

SEPARATION OF
CHURCH AND STATE



PHILIP HAMBURGER

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Introduction

JEFFERSON'S words seem to have shaped the nation. Beginning with his draft of the Declaration of Independence, Jefferson's taut phrases have given concentrated and elevated expression to some of the nation's most profound ideals.

Few of Jefferson's phrases appear to have had more significance for the law and life of the United States than those in which he expressed his hope for a separation of church and state. In 1802, in a letter to the Danbury Baptist Association, he quoted the First Amendment and interpreted it in rather different words: "I contemplate with sovereign reverence that act of the whole American people which declared that *their* legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between Church & State."¹ Two centuries later, Jefferson's phrase, "separation between church and state," provides the label with which vast numbers of Americans refer to their religious freedom. In the minds of many, his words have even displaced those of the U.S. Constitution, which, by contrast, seem neither so apt nor so clear. Thus,

¹ Thomas Jefferson, Letter to Messrs. Nehemiah Dodge, Ephraim Robbins, and Stephen S. Nelson, a Committee of the Danbury Baptist Association in the State of Connecticut (Jan. 1, 1802), in Daniel L. Dreisbach, "Sowing Useful Truths and Principles: The Danbury Baptists, Thomas Jefferson, and the 'Wall of Separation,'" *Journal of Church and State*, 39: 468 (1997). Although, of course, not the first to publish this and related documents, Dreisbach provides by far most accurate transcript of them. To Dreisbach's work James H. Hutson adds an infrared photograph that reveals the deleted words in Jefferson's letter. Hutson, "Thomas Jefferson's Letter to the Danbury Baptists: A Controversy Rejoined," *William & Mary Quarterly*, 56 (no. 4): 779 (3d ser., October 1999).

refracted through Jefferson's letter, the religious liberty guaranteed by the Constitution often appears to be a separation of church and state.²

Notwithstanding the authority of Jefferson and those who have followed him, it may be useful to reconsider whether the First Amendment actually guaranteed a separation of church and state and, further, how Jefferson and other Americans came to assume that it did so. Certainly, there is reason to wonder why the religion clauses of the First Amendment differ from the words with which these clauses are most commonly interpreted. According to the First Amendment, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Yet Jefferson and numerous other Americans, including many judges and scholars, have understood this phrase, especially its establishment clause, in terms of the "separation between church and state"—indeed, a "wall" of separation.

The difference between the Constitution's phrase and Jefferson's is significant because Jefferson's has tended to mean much more. Of course, the phrase "separation between church and state" has had a range of meanings. At the very least, it alludes to a differentiation or distinction between church and state. More substantively, it is often used to denote a freedom from laws instituting, supporting, or otherwise establishing religion. Yet the phrase "separation between church and

² Daniel Dreisbach writes: "Occasionally a metaphor is thought to encapsulate so thoroughly an idea or concept that it passes into the vocabulary as the standard expression of that idea. Such is the case with the graphic phrase 'wall of separation between Church and State,' which in the twentieth century has profoundly influenced discourse and policy on church-state relations. Jefferson's 'wall' is accepted by many Americans as a pithy description of the constitutionally-prescribed church-state arrangement. More important, the federal judiciary has found the metaphor irresistible, elevating it to [an] authoritative gloss on the First Amendment religion provisions." Dreisbach, "Sowing Useful Truths and Principles," 456. Among those quoted by Dreisbach is R. Freeman Butts, who writes that Jefferson's words about separation "are not simply a metaphor of one private citizen's language, they reflect accurately the intent of those most responsible for the First Amendment; and they came to reflect the majority will of the American people. The words 'separation of church and state' are an accurate and convenient shorthand meaning of the First Amendment itself; they represent a well-defined historical principle from the pen of one who in many official statements and actions helped to frame the authentic American tradition of political and religious liberty." Butts, *The American Tradition in Religion and Education*, 93 (Boston: Beacon Press, 1950), quoted by Dreisbach, "Sowing Useful Truths and Principles," 456. Dreisbach, *ibid.*, also quotes Edwin S. Gaustad as saying that "this powerful metaphor, once employed, became even more familiar to the American public than did the constitutional language itself." Gaustad, "Religion," in *Thomas Jefferson: A Reference Biography*, 282, ed. Merrill D. Peterson (New York: Scribner, 1986).

state” has also pointed to something more dramatic—a distance, segregation, or absence of contact between church and state. Rather than simply forbid civil laws respecting an establishment of religion, it has more ambitiously tended to prohibit contact between religious and civil institutions. Thus the phrase “separation between church and state” has lent itself to a notion very different from disestablishment. Recognizing the disparity between separation and disestablishment, this book attempts to understand how Americans came to interpret the First Amendment in terms of separation of church and state, and through this inquiry it traces how Americans eventually transformed their religious liberty.

The Standard History

The standard history of separation has some of the qualities of a myth. Certainly, it makes its hero seem larger than life, it celebrates his deeds (or, at least, his words), and it serves a valuable explanatory role. The conventional account of separation emphasizes the heroic role of Jefferson by suggesting that he employed a previously obscure phrase to illuminate the First Amendment’s establishment clause. Apparently drawing upon ideas first enunciated by an earlier giant, Roger Williams, Jefferson in 1802 gave currency and constitutional significance to the phrase about separation, which was later employed in 1875 by President Grant, in 1878 by Chief Justice Waite, and in 1947 by Justice Black, whose opinion that year in *Everson v. Board of Education of Ewing* made Jefferson’s separation the foundation of subsequent establishment clause jurisprudence. In this spare, bold account of the utterances of great men, Jefferson’s influence exerts itself in leaps and bounds across the centuries. An ancient phrase to which Jefferson gave new life, his statement about separation seems both venerable and original, both authoritative and a creative act of genius.

According to the proponents of this conventional account, Jefferson’s phrase has not only been immensely influential but also appropriately so—his views being the profoundly thoughtful conclusions of a philosopher-president who devoted himself to the cause of religious liberty. Although at least one scholar has questioned whether Jefferson gave much thought to what he wrote to the Danbury Baptist Association, others have insisted that he wrote with care, and most commenta-

tors have joined a resounding chorus of praise for the farsighted, even prophetic vision of religious liberty bequeathed to Americans by the most intellectual of their presidents.³

It is odd, however, that this standard history of separation is so remarkably free of detail. Little is said of the genealogy of the phrase during the generations—even centuries—between the pronouncements of the great men, and nothing is said of the contexts in which they used it. To be sure, there are numerous scholarly and popular histories of American religious freedom—histories that could be considered accounts of a generic separation of church and state. Yet these accounts hardly discuss the history of the phrase “separation of church and state” and therefore are rarely informative about the specific idea or ideas to which that phrase may have referred. As a result, the meaning of “separation of church and state” remains obscure.

Fortunately, some important work has been done on the specific phrase and idea of separation. Perry Miller, Edmund S. Morgan, and various other scholars have explored Roger Williams’s notion of separation of church and state.⁴ Writing on a later period, Daniel L. Dreisbach observes that the phrase about a wall of separation between church and state may have been known to Jefferson, not from Roger Williams, but from an eighteenth-century writer, James Burgh, whom Jefferson much admired.⁵ In two particularly suggestive pieces, Thomas E. Buckley examines the political successes of religious dissenters, especially Baptists,

³ For the most perspicacious query concerning Jefferson’s letter, see Edward S. Corwin, “The Supreme Court as National School Board,” in *A Constitution of Powers in a Secular State*, 106 (Charlottesville, Va.: Michie Co., 1951).

⁴ Perry Miller, ed., *The Complete Writings of Roger Williams*, 7: 6 (New York: Russell & Russell, 1963); Edmund S. Morgan, *Roger Williams: The Church and the State* (New York: Norton, 1967); W. Clark Gilpin, *The Millenarian Piety of Roger Williams* (Chicago: University of Chicago, 1979); David Little, “Roger Williams and the Separation of Church and State,” in *Religion and the State: Essays in Honor of Leo Pfeffer*, ed. James E. Wood, Jr. (Waco: Baylor University Press, 1985); William Lee Miller, *The First Liberty: Religion and the American Republic, 182–183* (New York: Paragon, 1988); Glenn W. LaFantasie, ed., *The Correspondence of Roger Williams*, 2: 23 (Providence: Rhode Island Historical Society, 1988); Hugh Spurgin, *Roger Williams and Puritan Radicalism in the English Separatist Tradition* (Lewiston: E. Edwin Mellen Press, 1989); Edwin S. Gaustad, *Liberty of Conscience: Roger Williams in America* (Grand Rapids: William B. Eerdmans, 1991); Timothy L. Hall, “Roger Williams and the Foundations of Religious Liberty,” *Boston Univ. Law Review*, 71: 455, 482 (1991); Dreisbach, “Sowing Useful Truths and Principles,” 483; Timothy L. Hall, *Separating Church and State: Roger Williams and Religious Liberty*, 72–98 (Urbana: University of Illinois, 1998).

⁵ Dreisbach, “Sowing Useful Truths and Principles,” 455.

in late eighteenth-century Virginia. Buckley concludes that Virginia's 1786 Act for Establishing Religious Freedom, which was drafted by Thomas Jefferson, "did not disentangle religion from politics or sever relations between church and state. Nor did Virginians understand Jefferson's statute to require that separation." On the contrary, the act (together with the subsequent sale of establishment glebe lands) ensured Baptists and other evangelicals an equal religious liberty and thereby allowed evangelicals to cooperate in pursuit of their legislative agenda, with which they hoped "to impose their religious values and culture upon American society." Buckley also examines the early nineteenth-century debate in Virginia concerning that state's power to incorporate religious societies—a controversy in which many Virginians argued that incorporation risked the creation of a religious establishment. It was a dispute in which the term "separation" was not ordinarily employed, but it reveals, as Buckley points out, that a standard of liberty in some ways similar to separation had onerous consequences for religious minorities seeking to enjoy religious freedom.⁶

Yet none of these accounts directly examines the broad history of separation of church and state as a constitutional standard in America, let alone its relationship to the religious liberty guaranteed by the First Amendment. Indeed, the work most directly pertinent to this inquiry consists only of very brief historical observations. For example, according to Mark DeWolfe Howe, whereas the First Amendment was understood in the eighteenth century to protect religion and churches from the state, Jefferson sought to protect the state from the demands of churches.⁷ This contrast is suggestive, but it overlooks a third possibility, that Jefferson desired not only to preserve government but also, more fundamentally, to protect individuals from churches so that Americans might be

⁶ Thomas E. Buckley, "Evangelicals Triumphant: The Baptists' Assault on the Virginia Glebes, 1786–1801," *William & Mary Quarterly*, 45: 68–69 (1988); Thomas E. Buckley, "After Disestablishment: Thomas Jefferson's Wall of Separation in Antebellum Virginia," *Journal of Southern History*, 61 (no. 3): 445 (August 1995).

⁷ Mark DeWolfe Howe, *The Garden and the Wilderness: Religion and Government in American Constitutional History*, 19 (Chicago: University of Chicago Press, 1965). Although roughly accurate, even this remark obscures almost as much as it illuminates. For example, in 1777, an antiestablishment pamphlet published in Virginia stated that "[t]he very establishment corrupts the Church: And such a Church will consequently corrupt the State." "A Freeman of Virginia," *The Freeman's Remonstrance against an Ecclesiastical Establishment: Being Some Remarks on a Late Pamphlet, Entitled The Necessity of an Established Church in Any State*, 8 (Williamsburg: 1777).

free and uninfluenced in thought and politics. Edward S. Corwin, in a lone remark, intimates that Jefferson's phrase about separation "was not improbably motivated by an impish desire to heave a brick at the Congregationalist-Federalist hierarchy of Connecticut, whose leading members had denounced him two years before as an 'infidel' and 'atheist.'"⁸ Corwin, however, does not pursue this hint that Jefferson aimed his words about separation at politics as much as religious liberty. Most recently, in a manner similar to Corwin, James H. Hutson proposes that "Jefferson's principal motive in writing the Danbury Baptist letter was to mount a political counter-attack against his Federalist enemies." Yet Hutson undermines some of the possibilities his brief observation might seem to imply, arguing that Jefferson wrote his letter as part of a "strategy of conciliation" and that Jefferson's separation was "consistent" with the religious liberty of "his fellow founders." From Jefferson's 1802 letter, Hutson then jumps forward 150 years to conclude that "the wall of separation is still an acceptable metaphor, if it is understood as a wall of the kind that existed during the cold war."⁹ Thus the scholarship—particularly this nonmythical variety—contains valuable hints about the concept of separation between church and state but provides no sustained examination of its history.

The Tenacity of Separation

The concept of religious liberty employed by Jefferson has been tenacious. So strongly has it become part of American understandings of religious liberty that even the twentieth-century commentators who question the idea of separation often have difficulty dislodging it from their own thought.

The doubts about separation have been long-standing. Only five years after the Supreme Court's adoption of Jefferson's phrase in 1947 in *Everson*, Justice William O. Douglas, in *Zorach v. Clauson*, declared his adherence to the idea of separation but expressed concern about the length to which its implications could be taken. He opined that the First Amendment reflected the "philosophy" of separation and that "the

⁸ Corwin, "The Supreme Court as National School Board," 106.

⁹ James H. Hutson, "Thomas Jefferson's Letter to the Danbury Baptists: A Controversy Rejoined," 776, 780, 789; James H. Hutson, *Religion and the Founding of the American Republic*, 94 (Washington, D.C.: Library of Congress, 1998).

separation must be complete and unequivocal” but added that the First Amendment did “not say that in every and all respects there shall be a separation of Church and State.” If it had said this, “the state and religion would be aliens to each other”: on the one hand, “[c]hurches could not be required to pay even property taxes”; on the other, “[m]unicipalities would not be permitted to render police or fire protection to religious groups.”¹⁰ Similarly, although Justice Warren Burger in 1971 enforced the principle of separation with vigor in *Lemon v. Kurtzman*, he also equivocated: “The line of separation, far from being a ‘wall,’ is a blurred, indistinct and variable barrier depending on all the circumstances of a particular relationship.”¹¹ Indeed, in 1984, in *Lynch v. Donnelly*, Burger acknowledged that “[n]o significant segment of our society and no institution within it can exist in a vacuum or in total or absolute isolation from all the other parts, much less from government.”¹² Most emphatically, in 1985 Justice William H. Rehnquist, in a dissent, argued that separation is a standard that lacks historical support and has “proved all but useless as a guide to sound constitutional adjudication.”¹³ Some academics agree. For example, Sidney E. Mead suggests that “Jefferson’s words have been the source of much confusion and conflict because they have helped to perpetuate thinking about the situation in the United States with the traditional concepts of ‘church’ and ‘state’ which are really not applicable to the experienced order of Americans.” He also observes that “the reference to a ‘wall’ conjures up the image of something quite tangible and solid, which was built once and for all in the beginning.”¹⁴ Adding to these scholarly doubts, some popular authors

¹⁰ *Zorach v. Clauson*, 343 U.S. 306, 312 (1952). Nonetheless, according to Justice Douglas, “[t]here cannot be the slightest doubt that the First Amendment reflects the philosophy that church and State should be separated.” *Ibid.*

¹¹ *Lemon v. Kurtzman*, 403 U.S. 602, 614 (1971).

¹² *Lynch v. Donnelly*, 465 U.S. 668, 673 (1984).

¹³ *Wallace v. Jaffree*, 472 U.S. 38, 107 (1985). See also Brief of Appellant, George C. Wallace, in *Wallace et al. v. Jaffree et al. and Smith et al. v. Jaffree et al.*, 36–37 (October Term, 1983, U.S. Supr. Ct.).

¹⁴ Mead, “Neither Church nor State: Reflections on James Madison’s ‘Line of Separation,’” in James E. Wood, Jr., *Readings on Church and State*, 41–42 (Waco: J. M. Dawson Institute of Church-State Relations, Baylor University, 1989). See also Wilfrid Parsons, *The First Freedom: Considerations on Church and State in the United States* (New York: Declan X. McMullen Co., Ca. 1948); James M. O’Neill, *Religion and Education under the Constitution* (New York: Harper, 1949); Edward S. Corwin, “The Supreme Court as National School Board,” 98; Joseph Brady, *Confusion Twice Confounded* (South Orange: Seton Hall University Press, 1954); Charles Rice, *The Supreme Court and Public Prayer: The Need for Restraint* (New York:

bluntly challenge separation as a myth.¹⁵ Generalizing about the developments of the past few decades, Ira C. Lupu notes that “separationism is on the wane” and that there is a “strong trend away from the separationist ethos . . . that prevailed . . . after the end of the Second World War.”¹⁶

Yet even those who have questioned whether the First Amendment really required separation of church and state have had difficulty escaping this concept. For example, as already seen, although Justices Douglas and Burger doubted there could be a thorough separation of church and state, they nonetheless analyzed the religion clauses of the First Amendment in terms of “separation”—Burger attempting to soften the conventional phrase by substituting a “line of separation,” which he borrowed from one of Madison’s letters.¹⁷ More typically, the commentators who question separation do not even attempt to dislodge the phrase “separation of church and state.” For example, in interpreting the First Amendment, Mark DeWolfe Howe merely contrasts two versions of separation, that of Roger Williams and that of Jefferson, arguing that Williams and Jefferson each was ahead of his time, and that Williams’s “figure of speech luminously reflects the political theory of the eighteenth century”—indeed, that the First Amendment was then “generally understood to be more the expression of Roger Williams’s philosophy than

Fordham University Press, 1964); Mark DeWolfe Howe, *The Garden and the Wilderness: Religion and Government in American Constitutional History*, 176 (Chicago: University of Chicago Press, 1965); Elwyn A. Smith, *Religious Liberty in the United States: The Development of Church-State Thought since the Revolutionary Era*, 246, 252, 322 (Philadelphia: Fortress Press, 1972); Robert L. Cord, *Separation of Church and State: Historical Fact and Current Fiction* (New York: Lambeth Press, 1982); Norman DeJong, with Jack Van Der Slik, *Separation of Church and State* (Jordan Station, Ontario: Paideia Press, 1985); Gerard V. Bradley, *Church-State Relationships in America* (New York: Greenwood Press, 1987); Steven D. Smith, “Separation and the ‘Secular’: Reconstructing the Disestablishment Decision,” *Texas Law Review*, 67: 955 (1989); Michael W. McConnell, “Christ, Culture, and Courts: A Niebuhrian Examination of First Amendment Jurisprudence,” *DePaul Law Review*, 42: 191 (1992); Thomas Berg, *The State and Religion in a Nutshell* (St. Paul: West Group, 1998).

¹⁵ John W. Whitehead, *The Separation Illusion: A Lawyer Examines the First Amendment* (Milford, Mich.: Mott Media, 1977); David Barton, *The Myth of Separation: What Is the Constitutional Relationship between Church and State? A Revealing Look at What the Founders and Early Courts Really Said* (Aledo, Tex.: Wallbuilder Press, 1992).

¹⁶ Lupu, “The Lingering Death of Separationism,” *George Washington Law Review*, 62: 230, 256, 267 (1994).

¹⁷ *Lemon v. Kurtzman*, 403 U.S. at 614. Madison’s 1832 letter is also quoted approvingly by Sidney E. Mead, “Neither Church nor State: Reflections on James Madison’s ‘Line of Separation,’” in Wood, *Readings on Church and State*, 41.

of Jefferson's."¹⁸ As will be seen, it is misleading to understand either eighteenth-century religious liberty or the First Amendment in terms of separation of church and state, whether the separation be that of Williams or that of Jefferson. Yet Howe prefers to describe different types of separation than to discuss the phrases and concepts actually used by eighteenth-century advocates of religious liberty. Another historian, E. R. Norman, protests that "[t]he separation of church and state in the federal constitution of the United States was not originally intended to disconnect Christianity and public life; it was a device to prevent the supremacy of one sect over another."¹⁹ Unselfconsciously using a phrase not in the Constitution, this historian has to struggle to make clear that the Constitution's religious liberty was not that apparently implied by his own words. These commentators who attempt to wiggle free from the clear implications of Jefferson's phrase make no effort to shake off the phrase itself and thereby reveal how much it has become part of American culture and constitutional thought. Although some have rejected the phrase as ahistorical, most judges, lawyers, academics, journalists, and other Americans—even those who reject its implications—repeatedly talk about religious liberty and especially that of the First Amendment in terms of a "separation of church and state."

Separation and the Constitutional Religious Freedom

To understand the idea of separation of church and state and how it became part of American constitutional law, this book examines two questions, the first being whether separation was the religious liberty protected by the First Amendment. According to the myth, the idea of separation of church and state was widely accepted by the time of the nation's establishment and was the freedom desired by religious dissenters and protected by the Constitution. Yet the idea of separation of church and state was very different from the religious liberty desired by the religious dissenters whose demands shaped the First Amendment, and it had its own quite distinct path of development. The dissenters were the adherents of minority denominations that refused to conform

¹⁸ Howe, *The Garden and the Wilderness*, 18–19.

¹⁹ Norman, *The Conscience of the State in North America*, 4 (London: Cambridge University Press, 1968).

to the churches established by law. These established churches (Episcopal in the southern states and Congregationalist in most New England states) were established through state laws that, most notably, gave government salaries to ministers on account of their religion. Whereas the religious liberty demanded by most dissenters was a freedom from the laws that created these establishments, the separation of church and state was an old, anticlerical, and, increasingly, antiecclesiastical conception of the relationship between church and state. As might be expected, therefore, separation was not something desired by most religious dissenters or guaranteed by the First Amendment. Indeed, it was quite distinct from the religious liberty protected in any clause of an American constitution, whether that of the federal government or that of any state.

A second, no less significant question is how the U.S. Constitution's religious liberty came to be perceived as a separation of church and state. If separation was an idea radically different from what dissenters and other early Americans considered their religious liberty, how did it come to be revered as their founding conception of this freedom? To ascertain this is to understand some of the ways in which constitutions, for better or for worse, can evolve.

The explanation of how separation became the U.S. Constitution's religious liberty has much to do with majority perceptions. Jefferson suggested that the U.S. Constitution guaranteed separation, but the idea of separation did not become popular until the mid-nineteenth century, when opponents of Catholicism—many of them nativists—depicted it as a principle of government evident in most American constitutions, even if it was not guaranteed by these documents. Allied with the nativists were theological liberals, especially anti-Christian “secularists,” who worried that separation had not been fully assured by any American constitution, and who therefore demanded a federal constitutional amendment. These secularists organized a political movement, including a presidential campaign, on behalf of this alteration to the U.S. Constitution. Only when their movement for an amendment failed did they abandon their argument that the U.S. Constitution had not already guaranteed separation. With little hesitation they switched tack and argued that American constitutions had historically guaranteed separation. Similarly, nativist Protestants, who had also hoped for amendments to the U.S. Constitution, turned away from the disappointments of the amend-

ment process and increasingly argued that separation had been guaranteed in American constitutions and especially in the U.S. Bill of Rights. In these and other ways, Protestants, nonbelievers, and numerous other Americans came to understand the religious liberty protected by American constitutions as a separation of church and state.

Related to these two inquiries about the distinct development of separation and about its subsequent association with the First Amendment's religious liberty is an incidental inquiry concerning Jefferson's reputation for a thoughtful analysis of separation and for influencing constitutional law on the subject. Ever since the *Everson* case in 1947, innumerable judges, lawyers, and other Americans have assumed that the constitutional separation of church and state was one of Jefferson's great contributions to American liberty. Accordingly, it would be valuable to learn whether Jefferson wrote about separation in a manner that deserves constitutional weight and whether his words were as influential before 1947 as is commonly supposed. There is much reason to believe that modern suppositions about the wisdom and influence of Jefferson's words regarding separation have developed largely as part of a twentieth-century myth—an account that has become popular precisely because it has seemed to provide constitutional authority for separation.

Contrasting Implications

Americans took their religious liberty in a new direction when they reconceived their constitutional freedom from an establishment as a separation between church and state. The significance of the shift is apparent from the contrasting practical implications of these two ideals. Neither has been self-defining, but those who in the late eighteenth century sought constitutional guarantees against establishments and those who later sought a separation of church and state revealed much about what they understood to be the implications of their different conceptions of religious liberty.

In late eighteenth-century America the dissenters from the established churches sought limitations on civil government and did so in arguments that conformed to recognizable patterns.²⁰ The states with

²⁰ Philip A. Hamburger, "Equality and Diversity: The Eighteenth-Century Debate about Equal Protection and Equal Civil Rights," *Supreme Court Review*, 295, 336–345 (1992).

establishments had once passed laws imposing penalties on dissenters but now more typically enacted only privileges for their established denominations—notably, salaries for the established clergy. Against these establishments of religion most dissenters sought not only a freedom from penalties (whether in terms of the “freedom of worship” or the “free exercise of religion”) but also guarantees against the unequal distribution of government salaries and other benefits on account of differences in religious beliefs. Some dissenters even demanded assurances that there would not be any civil law taking “cognizance” of religion. As a result, the American constitutions that were drafted to accommodate the antiestablishment demands of dissenters guaranteed religious liberty in terms of these limitations on government—specifically, limits on discrimination by civil laws and on the subject matter of civil laws.

In contrast, separation has often seemed to imply rather different conclusions. First, it has implied limits upon government far beyond, and even contrary to, what dissenters demanded. The dissenters or religious minorities whose views were reflected in the First Amendment assumed that legislation should not discriminate among religions and even that it should not take cognizance of religion. Yet separation has often been taken to imply that even if legislation does not take cognizance of religion, such legislation is suspect if it has a religious purpose or if it substantially benefits religion—particularly when the religion is that of a “church” or group. For example, on the ground of such religious purposes or benefits, legislators and judges since the mid-nineteenth century have often questioned the constitutionality of Sunday closing laws and school-aid statutes, even if the statutes do not take cognizance of religion.²¹ Moreover, whereas the First Amendment, following the demands of most religious dissenters, seems to have placed limits only on civil legislation, the concept of separation of church and *state* has long appeared, in addition, to impose limits on what government can do even beyond legislation—for example, in executive acts (such as thanksgiving proclamations) and in nonlegislative acts of the legislature (such as the

²¹ For the most prominent recent expression of such concerns, note the first two parts of the standard proposed in *Lemon v. Kurtzman*, 403 U.S. 602 (1971). “First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion . . . finally, the statute must not foster ‘an excessive government entanglement with religion.’” *Id.* at 612–613 (citations omitted).

appointment of chaplains). Thus, in various ways, separation has historically gone much further in implying limits on government than did the liberty sought by dissenters and protected by the First Amendment.

Second, unlike the liberty sought by dissenters, separation of *church* and state has often implied limitations not only upon government but also directly upon religions. As already observed, separation is often understood to suggest that churches cannot receive government benefits, even if the benefits are distributed on the basis of entirely secular qualifications. In addition, for almost two centuries separation has seemed to imply that clergymen and religious organizations ought not attempt to influence voters or governments, and thus separation has implied that these individuals and groups ought not fully exercise the rights of political speech and association held by other Americans. Indeed, for at least 150 years separation has frequently been understood to imply doubts about the legitimacy of otherwise secular laws enacted with vigorous or partisan support based on religious views, especially if from religious organizations. Thus separation has suggested limits on religion and religious groups—constraints not sought by dissenters.

Both of these developments—limiting government and limiting churches—have been magnified by a third, more general, implication of separation that if church and state are to be separate, they should not have too much contact. For example, it is said that these institutions should avoid close relations or any substantial involvement in each other's activities. In the parlance of its advocates, separation bars "entanglements" between church and state.²²

On account of all three of these lines of reasoning, the First Amendment has often been understood to limit religious freedom in ways never imagined by the late eighteenth-century dissenters who demanded constitutional guarantees of religious liberty. For example, the dissenters who campaigned for constitutional barriers to any government establishment of religion had no desire more generally to prevent contact between religion and government. Yet separation has seemed to forbid contact. Moreover, these dissenters and their allies sought to prohibit laws establishing religion, and in making such demands, they

²² Again, compare *Lemon*, 403 U.S. 602. Of course, other standards or ideals of religious liberty can also suggest the three implications recited here, but none has done so more consistently than the separation of church and state.

did not attempt directly to limit religion. Yet the conception of the First Amendment in terms of separation directly constrains church as much as state. Not least, the dissenters sought the First Amendment and other constitutional provisions to prevent government from discriminating on account of religious differences. Yet these guarantees have increasingly been interpreted on the basis of an idea that typically has seemed more applicable to members of churches than to persons who merely have an individual religiosity. This last point—that separation discriminates among religions—is evident in the expectations that government should deny secularly defined benefits to religious groups and that clergymen should not speak about politics on behalf of their churches. As these examples illustrate, the principle of separation limits religious groups and individuals within them more severely than other types of religion, thus transforming the constitutional guarantees against discrimination on grounds of religious differences into provisions that necessitate it. To some Americans, the various implications of separation may seem reassuringly familiar and not necessarily invidious. Nonetheless, in all of the ways outlined here, separation has had a severe effect, particularly upon individuals whose religious beliefs lead them to worship and otherwise act as part of a religious group. The federal and state constitutional provisions designed to protect religious liberty have, ironically, come to be understood in terms of an idea that substantially reduces this freedom.

Separation and Society

In order to trace how American religious liberty came to be conceived as a separation between church and state, this book must examine how the idea of separation flourished among broader cultural and social developments, including ideals of individual independence, fears of Catholicism, and various types of specialization. Although often omitted from the history of religious liberty, these more general tendencies can suggest much about the growing popularity of separation.

Separation often attracted Protestants who felt individualistic fears of religious groups. Many nineteenth- and twentieth-century Americans worried about the power of government. In addition, however, numerous Protestants felt anxiety about nongovernmental groups and hierar-

chies, particularly churches and their clergies. From the perspective of these Protestants, the claims of authority made by churches—even if merely claims of moral rather than legal authority—could be oppressive and dangerous to the freedom of individuals. Accordingly, in the nineteenth and twentieth centuries separation often appealed to Americans who thought of themselves as mentally independent—particularly to those who conceived of themselves as independent of their churches. Of course, in America’s ever more secular society, separation also attracted expanding numbers of nonreligious persons.²³ More generally and pervasively, however, it appealed to those whose liberal theology or whose sense of distance from communal, clerical religion led them to think of themselves as intellectually independent of any ecclesiastical dictates.

This distrust of church authority increasingly permeated American Protestantism and its often nativist critique of the Catholic Church. Fearful of Catholic immigrants, many native-born Protestants emphasized the Protestant character of their American identity. In particular, they adopted heightened expectations of intellectual independence. Believing that this individual independence was essential for both genuine religion and American citizenship, they demanded that Catholics adhere to hyper-individualistic ideals of mental freedom. In this spirit, nativist Protestants worried that the pope’s claims of ecclesiastical authority would stultify the minds of Catholics, rendering them unfit to vote and giving the Church an influence that would allow it to threaten freedom through the institutions of republican government. Against these and related dangers, growing numbers of Protestant Americans demanded a separation of church and state. Thus nativist demands for mental independence and for a separation between church and state took aim at Catholics for their failure to adopt supposedly Protestant and American

²³ It is often assumed that separation of church and state became popular as a secular principle. Yet this conclusion—when stated this simply—is misleading. There was no single secularism in England or America during the period covered by this book. Indeed, “secularism” was a term popularized for polemical purposes in the mid-nineteenth century precisely in order to minimize the differences among quite divergent tendencies, many of which were candidly religious. See Chapter 11, note 20. Although some secularizing developments (such as social specialization and antiecclesiastical suspicions) drew Americans toward a separation of church and state, other secularizing developments did not so clearly have such an effect. Accordingly, it seems useful to focus on separation’s relatively concrete historical circumstances rather than generalizations about secularism.

beliefs.²⁴ In such ways, religious liberty itself—even an unusually individualistic conception of it—was often employed to demand conformity.

The separation of church and state had particular appeal in an age of specialization. Separation often attracted individuals who—whether in fact or in their minds—divided their lives into distinct activities and sought to maintain their freedom within each such activity by restricting the demands of the others. Jefferson, his allies, and many subsequent Americans attempted, on occasion, to limit religion to a private, personal, or nonpolitical realm so that it would not intrude too much (whether by force of law or only by force of argument) on various other aspects of their lives. To such Americans, the moral claims of an entirely voluntary, disestablished church could seem threatening. Accordingly, increasing numbers of Americans attempted to escape these constraining demands of churches by welcoming various separations between organized religion and other facets of their lives, particularly a separation between church and state.

Ironically, however, religion was not so easily confined. The very parties and groups that in the nineteenth century most vigorously condemned church participation in politics simultaneously encouraged a much more direct and individualized pursuit of religious yearnings in this secular arena and, in this way, rechanneled profoundly religious passions and aspirations from Christian churches to egalitarian politics. Their efforts, however, probably were only part of a broader displacement of aspirations—a transference of religiosity to various specialized, secular activities—that may have been almost inevitable with the fragmentation of society and the decline of localized “social worship.” In their increasingly fractured and secular circumstances, Americans who found their desires for purity and transcendence unsatisfied in the communal worship of traditional religion often pursued these goals in more specialized endeavors but most commonly in politics. Thus the separation of church and state may have been part of a specialization of religion, politics, and much of the rest of life that simultaneously contributed to the secularization of most activities and left many Americans to

²⁴Of course, as John Higham and others have pointed out, anti-Catholicism can be distinguished from nativism. Higham, *Strangers in the Land: Patterns of American Nativism, 1860–1925*, 5 (1955; New York: Atheneum, 1977). Nonetheless, much anti-Catholicism was distinctly nativist.

pursue in their specialized, secular endeavors the sort of yearnings they once more typically satisfied in their religious groups.²⁵

These cultural and social contexts—ranging from fears of group authority to the displacement of yearnings—suggest that the evolution of American religious liberty into a separation of church and state cannot be understood simply as the product of great men, whether Roger Williams, Thomas Jefferson, or Hugo Black. Nor can it be understood merely as an institutional development, whether in the documents of the U.S. Constitution or in the opinions of the U.S. Supreme Court. Instead, the redefinition of American religious liberty as a separation of church and state needs to be considered within the context of America's broader ideas, culture, and society. Amid these wider circumstances, including changing popular perceptions and fears, Americans gradually transformed their understanding of religious liberty. Increasingly, Americans conceived their freedom to require an independence from churches, and they feared the demands of one church in particular. To limit such threats, Americans called for a separation of church and state, and eventually the U.S. Supreme Court gave their new conception of religious liberty the force of law.

²⁵R. Laurence Moore, "The End of Religious Establishments and the Beginning of Religious Politics: Church and State in the United States," in *Belief in History: Innovative Approaches to European and American Religion*, 237, ed. Thomas Kelsman (Notre Dame, Ind.: University of Notre Dame Press, 1991).



LATE EIGHTEENTH-CENTURY RELIGIOUS LIBERTY

ALTHOUGH today it is often assumed that eighteenth-century American religious dissenters sought a separation of church and state, they in fact struggled for a very different type of religious liberty. That the eighteenth-century Americans who dissented from their state establishments did not desire a separation of church and state may seem strange to modern Americans. Certainly, in an era in which separation of church and state is widely accepted as a fundamental American ideal, an effort is required to imagine a world in which separation was neither so familiar nor so admired—a world in which separation of church and state was, at best, only one of various types of religious liberty. Such, however, was the world in which American religious dissenters demanded religious liberty.

Indeed, separation of church and state first became widely familiar as the fear of establishment ministers rather than as the desire of religious dissenters. Beginning in the late sixteenth century, some prominent establishment ministers worried that the religious liberty sought by dissenters would have the effect of separating religion and thus also morality from civil government. Accordingly, from the late sixteenth century through the late eighteenth, establishment clergymen occasionally accused dissenters of separating church and state or even of separating religion and government. In fact, this was a caricature of the religious liberty sought by dissenters. Almost none of the dissenters who struggled for their liberty from religious establishments revealed any desire for a separation of church and state or for a separation of religion and government.

Eventually, however, some anticlerical intellectuals embraced this establishment misrepresentation. These advocates of separation tended to distrust the clergy and the worldly institutions of the church. They therefore welcomed the almost unearthly purity of the separation metaphor, which depicted the church as existing apart from the world and worldly government. Looking back to these few anticlerical writers, many historians have assumed that the religious dissenters who organized against establishments, including late eighteenth-century American dissenters, also supported separation.

Yet most dissenters did nothing to deserve either the establishment accusation of separation or the later historical attribution of it. They were neither so indifferent to the religious and moral foundations of government nor so hostile to clergymen and church institutions as to seek a segregation of church and state. Ever conscious of the broad relevance of their beliefs, their congregations, and the Christian church to their lives in this world, late eighteenth-century American dissenters advocated conceptions of religious liberty more compatible with their hopes for themselves and their Christianity.



Separation, Purity, and Anticlericalism

LONG before separation became an American icon, it offered an image of purity. Like so many metaphors, that of the separation of the church was put to different uses. Yet, in all of its diverse contexts, this image of separation lent itself to portrayals of extreme demarcation. Repeatedly, it was adopted for its depiction of a purified church segregated from worldly things, not least the state.

The power of separation as an image of purity did not necessarily make it a popular vision of the Christian church's relation to the state and the world. In a corrupt world an image that emphasized the purity of the church could seem almost otherworldly and therefore could seem to challenge conventional Christian assumptions about church and clergy and their role in the world. Accordingly, in the centuries prior to 1800 the idea of the separation of church and state appealed to only a tiny fraction of Europeans and Americans—a small number who not only distrusted the clergy but also hoped to purify the church beyond what was ordinarily considered possible. Yet, even while the idea remained unpopular, there were already hints as to why it might one day seem more attractive.

Some Early Conceptions of the Relationship between Church and State

Since the time of Jesus, Christians discussed the relationship between church and state. They developed various conceptions of this relationship, and, in so doing, they often took for granted that church and state were distinct institutions, with different jurisdictions and powers. Yet, even when

drawing a distinction between church and state, they typically did not conceive that the church should be kept separate or apart from the state.

From their beginnings Christians had differentiated church and state. Jesus had declared (in John 18.36) “My kingdom is not of this world,” and, on such foundations, the Church Fathers and the Catholic Church distinguished the church from civil government. Later, Martin Luther also differentiated between the “two kingdoms, one the kingdom of God, the other the kingdom of the world” and argued that “these two kingdoms must be sharply distinguished” and even that they “must be kept apart.” He meant, however, that they should be kept apart conceptually and recognized as very different institutions, and it was in this sense that “we must clearly distinguish these two kingdoms from each other.”¹ Similarly, when commenting on the “two kingdoms,” Calvin began by pointing out that “these two . . . must always be examined separately; and while one is being considered, we must call away and turn aside the mind from thinking about the other.” He followed this approach in order to expound the “[d]ifferences between spiritual and civil government,” insisting that “we must keep in mind the distinction . . . so that we do not (as so commonly happens) unwisely mingle these two, which have a completely different nature.”² In examining these kingdoms separately and, in this way, keeping them apart and not mingling them, these Christians emphasized that church and state were distinct institutions but hardly concluded that they should be segregated and kept separate or apart from each other. On the contrary, Luther held that “the temporal government is a divine order” and urged all cities in Germany to establish Christian schools.³ Calvin described both church

¹ *An Open Letter Concerning the Hard Book against the Peasants* (1525), in *Works of Martin Luther*, 4: 265 (Philadelphia: A. H. Holman Co., 1931); *Secular Authority: To What Extent It Should Be Obeyed* (1523), in *ibid.*, 3: 237; *Sermons of Martin Luther*, 5: 319 (23rd Sunday after Trinity), ed. John Nicholas Lenker (Grand Rapids: Baker Book House, 1983); *ibid.*, 5: 280 (22nd Sunday after Trinity).

² Calvin, *Institutes of the Christian Religion*, 1: 847 (IV.xix.15), 2: 1486 (IV.xx.1), trans. Ford Lewis Battles (Philadelphia: Westminster Press, 1960). He also wrote: “But whoever knows how to distinguish between body and soul, between the present fleeting life and that future eternal life, will without difficulty know that Christ’s spiritual Kingdom of Christ and the civil government are things completely distinct.” *Ibid.*, 2: 1488 (IV.xx.1).

³ *To the Councilmen of All Cities in Germany That They Establish and Maintain Christian Schools* (1524), in *Works of Martin Luther*, 4: 121. Such were his views even before he adopted more severe doctrines. For the latter, see Joseph LeCler, *Toleration and the Reformation*, 1: 154–164 (New York: Association Press, 1960).

and state as divinely ordained and hoped each would sustain the other in fulfilling their divine obligations. In particular, the “spiritual polity,” although “quite distinct from the civil polity, . . . greatly helps and furthers it.” By the same token, “civil government” had “the duty of rightly establishing religion” and had as its “appointed end” to “cherish and protect the outward worship of God, to defend sound doctrine of piety and the position of the church.”⁴ Clearly, the distinction between church and state, by itself, hardly amounted to the notion that they should be separated or walled off from one another.

Indeed, the distinction between church and state seemed fully compatible with a relatively rigorous establishment of religion. In the sixteenth and seventeenth centuries this was demonstrated by Luther in Germany, Calvin in Geneva, and the Congregationalists in New England. In the eighteenth century in England, the most prominent Enlightenment defender of establishments, William Warburton, justified an establishment as an alliance between two different institutions—the distinct existence of church and state making their alliance necessary. Gradually, the distinction between church and state (and, underlying it, the distinction between the two kingdoms) also came to be employed as the foundation for ideas about freedom from religious establishments. In the nineteenth century the distinction even seemed to legitimate a separation between church and state. Yet, as may be illustrated by Warburton and his numerous imitators, the distinction between church and state continued to be understood by many Christians to justify various modes of collaboration and even alliance between the two. Evidently, the distinction did not in itself imply either a disestablishment or a separation of church and state.

In distinguishing between the state and the church, Christians also differentiated between civil and ecclesiastical jurisdiction—between the powers of *regnum* and *sacerdotium*—but Christians did not employ these jurisdictional differences to demand a separation of church from state.

⁴ *Institutes of the Christian Religion*, 2: 1211 (IV.xi.1); *ibid.*, 2: 1487–1488 (IV.xx.2–3). Quoting these texts, John Witte observes that Calvin also suggested church and state were “conjoined”—further evidence, if any were needed, that “Calvin’s principle of separation of church and state bore little resemblance . . . to the modern American understandings of ‘a high and impregnable wall between church and state.’” John Witte, Jr., “Moderate Religious Liberty in the Theology of John Calvin,” in Noel B. Reynolds and W. Cole Durham, eds., *Religious Liberty in Western Thought*, 117–118 (Atlanta: Scholars Press, 1996).

As recorded in Matthew 22.21, Jesus had admonished "Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's." Medieval Christians also repeatedly distinguished between what was owed to the state and what was owed to a higher power, and in doing so they discussed the different powers of the state and the church.⁵ During the Reformation Protestants relied upon the contrast between these jurisdictions in their arguments against the Catholic Church, and eventually dissenting Protestants employed this contrast to challenge Protestant establishments. Indeed, much later, in the nineteenth century, Americans would allude to this jurisdictional difference in their arguments for a separation of church and state. Yet, until the late eighteenth century in America, and until later centuries elsewhere, most Christians understood this differentiation of jurisdictions, like the distinction between church and state, to be entirely compatible with one or another type of establishment, including Calvin's vision of mutually supportive institutions and Warburton's alliance.

Some Christians reached the conclusion that church and state must have different personnel. Most prominently, Calvin argued that officers of the church should not also be officers of civil government: "If we seek the authority of Christ in this matter, there is no doubt that he wished to bar the ministers of his Word from civil rule and earthly authority." According to Calvin, Christ held "not only that the office of pastor is distinct from that of prince but also that the things are so different that they cannot come together in one man."⁶ In sixteenth-century England some dissenters demanded this division of offices, and in seventeenth-century New England the Congregational establishments put it into practice by excluding ministers from civil positions. Yet none of these Christians, from Calvin to the Congregationalists, thought that they were thereby separating church and state. On the contrary, they expected the state to protect the church and its ministers and, in turn, to enjoy the support and moral guidance of the church.

⁵ Ewart Lewis, *Medieval Political Ideas*, 2: 506 (London: Routledge & Kegan Paul, 1954). Lewis writes: "Certainly no absolute dualism, completely separating the spheres of church and state, could logically be derived from the continuing medieval conviction of the primary importance of salvation and of the role of the priesthood as the necessary agency through which divine law was interpreted and salvation mediated. . . . [A] state with purely secular concerns was inconceivable and an absolute dualism was a *non sequitur*." *Ibid.*, 555.

⁶ Calvin, *Institutes of the Christian Religion*, 2: 1220 (IV.xi.8).

More broadly, some Christians considered themselves a people separate or apart from other peoples. The Jews had felt obliged to maintain their identity separate from other nations or peoples, and some Christians drew upon this tradition. For example, St. Paul (in 2 Corinthians 6.17) told the Corinthians to leave behind unbelievers and idol worshippers, saying, “come out from among them, and be ye separate, saith the Lord, and touch not the unclean thing; and I will receive you.” Later Christian writers, ranging from some of the Church Fathers to Calvin and many New Englanders, echoed this sense that Christians stood apart. They sometimes even used the metaphor of a wall. For instance, in his Commentary on Jeremiah, Calvin wrote that “God built, as it were, a wall to separate his people from aliens” and thereby gave “some preludes of his favor, and of the calling of the Gentiles.”⁷ Jesus had “pulled down” the “wall of separation” between Jew and Gentile in order to favor the Gentiles with a wall that separated them from other peoples.⁸ Yet not all Gentiles would be so favored, and Calvin reminded his readers that many who considered themselves Christian might not be called—that some might be distinct from others. Of course, some of the Calvinists who considered themselves favored wanted sharper demarcations between themselves and those who were not so fortunate. On this account, they particularly welcomed the idea of a separation from other peoples—a tendency that led some of the regenerate elect to call themselves “Separatists.” Yet this notion of a people separated from others—even if separated by a wall—did not constitute or even necessarily imply a separation of church and state. Indeed, as will be seen, those who wrote about themselves as separate from others did not demand a separation between church and state.

Some Christians hoped to separate or disentangle themselves from

⁷ Calvin, *Commentary on the Prophet Jeremiah*, lecture 173 (Jer. 2.49.6), in *Calvin's Commentaries*, 11 (part 1): 63 (Grand Rapids: Baker Book House, 1984). Similarly, he wrote of the Jews in Egypt that “their mean and contemptible mode of life proves a wall of separation between them and the Egyptians; yea, Joseph seems purposely to labor to cast off, in a moment, the nobility he had acquired, that his own posterity might not be swallowed up in the population of Egypt.” Calvin, *Commentary on Genesis* (Gen. 47.3), in *Calvin's Commentaries*, 18 (part 2): 437.

⁸ Calvin, *Commentaries on the Acts of the Apostles* (Acts 10.28), in *Calvin's Commentaries*, 18 (part 2): 437. In the mid-sixteenth century the English reformer, Cox, wrote to the chief pastor at Worms, Weidnerus, that the English “were breaking down the popish hedge, and restoring the Lord’s vineyard.” Letter of Cox to Weidnerus (May 20, 1559), in John Strype, *Annals of the Reformation*, 1 (part 1): 197 (Oxford: Clarendon Press, 1824).

the world, but this too was very different from a separation of church and state. Cyprian had noted that “the Lord tells us that he becomes perfect and complete who sells all his goods, and distributes them for the use of the poor,” to which Cyprian added that, according to Jesus, “that man is able to follow Him” who “is involved in no entanglements of worldly estate.”⁹ Somewhat differently, Augustine wondered how an incorporeal deity could speak to corporeal men and urged them, if they would hear, to “disentangle” themselves “from the world.”¹⁰ Exactly how Christians were to separate themselves from the world was a question to which medieval Christians found different answers—whether in convents and monasteries walled off from the world or in the mendicancy by which some Franciscans and others separated themselves from worldly goods. They did not, however, conceive themselves to be separating church from state.

Similarly, in the sixteenth century Anabaptists withdrew from worldly affairs. In the words of the *Schleitheim Confession* of 1527: “A separation shall be made from the evil and from the wickedness which the devil planted in the world; in this manner, simply that we shall not have fellowship with them [the wicked] and not run with them in the multitude of their abominations.” In such attempts to “withdraw from Babylon and the earthly Egypt,” Anabaptists not only questioned the use of civil force against dissentient beliefs but also doubted whether a Christian who served as a magistrate could long retain his Christianity. Many felt, as stated in the *Schleitheim Confession*, “that it is not appropriate for a Christian to serve as a magistrate because of these points: The government’s magistracy is according to the flesh, but the Christians’ is according to the Spirit; their houses and dwelling remain in this world, but the Christians’ citizenship is in heaven.” The Anabaptists withdrew so far from civil government as to hold that Christian individuals ought not seek justice in courts of law.¹¹ Thus, in separating from the world,

⁹ Cyprian, Treatise 4, *On the Lord’s Prayer* (para. 20), in Alexander Roberts, ed., *Ante-Nicene Fathers*, 5: 453 (New York: Charles Scribner’s Sons, 1926).

¹⁰ Augustin, *Homilies on the Gospel of St. John*, Tractate no. 23 (para. 8) (John 5.19–40), in Philip Schaff, ed., *A Select Library of the Nicene and Post-Nicene Fathers*, 7: 154 (Grand Rapids: Eerdmans Publishing, 1983).

¹¹ *Schleitheim Confession* (1527), in William R. Estep, Jr., *Anabaptist Beginnings (1523–33)*, 102, 103 (Niewkoop: DeGraaf, 1976); Robert Kreider, “The Anabaptists and the State,” in Guy F. Hershberger, ed., *The Recovery of the Anabaptist Vision: A Sixtieth Anniversary Tribute to Harold S. Bender*, 193 (Scottsdale, Pa.: Herald Press, 1957). See also George Huntston

Anabaptists withdrew from civic life. They conceived themselves to be separating not simply the church, but all Christians, from civil government, and they did so as part of their broader renunciation of worldly abominations. This separation of Christian individuals from worldliness was very different from a separation of church and state.

When distancing their church from corrupt alternatives, Christians often adopted the image of an adulterous union. The Book of Revelation had described the church as the bride of Christ and had seemed to hint at the dangers of a corrupt union with others, and, already during the early history of Christianity, commentators used such ideas against those whom they considered heretics. For example, one Donatist complained: "Christ . . . committed His bride to our care: do we keep her uncorrupt and undefiled, or do we betray her purity and chastity to adulterers and corrupters? For he who makes the baptism of Christ common with heretics betrays the bride of Christ to adulterers."¹² The potential faithlessness of the Christian church became a common theme, and more than a thousand years later, when Protestants departed from Rome, they remonstrated against its adulterous "union" of church and state. Eventually Protestant dissenters employed this metaphor in their critiques of Protestant establishments. For example, in 1777 an English Baptist, Robert Robinson, condemned both Catholics and Anglicans for arguing that church and state had interlocking hierarchies, and he mocked the concept of a universal Christian church united in what he considered an adulterous union with the state. The "imaginary being called the *church* . . . has *sex*, in violation of the English language, and the laws of precise argumentation—*She* is either married or a prostitute. . . .—All this may be rhetoric; but nothing of this is reason, less still can it be called religion, and least of all is it that religion which Jesus taught."¹³ Across the Atlantic, during the same year, a dissenter in Virginia wrote: "A virgin, however chaste before, when once deflowered, loses her native modesty;

William and Angel M. Mergal, eds., *Spiritual and Anabaptist Writers: Documents Illustrative of the Radical Reformation* (Philadelphia: Westminster Press, 1957); Walter Klaassen, *Anabaptism in Outline: Selected Primary Sources* (Waterloo, Ont.: Herald Press, 1981); Robert Kreider, "The Relation of the Anabaptists to the Civil Authorities in Switzerland, 1525–1555" (Ph.D. diss., University of Chicago, Dept. of History, 1953).

¹² The Seven Books of Augustin . . . on Baptism, Against the Donatists (bk. 7, ch. 13, para. 24) (quoting Venantius of Tinisia), in *A Select Library of the Nicene and Post-Nicene Fathers*, 4: 503.

¹³ Robert Robinson, *The History and the Mystery of Good-Friday*, 15 (1777; London: 1823).

and ten to one but she becomes a common strumpet." Enticed and even "intoxicated" by her "fornications," many "Monarchs and Emperors . . . committed adultery with her."¹⁴ This image of an adulterous and unnatural coupling (together with related metaphors of prostitution and rape, of virginal purity and corrupted wine) would continue to enliven antiestablishment arguments for centuries, including, eventually, arguments for the separation of church and state.

Yet, even as dissenting Protestants objected to the "adulterous union" of church and state and attempted to "sever" any "unnatural alliance," they did not thereby clearly endorse a separation of these institutions. On the contrary, their attacks on a union or alliance left open the possibility of other, nonestablishment connections. There were many potential connections, ranging from the cooperative to the merely moral and sociological, that came nowhere near a formal "alliance" or establishment, let alone a genuine union of church and state. For example, even most churches that were not established prayed for the government, taught obedience to law, expected to be protected in their legal rights, and hoped for legal recognition of their property and some of their rituals, such as that of marriage. All of these were connections between church and state, and many of these connections were essential parts of religious liberty. Therefore, the overwhelming majority of Protestants who criticized religious establishments and the union of church and state did not understand themselves to be seeking separation. Indeed, they carefully avoided making such a claim. Thus an attack on the union of church and state was not a demand for separation, and although in retrospect the notion of the separation of church and state has seemed to harmonize with the idea of opposition to an impure union, the two concepts should not be confused.

Last but not least, Christians gradually developed ideas about the inviolable authority of individuals and the limited authority of civil government with respect to religious belief. Continental Anabaptists in the sixteenth century and English Baptists in the seventeenth made arguments about the freedom of an individual's belief within his conscience, and, later, seventeenth-century dissenters and allied philosophers, such

¹⁴ "Freeman of Virginia," *The Freeman's Remonstrance against an Ecclesiastical Establishment: Being Some Remarks on a Late Pamphlet, Entitled The Necessity of an Established Church in Any State*, 8, 12 (Williamsburg: 1777).

as John Locke, generalized these ideas into conceptions of religious freedom eventually employed by most American dissenters. Increasingly joined with such ideas about belief and conscience were notions of the limited jurisdiction of civil government, which dissenters gradually adapted into arguments about equal rights and about government's lack of power to grant financial privileges to churches. In these concepts of individual freedom and limitations on government power, Englishmen and Americans developed what would become the religious liberty guaranteed in American constitutions. Strikingly, however, as will be seen in more detail below, they thereby conceived of their freedom in ways very different from a separation between church and state.

Such were some of the traditional Christian ideas of religious liberty and of the church's relationship to the state. Later, advocates of a separation between church and state would draw upon these various ideas, viewing them retrospectively as nascent manifestations of the principle that church should be kept separate from civil government. Earlier Christians, however, did not go so far. They adopted many different conceptions of the relationship between church and state, but they did not ordinarily, if ever, propose a separation, let alone a wall of separation, between these institutions.

The Wall Separating the Garden and the Wilderness

The wall separating church and state was built upon the remains of an earlier wall, which separated the garden from the wilderness. This metaphor of a wall separating the garden was applied in many ways but always in a manner that suggested the purity of the church. Whether the wall represented the separation of the church from the world, the separation of the regenerate from the unregenerate, or the separation of particular "gathered" churches from a national church, it consistently depicted the church set apart from the taint of worldly things.

Early and medieval Christians found in the distinction between the enclosed garden and the wilderness a profound image of their church and its purity. They read in Genesis of the Garden of Eden, and, more commonly, they read in the Song of Songs (4.12) of the enclosed garden or *hortus conclusus*: "A garden inclosed is my sister, my spouse; a spring shut up, a fountain sealed." Whether imagining the garden surrounded by a hedge, fence, or wall, Christians perceived this enclosure as signifi-

cant, seeing it as a type or intimation of their walled monasteries and convents, of their faith and inner life, of Mary's virginity, and of the church itself—each of these being distinct from the world and its pollutions. Strengthening this image of purity was another, contrasting type, the wilderness of Sinai, in which the Jews had to wander before reaching the Promised Land—a wilderness with its own antitypes in the physical and spiritual wilderness of the world.

Although sixteenth-century Protestants pulled down the walls that surrounded medieval monasteries, some of them continued to rely upon the walled garden as an image of the Christian church. Luther mocked the early Christian monks who lived inside the enclosure formed by “a simple fence or hedge such as is made of bushes and plants and shoots to keep in cattle or as a pen for sheep” and who thus “led a separated life.” Yet he himself could refer to “the garden of the Church.”¹⁵ With greater emphasis on the enclosed character of the garden, other Protestants—notably Calvin—still described the Christian church as a garden walled off from the threats of the world. For example, Calvin alluded to Israel and the church when, in commenting on Ezekiel, he wrote of “builders, who, if they see a breach in a wall, instantly and carefully repair it: they are like gardeners who do not allow either a field or a vineyard to be exposed to wild beasts.”¹⁶

For many seventeenth-century Englishmen this image of the garden separated from the world illustrated the interior, mental state of individuals seeking spiritual development. As shown by Stanley Stewart, numerous Englishmen portrayed the garden as a place for contemplation, as the location in which individuals could reject vain strivings after worldly honors, and as a state of mind in which, under the protective shade of grace, the soul flourished and achieved transcendence. It was a verdant image of contemplation most sympathetically cultivated by Andrew Marvell, in whose poetry it remains memorable even though its theological foundations are usually forgotten:

Mean while the Mind, from pleasure less,
Withdraws into its happiness:

¹⁵ Luther, *On the Councils and the Churches*, Part 2 (1539), in *Works of Martin Luther*, 5: 246–247.

¹⁶ Calvin, *Commentary on the Prophet Ezekiel*, lecture 13 (Ezek. 13.10–11), in *Calvin's Commentaries*, 12 (part 1): 19.

The Mind, that Ocean where each kind
 Does streight its own resemblance find;
 Yet it creates, transcending these,
 Far other Worlds, and other Seas;
 Anihilating all that's made
 To a green Thought in a green shade.¹⁷

In meditation the mind could reach beyond this world and even beyond the worldly metaphors of the garden and its shade.

Associating the garden with grace, Englishmen often perceived the enclosed garden as an apt depiction of the purified church. For example, in his 1623 volume, *Strange Vineyard in Palæstina*, Nehemiah Rogers merged the image of the enclosed garden with Isaiah's depiction of Israel as a vineyard to emphasize the role of the greatest of gardeners in establishing his church:

A Vineyard we know is a place severed and hedged in from the open champaine or common. It doth not of it selfe spring up, or naturally grow; but it is planted by hand and Art, and so it is made a *Vineyard*: And thus the Church is called and separated from the rest of the world both in life and conversation, and is gathered by the word.

In this Protestant adaptation of Catholic imagery, the church, like Israel, was "called" and "gathered by the word" and thus was "separated" or "severed and hedged in" from the open, uncultivated land. "God hath taken it in out of the vast wilderness of this wretched world, and hath imparked it with the pales of his mercy, and separated it from all other grounds whatsoever, to be a Vineyard for himself."¹⁸ As William Prynne rhymed:

Gardens enclosed are with walls, pales, bounds,
 Hedges, dikes, and more fenc'd than other grounds:
 So God his Church and chosen doth enclose,
 And fence with walls, pales, dikes against all foes.¹⁹

¹⁷ Stanley Stewart, *The Enclosed Garden: The Tradition and the Image in Seventeenth-Century Poetry*, 162, 170–171 (Madison: University of Wisconsin Press, 1996), quoting Marvell.

¹⁸ *Ibid.*, 54, quoting Nehemiah Rogers, *Strange Vineyard in Palæstina* (1623). As Stewart explains, the "enclosure . . . represents the chosen Bride, whether she be Israel or the Church." *Ibid.*

¹⁹ *Ibid.*, 197, note 45, quoting William Prynne, "A Christian Paradise," in *Mount-Orgueil*, 152 (1641).

No longer the church as conceived by Catholics, this walled garden enclosed the elect. Clearly, the garden held different meanings for Catholics and for Protestants. For both, however, it provided an image of the church in a fallen world—an image in which the church had been set apart from the world and its impurity.

Richard Hooker

The wall separating church and state evolved from the wall separating the garden and the wilderness. Yet, unlike its predecessor, the wall between church and state seems to have become popular as an object of derision rather than as an ideal. In particular, it first became widely known in England when Richard Hooker ungenerously used it to characterize the position of Protestant dissenters who sought to purify the English Church.

In the 1590s, the learned Anglican apologist Richard Hooker wrote his voluminous *Of the Laws of Ecclesiastical Polity*, in which he defended the English middle ground between Catholicism and Puritanism. He published five books of his monumental work before his death in 1600 and left among his papers the rough manuscript notes for three additional parts. The Eighth Book was eventually published in 1648, and, near the beginning of this book, Hooker posthumously but prominently accused dissenters of seeking a separation of church and state.

Hooker's accusation echoed earlier Anglican attacks upon dissenters—most significantly, one by Hadrian Saravia. A Dutch Calvinist, Saravia would later, in 1607, become one of the translators of the King James Bible. He arrived from the Continent at a time when English dissenters were challenging the Anglican bishops on many grounds, including their wealth and civil offices. Troubled by these attacks, Saravia in 1590 published his *De Gradibus*—a defense of the Anglican hierarchy—in which, among other things, he repudiated the assault of dissenters upon the right of the clergy to hold civil office. Saravia held that church and city “both derived from one and the same author” and that the “two divers and distinct estates” were both part of one society: “the same societie is both Church & Cittie, and the authority of them is both drawn from the same head.” On such assumptions, Saravia argued against those who “either exclude the Magistrate from causes Ecclesiasticke, or sequester the Minister from affaires politike.” He even objected to this as a danger-

ous divorce of Minister and Magistrate: “But these two (the Magistrate and the Minister) so long as they shalbe distracted into partes, and as it were divorced in state the one from the other, and shall not take sweete counsell together like friends, or not communicate in consent for their common benefite, they cannot but conceive divers and doubtfull surmises, fonde yea, and some times false opinions of each otheres goverment.” Of course, as Saravia explained in a paraphrase of Cyprian, the clergy “*should by no meanes bee called away from their devine function, neither shuld be intangled with troubles and worldlie affaires.*” Nor was it “any part of the Ecclesiasticall function, to intermeddle in civil affaires, the which indeed is out of all controversie.” Instead, Saravia simply argued that the same individual could hold both ecclesiastical and civil positions—that the “*diverse functions*” of these different persons “*are not confounded, albeit undertaken of one man.*” Accordingly, “*THAT which is commonly said of the state Ecclesiastique, (that it is distinct from the Civil estate,) is altogether impertinent to this question: seeing both callings become not one, though one man be called to them both.*” For example, he argued, “Are not the parts of a Lawyer diverse, and the partes of a Physicion diverse? yet the same party may play both partes, and proove as good a Lawyer as a Physicion. In like manner, the same man may be both Physicion and Divine.”

Not only could a man have two functions or callings but also no such specialization deprived a man of his place in society. Pointing out that “Curriers, Diers, Weavers, Beere-brewers, Smithes, Fullers, Marchauntes and Pedlers, furnish the common house, and give their voyce in things concerning the common wealth,” Saravia concluded that if “the Pastors of Churches shoulde stande excommunicate out of their generall assemblies,” it would be “a thing utterly against the equal right of al Cittizens.” In such ways, Saravia attacked dissenters for taking a position that “as it were divorced” minister from magistrate.²⁰ It was a mischaracterization of dissenters to which Hooker would give much

²⁰ D. Saravia, *1. Of the Diverse Degrees of the Ministers of the Gospell. 2. Of the Honor Which Is Due unto the Priestes and Prelates of the Church. 3. Of Sacrilege, and the Punishment Thereof*, 32, A3, 143, 166, 180, 184 (1590; London: 1591). (Incidentally, the paraphrase of Cyprian was from his Epistle 65, although a printer’s error alludes to Epistle 66.) Saravia, *ibid.*, 143. Saravia also wrote that “when as Church and common wealth are imbarcked in the same vessell, & saile together in the same danger: how should the devout minister be lesse solicited for the safety of the common state, then are the common Burgesses.” *Ibid.*, 185.

greater prominence when he attributed to them the position that there should be a wall of separation between church and state.

Among the dissenters, only the so-called "Separatists" demanded any sort of "separation," but even they did not seek a separation of church from state. On the contrary, they aimed to separate the regenerate from the unregenerate by disavowing any national church. Most Protestant dissenters felt that the Church of England, through its unscriptural prelacy and its accretion of "Popish" ceremonies, had deviated from early Christian practices and therefore needed to be reformed or purified. In place of the government-appointed Anglican hierarchy, some of these reformers hoped to impose Scottish-style presbyteries. Others aimed to substitute congregations "gathered" from among the regenerate. Of course, neither Presbyterians nor those who would later come to be known as "Congregationalists" offered much hope of toleration, except for themselves, for they had Calvinist expectations of a national church in which they—the regenerate elect—would set standards coercively enforced by a civil government attentive to their aspirations. The advocates of congregational organization feared that Anglican churches corruptly gave membership to the unregenerate, and therefore these dissenters believed that a true Gospel church had to be "gathered" and "covenanted" from among the regenerate. Accordingly, they sought the reconstruction of the English Church by forming their own, independent congregations, which were, in effect, regenerate substitutes for Anglican parish churches.

Some purifiers, however—the Separatists—sought a more thorough reformation by pursuing the congregational model with greater rigor. Taking congregational principles to their logical conclusion, the Separatists argued that no church defined by a parish, nation, or other geographic boundary could be gathered or covenanted among the regenerate alone, for if it included all inhabitants of a parish or nation, it would embrace the unregenerate. On this basis, the Separatists argued that the Church of England, being a national church, could never become a true church. They therefore felt obliged not only to depart physically into congregations of their own (as did the Congregationalists) but also to reject the very concept of a Church of England, and it was in this sense that they separated from it. Put generally, Separatists abandoned the idea of a national covenant. Whereas Anglicans and Congregationalists elevated England or, at least, New England as a new Israel—as a chosen nation with

its own church—the Separatists openly challenged expectations that a national or other territorial church was even possible, and they thereby, not suprisingly, separated their theology as well as themselves from their nation’s church.²¹ Yet even these, the most purifying of the purifiers, did not go so far as to advocate the separation of church and state. Anxious to separate the regenerate from the unregenerate, the Separatists sought a type of separation very different from that between church and state.

Although most dissenters never sought a disestablishment, and although even the Separatists apparently never asked for a separation of church and state, many Congregational dissenters demanded the end of the Anglican prelacy on grounds that distinguished between civil and ecclesiastical power, and it was these dissenters against whom Saravia and then Hooker most clearly aimed their allegations of divorce and separation. Without typically rejecting cooperation between church and state or the power of civil government to enforce religious conformity, these dissenters sought what they believed was a more scriptural church government, in which, following Calvin’s admonitions, there would be a division of labor among civil and ecclesiastical officers, the latter belonging to presbyteries or congregations rather than an episcopal hierarchy appointed by the civil magistrate. Thus such dissenters argued that the same person could not hold both civil and spiritual office—that a single individual could not simultaneously be an officer of the Crown and an officer of the Church—but they did not ordinarily conceive of this as an attempt to “divorce” the clergy from the magistrates or as a separation of church and state.²²

Nonetheless, drawing upon Saravia’s polemical mischaracteriza-

²¹ This account of the Separatists more or less follows the analysis of Edmund S. Morgan, *Roger Williams: The Church and the State* (New York: Norton, 1967).

²² For example, in 1591 Henry Barrow argued that Anglican bishops were “no christian bishopps, in that they exercise som civile office or offices together with this their pretended ministrie . . . God himself hath made two distinct offices, and appointed unto them two distinct and several persons for ministers; it being no more lawfull for a bishop to execute the civile magistrate’s office, than for the civile magistrate to administer the sacraments.” Barrow, *A Plaine Refutation*, 111, in Leland H. Carlson, ed., *The Writings of Henry Barrow 1590–91*, 201, Elizabethan Non-Conformist Texts, vol. 5 (London: George Allen & Unwin, 1966). See also Henry Barrow, *A Petition Directed to Her Most Excellent Majestie*, 8 (1591). “Martin Marprelate” argued: “No civill magistrate can be an ordinary preacher without sinne.” Martin Marprelat, *Oh read Over, D. John Bridges/for it is worthy worke: Or an epitome of the fyrste Booke/of that right Worshipfull volume/written against the Puritanes/in the defence of the noble cleargie/by as worshipfull a prieste/John Bridges/. . .* (quire E4v) (1588). See also *Theses Martinianae: That is, Certaine Demonstrative Conclusions . . .*, Nos. 67 and 68 (ca. 1589).

tions, Hooker suggested that the arguments of dissenters rested upon an unstated assumption that church and state should be kept separate.²³ According to Hooker, the arguments of the dissenters against the government-appointed Anglican prelacy did not make sense, “unless they against us should hold that the *Church* and the *Commonwealth* are two both distinct and separate societies, of which two the one comprehendeth always persons not belonging to the other.” Indeed, in Hooker’s view, dissenters seemed to be arguing from the position that there was a wall of separation between church and commonwealth. They appeared to believe “that *Bishops* may not meddle with the affayrs of the commonwealth, because they are governours of an other corporation, which is the *Church*, nor *Kings*, with making laws for the *Church* because they have government not of this corporation, but of an other divided from it, the *Commonwealth*, and the walles of separation between these two must for ever be upheld.” Although, as Hooker practically admitted, dissenters had not demanded “walles of separation” between church and commonwealth, he must have been pleased to believe that dissenters built their arguments upon this foundation, for he could easily demolish it.²⁴ All Hooker had to do was to point out that Englishmen were members simultaneously of England’s church and of its commonwealth. If a person could be both an Anglican and an Englishman—both a servant of Christ and a subject of the Crown—there was no wall of separation between church and commonwealth.

In accusing dissenters of seeking walls of separation, Hooker went out of his way to admit that his own position could be considered a sort of separation, but he did so largely to avoid any “childish” tendency “to

²³ Isaac Walton records that the “learned Doctor” Saravia sought Hooker’s friendship, and that in 1595 “these two excellent persons began a holy friendship, increasing daily to so high and mutual affections, that their two wills seemed to be but one and the same: and their designs both for the glory of God, and peace of the Church, still assisting and improving each other’s virtues, and the desired comforts of a peaceable piety”—a passage that led an early nineteenth-century editor of Saravia to suggest the importance of “the sentiments of the less celebrated of the two.” Hadrian Saravia, *A Treatise on the Different Degrees of the Christian Priesthood*, vi–vii (Oxford: 1840). See also *The Works of That Learned and Judicious Divine Mr. Richard Hooker*, 3: 330–331, ed. John Keble (Oxford: Clarendon Press, 1888).

²⁴ Hooker revealed his understanding that the dissenters had not sought a separation when he indulged in the supposition, “unless they against us should hold that the *Church* and the *Commonwealth* are two both distinct and separate societies.” *Of the Laws of Ecclesiastical Polity*, in *Works of Richard Hooker*, 3: 319 (VIII.i.2), ed. W. Speed Hill (Cambridge, Mass.: Belknap, 1981).

lurk under shifting ambiguities and equivocations of wordes.” Both he and his opponents sought types of what could be called “separation,” but he distinguished between two types, the personal and the natural. Dissenters held “the necessitie of personall separation, which,” according to Hooker, “cleane excludeth the power of one mans dealing in both [church and commonwealth].” In contrast, Hooker supported only a “natural” separation—a mere distinction between the church and the commonwealth—“which doth not hinder but that one and the same person may in both bear a principal sway.”²⁵ Of course, dissenters did not exclude all members of the church from the commonwealth. They simply wanted different civil and ecclesiastical officers. Hooker, however, suggested that a more sweeping separation underlay dissenting positions.

The “separation” sought by Hooker was simply the age-old distinction between church and state, which, for Hooker, as for so many earlier Christians, seemed perfectly compatible with an established religion, including the combination of civil and church authority in any one person. Hooker readily would “graunt” this “difference,” which posed no obstacle to his traditional view that both church and commonwealth “may and should always lovingly dwell together in one subject.” Like Saravia, he therefore brushed off arguments based on the distinction between church and state as irrelevant:

I shall not need to spend any great store of wordes in answearing that which is brought out of holy *Scripture* to shewe that secular and Ecclesiasticall affayres and offices are distinguished, neither that which has been borrowed from antiquitie using by phrase of speech to oppose the *Commonwealth* to the *Church of Christ*; neither yet the reasons, which are wont to be brought forth as witnesses that the *Church* and *Commonwealth* are alwayes distinct. For whither a *Church* and a *Commonwealth* doe differ is not the question we strive for, but our controversyie is concerning the kinde of distinction, whereby they are severed the one from the other.

According to Hooker, the words “church” and “commonwealth” referred to different or “several functions of one and the same *Communities*,” and he noted that even a Catholic apologist, Cardinal William Allen, admitted that, “in *Christian Commonwealths*,” political power and spiritual power were “joyned though not confounded.” Thus “[t]he difference . . .

²⁵ *Ibid.*, 3: 318, 319–320 (VIII.i.2).

either of affairres or offices Ecclesiasticall from secular is no argument that the *Church* and the *Commonwealth* are always separate and independent the one from the other."²⁶ Anything more than the "natural" separation between these institutions went beyond the traditional Christian concept of a distinction between church and state, and therefore a more substantial separation seemed vulnerable to Hooker, who all too readily assumed that it underlay the claims of dissenters.

Roger Williams

A half century later, drawing upon some of the same Christian sources familiar to Hooker, Roger Williams adopted the wall of separation as an image of the purity he sought in religion. Yet what Hooker depicted as an unrealistic assumption of the dissenters and what other Protestants employed as a poetic image of the regenerate church, Williams took almost literally. So far did Williams pursue spiritual purity and a separation from the corruptions of this world that he separated himself from all of his contemporaries.²⁷

²⁶ *Ibid.*, 3: 322–325 (VIII.i.4–5).

²⁷ My interpretation of Williams's separatism and his desire for purity follows some of the rich modern scholarship, especially that of Morgan, Gilpin, and Hall. Edmund S. Morgan, *Roger Williams: The Church and the State* (New York: Norton, 1967); W. Clark Gilpin, *The Millenarian Piety of Roger Williams* (Chicago: University of Chicago, 1979); Timothy L. Hall, "Roger Williams and the Foundations of Religious Liberty," *Boston Univ. Law Review*, 71: 455, 482 (1991); Timothy L. Hall, *Separating Church and State: Roger Williams and Religious Liberty*, 30, 72–98 (Urbana: University of Illinois, 1998). See also Richard Martin Reinitz, "Symbolism and Freedom: The Use of Biblical Typology as an Argument for Religious Toleration in Seventeenth Century England and America," 143–144 (Ph.D. diss., University of Rochester, 1967); David Little, "Roger Williams and the Separation of Church and State," in *Religion and the State: Essays in Honor of Leo Pfeffer*, ed. James E. Wood, Jr. (Waco: Baylor University Press, 1985); William Lee Miller, *The First Liberty: Religion and the American Republic, 182–183* (New York: Paragon, 1988); Glenn W. LaFantasie, ed., *The Correspondence of Roger Williams*, 2: 23 (Providence: Rhode Island Historical Society, 1988); Hugh Spurgin, *Roger Williams and Puritan Radicalism in the English Separatist Tradition* (Lewiston: E. Edwin Mellen Press, 1989); Edwin S. Gaustad, *Liberty of Conscience: Roger Williams in America* (Grand Rapids: William B. Eerdmans, 1991).

There is a possibility that Roger Williams had read the Eighth Book of Hooker's *Of the Laws of Ecclesiastical Polity*. Probably about 1630, various Hooker manuscripts, including the surviving drafts for the Eighth Book, had been acquired for Lambeth Palace. On June 27, 1644, however, during the tumult of the Civil War, the House of Commons gave the Lambeth Palace Library to Hugh Peters "as a reward for his remarkable service in those sad times of the Church's confusion." *Of the Laws of Ecclesiastical Polity*, in *Works of Richard Hooker*, 3: xviii (VIII). This prompted Bishop King to say that Hooker's manuscripts "could hardly fall into a fouler hand." *Ibid.*, xxviii, note 21. Roger Williams may well have had

Williams was a Separatist. Whereas Anglicans and those who would eventually be known as Congregationalists looked back to the example of Israel to suggest that their entire nation had a divine covenant and were a chosen people, Separatists feared that, under the New Dispensation, nations necessarily included the unregenerate. Therefore, as has been seen, Separatists not only gathered in their own congregations, in the manner of Congregationalists, but also declared themselves and their “particular” churches separate from any national church. Williams joined his fellow Separatists in breaking away from Anglicans and their conception of a national church, and, beginning at least in 1631 when he arrived in Boston, he further separated from the Puritans of Massachusetts and their Congregational version of a national English church. In adhering to his Separatist principles, Williams on more than one occasion sacrificed valued friendships, and when quarreling with the Congregationalists, he increasingly found himself opposed to an old friend, John Cotton, who had become the most persistent advocate of the Massachusetts colony’s national Congregational vision.

Williams took his Separatism so far as to insist on separating even from most Separatists. Like other Separatists, he argued that particular churches or congregations were obliged to separate from territorial, national churches, whether the Church of England or the Congregational churches of Massachusetts. Yet, for Williams, not only a particular congregation but each individual member of it had to be fully separated from the impurity of the unregenerate. Most Separatists had no complaint about fellow congregants who, when visiting England, occasionally attended Anglican services. Williams, however, could not tolerate such impurity, and accordingly he lasted only briefly in any congrega-

a different view, for, already in 1637, he referred to Peters as “my worthy friend.” Roger Williams, Letter to John Winthrop (July 21, 1637), in LaFantasie, *The Correspondence of Roger Williams*, 1: 106. Even before June 1644 Hooker’s manuscripts probably attracted interest, for Bishop King, after disparaging Hugh Peters, added, “yet there wanted not other endeavours to corrupt and make them speak that language, for which the faction then fought.” *Works of Richard Hooker*, 3: xxviii, note 21. Both before the summer of 1644 and after, Hooker’s manuscripts would have been the focus of some attention, and by 1648 the printer’s notice to the first publication of the Eighth Book could observe that “Copies are abroad.” Indeed, the 1648 edition was based on six manuscripts, and today at least ten are extant, none of which can certainly be identified as one of the six relied upon by the editors of the 1648 edition. *Ibid.*, xxix. Accordingly, by the time Williams published his *Mr. Cotton’s Letter, Lately Printed, Examined and Answered* in February 1644, he may have seen either Hooker’s drafts or copies of them.

tion. Williams “refused to join with the congregation at Boston, because they would not make a public declaration of their repentance for having communion with the churches of England, while they lived there.”²⁸ From Boston he went to the Separatist church at Salem and finally retreated to the Separatist church at Plymouth, the most separate of the Massachusetts Separatist congregations. Yet Williams felt obliged to leave even this congregation “something abruptly” in 1633 when he could not persuade its members to adopt his “rigid separation.” Although he went back to the church at Salem, he later refused to take communion there on account of its impurity.²⁹ With an abhorrence of any taint upon the regenerate, he insisted that women “cover themselves with veils when they went abroad, especially when they appeared in publick assemblies,” and that church members not pray with the unregenerate. He apparently even held that a man should not pray with his wife if she were unregenerate. He also argued that “a magistrate ought not to tender an oath to an unregenerate man,” and he rejected the Boston churches “as full of antichristian pollution.”³⁰ All of this seemed scandalous to Cotton and other Congregationalists, who understood their churches to be fully regenerate and who sought to purify the Church of England.

In questioning the purity of the churches of Massachusetts, Roger Williams also challenged the colony’s use of its civil power to force the regenerate to mix in churches with the unregenerate. Such coercion seemed, to Williams, to threaten the freedom of individuals and the purity of the regenerate. Accordingly, Williams argued that “the magistrate ought not to punishe the breache of the first table [of the Ten Commandments], otherwise then in suche Cases as did disturbe the Civill peace.”³¹ Only civil offenses—breaches of the peace—were subject to civil sanctions.

For years, the General Court of Massachusetts attempted to persuade Williams to abandon his errors. Finally, however, in October 1635

²⁸ LaFantasie, *The Correspondence of Roger Williams*, 2: 12 (quoting Winthrop’s *History*, 1: 63).

²⁹ *Ibid.*, 13–14 (quoting Morton’s *Memorial*, 102–103), and 21.

³⁰ *Ibid.*, 16, 19–21; Morgan, *Roger Williams*, 27; James D. Knowles, *Memoir of Roger Williams*, 68 (Boston: 1834).

³¹ *The Journal of John Winthrop 1630–1649*, 150 (July 8, 1635), ed. Richard S. Dunn, James Savage, and Laetitia Yeandle (Cambridge, Mass.: Belknap Press, 1996). Although these words came from the accusation against Williams in the General Court, there is no reason to doubt the accuracy of this charge.

Massachusetts made tangible its claim that, like ancient Israel, it could use civil power to enforce conformity to its national church. Williams had reiterated his views that the Boston magistrates had acted oppressively and that the church in Salem should fully separate from other Massachusetts churches and renounce communion with them.³² In so doing, he simultaneously repudiated religious beliefs he considered false and rejected the impure use of civil power in a realm governed by a higher power. It was a stance that left the General Court little choice. With a punishment that aptly expressed its national understanding of religion, the General Court banished him, and early the next year he departed to seek freedom in Rhode Island, in a place he and his fellow settlers called "Providence."

Williams argued against infringements on religious liberty by adopting the arguments of the early seventeenth-century Baptists who attributed different objects and weapons to Christ's kingdom and to civil government.³³ For example, in explaining the limits of civil jurisdiction, Williams drew upon Jesus' parable of the tares and the wheat. According to Jesus (as recounted in Matthew 13.24–44), a man planted wheat, and, when the "enemy" sowed tares among the wheat, the man's servants asked whether they should weed out the tares, but the man said: "Nay, lest while ye gather up the tares, ye root up also the wheat with them. Let both grow together until the harvest." From this, Williams concluded that, "as the *civill State* keepes itselfe with a *civill guard*, in case these *Tares* shall attempt ought against the *peace* and *welfare* of it, let such *civill offences* be punished, and yet, as *Tares* opposite to *Christs Kingdome*, let their *Worship* and *Consciencs* be tolerated." The civil state could apply its civil penalties to civil offenses, as these were opposed to the state, but it could not apply such punishments to consciences or worship, as these related to Christ's kingdom. Concomitantly, Christ's kingdom had complete jurisdiction over conscience and worship but none over civil offenses. "But as the *Civill Magistrate* hath his charge of the *bodies* and *goods*

³² LaFantasie, *The Correspondence of Roger Williams*, 1: 20–21.

³³ For Williams's views on these different jurisdictions, see Little, "Roger Williams and the Separation of Church and State"; Miller, *The First Liberty*, 182–183; Hall, "Roger Williams and the Foundations of Religious Liberty," 482; Hall, *Separating Church and State*, 72–98; Gilpin, *The Millenarian Piety of Roger Williams*; Morgan, *Roger Williams*; Spurgin, *Roger Williams and Puritan Radicalism*; Daniel L. Dreisbach, "Sowing Useful Truths and Principles," *Journal of Church and State*, 39: 483 (1997).

of the *subject*: So have the *spirituall Officers, Governours and overseers of Christs City or Kingdome*, the charge of their *souls*, and *soule safety*.”³⁴ Thus, in contrast to Cotton and the others in Massachusetts who held that there, as in Israel, the magistrate possessed both civil and spiritual power, Williams believed that civil governments had not been given authority over spiritual matters.

Yet Williams took the division between the worldly and the spiritual far beyond this conventional Baptist argument about religious liberty. For example, he argued that an exclusively worldly foundation was adequate for specialized worldly activities, including government, family life, and commerce. “And hence it is true, that a *Christian Captaine, Christian, Merchant, Physitian, Lawyer, Pilot, Father, Master*, and (so consequently) *Magistrate, &c.* is no more a *Captaine, Merchant, Physitian, Lawyer, Pilot, Father, Master, Magistrate, &c.* then a *Captaine, Marchant, &c.* of any other Conscience or Religion,” and “A *Pagan or Antichristian Pilot* may be as skillfull to carry the Ship to its desired Port, as any *Christian Mariner or Pilot*.”³⁵ So severe was Williams’s division between the spiritual and the worldly that they seemed almost irrelevant to each other, leaving worldly activities—or at least those so specialized as to seem secular—unburdened by spiritual concerns. This transcended the religious liberty Baptists had demanded and hinted how social specialization was secularizing human life, stripping religion of much of its worldly significance. By no coincidence, such observations came from the man who, more than any other, rejected the hopes of his contemporaries for churches that included entire communities, local or national.

In 1644 Williams wrote his famous *Bloudy Tenent of Persecution*. In 1643, when England was in the middle of its civil war, Williams hoped to obtain a charter for his new home, Rhode Island, and he therefore sailed to London. He arrived in the autumn at a dramatic moment. In an attempt to solicit the support of Scotland against the king, the House of Commons adopted the Solemn League and Covenant, by which the Commons agreed to reform the Church of England on the Scottish Presbyterian model. Of course, those who were not Presbyterians feared that

³⁴ *The Bloudy Tenent, of Persecution, for Cause of Conscience, discussed, in a Conference between Truth and Peace* (1644), in *The Complete Writings of Roger Williams*, 3: 111, 127 (New York: Russell & Russell, 1963).

³⁵ *Ibid.*, 3: 398–399. For this interpretation of this passage, see Morgan, *Roger Williams*, 118.

the Solemn League and Covenant would threaten their freedom. In these circumstances, beginning in the winter of 1644, Roger Williams wrote his *Bloudy Tenent of Persecution*, which he cautiously published, however, only in July 1644, after he had obtained his charter and was ready to return to Rhode Island. Although he took aim most directly at “Mr. Cotton, and the New England ministers,” he wrote his *Bloudy Tenent* as a methodical compendium of all the arguments for freedom of conscience. He designed it to contain the “whole *Body*” of the “Controversies of *Persecution* for cause of *Conscience*,” which was something “beyond what’s extant.” Intending to present for the first time the whole of the debate over persecution, Williams methodically included “*Arguments* from *Religion*, *Reason*, [and] *Experience*.” Strikingly, however, in a book designed to compile all known arguments against persecution, Williams did not present his most purifying image, the wall of separation.³⁶

Instead, Williams discussed the wall of separation in another pamphlet published almost six months earlier. In 1636, shortly after Massachusetts banished Williams, John Cotton had written to Williams to justify the colony’s refusal to reject the Church of England and its civil enforcement of its Congregational establishment. Toward the end of his letter, Cotton condemned Williams for separating from English parish churches and from the churches of New England that allowed their members to attend such parish churches:

It is not to helpe Jehovah, but Satan against him, to withdraw the people of God from hearing the voyce of Christ which is preached in the evidence, and simplicity, and power of his Spirit in sundry Congregations (though they be Parishes) in our native Country. In which respect,

³⁶ *The Complete Writings of Roger Williams*, 3: 5–6 (dedication). Williams’s contemporary, William Chillingworth, alluded to walls of separation in his arguments for religious liberty but only as a metaphor for the sectarian opinions that divided Christians: “[T]his deifying our own interpretations, and tyrannous forcing them upon others; this restraining the word of God from that latitude and generality, and the understandings of men from that liberty wherein Christ and the apostles left them, is and hath been the only fountain of all the schisms of the church, and that which makes them immortal. Take away these walls of separation, and all will quickly be one. Take away this persecuting, burning, cursing, damning of men for not subscribing to the words of men as the words of God; . . . I say, take away tyranny, and restore Christians to their just and full liberty of captivating their understanding to Scripture only; and as rivers, when they have a free passage, run all to the ocean, so it may well be hoped, by God’s blessing, that universal liberty, thus moderated, may quickly restore Christendom to truth and unity.” Chillingworth, *The Religion of Protestants: A Safe Way to Salvation*, 250 (1638; London: H. G. Bohn, 1846).

though our people that goe over into England, choose rather to heare in some of the Parishes where the voyce of Christ is lifted up like a trumpet, then in the separated Churches (where some of us may speak by experience we have not found the like presence of Christ, or evidence of his Spirit).

Against the separated churches, Cotton added: "It is not Chirurgery, but Butchery, to heale every sore in a member with no other medicine but abscission from the body."³⁷ Accordingly, to prevent this separation, civil government had to enforce conformity by law. Williams had replied with a letter of his own, and there the matter rested until the fall of 1643, when someone (perhaps Williams himself) arranged to have Cotton's letter published in London. Finally, having reason to respond publicly, Williams in February 1644 published his own letter under the title *Mr. Cotton's Letter, Lately Printed, Examined and Answered*.³⁸

According to Williams, Cotton and the other Massachusetts Congregationalists failed to separate their churches from worldly impurities. The Congregationalists combined the regenerate with the unregenerate, and their dependence upon state coercion amounted to an admission of this impurity. "[B]y compelling all within their *Jurisdiction* to an outward conformity of the *Church worship*, of the *Word* and *Prayer*, and *maintenance* of the *Ministry* thereof, they evidently declare that they still lodge and dwell in the confused mixtures of the *uncleane* and *cleane*, of the *flock* of *Christ* and the *Herds* of the *World* together, I mean in *spirituall* and *religious* worship."³⁹ The Congregationalists coercively mixed in their congregations both the regenerate and the unregenerate, the clean and the unclean, and thus seemed to hold that "the *Garden* and the *Wilderness*, the *Church* and the *World* are all one."⁴⁰

In contrast, Williams hoped to wall off the garden from the wilderness. The book of Isaiah (5.5–6) had warned that the wall protecting the vineyard or garden would be broken down as a divine punishment: "I will tell you what I will do to my vineyard: I will take away the hedge thereof . . . and break down the wall thereof. . . . And I will lay it waste."

³⁷ *A Letter of Mr. John Cottons Teacher of the Church in Boston in New-England to Mr. Williams a Preacher There* (London: 1643), in LaFantasie, *The Correspondence of Roger Williams*, 1: 42–43.

³⁸ LaFantasie, *The Correspondence of Roger Williams*, 1: 31–32.

³⁹ *The Bloody Tenent, of Persecution*, in *The Complete Writings of Roger Williams*, 3: 234.

⁴⁰ *Ibid.*, 3: 233.

In requiring the regenerate to mix with the unregenerate, the Congregationalists and other established churches breached the wall or hedge separating the church from the world, and they thereby brought about the reduction of the garden to a wilderness—a wasteland in which the regenerate were deprived of divine light:

[T]he faithful labours of many Witnesses of *Jesus Christ*, extant to the world, abundantly proving, that the Church of the Jews under the Old Testament in the type, and the *Church* of the Christians under the New Testament in the Antitype, were both separate from the world; and that when they have opened a gap in the hedge or wall of Separation between the Garden of the Church and the Wilderness of the world, God hath ever broke down the wall it selfe, removed the Candlestick, &c. and made his Garden a Wilderness, as at this day.

Therefore, if he were “ever please[d] to restore his Garden and Paradise again, it must of necessitie be walled in peculiarly unto himselfe from the world.”⁴¹ Williams desired religious liberty of a sort enunciated by the Baptists, but, clearly, he also hoped to build a wall separating the regenerate from the unregenerate and the church from the world.

New Light on an Old Metaphor

Although Williams has become famous for his wall of separation, he in fact combined two images: the wall and the candlestick. He placed the candlestick in the enclosed garden of the church, and he thereby shed much light on his radically individualistic and anticlerical understanding of the church he would keep separate from the world.

Although not necessarily individualistic or anticlerical, the image of a candlestick could have such implications, and to discern these, it is necessary to look back briefly to the late Middle Ages and the illuminated books of hours and prayer books frequently used for private devotions. In the northern Netherlands, as shown by James Marrow, the prayers contained in such books sometimes described John the Baptist as the “lantern of the Lord” or the “lantern of the world,” and the accompanying illustrations sometimes depicted him holding a lantern. Later, in

⁴¹ *Mr. Cotton's Letter, Lately Printed, Examined and Answered* (London: 1644), in *ibid.*, 1: 392 (ch. 28). Williams added that “all that shall be saved out of the world are to be transplanted out of the Wilderness of the world, and added unto his Church or Garden.” *Ibid.*

at least one mid-sixteenth-century panel painting, he holds a burning candle. In the words of the Gospel of John (5.35), the Baptist was a “bright and shining light.”⁴² Eventually, however, as also shown by Marrow, some books of hours made for the English market displayed the lantern on the ground or hanging from a tree in an expanse of unimproved land of the sort that was known as a “desert” or “wilderness.” In these illustrations the Baptist stood nearby—in one instance, pointing to the lantern—suggesting an appreciation of another passage in John (1.8): “He was not that light, but was sent to bear witness of that light.”⁴³ Now Jesus himself, rather than the Baptist, appeared as the light of the world. It was a portentous change—suggesting profound possibilities for individual enlightenment and, concomitantly, dark suspicions of the clergy.

These evolving images may reveal an interest in the claims of John Wycliffe and other reformers who urged individuals to find illumination by reading the Bible for themselves. In early fifteenth-century England those sympathetic to Wycliffite views—the so-called “Lollards”—had recited Proverbs (6.23) that “Goddis comaundementis ben a lanterne & that lawe is light,” and, even more radically, they had argued that “the wit of Crist is so clere light that in hise wordis ther may no man erre; he takith the persone of pore nedi & spekith in poore men as in him silf.”⁴⁴ Each person, even the poor and needy, could read the Bible and find Christ’s light himself, without clerical assistance. Accordingly, the “Lantern of Light” was adopted as the name of a Wycliffite tract popularizing such ideas and, more broadly, became a Wycliffite symbol of the illumination each person might find for himself in the Scriptures.⁴⁵ In

⁴² James Marrow, “John the Baptist, Lantern for the Lord: New Attributes for the Baptist from the Northern Netherlands,” *Oud Holland*, 83: 13 (1968), quoting John 5.35.

⁴³ James Marrow, “John the Baptist, Lantern for the Lord: A Supplement,” *Oud Holland*, 85: 188 (1970).

⁴⁴ Lilian M. Swinburn, ed., *The Lantern of Light*, 123, 30 (London: Early English Text Society, 1917). The second quotation cited “Mat. xxv.” (Quotations from the *Lantern* are made more readable here by modernizing punctuation and orthography and dropping the editor’s italicization of letters inserted to fill in contractions.)

⁴⁵ *Ibid.*, viii. This individual enlightenment could cast a strong shadow. On the one hand, “Light & sunne is up spronngen & meke loweli ben uphaunsid [i.e., enhanced].” On the other, “What euer that ony man doith that failith this light it ledith blyndingis to the dungun of helle.” *Ibid.*, 28–29.

Incidentally, the key texts recited in the *Lantern* were not from John, but Wycliffites seem to have understood the importance of what John had to say about the light. Revealing what may have been anxiety that Jesus would not be understood as having given the

these circumstances some Englishmen and women, even if not Lollards, seem to have preferred images in which the Baptist was not the light but merely the witness of it. Eventually, especially in the aftermath of the Reformation, the Baptist dropped out of the picture altogether, and the lantern or a candlestick stood on its own in the wilderness—a representation of scripture lighting the way for individuals living in the world.⁴⁶

light to individuals, some versions of the Wycliffe Bible provided alternative readings to John 5.35: “Sothli he was a lanterne brennyng and schynynge,” to which some copies added “or [g]yvyng light.” Josiah Forshall and Frederic Madden, eds., *The Holy Bible Containing the Old and New Testaments . . . in the Earliest English Versions Made from the Latin Vulgate by John Wycliffe and His Followers*, 3: 249 (Oxford: 1850).

⁴⁶ Such an image, with the words “Praelucendo Pereo,” was used as a printer’s device in London in the 1620s and 1630s—as was the more common variant that emphasized the role of scripture, the candle on a Bible. Ronald B. McKerrow, *Printers and Publishers’ Devices in England and Scotland 1485–1640*, 155 and illustration nos. 413 and 412 (London: Bibliographical Society, 1913). For other variants, see, e.g., [Jacques Callot?], *The Maid-servant* (woman sitting on hillock holding a candlestick); Daniel Cramer, *Emblemata Sacra*, 37 (Frankfurt: 1624) (seeing heart in unimproved land, with shining lantern above held by arm from cloud, illustrating Psalm 36, v.10, “In deinem liecht sehen wir das liecht”); Francis Quarles, *Emblemes*, 128 (London: 1635) (angel holding a shining lantern at night in unimproved land, approached by a woman with outstretched arms, illustrating Psalm 29, v.6, “My soule hath desired thee in the night”). According to John (1.9), Jesus had said “let your light shine,” and, in this spirit, Augustine had written that “all men are lamps,” which could be “both lighted and extinguished”—a common Christian metaphor adapted by many seventeenth-century artists to depict the light, life, grace, inspiration, or talents within individuals. Augustin, *Homilies on the Gospel of John*, Tractate 23 (John 5.19–40), in *A Select Library of the Nicene and Post-Nicene Fathers*, 7: 151. See also “Liceat Sperare Timenti,” in *Emblemata Moralia et Æconomica*, 40 (emblem 20), in Jacob Catz, *Proteus ofte Minne-Beelden Verandert in Sinne-Beelden Door* (Rotterdam: 1627); Francis Quarles, *Hieroglyphikes of the Life of Man* (London: 1638). Incidentally, in employing the image of the light in the lantern, the great Quaker apologist, Robert Barclay, seems to have alluded to an oral tradition on the subject among Quakers. Barclay, *An Apology for the True Christian Divinity: Being an Explanation and Vindication of the Principles and Doctrines of the People Called Quakers*, 147 (Propositions V & VI, sec. 16) (1676; Providence: 1840). For further variants, see Arthur Henkel and Albrecht Schöne, *Emblemata Handbuch zur Sinnbildkunst des XVI. und XVII. Jahrhunderts*, 1362–1373 (Stuttgart: J. B. Metzlersche, 1967).

The basic motif could, of course, be deployed for very different purposes. In the 1640s it was used to illustrate “The Royal Flame” on the frontispiece to a volume of cases of conscience by the man who would soon become chaplain to the unfortunate King Charles I, Henry Hammond—an image that simultaneously depicted the light of conscience and the obligation in conscience to the Lord’s anointed, a message made clear by the quotation inscribed on the base of the candlestick from 2 Samuel 21.17, “Quench not the Light of Israel.” Hammond, *A Practical Catechisme* (1644; 2d ed., 1646). See also *Allegory of Charles I of England and Henrietta of France in a Vanitas Still Life* (after 1669), in Birmingham Museum of Art, Atlanta.

This bright image of individual illumination had a somber alternative, as became apparent in some early seventeenth-century pictures, in which the light was removed or snuffed out by the clergy. According to the Book of Revelation (1.12–13, 20, and 2.4–5), John turned to “see the voice that spake with me. And being turned, I saw seven golden candlesticks; And in the midst of the seven candlesticks one like unto the Son of man,” who told John that the “seven candlesticks which thou sawest are the seven churches.” John was instructed to write to “the angel of the church” of Ephesus: “Nevertheless I have somewhat against thee, because thou hast left thy first love. Remember therefore from whence thou art fallen, and repent, and do the first works; or else I come unto thee quickly, and will remove thy candlestick out of his place, except thou repent.” Some seventeenth-century printmakers applied this Biblical vision to the Church of England by portraying the attempts of the clerical hierarchy to extinguish or remove a candlestick that stood in the wilderness. In one print, a lighted candlestick rested on a Bible, which lay in unimproved ground within a landscape. The candle was held by three hands—two apparently trying to dislodge it, and a third, coming out of a cloud, keeping it steady. Below, a caption complained to an authority higher than the episcopacy:

Prevailing Prelat[e]s strive to quench our Light,
Except your sacred power quash their might.⁴⁷

Similarly, a woodcut emblem showed a burning candlestick standing in a wilderness—the candle being grasped by three truncated hands. Two of these hands belonged to the bishops:

⁴⁷ John Leighton, *An Appeal to the Parliament; or Sions Plea against the Prelacie* (1629) (STC 15428.5). See Frederick George Stephens, *Catalogue of Political and Personal Satires Preserved in . . . British Museum*, 1: 64 (no. 104) (British Museum, 1978). These motifs may have played off earlier Catholic images. Already in Robert Campin’s Annunciation Triptych of ca. 1425–1430—the Merode Altarpiece in the Cloisters—the descent of the Holy Ghost rushing through the air toward Mary seems to extinguish the solitary candle by which she was reading. A trail of smoke rises from the dying ember of the wick. Although the painting may allude to the extinguishing of the man-made light of reformers, this is purely speculative, and there are many other possible interpretations. For a description, see Maryan W. Ainworth and Keith Christianen, eds., *From Van Eyck to Bruegel: Early Netherlandish Painting in The Metropolitan Museum of Art*, 89 (New York: Metropolitan Museum of Art, 1998). For one of many accounts of the painting’s iconography, see William S. Heckscher, “The Annunciation of the Merode Altarpiece: An Iconographic Study,” in *Miscellanea Jozef Duverger: Bijdragen tot de kunstgeschiedenis der Nederlanden* (Gent: Vereniging voor de Geschiedenis der Textielkunsten, 1968).

Two hands together heere with griping hold,
 And all their force, doe striue to take away
 This burning Lampe, and Candlestick of Gold,
 Whose light shall burne in spite of Hell . . .
 For tis the Truth so holy and divine.
 Which soule Ambition hath so often vext,
 And swelling pride of Praelates put in doubt,
 With covetuousnes that greedie Monster next,
 That long I feare me since it had bene out,
 Did not thy hand (deare Saviour) from above
 Defend it so, that it might never moue.⁴⁸

Only a hand “from above” could protect this “burning Lampe, and Candlestick of Gold” from the grasping hands of the prelates, who strove to take it away. It was this candlestick—the light of divine truth illuminating individual conscience in the wilderness of this world, a light the prelates and now also the Congregationalists threatened to extinguish or remove—that Williams described as threatened by a breach in the wall separating the garden from the wilderness.

Unlike the pictures, Williams envisioned the candlestick in the garden of the church rather than in the wilderness, and he thereby separated it from the world. Williams explained: “The Nationall Church of the Jewes . . . were as a silver candlestick, on which the light of the Knowledge of God and the Lord Jesus in the type and shadow was set up [and] shined. That Silver Candlestick it pleased the most holy and only wise to take away, and in stead thereof to set up the Golden Candlesticks of particular Churches (*Revel. I.*) by the hand of the Son of God himselfe.”⁴⁹ Williams associated these golden candlesticks with particular separated churches rather than the wilderness of the world. Accordingly, the light was in peril, for as already seen, when Christians “opened a gap in the hedge, or wall of separation, between the garden of the church and the wilderness of the world, God hath ever broke down the wall

⁴⁸ Henry Peacham, *Minerva Britanna*, 3 (1612). For variants, see, e.g., Daniel Cramer, *Emblemata Sacra*, 137 (Frankfurt: 1624) (man with bleeding nose in unimproved land with candle extinguished by arm from cloud); see also variants in Henkel and Schöne, *Emblemata Handbuch zur Sinnbildkunst*, 1364, 1375, 1376. According to Calvin, the “Papists . . . abuse the lamps for extinguishing the light of God.” *Calvin’s Commentaries*, 17 (part 2): 214 (John 5.35).

⁴⁹ Roger Williams, *Mr. Cotton’s Letter, Lately Printed, Examined and Answered* (London: 1644), in *The Complete Writings of Roger Williams*, 1: 356.

itself, removed the candlestick, &c. And made his garden a wilderness, as at this day.”

Both in adhering to convention and in departing from it, Williams revealed the radicalism of his ideas. In using the metaphor of the removed or extinguished candle, Williams participated in the traditions of radical antiepisopal imagery. Yet, by transposing the light from the wilderness into the garden, he suggested his high expectations for the purity of the church and his very different expectations for the wilderness of the state. At the same time, when he put the light in the garden, he brought together images of individual conscience and of the church, clarifying that there was little room for the clergy in Williams’s purified Christianity. Thus the candlestick hints at the significance of Williams’s more famous image, the wall of separation, and suggests the ways in which this separation was not simply a matter of religious liberty.

Williams’s Anticlericalism

In his desire for purity and his suspicion of the clergy, Williams stood well beyond the Christianity of most other Christians. He sought a faith untainted by clerical corruption, and to this end he separated himself from all institutionalized religion, including even that of his fellow Separatists.

The length to which Williams carried his anticlericalism is most clearly evident in his opposition to any “hireling” clergy, even in their own, voluntary churches. In 1652 Williams, like the Quakers, questioned the legitimacy of any formal and, particularly, any paid clergy, whose spiritual qualifications were tainted by worldly things. Believing that Constantine, through his supposed donation of the western empire to the pope, had introduced the reign of the anti-Christ, Williams doubted whether “the *Feeding and Nourishing Ministry of Pastors and Teachers*, according to the first *Institution of the Lord Jesus*, are yet restored and extant,” and he opposed any ministry other than “the true *Ministry* appointed by *Christ Jesus*.”⁵⁰ Cotton interpreted Williams to mean “that the Apostacie of Antichrist hath so farre corrupted all, that there can be no

⁵⁰ Roger Williams, *A Hireling Ministry None of Christs* (London: 1652), in *The Complete Writings of Roger Williams*, 7: 160; also quoted by Edward Bean Underhill, ed., *The Bloudy Tenent of Persecution for Cause of Conscience Discuss’d*, xxvii (London: Hanserd Knollys Society, 1848).

recovery out of that Apostacie, till Christ shall send forth new Apostles to plant Churches anew."⁵¹ What Williams advocated, however, was the ministry of those who were converted and called by Jesus. Complaining of "how greatly some mistake, which say I declame against all Ministries, all Churches, all Ordinances," he explained that, "since the Apostasie, and the interrupting of the first ministry and order, God hath graciously and immediately stirred up and sent forth the ministrie of his Prophets, who during all the raigne of Antichrist, have prophesied in sackcloth, and the saints and people of God have more or less gathered to and assembled with them."⁵² He did not deny the possibility of "an Externall Test and Call, which was at first and shall be againe in force at the Resurrection of the Churches." Yet, "in the present State of things, I cannot but be humbly bold to say, that I know no other true Sender, but the most Holy Spirit. And when he sends, his Messengers will goe, his Prophets will prophecy, though All the World should forbid them." Unlike these prophets, the clergy of existing churches were "hirelings," for "[i]n their Wages, whether by Tithes or otherwise, they have alwayes run in the way of an Hire, and rendred such Workemen absolute Hirelings between whom and the true Sheaphheard (Joh[n]. 10.) the Lord Jesus puts so expresse and sharp a Difference: so that in all humble submission, I am bold to maintaine, that it is one of [the] grand Designes of the most High, to breake downe the Hireling Ministry, that Trade, Faculty, Calling, and Living, by Preaching."⁵³

Although today Roger Williams has come to be celebrated as a prophet in the wilderness—a prophet of modern separation of church and state—his understanding of religious liberty needs to be understood as part of his relentless quest for religious purity.⁵⁴ It was a quest that led him to separate from the Church of England, from the Congregationalists, and even from other Separatists. He so urgently desired purity that he forbade the clergy from earning their living within their own, purely voluntary churches, lest they defile themselves with power, money, or other impure things of this world. For Williams, therefore, any separa-

⁵¹ John Cotton, *A Reply to Mr. Williams His Examination* (1647), in *The Complete Writings of Roger Williams*, 2: 19; also quoted by Underhill, ed., *The Bloudy Tenent*, xxvii.

⁵² Roger Williams, *A Hireling Ministry*, in *The Complete Writings of Roger Williams*, 7: 155–156.

⁵³ *Ibid.*, 160, 163. For a discussion of these issues, see Hugh Spurgin, *Roger Williams and Puritan Radicalism*, 45–47.

⁵⁴ Morgan, *Roger Williams*, 27; Hall, *Separating Church and State*, 24–25, 30; Reinitz, "Symbolism and Freedom."

tion of church and state he may have imagined was but part of a broader separation of the garden from the wilderness of the world—a separation that tore through the logic of establishments but also through the human distinctions and institutions of which churches in this world were made. So great was his discomfort with any impure clerical authority that he abandoned his own tiny Baptist congregation in Rhode Island only months after joining it, apparently with the intention of becoming a seeker. Not merely opposed to religious establishments, their penalties, and privileges, Williams questioned the very possibility of Christian ministers or churches in any of their external, institutional manifestations until the “*Resurrection of the Churches.*”

Williams’s anticlerical stance was not lost on at least one eighteenth-century commentator. Baptist dissenters, such as John Callender in 1739 and Isaac Backus at the end of the century, had nothing but praise for Williams as an opponent of establishments, but, whether from ignorance or convenience, they said nothing about his ideas concerning either a hireling ministry or the separation of the church from the world.⁵⁵ More willing to focus on Williams’s anticlericalism was a defender of Connecticut’s establishment, the great lexicographer, Noah Webster, who recognized (in his Americanized spelling) that “Roger Williams and hiz adherents imbibed an inveterate hatred against the colony of Massachusetts, and in particular against the clergy, whoze rigid zeal occasioned their expulsion from the colony.” With his own “zeal,” Webster added that in Rhode Island this “prejudice” of Williams and his followers “continued among their desendants, and to this day the inhabitants boast of their liberality of sentiment and their freedom from the bigotry of clergymen, which, they say, enslaves the people of Massachusetts and Connecti-

⁵⁵ John Callender, *An Historical Discourse on . . . Rhode-Island*, ed. Romeo Elton, Collections of Rhode Island Historical Society, vol. 4 (Providence: 1838); Isaac Backus, *History of New England* (1871; New York: Arno, 1969). See also Thomas Crosby, *The History of the English Baptists*, 1: 117 (London: 1738). Although many Baptists did not formally distinguish their pastors as ministers, this was changing rapidly toward the end of the eighteenth century. Moreover, although some eighteenth-century Baptists doubted whether preachers should enter subscriptions or other contracts with their flock, or whether preachers should enforce such contracts at law, Baptists ordinarily had no qualms about a preacher’s receipt of voluntary contributions, and increasingly they did enter contracts. Indeed, many New England congregations eventually incorporated so that they could collect funds with assistance of the tax collector.

cut.”⁵⁶ Webster recognized that Williams’s reputation would suffer if his “aversion to the clerical order” became known to the many eighteenth-century Americans whose Protestantism did not go to such extremes of anticlericalism. In this respect, Webster understood the character of Williams’s unusual opinions far better than have many subsequent observers.⁵⁷

Later Seventeenth- and Eighteenth-Century Advocates of Separation

The separation of church and state found little support during the seventeenth and eighteenth centuries, except among some English and French critics of the clergy. Like Roger Williams, these enlightenment writers opposed establishments from a distinctively anticlerical perspective, and therefore they felt no qualms about the separation Hooker condemned.⁵⁸ Of course, they probably did not know Williams’s writings and certainly had more secular beliefs, but they, like Williams, distrusted institutional churches and clergy and therefore did not worry that separation might limit such institutions more than a mere disestablishment.

Already in the late seventeenth century John Locke alluded to a sort of separation, but only a very limited sort, which he employed to defend toleration. In his 1689 *Letter Concerning Toleration*, Locke argued for toleration, but he made no direct objection to government support for religion, and he insisted that civil government could deny toleration for opinions that tended to undermine the safety of government

⁵⁶ Noah Webster, “Miscellaneous Remarks on Divisions of Property, Government, Education, Religion, Agriculture, Slavery, Commerce, Climate and Diseases in the United States” (Philadelphia: 1787), in *A Collection of Essays and Fugitive Writings*, 336 (Boston: 1790). Such attitudes about Rhode Island were common among Federalists. See Cynthia Louise Kersten, ed., “Isaac Backus’s Remarks on Morse’s Geography,” 10 (master’s thesis, Brown University, 1963).

⁵⁷ The radical character of Williams’s views in his *Hireling Ministry* may perhaps explain the reluctance of the editors of the Narragansett edition of his works to publish this pamphlet. Perry Miller observed that “[t]he Editors were certainly aware of its existence, since the title appears in their bibliography of his writings. The reasons behind this omission remain obscure, and no plausible explanation comes readily to mind.” Roger Williams, *A Hireling Ministry*, in *The Complete Writings of Roger Williams*, 1: 145.

⁵⁸ Hooker’s account of separation was widely known, as may be illustrated by Warburton’s discussion of it, which, in turn, was quoted by Priestley. *The Theological and Miscellaneous Works of Joseph Priestley*, 16: 4, ed. John T. Rutt (London: 1817–1832).

and civil society, including “opinions contrary to human society, or to those moral rules which are necessary to the preservation of civil society.” Although these arguments would eventually become important in America, only one aspect of Locke’s *Letter*—a brief allusion to separation—needs to be considered here. In examining “what the duty of toleration requires from . . . the clergy,” Locke wrote: “This only I say, that whencesoever their authority be sprung, since it is ecclesiastical, it ought to be confined within the bounds of the church, nor can it in any manner be extended to civil affairs, because the church itself is a thing absolutely separate and distinct from the commonwealth. The boundaries on both sides are fixed and immoveable.”⁵⁹ Although Locke wrote of the church as “absolutely separate and distinct from the commonwealth,” and although he used this separation to limit the power of the clergy, it was not clear that he was arguing more than that the church and the commonwealth were distinct institutions with different origins, purposes, and powers. As he explained in the following sentence: “He jumbles heaven and earth together, the things most remote and opposite, who mixes these two societies, which are in their original, end, business, and in everything perfectly distinct and infinitely different from each other.” Locke’s emphasis upon the distinction and difference between church and state reinforces the impression that his description of the church as “absolutely separate and distinct from the commonwealth” was merely an expression of his pervasive and hardly original argument about the difference between religious and civil jurisdiction. As he concluded in his next sentence: “No man, therefore, with whatsoever ecclesiastical office he be dignified, can deprive another man that is not of his church and faith either of liberty or of any part of his worldly goods upon the account of that difference between them in religion.”⁶⁰ Thus, although

⁵⁹ John Locke, *A Letter Concerning Toleration*, 50, 27, ed. Patrick Romanell (New York: Macmillan, 1950). In the printed Latin version the sentence about separation ended “quandoquidem ipsa ecclesia a re publica rebusque civilibus prorsus sejuncta est et separata.” John Locke, *A Letter Concerning Toleration: Latin and English Texts Revised and Edited with Variants and an Introduction*, 38, ed. Mario Montuori (The Hague: Martinus Nijhoff, 1963). Locke seems to have carefully chosen his language here to condemn claims of ecclesiastical authority over civil matters, without criticizing clerics who held civil office or advised the civil magistrate on civil matters.

⁶⁰ Locke, *A Letter Concerning Toleration*, 27, ed. Romanell. Locke’s account drew upon similar arguments in earlier writings, both ancient and quite recent. For example, according to Sir Charles Wolseley, the “Magistratical power” was quite “mixed” with the “*Jewish Church*.” In contrast: “The *Church* of the Gospel is totally of another nature, perfectly dis-

Locke used the word “separate,” he focused on the distinction between religious and civil jurisdictions.

In a very different, more theological tradition, some Europeans and Americans condemned the union of church and state in allusive sexual language developed from the Book of Revelation. Yet they did not quite advocate separation. In 1777, for example, a dissenter in Virginia employed sexual rhetoric against an advocate of the Anglican establishment. The latter had relied upon the, by then, rather antiquated notion that the “interest of Church and State should be so blended together as that of man and wife.” The dissenter responded:

The Church has been long since betrothed to another. She is espoused as a chaste virgin unto Christ. He is her husband; and she is the bride, the lamb’s wife. And if so, was she to be joined to the State, it would be committing spiritual adultery, the most detestable of all enormities!

. . . This union we know, has often been productive of the most pernicious consequences. They have always corrupted, and often ruined one another; as wine and water mingled, turns to vinegar. The State, I say, has always corrupted the Church. . . . The very establishment corrupts the Church. And such a Church will consequently corrupt the State.⁶¹

Like this dissenter, American opponents of establishments vigorously condemned any adulterous union of church and state, but almost never embraced the other extreme of a separation between these institutions.

The separation of church and state that Hooker condemned and Williams almost espoused seems not to have been revived and directly advocated until the last half of the eighteenth century, when fears of an establishment merged with a sharply Protestant and Enlightenment animus against the clergy. For example, as shown by Daniel Dreisbach, the British Whig, James Burgh, denounced the Anglican establishment in terms of separation in 1767.⁶² Yet Burgh took this position in his *Crito*, a two-volume set of essays in which he attacked not only the English establishment but also all clerical authority and human inventions in religion. Notwithstanding that he was the son of a Scottish Presbyterian

tinct from the Civil State, can well subsist without a relation to it, and is no way intermixed in its Concerns with it.” Wolseley, *Liberty of Conscience upon Its True and Proper Grounds Asserted and Vindicated*, 30 (2d ed., 1668).

⁶¹ “Freeman of Virginia,” *Freeman’s Remonstrance against an Ecclesiastical Establishment*, 6, 7–8.

⁶² Dreisbach, “Sowing Useful Truths and Principles,” 486–490.

minister, Burgh joined Joseph Priestley in becoming a Unitarian, and, although Burgh later acquired popular fame, he achieved this for his critique of politics rather than for his religious views. Like other radical Protestants, he had come to conceive of religion in terms drawn from arguments about religious liberty—an approach that allowed him to depict religion as utterly unsocial: “I cannot, for my part, help looking upon religion as a matter, which lies wholly between God and a man’s *conscience*, exclusive of all interposition; and as what, from its specific nature, necessarily *individuates* mankind; while civil power necessarily regards them as collected into *societies*.” Accordingly, when he attacked the “*alliance* between *church* and *state*,” Burgh had little reason to worry about the broader implications of his suggestion “that the less the church and the state had to do with one another, it would be the better for both.”⁶³ Throughout his book Burgh condemned English Protestants for persecuting Catholics, but he did so largely to suggest that England’s “pretended Protestants” were equivalent to Catholics—for example, in honoring a corrupt clergy and fostering a “*persecuting* spirit.”⁶⁴

In his second volume Burgh became, as he acknowledged, “rather more severe.” Whereas he humorously dedicated his first volume to a three-year-old prince who had been made a bishop, he addressed his second volume “To the Good People of BRITAIN OF THE TWENTIETH CENTURY” and urged “[m]y dear little Non-entities” to avoid Britain’s errors in politics and religion. In the eighteenth century, “we have been doing our best to prove Christianity a mere *human* invention,” and “[w]e have bestowed much honest pains in endeavoring to shew, that a sett of sordid *Jews* might naturally be expected to give the world a system of ethics and theology, whose *purity* and *sublimity* should make those of the *polite*

⁶³ James Burgh, *Crito, or, Essays on Various Subjects*, 1: x–xi (London: 1766–1767).

⁶⁴ *Ibid.*, 2: 192 and 1: xiv. Burgh rarely used the English language as richly as when abusing both Catholics and “pretended Protestants”—the Catholics for being superstitious and the Protestants for being intolerant. He wrote that “we pretend, we do not molest the papists on account of their worshiping a god made of dough, or for speaking nonsense to the Almighty in *Latin* (it is well enough if we ourselves do not sometimes address him in *English* nonsense).” Foolishly, English Protestants sought security from the Catholic threat by “driving a set of nonsensical *Ave-Maria*-mummers from jabbering their holy spells in a mass-house.” *Ibid.*, 1: xii–xiii. Later, in a postscript to his second volume, Burgh explained that “I intended nothing less than the *destruction* of that diabolical superstition” and argued that “the *tolerating* protestant” was “in fact a more dangerous enemy to the *religion* of the papists” than “the protestant persecutor.” *Ibid.*, 2: 191.

and *learned Greeks* contemptible.”⁶⁵ In contrast, he had higher hopes for his twentieth-century readers: “Set up none of your blundering human-invented jargon, solemnly drawn out into articles, creeds, or confessions; nor pretend, I charge you, to call your absurdities sacred mysteries, or to palm them off upon the ignorant people for divine truth, threatening them with *damnation* for rejecting your clumsy inventions. . . . The heavenly authors knew better than *you*, how to *express* themselves. Do not therefore presume to establish any summaries, or compends, of their sublime sense. . . . do not attempt what is beyond the *reach of human capacity*.” Rather than “subscribing to an inconsistent *farrago* of human inventions,” the “public dispensers of religion” were “to be *masters of reason*, that they may convince the opposers of truth.” In such ways, Burgh desired “that there may not be among you so much as a shadow of *authority in religious matters*,” and he condemned the doctrines that distinguished “every puny subdivision of religionists.”⁶⁶

With this rarified conception of religion as something that “*individuates*” mankind, it should be no surprise that Burgh advocated a sort of separation. He assumed that “*ecclesiastical corruption*” was “the most odious of all corruption,” and therefore, when he blasted England’s “mixed-mungrel-spiritual-temporal-secular-ecclesiastical establishment,” he was content to envision an English Church that “stands wholly unconnected with *secular concerns*.” At one point, when Burgh urged the future inhabitants of Britain to abandon the practice of imposing religious tests on military officers, he even adopted an image similar to that which Hooker had attributed to dissenters:

Build an impenetrable wall of *separation* between things *sacred* and *civil*. Do not send a *graceless* officer, reeking from the arms of his *trull*, to the performance of a *holy rite of religion*, as a test for his holding the command of a regiment. To *profane*, in such a manner, a religion, which you pretend to *reverence*; is an impiety sufficient to bring down upon your heads, the roof of the sacred building you thus defile.

This was not quite a wall of separation between church and state. Nonetheless, it came close. From a perspective Burgh understood to be un-

⁶⁵ *Ibid.*, 2: 188, Dedication, 105, 106.

⁶⁶ *Ibid.*, 2: 109–111. In rejecting legal penalties upon Catholics, he bluntly wrote that “*human authority is tyranny*, when exerted in matters of *religion*.” *Ibid.*, 2: 193.

usual in his own century, he urged the British of the twentieth century to build a “wall of *separation*.”⁶⁷

The closest American dissenters came to demanding separation of church and state may have been in a Virginia memorial of 1783 from the General Association of Separate Baptists. Assembling at Dupuy’s Meeting House in Powhatan County, the Association petitioned the House of Delegates for greater equality under the laws regulating vestries and marriages. These Baptists sought revisions to “the vestry law” because, under the existing statute, Episcopalian vestries set parish poor rates, and therefore Baptists were “liable to be taxed, without representation.” The Baptists also wanted amendments to “some parts of the marriage act,” which, in 1780, had given legal recognition to marriages conducted by dissenting ministers but had not gone so far as to put these clergymen “on an equal footing” with their Episcopalian counterparts. Although these Baptists sought laws recognizing Baptist religious ceremonies and altering Episcopal vestries, they concluded by praying “for redress of our grievances, & that no law may pass, to connect the

⁶⁷ *Ibid.*, 2: 116–117, 119. In his closing paragraphs Burgh acknowledged the unconventional character of his views, observing that “[m]ost minds . . . are too *weak* to disengage themselves from the prejudices of *education* and *fashion*” and that “[m]ost people hate the *trouble* of groping to the bottom of the well.” *Ibid.*, 2: 245–246. Certainly, it is difficult to find other antiestablishment writers who advocated separation. One who came close was the Rev. John Hildrop—a dissentient Anglican—who compared church and state to parallel lines. Hildrop argued that sacred and civil power should be “independent,” and in the course of making this relatively conventional argument, he responded to the objection that an independent church would amount to an “Imperium in Imperio.” He wrote: “A Church absolutely independent of the State, in Things civil as well as sacred, would indeed be setting up one Power and Government within another, perpetually clashing and interfering; which, without doubt, would produce nothing but confusion. But whilst the sacred and civil Powers run each in their proper Channels, they will be like two parallel Lines, that never can meet or interfere, but are perfectly consistent and assistant to each other.” Hildrop suggested that church and state should never “meet,” but even he thought they should be “parallel,” “consistent,” and “assistant.” *The Contempt of the Clergy Considered in a Letter to a Friend*, 165–166 (London: 1739). Similarly, a Scottish minister, William Graham, used language suggestive of separation. In 1792 this minister in the United Secession Church attacked the incorporation of religious societies on the assumption that incorporation would necessarily convey special privileges. In making this argument, he wrote: “The *ADVANTAGES*, which would result from a total disengagement of Church and State, are *great, universal and lasting*.” Yet he seems to have been referring to “a total subtraction of ecclesiastical affairs from the constitutions of civil societies” rather than a separation between church and state. Graham, *A Review of Ecclesiastical Establishments in Europe*, 198, 209 (Windham, Conn.: 1808).

church, & State in the future.”⁶⁸ In light of their specific requests it may be doubted whether they considered the potential implications of a disconnection. They probably were merely responding to conventional fears of an illicit connection or union—the sort of connection that amounted to an establishment. Nonetheless, this Baptist petition reveals how already in the eighteenth century Americans could begin to conceive of disestablishment as a rejection of all connection between church and state.

Although few Englishmen or Americans appear to have demanded separation of church and state during the late eighteenth century, an eminent French intellectual, the Marquis de Condorcet, briefly adopted a version of the idea. In 1785, in his editorial notes on Voltaire, Condorcet wrote a little essay on religious liberty, in which he observed: “The interest of the princes was not to seek to regulate religion, but to

⁶⁸ Memorial of Ministers of the Ministers, & Messengers of the Several Baptist Churches in Virginia (Nov. 6, 1783), Virginia State Library, Richmond, microfilm, Misc. Ms. 425. These Baptists met at a time when they assumed they had obtained their freedom from the most severe injustices of an establishment and had only a few minor issues to address. On such assumptions in 1782, they had voted to disband their General Association after their next annual meeting and thereafter to entrust their work for religious liberty to a committee or “standing sentinel for political purposes.” Robert B. Semple, *A History of the Rise and Progress of the Baptist in Virginia*, 67 (Richmond: 1810). Although these and other Virginia Baptists continued to work for religious freedom, none of them apparently in the eighteenth century again demanded that church and state be disconnected.

Incidentally, there is reason to believe that the former members of the General Association soon realized that their fall 1783 memorial needed some correction. In the 1783 document they had generalized that laws should not connect church and state. At the same time, they had indicated a desire to share the same privileges—the same representation in vestries and the same legal authorization to conduct marriages—as enjoyed by Episcopalians. This openness to sharing legislated privileges with Episcopalians was likely to seem quite incompatible with any conception of disconnecting church and state. It even was at odds with the Baptists’ usual requests for a full equality of rights, let alone their more severe demands for no laws taking cognizance of religion. Therefore, these Baptists had reason to worry that both the generalities and the details of their fall 1783 memorial contradicted their usual antiestablishment demands. Such a reevaluation became evident in May 1784, when members of the former General Baptist Association reassembled and petitioned once again against the vestry and marriage laws. In their new document they dropped both their condemnation of laws connecting church and state and their demand for shared privileges. In particular, after referring to the earlier petitions of Baptists, they told the legislature that on account of the inequality of the vestry law they wanted it repealed, and that as marriage “is in our esteem, but a civil contract” they desired to have it entrusted to local justices. Memorial of Baptist Association Met at Noel’s Meeting-House, May 8, 1784 (May 26th, 1784), Virginia State Library, microfilm, Misc. Ms. 425.

separate religion from the State, to leave to the priests the freedom of sacraments, censures, ecclesiastical functions; but not to give any civil effect to any of their decisions, not to give them any influence over marriages or over birth or death certificates; not to allow them to intervene in any civil or political act; and to judge the lawsuits which would arise, between them and the citizens, for the temporal rights relating to their functions, as one would decide the similar lawsuits that would arise between the members of a free association, or between this association and private individuals.”⁶⁹ Condorcet’s theory of separation seems to have made little impression upon his countrymen during the remaining years of the eighteenth century, when France was convulsed by its Revolution, but he introduced to French intellectuals a concept with which they would eventually provoke a papal response—a reaction that would be felt as far away as America.⁷⁰

More immediately, an American in Paris, Thomas Paine, came close to advocating separation of church and state when he condemned “[t]he adulterous connection of church and state.” Paine borrowed the concept from Christian theology, but he gave it a more radical context and a more radical meaning. In 1794 in his *Age of Reason*, Paine took aim at establishments and, more broadly, the clergy, their power, and the impurity of their creeds, which he blasted in radical Protestant and enlight-

⁶⁹ In French, he wrote: “L’intérêt des princes a donc été, non de chercher à régler la religion, mais de séparer la religion de l’Etat, de laisser aux prêtres la libre disposition des sacremens, des censures, des fonctions ecclésiastiques; mais de ne donner aucun effect civil à aucune de leurs décisions, de ne leur donner aucune influence sur les mariages, sur les actes qui constatent la mort ou la naissance; de ne point souffrir qu’ils interviennent dans aucun acte civil ou politique, & de juger les procès qui s’élèveraient, entre eux & les citoyens, pour des droits temporels relatifs à leurs fonctions, comme on déciderait les procès semblables qui s’élèveraient entre les membres d’une association libre, ou entre cette association & des particuliers.” *Oeuvres Complètes de Voltaire*, 18: 476 (Paris: 1784). In the nineteenth century this note was republished under the title “Sur l’intérêt des princes à séparer la religion de l’État,” in *Oeuvres de Condorcet*, 538–539 (Paris: 1847). For a discussion of Condorcet’s views, see Karl Rothenbücher, *Die Trennung von Staat und Kirche*, 72 (Munich: 1908).

⁷⁰ In diluted form, a version of some such rhetoric reached America already in the 1790s. Writing about subjects with respect to which opinions could not be based on the senses—that is, religious matters—Volney argued that “in order to live in peace and harmony, we must consent not to pronounce upon such subjects, or to annex to them importance; we must draw a line of demarcation between such as can be verified and such as cannot, and separate by an inviolable barrier the world of fantastic beings from the world of realities: that is to say, all civil effect must be taken away from theological and religious opinions.” C. F. Volney, *The Ruins: or a Survey of the Revolutions of Empires*, 169–170 (1791; Albany: 1822).

enment fashion as human inventions. He rejected all distinct religions, including Christianity, on behalf of a universal deistical faith in human reason, which, he believed, would lead to a secular millennium—the so-called “age of reason.” For Paine, the connection of church and state was the means by which churches (whether the “Jewish church,” the “Roman church,” or the “Greek church”) had enlisted the power of government to suppress doubts about the truth of their doctrines. Therefore, a revolution in government was necessary to end the “adulterous connection” of church and state and bring about a revolution in religion:

Soon after I had published the pamphlet, *Common Sense*, in America, I saw the exceeding probability that a revolution in the system of government would be followed by a revolution in the system of religion. The adulterous connection of church and state, wherever it had taken place, whether Jewish, Christian, or Turkish, had so effectually prohibited, by pains and penalties, every discussion upon established creeds and upon first principles of religion, that until the system of government should be changed those subjects could not be brought fairly and openly before the world; but whenever this should be done, a revolution in the system of religion would follow. Human inventions and priestcraft would be detected, and man would return to the pure, unmixed, and unadulterated belief of one God, and no more.

Like religious dissenters, Paine assumed that the American Revolution would destroy “[t]he adulterous connection of church and state.” Yet, unlike the dissenters, he also hoped that Americans would then challenge all clergies and creeds and would thereby so completely alter the character of religion as to bring conventional Christianity to an end.

In condemning “[t]he adulterous connection,” Paine clearly demanded disestablishment, but he is unlikely to have felt qualms about the possibility that his language would be interpreted more broadly. Certainly, his individualism and his deism left him indifferent to all sorts of connections between church and state and even hostile to what ordinarily were considered churches. Paine declared: “My own mind is my own church,” for “it is necessary to the happiness of man, that he be mentally faithful to himself. Infidelity does not consist in believing, or in disbelieving; it consists in professing to believe what he does not believe.”⁷¹ Earlier, in their struggle for religious liberty, dissenters had al-

⁷¹ Thomas Paine, *The Age of Reason*, 2–3 (1794; Exton, Pa.: Wet Water Publications, 1992).

ready argued that each individual had a right and even a duty to conform to his own belief—the duty being to the Almighty and, by extension, to the individual and his future happiness. On this basis dissenters claimed that if an individual deferred to the coercion or emoluments of any civil government, he failed to adhere to his own beliefs. Some radically anticlerical Protestants took this argument further, holding that, even if an individual merely deferred to the human creed of a church, he gave up his individual liberty of belief and reduced his faith to a hypocritical conformity. Drawing upon this heritage (and revealing how conceptions of religious liberty were shaping notions of religion), Paine and growing numbers of Protestants concluded that religion not only required but largely consisted of being “mentally faithful” to oneself. With such views, Paine felt that not only civil government but also churches, clergy, and their human creeds threatened religion and individual freedom, and he therefore welcomed, in addition to disestablishment, the diminution of clerical opinion and influence. Yet whether he went so far when he condemned “[t]he adulterous connection of church and state,” or whether he merely rejected establishments, remains unclear. Undoubtedly, his phrase alluded to establishments, but it did not necessarily refer to all types of church-state connections. Through its context and tone, however, Paine’s French encomium of reason could easily be read with some breadth, and, at least in this way, it came much nearer to a demand for separation than most other American critiques of religious establishments.

After the publication of Paine’s *Age of Reason*, some petitioners in Virginia echoed the bold tone of Paine’s anticlerical rhetoric and even his condemnation of the “adulterous connection.” In the mid-1790s the Episcopal Church in Virginia was no longer established, but it owned various glebe lands, which had been given to it by the colonial government and, to a lesser extent, by individual donors. Baptists and Presbyterians resented that the Episcopalians continued to enjoy this benefit of their earlier establishment, and therefore these former dissenters petitioned the House of Delegates to authorize the sale of the glebe lands and the use of the proceeds for public purposes, such as the reduction of parish poor rates.⁷² Their petitions tended to adopt Paine’s audacious

⁷² Thomas E. Buckley, “Evangelicals Triumphant: The Baptists’ Assault on the Virginia Glebes, 1786–1801,” *William & Mary Quarterly*, 45: 33 (1988).

style of writing, and one 1795 petition—from the parishioners of King William Parish in the counties of Powhatan and Chesterfield—deplored the adulterous connection. Complaining about the Episcopal Church's acquisition of its glebes, this petition regretted that in colonial times, "through the adulterous connection between Church and State, the impositions of king craft and priest craft . . . cherish'd and supported each other."⁷³ Like Paine, these petitioners did not clearly condemn all connections between church and state. Yet, in light of the 1783 Baptist petition, which more certainly condemned all connections, this 1795 petition from King William Parish may perhaps suggest some continuity in seeking a freedom at least close to a separation between church and state.

Thus James Burgh, the Marquis de Condorcet, and (on at least one occasion) the General Association of Separate Baptists in Virginia advocated versions of separation, but they apparently failed to persuade many of their contemporaries to adopt any such idea. American religious dissenters were not shy about demanding their freedom. Vigorous, insistent, and well organized, they wrote incessantly about their religious liberty and created a highly successful popular movement to achieve this end. Accordingly, if the separation of church and state had been one of their demands, one would expect to find this principle discussed repeatedly in their writings. Yet amid hundreds upon hundreds of dissenting petitions, sermons, pamphlets, newspaper essays, letters, and memoranda, the idea of separation remains quite elusive. Even in Virginia, where Baptists in 1783 urged the legislature not to connect church and state, they did not again make such a demand in their petitions, even during the great antiestablishment struggle of 1784 and 1785. Accordingly, what is striking is not that some Europeans and Americans occasionally supported a separation between church and state or something like it, but rather that dissenters, including American dissenters, clearly did not make separation one of their demands.

From a twenty-first-century perspective, the difficulty of locating advocates of separation may seem puzzling. It may seem particularly odd that one cannot identify American religious dissenters who made such

⁷³ Petition of a number of the parishioners of King William Parish in the Counties of Powhatan and Chesterfield (Nov. 24, 1795), Virginia State Library, microfilm, Misc. Ms. 425.

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