting some to peculiar burdens; so it violates the same principle, by granting to others peculiar exemptions. Are the Quakers and the Menonists the only sects who think a compulsive support of their religions unnecessary and unwarantable? Can their piety alone be intrusted with the care of public worship? Ought their Religions to be endowed above all others, with extraordinary privileges, by which proselytes may be enticed from all others? We think too favorably of the justice and good sense of these denominations, to believe that they either covet pre-eminences over their fellow citizens, or that they will be seduced by them, from the common opposition to the measure.

5. Because the bill implies either that the Civil Magistrate is a competent judge of religious truth; or that he may employ Religion as an engine of Civil policy. The first is an arrogant pretension falsified by the contrary opinions of Rulers in all ages, and throughout the world: The second an unhallowed perversion of the means of salvation.

6. Because the establishment proposed by the Bill is not requisite for the support of the Christian religion. To say that it is, is a contradiction to the Christian Religion itself; for every page of it disavows a dependence on the powers of this world; it is a contradiction to fact; for it is known that this Religion both existed and flourished, not only without the support of human laws, but in spite of every opposition from them; and not only during the period of miraculous aid, but long after it had been left to its own evidence, and the ordinary care of Providence: Nay, it is a contradiction in terms; for a Religion not invented by human policy, must have pre-existed and been supported, before it was established by human policy. It is moreover to weaken in those who profess this Religion a pious confidence in its innate excellence, and the patronage of its Author; and to foster in those who still reject it, a suspicion that its friends are too conscious of its fallacies, to trust it to its own merits.

7. Because experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of Religion, have had a contrary operation. During almost fifteen centuries, has the legal establishment of Christianity been on trial. What have been its fruits? More or less in all places, pride and indolence in the Clergy; ignorance and servility in the laity; in both, superstition, bigotry and persecution. Enquire of the Teachers of Christianity for the ages in which it appeared in its greatest lustre; those of every sect, point to the ages prior to its incorporation with Civil policy. Propose a restoration of this primitive state in which its Teachers depended on the voluntary rewards of their flocks; many of them predict its downfall. On which side ought their testimony to have the greatest weight, when for or when against their interest?

8. Because the establishment in question is not necessary for the support of Civil Government. If it be urged as necessary for the support of Civil Government only as it is a means of supporting Religion, and it be not necessary for the latter purpose, it cannot necessarily be for the former. If Religion be not within [the] cognizance of Civil Government, how can its legal establishment be said to be necessary to civil Government? What influence in fact have ecclesiastical establishments had on Civil Society? IN some instances they have been seen to erect a spiritual tyranny on the ruins of Civil authority; in many instances they have been seen upholding the thrones of political tyranny; in no instance have they been seen [as] the guardians of the liberty of the people. Rulers who wished to subvert the public liberty, may have found an established clergy convenient auxiliaries. A just government, instituted to secure & perpetuate it, needs them not. Such a government will be best supported by protecting every citizen in the enjoyment of his own Religion with the same equal hand which

protects his person and his property; by neither invading the equal rights of any Sect, not suffering any Sect to invade those of another.

9. Because the proposed establishment is a departure from that generous policy, which, offering an asylum to the persecuted and oppressed of every Nation and Religion, promised a lustre to our country, and an accession to the number of its citizens. What a melancholy mark is the Bill of sudden degeneracy? Instead of holding forth an asylum to the persecuted, it is itself a signal of persecution. It degrades from the equal rank of Citizens all those whose opinions in Religion do not bend to those of the Legislative authority. Distant as it may be, in its present form, from the Inquisition it differs from it only in degree. The one is the first step, the other the last in the career of intolerance. The magnanimous sufferer under this cruel scourge in foreign Regions, must view the Bill as a Beacon on our Coast, warning him to seek some other haven, where liberty and philanthropy in their due extent may offer a more certain repose from his troubles.

10. Because, it will have a like tendency to banish our Citizens. The allurements presented by many other situations are every day thinning their number. To superadd a fresh motive to emigration, by revoking the liberty which they now enjoy, would be the same species of folly which has dishonoured and depopulated flourishing kingdoms.

11. Because, it will destroy that moderation and harmony which the forbearance of our laws to intermeddle with Religion, has produced amongst its several sects. Torrents of blood have been spilt in the old world, by vain attempts of the secular arm to extinguish Religious discord, by proscribing all difference in Religious opinions. Time has at length revealed the true remedy. Every relaxation of narrow and rigorous policy, wherever it has been tried, has been found to assuage the disease. The American

Theatre has exhibited proofs, that equal and compleat liberty, if it does not wholly eradicate it, sufficiently destroys its malignant influence on the health and prosperity of the State. If with the salutary effects of this system under our own eyes, we begin to contract the bonds of Religious freedom, we know no name that will too severely reproach our folly. At least let warning be taken at the first fruits of the threatened innovation. The very appearance of the Bill has transformed that "Christian forbearance,⁷ love and charity," which of late mutually prevailed, into animosities and jealousies, which may not soon be appeased. What mischiefs may not be dreaded should this enemy to the public quiet be armed with the force of law?

12. Because, the policy of the bill is adverse to the diffusion of the light of Christianity. The first wish of those who enjoy this precious gift, ought to be that it may be imparted to the whole race of mankind. Compare the number of those who have as yet received it with the number still remaining under the domination of false Religions; how small is the former! Does the policy of the Bill tend to lessen the disproportion? No; it at once discourages those who are strangers to the light of [revelation] from coming into the Region of it; and countenances, by example the nations who continue in darkness, in shutting out those who might convey it to them. Instead of levelling as far as possible, every obstacle to the victorious progress of truth, the Bill with an ignoble and unchristian timidity would circumscribe it, with a wall of defence, against the encroachments of error.

13. Because attempts to enforce by legal sanctions, acts obnoxious to so great a proportion of Citizens, tend to enervate the laws in general, and to slacken the bands of Society. If it be difficult to execute any law which is not generally deemed necessary or salutary, what must be the case where it is deemed invalid and dangerous? and what

⁷ Art. 16.

may be the effect of so striking an example of impotency in the Government, on its general authority.

14. Because a measure of such singular magnitude and delicacy ought not to be imposed, without the clearest evidence that it is called for by a majority of citizens; and no satisfactory method is yet proposed by which the voice of the majority in this case may be determined, or its influence secured. "The people of the respective counties are indeed requested to signify their opinion respecting the adoption of the Bill to the next Session of Assembly." But the representation must be made equal, before the voice either of the Representatives or of the Counties, will be that of the people. Our hope is that neither of the former will, after due consideration, espouse the dangerous principle of the Bill. Should the event disappoint us, it will still leave us in full confidence, that a fair appeal to the latter will reverse the sentence against our liberties.

15. Because, finally, "the equal right of every citizen to the free exercise of his Religion according to the dictates of conscience" is held by the same tenure with all our other rights. If we recur to its origin, it is equally the gift of nature; if we weigh its importance, it cannot be less dear to us; if we consult the Declaration of those rights which pertain to the good people of Virginia, as the "basis and foundation of Government,"⁸ it is enumerated with equal solemnity, or rather studied emphasis. Either then, we must say, that the will of the Legislature is the only measure of our authority; and that in the plenitude of this authority, they may sweep away all our fundamental rights; or, that they are bound to leave this particular right untouched and sacred: Either we must say, that they may controul the freedom of the press, may abolish trial by jury, may swallow up the Executive and Judiciary Powers of the State; nay that they may dispoil us of our very right of suffrage, and erect themselves into an

⁸ Decl. Rights-title.

independent and hereditary assembly; or we must say, that they have no authority: And that no effort may be omitted on our part against so dangerous an usurpation, we oppose to it, this remonstrance; earnestly praying, as we are in duty bound, that the Supreme Lawgiver of the Universe, by illuminating those to whom it is addressed, may on the one hand, turn their councils from every act which would affront his holy prerogative, or violate the trust committed to them: and on the other, guide them into every measure which may be worthy of his [blessing, may re]dound to their own praise, and may establish more firmly the liberties, the prosperity, and the Happiness of the Commonwealth.

THOMAS JEFFERSON, AN ACT FOR ESTABLISHING RELIGIOUS FREEDOM (1779),
PASSED IN THE ASSEMBLY OF VIRGINIA IN THE BEGINNING OF THE YEAR 1786.

Well aware that Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our religion, who being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do; that the impious presumption of legislators and other rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men have assumed dominion over the

faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavouring to impose them on others, that established and maintained false religions over the greatest part of the world, and through all time; that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to a particular pastor whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the ministry those temporal rewards, which proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labors for the instruction of mankind; that our civil rights have no dependence on our religious opinions, more than our opinions in physics or geometry; that, therefore, the proscribing any citizen as unworthy [of] the public confidence by laying upon him incapacity of being called to the offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which in common with his fellow citizens he has a natural right; that it tends also to corrupt the principles of that very religion it is meant to encourage, by bribing, with a monopoly of worldly honors and emoluments, those who will externally profess and conform to it; that though indeed these are criminal who do withstand such temptation, yet neither are those innocent who lay the bait in their way; that to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles, on the supposition of their ill tendency, is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency, will make his opinions the rule of judgement, and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil government, for its offices to interfere when principles break out into overt acts against

peace and good order; and finally, that truth is great and will prevail if left to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them.

Be it therefore enacted by the General Assembly, That no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in nowise diminish, enlarge, or affect their civil capacities.

And though we well know this Assembly, elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding assemblies, constituted with powers equal to our own, and that therefore to declare this act irrevocable, would be of no effect in law, yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present or to narrow its operation, such act will be an infringement of natural right.

FROM ESTABLISHMENT TO VOLUNTARISM

It is profoundly ironic that New England protestantism, which had contributed so much to the idea of religious voluntarism, should have ultimately fought a fierce last-ditch battle in defense of religious establishment. The struggle was particularly intense in Connecticut, where, as a result of the conservative reaction to the Great Awakening half a century earlier, church and state had been bound together with particular vigor in defense of political and religious orthodoxy. (In contrast, although maintaining a Congregational establishment, Massachusetts lacked the institutional mechanisms for defining or enforcing orthodoxy. Churches in Connecticut had adopted what was, in effect, a presbyterian ecclesiastical polity, which subjected ministers and congregations

to oversight by "associations" and "consociations" made up of clergymen and powerful laymen; Massachusetts churches remained genuinely congregational -- that is, entirely subject to the will of their members. As a result, ecclesiastical struggles in Massachusetts tended to center around struggles within congregations over doctrine and, when members could not agree, on control of church property. The politicized character of church government in Connecticut, on the other hand, ensured that any challenge to ecclesiastical authority was automatically transformed into a political contest.

Such contests broke out more frequently and raged with greater intensity after the Revolution, as citizens began to translate the abstractions for which they had fought into lessons for guiding their own lives. By the 1780s, the orthodox ministers and magistrates were already noting the "rise of Infidelity" within the state and had begun attacking in sermons, pamphlets, and speeches declining church attendance, the increasing activity of dissenting sects, and the open expression both of anti-clerical and outright agnostic and "deistic" opinions. The alarm of the orthodox -- and the morale of the dissenters -- was naturally intensified by events in Virginia, where Jefferson and Madison not only succeeded in toppling the oldest and most entrenched ecclesiastical establishment in the country, but also framed their actions in an eloquent defence of religious liberty which could as well apply to Connecticut.

Unlike Virginia's orthodox, the defenders of Connecticut's "standing order" did not respond to challenges with elite-led mob violence and outright oppression. This was less a matter of differing temperament than of more deeply-seated religious and political convictions. Virginia's Anglican establishment had never pretended to support either ecclesiastical or political democracy -- and it had stood firm against all challenges (even the state's most radical leaders, Patrick Henry, Jefferson, and Madison were members of the traditional ruling class, not men of the people).

Connecticut's Congregational establishment, on the other hand, had been founded on the idea of church and state as being based on the voluntary consent of believers and citizens. These bedrock beliefs had been revitalized during the Great Awakening, in particular by Edwards' ideas about the essentially voluntaristic nature of the process of regeneration -- which not only would lead believers towards a capacity for moral agency, but also stressed the role of the church as an agency for the reform of society. While initially rejecting the doctrines of Edwards and his allies, the state's ecclesiastical and political leaders had gradually been won over to the "New Light" persuasion. By virtue of this, the once-persecuted outsiders became the establishment and came into control of the machinery of orthodoxy.

The post-revolutionary years posed difficult dilemmas for Connecticut's Standing Order as it tried to reconcile the desire to maintain a religious establishment with its ancient covenantal tradition, the voluntaristic spirit of the Great Awakening, and the tolerationist ideals of Enlightenment political thought. The work of jurist Zephaniah Swift (17 -18) epitomized the tortured and disingenuous historical and legal reasoning necessary to accommodate these opposites. Tempting as it may be to dismiss Swift as an apologist for the establishment, he was, in fact, viewed as a radical by many of his contemporaries. To be fair, his forceful assertions about the liberty of conscience as an inviolable natural right, his repeated denunciations of religious prejudice and oppression, and his reiterated pleas for tolerance place him in the political avant garde of New Englanders of the period.

If Swift is to be faulted, it is for his failure to see --as Jefferson and Madison did -- that any involvement by government in support of religion, even if it involves providing financial support for all sects, contains the potential for favoritism and abuse. Pleas for

tolerance and reason are an frail defence of individual liberty when the legal machinery exists to oppress those who dissent from the opinion of the majority.

Finally, Swift's discussion of ecclesiastical societies shows how far many Americans were, even in the 1790s, from grasping the idea of voluntary support of religion. Even after Connecticut's 1784 liberalization of its ecclesiastical constitution, the formation of religious societies required the sanction of government (since the clerks of the located societies with whom dissenters were to file their certificates were elected public officials) and financial support for all societies, dissenting or located, was conceived of as a form of public taxation rather than as a form of voluntary contribution.

Zephaniah Swift, "Of Societies and Their Officers," from A SYSTEM OF THE LAWS OF
THE STATE OF CONNECTICUT (1795)

. . .When the English nation threw off the papal yoke, they vested in their sovereign, the power of supreme head of the church. They maintained the doctrine of the necessity of religious uniformity, and ecclesiastical establishments, for the preservation of church and state. The act of uniformity that was passed in the commencement of the reign of the celebrated queen Elizabeth, established the rites and ceremonies of the church of England, and inflicted severe punishments on dissenters. Thus the right of persecution was asserted, and the power enforced by an act of parliament, and during the reign of this queen and her successor, the unfortunate puritans experienced its dreadful consequences. They were punished for non-conformity to the established church, which they deemed idolatrous and heretical. They were prohibited from assembling for the purpose of conducting public worship, according to the dictates of their own consciences. Whole families were ruined by fines and imprisonments, and

many learned, pious, and exemplary preachers suffered the punishment of death by the cruel hand of the common executioner. The indefatigable zeal with which the clergy executed those barbarous laws, rendered the situation of the dissenters wretched and deplorable, and led them to seek a country, where they could enjoy liberty of conscience, uninterrupted by the haughty domination of the priesthood; and the unrelenting fury of persecution. The wilds of America opened to them the prospect of an happy asylum, for the fruition of this inestimable blessing. Animated with this sentiment, some of the independents, a sect of dissenting christians, abandoned their native country, and embarked in an enterprise replete with danger, hazard, and uncertainty. Persecution in this manner originated and accelerated the settlement of North-America, the only good effect it ever produced.

Escaped from the severity and rigor of the ecclesiastical establishment in England, when they came to form their system for the government of church and state, the ministers and the people viewed each other with a jealous eye. They exercised the greatest caution, to avoid every thing that should expose them to suffer a repetition of those intolerable misfortunes, which had just banished them from their native land. The people were extremely careful not to trust in the hands of their ministers any temporal power, that could be exerted to the prejudice of their privileges, as citizens. The clergy having in their native country experienced the oppression of the civil arm, were equally cautious to guard against a power by which their immunities could be infringed. This mutual jealousy had the beneficial effect, to induce them to adopt a more mild and tolerant establishment, than that with which they had been acquainted. But even at this time, their misfortune and their sufferings had not taught them the genuine principles of religious liberty. They still adopted the political error, that religion could not exist without uniformity of sentiment, and government without an ecclesiastical establishment. They therefore recognized the right of the true church to punish

heretics, and enacted laws for that purpose. But the punishments grew mild in proportion to the progress of humane and benevolent sentiments. The happy aera had not yet arrived, when these destructive principles should be exploded, and these barbarous institutions abolished.

In the first settlement of Connecticut, the legislature adopted an ecclesiastical constitution of the following form. No persons could embody themselves into a church, without the consent of the general court, and the approbation of neighbouring churches. No ministry, or church administration could be attended upon, by any of the inhabitants, distinct from, and in opposition to that which was dispensed by the approved minister of the place, without the approbation of the general court, and neighbouring churches, on penalty of five pounds. They expressed their apprehension of danger, from the divisions respecting church government, yet from tenderness to the consciences of those, who differed in sentiment, they declared, that as the congregational churches in profession and practice, had been approved of, they would countenance the same, and protect them from disturbance till better light should appear; yet as there were sundry persons of prudence and piety of different sentiment, whom they wished to accommodate, they ordered that all such persons, being approved of according to law, as orthodox, and sound in the fundamentals of the christian religion, should have an allowance in their persuasion, and profession, in church ways and assemblies, without disturbance. They enacted laws to punish persons guilty of reviling the preached word, interrupting or disturbing the preacher, or absenting themselves from public worship. For the purpose of maintaining the peace, and prosperity of the churches, as well as the rights and liberties of the people, they declared that the civil state had power and authority to see that the peace ordinances and rules of Christ, be observed in every church, according to his word, and to deal with any church member, in a way of civil justice, and not in an ecclesiastical way, and

that no church censure should degrade, or depose any man from any civil dignity, office, or authority. They ordered the societies to make provision for the support of ministers, and on failure, enabled the county courts to make provision. They were so fully convinced of the truth of their own creed, and of the right of punishing heresy, that they enacted that all persons who should unnecessarily entertain any quaker, ranter or Adamite, or other notorious heretic, should forfeit five pounds, and the like penalty per week was inflicted on towns, that should suffer such entertainment; that no persons should unnecessarily fall into discourse with them, on penalty of twenty shillings. The governor, deputy governor, or assistants, were impowered to commit them to prison, or send them out of the colony. The masters of vessels who imported them, were obliged to report them on penalty of twenty pounds. Such were the outlines of their ecclesiastical establishment. No rules of church discipline, or articles of faith were established; but the clergy were left to their own discretion. No test acts were passed, which excluded any denominations whatever, from holding offices in government.

In the year 1706, the law against heretics, as far as it respected quakers, was repealed. In 1708, a law was passed, declaring that all persons who soberly dissented from the worship and the ministry by law established, might at the county court in the county where they belonged, qualify themselves according to an act of parliament, passed in the first year of the reign of William and Mary, and enjoy the same liberty of conscience as dissenters enjoyed in England. The act of William and Mary, exempted protestant dissenters from the penalties incurred by non-conformity, upon their taking the oath of allegiance, and supremacy, subscribing the declaration against popery, and repairing to some congregation registered in the bishop's court, or at the sessions. This act furnished a very imperfect toleration, It only exempted them from punishment for non-conformity, but left them obliged to pay tithes, which is a most intolerable burden on

the whole community, without acquiring equal privileges, with the rest of their fellow citizens. But even this partial privilege was obtained with great difficulty. At the revolution, the despotism of James II. the eloquence of Locke, and the liberality of William III. convinced the parliament of the propriety of relaxing from the rigor of the act of uniformity, and of excusing from punishment their christian brethren, who were guilty of no other crime, but a difference of sentiment in the immaterial points of religion. This produced the before mentioned statute, which is called the act of toleration. It was very natural, that the assembly of Connecticut, should imitate the practice and adopt the improvements of the mother country, and this undoubtedly gave birth to the statute of toleration passed in 1708, in favor of the dissenters in this country. They were, however, still subjected to pay the maintenance of the standing ministry. This statute answered another excellent purpose, for it virtually tho not expressly repealed the law against heretics, which might then have been considered a great improvement in civil policy. Strange that mankind should generally derive greater benefit, from repealing laws, than enacted them; but in modern times, it is certainly a truth, that the happiness of the people has been more augmented by the repealing of laws that contravened the public good, than by any new regulations that have been devised.

In the year 1708, the general assembly expressed their approbation of the confession of faith, heads of agreement, and regulation of the administration of church discipline, agreed upon by the ecclesiastical synod held at Say-Brook, and ordained that all the churches thus united in doctrine, worship, and disciplines, should be owned and acknowledged to be established by law; with a provision that nothing should be construed to prevent a society or a church soberly dissenting from the established churches, and allowed by law, from exercising worship, and discipline, in their own way, according to their consciences. This law, is the foundation of all the ecclesiastical

constitution that has existed in this state. A sect of christians, conforming to the creed and church government, adopted by the synod of Say-Brook, was established. At this time, all the people, whether they dissented or not, were bound by law to contribute towards the support of the ministry: but those, who conformed to the statute of toleration, were in every respect independent of them.

But the government notwithstanding their tolerant principles, would not suffer any religious assemblies, unless conformable to the establishment or statute of toleration. In the year 1723, they complain, that some persons without qualifying themselves according to law, for the enjoyment of liberty of conscience, presumed to form separate meetings, and that some administered the sacraments without ordination, that therefore passed a law, that all persons who neglected the public worship in some lawful congregation, and presumed to meet in separate companies in private houses, should be punished with a fine of twenty shillings, and that every persons not being a lawful or ordained minister, who administered the sacraments, should incur a penalty of twenty pounds. This law was well calculated to excite tumult and promote dissention, but was necessary to preserve the establishment. When a government once makes an encroachment upon the natural rights of the people in one respect, they are obliged to do it in many others, for the purpose of securing the object in contemplation.

As soon as the principles of toleration were called into exercise other improvements were naturally suggested to the legislature. It was soon discovered to be contrary to the principles of religion, as well as justice, that a sect of christians who were tolerated and protected by law should contribute to the support of the ministry of another sect, whose difference of opinion prevented them from uniting together in public worship. In 1727, the professors of the church of England, made application to the assembly, stating that they were under obligations to support public worship according to the

church of England, that dissenters had always esteemed it a hardship in England, to be compelled to contribute to the support of that church, praying that they might be exempted from such a hardship. This application was powerfully enforced by the consideration, that the applicants belonged to the church which was established and protected by that government, to which Connecticut owed allegiance, and that there was danger, that force would be exerted to extort the privilege demanded, in case of refusal.-- This accidental circumstance, produced this exemption, at a much earlier period, than it would have happened, if the same religious sect had governed in England and Connecticut. An act was passed directing that the money collected of episcopalians, by taxes laid on the societies, should be paid to the episcopal ministers, in case there were any settled according to the canons of that church on whom such persons attended, and if the money so collected was insufficient, to support the minister, the episcopalians might tax themselves for that purpose, and they were exempted from paying taxes to build meeting houses.

When fear and policy had introduced the exemption of the episcopal church, from contributing to the support of the established order, the precedent sanctioned the claims of every other denomination of dissenters. In 1729, the same privilege was granted to the quakers, upon the attending the worship of God, in some society, allowed by the statute of toleration, either in the government, or on the borders thereof, if so situated that they could attend therein; and producing a certificate that they had joined, and belonged to such society. In the same year the baptists on petition obtained the same privilege and exemption.

At this period the doctrine, that uniformity of religion was necessary to the existence of church or state was exploded, and one of the great forces of human calamity was dried up. At the same period was interwoven into the ecclesiastical constitution, the principle, that the legislature had a right to interfere and discharge dissenters from any

obligation to maintain the ministers of the standing church. The agreement of settling a minister, tho binding on the society, is merely a corporate or political transaction, and by no means involves a personal obligation upon the honor and consciences of men, like a private contract, because the majority governs, and a man may be legally subjected to a contract to which he never assented. The law was passed for the purpose of promoting the public good, and whenever an alteration became necessary for the same purpose, there must be an inherent right in the legislature, to make the alteration. It would be the highest absurdity to pretend that when the legislature had once adopted a regulation, they would not vary it according to the varying circumstances of the people. The settlement of ministers is merely a civil regulation, and in that point of view must be always under the power and controul of the legislature. This power has not only been possessed, but has in fact always been exercised by the legislature, and there is no contract of settlement, with any minister, but that was made at a time, when the parties concerned knew of the existence of such a power: In respect of the contracts now in being, the exemption of dissenters cannot be considered an ex post facto law; for prior to the existence of any contract, by which any minister now claims his salary, the law had given them the privilege of discharging themselves in their individual capacity. Every minister must have known at the time of his settlement, that the individuals of the society, have a power to avoid the contract, as it respects them personally, so that while they have a challenge upon the society, as a political body, the members are excused from paying in their private capacity. In this manner every member, by lodging a certificate, may excuse himself from the support of the minister, and withdraw from the society, by which the society undergoes a total transformation, and a new one rises out of the ruins of the old, discharged from the contract to pay the salary of the minister. The original society as is respects schools, continues in existence; but as relative to the support of public worship, it is dissolved, and of course the contract by the operation of a law in being when it was entered into by the minister and

the people, is annulled, and at an end. The late acts of the legislature, respecting dissenters, cannot be said to be ex post facto laws, authorizing a breach of contract, and destroying the faith of government. They are only the exercise of that power which the legislature had always exercised in altering and explaining the mode by which the dissenters may attain that privilege, which had long before been granted to them, and to which they have been forever entitled by the laws of nature, and the principles of justice. It may therefore be laid down as a position founded in truth, that the power of exempting by an act of the legislature, a person that becomes a dissenter, from a corporate contract, has ever been a part of the ecclesiastical constitution, and that the right of individuals to this exemption, is derived from that eternal bill of rights that originated from the fitness of all things, and existed prior to, and is independent of all human regulations.

But the most glorious improvement in the ecclesiastical constitution was reserved for the aera of the American revolution. In the revision of the laws of 1784, the establishment of the church discipline and government agreed upon by the synod of Say-Brook was omitted, and liberty of conscience granted to christians of every denomination. Tho perhaps the legislature had it not in contemplation, yet here is a compleat renunciation of the doctrine, that an ecclesiastical establishment is necessary to the support of civil government. No sect is invested with privileges superior to another. No creed is established, and no test act excludes any person from holding any offices in government. The leading principle of the constitution is founded on the acknowledged truth, that the sublime morality of the christian religion, is calculated to make men good citizens, and that the beneficial effects of it will be most apparent, where it is least shackled with human laws. The regulations therefore grant to every person, the full liberty to adopt such creed as he pleases, and secure to every denomination, the power, and privilege of worshipping according to the dictates of their consciences. Thus we

derive from the voluntary profession of religion, all the benefit of an ecclesiastical establishment, without the inconveniences. Such is the history of the progress and gradual improvement of our ecclesiastical constitution. A concise view of the present state of it, will close this subject.

The state is divided into certain districts, called societies, which have the power of assembling, of holding annual meetings, of appointing a clerk, treasurer and committee, of laying taxes, and appointing a collector to collect them. The major part of the inhabitants of a society have the power to call and settle a minister, and make agreements with him respecting his salary, which shall be binding on the whole, and their successors. They are to lay taxes annually for the support of the gospel ministry, and can appoint collectors, and enforce the collection. If the allowance for the maintenance of a minister, be too scanty, on application, the general assembly may grant relief, and where the preaching of the gospel is neglected for a year or years, the general assembly may grant a tax, and when collected, the county court may dispose of it for the use of the ministry in the society. Such are the powers vested in located societies. To prevent them from tyrannizing over the consciences or property of any of the people, the law has provided that every denomination of christians, who differ from the worship and ministry adopted by the major part of the inhabitants of the located societies, may form themselves into distinct churches or congregations for public worship, in such manner as they may judge proper, and that all persons who attend such churches or congregations may give under their hand, a certificate of their dissent, and lodge the same with the clerk of the located societies, and become wholly independent of them, and are to all intents and purposes, legal corporations -- for the law provides, that all such churches and congregations which have or shall form themselves as aforesaid, and who shall maintain and attend public worship by themselves, shall have liberty and authority to exercise the same powers, for

maintaining and supporting their respective ministers, and for building and repairing meeting houses for the public worship of God, as the other societies, and may in the same manner commence and hold their meeting, and transact their affairs.

This is levelling all distinctions and placing, every denomination of christians equally under the protection of the law.⁹ Indeed, the people are left to their own freedom, in the choice of their creed, and mode of worship. The major part of the inhabitants of the located societies, possess the same privilege. Before the revision of the laws in 1784, while the church discipline adopted by the synod of Say-Brook, was in force, they were legally compellable to support the gospel, in that manner; and since that time, they have by common consent recognized the authority of that synod, and made their acts the basis of ecclesiastical government; but as this has no legal force, that may adopt or refuse it as they please; and may form any other rules of discipline, according to their own sentiments. In consequence of this a perpetual variation of religion may take place, without any interruption from civil regulations, and christianity in every possible shape, is so far countenanced as to give the professors an undisturbed enjoyment of their own opinions. It is very possible, that the sect in the located societies, which have considered themselves established, may cease to be the major part, and become the minor, and be

⁹ I have ventured to say that all denominations of christians are placed on a footing by law, because I consider they are so in effect, tho a little distinction is kept up, between the located and dissenting societies. The located societies have a right to tax all within their limits, who do not lodge certificates agreeable to law. The lodging of certificates by the dissenters, has been deemed by some a mark of degradation, but this idea may be removed when it is considered that it is not an act of acknowledging any superiority in the located societies, it is nothing more than an act in the dissenter, to inform the located society, that he does not belong to them. It is only a legal mode of evidence to ascertain to what society the people belong. It is a part of the acts necessary to be done, to constitute a new society; and when a number of persons, who dissent from the located society, have entered into a mutual agreement, established public worship, and lodged their certificates, they are during the continuance thereof, a compleat, legal, corporation, and are precisely on the same basis with all other societies, without being amenable to them in any respect. As the located societies were first established, and are the most numerous, it was reasonable that dissenters who formed new societies, should lodge certificates with them.

Another difference is, that where a persons attends on public worship in no religious society, she shall be taxed in the located societies. Such person ought to be taxed some where, and as dissenters, can have no claim upon persons who do not join them, there is no injustice done them, by permitting persons who belong no where to be taxed where it will be most convenient: for it would be difficult for dissenters to adopt a mode to ascertain such persons, while the located societies, can do it with the utmost facility.

When I use the word dissenters, it is only for the sake of distinction, for I consider the inhabitants of the located societies, to be as much dissenters from other societies, as I do them from the located societies.

obliged to give certificates to them whom they now call dissenters. This opens the door for the progressive improvement of religion unshackled by human laws. Many of the absurd and irrational doctrines which have so long disfigured and disgraced christianity, are already exploded, and there is a prospect that many more will soon meet with the same fate. Mankind are rejecting those false appendages of religions, which have so long imposed upon them penances and restraints, that have only contributed to encrease their wretchedness and misery. They begin to entertain an idea, that religion was not instituted for the purpose of rendering them miserable, but happy, and that the innocent enjoyments of life, are not repugnant to the will of a benevolent God. They believe there is more merit in acting right, than in thinking right; and that the condition of men in a future state, will not be dependent on the speculative opinions, that may have adopted in the present.

It is a pleasing consideration, that pure religion and moral virtue, have augmented in proportion to the progress of liberality of sentiment, and that every relaxation of the severity of the ecclesiastical establishment, has contributed to the stability of government, and the happiness of the people. There are many who having in early youth imbibed the false principle that government cannot exist without a civil establishment of religion, are now unwilling to rescind it: but a contemplation of this subject, must furnish the clearest demonstration. It will be found in all countries that ecclesiastical establishments have subjected mankind to a despotism that had largely contributed to their distress, and that human happiness has been proportioned to religious liberty. In this state, since the rejection of our ecclesiastical establishment, religion has become more flourishing, government more energetic, and the people more peaceable. These considerations must demonstrate the important truth, that a religious establishment is not necessary to the support of civil government, and that religion left to itself, will produce the happiest influence on civil society

A question of importance has been frequently agitated with respect to the right of government, to interfere in the concerns of religion. I am clearly of the opinion that no legislature the right to prescribe the ceremonies, the creed or the discipline of the church; but that where the people in general acknowledge the truth of a particular religion, and the duty of public worship, the legislature may step in to their aid, and enact laws that are necessary to enable them to support public worship in a manner agreeable to their consciences. In this state, the people in general recognize the truth of the christian religion, and the duty of public worship. The legislature without establishing any religion, had considered christianity to be the religion of the people, and has enacted laws to authorize the people to maintain public worship, in the manner which they deem proper. No mode of worship is prescribed, no creed is established, no church discipline enforced, in point of principle there is no coercion. IN point of support there is no compulsion, only in such manner as by their own acts, all have acknowledged to be right, and to which they have agreed to submit. A Jew, a Mehometan, or a Bramin, may practice all the rites and ceremonies of their religion, without interruption, or danger of incurring any punishment. A fair construction of the law will give to every person that religious liberty, which leaves no ground for complaint or dissatisfaction. Every christian may believe, worship, and support in such manner as he thinks right, and if he does not feel disposed to join public worship, he may stay at home and believe as he pleases, without any inconvenience, but the payment of his tax to support publish worship in the located society where he lives.

The only ground of dispute between different denominations, is with regard to the construction of the statute, securing the rights of conscience. Heretofore, dissenters, as it was always in the power of the inhabitants of the located societies -- to try the legality of their certificates of dissent, have been subjected to hard and rigorous usage. Courts

and juries have usually been composed of what was considered the standing church, and they have frequently practiced such quibbles and finesse with respect to the forms of certificates, and the nature of dissenting congregations, as to defeat the benevolent intentions of the law. Such an illiberal prejudice is manifestly repugnant to the genuine spirit of christianity. Christians ought to attend to two considerations, which are of great importance as relative to the peace of society. In all instances where a dissenter claims to be exempted from paying taxes to the support of the ministry in the located societies, by virtue of the statute, and the question is brought to trial before a court of law, the triers should be extremely careful to strip themselves of all that prejudice which different sects are too apt to feel towards each other, they hold judge upon the most enlarged principles of charity, and give the law the most candid and liberal construction. For nothing is more disgraceful, than for one sect to draw support of its ministry from another. The very semblance of persecution should be avoided.

On the other hand, christians ought not to separate from each other on slight grounds. There can be no impropriety in their uniting together in the public worship and adoration of the common Father of all men, tho they should entertain a great diversity of religious sentiments. There can be no necessity, that all the members of the congregation should believe alike to render worship sincere. Each will believe and worship for himself, and their union in the act of devotion will be acceptable to God, tho there be as many different opinions as there are members of the congregation. For near eighteen centuries, the different sects of christians have been quarreling with each other, respecting a religion which recommends, brotherly love, as the most essential duty. It is time that they begin to practice the religion they profess. They ought to know, that no one can have any occasion to quarrel about it, because every one has a right to think as he pleases. May we not hope that the period is not far distant, when mankind will have wisdom enough to discern the extreme folly of a religious quarrel.

Swift was a member of a generation of Connecticut leaders who strongly identified themselves with the voluntaristic ideas developed by Jonathan Edwards' followers, Samuel Hopkins (1721-1803), Joseph Bellamy (17 -18), and Nathaniel Emmons (1745-1840). These ministers viewed the church not as an appendage of the state, but as a militant gathering of committed believers "heartily opposed to the world," but nonetheless extraordinarily active in it. This essentially manichean stance led these men, on the one hand, to favor religious toleration, and, on the other, to view it as an opportunity for intensive evangelical activity whose purposes were to gather new adherents, to purge out the weak and insincere from among them, and to work vigorously for the reform of society.

No one articulated these ideas more forcefully than Timothy Dwight, minister, poet, politician, and president of Yale from 1795 to 1817. In his 1788 poem, "The Triumph of Infidelity," he recounted a dark vision of a society divided between "decent Christians" and individuals unrestrained by religious belief (Dwight [1788] 1969, 272):

No longer now by conscience' calls unmann'd
To sin, the wretch put forth a bolder hand;
More freely cheated, lied, defam'd, and swore;
Nor wish'd the night to riot, drink, or whore;

Look'd up, and hiss'd his God; his parent stung,
And sold his friend, and country, for a song.
The new-fledg'd infidel of modern brood
Climb'd the next fence, clapp'd both his wings, and crow'd;
And doubted if the bible were not true.
The decent Christian threw his mask aside,
And smil'd, to see the path of heaven so wide,
To church, the half of each fair sunday, went,
The rest, in visits, sleep, or dining, spent;
To vice and error nobly liberal grew;
Spoke kindly of all doctrines, but the true;
All men, but saints, he hop'd to heaven might rise,
And thought all roads, but virtue, reach'd the skies.

There truth and virtue stood, and sigh'd to find
New gates of falsehood open'd on mankind;
New paths to ruin strew'd with flowers divine,
And other aids, and motives, gain'd to sin.

For Dwight, the corrective to unrestrained individualism was orthodoxy: "On uniformity depends, / all government that gains its ends," Dwight wrote in 1793, reiterating the role of the church in nurturing the individual morality essential to the survival of democracy (Dwight [1793] 1969, 236). But enforced uniformity would not do: however intensely Dwight and his contemporaries believed in the importance of maintaining religious establishment, as "New Light" products of the Great Awakening, they also understood the futility of external compulsion. Just as good works were empty gestures unless undergirded by faith, so moral agency to be genuine had to

proceed from internal conviction. Thus, although fearing the consequences of religious diversity, they permitted the passage of the state's 1784 general toleration act which, at least formally, permitted citizens to worship according to the dictates of their consciences.

Dwight and his allies viewed the rise of religious diversity as a challenge to their powers of persuasion. They unleashed a torrent of sermons, pamphlets, and letters to newspapers, and, by the 1790s, began creating entirely new kinds of organizations whose purpose was to stem the rising tide of infidelity both in Connecticut and in the nation at large. At the same time, they began cleansing the churches of members of unsound doctrine or questionable personal behavior. Thus, while politically supporting the idea of religious establishment, their actions were transforming what had been inclusive community-based congregations into disciplined voluntary groups of committed believers.

This curious combination of intense personal religious commitment and organized political activism became the hallmarks of an evangelical movement known as the second Great Awakening. Although the second Awakening began as an essentially denominational movement in New England whose primary purpose was to stem efforts to disestablish Congregationalism (and, in Massachusetts, to scotch the rise of Unitarianism), by the 1820s it would crystalize as a national (and international) "evangelical united front" embracing all of the evangelical protestant sects -- Congregationalists, Presbyterians, Methodists, and Baptists (Foster 1963).

Typical of the early efforts connected with the second Great Awakening as Connecticut's 1798 "Act for the support of Missionaries to preach the Gospel in the northern, and western parts of the united States, and among the Indian Tribes."

An Act for the support of Missionaries to preach the Gospel in the northern, and western parts of the united States, and among the Indian Tribes (1798)

Resolved by this Assembly that there may be contributions in the several religious Societies and Congregations in this State on the first Sabbath in the Month of May annually for the Term of Three Years, and the Ministers, or Clerk of such Societies or Congregations, shall receive and pay over such Contributions to the Treasurer of the Missionary Society of this State, and the monies so paid over shall be appropriated by the Trustees of said Missionary Society for the support of such Missionaries, as they shall from Time to Time employ in preaching the Gospel in those settlements in the northern and western parts of the United States where the Ordinances of the Gospel are

not established, and among the Indian Tribes; And shall annually exhibit to this Assembly, and to said Missionary Society an account of the Receipts, and Expenditures of such Contributions; and his Excellency the Governor is requested annually to Issue his Proclamation accordingly.

Once again, this act illustrates the ambiguous nature of these early voluntary associations. It is not clear whether the setting aside of the first Sunday in May for "contributions in the several religious Societies and Congregations" was an appeal for donations in the modern sense. The Baptists and other dissenters were outraged by the proposal since, despite its voluntaristic rhetoric, in practice it involved disturbing elements of compulsion (Greene [1905] 1970, 386-7). In particular, they objected to the fact that the act placed the funds -- even those raised in dissenting societies -- under the control of the Congregationalists and used them for support of the Congregational missionaries.

Further, it seems quite clear that the Indian tribes were less the object of the missionaries efforts than non-Congregationalists and other "infidels." This point was underscored by the resolution with which the October 1798 session of the General Assembly concluded its business, which affirmed in no uncertain terms the interrelationship of church and state. At the same time, it set forth a number of concerns about regulating the manners and morals of individuals which would, within a few years, become central to the agenda of both of the evangelical and secular reform movements.

This Assembly taking into consideration the ancient Laws, and Institutions of this State, and especially those which relate to the observation of the Sabbath, and to the morrals, and manners of the People, are deeply senceable that they are wisely calculated to form the habits of Vertue, to promote social Order, and of Consequence to support our free and happy Constitution of Government, that they have by producing a prompt, and voluntary Obedience to the Laws, in every period, greatly contributed to the peace and prosperity of the state, and that they still continue; tho their energy is sencably diminished to contribute in a degree to the same end cannot be doubted; In this view of those venerable Institutions it is much to be regreted, that they should be so much disregarded as they are by many at the present day. To this Source may be traced those Errors in matters of Religion and Government, and that declention in manners, which so much prevail in one of the European Nations, which miserable State had its origin in Corruption of the Christian Religion, and has been consumated by infidelity, Atheism, and the total abolition of the Sabbath, and of such other Institutions as serve to maintain the belief of a God, and Obedience to his Laws, In order therefore to preserve those habits of Vertue, which have distinguished the People of this State, and gradually to restore them to their primetive vigor, as a necessary mean of perpetuating social Order, and of escaping those Calamities which are brought on a

great proportion of men in the present wreck of Nations; This Assembly therefore earnestly call upon all Officers, Judicial, and ministerial, to whom the Execution of the Laws is intrusted, to exert themselves by their united Councils, and in their several stations, and by wise and prudent measures to give energy to the laws against sabbath breaking and profaness, and to those which relate to unlicensed Houses and to Houses of public entertainment, and to take especial Care that no disorderly persons be nominated, or appointed to keep such public Houses; And also do exhort the People in their respective places to give the Officers of Government, such Countenance and support in the discharge of their several functions, that they may not be necessitated for want of effectual Encouragement to bear the sword in vain.

In the Upper House

The foregoing address is approved, and the Secretary is directed to cause the same to be printed, and Copies thereof to be distributed to the several Ecclesiastical [Societies] in this State, to be publicly read to the People Assembled for the public worship of God the last Sabbath in the month of November, and the first Sabbath of May next.

As the dissenters gradually gained in strength and, after 1800, gained the political support of the national Democratic Republican party (which helped to underwrite Jeffersonian newspapers and diluted the political power of orthodoxy through patronage appointments of postmasters, federal tax and customs collectors, and judges), Connecticut's Standing Order eventually offered to provide public funds for the support of all denominations, in proportion to their memberships. Had the plan been implemented, it would have created an ecumenical protestant establishment. The effort failed not only because certain denominations, notably the Baptists, objected to state support on principle, but also because there was clear evidence that in any such scheme the Congregationalists would always receive more than their fair share.

The probability of such favoritism was highlighted in 1814 when the legislature, on chartering the Phoenix Bank of Hartford (which was controlled by Episcopalians) reneged on its promise to assign a proportion of its capital stock to the Bishop's Fund (for support of the Episcopal Church). Instead, the greater part of the money was awarded to Yale, which was controlled by the Congregationalists. Thus betrayed, the Episcopalians joined forces with the Democrats to form a "Tolerationist" coalition, which took control of the state in 1816. The Tolerationists convened a constitutional convention -- and one of its first orders of business was the disestablishment of religion in Connecticut. Finally, thirty years after Virginia, Connecticut fully subscribed to the

idea that churches should be supported by the voluntary contributions of their members. (Massachusetts churches would continue to enjoy state support until 1833).

THE LEGITIMATION OF RELIGIOUS VOLUNTARISM

By the late 1820s, most Americans had come to fully accept the voluntary nature of churches and religious institutions. Indeed, they demonstrated a curious amnesia about

the recency and intensity of struggles over disestablishment. In his Commentaries on American Law, for example, New York jurist James Kent treated "the free exercise of religious profession" as an unquestionable natural right and took for granted the voluntaristic nature of religious corporations. (This is especially curious because Kent was both a Yale alumnus and a leader in the efforts to generate voluntary support for the college following the disestablishment of the Congregational Church and the cessation of state aid).

JAMES KENT ON THE FREE EXERCISE OF RELIGIOUS PROFESSION AND WORSHIP
(1844)

The free exercise and enjoyment of religious profession and worship, may be considered as one of the absolute rights of individuals, recognized in our American constitutions, and secured to them by law. Civil and religious liberty generally go hand in hand, and the

suppression of either of them, for any length of time, will terminate the existence of the other.

It is ordained by the constitution of the United States, that congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, and the same principle appears in all the state constitutions. The principle is generally announced in them without any kind of qualification or limitation annexed, and with the exclusion of every species of religious test.¹⁰ The charter of Rhode Island, of 1663, established a freedom of religious opinion and worship of extraordinary liberality for that early period of New England history. It declared, that "no persons within this colony, at any time hereafter, should be in any wise molested, punished, disquieted, or called in question, for any differences in opinion in matters of religion, who do not actually disturb the civil peace of the colony." The principles and character of Roger Williams, the earliest settler and actual founder of the state of Rhode-Island, in 1636, had prepared the way for such an unexampled declaration of the rights and sanctity of conscience. The legislature of Maryland had already, in 1649, declared by law, that no persons professing to believe in Jesus Christ, should be molested in respect of their religion, or in the free exercise thereof, or be compelled to the belief or exercise of any other religion, against their consent.¹¹ Thus, to use the words of a learned and liberal

^{10c} I say *generally*, for in the constitutions of Massachusetts, New-Jersey, Maryland, North-Carolina, Tennessee and Mississippi, religious tests, to a certain extent, seem to have been retained. By the constitution of North-Carolina of 1776, no person denying the divine authority of the Old or New Testament, or the truth of the Protestant religion, could hold civil office. By the ammended constitution of 1835, the word Protestant was omitted, and the word Christian substituted.

In Connecticut, the early settlers established, and enforced by law, a uniformity of religious doctrine and worship, and made it requisite that every person holding a civil office, should be a church member. The severity of such a religious establishment was from time to time relaxed, until at last, by the constitution of 1818, perfect freedom of religious profession and worship, without discrimination was ordained. And in the ordinance of congress of July 13, 1787, *for the government of the territory of the United States north-west of the river Ohio*, it was declared to be an article of compact between the original states and the people and states in the said territory -- a fundamental principle, to remain forever unalterable, that no person, demeaning himself in a peaceable and orderly manner, should ever be molested on account of his mode of worship or religious sentiments.

¹¹ . . . This legislative act of Maryland, in favor of religious toleration, was prior in time to any in America, if not in any country, but it was still limited to trinitarian Christians. . . .

historian, the Catholic planters of Maryland procured to their adopted country the distinguished praise of being the first of the American states in which toleration was established by law; and while the Puritans were persecuting their Protestant brethren in New England, and the Episcopalians retorting the same severity on the Puritans in Virginia, the Catholics, against whom the others were combined, formed in Maryland a sanctuary, where all might worship and none might oppress, and where even Protestants wrought refuge from Protestant intolerance. The proprietaries of Carolina, for the better encouragement of settlers, declared, concurrently in point of time with the Rhode-Island charter, that all persons settling therein should enjoy the most perfect freedom of religion. So, also, Lord Berkeley and Sir George Carteret, the proprietaries of New-Jersey, in their first *concessions* to the settlers, in 1664, of a charter of civil liberties, secured to them the full and perfect enjoyment of religious liberty, by adopting the same language as that used in the charter of Rhode-Island. The fundamental constitutions of the twenty-four proprietors in 1683, reiterated the right to the same unqualified freedom of religious profession and worship. In 1698, the declaratory act of the general assembly of East-New-Jersey was a little more restrictive in its operations. Religious liberty was confined to the Protestant professors of the Christian faith, and so was the religious toleration allowed by the Massachusetts charter of 1691, and by the declaratory act of the general assembly of New-York in 1691, and by the charter of Georgia in 1732.¹² On the other hand, the concessions of the one hundred and fifty proprietors and planters of the province of West-New-Jersey, in 1676, established under the auspices of William Penn, went to the most large and liberal extent. It was declared in them, that no men on earth had power or authority to rule over men's consciences in religious matters, and that no person should be called in

¹² It appears, however, that by the charter of liberties established by the general assembly of the province of New-York, under the Duke of York, in 1683, complete enjoyment of religious profession and worship was granted to all persons who "professed faith in God by Jesus Christ." This of course included Roman Catholics. It is to be observed, however, that the Duke of York (afterwards James II.) was himself a Papist.

question, or punished, or hurt, in person, estate, or privilege, for the sake of his opinion, judgment, or worship, in the concernments of religion.¹³ In the code of laws, or charter of privileges, prepared by William Penn for Pennsylvania, and adopted by the first provincial assembly, it was declared, that no person acknowledging a Deity, and living peaceably and justly in society, should be molested or prejudiced for their religious persuasion or practice in faith and worship, or be compelled to frequent or maintain any religious ministry or worship.¹⁴ It appears from these illustrious examples, that various portions of this country became, even in its infant state, a distinguished asylum for the enjoyment of the principles of civil and religious liberty, by the persecuted votaries of those principles from every part of Europe.

¹³ In 1693 the legislature of West-New-Jersey prescribed a confession of faith as a condition of holding office, and that confession contained a declaration of a belief in the doctrine of the trinity, according to the English toleration act of 1689.

¹⁴ The Puritans of Massachusetts, under the charter of 1629, *assumed* the grant to them of free exercise of religion according to the dictates of conscience; but the better opinion is, that this was a gratuitous assumption, not warranted by any sound construction of their charter; and while they claimed this right for themselves, and exercised it without any foundation in the grant, they forthwith denied to Episcopalians the privilege of using their own creed and worship. The two recent historians, Grahame and Bancroft, take different sides on this question, (if any question there can really be,) under the charter of 1629. The former . . . follows Neal and other Puritans of that age, in favour of the Puritans' claim; and the latter, . . . follows Chalmers, Robertson, and Story, in opposition to it. The leading principle in the religious system of the colony of Massachusetts, was the compulsory support of public worship, and the liability of every inhabitant to taxation for its support. Anabaptists and Quakers were first exempted, and next Episcopalians, who were allowed to pay their taxes to their own clergymen. The laws still in force contain the principle, that a religious establishment of the Christian Protestant religion, and public worship, ought to be maintained by legal coercion.

Some of the colonial governments provided for the enjoyment of *religious liberty* in the largest sense, as allowing to every man the free exercise and enjoyment of religious profession and worship without discrimination, and this was the language of the constitution of New-York of 1777. In other instances *religious toleration* was granted, and which meant the allowance of religious opinions and modes of worship, differing from those established by law. The prevalent doctrine at the present day is in favor of religious liberty and equality without the existence of any power of control, or distinction by law, or establishment.

JAMES KENT ON ECCLESIASTICAL CORPORATIONS (1844)

Another division of corporations, by the English law, is into *ecclesiastical* and *lay*. The former are those of which the members are spiritual persons, and the object of the institution is also spiritual. With us, they are called religious corporations. This is the description given to them in the statutes of New-York, Ohio, and other states, providing generally *for the incorporation of religious societies*, in an easy and popular manner, and for the purpose of managing, with more facility and advantage, the temporalities belonging to the church or congregation. Lay corporations are again divided into *eleemosynary* and *civil*. An eleemosynary corporation is a private charity, constituted for the perpetual distribution of alms and bounty of the founder. In this class are ranked, hospitals for the relief of poor, sick, and impotent persons, and colleges and academies established for the promotion of learning and piety, and endowed with property, by public and private donations. . . .

Kent's thoughts on the subject of religion are of special significance, not only because he was the leading legal commentator of his time, but also because he was a major source for De Tocqueville's insights into the place of religion in American civil society. Tocqueville interviewed Kent in June of 1830, at which time he was presented with a set of the Commentaries. The young Frenchman spent his idle moments for the rest of his journey to America perusing and taking notes on these volumes.

To us, De Tocqueville's portrayal of American religion, which stresses its voluntaristic and politically neutral characteristics, seems unexceptional. In fact, the account he offers far more accurately depicted religious life as it would exist in the future than it captured its characteristics in his own time. At the time of his visit, struggles over religious establishment were still going on -- most notably in Massachusetts, where free-thinker Abner Kneeland was tried and imprisoned for blasphemy in 1836 (Levy 1957, 43-58). Moreover, the 1830s represented the high point of the second Great Awakening. Although no longer pushing for government support, the evangelicals were anything but politically neutral: temperance, strict and universal observance of the sabbath, and other forms of public regulation of private activity ranked high on their agenda.

What ultimately compelled evangelical religion to fully accept political neutrality were the realities of the marketplace. Disestablishment fostered religious diversity and

diversity gave believers choices. If an individual was taken to task by his congregation for intemperance or for favoring the movement of the mails on Sunday, he could walk away and join another denomination -- as many did. Thus, churches were caught in a bind: excesses of doctrinal and political rigor tended over the long run to diminish organizational success; given the choice, most denominations chose to moderate their claims on civil and political society.

Such neutrality should in no way suggest that religion ceased to be of importance in public life. As Tocqueville suggests, not only did private religious convictions profoundly shape the nature of individuals' participation in civil society, they also framed public morality itself. In this sense, the defenders of religious establishment were correct in believing that a core of personal and public values were necessary to prevent democracy from sliding into anarchy. But they were unable to imagine a diversity of denominations could produce or sustain such values.

Not all denominations chose numbers over doctrinal purity or neutrality over political activism, however. Quakers and the Unitarians, for example, would be at the forefront of the struggle to abolish slavery, lending both institutional support and the commitment of their ministers and congregations to the fight. Later in the nineteenth century, under the banner of the "social Gospel," certain protestant denominations would lead struggles against urban poverty and the excesses of industrial capitalism.

ALEXIS DE TOCQUEVILLE, RELIGION CONSIDERED AS A POLITICAL INSTITUTION
WHICH POWERFULLY CONTRIBUTES TO THE MAINTENANCE OF A
DEMOCRATIC REPUBLIC AMONG THE AMERICANS.

By the side of every religion is to be found a political opinion, which is connected to it by affinity. If the human mind be left to follow its own bent, it will regulate the temporal and spiritual institutions of society in a uniform manner, and the man will endeavor, if I may so speak, to *harmonize* earth with heaven.

The greatest part of British America was peopled by men who, after having shaken off the authority of the Pope, acknowledged no other religious supremacy: they brought with them into the New World a form of Christianity which I cannot better describe than by styling it a democratic and republican religion. This contributed

powerfully to the establishment of a republic and a democracy in public affairs; and from the beginning, politics and religion contracted an alliance which had never been dissolved.

About fifty years ago Ireland began to pour a Catholic population into the United States; and on their part, the Catholics of America made proselytes, so that, at the present moment more than a million Christians professing the truths of the Church of Rome are to be found in the Union. These Catholics are faithful to the observances of their religion; they are fervent and zealous in the belief of their doctrines. Yet they constitute the most republican and the most democratic class in the United States. This fact may surprise the observer at first, but the causes of it may easily be discovered upon reflection.

I think that the Catholic religion has erroneously been regarded as the natural enemy of democracy. Among the various sects of Christians, Catholicism seems to me, on the contrary, to be one of the most favorable to equality of condition among men. In the Catholic Church the religious community is composed of only two elements: the priest and the people. The priest alone rises above the rank of his flock, and all below him are equal.

On doctrinal points the Catholic faith places all human capacities upon the same level; it subjects the wise and ignorant, the man of genius and the vulgar crowd, to the details of the same creed; it imposes the same observances upon the rich and the needy, it inflicts the same austerities upon the strong and the weak; it listens to no compromise with mortal man, but, reducing all the human race to the same standard, it confounds all the distinctions of society at the foot of the same altar, even as they are confounded in the sight of God. If Catholicism predisposes the faithful to obedience, it certainly does

not prepare them for inequality; but the contrary may be said of Protestantism, which generally tends to make men independent more than to render them equal.

Catholicism is like an absolute monarchy; if the sovereign be removed, all the other classes of society are more equal than in republics.

It has not infrequently occurred that the Catholic priest has left the service of the altar to mix with the governing powers of society and to take his place among the civil ranks of men. This religious influence has sometimes been used to secure the duration of that political state of things to which he belonged. Thus we have seen Catholics taking the side of aristocracy from a religious motive. But no sooner is the priesthood entirely separated from the government, as is the case in the United States, than it is found that no class of men is more naturally disposed than the Catholics to transfer the doctrine of equality into the political world.

If, then, the Catholic citizens of the United States are not forcibly led by the nature of their tents to adopt democratic and republican principles, at least they are not necessarily opposed to them; and their social position, as well as their limited number, obliges them to adopt these opinions. Most of the Catholics are poor, and they have no chance of taking a part in the government unless it is open to all citizens. They constitute a minority, and all rights must be respected in order to ensure to them the free exercise of their own privileges. These two causes induce them, even unconsciously, to adopt political doctrines which they would perhaps support with less zeal if they were rich and preponderant.

The Catholic clergy of the United States have never attempted to oppose this political tendency; but they seek rather to justify it. The Catholic priests in America have divided the intellectual world into two parts: in the one they place the doctrines of revealed

religion, which they assent to without discussion; in the other they leave those political truths which they believe the Deity has left open to free enquiry. Thus the Catholics of the United States are at the same time the most submissive believers and the most independent citizens.

It may be asserted, then, that in the United States no religious doctrine displays the slightest hostility to democratic and republican institutions. The clergy of all the different sects there hold the same language; their opinions are in agreement with the laws, and the human mind flows onwards, so to speak, in one undivided current.

I happened to be staying in one of the largest cities in the Union when I was invited to attend a public meeting in favor of the Poles and of sending them supplies of arms and money. I found two or three thousand persons collected in a vast hall which had been prepared to receive them. In a short time a priest in his ecclesiastical robes advanced to the front of the platform. The spectators rose and stood uncovered in silence while he spoke in the following terms:

"Almighty God! the God of armies! Thou who didst strengthen the hearts and guide the arms of our fathers when they were fighting for the sacred rights of their national independence! Thou who didst make them triumph over a hateful oppression, and hast granted to our people the benefits of liberty and peace! turn, O Lord, a favorable eye upon the other hemisphere; pitifully looked down upon an heroic nation which is even now struggling as we did in the former time, and for the same rights. Thou, who didst create man in the same image, let not tyranny mar thy work and establish inequality upon the earth. Almighty God! do thou watch over the destiny of the Poles, and make them worthy to be free. May thy wisdom direct their councils, may thy strength sustain their arms! Shed forth they terror over their enemies; scatter the powers which take

counsel against them; and permit not the injustice which the world has witnessed for fifty years to be consummated in our time. O Lord, who holdest alike the hearts of nations and of men in thy powerful hand, raise up allies to the sacred cause of right; arouse the French nation from the apathy in which its ruler retain it, that it may go forth again to fight for the liberties of the world.

"Lord, turn not thou thy face from us, and grant we may always be the most religious, as well as the freest, people of the earth. Almighty God, hear our supplications this day. Save the Poles, we beseech thee, in the name of thy well-beloved son, our Lord Jesus Christ, who died upon the cross for the salvation of all men. Amen."

The whole meeting responded: "Amen!" with devotion.

INDIRECT INFLUENCE OF RELIGIOUS OPINIONS UPON POLITICAL SOCIETY IN THE UNITED STATES.

I have just shown what the direct influence of religion upon politics is in the United States; but its indirect influence appears to me to be still more considerable, and it never instructs the American more fully in the art of being free than when it says nothing of freedom.

The sects that exist in the United States are innumerable. They all differ in respect to the worship which is due to the Creator; but they all agree in respect to the duties which are due from man to man. Each sect adores the Deity in its own peculiar manner,

but all sects preach the same moral law in the name of God. If it be of the highest importance to man, as an individual, that his religion should be true, it is not so to society. Society has no future life to hope for or to fear; and provided the citizens profess a religion, the peculiar tenets of that religion are of little importance to its interests. Moreover, all the sects of the United States are comprised within the great unity of Christianity, and Christian morality is everywhere the same. It may be fairly believed that a certain number of Americans pursue a peculiar form of worship from habit more than from conviction. In the United States the sovereign authority is religious, and consequently hypocrisy must be common; but there is no country in the world where the christian religion retains a greater influence over the souls of men than in America; and there can be no greater proof of its utility and of its conformity to human nature than that its influence is powerfully felt over the most enlightened and free nation of the earth.

I have remarked that the American clergy in general even excepting those who do not admit religious liberty, are all in favor of civil freedom; but they do not support any particular political system. They keep aloof from parties and from public affairs. In the United States religion exercises but little influence upon the laws and upon the details of public opinion; but it directs the customs of the community, and, by regulating domestic life, it regulates the state.

I do not question that the great austerity of manners that is observable in the United States arises, in the first instance, from religious faith. Religion is often unable to restrain man from numberless temptations which chance offers; nor can it check that passion for gain which everything contributes to arouse; but its influence over the mind of woman is supreme, and women are the protectors of morals. There is certainly no country in the world where the tie of marriage is more respected than in America or

where conjugal happiness is more highly or worthily appreciated. In Europe almost all the disturbances of society arise from the irregularities of domestic life. To despise the natural bonds and legitimate pleasures of home is to contract a taste for excesses, a restlessness of heart, and fluctuating desires. Agitated by the tumultuous passions that frequently disturb his dwelling, the European is galled by the obedience which the legislative powers of the state exact. But when the American retires from the turmoil of public life to the bosom of his family, he finds in it the image of order and of peace. There his pleasures are simple and natural, his joys are innocent and calm; and as he finds that an orderly life is the surest path to happiness, he accustoms himself easily to moderate his opinions as well as his tastes. While the European endeavors to forget his domestic troubles by agitating society, the American derives from his own home that love of order which he afterwards carries with him into public affairs.

In the United States the influence of religion is not confined to the manners, but it extends to the intelligence of the people. Among the Anglo-Americans some profess doctrines of Christianity from a sincere belief in them, and others do the same because they fear to be suspected of unbelief. Christianity, therefore, reigns without obstacle, by universal consent; the consequence is, as I have before observed, that every principle of the moral world is fixed and determinate, although the political world is abandoned to the debates and the experiments of men. Thus the human mind is never left to wander over a boundless field; and whatever may be its pretensions, it is checked from time to time by barriers that it cannot surmount. Before it can innovate, certain primary principles are laid down, and the boldest conceptions are subjected to certain forms which retard and stop their completion.

The imagination of the Americans, even in its greatest flights, is circumspect and undecided; its impulses are checked and its works unfinished. These habits of restraint

recur in political society and are singularly favorable both to the tranquillity of the people and to the durability of the institutions they have established. Nature and circumstances have made the inhabitants of the United States bold, as is sufficiently attested by the enterprising spirit with which they seek for fortune. If the mind of the Americans were free from all hindrances, they would shortly become the most daring innovators and the most persistent disputants in the world. But the revolutionists of America are obliged to profess an ostensible respect for Christian morality and equity, which does not permit them to violate wantonly the laws that oppose their designs; nor would they find it easy to surmount the scruples of their partisans even if they were able to get over their own. Hitherto no one in the United States has dared to advance the maxim that everything is permissible for the interests of society, an impious adage which seems to have been invented in an age of freedom to shelter all future tyrants. Thus, while the law permits the Americans to do what they please, religion prevents them from conceiving, and forbids them to commit, what is rash or unjust.

Religion in America takes no direct part in the government of society, but it must be regarded as the first of their political institutions; for it does not impart a taste for freedom, it facilitates the use of it. Indeed, it is in this same point of view that the inhabitants of the United States themselves look upon religious belief. I do not know whether all Americans have a sincere faith in their religion -- for who can search the human heart? -- but I am certain that they hold it to be indispensable to the maintenance of republican institutions. This opinion is not peculiar to a class of citizens or to a party, but it belongs to the whole nation and to every rank of society.

In the United States, if a politician attacks a sect, this may not prevent the partisans of that very sect from supporting him; but if he attacks all the sects together, everyone abandons him, and he remains alone.

While I was in America, a witness who happened to be called at the Sessions of the county of Chester (state of New York) declared that he did not believe in the existence of God or in the immortality of the soul. The judge refused to admit his evidence, on the ground that the witness had destroyed beforehand all the confidence of the court in what he was about to say.¹⁵ The newspapers related the fact without any further comment.

The Americans combine the notions of Christianity and of liberty so intimately in their minds that it is impossible to make them conceive of one without the other; and with them this conviction does not spring from that barren, traditionary faith which seems to vegetate rather than to live in the soul.

I have known of societies formed by Americans to send out ministers of the Gospel into the new Western states, to found schools and churches there, lest religion should be allowed to die away in those remote settlements, and the rising states be less fitted to enjoy free institutions than the people from whom they came. I met with wealthy New Englanders who abandoned the country in which they were born in order to lay the foundations of Christianity and of freedom on the banks of the Missouri or in the prairies of Illinois. Thus religious zeal is perpetually warmed in the United States by the fires of patriotism. These men do not act exclusively from a consideration of a future life; eternity is only one motive of their devotion to the cause. If you converse with these missionaries of Christian civilization, you will be surprised to hear them speak so often of the good of this world, and to meet a politician where you expected to find a

¹⁵ The New York Spectator of August 23, 1831 relates the fact in the following terms: "The Court of Common Pleas of Chester County (New York) a few days since rejected a witness who declared his disbelief in the existence of God. The presiding judge remarked, that he had not before been aware that there was a man living who did not believe in the existence of God; that this belief constituted the sanction of all testimony in a court of justice; and that he knew of no cause in a Christian country where a witness had been permitted to testify without such belief."

priest. They will tell you that "all the American republics are collectively involved with each other; if the republics of the West were to fall into anarchy, or be mastered by a despot, the republican institutions which nor flourish upon the shores of the Atlantic Ocean would be in great peril. It is therefore our interest that the new states should be religious, in order that they may permit us to remain free."

Such are the opinions of the Americans; and if any hold that the religious spirit which I admire is the very thing most amiss in America, and that the only element wanting to the freedom and happiness of the human race on the other side of the ocean is to believe with Spinoza in the eternity of the world, or with Cananis that thought is secreted by the brain, I can only reply that those who hold this language have never been in America and that they have never seen a religious or a free nation. When they return from a visit to that country, we shall hear what they have to say. . . .

PRINCIPAL CAUSES WHICH RENDER RELIGION POWERFUL IN AMERICA

THE PHILOSOPHERS of the eighteenth century explained in a very simple manner the gradual decay of religious faith. Religious zeal, said they, must necessarily fail the more generally liberty is established and knowledge diffused. Unfortunately, the facts by no means accord with their theory. There are certain populations in Europe whose unbelief is only equaled by their ignorance and debasement; while in America, one of the freest and most enlightened nations in the world, the people fulfill with fervor all the outward duties of religion.

On my arrival in the United States the religious aspect of the country was the first thing that struck my attention; and the longer I stayed there, the more I perceived the great political consequences resulting from this new state of things. In France I had almost always seen the spirit of religion and the spirit of freedom marching in opposite directions. But in America I found they were intimately united and that they reigned in common over the same country. My desire to discover the causes of this phenomenon increased from day to day. In order to satisfy it I questioned the members of all the different sects; I sought especially the society of the clergy, who are the depositories of the different creeds and are especially interested in their duration. As a member of the Roman Catholic Church, I was more particularly brought into contact with several of its priests, with whom I became intimately acquainted. To each of these men I expressed my astonishment and explained my doubts. I found that they differed upon matters of detail alone, and that they all attributed the peaceful domination of religion in their country mainly to the separation of church and state. I do not hesitate to affirm that during my stay in America I did not meet a single individual, of the clergy or the laity, who was not of the same opinion on this point.

This led me to examine more attentively than I had hitherto done the station which the American clergy occupy in political society. I learned with surprise that they filled no public appointments.¹⁶ I did not see one of them in the administration, and they are not even represented in the legislative assemblies. In several states¹⁷ the law excludes them from political life; public opinion excludes them in all. And when I came to inquire into the prevailing spirit of the clergy, I found that most of its members seemed to retire of their own accord from the exercise of power, and that they made it the pride of their profession to abstain from politics.

¹⁶ Unless this term is applied to the functions which many of them fill in the schools. Almost all education is entrusted to the clergy.

¹⁷ See the Constitution of New York, Art. VII, sec. 4.

Tocqueville's concluding remarks on democracy and religion are of particular relevance to the history of philanthropy and voluntarism. Beyond recapitulating his earlier points on the importance of religious values in maintaining democratic institutions, he points to their role in blunting the oppressive, exploitative, and personally degrading potential of the market economy. Religion, he suggests, frames individuals' pursuit of economic self-interest with an awareness of its larger purposes and its moral possibilities; and the institutions and observances of religion act to

constantly remind individuals of the place of their own actions in the larger scheme of things. For Tocqueville, moralizing economic activity involves far more than a justification of the pursuit of wealth and well-being; rather, it transforms economic activity into a form of moral agency. This leads citizens to devote their wealth to the purposes of private and public morality.

HOW RELIGION IN THE UNITED STATES AVAILS ITSELF OF DEMOCRATIC TENDENCIES

. . .It has been shown that at times of general culture and equality the human mind consents only with reluctance to adopt dogmatic opinions and feels their necessity acutely only in spiritual matters. This proves, in the first place, that at such times religions ought more cautiously than at any other to confine themselves within their own precincts; for in seeking to extend their power beyond religious matters, they incur a risk of not being believed at all. The circle within which they seek to restrict the human intellect ought therefore to be carefully traced, and beyond its verge the mind should be left entirely free to its own guidance. . . .

It cannot be denied that Christianity itself has felt, to some extent, the influence that social and political conditions exercise on religious opinions. . . .

The chief concern of religion is to purify, to regulate, and to restrain the excessive and exclusive taste for well-being that men feel in periods of equality; but it would be an error to attempt to overcome it completely or eradicate it. Men cannot be cured of the love of riches, but they may be persuaded to enrich themselves by none but honest means.

This brings me to a final consideration, which comprises, as it were, all the others. The more the conditions of men are equalized and assimilated to each other, the more important it is for religion, while it carefully abstains from the daily turmoil of secular affairs, not needlessly to run counter to the ideas the generally prevail or to the permanent interests that exist in the mass of the people. For as public opinion grows to be more and more the first and most irresistible of existing powers, the religious principle has no external support strong enough to enable it to long resist its attacks. This is not less true of a democratic people ruled by a depot than of a republic. In ages of equality kings may often command obedience, but the majority always commands belief; to the majority, therefore, deference is to be paid in whatever is not contrary to the faith.

I showed in the first Part of this work how the American clergy stand aloof from secular affairs. This is the most obvious but not the only example of their self-restraint. In America religion is a distinct sphere, in which the priest is sovereign, but out of which he takes care never to go. Within its limits he is master of the mind; beyond them he leaves men to themselves and surrenders them to the independence and instability that belong to their nature and age. . . .

Another remark is applicable to the clergy of every communion. The American ministers of the Gospel do not attempt to draw or to fix all the thoughts of man upon the life to come; they are willing to surrender a portion of his heart to the cares of the present, seeming to consider the goods of this world as important, though secondary, objects. If they take no part themselves in productive labor, they are at least interested in its progress and they applaud its results; and while they never cease to point to the other world as the great object of the hopes and fears of the believer, they do not forbid him honestly to court prosperity in this. Far from attempting to show that these things are distinct and contrary to one another, they study rather to find out on what point they are most nearly and closely connected.

All the American clergy know and respect the intellectual supremacy exercised by the majority; they never sustain any but necessary conflicts with it. They take no share in the altercations of parties, but they readily adopt the general opinions of their country and their age, and they allow themselves to be borne away without opposition in the current of feeling and opinion by which everything around them is carried along. They endeavor to amend their contemporaries, but they do not quit fellowship with them. Public opinion is therefore never hostile to them, and their belief owes its authority at the same time to the strength which is its own and to that which it borrows from the opinions of the majority.

Thus it is that by respecting all democratic tendencies not absolutely contrary to herself and by making use of several of them for her own purposes, religion sustains a successful struggle with that spirit of individual independence which is her most dangerous opponent.

HOW RELIGIOUS BELIEF SOMETIMES TURNS THE THOUGHTS OF THE AMERICANS TO IMMATERIAL PLEASURES

In the United States on the seventh day of every week the trading and working life of the nations seems suspended; all noises cease; a deep tranquility, say rather the solemn calm of meditation, succeeds the turmoil of the week, and the soul resumes possession and contemplation of itself. On this day the marts of traffic are deserted; every member of the community, accompanied by his children, goes to church, where he listens to strange language which would seem unsuited to his ear. He is told of the countless evils caused by pride and covetousness; he is reminded of the necessity of checking his desires, of the finer pleasures that belong to virtue alone, and of the true happiness that attends it. On his return home he does not turn to the ledgers of business, but he opens the book of Holy Scripture; there he meets with sublime and affecting descriptions of the greatness and goodness of the Creator, of the infinite magnificence of the handiwork of God, and of the lofty destinies of man, his duties, and his immortal privileges.

Thus it is that the American at times steals an hour from himself, and, laying aside for a while the petty passions which agitate his life, and the ephemeral interests which engross it, he strays at one into an ideal world, where all is great, eternal, and pure.

I have endeavored to pointed out, in another part of this work, the causes to which the maintenance of the political institutions of the American is attributable, and religion appeared to be one of the most prominent among them. I am now treating of the Americans in an individual capacity, and I again observe that religion is not less useful to each citizen than to the whole state. The Americans show by their practice that they feel the high necessity of imparting morality to democratic communities by means of religion. What they think of themselves in this respect is a truth of which every democratic nation ought to be thoroughly persuaded.

I do not doubt that the social and political constitution of a people predisposes them to adopt certain doctrines and tastes, which afterwards flourish without difficulty among them; while the same causes may divert them from certain other opinions and propensities without any voluntary effort and, as it were, without any distinct consciousness on their part. The whole art of the legislator is correctly to discern beforehand these natural inclinations of communities of men, in order to know whether they should be fostered or whether it may not be necessary to check them. For the duties incumbent on the legislator differ at different times; only the goals towards which the human race ought ever to be tending is stationary; the means of reaching it are perpetually varied. . . .

The attention of the legislators of democracies is called to other cares. Give democratic nations education and freedom and leave them alone. They will soon learn to draw from this world all the benefits that it can afford; they will improve each of the useful arts and will day by day render life more comfortable, more convenient, and more easy. Their social condition naturally urges them in this direction; I do not fear that they will slacken their course.

But while man takes delight in this honest and lawful pursuit of his own well-being, it is to be apprehended that in the end he may lose the use of his sublimest faculties, and that while he is busy improving all around him, he may at length degrade himself. Here, and here only, does the peril lie. It should therefore be the unceasing object of the legislators of democracies and of all the virtuous and enlightened men who live there to raise the souls of their fellow citizens and keep them lifted up toward heaven. It is necessary that all who feel an interest in the future destinies of democratic society

should unite, and that all should make joint and continual efforts to diffuse the love of pleasures not of earth. . . .

The materials are offensive to me in many respects; their doctrines I hold to be pernicious, and I am disgusted at their arrogance. If their system could be of any utility to man, it would seem to be by giving him a modest opinion of himself; but these reasoners show that it is not so; and when they think they have said enough to prove that they are brutes, they appear as proud as if they had demonstrated that they are gods.

Materialism, among all nations, is a dangerous disease of the human mind; but it is more especially to be dreaded among a democratic people because it readily amalgamates with that vice which is most familiar to the heart under such circumstances. Democracy encourages a taste for physical gratification; this taste, if it become excessive, soon disposes men to believe that all is matter only; and materialism, in its turn, hurries them on with mad impatience to these same delights; such is the fatal circle within which democratic nations are driven round. It were well that they should see the danger and hold back. . . .

If it be easy to see that it is more particularly important in democratic ages that spiritual opinions should prevail, it is not easy to say by what means those who govern democratic nations may make them predominate. I am no believer in the prosperity any more than in the durability of official philosophies; and as to state religions, I have always held that if they be sometimes of momentary service to the interests of political power, they always sooner or later become fatal to the church. Nor do I agree with those who think that, to raise religion in the eyes of the people and to make them do honor to her spiritual doctrines, it is desirable indirectly to give her ministers a political

influence which the laws deny them. I am so much alive to the almost inevitable dangers which beset religious belief whenever the clergy take part in public affairs, and I am so convinced that Christianity must be maintained at any cost in the bosom of modern democracies, that I had rather shut up the priesthood within the sanctuary than allow them to step beyond it.

What means then remain in the hands of constituted authorities to bring men back to spiritual opinions or to hold them fast to the religion by which those opinions are suggested?

My answer will do me harm in the eyes of politicians. I believe that the sole effectual means which governments can employ in order to have the doctrine of the immortality of the soul duly respected is always to act as if they believed in it themselves; and I think that it is only by scrupulous conformity to religious morality in great affairs that they can hope to teach the community at large to know, to love, and to observe it in the lesser concerns of life.

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