

demands. Yet this should hardly be a surprise. American religious dissenters distrusted civil establishments of religion, but they were unlikely to embrace a position that also seemed to evince hostility toward churches and their clergy. Accordingly, notwithstanding the enthusiasm of a few intellectuals in Europe and the brief support of one group of Baptists in Virginia in 1783, it is difficult to find dissenting denominations or even many individuals in America prior to 1800 who clearly advocated the separation of church and state.

## *Accusations of Separation*

SEPARATION first appeared in popular American debates about religious liberty not as a demand but as an accusation. As already seen, a few somewhat anticlerical intellectuals had sought versions of separation of church and state. Accordingly, it may be thought that in the late eighteenth century, when evangelical dissenters were engaged in their dramatic struggle against the establishment of religion in some American states, they may have demanded a separation of church and state. Yet they typically did not do so. On the contrary, in the late eighteenth-century controversies over religious liberty, it was the advocates of establishments who alluded to a sort of separation—the separation of religion and government—and following the example of Richard Hooker, they treated separation as an accusation.

In the contest over religious establishments, disputants on both sides gave in to their worst fears and attributed extreme positions to their opponents—separation being only one of these slurs. From the dissenting side came the accusation that the establishment churches “united” or “blended” church and state—an allegation powerfully suggestive of papal oppression. It was an accusation deeply resented by establishment ministers, who pointed out that their tolerant establishments were merely alliances between distinct civil and religious bodies—church and state being closely affiliated but different institutions.<sup>1</sup> In

<sup>1</sup> In late eighteenth-century England and America, establishments were ever less frequently defended as a combination or blend of church and state, for, by the early eighteenth century, William Warburton and others had developed the alternative theory of an alliance. Warburton’s counterintuitive defense of establishment privileges rejected the

contrast to the dissenters' accusation of union, establishment clergymen occasionally reciprocated by hinting that dissenters sought to separate religion and government. This too was a mischaracterization, for dissenters rarely, if ever, demanded such a separation. These charges, therefore, are less revealing about the beliefs of the accused than about the anxieties of the accusers.

### *The Establishment Accusation*

In a society in which it was widely accepted that civil government depended upon religion and upon the morality it inculcated, any hint that dissenters aimed to separate religion from government was a potent accusation. It insinuated that dissenters desired to undermine the moral foundations of government, and it thereby appealed to those who worried that religious dissent threatened moral and political order.

Government and especially republican government seemed inescapably dependent upon religion. Establishment clergymen once had justified their civil privileges—most important, salaries raised by special taxes or assessments—by emphasizing that religion needed the support of civil government. Following the example of John Locke, however,

tradition that the English government and the English church were so intertwined as to be, in some respects, almost indistinguishable and instead accepted the arguments of dissenters that church and state should be considered distinct institutions. Indeed, Warburton insisted upon the distinction between church and state, and, on this ground, argued for the dependence of each upon the other and for the necessity, on secular grounds of self-preservation, of an alliance between these institutions. William Warburton, *The Alliance between Church and State* (London: 1736). It was a rhetorically brilliant reply to the critics of establishments. On the assumption that church and state were distinct, all defenders of establishments in America, Anglican or Congregational, could defend themselves by insisting that church and state were allied or connected rather than blended together. Accordingly, it was a rare instance when, in 1776 or 1777, a Virginian wrote that it was "necessary, for domestic peace, that the interest of Church and State should be so blended together as that of man and wife." *The Necessity of an Established Church in any State*, as quoted in *The Free Man's Remonstrance against an Ecclesiastical Establishment: Being Some Remarks on a Late Pamphlet, Entitled The Necessity of an Established Church in Any State; by a Free Man of Virginia*, 5–6, and 15 (Williamsburg: 1777). More typical was Timothy Dwight. He argued that "the first duty of a ruler, and the first concern of a virtuous ruler, is the support of religion," but immediately cautioned that, in urging government support for religion, he did not support any union or blend: "Let not my audience from this remark imagine, that I wish a revival of that motley system of domination which in Europe has so long, so awkwardly, and so unhappily blended civil and spiritual objects." Dwight, *Virtuous Rulers a National Blessing*, 18 (Hartford: 1791).

dissenters had increasingly argued that religion did not depend upon human institutions and that civil government was established for exclusively civil purposes. In response, late eighteenth-century establishment writers revised their position and stressed that civil government financed religion for civil ends—that religion had civil benefits, which civil government supported for its purely civil purposes.<sup>2</sup> In support of this secular argument, establishment clergymen repeatedly reminded Americans that republican government depended upon the morality of its citizens and that morality depended upon religion.

Establishment ministers often alluded to these commonplace assumptions about the civil benefits of religion by speaking of the necessary connection between religion and government. Establishment ministers emphasized that government depended upon religion in all societies, and, in this way, they made the connection of government to religion seem almost sociological. Yet the connection was not merely sociological, for the dependence of government upon religion seemed to suggest that government should support religion—in particular, that government should encourage religion and its secular benefits by paying ministers' salaries from tax revenues. Government had to reinforce the sociological connection with a financial one.<sup>3</sup> Thus, by insisting that religion and civil government were necessarily connected, these establishment clergymen conveniently elided their explicit and utterly conventional assumption that religion was a necessary basis of the morality required for government and their more controversial and understated assumption that the preservation of religion required government financing.

In contrast to the established ministers who frequently asserted the sociological connection of religion to government, dissenters sometimes sounded as if they considered religion an entirely private matter, without

<sup>2</sup> For the most prominent exposition of this argument, which many American clergymen had read, see Warburton, *The Alliance between Church and State*.

<sup>3</sup> For example, some Episcopalians in Virginia argued: "We are fully convinced of the importance of religion and its happy influence upon the temporal interests of society, as well as the future happiness of individuals." "To Richard Bibb and John Clarke, Esquires, Representatives in the General Assembly, for Prince Edward County," in *Virginia Gazette*, No. 152 (Nov. 20, 1784). In the 1770s a dissenter noted: "I cannot but observe how people of this . . . cast have lately changed their note. Formerly, when any of the nations made the least attempt to recover, or to maintain their liberty, the prevailing outcry was the CHURCH, the CHURCH is in danger! But now it is the STATE, the STATE is in danger!" *The Free Man's Remonstrance against an Ecclesiastical Establishment*, 11.

public, social consequences, and they thereby left themselves open to the establishment accusations that they sought a separation of religion and government. To be sure, almost all of the dissenters who participated in the campaign against establishments assumed that religion was the foundation of morality and that government therefore depended upon religion.<sup>4</sup> Such beliefs constituted a significant part of their piety. Yet in their arguments for religious liberty, dissenters frequently proposed that their different religious opinions should not have legal consequences, and, on behalf of this position, dissenters sometimes came close to suggesting that variations in religious opinions had no material consequences. Earlier, dissenters had emphasized that material, worldly matters—civil matters—were the things over which civil government had jurisdiction. But what if, as establishment ministers claimed, religious beliefs had worldly ramifications? Did this not justify civil legislation to support some such beliefs, even if not to penalize others? Against such an argument, it was not sufficient simply to insist that civil government had jurisdiction only over civil, material matters; it was also necessary to assert a stronger proposition, that civil government lacked jurisdiction over religion. It was to persuade themselves and others that civil government should not have jurisdiction over religion that dissenters felt tempted to deny the material or worldly significance of religious differences. Whether or not dissenters actually went so far, establishment writers were pleased to point out that dissenters seemed to question the significance of religion for morality and government. By implication, dissenters and their demands for religious liberty were a threat to morality, including the moral obligations necessary for the successful functioning of government.

As early as the 1740s at least one establishment minister, in Massachusetts, adumbrated the accusation that dissenters were threatening to separate religion and civil government. Having departed or separated from the established churches, some religious dissenters in New England came to be known as "Separates" (not unlike earlier "Separatists"), and because these Separates departed from what often was the sole church in a town, they were accused of causing "separations" or divisions in

<sup>4</sup> A dissenting leader with views that departed, in some respects, from these assumptions about government's dependence upon religion was John Leland, about whom more will be said later. See Chapter 7 at notes 21–25 and 40–46.

civil society. In 1749 the Rev. William Balch built upon such usage to suggest that dissenters desired something even worse: "Religion is a Sacred Thing, and Worthy of the Regards of the Highest & Wisest of Mankind: Nor is Civil Order and Government or the Establishment & Practice of Justice and Righteousness Among a People ever to be separated therefrom."<sup>5</sup> Government and the practice of justice and righteousness were not to be separated from religion, by which, of course, Balch meant the established religion, his implication being that dissenters sought such a separation.

In the late eighteenth century it became commonplace for establishment ministers and their allies to defend establishments by emphasizing the value of a connection between religion and civil government and, in so doing, they sometimes aimed an understated but pointed accusation at dissenters. In Virginia in 1785 an Anglican or Presbyterian advocate of establishment wrote an entire essay against the position he attributed to dissenters, that there should be no connection between religion and civil government. "It is an opinion confirmed by the united suffrage of the thinking part of mankind in all former ages; 'that the *general belief* and *public acknowledgment* of the great principles of religion are necessary to secure the order and happiness of civil societies.'" At the very least, even according to the "enemies" of religion, "the *belief* of its truth was necessary to deceive mankind into a regard to order." Yet dissenters and their allies appeared to hold otherwise:

But this opinion . . . it now seems, is founded only on mistake and prejudice; and it has been reserved, as a most important discovery for the present enlightened age, that civil society, so far from receiving any aid, from religion, cannot even form the most distant connexion with her, but on terms dangerous and fatal to both.

Responding to this supposedly enlightened view that "civil society" could not safely form even "the most distant connexion" with religion, the essayist proposed "to re-consider the subject" by inquiring "whether

<sup>5</sup> William Balch, *A Sermon* (Boston: 1749). He added: "For, the Religion we plead for, is, not that of a *Party*, but the Religion of the *Bible*: a Religion of which it may be truly said, 'that it is the Life of a People'; including in it every social Virtue; requiring Submission and Obedience to lawful Authority in the People, as well as Integrity and a public Spirit in Rulers; and enjoining Industry, Frugality, Temperance, and every Virtue that tends to a People's outward Prosperity." *Ibid.*

the general acknowledgment and influence of religious principles be really of importance to *secure* the morals and good order, and . . . the happiness of societies."<sup>6</sup>

His response—that society needed religion or, at least, a general acknowledgment of it—accentuated the remarkably sociological character of the establishment argument about a necessary connection. Other than religion, there were three possible ways of constraining human beings, but each of these was itself dependent upon religion. "Exclusive of the influences of religion," the only means of restraining individuals were "the powers of *reason*[:] the active principles of *benevolence* and *public spirit*; or the *power* of the *civil magistrate*." Yet, without religion, even these failed, for little could "ordinarily be expected from *any* or *all* of these, should we . . . part with . . . the *fear of God*." Without the "supposition of a Deity," individuals acting in accord with reason would pursue immediate, selfish interests rather than the more distant and social interests that only religion could reconcile with "self-love." Without the supposition of a Deity, even persons influenced by benevolence and public spirit might not be able to resist the influence of more "selfish and overbearing passions," and the "few" who nonetheless retained a disposition "in favour of the public" would thereby only be rendered "a more easy prey to the force or fraud of an infinitely greater number." Without the supposition of a Deity, civil government could not rely upon oaths, and, even if individuals respected their oaths, civil government would not be able to restrain secret crimes or offences by the overwhelmingly numerous or the powerful, for such crimes typically were beyond the "censure of human laws." For these reasons, "civil government *always has* called in the influences of religion to its assistance and support; and in the nature of things *always must* do so."

More broadly, religion was the source of the social confidence upon which government depended.

[W]ithout *religion* 'tis hard to say what foundation there could be for any such mutual *trust* and *confidence* among men as is necessary to the support of government, the very being of society. Without supposing each other under the influence of this principle, every man might too justly be in perpetual fear of every other, who should be either stronger or more subtle than himself.

<sup>6</sup> "On the Importance and Necessity of Religion to Civil Society," in *Virginia Gazette* (Richmond: Nicolson) (Aug. 6 and 13, 1785).

In contrast, with the assistance of religion, men were sociable and their government salutary: "BUT when we take into our account the general acknowledgment of a God, a Providence, a future state; the face of the moral world is changed: Society becomes practicable, and government a blessing. Where religious principles prevail, rulers may govern with security to themselves, and benefit to the people." For example, "[s]ubordinate magistrates will know themselves to be under the strongest obligation, the most powerful engagement, to *decree justice*."<sup>7</sup>

Similarly, in the North, in the wake of the French Revolution, an establishment minister from Connecticut, the Rev. Timothy Stone, preached that "the connection, between religion and good government is evident—and all attempts to separate them are unfriendly to society, and inimical to good government."<sup>8</sup> Interpreting dissenters to argue that

<sup>7</sup> *Ibid.* The essayist concluded: "And now having, I think, sufficiently proved the premises, the importance and necessity of religion to civil society; I think it must undeniably follow that the *civil magistrate* and all who are intrusted with the care of public order and happiness, are, for that very end, highly concerned to encourage and support religion." *Ibid.*

Incidentally, without using the words "connection" or "separation," numerous proponents of an establishment suggested that dissenters and their allies were blind to what seemed the obvious significance of religion and the morality it inculcated for government, liberty, and other civil blessings. In response to Jefferson's 1786 Act for the Establishment of Religious Liberty, John Stanwick protested in almost sociological terms: "That our civil rights have no dependence on our religious opinions, any more than our opinions in physic or geometry," is an assertion contradicted by the experience of mankind. Since nothing is more evident, than that in proportion as the minds of men have become enlightened by the influences of a pure and free system of religion, their civil rights have become more perfectly enlarged and ascertained. So that the genius of government in all nations has ever borne great affinity to the state of religion therein; being either arbitrary, liberal, or free, in proportion as their spiritual systems were so." "Citizen of Philadelphia" [John Stanwick], *Considerations on an Act of the Legislature of Virginia, Entitled, An Act for the Establishment of Religious Freedom*, 12 (Philadelphia: 1786). According to a Virginia Episcopalian: "[T]he most approved and wisest legislators in all ages, in order to give efficacy to their civil institutions, have found it necessary to call in the aid of religion," but, "in no form of government whatever has the influence of religious principles been found so requisite as on that of a republic," for "mankind require the awe of some power to confine them within the line of their duty," and without religion, the citizens of a republic might appreciate the "dread of a rapacious tyrant" to "preserve quiet and order." Of course, he believed that the Christian religion comprehended "the most complete system of ethics, calculated to harmonize society by laying a restraint on the passions and regulating the affections of its votaries," and on this account, even "motives of policy alone" would persuade persons to support it. "A.B.," Letter to Mr. Davis, in *Virginia Independent Chronicle*, No. 67 (Oct. 31, 1787).

<sup>8</sup> Timothy Stone, *A Sermon*, 24 (Hartford: 1792). He also wrote: "The ignorance and folly of that principle, that there is no connection between religion and civil policy, is most happily refuted, when the followers of JESUS act in character, and demonstrate to the world, that real Christians are the best members of society in every station." *Ibid.*, 32. The Rev.

religious opinions had no worldly consequences and thus were of no concern to civil government, Stone thought they denied a connection between religion and government. Attempting to understand so strange an opinion, he speculated:

The idea that there is, and ought to be no connection between religion and civil policy, appears to rest upon this absurd supposition; that men by entering into society for mutual advantage, become quite a different class of beings from what they were before, that they cease to be moral beings; and consequently, loose their relation and obligations to GOD, as his creatures and subjects: and also their relations to each other as rational social creatures.

Those who apparently denied a connection between religion and government seemed to rely upon the assumption that citizens had relations with each other only through government. Stone responded that the attempts "to distinguish between moral and political wisdom" would not "destroy the connection between religion and good government."<sup>9</sup>

Stone defended the connection between religion and government as compatible with religious liberty. He fended off dissenters' accusations about the blending of church and state by acknowledging that "RELIGION and civil government, are not one and the same thing." He also conceded that the former "hath rights and prerogatives, with which the latter may not intermeddle." Yet this was not to say that religion and civil government were or should be unconnected. Against this position—"that there is, and ought to be no connection between religion and civil policy"—

Nathan Strong presented a variation of such arguments: "Tho a distinction is made in the state, between the civil and Ecclesiastical departments, neither of them is independent of the other. Civility and good order of political regulations are a great advantage to religion; religion and its institutions are the best aid of government, by strengthening the ruler's hand, and making the subject faithful in his place, and obedient to the general laws." Nathan Strong, *A Sermon*, 15 (Hartford: 1790).

<sup>9</sup> Stone, *A Sermon*, 23–25. In this passage, and in his comment about the attempts "to distinguish between moral and political wisdom," Stone probably took aim not only at American dissenters but also at the English and Continental defenders of the French Revolution who, after establishing or assuming the moral foundation of rights, argued from rights without further reference to their moral basis, lest the strength and absolute character of rights be questioned and qualified. For the best-known contemporary defense of such argumentation, albeit in a slightly different vocabulary, see James Mackintosh, *Vindiciae Gallicae* (1790), in *The Miscellaneous Works of the Right Hon. James Mackintosh*, 3: 101 (London: 1846).

Stone held that "there are many ways, in which civil government may give countenance, encouragement, and even support to religion, without invading the prerogatives of the Most High: or, touching the inferior, tho sacred rights of conscience: and in doing of which, it may not only shew its friendly regard to christianity, but derive important advantages to itself."<sup>10</sup> The connection of religion to government, which dissenters seemed to threaten, could benefit government without endangering religious liberty.

### *The Dissenters' Defense*

The accusation that dissenters sought to separate religion and civil government left dissenters in a quandary. They surely resented this charge. Yet they could not easily respond with the demotic simplicity they needed if they were to prevail in popular debate.

On the one hand, dissenters could not deny that there was a connection between religion and government. Prudentially, they could ill afford to invite further accusations that they were undermining one of government's moral foundations. More substantively, they agreed with establishment writers that religion and especially the religion of their country provided an essential moral basis for government, and they assumed that government ought to govern in sympathy with Christianity to the extent compatible with religious freedom. In this sense, dissenters did not question the necessary connection between religion and government. On the other hand, if dissenters had prominently admitted this connection (or denied that they sought a separation), they would have had to explain why the connection did not justify government subsidies for religion.

Of course, dissenters might have attempted to explain their middle ground. They might have asserted that there was a limited connection compatible with their understanding of religious liberty. In acknowledging even a partial connection, however, they would have risked being misunderstood or misrepresented as justifying an establishment. To show that religion and government were sufficiently connected as to justify government accommodation and even solicitude but not so connected as to justify an establishment was a complicated, difficult task,

<sup>10</sup> Stone, *A Sermon*, 25.

and therefore dissenters largely avoided the rhetoric of connection and separation.

The difficulty of acknowledging the connection while condemning establishments had been prominently illustrated by the English scientist and notorious Unitarian, Joseph Priestley. William Warburton and his intellectual followers had justified the English establishment as an "alliance" between church and state, each of which necessarily depended upon the other. In response, Priestley argued in 1771 against the necessity of such a connection. Yet even Priestley understood that he could not afford to reject the sociological connection. "I am aware that the connexion between *civil* and *religious* affairs will be urged for the necessity of some interference of the legislature with religion; and, as I observed before, I do not deny the connexion." Instead, Priestley repeatedly affirmed it, while explaining that it was less necessary than in earlier, more primitive eras: "But as this connexion has always been found to be the greatest in barbarous nations and imperfect governments, to which it lends an useful aid; it may be presumed, that it is gradually growing less necessary; and that, in the present advanced state of human society, there is very little occasion for it. For my own part, I have no apprehension but that, at this day, the laws might be obeyed very well without any ecclesiastical sanctions, enforced by the civil magistrate." Thus, "religious motives may still operate in favor of the civil laws, without such a connexion as has been formed between them in ecclesiastical establishments; and I think this end would be answered even better without that connexion." Religion could encourage morals and obedience to law without the sort of connection that amounted to an establishment. In defense of this position, however, Priestley had to argue that all religions more or less reinforced the morals necessary for civil order:

In all the modes of religion which subsist among mankind, however subversive of virtue they may be in theory, there is some *salvo* for good morals; so that, in fact, they enforce the more essential parts, at least, of that conduct which the good order of society requires. Besides, it might be expected, that if all the modes of religion were equally protected by the civil magistrate, they would all vie with one another, which should best deserve that protection. This, however, is, in fact, all the alliance that can take place between religion and civil policy, each enforcing the same conduct by different motives. Any other "alliance between church and

state" is only the alliance of different sorts of worldly minded men, for their temporal emolument.<sup>11</sup>

This argument—in which Priestley ostentatiously acknowledged the sociological connection between church and state but denied that it any longer justified an establishment—required all of the dexterity and doctrinal laxity for which he was infamous, and it remains suggestive as to why American dissenters apparently felt discretion was the better part of valor. Unpersuasive in London, Priestley's overly sophisticated position could not have recommended itself to dissenters who needed to prevail in Boston, Hartford, or Richmond.

Although American dissenters did not often respond directly to the slur about disconnecting religion and government, they emphatically rejected related accusations that, in seeking religious liberty, they denied the civil utility of religion. For example, in 1777, after an establishment minister, Phillips Payson, preached on the "utility" of religion to civil society, not least "in a free government," the great Baptist leader, Isaac Backus, responded: "I am as sensible of the importance of religion and of the utility of it to human society as Mr. Payson is. . . . But I am . . . far from thinking with him that these restraints would be broken down if equal religious liberty was established."<sup>12</sup> Another eminent Baptist,

<sup>11</sup> Joseph Priestley, *An Essay on the First Principles of Government and on the Nature of Political, Civil, and Religious Liberty* (London: 1771), in *The Theological and Miscellaneous Works*, 22: 56–57 (1817–1832). Later, in 1787, he came close to what, on its face, seemed a more direct rejection of a connection: "I have even no doubt, but that, as Christianity was promulgated, and prevailed in the world, without any aid from civic power, it will, when it shall have recovered its pristine purity, and its pristine vigour, entirely disengage itself from such an unnatural *alliance* as it is at present fettered with, and that our posterity will even look back with astonishment at the infatuation of their ancestors, in imagining that things so wholly different from each other as *Christianity* and *civil power* had any natural connexion." Indeed, he said, "I look with satisfaction to a future and a better state of things, in which the *religion of Christ* will be as much detached from all connexion with *civil power* as it was in its best days, before the time of Constantine; since which time it has always been kept in chains, and made subservient to the most unworthy purposes. It will then be supported, not by the compulsory payment of tithes, or any compulsion at all, but by the voluntary attachment of its friends, who will understand and value it." Priestley, *A Letter to the Right Hon. William Pitt . . . on the Subjects of Toleration and Church Establishments; Occasioned by His Speech against the Repeal of the Test and Corporation Acts* (London: 1787), in *ibid.*, 19: 119, 131. Even in this 1787 pamphlet, however, Priestley did not deny that a connection might be valuable in some circumstances.

<sup>12</sup> Phillips Payson, *A Sermon*, 19 (Boston: 1777); Isaac Backus, *Government and Liberty Described* (1778), in William G. McLoughlin, ed., *Isaac Backus on Church, State, and Calvinism, Pamphlets, 1754–1789*, 353, 358 (Cambridge, Mass.: Belknap, 1968).

Samuel Stillman, noted in 1779: "It may be said, That religion is of importance to the good of civil society," and that "therefore, the magistrate ought to encourage it under this idea." Rather than directly dispute this, Stillman emphasized that all persons, as individuals, including persons in government, had the obligation to encourage religion: "It is readily acknowledged that the intrinsic excellence and beneficial effects of true religion are such, that every man who is favored with the christian revelation, ought to befriend it. . . . And there are many ways in which the civil magistrate may encourage religion, in a perfect agreement with the nature of the kingdom of Christ, and the rights of conscience."<sup>13</sup> Further south, in Virginia in 1785, Presbyterians who questioned the necessity of government support for Christianity more forcefully argued: "We are fully persuaded of the happy influence of Christianity upon the morals of men; but we have never known it, in the history of its progress, so effectual for this purpose, as when left to its native excellence and evidence to recommend it . . . free from the intrusive hand of the civil magistrate."<sup>14</sup> Rather than the dissenters, it was their political allies, such as James Madison or Thomas Jefferson, who tended to doubt the secular benefits of religion. Yet in disputes about religious liberty, even Madison preferred to change the focus of the debate than to challenge the widely held assumption that a connection was necessary. As Madison told the Virginia House of Delegates, the "[t]rue question [was] not—Is Rel[igion] nec[essar]y?" Instead, it was "are Relig[ou]s Estab[lishmen]ts nec[essar]y for Religion?"<sup>15</sup>

Baptists repeatedly had to fend off arguments that they sought a religious liberty incompatible with moral legislation. For example, in Vermont in 1792, when Caleb Blood argued against the state establishment on behalf of an "equal religious liberty," he felt obliged to add that

<sup>13</sup> Samuel Stillman, *A Sermon*, 28–29 (Boston: 1779).

<sup>14</sup> Memorial of the Presbyterians of Virginia to the General Assembly (Aug. 13, 1785), in William Addison Blakely, ed., *American State Papers Bearing on Sunday Legislation*, 114 (Washington, D.C.: Religious Liberty Association, 1911). For similar sentiments about the civil value of religion from what may have been a Baptist petition, see *The Petition of Sundry Inhabitants of the County of Powhatan* (June 4, 1784), in the Virginia State Library, Richmond, microfilm, Misc. Ms. 425.

<sup>15</sup> Notes on General Assessment Bill, Outline B (Dec. 23–24, 1784), in R. A. Rutland et al., eds., *Papers of James Madison*, 8: 198 (Chicago: University of Chicago Press, 1973). Of course, his answer was "no."

such a freedom would not prevent the enactment of moral legislation: "This however, by no means prohibits the civil magistrate from enacting those laws that shall enforce the observance of those precepts in the Christian religion, the violation of which is a breach of the civil peace; viz. such as forbid murder, theft, adultery, false witness, and injuring our neighbor, either in person, name, or estate." In addition, the precept "of observing the Sabbath, should be enforced by the civil power." In defending this last point, concerning Sabbath legislation, he not only mentioned religious reasons but also, more prominently, secular ones, such as that "tyrannical and cruel masters would be allowed to subject their servants to a constant series of labour without proper time to rest, or attend to the important concerns of a future world. One reason given by Moses for keeping the Sabbath, was, that thy manservant and thy maiden servant may rest as well as thou."<sup>16</sup> A religious liberty against an establishment would still permit the civil enforcement of moral duties, for such duties were founded on both religious and civil obligation.

Baptists responded with special vigor to the malicious suggestions that they sought a religious liberty at odds with government. Some establishment ministers persistently hinted that Baptists were Anabaptists like those of Münster—antinomian enthusiasts who denied the obligation of all civil laws to which they had religious objections. In defense against these crude and utterly groundless attacks, Isaac Backus again and again felt obliged to declare that he and his coreligionists were not Anabaptists. Baptists, he explained, distinguished themselves in various ways, not least by obeying civil laws.<sup>17</sup> In Virginia, in 1790, John Leland similarly felt obliged to respond to insinuations of an immoral antinomian disregard for law: "[T]he Baptists hold it their duty to obey magistrates, to be subject to the law of the land, to pay their taxes, and pray for all in authority. They are not scrupulous of taking an oath of God upon them to testify the truth before a magistrate or court. . . . Their religion also allows them to bear arms in defense of their life, liberty and

<sup>16</sup> Caleb Blood, *A Sermon*, 35 (Vermont election sermon, 1792). Blood adroitly cast the standard dissenting aspersion on the members of the establishment in his audience, declaring that he (presumably unlike them) was "far from wishing to have America involved in the great error of blending the government of church and state together." *Ibid.*, 27.

<sup>17</sup> *Isaac Backus on Church, State, and Calvinism*, 131, 168, 173, 179, 276n, 325, 294, 395, 420, and 486.

property. . . . From this account of the Virginia Baptists, they appear to be a very different sect from the German Anabaptists."<sup>18</sup>

Like most other Americans, Baptists gave support to civil government through many aspects of their religious life. In their religious conformity to legal duties, in their pious adherence to the moral obligations not enforced by law (including charity and forgiveness), in their oaths taken in court, and in their prayers for the nation and its leaders, Baptists and many other Americans eased the burdens of government, helping it in ways it could not help itself. Thus, even while dissenters avoided convoluted distinctions about the permissible degree or type of connection between religion and government, they vigorously protested that their religious liberty was no threat to government, to Christian morality, or to the laws enforcing such morality—indeed, that their religion supported government and law. Committed to a vision of society in which their religion permeated their lives, and struggling to overcome the prejudice of their fellow citizens who feared religious dissent as a threat to morality and law, these dissenters had every reason to seek religious liberty and no reason to demand the disconnection of religion and government.

Separation of church and state is often assumed to have been the demand of eighteenth-century American dissenters, but these dissenters seem to have said little, if anything, about it. Ironically, to the extent anything like separation was widely discussed in America, it was a topic addressed by establishment ministers, who accused dissenters of seeking to disconnect religion and civil government. In making this allegation, establishment ministers attributed to dissenters a desire to separate religion and therefore also morality from government. A scurrilous misrepresentation, it revealed much about the fears of establishment ministers but little about the hopes of dissenters.

<sup>18</sup> *The Virginia Chronicle* (1790), in *The Writings of the Late Elder John Leland*, 120, ed. L. F. Greene (New York: 1845).

### *The Exclusion of the Clergy*

THE ROLE of separation in the controversy over establishment found quiet echoes in the occasional disagreements as to whether clergymen should be excluded from civil office. In retrospect, it may be thought that advocates of exclusion would have argued on the basis of separation, but it is difficult to locate any American who demanded clerical exclusion as a separation of religion and government, let alone a separation of church and state. Once again, separation was not a demand but an accusation.

#### *Arguments for Exclusion*

The arguments for the exclusion of the clergy from civil office were quite varied. None of them, however, came even close to separation. In seventeenth-century Massachusetts, for example, Congregationalists excluded ministers on religious grounds. In particular, they followed the approach of Calvin and some of his English dissenting followers in holding that no man should hold both temporal and ecclesiastical office. Calvin had argued that Christ wanted to "bar the ministers of his Word from civil rule and earthly authority," and when Congregationalists came to America and established a government in Massachusetts, they also assumed that civil and ecclesiastical offices "cannot come together in one man."<sup>1</sup> Although some later historians have characterized the division of offices in Massachusetts as a nascent separation of church and state,

<sup>1</sup> Calvin, *Institutes of the Christian Religion*, 2: 1220 (IV.xi.8), trans. Ford Lewis Battles (Philadelphia: Westminster Press, 1960).