

The Great Awakening
From Henry VIII to the First Amendment
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1. When we ended two weeks ago, three groups of Christians dominated Western Europe – Roman Catholics, Lutherans and Calvinists.
2. Which religion was practiced in a particular area was determined by the ruler in that area – people were expected to practice the beliefs of the ruler or move to another location practicing a different belief.
3. Today we will look at the first 300 years or so after the Reformation in Germany and Switzerland, looking particularly at the development of religious freedom in what became the United States.
4. We will begin in England, which produced the writings that provided the intellectual underpinnings of that freedom and then go to the American colonies, and look at religious freedom in the colonies.
5. We will end with the enactment of the First Amendment to the United States Constitution and the adoption of similar provisions in the states.

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1. Henry VIII, who became King of England in 1509, has been described as **“a man of impressive intellectual abilities and executive force, well-read and always interested in Scholastic theology, sympathetic with humanism, popular with the mass of people, but egotistic, obstinate, and given to fitful acts of terror.”** Walker, *A History of the Christian Church* at 483.
2. Henry VIII began his reign as a devout Roman Catholic.
3. When Luther’s writings were first circulated in England during his reign, their use was forbidden by law.
4. Thomas More, Henry’s chancellor, launched a campaign against the early followers of Luther, leading to many being burned at the stake.
5. For his bloody rejection of the teachings of Luther, the Pope gave Henry VIII the title “Defender of the Faith,” a title English kings and queens still claim.
6. But, by the early 1530s, **“antipapal sympathies in England were running high.”** Shelley, *Church History in Plain Language* at 266.

7. And, Henry VIII needed a divorce that the Pope would not grant.
8. So, *both* because of his need for a divorce and the **“tradition of reform begun by Wyclif in the fourteenth century,”** in 1534 Henry rejected the Pope and declared himself the supreme head of the church in England. Placher, *A History of Christian Theology* at 227.

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1. This painting, owned by Henry VIII, shows the stoning of the Pope.
2. But Henry did not reject the teachings of the Catholic Church; he considered himself **“an orthodox Catholic save in regard to the pope.”** Walker, *A History of the Christian Church* at 488.
3. He rejected marriage by priests and giving wine to participants in Communion.
4. And, as we saw two weeks ago, rejecting the authority of the Pope simply transferred the control of beliefs to secular authorities.
5. Henry VIII ordered that denial of the Catholic doctrine of transubstantiation **“was to be punished by fire.”** *Id.*
6. During his reign, about 60 people were burned at the stake for claimed heresies.

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1. On Henry’s death, his frail only son became King Edward VI at the age of ten.
2. Guided by Thomas Cranmer, the Archbishop of Canterbury, **“official English policy shifted abruptly in a Protestant direction.”** Shelley, *Church History in Plain Language* at 269.
3. Laws passed by Henry VIII requiring adherence to Catholic beliefs were repealed, priests were allowed to marry and worship was conducted according to the *Book of Common Prayer*, written by Cranmer.

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1. Edward VI died after six years as king and was replaced by his half-sister Mary.
2. Mary, who has been described as **“probably the only really pious English monarch of the sixteenth century,”** restored Catholicism as the official religion of England. Shelley, *Church History in Plain Language* at 269.

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1. She condemned nearly 300 Protestants to be burned at the stake, earning herself the title “Bloody Mary.”

2. One of those burned was Thomas Cranmer, the author of the *Book of Common Prayer*.
3. During his trial for heresy, under duress he had signed a document repudiating his reform views and accepting the authority of the Pope, but he was convicted anyway.
4. He went to his death denouncing the Pope as **“Christ’s enemy and Antichrist, with all his false doctrine”** and stuck in the fire the hand that had signed the document accepting the Pope’s authority. Moynahan, *The Faith* at 410.

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1. When Mary died in 1558, she was replaced by Elizabeth, another daughter of Henry VIII.
2. Elizabeth steered the Church of England to what she thought was a compromise between the Catholic and Reformed extremes, described as the “Middle Way.”
3. Like the followers of Calvin, she accepted only the Bible as authority on religious matters and recognized only two sacraments, the Eucharist and baptism.
4. On the other hand, she accepted much of the liturgy and symbolism of the Catholic Church.
5. She also accepted the structure of the Catholic Church, including governance by bishops claiming to be successors of the apostles.

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1. During the reign of Bloody Mary, many Protestants had escaped to Geneva, where they learned a strict form of Calvinism.
2. They returned home during the reign of Elizabeth **“filled with admiration for a thoroughgoing Protestantism.”** Walker, *A History of the Christian Church* at 543.
3. They found a church they thought needed to be “purified.”
4. Many of these so-called “Puritans” believed that the hierarchical structure of the Church of England, based on the Catholic Church, was inconsistent with Scripture.
5. They believed that a proper church **“is self-governing and chooses a pastor, a teacher, elders, deacons, and widows, whom the New Testament designates.”** Walker, *A History of the Christian Church* at 546.

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1. A few of the Puritans became known as “Separatists” because they were intent on leaving the Church of England entirely, which they concluded was beyond reform.

2. In 1592, Separatist leaders **“were hanged for denying the queen’s supremacy in ecclesiastical matters.”** Walker, *A History of the Christian Church* at 548.
3. In 1608, a group of Separatists moved to Holland for safety and freedom to worship independently of the Church of England. Shelley, *Church History in Plain Language* at 296.
4. One group of these Separatists returned from Holland and about 100 of them eventually sailed from Plymouth, England, in 1620 aboard the *Mayflower*, landing at what they called Plymouth, Massachusetts.
5. Although this group is famous for holding the first Thanksgiving, it is historically insignificant because of its small size and the fact that many of the people died during the first winter.

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1. **“Separation from the Church of England, however, was far too drastic for the vast majority of Puritans.”** Shelley, *Church History in Plain Language* at 296.
2. Most simply wanted to purify the church, to remove the unnecessary rituals and hierarchy that they thought were inconsistent with the Bible.
3. In 1630, a group of Puritans intent on purifying the Church of England left for the three month trip to New England.
4. These Puritans saw themselves as **“God’s new Israel,”** a people chosen by God to purify Christianity in a new land. *Id.* at 294.
5. During their voyage, John Winthrop, the governor of the group, wrote: **“We shall find that the God of Israel is among us. . . . For we must consider that we shall be as a city upon a hill, the eyes of all people are upon us.”** Placher, *A History of Christian Theology* at 256.
6. The term “pilgrims” comes from Winthrop’s description of all the early Puritan settlers, including the Separatists, based on *Hebrews* 11:13 (KJV): **“These [descendants of Abraham] all died in faith, not having received the promises, but having seen them afar off, and were persuaded of them, and embraced them, and confessed that they were strangers and pilgrims on the earth.”**
7. About 700 followers of John Winthrop established the Massachusetts Bay Colony in 1630.

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1. During the next 10 years, about 20,000 Non-Separatist Puritans left England and settled in New England.

2. These groups established congregations in Salem, Boston, Hartford, New Haven and Dorchester.
3. They were led by clergy ordained by the Church of England and considered themselves to be loyal to the Church of England.
4. However, with the English authorities across the ocean, the New England Puritans were able to realize their goals of a purified, locally-governed church sanctioned by law.
5. As one author notes: **“They were able to do in New England what their fellow nonseparatist Congregationalists longed to do in old England – set up their Congregational system under the law of the state as the sole established church.”** Walker, *A History of the Church* at 553.

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1. The United Church of Christ traces its origins to these Puritan Congregationalists and gives them credit for **“giv[ing] birth to constitutional liberty in this country.”** Rosen, *Religions of America* at 283.
2. But Jacques Barzun, the great historian, calls this idea a **“national myth.”** Barzun, *From Dawn to Decadence* at 278.
3. The Puritans did *not* come to the New World **“for the sake of religious liberty, but for religious purity – to set up an ideal commonwealth according to God’s laws, an example to inspire the whole world.”** Placher, *A History of Christian Theology* at 256.
4. **“Failure to attend church services, denial of Christ’s resurrection, or infant baptism, and irreverence for the Bible could bring severe punishment.”** Shelley, *Church History in Plain Language* at 305.
5. As one author writes: **“Congregationalism was established by law, and the full meaning of ‘nonseparatist Congregationalism,’ which vigorously insisted on religious uniformity and sought to restrain or exclude all dissidents, became clear.”** Walker, *A History of the Christian Church* at 575.

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1. One of those “dissidents” was Mary Dyer, who was born in England and became a resident of the Massachusetts Bay Colony.
2. In 1652, she and her husband returned to England, where they became followers of George Fox, who has been described as **“one of the few religious geniuses of English history.”** Walker, *A History of the Christian Church* at 561.
3. The followers of Fox rejected slavery, war, professional ministers, external sacraments and titles of authority.

4. They became known as the “Quakers” after George Fox told the magistrate at his trial for blasphemy that he should “**tremble at the word of God.**” Rosten, *Religions of America* at 215
5. Mary Dyer returned to Massachusetts espousing Quaker beliefs.
6. She was hanged for her beliefs on the Boston Common on order of the Massachusetts general court, the body responsible for enforcing the civil law in accordance with teachings of the local church.
7. Three Quaker men were also hanged before King Charles II of England ordered the end of the executions. MacCulloch, *The Reformation* at 539-40.

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1. Anne Hutchinson was another member of the Massachusetts Bay Colony and was a friend of Mary Dyer.
2. At the time, many of the churches in New England had adopted what is called “covenant” or “federal” theology.
3. They taught that believers who experienced conversion had made a covenant with God, in which they promised to obey God’s teachings in return for God’s promise to save them.
4. Anne Hutchinson flatly rejected this view, which she said was inconsistent with the teachings of Luther and Calvin that salvation comes entirely from God’s grace, which cannot be earned.
5. “**Grace follows no rules, she said. It may come to the town drunk or a prostitute as likely as to the most respectable citizen.**” Placher, *A History of Christian Theology* at 257.
6. For her beliefs, which were consistent with Calvinism, a synod of ministers convicted her of heresy and banished her to Rhode Island, where she and her 15 children were massacred by Indians.

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1. The Colony of Rhode Island had been founded by Roger Williams, a priest who came to New England in 1630 seeking religious freedom, but soon learned that “**the Puritan Congregationalists did not allow freedom of worship.**” Rosten, *Religions of America* at 36.
2. He bought land and founded the city of Providence in 1636 “**as a haven for free spirits.**” Moynahan, *The Faith* at 571.

3. Williams welcomed into Rhode Island people of various beliefs, including Jews, because **“Williams believed that all the non-elect would go to Hell, but it was not his responsibility to make matters worse for them in this life.”** MacCulloch, *The Reformation* at 539.

4. Even Rhode Island under Roger Williams was not open to everyone – **“It guaranteed freedom of belief to all but outspoken atheists and – for some decades – to Roman Catholics.”** Holmes, *Faiths of the Founding Fathers* at 9.

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1. The relative tolerance of Rhode Island was unusual among the colonies.

2. Following the pattern that existed in Europe following the Peace of Westphalia in 1648, most colonies established a religion and expected their residents to follow that religion, at least in public.

3. New York, Virginia, North Carolina, South Carolina, and Georgia were officially Church of England and expected their citizens to support that church.

4. Maryland, although it did not have an established church, **“provided for the execution or forfeiture of all lands of any resident who blasphemed or denied the doctrines of the Trinity and the divinity of Christ.”** Holmes, *Faiths of the Founding Fathers* at 21.

5. Pennsylvania, founded in 1682 by the Quaker William Penn, did not have an established church and tolerated virtually all beliefs.

6. Penn invited sects being persecuted in Europe to come to Pennsylvania.

7. Among the ones that came were the Mennonites from Germany, the survivors of the Anabaptist movement, who arrived in 1683.

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1. So, by the late 1600s, despite the examples of Pennsylvania and Rhode Island, there was little religious freedom in the colonies, particularly in New England.

2. As in Europe, governments controlled beliefs and punished heretics.

3. In 1692, 18 people, and one dog, were hanged as witches in Salem, Massachusetts.

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1. Unknown to many Americans, religious freedom in the United States can be traced to the writings of two seventeenth century Englishmen – Isaac Newton and John

Locke -- who have been called **“kindred spirits in the dangerous area of anti-Trinitarianism.”** Gleick, *Isaac Newton* at 145

2. Newton, who became a fellow of Trinity College in Cambridge, England, in 1667, was a serious Biblical scholar, who **“wrote as much about the Book of Revelation as about the theory of gravity.”** MacCulloch, *The Reformation* at 683.

3. **“He believed in a God of nature, a God of the whole universe, and he could not believe that the truth about God had been revealed only through Christ.”** Placher, *A History of Christian Theology* at 239.

4. In 1687, Newton published his famous *Principia*, which explained that the motions of the planets could be defined by mathematical formulas.

5. **“The reading public of Europe was captivated by the wonder of Newton’s world-machine. The medieval world of unseen spirits—angels and demons—could now be dismissed as superstition. In its place moved a universe subject to physical laws expressed in mathematical symbols.”** Shelley, *Church History in Plain Language* at 314.

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1. Because on Newton’s laws of motion, it was now possible to imagine the universe as a giant clock, with each action dependent on some prior action and all future actions being dependent on the present.

2. As one author states: **“To thinking persons, the physical universe no longer appeared as a field of arbitrary divine action, but as an interpretable realm of law”** Walker, *A History of the Christian Church* at 569.

3. Some people concluded that Newton’s clockwork universe, governed by natural laws, **“had reduced God to an unnecessary hypothesis.”** Fernandez-Armesto, *Millenium* at 464.

4. Others, called “Deists,” thought that **“[j]ust as a ticking watch presupposes a watchmaker, so Deists thought that the rational, mechanistic harmony of nature revealed a deity.”** Holmes, *The Faiths of the Founding Fathers* at 44.

5. Like Newton, the Deists rejected the divinity, incarnation and atonement of Jesus. *Id.* at 39-40.

6. **“Deism thrived in the eighteenth century in Europe, partly because the mechanical universe could dispense with the clockmaker after He had given it its initial windup.”** Fernandez-Armesto, *Millenium* at 464.

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1. But Jonathan Edwards, who has been described as **“America’s greatest theological genius,”** reached a much different conclusion than the Deists from the writings of Newton. Placher, *A History of Christian Theology* at 258.
2. Those views contributed, albeit indirectly, to the eventual development of religious freedom.
3. Edwards argued that Newton had demonstrated that the Calvinist belief in predestination was correct: **“Newton’s philosophy implies that the universe is a system in which everything follows necessarily from prior causes. Therefore, the choices of people who live in the universe as described by Newton must be predetermined from the beginning of time.”** *Id* at 259.
4. Edwards was one of the leaders of what is called the “Great Awakening,” which swept the colonies in the years before the American Revolution.
5. By this time, the religious fervor of the original settlers had diminished.
6. In an environment of spiritual malaise, Edwards and others held outdoor revival meetings independently of the churches, preaching that a “Divine Light” would enter people and save them from sin, imparting immediately **“a conviction of the truth which is revealed in the ‘Word of God.’”** Moynahan, *The Faith* at 586.

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1. George Whitefield from England was the most active of the Great Awakening preachers, speaking to crowds of up to 8,000 people at a time from Georgia to Maine.
2. **“Using startling images he could make his listeners feel the pain of sin and the terror of hell.”** MacCulloch, *The Reformation* at 336.
3. The enthusiastic preaching led to **“faintings and outcries”** and the conversions of many people who had ceased belonging to any church. Walker, *A History of the Christian Church* at 608.
4. **“The Great Awakening . . . led people from theories about religion to the experience of it.”** Placher, *A History of Christian Theology* at 260.
5. **“A new type of piety developed alongside the rationalism of the Enlightenment, which is often called ‘the religion of the heart.’”** Armstrong, *A History of God* at 316.
6. The Great Awakening **“provoked a split in American churches between those who saw it as a work of God and those who condemned it as enthusiastic nonsense.”** Morgan, *Benjamin Franklin* at 22.

7. In 1745, the Presbyterian Church split into two synods, one called the “Old Side” and the other the “New Side,” consisting of those people who had been converted by Edwards and Whitefield. Walker, *A History of the Christian Church* at 608.

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1. Benjamin Franklin was a Deist, who believed in God, but had at least **“some doubts”** about the divinity of Jesus. Holmes, *The Faiths of the Founding Fathers* at 57.

2. **While [Franklin] stayed away from churches, he made donations to them – they might help some people love their neighbors.”** Morgan, *Benjamin Franklin* at 59.

3. Like most Deists, Franklin believed that **“all religions were basically the same”** and **“came to believe that religious toleration was vital to a free society.”** *Id.* at 56.

4. As a Deist, Franklin rejected much of the religious message of the Great Awakening.

5. But he nonetheless thought it was a good thing because it was putting power in the hands of the people and taking it away from the established churches, most of them still loyal to England.

6. In 1740, when the established churches of Philadelphia closed their doors on Whitefield, Franklin apparently arranged for the construction of a great hall **“where ministers of all denominations could preach.”** Morgan, *Benjamin Franklin* at 59.

7. In Franklin, the twin legacies of Newton – Deism on the one hand and the evangelical fervor ignited by Jonathan Edwards and George Whitefield on the other – came together and formed a revolutionary political agenda.

8. Religion was beginning to be seen as a matter of individual conscience, not to be controlled by anyone but the believer.

9. **“The awakening, with its emphasis on personal salvation, individual authority, and voluntary association, nurtured nascent democratic values of equality and freedom of conscience.”** Green, *The Second Disestablishment* at 20.

10. So, as one author notes: **“It is no exaggeration to say that the roots of the American Revolution lay in the growing religious alienation between the new popular American religion and the established religion of England.”** McGrath, *Historical Theology* at 217.

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1. John Locke was an English philosopher and physician.

2. In 1689, three years before the hanging of witches in Salem, Locke wrote a letter on religious toleration that was soon printed and made its way across the Atlantic.

<http://www.thefederalistpapers.org/wp-content/uploads/2012/12/John-Locke-A-Letter-Concerning-Toleration.pdf>

3. The views in this extraordinary letter are as relevant today as they were more than 325 years ago.

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1. Locke started his letter by saying that he believed **“toleration to be the chief characteristic mark of the true Church.”**

2. As he wrote: **“The toleration of those that differ from others in matters of religion is so agreeable to the Gospel of Jesus Christ, and to the genuine reason of mankind, that it seems monstrous for men to be so blind as not to perceive the necessity and advantage of it in so clear a light.”**

3. For Locke, the only religious belief that mattered to a person’s salvation was one that came from within -- such a belief could not be compelled.

4. As he stated: **“It is only light and evidence that can work a change in men's opinions; which light can in no manner proceed from corporal sufferings, or any other outward penalties.”**

5. Therefore, **“all the power of civil government relates only to men's civil interests, is confined to the care of the things of this world, and hath nothing to do with the world to come.”**

6. If governments could legitimately compel religious beliefs, no rational principle could preclude governments with non-Christian majorities from compelling their citizens to reject Christianity.

7. As he wrote rhetorically: **“And what if in another country, to a Mahometan or a Pagan prince, the Christian religion seem false and offensive to God; may not the Christians for the same reason, and after the same manner, be extirpated there?”**

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1. For Locke, since the church and secular authorities operate in separate realms, neither can legitimately impose its will on the other.

2. As a result, **“[w]hatsoever is lawful in the Commonwealth cannot be prohibited by the magistrate in the Church.”**

3. This principle had a necessary corollary that is at the heart of today’s debates about religious freedom – **“[T]hose things that are prejudicial to the commonweal of a people in their ordinary use and are, therefore, forbidden by laws, those things ought not to be permitted to Churches in their sacred rites.”**

4. As Locke wrote: “[I]f some congregations should have a mind to sacrifice infants . . ., is the magistrate obliged to tolerate them, because they are committed in a religious assembly? I answer: No. These things are not lawful in the ordinary course of life, nor in any private house; and therefore neither are they so in the worship of God, or in any religious meeting.”

5. Locke also argued that even long-standing religious practices could be banned if demanded by the needs of society, such as banning the ritual sacrificing of cattle “**in order to the increasing of the stock of cattle that had been destroyed by some extraordinary murrain.**”

6. In other words, Locke argued that even the most basic religious practices can be banned if inconsistent with a compelling government purpose.

7. As we will see next week, that idea is at the heart of debates about the Religious Freedom Restoration Act – when can the interests of society overcome even the most sincere religious beliefs?

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1. Finally, Locke argued that the government could not impose religious qualifications on people seeking its benefits.

2. As he said: “[I]f we may openly speak the truth, and as becomes one man to another, neither Pagan nor Mahometan, nor Jew, ought to be excluded from the civil rights of the commonwealth because of his religion.”

3. But Locke did not believe atheists should have civil rights because “[p]romises, covenants, and oaths, which are the bonds of human society, can have no hold upon an atheist.”

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1. Locke’s letter on religious tolerance had an enormous influence on our Founding Fathers.

2. John Adams, who studied the writings of Locke at Harvard, came to believe that Christian leaders “**prefer[ed] to rule through intimidation rather than persuasion.**” Waldman, *Founding Faith* at 34.

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1. Thomas Jefferson had a copy of Locke’s letter in his library, on which he made extensive notes.

2. His notes included the following summary of Locke's view: **“Whatsoever is lawful in the Commonwealth or permitted to the subject in the ordinary way cannot be forbidden to him for religious uses; and whatsoever is prejudicial to the Commonwealth in their ordinary uses and, therefore, prohibited by the laws, ought not to be permitted to churches in their sacred rites.”**
3. Using Locke's example, Jefferson noted that religious freedom would not allow child sacrifice because **“it is unlawful in the ordinary course of things or in a private house to murder a child.”**

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1. Like Newton and Franklin, Jefferson was a Deist, who believed that **“Jesus was extraordinary but not holy.”** Waldman, *Founding Faith* at 78.
2. Jefferson **“produced a special edition of the New Testament, which included Jesus' teachings but left out all the miracles.”** Placher, *A History of Christian Theology* at 261.
3. In a letter to John Adams, Jefferson proposed that the **“true religion”** was **“the sublime doctrines of philanthropism and deism taught us by Jesus of Nazareth in which we all agree.”** Moynahan, *The Faith* at 592.
4. One author writes that Jefferson **“was anti-Christian and pro-Jesus. He was anti-religion and pro-God.”** Waldman, *Founding Faith* at 84.
5. As a result, the Declaration of Independence, largely written by Jefferson, mentions the divine in terms compatible with the teachings of many of the world's religions and traditions.

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1. It uses “Nature,” “Nature's God,” “Creator,” “Supreme Judge” and “Divine Providence” when referring to a higher power.
2. It has no language suggesting uniquely Christian beliefs and even omits the phrase “in the year of our Lord” from its date.
3. As one author notes: **“The ‘Nature's God’ of Jefferson's declaration was thus not a Calvinist God but a deistic god of natural religion discovered through reason.”** Green, *The Second Disestablishment* at 54.
4. Jefferson later characterized the Declaration of Independence as establishing **“the free right of the unbounded exercise of reason and freedom of opinion.”** Waldman, *Founding Faith* at 91.

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1. In 1779, three years after the Declaration of Independence, Thomas Jefferson, as a member of the Virginia General Assembly, introduced what became known as the Statute for Religious Freedom.
2. He supported his bill with arguments drawn directly from Locke's letter on religious toleration.
3. Paraphrasing Locke's letter, Jefferson argued that **“the opinions of man are not the object of civil government, nor under its jurisdiction.”**
4. And, like Locke, he argued that acts based on religious beliefs could be outlawed **“when principles break out into overt acts against peace and good order,”** an exception stated in the Statute's preamble.
5. Because Jefferson had been sent to France by the Confederation Congress in 1784, James Madison pushed Jefferson's Statute for Religious Freedom through the Virginia Legislature.
6. When finally enacted in 1786, the statute guaranteed 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 no wise diminish, enlarge or affect their civil capacities.”**
7. As Jefferson later wrote in his autobiography, because a **“great majority”** of the legislators had rejected a provision limiting religious freedom to Christians, the statute **“comprehended within the mantle of its protection the Jew and the Gentile, the Christian and Mahometan, the Hindoo and infidel of every denomination.”** Jefferson, *Autobiography* (1821).

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1. As a result of the Virginia Statute of Religious Freedom, **“for the first time in American history”** individuals were guaranteed the right to believe whatever they chose without fear of punishment from the government. Sehat, *The Myth of American Religious Freedom* at 37.
2. The Virginia Statute was one of three accomplishments Jefferson mandated for his epitaph, along with his writing of the Declaration of Independence and his founding of the University of Virginia.

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1. As a young man, James Madison took from his studies of John Locke **“not only a passion for religious tolerance but also the epistemological point that the very makeup of man . . . pretty much guarantees a diversity of viewpoints and perspectives.”** Waldman, *Founding Faith* at 97.
2. From the time he was 22, Madison **“came down firmly on the side of religious freedom, arguing that only liberty of conscience could guarantee civil and political liberty.”** Holmes, *The Faiths of the Founding Fathers* at 98,
3. With Jefferson in Paris, Madison became **“the nation’s most zealous champion of religious freedom.”** Waldman, *Founding Faith* at 99.
4. In his work in developing the basic structure of the United States Constitution, Madison’s **“goal was a godless government, sufficiently protected from the religious to ensure individual liberty.”** Sehat, *The Myth of American Religious Freedom* at 39.

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1. The United States Constitution was submitted to the States for ratification in 1787.
2. Unlike every prior document establishing a government, it made no reference to God or any higher power.
3. As one author has written: **“In light of the unbroken record of invoking God’s name in foundational documents throughout the world, throughout the colonies, and throughout history, the stubborn refusal of the US Constitution to invoke the Almighty is abnormal, historic, radical, and not accidental.”** Waldman, *Founding Faith* at 131.
4. Unlike earlier documents, governmental power was not said to come from God but from “the people.”
5. One author writes: **“The lack of a reference to God or a religious purpose in the Constitution should not be surprising considering the religious beliefs of the men involved and their impression of the task at hand.”** Green, *The Second Disestablishment* at 56.
6. And because power came from the people and not from God, the Constitution expressly stated: **“No religious test shall ever be required as a qualification to any office or public trust under the United States.”** Art. VI, Clause 3.

7. This provision **“highlighted the secular nature of the Constitution and the new government’s nonreliance on religious principles.”** Green, *The Second Disestablishment* at 60.
8. During the ratification debates, opponents of this provision expressed objections that seem all too consistent with current views.
9. One person feared that **“pagans, deists, and Mahometans might obtain offices among us.”** Waldman, *Founding Faiths* at 134.
10. Another worried that if the President were Jewish, **“our dear posterity may be ordered to rebuild Jerusalem.”** *Id.*
11. But the Constitution’s ban on religious tests for government office applied only to federal office holders.
12. At the time of the Constitutional Convention, **“[a]ll but two states had religious tests banning Jews, Unitarians, and agnostics from public office.”** Waldman, *Founding Faith* at 132.
13. Madison feared that the states would continue to impose their religious views on their citizens and had tried to give Congress the power to veto state laws impeding on the rights of religious and other minorities.
14. The effort failed **“in part because southern lawmakers saw immediately that this could lead to Congress outlawing slavery.”** *Id.*

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1. From Europe, Thomas Jefferson told Madison he believed that the Constitution was defective because it did not have a **“bill of rights”** giving all citizens rights against the government. Smith, *The Republic of Letters* at 451.
2. He wanted the Constitution to provide for, among other things, **“freedom of religion”** and **“freedom of the press.”** *Id.*
3. In a letter to Madison sent from Paris on July 31, 1788, Jefferson made clear that neither of these rights could be absolute.
4. **“A declaration that the federal government will never restrain the presses from printing any thing they please, will not take away the liability of the printers for false facts printed.”** *Id.* at 545
5. Repeating arguments that originated with Locke, Jefferson said: **“The declaration that religious faith shall be unpunished, does not give immunity to criminal acts dictated by religious error.”** *Id.*

6. Jefferson did not specify what he meant by “**religious error,**” but he had previously noted the government had the power to stop child sacrifice.

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1. On June 8, 1789, Madison introduced in the House of Representatives a set of amendments to the Constitution that eventually became known as the “Bill of Rights.”

2. At the time, North Carolina and Rhode Island were still not a part of the union, having refused to ratify the Constitution unless it included 12 amendments proposed by Madison that would limit the power of the federal government.

3. In addition, Madison proposed an amendment of his own that no one else had suggested: “**No State shall violate the equal rights of conscience, or the freedom of the press, or the trial by jury in criminal cases.**”

4. “**This was Madison’s final attempt to write the federal veto of state laws into the Constitution and underscored his view that the principal threat to individual rights came from unjust majority factions in the states ‘operating . . . against the minority.’**” Smith, *The Republic of Letters* at 597.

5. Madison’s effort to impose limits on state governments failed.

6. On September 25 1789, 12 amendments to the Constitution were approved by Congress and submitted to the states for ratification.

Slide 37

1. On December 15, 1791, ten of those amendments were ratified by the states and became part of the Constitution.

2. The First Amendment states: “**Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.**”

3. The specific language of the First Amendment was the result of a series of compromises between Madison, who favored a complete separation between religion and the government, and Christian evangelicals, who wanted to eliminate government support of churches.

4. As a result, the precise meaning of language drawn from conflicting sources has been disputed ever since.

5. As one author writes: “**[T]he First Amendment resolved nothing. It fell short of clarifying the proper relationship to the state, and it could plausibly be read as an**

expression of all positions at once.” Sehat, *The Myth of American Religious Freedom* at 49.

Slide 38

1. Until the twentieth century, the First Amendment had no application to the states.
2. However, with the inspiration of the federal Constitution, the states began eliminating religious requirements and privileges from their laws, with the last of those being eliminated in Massachusetts in 1833.
3. The states also began adopting Bills of Rights, modeled on the federal example.
4. The Indiana Constitution, adopted in 1851, contains a Bill of Rights, with several provisions seeking to secure religious freedoms.
5. Article 1, section 3 provides: **“No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.”**
6. Section 5 states: **“No religious test shall be required, as a qualification for any office of trust or profit.”**

Slide 39

1. Next week, we will look at religious freedom in the United States since enactment of the First Amendment.
2. We will see that religious freedom as we now understand it **“would take another century to achieve.”** Green, *The Second Disestablishment* at 77.
3. Recognizing the vision of the Founding Fathers has not been easy or consistent, especially in light of nineteenth century efforts to enshrine orthodox Christianity as the only “true religion.”
4. Nor has it been easy to determine whether laws generally applicable to everyone can be avoided by people claiming to have a religious objection to them.
5. It was in this environment of uncertainty that so-called “Religious Freedom Restoration Acts” were enacted, which we will talk about.
6. We will see that reconciling religious freedom with other values is not always easy.

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