

RELIGION AND THE STATE.

BY PROFESSOR GEORGE BOARDMAN EAGER, D.D.

IN the light of some salient and startling facts of our time at home and abroad, it would seem that the problem of the right relation of civil government to religion, of the grounds of liberty of conscience, of the warrant of the state to undertake the religious education of the people—indeed, the whole great multiform subject of religion and the state seems to be up for re-discussion.

The notion that we have found a sensible and final solution of a conflict as old as mankind is regarded on the other side of the water as preposterous.

In a sense it is true, as Judge Story said in the early history of this great experiment, "It yet remains a problem to be solved in human affairs, whether any free government can be permanent, where the public worship of God and the support of religion constitute no part of the policy or duty of the state in any assignable shape. The future experience of Christendom, and chiefly of the American States, must settle this problem, as yet new in the history of the world."

It is only in modern times that the philosopher and the statesman have undertaken to grapple at all with these relations, with a view to the practical separation of the spheres of the temporal and the spiritual, the civil and the ecclesiastical. In the ancient forms of civilization, the Oriental, the Greek and the Roman, we look in vain for any discrimination between these powers. So thoroughly rooted had the union of the two become by immemorial custom and tradition in the thinking, feeling and entire life of mankind, previous to Christ's coming,

that there can be little doubt of the wisdom of the arrangement by which Christianity was exposed at the outset, and for the first three hundred years of its career, to the bitter persecution of the civil power. In a sense, the line was thus clearly drawn between God and Cæsar, and it was demonstrated, once for all, that the new religion could live, not only without alliance with the State, but in spite of all its power and hate.

The old order, however, was revived by Constantine and prevailed in one form or another throughout Christendom for fifteen hundred years. The question, therefore, arises naturally, as to our great experiment, which is historically exceptional, What has the experience of a century or more of the new order in this country revealed?

In attempting a partial and purely suggestive answer to this question, we must deal first in a retrospect.

THE RELATION NOT ONE OF HOSTILITY.

It has made clear that the adoption of the voluntary principle and the resulting relation between the nation and Christianity in America were not due to *hostility*. It was not strange that it should have been so regarded at the outset by many people who had known only the old order. For the new nation in its great organic law deliberately to ignore religion, or to make no provision for its maintenance, seemed to many people of the old world a clear case of national atheism—a declaration of war on all religion. All such thoughts were unwarranted by the facts of the case. "The first amendment," says Bancroft the historian, "so far as it relates to an establishment of religion, was proposed without passion, and so found its place in the quietest way possible." Congress from the beginning, indeed, was as much without the power to make a law respecting the establishment of religion as it is now after the amendment has been passed. Ac-

ording to the Constitution, no power is held by Congress except such as has been or shall have been granted to it. This power had not been granted and therefore did not exist. But the people wished to see the great voluntary principle distinctly put forward as a part of the Constitution, and it was done.

THE OBJECT OF THE FIRST AMENDMENT.

It was under a solemn consciousness of the dangers from ecclesiastical ambition, the bigotry of spiritual pride, and the intolerance of sects, exemplified in our domestic as well as our foreign annals, that it was deemed advisable to exclude from the national government all power to act upon the subject. Under the circumstances, the only security was in extirpating the power. But the point now is that this was effected in no hostile spirit.

THE SEPARATION DID NOT IMPLY INDIFFERENCE TO CHRISTIANITY.

Again it is made equally clear that the adoption of the voluntary principle, the separation of Church and State, did not and does not imply *indifference* in Christianity, on the part of the government, or on the part of the people. Some have thought this was implied in the fact that, so far as the law is concerned, absolute religious liberty is proclaimed—that all religions, or persons of all religious persuasions, are made equal before the law. What else could it mean that no man, in religious matters, was to be subjected to the censorship of the State? and that the State is not to inquire into or take any notice of religious belief, so long as the citizen performs his duty to the State and is guilty of no breach of public morals or public decorum?

There is a school of religious people in England to-day, says Rev. John Watson, who hold that “a nation which has not established Christianity cannot be called Chris-

tian.”* “The refusal of the civil power to protect, or endow, any form of religion is commonly represented in Europe,” as Bryce, in his *American Commonwealth*, says, “as equivalent to a declaration of contemptuous indifference on the part of the State to the spiritual interests of its people. A State recognizing no church is called a godless State; the disestablishment of a church is described as an act of national impiety. But nothing can be farther from the American view. So far from thinking their commonwealth godless, the Americans conceive that the religious character of a government consists in nothing but the religious belief of the individual citizens, and the conformity of their conduct to that belief. They deem the general acceptance of Christianity to be one of the main sources of their national prosperity, and their nation a special object of divine favor.”

Christianity is regarded as embodying the common faith of the community, existing without the aid of, or political connection with, the State, but as intimately connected with a good government and the only sure basis of sound morals. “An attempt to make it a matter of State policy to hold all religion in *utter indifference* would have created universal disapprobation, if not universal indignation.”

“To construe the article (providing for the free exercise and enjoyment of religion) as breaking down the common barriers against licentious, wanton and impious attacks upon Christianity itself, would be an enormous perversion of its meaning.”

All must admit, as Dr. Philip Schoff says, that our laws, whether inherited from England or enacted by statute, were made by a Christian people, and in the spirit and interest of Christian civilization. As far as they breathe the spirit of humanity and protect the equal rights of all, they are directly or indirectly the result of

* “The Religious Situation in England,” *N. A. Review*, May, 1899.

the Christian religion, and could not have originated on heathen or Mohammedan soil. Indeed our laws are worthy to be considered all the more Christian because they protect Jew and Mohammedan, the Buddhist and the Mormon, the Pagan and the Infidel, as well as the Christian of whatever creed, in the enjoyment of the common rights of men and of citizens.

THE FREEDOM OF RELIGION DEEMED BEST FOR RELIGION.

The founders of the Republic, for the most part, surely were God-fearing men. They recognized the Christian religion as the religion of the people. They believed that Christianity, however, would thrive better, that purity in the Church would be promoted, and the interests of religion advanced, by the adoption of this principle, by leaving the individual conscience free and untrammelled, by preventing here the unnatural connection between Church and State, which has proved as corrupting and detrimental to the cause of pure religion as it had been oppressive to the conscience of the individual. So they left every free man to worship God according to the dictates of his own conscience, or not to worship Him at all, as he pleases.

THE ATTITUDE OF THE NATION TO RELIGION NOT ONE OF
TOLERATION.

It almost goes without saying that the attitude of the nation to Christianity here as the result of the adoption of this principle, is in no true sense one of mere *toleration*. The first amendment to the Constitution itself asserts this unmistakably, so far as the general government is concerned, but there was and is something in the spirit of the American people which shows that this, and kindred provisions in the State Constitutions, were not born of the old world idea of toleration of dissent from an established form of religion. The first amendment is more

than the enunciation of a law; it is the assertion of a principle. It is in no sense an act of toleration; it is a declaration of non-interference; a confession of *lack of jurisdiction*. Policy, of course, demanded that the new government should have nothing to do with matters of conscience; but the Constitution did not decree it as a matter of policy, but as a matter of right. It recognized the right to worship God according to the dictates of one's own conscience as one of the primordial and inalienable rights of man. The amendment, however, bound only the general government. It did not prevent the several States from having religious establishments. As a matter of fact, some of them did have such establishments years after the adoption of the Constitution. That of Massachusetts continued even until 1833. And that which at last destroyed these establishments was not the Constitution as a law, but the silent influence of a new conception that worked in and through the Constitution, viz: the idea that religion is personal, that every man is responsible to God alone for the manner in which he discharges its duties. Religion, according to this idea, or the duty we owe the Creator, to use Mr. Madison's words, "is not within the cognizance of civil government." "To suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on the supposition of their ill tendency," as Mr. Jefferson puts it, "is a dangerous fallacy which at once destroys all religious liberty. It is *time enough for the rightful purposes of government for its officers to interfere when principles break out into overt acts against peace and good order.*"

NOT WHOLLY THE OUTCOME OF "THE SECULAR THEORY
OF THE STATE."

Prof. Diman thinks that we owe this peculiarity of our government, this independence of Church and State,

chiefly to the rise of the "secular theory" of the State, and names Jefferson as the principal representative of it.* This seems to be unwarranted by the facts of the case. "The secular theory," as its name implies, holds that the civil government has to do only with civil or secular things. As existing among publicists, it is of recent origin. It has not been operative on any large scale except in America; European governments do not confine themselves to civil things. It is invented to avoid a conflict between men's civil and spiritual allegiance. It differs radically *at one point* from the idea that had embodiment in the Constitution. The Secularist says the State must not interfere with ecclesiastical matters because its life and functions are *only* secular. The Constitution says the State must not interfere in matters of religion because it has *no right to do so*; because in matters of conscience the first allegiance of the individual is to God. The Secularist says the State is to know earthly interests and those alone. The Constitution recognizes the existence of religion as essential to social weal, and proposes to *protect* every man in the exercise of its duties and the propagation of its doctrines as an *inalienable right*. Bearing in mind the difference between these two theories we have only to consult the facts of the case to see by which one of them Jefferson and the other leading statesmen of his day were influenced. Whatever may have been Mr. Jefferson's religious opinions he drafted his statute in the interests of conscience. The preamble begins, "Whereas Almighty God hath created the mind free!" To religious people who addressed him letters on his election to the presidency expressive of their appreciation of him as the friend of liberty and their confidence in his administration in the following strain:—

"Believing with you that religion is a matter which lies

* "Religion in America."

solely between man and his God, that he owes account to none other for his faith or worship, that the legislative powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the 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 and State."

The evidence, indeed, is all one way. So far as I have been able to see, the "Secular Theory" simple and un-mixed, has no place at all in Virginia when the Virginia statesmen were forming their laws, or in the national assemblies, when the representatives of the whole people were enacting the Constitution and its amendments.

Not only is it true as Mulford said: "The nation is the work of God in history;"* but this nation, of all others, cannot be accounted for apart from Christianity. In a true sense Christianity underlies and has largely determined its life and laws and institutions. The thought that every one, even the least—his welfare, his rights, his dignity, is the concern of the State—that every one in his own personality is to be regarded, and protected and honored and esteemed, without respect to ancestry, rank, race, or religion, if only he bear the human face and form; this is the characteristic principle of this Republic and it is its true distinction. The principle, surely, is essentially Christian. It is to the early ages, even to the age of the Reformation. But it is the true inner life of man manifesting itself in the evolution of society. It is the principle first divinely ordained in Judea, after all the long ages since Constantine, in which it has suffered eclipse and corruption, disentangling and reasserting itself in a new and better field with more than its pristine power. Here Christianity has shown itself to be something more than a religion. It is essentially a political

* Mulford in "The Nation."

principle and a political power. It is constructive of the State and the nation, and bears in itself the power of forming and developing them to their completeness. In some sense, then, not formal nor legal, but in some such sense as is implied in these significant facts, this *may* be called a Christian nation.”

AN UNWARRANTED ATTEMPT.

But, surely, there is nothing in all these facts and principles to warrant the fanatical attempts made by some pious but misguided souls, to transform the Constitution into a Confession of Faith, to set up religious tests for office, to enforce the religious observance of the Lord's day, or the religious use of the Bible in the public schools and in other institutions founded and supported by the State. Thus they would do utter violence to this voluntary principle.

The important practical question, then, to which all this leads up remains to be considered: WHAT HAS BEEN THE OUTCOME OF THIS FAR-REACHING AND EPOCH-MAKING EXPERIMENT IN ITS EFFECT UPON THE NATIONAL LIFE AND UPON ORGANIZED CHRISTIANITY.

I attempt only the briefest answer.

THE RESULT OF THE GREAT EXPERIMENT.

Without making any extravagant claims for it, it has been such as to quell the worst fears of the timorous and to justify, if not to fulfill, the soberer hopes of the sanguine.

THOMAS JEFFERSON.

Thirty years after the voluntary principle was embodied in the Constitution, Jefferson could say: “We have solved by fair experiment the great and interesting question whether freedom of religion is compatible with order in government and obedience to the laws; and we have

experienced the quiet as well as the comfort which results from leaving every one to profess freely and openly those principles of religion which are the serious convictions of his own inquiries."

PATRICK HENRY.

Patrick Henry also somewhat later could say: "I am happy to find a catholic spirit prevailing in our country, and that those religious distinctions which formerly produced some heat are now forgotten. Happy must every friend to virtue and America feel himself to perceive that the only contest among us at this most critical time is who shall be foremost to *preserve* our religious and civil liberties."

JAMES MADISON.

President Madison, 34 years after the enactment of Jefferson's bill for establishing religious freedom, wrote:—

"It was the universal opinion of the century preceding the last that civil government could not stand without the prop of a religious establishment, and that the Christian religion itself would perish if not supported by a legal provision for its clergy. The experience of Virginia conspicuously corroborates the *disproof* of both opinions. The civil government, though bereft of everything like an associated hierarchy, possesses the requisite stability and *performs its functions with complete success*; whilst the number, the industry, and the morality of the ministry and the devotion of the people, have been manifestly *increased* by the total separation of Church and State."

DAVID J. BURRELL.

"In all the lands where the Church has been dependent on secular authority," says Dr. David J. Burrell, of New York, "there has been a noticeable spirit or subserviency among ministers of the gospel—as where the Chaplain of

Queen Anne was required to whisper his prayers through the key-hole of her majesty's chamber—a continual dwindling and dwarfing of the Church's power, finding expression at length in the complaint, 'O my leanness, my leanness!' Meanwhile in our great Republic, which knows no establishment and pensions no sect, the growth of evangelical churches and the presence of living and spiritual forms of worship have been beyond all parallel in the former history of the world."

PERE HYACINTHE.

Pere Hyacinthe, when asked to pass judgment on our American institutions, said: "Their foundation is the Bible, the living Word of God. When I return to my native France I shall say that I have found a land where liberty is associated with Christianity and have been among a people who do not think that to be free they must necessarily part from God.

DE TOQUEVILLE.

De Toqueville, "the most philosophic foreign observer of American institutions," said: "There is no country in the whole world in which the Christian religion retains a greater influence over the souls of men than in America, and there can be no greater proof of its utility, and of its conformity to human nature, than that its influence is most powerfully felt over the most enlightened and free nations of the earth. It directs the manners of the community and by *regulating domestic life, it regulates the State.*"

PHILIP SCHAFF.

Dr. Philip Schaff says: "I fully agree with De Toqueville. I came to the same conclusion soon after my immigration to America in 1844, and I have been confirmed in it by an experience of 43 years and a dozen visits to

nearly every country of Europe. We may boldly assert that the American nation is as religious and as Christian as any nation on earth, and in some respects even more so, for the very reason that the profession and support of religion are left entirely free.”

JAMES BRYCE.

Bryce, in *The American Commonwealth*, gives with singular candor some relevant testimony which I venture to sum up: “The influence of Christianity seems to be, if we look not merely to the numbers but also to the intelligence of persons influenced, greater and more widespread in the United States than in *any* part of Western Continental Europe, and *I* think greater than in England. So far from *suffering* from the *want* of State support, religion seems in the United States to stand all the firmer because, standing alone, she is seen to stand by her own strength. No political party, no class in the community, has any hostility either to Christianity or to any particular Christian body. The Churches are as thoroughly popular, in the best sense of the word, as any other institution of the country.

There is a *spiritual* gain too in that diminution of envy, malice and uncharitableness between the clergy of various sects which has resulted from their being all on the same legal level. The passion for equality in religious as well as secular matters is everywhere in America far too strong to be braved, and nothing excites more general disapprobation than any attempt by an ecclesiastical organization to interfere in politics.

OLD DIFFICULTIES NOT SERIOUS HERE.

The difficulties often experienced, and still more often feared, in Europe, from the growth of organizations exercising tremendous spiritual powers, have in America never proved serious. Americans of whom I inquired

are unanimous in holding that the fruits of freedom have been good in this respect also, that it tends to quicken spiritual life, and to keep the church pure and undefiled, free from the corrupting influences of the world.

In works of active beneficence no country has surpassed, perhaps none has equaled, the United States; the amount of personal interest shown in good works, and personal effort devoted to them, seems to a European visitor to exceed what he knows at home, and all are wont to join hands in such good works. Taking native Americans as a whole, no people seems to-day less open to the charge of pharisaism, or hypocrisy. The general impression of those who have lived long both in Protestant Europe and in America seems to be that as respects veracity, temperance, the purity of domestic life, tenderness to children and the weak, the general kindness of behavior, the native Americans stand higher than either the English or the Germans."

I have advisedly, I think, given thus extensively these matured views of an enlightened and fair minded foreigner. He is an Englishman with an extensive knowledge of English law and life affording him a fit historic background and standard of judgment; and, as he himself has said, a stranger in dealing with such a subject has this advantage over the native American; *he* is struck by some things which a *native* does not think of explaining, because they are too obvious, and whose influence on politics and society he forgets to estimate, since they seem to him *part of the order of nature*.

THE ENEMIES OF RELIGION IN THE NATION NOT FORGOTTEN.

This testimony is cited and was given you, of course, with no forgetfulness of the fact that among the people of this "most Christian country" are found indefinite numbers of indifferentists, infidels, hypocrites and mammon-worshippers; that there are in our land propagand-

ists, foreign and domestic, who are zealously sowing the seed of atheism, anarchism and irreligion, and not a few revolutionary socialists who are working with them to the undermining of the very foundation of the Republic. But we may set over against all these things the fact that religious activity of one form or another, and organized activity in the interests of civic righteousness, more than keep pace with these forms of activity—that the rapid multiplication of churches, Sunday-schools, Young Men's and Young Women's Christian Associations, Young People's Societies, and missionary, religious and charitable institutions of every sort, by voluntary contributions, without the aid of the government, has no parallel in history.

CONCLUSION—THE FUTURE.

The longer one studies a vast subject the more cautious in inference does he become. I have dealt with this "vast subject" rather in retrospect than in prospect, and my survey of our national history in relation to this most salient of all the differences between the Old World and the New makes me hopeful of our future, but very cautious about drawing inferences. We are trying here, men may well say, an experiment in the rule of the multitude on a scale unprecedentedly vast, the result of which the whole world is concerned to watch. But the belief is becoming widespread that it is something more than an experiment. We are regarded by many in our own and other lands as disclosing here on the broadest scale "the type of institutions toward which, as by the law of fate, the rest of civilized mankind are forced to move, some with swifter, others with slower, but all with unresting feet." Our Republic is recognized by most thoughtful people, at home and abroad, as having gotten out of its swaddling clothes and become a world power. The tree our fathers set covered at first but a little space on the

Atlantic seaboard. But now the time has come—hailed by some and deemed ominous by others—when it is sending its roots beneath the waves and receiving under its vast canopy the islands of the sea. Shall we lose faith in God, and confidence in the virtue, the capacity and the high purpose of this free people as a civilizing force, in the face of these open doors? Shall we concede that a century of free government, of civil and religious liberty, has rendered the American people so faithless, sordid and mercenary that they are not fitted for the great task now inviting them of lifting up and helping to better conditions, to all the rights and privileges of civil and religious liberty which we enjoy, these distant peoples who have through the issue of war become our wards, or those who are essaying to follow in our wake? There is no sufficient occasion for faintheartedness. Nations do not grow in strength, and the cause of law and liberty is not advanced, by doing easy things. In view of our past history, is it reasonable to think that our eighty millions of American freemen are unfit and unable to establish ultimately liberty and justice and freedom of personal religion in our new possessions at least as effectually as we have established them in the old?

“Still through our paltry stir and strife
Glow down the wished ideal;
And longing moulds in clay what life
Carves in the marble real.”