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## Did America Have a Christian Founding?

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**Abstract:** Did America have a Christian Founding? This disputed question, far from being only of historical interest, has important implications for how we conceive of the role of religion in the American republic. Mark David Hall begins by considering two popular answers to the query—"Of course not!" and "Absolutely!"—both of which distort the Founders' views. After showing that Christian ideas were one of the important intellectual influences on the Founders, he discusses three major areas of agreement with respect to religious liberty and church-state relations at the time of the Founding: Religious liberty is a right and must be protected; the national government should not create an established church, and states should have them only if they encourage and assist Christianity; and religion belongs in the public square. In short, while America did not have a Christian Founding in the sense of creating a theocracy, its Founding was deeply shaped by Christian moral truths. More important, it created a regime that was hospitable to Christians, but also to practitioners of other religions.

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The role of religion in the American republic has been a source of controversy since the nation's inception. Debates are particularly fierce when they concern religious liberty and the proper relationship between church and state. Arguments on these questions are often framed in the light of the Founders' intentions, but unfortunately, their views are often distorted.

Did America have a Christian Founding? Two popular answers to this query—"Of course not!" and "Absolutely!"—both distort the Founders' views. There is in

### Talking Points

- While America did not have a Christian Founding in the sense of creating a theocracy, it was deeply shaped by Christian moral truths, and the Founders created a regime that was hospitable to Christians as well as to practitioners of other religions.
- To a person, the Founders were committed to protecting religious liberty.
- Moreover, almost without exception, they agreed that civic authorities could promote and encourage Christianity and that it was appropriate for elected officials to make religious arguments in the public square.
- There was no support among the Founders for contemporary visions of a strict separation of church and state that would have political leaders avoid religious language and require public spaces to be stripped of religious symbols.

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fact a great deal of evidence that America's Founders were influenced by Christian ideas, and there are many ways in which the Founders' views might inform contemporary political and legal controversies.

## Two Common but Mistaken Answers

According to those who answer "Of course not!" America's Founders were guided by secular ideas and self, class, or state interests. These scholars do not deny that the Founders were religious, but they contend that they were mostly deists—i.e., persons who reject many Christian doctrines and who think God does not interfere in the affairs of men and nations.

For instance, historian Frank Lambert writes that "[the] significance of the Enlightenment and Deism for the birth of the American republic, and especially the relationship between church and state within it, can hardly be overstated." Similarly, University of Chicago law professor Geoffrey Stone avers that "deistic beliefs played a central role in the framing of the American republic" and that the "Founding generation viewed religion, and particularly religion's relation to government, through an Enlightenment lens that was deeply skeptical of orthodox Christianity." Virtually identical claims are made by Edwin Gaustad, Steven Waldman, Richard Hughes, Steven Keillor, David Holmes, Brooke Allen, and many others.<sup>1</sup>

In addition to asserting that the Founders were deists, these authors regularly contend that they abandoned their ancestors' intolerant approach to church-state relations and embraced religious liberty. They often concede that some Founders thought civic authorities should support religion but argue that this is irrelevant as Jefferson's and Madison's

conviction that there should be a high wall of separation between church and state was written into the Constitution and reinforced by the First Amendment. As we shall see, there are significant problems with this story.

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***Did America have a Christian Founding? Two popular answers to this query—"Of course not!" and "Absolutely!"—both distort the Founders' views.***

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The second answer to this question is offered by popular Christian writers such as Peter Marshall, David Manuel, John Eidsmoe, Tim LaHaye, William J. Federer, David Barton, and Gary DeMar. They contend that not only did America have a Christian Founding, but virtually all of the Founders were devout, orthodox Christians who consciously drew from their religious convictions to answer most political questions.

To support their case, these writers are fond of finding religious quotations from the Founders. The rule seems to be that if a Founder utters anything religious, at any time in his life, he counts as an orthodox or even evangelical Christian Founder. Using this methodology, Tim LaHaye concludes, for instance, that John Adams was "deeply committed to Jesus Christ and the use of Biblical principles in governing the nation," and George Washington, if he was alive today, "would freely associate with the Bible-believing branch of evangelical Christianity that is having such a positive influence upon our nation."<sup>2</sup> This approach leads to similarly bad history.

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1. Frank Lambert, *The Founding Fathers and the Place of Religion in America* (Princeton, N.J.: Princeton University Press, 2003), p. 161; Geoffrey R. Stone, "The World of the Framers: A Christian Nation?" *University of California Law Review*, Vol. 56 (October 2008), pp. 7–8; Steven Waldman, *Founding Faith: Providence, Politics, and the Birth of Religious Freedom in America* (New York: Random House, 2008), p. 193; Richard T. Hughes, *Myths America Lives By* (Urbana: University of Illinois Press, 2003), pp. 50–57; Steven J. Keillor, *This Rebellious House: American History and the Truth of Christianity* (Downers Grove, Ill.: InterVarsity, 1996), p. 85; David L. Holmes, *The Faiths of the Founding Fathers* (New York: Oxford University Press, 2006), pp. 163–164; Brooke Allen, *Moral Minority: Our Skeptical Founding Fathers* (Chicago: Ivan R. Dee, 2006), p. xiii.
  2. Peter Marshall and David Manuel, *The Light and the Glory* (Grand Rapids, Mich.: Fleming H. Revell, 1977); John Eidsmoe, *Christianity and the Constitution: The Faith of Our Founding Fathers* (Grand Rapids, Mich.: Baker Book House, 1987); Tim LaHaye, *Faith of Our Founding Fathers* (Brentwood, Tenn.: Wolgemuth & Hyatt, 1987), pp. 90, 113; William J. Federer, *America's God and Country* (Coppell, Tex.: FAME Publishing, 1994); David Barton, *Original Intent: The Courts, the Constitution, & Religion*, 4th ed. (Aledo, Tex.: Wallbuilder Press, 2005); and Gary DeMar, *America's Christian Heritage* (Nashville: Broadman & Holman, 2003).

## What Exactly Would a *Christian* Founding Look Like?

In order to answer the question “Did America have a Christian Founding?” properly, we must first understand it. Let us begin by considering what, exactly, would constitute a *Christian* Founding?

One possibility is simply that the Founders *identified* themselves as Christians. Clearly, they did. In 1776, every European American, with the exception of about 2,500 Jews, identified himself or herself as a Christian. Moreover, approximately 98 percent of the colonists were Protestants, with the remaining 1.9 percent being Roman Catholics.<sup>3</sup>

But this reality is not particularly interesting. These men and women might have been bad Christians, they may have been Christians significantly influenced by non-Christian ideas, or they may even have been Christians self-consciously attempting to create a secular political order.

Second, we might mean that the Founders were all *sincere* Christians. Yet sincerity is very difficult for the scholars, or anyone else, to judge. In most cases, the historical record gives us little with which to work. And even if we can determine, say, that a particular Founder was a member, regular attendee, and even officer in a church, it does not necessarily mean he was a *sincere* Christian. Perhaps he did these things simply because society expected it of him.

Third, we might mean that the Founders were *orthodox* Christians. In some cases—for example, Samuel Adams, Patrick Henry, John Jay, Roger Sherman, and John Witherspoon—there is abundant evidence that these Founders embraced and articulated orthodox Christian ideas. But the lack of records often makes it difficult to speak with confidence on this issue.

Nevertheless, in light of the many and powerful claims that the Founders were deists, it should be

noted that there is virtually no evidence that more than a handful of civic leaders in the Founding era—notably Benjamin Franklin, Ethan Allen, Thomas Jefferson, John Adams, and (if we count him as an American) Tom Paine—embraced anything approximating this view. Moreover, a good argument can be made that even these Founders were influenced by Christianity in significant ways—and it certainly does not follow that they desired the strict separation of church and state.<sup>4</sup>

A fourth possibility is that the Founders *acted* as Christians in their private and/or public lives. Some historians have argued that the Founding cannot be called Christian because some Founders did not join churches, take communion, or remain faithful to their spouses. Moreover, in their public capacity, they did not act in a Christian manner because they did things such as fight an unjust war against England and did not immediately abolish slavery.<sup>5</sup>

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In some cases, these critiques do not take into account historical context, such as the difficulty of joining Calvinist churches in 18th century America. In others, they neglect the traditional Christian teaching that even saints sin. If the standard of being a Christian is moral perfection, no one has ever been a Christian. Most egregious, it is profoundly unhistorical to judge the Founders by specific policy outcomes that seem perfectly clear to 21st century Christians.

This is not to say that biblical principles are relativistic, but their applications to specific issues in

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3. Barry A. Kosmin and Seymour P. Lachman, *One Nation Under God: Religion in Contemporary American Society* (New York: Harmony Books, 1993), pp. 28–29.
  4. For further discussion, see Mark David Hall, “Faith and the Founders of the American Republic: Distortion and Consensus,” in *Faith and Politics: Religion in the Public Square*, Proceedings of the Maryville Symposium, Vol. 3, 2010 (Maryville, Tenn.: Maryville College, 2011), pp. 55–79.
  5. See, for instance, Mark A. Noll, Nathan O. Hatch, and George M. Marsden, *The Search for Christian America* (Westchester, Ill.: Crossway Books, 1983), pp. 19, 53–54, 95–100.

particular times and places may vary or be unclear. To take a contemporary example, one should be very careful in saying, for instance, that someone is a good Christian politician only if she votes for (or against) tax cuts or national health care.

A final possibility is that the Founders were influenced by Christian ideas. Scholars have spent a great amount of time attempting to discern influence. Book after book has been written about whether the Founders were most influenced by Lockean liberalism, classical republicanism, the Scottish Enlightenment, etc.

I believe that this is the most reasonable way to approach the question “Did America have a *Christian Founding*? ” In doing so, it is important to note that nominal Christians might be influenced by Christian ideas, just as it is possible for an orthodox Christian to be influenced by non-Christian ideas. I believe that an excellent case can be made that Christianity had a profound influence on the Founders.<sup>6</sup>

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***Among the different, but often overlapping, intellectual influences of the era, Orthodox Christianity had a very significant influence on America's Founders, and this influence is often overlooked by students of the American Founding.***

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Before proceeding, I should emphasize that I am not arguing that Christianity was the only significant influence on America’s Founders or that it influenced each Founder in the exact same manner. Clearly there were a variety of different, but often overlapping, intellectual influences in the era.<sup>7</sup> The Founders were also informed by the Anglo-American political–legal tradition and their own political

experience, and like all humans, they were motivated to varying degrees by self, class, or state interests. My contention is merely that orthodox Christianity had a very significant influence on America’s Founders and that this influence is often overlooked by students of the American Founding.

## **What Constitutes America’s Founding?**

I have assumed here that America was founded in the late 18th century, but some authors have argued, in the words of Gary DeMar, that our “nation begins not in 1776, but more than one hundred fifty years earlier.”<sup>8</sup> Let us consider three major possibilities that might count as the country’s founding: (1) the establishment of colonial governments in the 17th century, (2) America’s break with Great Britain in the 1770s, and (3) the creation of a new constitutional order in the 1780s and 1790s.

### **1. America’s Colonial Origins**

Few doubt that Puritans were serious Christians attempting to create, in the words of Massachusetts Governor John Winthrop, “a shining city upon a hill” (a reference to Matthew 5:14). Puritans separated church and state, but they clearly thought the two institutions should work in tandem to support, protect, and promote true Christianity.

Other colonies, however, are often described as being significantly different from those in New England. Historian John Fea, for instance, contends that “the real appeal of Jamestown was economic opportunity and the very real possibility of striking it rich.”<sup>9</sup> It is certainly the case that colonists were attracted to the New World by economic opportunity (in New England as well as in the South), and yet even in the southern colonies the protection and

6. Alan Gibson provides an overview of scholarly attempts to understand the intellectual influences on America’s Founders in *Interpreting the Founding: Guide to the Enduring Debates Over the Origins and Foundations of the American Republic* (Lawrence: University Press of Kansas, 2006). Like many other scholars, he almost completely neglects the possibility that Christian ideas may have had an important influence in the era.
7. I discuss ways Christian influence may have interacted with other intellectual traditions, especially Lockean liberalism, in “Vindiciae, Contra Tyrannos: The Influence of the Reformed Tradition on the American Founding,” a paper presented at the annual meeting of the American Political Science Association, Washington, D.C., September 2010. A revised version of the paper will be published as a book chapter with the same title in Daniel L. Dreisbach and Mark David Hall, ed., *Faith and the Founders of the American Republic* (New York: Oxford University Press, forthcoming).
8. DeMar, *America’s Christian Heritage*, p. 13.
9. John Fea, *Was America Founded as a Christian Nation?* (Louisville, Ky.: Westminster John Knox Press, 2011), p. 82.

promotion of Christianity was more important than many authors assume. For instance, Virginia's 1610 legal code begins:

Whereas his Majesty, like himself a most zealous prince, has in his own realms a principal care of true religion and reverence to God and has always strictly commanded his generals and governors, with all his forces wheresoever, to let their ways be, like his ends, for the glory of God....

The first three articles of this text go on to state that the colonists have embarked on a "sacred cause," to mandate regular church attendance, and to proclaim that anyone who speaks impiously against the Trinity or who blasphemes God's name will be put to death.<sup>10</sup>

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***By almost any measure, colonists of European descent who settled in the New World were serious Christians whose constitutions, laws, and practices reflected the influence of Christianity.***

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Early colonial laws and constitutions such as the Mayflower Compact, the Fundamental Orders of Connecticut, and Massachusetts Body of Liberties are filled with such language—and in some cases, they incorporate biblical texts wholesale. Perhaps more surprisingly, tolerant, Quaker Pennsylvania was more similar to Puritan New England than many realize. The *Charter of Liberties and Frame of Government of the Province of Pennsylvania* (1681) begins by making it clear that God has ordained government, and it even quotes Romans 13 to this effect. Article 38 of the document lists "offenses against God" that may be punished by the magistrate, including:

swearing, cursing, lying, profane talking, drunkenness, drinking of healths, obscene words, incest, sodomy...stage-plays, cards,

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10. Daniel L. Dreisbach and Mark David Hall, *The Sacred Rights of Conscience: Selected Readings on Religious Liberty and Church-State Relations in the American Founding* (Indianapolis: Liberty Fund Press, 2009), p. 84. I have modernized spelling and punctuation in all quotations.

11. *Ibid.*, pp. 86–119.

12. *Ibid.*, p. 118. Rhode Island, Pennsylvania, Delaware, and New Jersey did not have established churches. New York had establishments in select counties. Most colonies had religious tests for office, and all had laws encouraging and protecting Christianity and Christian morality.

dice, May-games, gamesters, masques, revels, bull-baiting, cock-fighting, bear-baiting, and the like, which excite the people to rudeness, cruelty, looseness, and irreligion....<sup>11</sup>

An extensive survey of early colonial constitutions and laws reveals many similar provisions. As well, at least nine of the 13 colonies had established churches, and all required officeholders to be Christians—or, in some cases, Protestants. Quaker Pennsylvania, for instance, expected officeholders to be "such as possess faith in Jesus Christ."<sup>12</sup>

If one is to understand the story of the United States of America, it is important to have a proper appreciation for its Christian colonial roots. By almost any measure, colonists of European descent who settled in the New World were serious Christians whose constitutions, laws, and practices reflected the influence of Christianity. Although some authors refer to this "planting" as a "founding," such a designation is rare among scholars. Instead, most scholars consider America to have been founded in the late 18th century around one of, or some combination of, two major events: the War for Independence and the creation of America's constitutional order.

## 2. The War for Independence

On the surface, the War for American Independence appears to be an inherently un-Christian event. The Apostle Paul, in Romans 13, seems to leave little room for revolution: "Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained by God. Whosoever therefore resists the power, resists the ordinance of God: and they that resist shall receive to themselves damnation."

Historically, Christian thinkers have taken this and similar biblical passages to prohibit rebellion against civic authorities. However, in the 12th cen-

tury, some Christian scholars began to allow for the possibility that inferior magistrates might overthrow evil kings. These ideas were developed and significantly expanded by the Protestant Reformers. John Calvin, the most politically conservative of these men, contended that, in some cases, inferior magistrates might resist an ungodly ruler. However, Reformed leaders such as John Knox, George Buchanan, and Samuel Rutherford of Scotland, Stephanus Junius Brutus and Theodore Beza of France, and Christopher Goodman and John Ponet of England argued that inferior magistrates must resist unjust rulers and even permitted or required citizens to do so.

It is worth noting that all of these men wrote before Locke published his *Two Treatises of Government* and that this tradition was profoundly influential in America. Indeed, between 55 percent and 75 percent of white citizens in this era associated themselves with Calvinist churches, and members of the tradition were significantly overrepresented among American intellectual elites.<sup>13</sup>

The influence of the Reformed political tradition in the Founding era is manifested in a variety of ways, but particularly noteworthy is the almost unanimous support Calvinist clergy offered to American patriots. This was noticed by the other side, as suggested by the Loyalist Peter Oliver, who railed against the “black Regiment, the dissenting Clergy, who took so active a part in the Rebellion.” King George himself reportedly referred to the War for Independence as “a Presbyterian Rebellion.” From the English perspective, British Major Harry Rooke was largely correct when he confiscated a presumably Calvinist book from an American prisoner and remarked that

“[i]t is your G-d Damned Religion of this Country that ruins the Country; Damn your religion.”<sup>14</sup>

The Declaration of Independence, the most famous document produced by the Continental Congress during the War for Independence, proclaims: “We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness.” As well, this text references “the laws of nature and of nature’s God” and closes by “appealing to the Supreme Judge of the world” and noting the signers’ “reliance on the protection of divine Providence.” The Founders’ use of Christian rhetoric and arguments becomes even more evident if one looks at other statements of colonial rights and concerns such as the Suffolk Resolves, the Declaration of Rights, and the Declaration of the Causes and Necessity of Taking up Arms—to say nothing of the dozen explicitly Christian calls for prayer, fasting, and thanksgiving issued by the Continental and Confederation Congresses.<sup>15</sup>

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Some scholars have argued that the use of “distant” words for God or “vague and generic God-language” like “Nature’s God,” “Creator,” and “Providence” in the Declaration and other texts is

13. Some scholars argue that Locke’s political philosophy is sharply at odds with earlier Protestant resistance literature, but I believe it is best understood as a logical extension of it. In any case, the American Founders clearly thought Locke’s ideas were compatible with orthodox Christianity. For further discussion, see Hall, “Vindiciae, Contra Tyrannos: The Influence of the Reformed Tradition on the American Founding.” An excellent example of Protestant resistance literature is Stephanus Junius Brutus, *Vindiciae, Contra Tyrannos*, ed. George Garnett (Cambridge: Cambridge University Press, 1994). Sydney E. Ahlstrom, *A Religious History of the American People* (Garden City, N.Y.: Doubleday, 1975), Vol. 1, p. 426.
14. Douglass Adair and John A. Schutz, eds., *Peter Oliver’s Origin and Progress of the American Rebellion* (Stanford: Stanford University Press, 1961), p. 41; Paul Johnson, *A History of the American People* (New York: HarperCollins, 1997), p. 173; John Leach, “A Journal Kept by John Leach, During His Confinement by the British, In Boston Gaol, in 1775,” *The New England Historical and Genealogical Register*, Vol. 19 (1865), p. 256.
15. Dreisbach and Hall, *Sacred Rights*, p. 220. For a discussion of these and other statements of colonial concerns, see Mark David Hall, *The Old Puritan and a New Nation: Roger Sherman and the Creation of the American Republic* (book mss. under review), chapter 3.

evidence that the Founders were deists.<sup>16</sup> However, indisputably orthodox Christians regularly used such appellations.

For instance, the Westminster Standards (a classic Reformed confession of faith), both in the original 1647 version and in the 1788 American revision, refer to the deity as “the Supreme Judge,” “the great Creator of all things,” “the first cause,” “righteous judge,” “God the Creator,” and “the supreme Law and King of all the world.” The Standards also regularly reference God’s providence and even proclaim that “[t]he light of nature sheweth that there is a God....” Similarly, Isaac Watts, the “father of English Hymnody,” referred to the deity as “nature’s God” in a poem about Psalm 148: 10. Jeffry H. Morrison has argued persuasively that the Declaration’s references to “divine Providence” and ‘the Supreme Judge of the World’ would have been quite acceptable to Reformed Americans in 1776, and conjured up images of the ‘distinctly biblical God’ when they heard or read the Declaration.<sup>17</sup>

It may be objected that Jefferson, the man who drafted the Declaration, was hardly an orthodox Christian, and that is certainly the case. But this is beside the point. As Jefferson himself pointed out in an 1825 letter, the object of the document was not to “find out new principles, or new arguments.... [I]t was intended to be an expression of the American mind, and to give that expression the proper tone and spirit called for by the occasion. All its authority rests then on the harmonizing sentiments of the day....”<sup>18</sup> Even though Jefferson believed in a vague, distant deity, when his fellow delegates revised and approved the Declaration, virtually all of them understood “Nature’s God,” “Creator,” and “Providence” to refer to the God of Abraham, Isaac, and

Jacob: a God who is active in the affairs of men and nations.

### 3. The Creation of America’s Constitutional Order

In light of the above discussion, it is perhaps surprising that the Constitution says little about God or religion. Of course, there are hints that America is a Christian nation (e.g., a pocket veto occurs 10 days after a bill is passed by Congress, *Sundays excepted*), but these seem to be more than balanced by Article VI’s prohibition of religious tests for federal offices. The only specific mention of God is found in the date the Constitution was written: “in the Year of our Lord 1787.”

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What is going on? Some have argued that America began as a Christian country but that the authors of the Constitution recognized that this was not a good thing, and so they created, in the words of Isaac Kramnick and R. Laurence Moore, a “Godless Constitution.” To reinforce this point, the Founders added the First Amendment to the Constitution, which begins “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof....”<sup>19</sup>

On the surface, this is a plausible hypothesis, and a few Founding-era documents such as James Madison’s “Memorial and Remonstrance” (1785) and

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- 16. See, for instance, Holmes, *Faiths of the Founding Fathers*, pp. 47, 65; Fea, *Was America Founded as a Christian Nation?*, pp. 131–33, 136.
  - 17. Westminster Standards, 1: 10; 5: 1, 2, 6; 19: 5; 23: 1; 1: 1, 7; 5; and 21: 5. See also *The Works of the Late Reverend and Learned Isaac Watts* (London, 1753), Vol. 4, p. 356, and *The Windham Herald*, April 15, 1797, p. 4. Such examples could be multiplied almost indefinitely. Jeffry H. Morrison, “Political Theology in the Declaration of Independence,” paper delivered at a conference on the Declaration of Independence, Princeton University, April 5–6, 2002. I am grateful to Daniel L. Dreisbach for pointing me to the language of the Standards.
  - 18. Jefferson to Henry Lee, May 8, 1825, in Adrienne Koch and William Peden, eds., *The Life and Selected Writings of Thomas Jefferson* (New York: Random House, 1993), pp. 656–657.
  - 19. Isaac Kramnick and R. Laurence Moore, *The Godless Constitution: The Case Against Religious Correctness* (New York: W.W. Norton, 1996); Dreisbach and Hall, *Sacred Rights*, p. 433.

Thomas Jefferson's letter to the Danbury Baptists (1802) seem to offer some support for this view. As we shall see, this interpretation of the Founding is inaccurate even with respect to Jefferson and Madison, and if one looks beyond them to the hundreds of men who attended the Federal Convention of 1787, participated in the state ratification conventions, and were elected to the first federal Congress, it becomes completely implausible. These individuals, without exception, called themselves Christians, and a good case can be made that many were influenced by orthodox Christian ideas in important ways.

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***There was almost universal agreement that if there was to be legislation on religious or moral matters, it should be done by state and local governments.***

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This argument is made well in broad strokes by Barry Alan Shain in *The Myth of American Individualism: The Protestant Origins of American Political Thought*. It also receives interesting empirical support from Donald Lutz, who examined 15,000 pamphlets, articles, and books on political subjects published in the late 18th century. His study found that the Bible was cited far more often than any other

book, article, or pamphlet. In fact, the Founders referenced the Bible more than all Enlightenment authors combined.<sup>20</sup>

If Shain and Lutz make the argument for Christian influence in broad strokes, others have made it in finer strokes through studies of individual Founders. For instance, I have co-edited four books that collectively shine light on 26 different Founders and several major traditions. These books, along with a number of other articles and books on less famous Founders, demonstrate that there is little evidence that the Founders as a group were deists who desired the separation of church and state.<sup>21</sup>

Before discussing the positive influence of Christian ideas on the American Founders, let me briefly suggest the central reason why the Constitution appears to be "Godless." Simply put, the Founders were creating a national government for a very few limited purposes—notably those enumerated in Article I, Section 8. There was almost universal agreement that if there was to be legislation on religious or moral matters, it should be done by state and local governments.<sup>22</sup>

In fact, states remained active in this business well into the 20th century. It is true that the last state church was disestablished in 1832, but many

20. Barry Alan Shain, *The Myth of American Individualism: The Protestant Origins of American Political Thought* (Princeton, N.J.: Princeton University Press, 1994); Donald S. Lutz, "The Relative Influence of European Writers on Late Eighteenth-Century American Political Thought," *American Political Science Review*, Vol. 78 (March 1984), pp. 189–197.
21. Daniel L. Dreisbach, Mark D. Hall, and Jeffry H. Morrison, *The Founders on God and Government* (Lanham, Md.: Rowman and Littlefield, 2004) (containing essays about George Washington, John Adams, Thomas Jefferson, James Madison, John Witherspoon, Benjamin Franklin, James Wilson, George Mason, and Daniel and Charles Carroll); Dreisbach, Hall, and Morrison, *The Forgotten Founders on Religion and Public Life* (Notre Dame, Ind.: University of Notre Dame Press, 2009) (containing essays about Abigail Adams, Samuel Adams, Oliver Ellsworth, Alexander Hamilton, Patrick Henry, John Jay, Thomas Paine, Edmund Randolph, Benjamin Rush, Roger Sherman, and Mercy Otis Warren); Dreisbach and Hall, *Faith and the Founders of the American Republic* (containing eight thematic essays and profiles of John Dickinson, Isaac Backus, John Leland, Elias Boudinot, Gouverneur Morris, and John Hancock); Dreisbach and Hall, *Sacred Rights* (a massive collection of primary source documents on religious liberty and church-state relations in the Founding era). See also John E. O'Connor, *William Paterson: Lawyer and Statesman, 1745–1806* (New Brunswick, N.J.: Rutgers University Press, 1986), and Marc M. Arkin, "Regionalism and the Religion Clauses: The Contribution of Fisher Ames," *Buffalo Law Review*, Vol. 47 (Spring 1999), pp. 763–828.
22. Even Thomas Jefferson observed: "Certainly, no power to prescribe any religious exercise, or to assume authority in religious discipline, has been delegated to the General [i.e., federal] Government. It must then rest with the States, as far as it can be in any human authority." Thomas Jefferson to Samuel Miller, January 23, 1808, in Dreisbach and Hall, *Sacred Rights*, p. 531. The Founders did think legislators should take religion and morality into account when the national government is acting within its enumerated powers. See, for instance, the debates in the first Congress over the assumption of state debts and excise taxes in *Documentary History of the First Federal Congress*, 14 vols. (Baltimore: Johns Hopkins University Press, 1972–2004), Vol. 10, pp. 568, 581; Vol. 13, pp. 1419–1424; Vol. 14, p. 247.

states retained religious tests for public office, had laws aimed at restricting vice, required prayer in schools, and so forth. Because the federal government was not to be concerned with these issues, they were not addressed in the Constitution. The First Amendment merely reinforced this understanding with respect to the faith—i.e., Congress has no power to establish a national church or restrict the free exercise of religion.<sup>23</sup>

Even though Christianity is not mentioned in the Constitution or Bill of Rights, the Founders of the American republic were influenced by Christian ideas in significant ways. For example:

1. Their faith taught them that humans were sinful. As James Madison wrote in *Federalist No. 51*, “If men were angels, no government would be necessary. If angels were to govern men, neither external or internal controls on government would be necessary.” This conviction led them to avoid utopian experiments such as those later pursued during the French Revolution and to adopt a constitutional system characterized by separated powers, checks and balances, and federalism. Many Enlightenment thinkers in this era, by way of contrast, tended to favor a strong, centralized government run by experts.<sup>24</sup>
  2. They firmly believed that God ordained moral standards, that legislation should be made in accordance with these standards, and that moral laws took precedence over human laws. This conviction manifests itself in their abstract reflections (e.g., James Wilson’s law lectures, parts of which read like St. Thomas Aquinas’s *Summa Theologica*)
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23. The U.S. Supreme Court has used the Fourteenth Amendment to apply the First Amendment to state and local governments. For a good discussion of this process and different ways the Court has interpreted the religion clauses, see Henry J. Abraham and Barbara A. Perry, *Freedom and the Court: Civil Rights and Civil Liberties in the United States*, 7th ed. (New York: Oxford University Press, 1998), pp. 29–91, 221–325.
  24. Barry Alan Shain, “Afterword: Revolutionary-Era Americans: Were They Enlightened or Protestant? Does it Matter?” in Dreisbach, Hall, and Morrison, *The Founders on God and Government*, pp. 274–277. This characterization of Enlightenment thinkers is truer for members of the Continental or Radical Enlightenment than for those associated with the British and/or Scottish Enlightenment.
  25. Kermit L. Hall and Mark David Hall, eds., *Collected Works of James Wilson*, 2 vols. (Indianapolis: Liberty Fund Press, 2007), pp. 498–499; Scott Douglas Gerber, ed., *In Seriatim: The Early Supreme Court* (New York: New York University Press, 1998).
  26. Shain, *Myth of American Individualism*, pp. 155–319; Hall and Hall, *Collected Works of James Wilson*, p. 435.
  27. For a good discussion of this issue, see Thomas S. Kidd, *God of Liberty: A Religious History of the American Revolution* (New York: Basic Books, 2010), pp. 131–146.

and practical decisions (e.g., all but one Supreme Court Justice prior to John Marshall argued publicly that the Court could strike down an act of Congress if it violated natural law).<sup>25</sup>

3. Similarly, Christianity informed the Founders’ understanding of substantive concepts such as “liberty.” Barry Shain has identified eight different ways in which the word was used in the 18th century. Only one of these is related to the excessively individualistic way the term is often used today. Instead, the Founders were far more likely to see liberty as the freedom to do what is morally correct, as illustrated by United States Supreme Court Justice James Wilson’s marvelous dictum: “Without liberty, law loses its nature and its name, and becomes oppression. Without law, liberty also loses its nature and its name, and becomes licentiousness.”<sup>26</sup>
4. America’s Founders believed that humans were created in the *imago dei*—the image of God. Part of what this means is that humans are reasonable beings. This led them to conclude that we the people (as opposed to the elite) can order our public lives together through politics rather than force. It also helped inform early (and later) American opposition to slavery.<sup>27</sup>
5. Faith led many Founders to conclude that religious liberty should be extensively protected. Yet many also thought that civic authorities should encourage Christianity and that it is appropriate to use religious language in the public square. By the late 18th century, some Founders were beginning to question the wisdom of religious

establishments, primarily because they thought that such establishments hurt true religion. The Founders' views on these questions have the most immediate and obvious policy and legal implications, so I will address them in some detail.

## The Founders on Church and State

In the 1947 Supreme Court decision of *Everson v. Board of Education*, Justice Wiley Rutledge proclaimed that "no provision of the Constitution is more closely tied to or given content by its generating history than the religious clause of the First Amendment. It is at once the refined product and the terse summation of that history." Like many jurists and academics since, he proceeded to argue that the Founders intended the First Amendment to create a strict separation of church and state. As evidence, he relied almost solely on statements by Thomas Jefferson and James Madison, most taken out of context and made before or well after the Religion Clauses were drafted.<sup>28</sup>

Yet consideration of a wide range of Founders and their public actions shows that few if any embraced anything approximating modern conceptions of the separation of church and state. Of course, they differed among themselves, but it is possible to identify three major areas of agreement with respect to religious liberty and church-state relations.

### Consensus #1: Religious Liberty Is a Right and Must be Protected.

To a person, the Founders were committed to protecting religious liberty. This conviction was usually based upon the theological principle that humans have a duty to worship God as their consciences dictate. A good illustration of this is George Mason's 1776 draft of Article XVI of Virginia's Declaration of Rights. It reads:

That as Religion, or the Duty which we owe to our divine and omnipotent Creator, and the Manner of discharging it, can be governed only by Reason and Conviction, not

by Force or Violence; and therefore that all Men shou'd enjoy the fullest Toleration in the Exercise of Religion, according to the Dictates of Conscience, unpunished and unrestrained by the Magistrate....

James Madison, in his first significant public act, objected to the use of "toleration" in the article, believing that it implied that religious liberty was a grant from the state that could be revoked at will. The Virginia Convention agreed, and Article XVI was amended to make it clear that "the free exercise of religion" is a right, not a privilege granted by the state.<sup>29</sup>

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Mason's draft of Article XVI was reprinted throughout the states and had an important impact on subsequent state constitutions and the national Bill of Rights. By the end of the Revolutionary era, every state offered significant protection of religious liberty. The federal Constitution of 1787 did not, but only because its supporters believed the national government did not have the delegated power to pass laws interfering with religious belief or practice. In the face of popular outcry, the first Congress proposed and the states ratified a constitutional amendment prohibiting Congress from restricting the free exercise of religion.

Scholars and jurists debate the exact scope of religious liberty protected by the First Amendment. For instance, it is unclear whether the amendment requires religious minorities to be exempted from neutral laws. (For example, does the Free Exercise Clause require Congress to exempt religious pacifists from conscription into the military?) But at a minimum, it prohibits Congress from, in the words of James Madison, compelling "men to worship God in any manner contrary to their conscience."<sup>30</sup>

28. Associate Justice Wiley B. Rutledge, in *Everson v. Board of Education*, 330 U.S. 1, 33 (1947); Mark David Hall, "Jeffersonian Walls and Madisonian Lines: The Supreme Court's Use of History in Religion Clause Cases," *Oregon Law Review*, Vol. 85 (2006), pp. 563–614.

29. Dreisbach and Hall, *Sacred Rights*, p. 241.

30. *Ibid.*, p. 427.

## **Consensus #2: States Should Have Established Churches Only If They Encourage and Assist Christianity.**

In 1775, at least nine of the 13 colonies had established churches. Although establishments took a variety of forms, they generally entailed the state providing favorable treatment for one denomination—treatment which often included financial support. Members of religious denominations other than the official established church were usually tolerated, but they were occasionally taxed to support the state church, and some were not permitted to hold civic office.

After independence, most states either disestablished their churches (particularly states where the Church of England was previously established) or moved to a system of “plural” or “multiple” establishments. Under the latter model, citizens were taxed to support their own churches. Although a few Founders challenged establishments of any sort in the name of religious liberty, most arguments were framed in terms of which arrangement would be best for Christianity.

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A good illustration of the last point may be found in two petitions from Westmoreland County that arrived at the Virginia General Assembly on the same day regarding Patrick Henry’s 1784 proposal to provide state funds to a variety of churches. The first supported Henry’s bill, arguing, much like public-sector unions today, that state subsidies are necessary to keep salaries high enough to attract the best candidates into the ministry.

Opponents of Henry’s plan disagreed, responding that assessments were against “the spirit of the Gospel,” that “the Holy Author of our Religion” did not require state support, and that Christianity was far purer before “Constantine first established Christianity by human Laws.” Rejecting their fellow petitioners’ arguments that government support was necessary to attract good candidates to the ministry, they argued that clergy should manifest:

that they are inwardly moved by the Holy Ghost to take upon them that Office, that they seek the good of Mankind and not worldly Interest. Let their doctrines be scriptural and their Lives upright. Then shall Religion (if departed) speedily return, and Deism be put to open shame, and its dreaded Consequences removed.<sup>31</sup>

This petition was significantly more popular than James Madison’s now-famous “Memorial and Remonstrance,” another petition written to oppose Henry’s plan. Madison’s memorial has often been referenced to shine light on the First Amendment, and it is regularly treated as a rationalist, secular argument for religious liberty. But, as in the Virginia Declaration, Madison argues that the right to religious liberty is unalienable “because what is here a right towards men, is a duty towards the Creator.” As well, he noted that “ecclesiastical establishments, instead of maintaining the purity and efficacy of Religion, have had a contrary operation” and that “the bill is adverse to the diffusion of the light of Christianity.”<sup>32</sup>

America’s Founders were committed to the idea that religion (by which virtually all of them meant Christianity) was necessary for public happiness and political prosperity. This view was so widespread that James Hutson has called it “the Founders’ syllogism.”<sup>33</sup> The key question with respect to particular establishments at the state level was whether they helped or hurt the faith.

31. *Ibid.*, pp. 307–308.

32. *Ibid.*, pp. 309–313.

33. Specifically, the syllogism refers to the connection between virtue and morality, republican institutions, and religion—and by religion the Founders meant some version of Christianity. See James H. Hutson, *Religion and the Founding of the American Republic* (Washington: Library of Congress, 1998), p. 81.

### Consensus #3: Religion Belongs in the Public Square.

In 1802, Thomas Jefferson penned a letter to the Danbury Baptist Association in which he famously suggested that the First Amendment created a “wall of separation between Church & State.” This metaphor lay dormant with respect to the Supreme Court’s Establishment Clause jurisprudence until 1947, when Justice Hugo Black seized upon it as the definitive statement of the Founders’ views on church-state relations.<sup>34</sup>

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As appealing as the wall metaphor is to contemporary advocates of the strict separation of church and state, it obscures far more than it illuminates. Leaving aside the fact that Jefferson was in Europe when the Constitution and Bill of Rights were written, that the letter was a profoundly political document, and that Jefferson used the metaphor only once in his life, it is not even clear that it sheds useful light upon Jefferson’s views, much less those of his far more traditional colleagues.

Jefferson issued calls for prayer and fasting as governor of Virginia, and in his revision of Virginia’s statutes, he drafted bills stipulating when the governor could appoint “days of public fasting and humiliation, or thanksgiving” and to punish “Disturbers of Religious Worship and Sabbath Breakers.” As a member of the Continental Congress, he proposed that the nation adopt a seal containing the image of Moses “extending his hand over the sea, caus[ing] it to overwhelm Pharaoh,” and the motto “Rebellion to tyrants is obedience to God.” He closed his second inaugural address by encouraging all Americans to join him in seeking “the favor of that Being in whose hands we are, who led our forefathers, as Israel of old....” And two days after completing his

letter to the Danbury Baptists, he attended church services in the U.S. Capitol, where he heard John Leland, the great Baptist minister and opponent of religious establishments, preach.<sup>35</sup>

The point is not that Jefferson was a pious man who wanted a union between church and state. His private letters make it clear that he was not an orthodox Christian, and his public arguments and actions demonstrate that he favored a stricter separation between church and state than virtually any other Founder. Yet even Jefferson, at least in his actions, did not attempt to completely remove religion from the public square, and what Jefferson did not completely exclude, most Founders embraced.

This point may be illustrated in a variety of ways, but a particularly useful exercise is to look at the first Congress, the body that crafted the First Amendment. One of Congress’s first acts was to agree to appoint and pay congressional chaplains. Shortly after doing so, it reauthorized the Northwest Ordinance, which held that “Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.”<sup>36</sup>

More significantly for understanding the First Amendment, on the day after the House approved the final wording of the Bill of Rights, Elias Boudinot, later president of the American Bible Society, proposed that the President recommend a day of public thanksgiving and prayer. In response to objections that such a practice mimicked European customs or should be done by the states, Roger Sherman, according to a contemporary newspaper account:

justified the practice of thanksgiving, on any signal event, not only as a laudable one in itself, but as warranted by a number of precedents in holy writ: for instance, the solemn thanksgivings and rejoicings which took place in the time of Solomon, after the building of the temple, was a case in point. This example, he thought, worthy of Christian imitation on the present occasion; and he

34. Dreisbach and Hall, *Sacred Rights*, pp. 528, 533–534.

35. *Ibid.*, pp. 251, 229, 530; Daniel L. Dreisbach, *Thomas Jefferson and the Wall of Separation Between Church and State* (New York: New York University Press, 2002), pp. 21–22.

would agree with the gentleman who moved the resolution.<sup>37</sup>

The House agreed, as did the Senate, as did the President. The result was George Washington's famous 1789 Thanksgiving Day Proclamation. The text of his proclamation is worth quoting at some length:

Whereas it is the duty of all Nations to acknowledge the providence of Almighty God, to obey his will, to be grateful for his benefits, and humbly to implore His protection and favor...

I do recommend...the People of these States to the service of that great and glorious Being, who is the beneficent Author of all the good that was, that is, or that will be....

And also that we may then unite in most humbly offering our prayers and supplications to the great Lord and Ruler of Nations and beseech Him to pardon our national and other transgressions, to enable us all, whether in public or private stations, to perform our several and relative duties properly and punctually; to render our national government a blessing to all the People....<sup>38</sup>

Similar proclamations were routinely issued by Presidents Washington, Adams, and Madison. Jefferson, it is true, refused to formally issue such proclamations, yet as Daniel L. Dreisbach has pointed out, he "employed rhetoric in official utterances that, in terms of religious content, was virtually indistinguishable from the traditional thanksgiving day proclamations."<sup>39</sup>

America's Founders did not want Congress to establish a national church, and many opposed establishments at the state level as well. Yet they believed, as George Washington declared in his Farewell Address, that of "all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable supports."<sup>40</sup> Moreover, almost without exception, they agreed that

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civic authorities could promote and encourage Christianity and that it was appropriate for elected officials to make religious arguments in the public square. There was virtually no support for contemporary visions of a separation of church and state that would have political leaders avoid religious language and require public spaces to be stripped of religious symbols.

## Conclusions

So did America have a Christian Founding? History is complicated, and we should always be suspicious of simple answers to difficult questions. As we have seen, there is precious little evidence that the Founders were deists, wanted religion excluded from the public square, or desired the strict separation of church and state. On the other hand, they identified themselves as Christians, were influenced in important ways by Christian ideas, and generally thought it appropriate for civic authorities to encourage Christianity.

What do these facts mean for Americans who embrace non-Christian faiths or no faith at all? Although the Founders were profoundly influenced by Christianity, they did not design a constitutional order only for fellow believers. They explicitly prohibited religious tests for federal offices, and they were committed to the proposition that all men and women should be free to worship God (or not) as their consciences dictate.

As evidenced by George Washington's 1790 letter to a "Hebrew Congregation" in Newport, Rhode Island, the new nation was to be open to a wide

36. Dreisbach and Hall, *Sacred Rights*, pp. 236–238, 441–475.

37. *Documentary History of the First Federal Congress*, Vol. 11, pp. 1500–1501.

38. Dreisbach and Hall, *Sacred Rights*, pp. 453–454.

39. *Ibid.*, pp. 215–237, 446–472, 530; Dreisbach, *Thomas Jefferson and the Wall of Separation*, p. 57.

40. Dreisbach and Hall, *Sacred Rights*, p. 468.

array of individuals who were willing to assume the responsibilities of citizenship:

All [citizens] possess alike liberty and conscience and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support.

...May the Children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other Inhabitants; while every one shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid. May the father of all mercies scatter light and not darkness in our paths, and make us all in our several vocations useful here, and in his own due time and way everlastinglly happy.<sup>41</sup>

Yet it does not follow from this openness that Americans should simply forget about their country's Christian roots. Anyone interested in an accurate account of the nation's past cannot afford to ignore the important influence of faith on many Americans, from the Puritans to the present day.

Christian ideas underlie some key tenets of America's constitutional order. For instance, the Founders believed that humans are created in the image of God, which led them to design institutions and laws meant to protect and promote human dignity. Because they were convinced

that humans are sinful, they attempted to avoid the concentration of power by framing a national government with carefully enumerated powers. As well, the Founders were committed to liberty, but they never imagined that provisions of the Bill of Rights would be used to protect licentiousness. And they clearly thought moral considerations should inform legislation.

America has drifted from these first principles. We would do well to reconsider the wisdom of these changes.

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The Founders believed it permissible for the national and state governments to encourage Christianity, but this may no longer be prudential in our increasingly pluralistic country. Yet the Constitution does not mandate a secular polity, and we should be wary of jurists, politicians, and academics who would strip religion from the public square. We should certainly reject arguments that America's Founders intended the First Amendment to prohibit neutral programs that support faith-based social service agencies, religious schools, and the like.<sup>42</sup>

Finally, we ignore at our peril the Founders' insight that democracy requires a moral people and that faith is an important, if not indispensable, support for morality. Such faith may well flourish best without government support, but it

41. *Ibid.*, p. 464. Peter Lillback and Jerry Newcombe identify nine scriptural references in this letter, including one to Micah 4:4 ("while everyone shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid"), which was Washington's favorite biblical passage. See Peter Lillback and Jerry Newcombe, *George Washington's Sacred Fire* (Bryn Mawr, Pa.: Providence Forum Press, 2006), pp. 321–322. See also George Washington to the Society of Quakers, October 1789, *Papers of George Washington: Presidential Series*, Vol. 4: September 1789–January 1790, ed. W. W. Abbot (Charlottesville: University of Virginia Press, 1993), p. 266, and George Washington to the Roman Catholics of the United States of America, March 15, 1790, in Bruce Frohnen, ed., *The American Republic* (Indianapolis: Liberty Fund Press, 2002), pp. 70–71.

42. Such claims were made by dissenting justices in *Bowen v. Kendrick*, 487 U.S. 589 (1988), and *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002).

should not have to flourish in the face of government hostility.

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