

Law and Religion in American History

This book continues the dialogue on the separation of church and state with an approach that emphasizes intellectual history and the constitutional theory that underlies American society. McGarvie explains that the founding fathers of America considered the right of conscience to be an individual right to be protected against governmental interference. While the religion clauses enunciated this right, its true protection occurred in the creation of separate public and private spheres. Religion and the churches were placed in the private sector. Yet, politically active Christians have intermittently mounted challenges to this bifurcation in calling for a greater public role for Christian faith and morality in American society. Written for scholars in American law, history, and political science – as well as for any general reader interested in the separation of church and state – this book is an intellectual history of law and religion that contextualizes a 400-year-old ideological struggle in American society.

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The priest had got upon his feet, toward the last, and now he stood there passing his hand back and forth across his forehead like a person who is dazed and troubled; then he turned and wandered toward the door of his little workroom, and as he passed through it I heard him murmur sorrowfully: “Ah me, poor children, poor fiends, they have rights, and she said true – I never thought of that. God forgive me, I am to blame.”

Mark Twain, *Personal Recollections of Joan of Arc*

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Law and Religion in American History

Public Values and Private Conscience

MARK DOUGLAS MCGARVIE

College of William & Mary



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Preface

“The legitimate powers of government extend to such acts only as are injurious to others,” Thomas Jefferson wrote in his *Notes on the State of Virginia*.¹ “But it does me no injury for my neighbor to say there are twenty gods, or no God. It neither picks my pocket nor breaks my leg.” Jefferson’s words express a legalistic conception of religion as rooted in individual conscience. Religion expresses an understanding of life beyond that reality evident in the material world. It answers questions common to humanity throughout time: Where does life come from? Is there a grand purpose for life on earth? Is there life after death? Jefferson implicitly argues that the answers to these questions are unknowable. Individuals can therefore form various answers to them, each of which constitutes a personal truth to its holder, but is of little consequence to anyone else. Conversely, many Americans before, during, and after Jefferson’s lifetime have conceived of the answers to these questions as revealed by God in the Bible. For them, the text of the Bible provides an unerring and public truth that can and must serve as the basis for society.

However, Jefferson’s words address far more than a form of religious belief; they also outline a conception of society in which government is confined to acting within a circumscribed public sphere. The need to limit the scope and power of the public sphere derived from a

¹ Thomas Jefferson, *Notes on the State of Virginia*, “Query XVII: Religion,” in Merrill D. Peterson, ed., *The Portable Jefferson* (New York: Penguin Books, 1975), 210.

recognition of rights as essential aspects of human existence; to deny or limit humanity in its enjoyment of rights constituted a prevention of human progress and happiness. Therefore, the founders created a private sphere in which people remained free to pursue their rights and a separate public sphere with limited authority to address the needs of civil society, the most significant of which was the protection of rights from injury. Jefferson's words place religion in that private sphere and therefore beyond the scope of government.

The humanistic philosophy popular during the late 1700s celebrated humanity's autonomy, reason, rationality, and ultimate ability to improve itself and the world around it. In the aftermath of the Revolution, liberals used humanist values to redesign the laws and institutions of the new republic, values that recognized the novel – for the eighteenth century – distinction between public and private realms. Yet, enforcing that distinction has never been easy. Jefferson's words hint at the difficulties Americans, both then and ever since, have had in accepting all the ramifications of that distinction, especially the removal of religion from the public sector.

Generations of Christians who accept the Bible as true have struggled to understand why God's word, presumably superior to anything humanity creates, cannot be the basis of law and public policy. Both the Old and New Testaments of the Bible encourage readers to subordinate themselves to God; fight their human desires for sex, vanity, and selfish gain as sinful; and express their love for God in a loving brotherhood with other people. Accordingly, despite tremendous variations among American Christians, they have been more willing to endorse the empowerment of government to enforce God's moral teachings and, in so doing, to pursue a communitarian society. Their success, since ratification of the Constitution, has depended on either (1) reading Christianity, particularly its moral proscriptions and prescriptions, into the laws of the nation and the various states, or (2) changing the laws of the country and the various states so as to better embody Christian values. Yet, in reliance on the Jeffersonian conception of religion as a personal matter outside the scope of government, the Constitution has largely prohibited law from endorsing, depending on, or encouraging any religious doctrine or belief. As a result, law has really only been relevant to religion when refracted through particular political and social activities that have raised constitutional issues.

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This book, therefore, addresses the relationship between law and religion almost exclusively from a public-law perspective, contextualized in significant intellectual and religious movements that have framed their interaction.

Accordingly, the chapters of this book are demarcated by political, social, and intellectual periods that identify changing cultural milieus that shaped the development of the nation's public law and the relationship between law and religion. Legal history is presented as the primary focus of a broader intellectual, cultural, and political history of the influence of Christianity on America's public institutions. This approach recognizes actors other than litigants, lawyers, and judges as voicing conceptions of law that both challenged and contributed to national understandings of the doctrine of separation of church and state. Ministers, social reformers, and religious activists have expressed visions of American society frequently formed from personal attempts to integrate their religious beliefs and their citizenship. In the process, they have worked for change in America's laws.

The "culture wars" that have been at the core of a major political division in the United States since the late 1970s are not new; in fact, they have their origins in the founding era and have been a periodic source of political tension throughout the nation's history. They result from popular dissatisfaction with the Jeffersonian ideal. This book addresses the tension between the Jeffersonian ideal and the practices and attitudes of generations of Americans.

This attempt to explain cultural understandings of and reactions to the Jeffersonian ideal of separating church and state develops two arguments. First, the founders created a private sector, largely immune from governmental intervention, to protect rights, one of which was the freedom of conscience. Religion was placed in this private sector, producing the separation of church and state. Throughout this text, the word "public" generally refers to the government sector. Second, ardent Christians, unhappy with the removal of religion from the public sector, have intermittently attempted to restructure the laws and institutions of the country to embody a greater commitment to Christian ideals. Politically unable to succeed in these goals by themselves, they have formed tentative alliances with a variety of others who shared their goals for a more communitarian society, even though these others may have espoused very different beliefs.

These two arguments form the thesis of this book, augmented by a third argument recognizing a perpetual cultural attempt to identify the United States of America as a “Christian nation.” Religious activists have used the idea of a Christian nation to justify increases in public-sector recognition and support of Christianity and have used history in support of their argument. In particular, they have cited Federalist Party invocations of religion as a necessary prop for both a moral society and democracy in the founding era, the adoption of “In God We Trust” as a motto in the nineteenth century, and the inclusion of the phrase “one nation, under God,” in the Pledge of Allegiance in the mid-twentieth century. Yet, each of these examples is more representative of a civil religion that puts religion in service to humanity than it is of a cultural submission to Christianity’s prescriptive and proscriptive doctrines and that religion’s teachings of providence, judgment, and redemption. In many ways, the use of religion in this way is less evidence of a devoutly Christian people than of a popular acceptance of a God created in Americans’ image of themselves. The “civil religion” brings flags into churches and crosses into warfare, commingling loyalties and devotions while excusing self-interest, pride, and cultural arrogance. Just how many gods have Americans placed above the one they profess to worship?

Throughout the nation’s history, Americans have used various versions and permutations of Christianity in support of exclusionary politics, defining themselves in reference to what they are not. A desire for cultural and racial homogeneity has manifested in reliance on predominantly Old Testament passages, opportune conceptions of Christian duties and morals, and an assertion of a “Christian nation” to suppress groups of people perceived to threaten community norms. Indians, Africans, Quakers, Catholics, Mormons, humanists, atheistic communists, and Moslems are just some of the people who have been persecuted, ostracized, and vilified by Americans who have used Christianity rather than the cosmopolitan constitutional ideal to define themselves. At times, supporters of the Christian nation myth have tried to read their religion into the nation’s primary law and civil institutions. But, as this book indicates, the fits and starts of this attempt reflect the difficulty of integrating an idea system predicated on faith in a revealed truth with one rooted in a dependence on verification of asserted truths using human reason and rationality.

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Moreover, Christianity has variously served both as a critique of prevailing cultural values and as a justification of those same values. The Christian nation myth, the rise of the civil religion in the nineteenth century, and the growth of the Religious Right in the late twentieth century all ignore the prophetic role of Christianity in preference for a conception of religion that reinforces American social life. Legal endorsements of a public religion have likewise rejected a prophetic Christianity for a noncontentious form of Christianity. Yet, Christianity has frequently been at odds with mainstream American social behaviors and values.

Throughout most of American history, Christianity has fought to restrain individual freedoms that produce immoral societal consequences. Ministers have decried free-enterprise capitalism as promoting poverty and suffering, democracy as too celebratory of humanity's abilities, and the absence of laws restricting alcohol use, censoring sexual behavior, and limiting teaching history or science in contravention of Biblical pronouncements. In support of Christian moralism and human deference to God, America's religious leaders have, more often than not, been willing to align with those who have advocated a greater public embrace of communitarian values and accepted the increase in state power that the pursuit of these values required.

The founders' very clear and quite radical intention to create a legal system independent of religious belief resulted in two parallel systems of rules, conceptions of morality, and understandings of justice that are almost entirely irreconcilable. Both the law and religion tend to espouse and promote absolutes. The absolutes that hold sway in the legal arena are more easily identified than those that prevail in the religious realm. People commonly assert that English common law served as the basis of American law. While there is some truth in this assertion, it minimizes the degree to which Americans rewrote their law after the Revolution to embody republican ideals and to protect rights. Most significantly, Americans perceived the need, amounting to what one historian considers a "compulsive mania,"² for constitutions – social contracts that set parameters on future laws and governmental actions by recognizing both individual rights and delegations of

² Robert M. Cover, *Justice Accused: Antislavery and the Judicial Process* (New Haven, CT: Yale University Press, 1975), 27.

limited authority to address public needs. Rights became the chief concern of law, the absolute upon which every legal expression depends.

Despite the prioritization of rights, the dominant ideas of any given time influence the course of law. In fact, American jurisprudence may best be understood as a subset of ideas – a legal expression of the beliefs, values, and societal goals of the American people applied to practical purpose in governing. Understood in this way, American law is never static. Change, especially radical change, may occur slowly and by incremental degrees because of a legal inertia rooted in the need to conform to constitutional principles, obey rules of precedent, and follow procedural dictates that limit the force of radical social arguments. Yet, it does occur, and when it does, it embodies a recognition of changing intellectual patterns in American society. The American law dealing with religion serves as an excellent example of ideological influences on the development of American jurisprudence.

One might think that religion has been just as absolutist as law, but religion in America has always been complex and pluralistic. Despite the fact that the founders encouraged immigration to the United States by people of all faiths or none at all, Christianity, since the earliest days, has formed the most popular religion within the country. Yet, this fact has never produced uniformity regarding the doctrines, morals, values, or goals of Christianity. If, as many religionists have asserted throughout the nation's history, society is to be subject to the values and morals commanded by the Christian faith, as many questions are posed as are answered. What are even the commonly held values and morals of Christianity? Who is to determine them?

America's Christians have fought among themselves for centuries regarding doctrinal issues such as humanity's role in salvation and whether the Bible constitutes the true word of God or a collection of allegorical stories written by men. Yet, just as many contests have arisen in the social realm as in the doctrinal. Is salvation or the social good the primary goal of the church? Can homosexuals marry or be ministers? To what degree does Christianity condone extreme inequalities in wealth within its own community or even its own congregations? There is no single Christian answer to any of these questions.

The rights orientation of the American legal system has produced a very strong individualistic character within the people and their society. The Revolution served as much, if not more, to liberate individuals

from oppressive control in their lives in America as to overthrow the political structure of Britain's imperial governance. A rights-oriented individualism justified not only political revolution but social revolution as well. The embodiment of rights in the Constitution empowered people in their private actions. Consistent with this rights orientation, the common law of the early republic, in primary reliance on contract law, redesigned society by promoting individual freedom and autonomy at the expense of communitarian values and social cohesion. Yet, various forms of Christian expressions encourage adherents to adopt a communitarianism premised upon human brotherhood and to recognize social duties rooted in the need of humanity to follow the commandments of God. Individual rights cannot be used as justification or excuses to sin, to ignore the needy, or to deny the relevance of God and his law in all circumstances.

During and after the Revolution, law dictated that religion, as a matter of personal conscience, and the churches, as private voluntary corporations, be placed in the private realm. Yet, many Christians throughout the nation's history, believing that God's teachings must be manifested in society at large, have challenged religion's place in the private sphere and aligned with other communitarians to bring about change. In other words, they have turned to politics to change the law, at times trying even to change the Constitution. This book presents an analysis and interpretation of these alliances and their attempts to restructure society. It is a history of ideas, a story of the power of belief, and a record of the persistence of law to sustain the values of the founding era.

The interaction between popular ideas, law, and belief presents a complicated history made even more difficult because of the repetitive use of words that garner new meanings over time. The analysis presented herein depends on explicating the evolving conception of the role of the individual within American society, particularly in relation to the authority presented by government and churches. Three distinct terms are used in the text. "Law and religion" addresses the broad conceptions of systems of governing and belief. "Church and state" refers to the institutions derived from these conceptual systems. "Religion and politics" refers to the behaviors of people within the conceptual systems. One can think of the latter two interactions as subsets of the first.

American liberalism, shortly after the Revolution, prioritized freedom, autonomy, and legal equality and created a private sphere of action largely exempt from governmental intrusion to protect the individual in his or her exercise of these priorities. Disestablishment of the churches coincided with the privatization of morality as liberals recognized religion as a matter of personal conscience. Both political and moral authority over people's range of pursuits diminished in the early republic. Conservatives at the same time evinced a Burkean acceptance of the need to restrain individuals to sustain a functioning society and willingly enlisted religion and moral legislation as means of doing so.

American liberals have consistently sought to protect a broad range of options for individuals within their society. Yet, the focus of that protection has changed. A libertarian endorsement of democracy and free-enterprise capitalism promoted expanded personal freedoms in the early 1800s, but by the close of the nineteenth century, liberals came to see new sources of power or authority, found in corporations and prevailing human prejudices, to be even more dangerous to individual autonomy than powerful churches and government. Choosing the lesser of two evils, twentieth-century liberals willingly invested government with the power to limit the personal freedoms of some in society, primarily in the economic realm, to secure essential opportunities for a broader segment of the population.

Given the vicissitudes in Americans' thinking, the Supreme Court has fought to maintain a line separating public and private spheres as a legal constant since the early days of the republic. But, both the position of that line and its permeability have been incessantly challenged and reconceived over the last 225 years. As a result, the history of law and religion can best be understood as one of periodic fluctuations in attitudes toward the legal line, its location, and its true meaning. Each of these fluctuations forces a reconsideration of questions concerning the importance of Christian conceptions of the public good relative to individual rights and liberties. Americans' respect for their primary law and the law's own disinclination to change have produced political contests that have reenacted debates over the intentions and meanings of the founders in drawing the line and the degree to which societal judgments, at any point in time, can adjust it.

Political reconsiderations of the appropriate relationship between church and state have repeatedly raised challenges not only to what

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the founders intended to do but also to the relevance of their intentions. As this book goes to press, Americans once again debate the appropriateness of judicial review as a means of determining constitutional meanings and whether the original intent of the founders should be given priority in ascertaining those meanings. As will be established in the pages that follow, the founding era constituted arguably the most secular age in the history of the United States, and its primary laws and legal precepts embody that secularism. In light of this recognition, evangelical conservatives' calls for greater public reliance on religion while simultaneously endorsing judicial recourse to original intent present a baffling intellectual inconsistency that has produced both some distorted histories and some awkward and confusing law.

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Prologue

Colonial America Perpetuates State Religion

The Reformation can be understood, in part, as the substitution of Biblical authority for that of the Pope and his priests. The Protestants formed in the spiritual revolution of the sixteenth century accepted that salvation depended on faith alone, reconceiving of good works as a by-product of faith rather than as a means of salvation. Within a societal context, therefore, morality, or the invocation to do good, became both a duty owed to God and an obligation to one's neighbors. Moreover, faith and the morality it engendered could be expected of everyone, even if God limited salvation to a few. Protestant doctrines asserted that Christian duties exist for all people and, as they express one's relationship to God, render all people equal in God's eyes. That equality, however, while undermining the privileged position of priests as mediators between God and humanity, caused no diminution in political authorities and social hierarchies. The Bible, in fact, seemed to endorse them in Romans 13: 1–7: "Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist must have been instituted by God."

In Europe, the Lutheran conception of magistrates as fathers of their communities contributed to the shift in authority and wealth from the church to the state and led to the state establishing churches, schools, and social welfare institutions. Lutheranism accepted the Bible as a guide to building an earthly kingdom but tempered reliance on it by making both Christian morality and human reason equally important considerations in governing. Calvinism, which exerted

tremendous influence in the English-American colonies in the 1600s, conversely considered it the duty of people to transform earth into an approximation of heaven, with the Bible serving as the expression of God's desires for human community. Therefore, throughout much of Europe, churches served in support of the secular authorities, while in America during the same time period, civil governments worked to support the churches. Calvinism distinguished, yet integrated, civil and religious lives. Throughout the colonies, public and private realms were indistinguishable, and in fact, the terms had little, if any, legal significance.

Legal establishments of religion in the colonies preferred a designated sect of the Protestant Christian religion over all others. Laws required residents to support the established church with tax dollars and to attend its worship services. The established church held sole authority to perform sacraments and exercised tremendous influence over the laws and morals of its community. Established churches also acted as quasi-public entities in providing nearly all the education in the colonies, raising taxes and contributing aid to the poor, and keeping most of the public records, including those for births, deaths, marriages, property transfers, and taxes.

Certainly the colonies along the Atlantic seaboard exhibited diversity in political structure, religious preference, and social composition, and the theocratic model of Calvin existed briefly only in New England. Yet, throughout the colonies, Christian precepts and morality influenced law, shaped communities, and directed people in their daily activities. Eleven of the thirteen colonies had some form of religious establishment, but even in Pennsylvania and Rhode Island religious doctrine and values exercised great influence. Every colony criminalized blasphemy, regulated economic activities consistent with Christian conceptions of ethics and the social good, and restricted sexual practices. Several colonies considered "hard dealing" or "oppression," which most often meant relying on market forces rather than morality and the communal good to determine prices, not only to be unlawful but also sinful. Virginia's laws regulated work hours, staffing, and prices. Colonies punished idleness for its deleterious effects on the community's productivity and for its disrespect of God. Idleness ignored God's gifts, properly expressed in one's "calling" as the fulfillment of one's duty to work for the good of the whole. And while the

inhabitants of Massachusetts are frequently perceived as preoccupied with sex, or at least the control of it, they were hardly alone in regulating this activity. Pennsylvania flogged adulterers and sodomizers, and the Chesapeake colonies similarly punished fornicators. The punishment of sexual offenses ostensibly expressed the law's support of Biblical proscriptions of behavior, yet it originally arose in Europe in the 1500s as much from fears of syphilis as from fears of God's wrath. Perhaps more significantly, it implicitly asserted the legitimacy of societal restraints on basic human desires, ambitions, and longings and justified those restraints in reference to God's laws.

People in the 1600s could accept such restrictions in large part because they believed their place and role in society to be a result of God's intentions rather than of human abilities and actions. Society in Stuart England conformed to God's designs. All of creation could be expressed in a ceaseless hierarchical chain of being that structured the duties of people, animals, and even plants in relation to those above and below them. In this context the colonial integration of law and religion has been seen by some as a means of justifying the social power of the governing class. However, this reductionist argument minimizes both the sincerity of belief among the colonists and the role of religion in constructing both individual and community identities. Most people in the 1600s accepted God's revealed truth concerning the origins of humanity and the world, the power and efficacy of God, and the proper behavior of people as absolutes. To the colonists, Christian doctrine and the morals it prescribed were no less objectively true than the fact that the sun rose in the morning – a fact that only further confirmed both God's design and his active providence. Certainly colonists expressed awareness of doctrinal inconsistencies between Christian sects, using them as bases for persecution and ostracism. But, rather than raising doubts about the dogmatic interpretation of ancient texts translated multiple times from both dead and living languages and subjected to innumerable cultural and contextual meanings, those inconsistencies constituted evidence of the threat posed by religious error and the need for vigilant defense of the true creed.

Accepting the universal truth of a particular Christian doctrine, various colonies enforced religious conformity to reduce the threat of religious error. In 1624, John Cotton of Massachusetts expressed the reasoning behind the persecution of dissenters to the established



FIGURE P.1. Mary Dyer led to her execution on Boston Common, June 1, 1660. Religious dissenters, such as Quaker Mary Dyer, were whipped, imprisoned, banished, and even executed in colonial America. Artist unknown, nineteenth-century colored engraving, The Granger Collection, New York, Image #0061778.

religion in his sermon, “The Bloody Tenent, Washed and Made White in the Bloud of the Lambe”:

If they [those holding false beliefs] be infectious, and leprous, and have plague sores running upon them, and think it their glory to infect others; it is no want of mercy and, charity, to set such at a distance: It is a merciless mercy, to pity such as are incurably contagious, and mischievous, and not to pity many scores or hundreds of the souls of such, as will be infected and destroyed by the toleration of the other.¹

Colonists used the same reasoning not only to prosecute citizens for blasphemy, heresy (Figure P.1), and violations of the Sabbath, but also to sanction the slaughter of Indians unwilling to convert to Christianity

¹ John Cotton, “The Bloody Tenent, Washed and Made White in the Bloud of the Lambe” (1624).

and the enslavement of heathen Africans. Colonial communities strove for a pure homogeneity in belief, thought, and action and relied on religious precepts as the primary means of pursuing it.

Calvinism understands humanity to be inherently sinful and inclined to evil. People need strict rules to guide them, severe punishments to motivate them, and constant public reminders of their submission to God and his designated civil authorities. As already noted, the Bible provides considerable support for the respect and perpetuation of hierarchies and social order. The integration of law and religion reinforced colonial police powers with the authority of the faith. Throughout colonial America, police powers punished sin while simultaneously constructing a communitarian society by establishing social duties, promoting Christian morality, and preserving the social order. Laws rooted in faith subordinated individualism to the public good.

The integration of religion and law in colonial America results from two conditions that made the integration not only possible but also inevitable. The first is the understanding that Christianity expressed a universal and absolute truth. In this intellectual milieu, it only made sense for government to endorse that truth and the derivative duties of people in the promulgation and enforcement of its laws. The second is the absence of any modern recognition of individual rights or of a private sphere immune from public intervention. A social hierarchy, not dissimilar to old feudalistic social models, imposed duties on the rich and powerful to take care of those “beneath” them and for the poorer and less fortunate to willingly subordinate, show deference to, and obey their social “betters.” Christianity reinforced this social model in its doctrinal expressions of the innate sinfulness and unworthiness of people, their duties to subordinate themselves to God, and its characterizing of lust, greed, and selfishness as evil. The law relied on these widely accepted understandings in promoting a social good by assigning duties and roles for the community’s welfare. Private rights, and a private sphere necessary for their protection, were not relevant considerations in colonial America.

An example of the construction of a mill in a river town illustrates the absence of a distinctly private sphere. A colonial-era farming community on a river, but without a mill, becomes aware that it is losing money as its residents take their grains downriver to be ground. Furthermore, the absence of a mill inconveniences the local citizens. So

the magistrates decide to build a mill. They do so by seeking proposals from various bidders expressing their experience, a design of the mill, and a plan of operations. The magistrates accept one proposal and authorize its principal to construct a mill in the town. It will be the only mill in town – a monopoly of sorts. The magistrates approve the design, determine how many people will work there, the hours of its operation, the days of the week on which various grains will be ground, the hours of labor of the employees, the prices to be charged, and the fair profit due the owner/operator. Is this a private or a public mill? To colonial Americans, the question made no sense – it was more meaningless than irrelevant. Similarly, the town church was neither public nor private – it simply was a church.

Of course, the relative lack of any legal recognition of rights before about 1700 imposed limitations on the freedoms of nearly all the colonists. Yet, perhaps no group of colonists suffered as much as women did from the incorporation of Biblical ideas into law. Reformation theology limited the rights and opportunities of women by considering God to have created husbands superior to their wives. Colonial Americans perceived the household headed by a father/husband as the primary political, economic, social, and religious unit. The male head of the household made all the decisions regarding each of those categories of behavior for members of the household as a whole. Women had no political voice, little opportunity to hold property, and generally lacked control over their own marriages. Laws in various colonies furthered the extent of the authority of the head of the household by permitting his use of corporal punishment over wives, children, servants, and slaves alike. The perception of a household as a distinct political entity also furthered communitarian sentiment, an ethical perspective codified in laws imposing duties on the wealthy to assist, even by taking into their homes, if necessary, orphans and indigents. Christian duties and responsibilities underlay social status and reinforced hierarchies in colonial societies.

Religious establishment did not eliminate dissent from the preferred faith; it merely denied dissenters equal civil rights, subjected them to punishment for practicing their faiths, and required them to support the established church. Throughout the 1600s, colonists exhibited little, if any, toleration of Jews, atheists, or Christians of dissenting sects. England attempted to impose religious freedom, but

colonists largely ignored the attempt until Parliament passed the Act of Toleration in 1689. The recalcitrance of Massachusetts resulted in the revocation of its charter and the installation of a royal governor. Maryland, though created as a Catholic refuge necessitated by the persecution of Catholics along the entire Atlantic seaboard, quickly became dominated by Anglicans who exercised tyrannical control until Queen Anne secured limited religious freedom in that colony in 1702.

By the early 1700s, expanding business opportunities bringing diverse sailors and settlers to the colonies; the diffusion of people into less easily monitored western areas; new ideas spawned in the Enlightenment expressing human equality, natural rights, and a cosmopolitanism that scorned religious parochialism; and the growing professionalism, relative luxury, and sophistication of life in the colonies all contributed to an increase in religious toleration. Nascent capitalism fostered a growing individualism that threatened older Christian values and communitarian ethics while it encouraged modifications in religious doctrine and the laws prescribing it. Social and intellectual changes also spurred a reconsideration of religious belief and practice. The Great Awakening, beginning in the 1730s, can be seen either as a reformulation of religion to accommodate the ideas of the early Enlightenment, especially a growing individualism, or as a conservative reaction to those developments.

Awakening preaching reinvigorated a religion that had lost some of its significance to many Americans. It generated interest through emotional appeals to individuals to repent of sin, substituting a simple traditional message for the esoteric preaching of the previous thirty or forty years. Doctrinally, the Great Awakening combined a human-centered assertion of an ability to receive the grace of God through personal exertion with reassertions of human depravity and the need for a God-centered communal existence. In focusing on individual sensory receptivity to grace, the Awakening expressed an empowering message of personal responsibility that recognized each person as equal both before the Lord and in society. The Awakening therefore contributed a challenge to the authority of the churches and the social hierarchies they supported. The Awakening even broke down some barriers based on race, sex, class, and literacy. Yet, it also contributed to a new prestige among preachers as means of grace

and reinforced communitarian ideas in calling for a new social order formed by a union of believers that would hasten the Biblical promise of a Second Coming.

Traditional, or “Old Light,” ministers who expressed alarm at religious enthusiasm as a means of conversion minimized the Awakening’s important theological contributions. “New Light” ministers such as Jonathan Edwards accommodated traditional Calvinist thought to ideas and attitudes of their time. Critics saw frenzied revival meetings as an indication that New Light preaching endorsed a dangerous individualism rooted in emotion more than reason. Yet, Calvinism had always denigrated human reason as a means of attaining salvation. The esoteric and sometimes tortured preaching and writing of the preceding generation, also prompted by desires to conform traditional belief to Enlightenment ideology and social change, had increasingly invoked reason to explain doctrinal changes as consistent with traditional understandings of Biblical meanings, if not with prior practices. The New Light preachers of the Awakening rejected these recent amendments to Calvinist thought and substituted those that, they argued, more accurately reflected the word of God and the traditions of their predecessors.

The division between Old and New Light preaching styles and doctrines fragmented nearly every sect within America. Established church leaders responded in fear, securing laws that prohibited itinerant preachers expressing New Light theologies. Yet, laws and punishments failed to restrain the religious enthusiasm of the 1730s and 1740s. Dissenters from the established religions flocked to the new Baptist and Methodist churches born in the Awakening, making them the fastest-growing denominations in the country. Three parties emerged within America’s Calvinist churches: liberals who espoused a foundational Unitarianism, establishmentarians who used religion primarily as a means of preserving social order and morality, and pietistic evangelicals, born in the Awakening, who saw religion as more of a personal than a social concern. Though the liberals and the establishmentarians shared a greater doctrinal perspective, the liberals and the evangelicals combined to pose a social threat to established religion.

By motivating people to assume control over their religious beliefs, the Great Awakening encouraged a challenge to colonial authority. Some historians see in this a prelude to Revolution. However, the

Awakening as an ideological rather than a social movement sought to return both to an earlier version of Calvinist theology and to an older ideal of homogeneous Christian communities. The seeds of revolution took root in neither of these desires.

Yet, incontrovertibly, the Great Awakening realigned colonial America. As religious sects proliferated, established churches could make little claim to espousing the one true faith, even within a particular colony. Toleration became essential in nearly every business and social context. However, toleration is not the same as freedom. On the eve of the Revolution, one or another expression of Christianity served as the established religion in nearly every colony, and Christian ethics remained a vital aspect of the colonial legal culture. Atheists, Jews, and even Christian dissenters continued to be denied full civic participation. Still, Americans increasingly responded to religious diversity by ignoring what they saw as minor doctrinal differences. By 1749 in Boston's West Church, the Reverend Lemuel Briant could assert that "the perfect religion of Jesus was nothing other than a refined system of morality,"² foreshadowing future developments in Christian thought. Sectarian differences still mattered by the late 1700s, but more for social than for theological reasons. America, in the 1770s, was poised for a major reconsideration of the role of religion in society.

² Quoted in Harry S. Stout, *The New England Soul: Preaching and Religious Culture in Colonial New England* (New York: Oxford University Press, 1986), 223–4.