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

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

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

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

The Exclusion of the Clergy

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

Arguments for Exclusion

The arguments for the exclusion of the clergy from civil office were quite varied. None of them, however, came even close to separation. In seventeenth-century Massachusetts, for example, Congregationalists excluded ministers on religious grounds. In particular, they followed the approach of Calvin and some of his English dissenting followers in holding that no man should hold both temporal and ecclesiastical office. Calvin had argued that Christ wanted to "bar the ministers of his Word from civil rule and earthly authority," and when Congregationalists came to America and established a government in Massachusetts, they also assumed that civil and ecclesiastical offices "cannot come together in one man." 1 Although some later historians have characterized the division of offices in Massachusetts as a nascent separation of church and state,
the Congregationalists of this colony surely did not share the latter perspective any more than did Roger Williams. On the contrary, they excluded ministers from civil office while encouraging substantial cooperation between church and state. Indeed, their exclusion of ministers was part of their religious establishment, in which, as stated in their 1641 Body of Liberties, "Civil Authority hath power and liberty to see the peace, ordinances and Rules of Christ observed in every church according to his word[,] so it be done in a Civil and not in a Ecclesiastical way." This was hardly a conception of separation between church and state.

Later, at the time of the American Revolution, some inhabitants of Massachusetts argued for exclusion on secular rather than Calvinist grounds, as may be illustrated by a petition from the Town of Pittsfield in 1776. After electing a Baptist elder to the state's House of Representatives, the town asked the House to disqualify him. Although the town may have been simply trying to change its representative, it petitioned on the ground that he ought not levy taxes if he was exempt from paying them:

"[W]e Conceive it has been the Constant Sense and Opinion of your Honours that no Minister of the Gospel ought, to be admitted to a Seat in the House of Representatives in the General Court of this colony; on the General Principle that no Persons, not Contributing to the Support of Publick Burthens, and payment of Publick Taxes, ought to have a Voice in giving or granting, the Property of others, not so Exempted, or in Meking, and Passing any acts, or Laws, not Equally Binding on themselves, and their Constituents unless for mere Political Purposes Excused."" 4

An argument from American principles of taxation and representation, this was no more a separation of church and state than Calvin's division of offices.

In justifying constitutional prohibitions on the admission of ministers to state legislatures, Americans typically questioned whether it was proper for men of the cloth to hold office of a sort that could only distract them from higher obligations. For example, the 1778 South Carolina Constitution declared: "And whereas the ministers of the gospel are by their profession dedicated to the service of God and the cure of souls, and ought not to be diverted from the great duties of their function, therefore no minister of the gospel or public preacher of any religious persuasion, while he continues in the exercise of his pastoral function, and for two years after, shall be eligible either as governor, lieutenant-governor, a member of the senate, house of representatives, or privy council in this State." 5

Notwithstanding that this constitutional exclusion purported to be sympathetic toward the clergy, some exclusion clauses clearly attempted to elicit anti-Catholic support. For example, in 1777 the earlier, New York version of the provision quoted above specified that "no priest of any denomination whatsoever" should be eligible for office. This anti-Catholic wording came from the document's primary drafter, John Jay, whose preamble to the Constitution's religious freedom clause pointedly declared that "we are required, by the benevolent principles of rational liberty, not only to expel civil tyranny, but also to guard against that spiritual oppression and intolerance wherewith the bigotry and ambition of weak and wicked priests and princes have scourged mankind." 6 Yet

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3 Edmund S. Morgan, *Puritan Political Ideas*, xxix–xxx, xxxii (Indianapolis: Bobbs-Merrill, 1965). Morgan calls this a type of "separation of church and state," although, of course, he does not suggest that Congregationalists described their civil and ecclesiastical arrangements as such. Ibid., xxxii.


5 Pittsfield Petition (May 29, 1776), in Oscar and Mary Handlin, eds., *The Popular Sources of Political Authority: Documents on the Massachusetts Constitution of 1780*, 93–94 (Cambridge, Mass.: Belknap, 1966). The petition continued: "We further would inform your Honours that notwithstanding the Same has also been the Sense of this Town, as appears by the Instructions they gave their Representatives the year Past, injoining them to Do their utmost to prevent any Minister of the Gospel from having a Seat in the House of Representative[s]. The Inhabitants of said Town have by some Extraordinary Means Chosen one Mr. Valentine Rathbone to Represent them in this Honorable Court—Which Said Rathbone..."


7 N.Y. Const., Arts. XXVIII and XXXIX (1777); Tenn. Const., Art. VIII (1796). Shall the exclusion clauses appeared in the constitutions of Va. (1776); Del., Art. 29 (1776); Del., Art. VIII, §9 (1792); Md., Art. XXXVII (1776); N.C., Art. XXXI (1776); and Ky., Art. I, §24
most Americans hesitated to endorse this intemperate anti-Catholicism, and even when in 1796 the drafters of the Tennessee Constitution copied the anti-Catholic allusions in New York's exclusion provision, they did not adopt New York's diatribe about the “bigotry and ambition of weak and wicked priests.”

With or without any overt anti-Catholicism, many Americans, especially in frontier areas, probably also welcomed the exclusion of the clergy from civil office on the basis of a general suspicion of clergymen, but the evidence of this antclerical support for exclusion remains elusive. In 1783, in Virginia and what would become Kentucky, Thomas Jefferson hoped that a new constitution would exclude “Ministers of the Gospel” from the General Assembly. His discriminatory proposal, however, elicited skepticism from James Madison:

Does the exclusion of Ministers of the Gospel as such violate a fundamental principle of liberty by punishing a religious profession with the privation of a civil right? Does it not violate another article of the plan itself which exempts religion from the cognizance of Civil power? Does it not violate justice by at once taking away a right and prohibiting a compensation for it? And does it not in fine violate impartiality by shutting the door against the Minister of one religion and leaving it open for those of every other? This inequality had no justification in the antiestablishment principles shared by Jefferson and Madison, and Jefferson is not known to have defended it. Nonetheless, it should not be assumed that Jefferson was easily reconciled to the prospect of clergymen in the legislature, and if Jefferson did not spell out his reasons for wanting to exclude the clergy, this may have been, in part, because it was not entirely respectable to voice doubts about the clergy as a whole. Even anonymous anticlerical writers had reason to soften their sentiments with a vague solicitude for


the higher occupations of ministers. In Kentucky, for example, a “Corn Planter” argued in 1788 that “[t]he necessary pastoral exercises of a faithful Gospel minister is fully sufficient to employ his whole time and attention.” He was “to give himself wholly to the work,” for “[t]he faithful preacher will neither have leisure nor inclination to concern [himself] in politics, and he who is of opposite character is not to be trusted.”

Thus Americans barred clergymen from civil office for many reasons, including an odd combination of Calvinism, anti-Catholicism, theories of taxation and representation, solicitude for the clergy, and suspicion of the clergy. Strikingly, however, Americans did not exclude the clergy on grounds of separation.

The Silence of Dissenters

While advocates of clerical exclusions apparently did not demand a separation of church and state, dissenters were even more reticent. They usually did not even discuss clerical exclusions.

In remaining silent about the exclusion of ministers from civil office, dissenters apparently found it politic to remain quiet about one of the few legal arrangements that, at least in some states, treated dissenting and established clergymen equally. Many evangelical dissenting leaders in the North shared the roughly Calvinist or Reformed expectations of established Congregational clergymen that ministers should not hold civil office. More generally, dissenters probably hesitated to protest an exclusion that resonated with their own doubts about excessive involvement in worldly matters, especially politics, which might distract a preacher or anyone else from his or her higher concerns. Indeed, to the extent exclusion applied not only to the legislature but also saved the clergy the trouble of serving as town and county officers, some clergymen considered it desirable. Moreover, few dissenters wished to give
established ministers the opportunity to sit in state legislatures, where these clergymen of the majority denomination (Congregationalist in the North or Episcopalian in the South) would become more influential than ever. Not least, clerical exclusions from civil office were often paired with exemptions from civil obligations, such as the obligation to pay taxes or serve in the military. Accordingly, if ministers—established or dissenting—hoped to retain their exemptions, they had reason not to protest their exclusions. Being especially vulnerable, dissenting ministers remained notably quiet.

By failing to protest these deviations from a strict equality under law, dissenters revealed that they felt no obligation to take their most radical political principles to their logical extremes. Dissenters suffered under various unequal penalties. Most dramatically, in Connecticut and Massachusetts they paid taxes for the salaries of establishment ministers and could avoid paying these taxes only by filing a certificate as to their dissenting status. In response, dissenters demanded equality under law, without respect to religious differences, and even demanded that the laws not take cognizance of religion. If dissenters took these demands to their logical conclusions, they would have had reason to doubt whether any group of persons, even the entirety of the clergy, should be privileged or penalized on account of their being clergymen.

One of the few dissenting leaders who did take his principles to their logical conclusions was one of the most prominent—the brilliant, delightfully eccentric Baptist leader, John Leland. In 1790, while still in Virginia, he admitted that “there is not a constitutional evil in the state, that has more plausible pretext, than the proscription of gospel ministers.” Certainly, “to have one branch of the legislature composed of clergymen, as is the case in some European powers, is not seemly—to have them entitled to seats of legislation, on account of their ecclesiastical dignity, like the bishops in England, is absurd.” Yet Americans had gone to the other extreme. “[T]o declare them [clergymen] ineligible, when their neighbors prefer them to any others, is depriving them of the liberty of free citizens, and those who prefer them, the freedom of choice.” The best that could be said of the proscription was that it “den[ied] them the liberty of citizens, lest they should degrade their sacred office.” Not only opposed to these exclusions, Leland also rejected exemptions, arguing that the clergy should be subject to neither “degrading checks” nor “alluring baits.” More than most dissenters, Leland put his principles ahead of his personal interest and admitted of exemptions that “[t]hough this is an indulgence that I feel, yet it is not consistent with my theory of politics.” Strikingly, however, Leland’s theory on this matter was not one of separation. Instead, it was a version of the usual dissenting demands for equality and for laws that did not take cognizance of religion. As Leland put it in 1791: “Ministers should share the

932. To this it might be added that the titles of his pamphlets, let alone his giant cheese, reveal a somewhat unconventional approach. For the cheese, see the text of Chapter 7 at notes 23–25. J. McLoughlin’s characterization, however, has been challenged by a regional interpretation that attributes Leland’s seeming eccentricity to his being a Baptist with a southern perspective who did not adapt to the prevailing views of the North when he moved there. Andrew M. Manis, “Regionalism and a Baptist Perspective on Separation of Church and State,” American Baptist Quarterly, 2, 213, 219 (1983). Certainly, Leland’s itinerancy, his revivalism, and his Arminian tendencies were traits strongly reinforced by his long sojourn in Virginia from the 1770s through the 1780s. Yet Manis’s account inadequately recognizes variations within the South. Arminianism prevailed among Virginia Baptists more than among their coreligionists in other states. Even in Virginia, however, Arminians never became a majority within their denomination, and already by the 1790s their numbers had sharply declined. See Chapter 7, note 62, and Gregory A. Wills, Democratic Religion: Freedom, Authority, and Church Discipline in the Baptist South, 1785–1900, 171, note 18 (New York: Oxford University Press, 1997). Still more significant, Leland’s very personal, quirky style of writing was neither peculiarly northern or southern, and his degree of political involvement with the Republicans was as notable in the South as further North. To understand the remarkably political tone of many of Leland’s pamphlets, one need only observe the very different character of most other Baptist publications.

9 The Writings of the Late Elder John Leland. 122. Leland made clear, however, that he was more concerned about the exclusions than these exemptions, for “an exemption from bearing arms, is, but a legal indemnite, but the inequalities is constitutional proscription, and no legal reward is sufficient for a constitutional prohibition. The first may be altered by the caprice of the legislature, the last cannot be exchanged, without an appeal to the whole mass of constituent power.” Ibid.
same protection of the law that other men do, and no more. . . . The law should be silent about them; protect them as citizens, not as sacred officers, for the civil law knows no sacred religious officers.”

**An Accusation of Separation**

By now it should hardly come as a surprise that clerical exclusion was discussed in terms of separation neither by advocates of exclusion nor by dissenters, but by a defender of the New England establishments—as it happens, Noah Webster. Like Leland, Webster opposed clerical exclusions on grounds of equality. Yet the lexicographer did so for very different reasons and in a manner that played upon anxieties about separation. Webster was accustomed to defending New England’s religious establishments on the ground that the clergy exerted a highly beneficial influence in society, and he therefore thought it incongruous that the clergy were excluded from some state legislatures. Accordingly, he demanded equal rights and hinted that exclusions manifested anticlerical animus and a desire for separation.

According to Webster, Americans irrationally discriminated against clergymen on account of the clergy’s specialized duties. The exclusion of the clergy “is founded on just as good reasons, as the old laws against witchcraft: a clergymen being no more dangerous in a civil office, than a witch in civil society.” Nonetheless, too many American constitutions took for granted that clergymen “should have no concern with politics.” This was an “enormous error” that “seems to be riveted in popular opinion, that the functions of clergymen are of a spiritual and divine nature, and that this order of men should have no concern with secular affairs.” Yet, if the objection stood against the clergy, it “is equally good against merchants, mechanics, and farmers, who have no immediate concern with legisl-

**The Exclusion of the Clergy**

Although almost all men pursued specialized activities, “every citizen has a concern in the laws which govern him; and a clergymen has the same concern with civil laws, as other men.”

The real danger lay not in the specialized vocation of the clergy but in the legal exclusion of the clergy from political office, which created a separation of interests. “There have been bad clergymen and tyrannical hierarchies in the world: but the error lies in separating the civil from the ecclesiastical government. When separated they become rivals: when united, they hav the same interest to pursue.” By encouraging a separation of religious and civil government, the irrational fear of clergymen “haz laid the foundation of a separation of interest and influence between the civil and ecclesiastical orders: haz produced a rivalry az fatal to the peace of society az war and pestilence, and a prejudice against all orders of preachers, which bids fair to banish the ‘gospel of peace’ from some parts of our empire.” This prejudice against clergymen—a prejudice that encouraged a dangerous separation of interests within society—arose in response to extraordinary claims of power by the popes:

“The separation of religion and policy, of church and state, was at first to the errors of a gloomy superstition, which exalted the ministers of Christ into Deities; who, like other men, under similar advantages, became tyrants.” Such had been the “papal hierarchy.” Fortunately,

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14 The Rights of Conscience Inalienable, and therefore, Religious Opinions not Cognizable by Law: or, the High-Flying Churchman, Stripped of his Legal Robe, Appears a Yoabo (1791), in The Writings of, the Late Elder John Leland, 188. He also wrote: “To prescribe them from seats of legislation, emolument.” Ibid. The unusual character of Leland’s position is born out by McLoughlin, New England Dissent, 2: 1019.

there was a better solution to the political aspirations of clergymen than a mischievous separation: “The way to check their ambition, and to give full efficacy to their administrations, is to consider them as men and citizens, entitled to all the benefits of government, subject to law, and designed for civil as well as spiritual instructors.” To avoid clerical tyranny, it was only necessary to give the clergy the rights and interests enjoyed by other citizens.

Far from threatening free government, a learned clergy supported it. “That clergymen ought not to meddle with politics, is so far from truth, that they ought to be well acquainted with the subject, and better than most classes of men, in proportion to their literary attainments.” With such qualifications, they could sustain good citizenship by inculcating morality. Accordingly, “Religion and policy ought ever to go hand in hand: not to raise a system of despotism over the consciences, but to enlighten the minds, soften the hearts, correct the manners and restrain the vices of men.” Webster hoped for a clergy fully integrated and even prominent in the life of their communities, and, from this perspective, he saw clerical exclusions as an irrational attempt to separate politics from the religion that was the basis of political and moral edification.

Thus, yet again, separation was an accusation. Richard Hooker and, much more recently, some American ministers had defended their different religious establishments by intimating that dissenters desired a separation of one sort or another. Drawing upon such accusations, Webster opposed clerical exclusions by hinting that they had been adopted in order to separate clergymen from politics and church from state. As in the establishment controversy, this was a mischaracterization, which reflected fears rather than facts. Neither the advocates of religious liberty nor the proponents of clerical exclusions appear to have sought a separation, and, if they ever did, they seem to have done so only rarely or in a most understated and elusive manner.

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Freedom from Religious Establishments

If in their struggle against the state establishments American religious dissenters did not demand a separation of church and state, what sort of liberty did they seek? Centuries have passed since Roger Williams dreamed of a separation between church and world, and since some later anticlerical writers, such as the Marquis de Condorcet, called for a sort of separation of church and state. So too, centuries have passed since establishment ministers attributed to dissenters a desire to separate religion from government, and since Noah Webster similarly discredited the supporters of clerical exclusions. After the passage of so much time, it should be possible to step back from all of these contentious assertions and to examine dispassionately the religious liberty sought by the late eighteenth-century Americans who struggled against establishments. If not separation, what did they request? An examination of their demands, as expressed in their own terms, will be seen to vindicate these dissenters not only from the aspersions of their opponents but also, ironically, from the accolades of their later admirers, who, with very different motives, have likewise attributed to them a desire for separation.

The Character of American Establishments

During the Revolution, American establishments lost their severity. Some colonies had once penalized religious dissenters with laws constraining unauthorized worship and preaching, but, in their struggle against Britain, the states abandoned what remained of their direct penalties on religion. As a result, such establishments of religion as still sur-