

**A MATTER OF CONSCIENCE: A COMPARISON
OF THE DISESTABLISHMENT STRUGGLE
IN MASSACHUSETTS AND VIRGINIA**

By

JO ANNE BENNETT

Bachelor of Science

Northeastern Oklahoma State University

Tahlequah, Oklahoma

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Thesis Approved:

Richard H. H.

Thesis Adviser

Jim F. Coon, Jr.

Albin J. Sout-Soe

Thomas C. Collins

Dean of the Graduate College

PREFACE

A debate rages today over the limitations of governmental interference into our daily lives. This is not a new issue, especially in this country. Our founders faced a similar conflict when deciding the issue of church and state relationship. James Madison explained the hearts of the men who fought for separation of church and state in his essay, "Property and Liberty."

Conscience is the most sacred of all property; other property depending in part on positive law, the exercise of that, being a natural and inalienable right.... That is not a just government, nor is property secure under it, where arbitrary restrictions, exemptions, and monopolies deny to part of its citizens that free use of their faculties, and free choice of their occupations.... If the United States mean to obtain or deserve the full praise due to wise and just governments, they will equally respect the rights of property, and the property in rights.¹

These men who fought so diligently to end the connections between church and state were neither anti-religious nor men with sinister motives, but devout spiritual men who were seeking individual freedom of conscience. In their minds that was in complete agreement with the American principle of individual freedom. Their efforts changed the church state relationship and provided us with the religious freedoms which we take for granted today.

ENDNOTES

1. James Madison, "Property and Liberty," The Complete Madison, Saul K. Padover, ed. (New York: Harper & Brothers, 1953), 268-9.

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CHAPTER 1
Force vs Faith:
Background on the Relationship of Church and State

Fourteen hundred years elapsed between two of the pivotal events in church history. In the fourth century, the Roman Empire changed the status of Christianity from a voluntary system to a union of church and state which enforced compliance. In the eighteenth century, the newly independent United States reversed the relationship and separated church and state.¹ The complex dynamics of this American transition involved individuals and groups with diverse motives who united under special circumstances.

The roots of the conflict extend from our very origins. When the first settlers arrived in the New World, along with their baggage, they carried the traditions and customs of their European heritage.² After the Reformation provoked conflict between Protestant and Catholic forces in Europe, the Peace of Augsburg (1555) provided that the religion of the prince should be the religion of the territory.³ Because the leader determined whether the region would be Catholic or Protestant, the church and state connection was so intrinsic that dissenters who opposed church leaders jeopardized not only religious authority, but also political and social stability. Society deemed uniformity essential to maintain order.⁴ In fact, before the American Revolution, no European country had even considered a division of church and state

which would permit men to decide religious behaviors according to their individual consciences.⁵

As each colony formed its own variation of the European example, most maintained some form of establishment.⁶ In seventeenth-century society, even those who were not fervently religious embraced the premise that the well-being of the state depended on virtuous citizens--and moral influence would survive only if the state coerced support for the church.⁷ Furthermore, they retained the European idea of using civil force to assure uniformity in doctrine. This policy was so universal that even those seeking the privilege of following their own doctrines did not perceive any contradiction in employing harsh methods to achieve their goal of harmony.⁸ The concept was also tenacious. In 1789, when the United States Constitution was written, four states (Maryland, New Hampshire, Massachusetts, and Connecticut) still had a form of established church.⁹

There were two primary established ecclesiastical bodies: (1) the Congregational Church of the New England Puritans, and (2) the Church of England (Anglican Church) in the southern colonies. The critical element in defining the established church was the financial tie. The churches depended on state-collected tax monies as their primary means of support. The connection also affected much of the daily operation of the churches. In both institutions, legislation enforced religious behaviors in the community

(such as mandatory church attendance) and determined some church policies (such as licensing ministers and validating marriages).

Although, dissenting sects posed problems for both established churches, reactions varied because some sects were more active than others and the threat changed with time and location. The Congregational institution experienced early conflicts with Presbyterianism. Although retaining a Puritan form of Calvinism, Presbyterians incorporated the American tenet that the church was a corporate body of believers and its government was vested in lay elders as well as clergymen.¹⁰ Although the Presbyterians formally organized in 1706,¹¹ they refused the radical idea of complete disestablishment. They remained closely connected with Massachusetts leaders, and also enjoyed later acceptance by the establishment in Virginia. Followers of John Wesley's Methodist movement brought emotional revivals which stirred controversy among Anglicans.¹² Yet, they did not separate from the Anglican Church until 1784.¹³

Therefore, it was primarily the Quakers and Baptists who stirred dissension. The Quakers experienced widespread rejection; they were persecuted, expelled, and banned from both Virginia and Massachusetts.¹⁴ Although they did some work in Massachusetts with the Baptists dissenters, they never developed power to make a significant impact.¹⁵

It was the Baptists who presented the substantial challenge because they were the extremely vocal and efficiently organized.¹⁶ Their growth alarmed establishment leaders in New England and the South.¹⁷ Reverend Chauncy, minister of the First Church in Boston, insisted it was expedient to put a stop to the itinerant preaching in Massachusetts. He insisted the Baptist activities presented a serious menace: "This, I doubt not, is the true Cause of most of the Disorders, we have seen in the Country."¹⁸

In both regions, any dissenting group desiring to hold worship services apart from the established church had to apply for legal permission from the state. The permits, when granted, contained inconvenient and demeaning restrictions, such as meeting only in daytime or leaving the doors open. Even if they received permission to meet separately, dissenters had to pay religious taxes for the established church while supporting their new church body with voluntary donations.¹⁹

Eventually, dissenters came to resent the privileges of the established church and the limits on their individual freedoms. When they no longer accepted toleration, but demanded freedom of conscience, disestablishment became inevitable. However, the legal process of breaking church-state ties and placing all denominations on a voluntary basis was not immediate. It required the particular cir-

cumstances which converged at the time of the American Revolution. The same conditions that produced the break with England provided the sentiment conducive to discarding Old-World religious institutions. At this point, religious leaders joined forces with political powers and the alliance succeeded in deposing the traditional establishment. Virginians broke ground for the new church-state relationship when they wrote their constitution in 1776-- although total separation was not achieved for several years. One by one, other states followed Virginia's example until, in 1833, Massachusetts became the last state to disestablish.²⁰

Historians have produced an abundance of literature detailing the causes of disestablishment. Many agree that it was the conditions peculiar to the development of the United States which induced separation. In The Lively Experiment, Sidney Mead insists that the established church was the victim of circumstances rather than a deliberate attack. He declares that the vast space of the New World produced a regard for individuality as a virtue which resulted in the perception of conformity as a mark of weakness even in spiritual matters.²¹ Fred Hood insists that the campaign against religious establishment exemplified the American attitude of common man against aristocracy.²² While Shelton Smith supports Mead's view, he adds that individual interpretation of Scripture was

inevitable in this environment and promoted diverse bodies of believers.²³ Expanding this thesis, Sidney Ahlstrom equates religious pluralism to fulfillment of our national destiny.²⁴ Loren Beth cites the growth in size and varieties of dissenting groups as evidence that disestablishment was inevitable.²⁵ Philip Schaff asserts that toleration was merely a temporary intermediate state and separation of church and state was a natural outcome for a people struggling for freedom. In The Progress of Religious Freedom as Shown in the History of Toleration Acts, he declares, "Liberty, both civil and religious, is an American instinct. All natives suck it in with the mother's milk."²⁶

Historians also recognize that the religious Awakenings contributed to division among colonial congregations. Edward Humphrey agrees and insists that it was not hostility to religion, but rather enthusiastic conviction that necessitated separation of church and state in the United States.²⁷ Mead further explains that formalism had produced such dry religiosity that zealous Christians, especially among the common people, retreated into new denominations.²⁸

Religious revival was not the only ideological motivation for disestablishment--enlightenment rationalism also had an influence. Mead contends that rationalism and pietism were actually two sides of a singular movement that

gained vitality during the eighteenth century to depose traditional church power.²⁹ William McLoughlin declares that neither the rationalistic spirit of Enlightenment thinkers (such as Thomas Jefferson and James Madison) nor the radical wing of Protestantism (the Baptists and Quakers) deserves exclusive credit for the break between church and state. Rather it was their temporary alliance which brought victory.³⁰

While these two ideologies appear to be strange confederates, Robert Handy and Loren Beth explain their compatibility. Handy says that Americans developed their own variation of enlightened thought and Deism which they attempted to fit into a Christian framework.³¹ Beth states that Americans advocated a belief in natural religion and natural law; from there, they continued the process to separation of natural law from divine law based on the dogma that God had provided men with principles to enable them to create their own institutions.³² Therefore, it was reasonable that enlightened thinkers became defenders of religious liberty and yet, as Hood indicates, many rationalists in Virginia continued to argue that an established church could be compatible with religious freedom.³³

Although economic factors figured in the debates by both sides, historians disagree regarding the impact on decisions to leave the established churches. Dissenters

did protest requirements to pay taxes which financed the established church even while they voluntarily supported their won new denominations. Consequently, Jacob Meyer insists relief from mandatory religious taxes was an underlying reason for rapid growth among the Baptists.³⁴ In addition, John Mecklin cites financial oppression by the Federalist leadership in the establishment as a primary factor in provoking resistance in New England.³⁵ Nevertheless, C. C. Goen refutes these claims and insists that financial motives were secondary considerations of men fighting for their consciences.³⁶

While these noted scholars have thoroughly investigated the individual causes of disestablishment, there has not been a comparison of the struggles in different sections of the country. Specifically: Why did some areas act so much earlier than others? What were the common forces and what forces were unique to each struggle? Shelton Smith asserts that the established church had enjoyed greater prestige in Virginia and Massachusetts than in the other colonies.³⁷ In addition, Virginia was the first to disestablish officially while Massachusetts was the last. Therefore, they serve as excellent studies of the relationship of church and state and the significant factors of the battle for disestablishment.

In both states there were similar forces at work. The difference was the matter of timing and reflected the

balance of political influence between the establishment and dissenters. To understand the account of disestablishment, it is first necessary to understand how the church gained establishment privileges in the New World and how that status eventually clashed with the distinctive American ideology which developed.

Virginia presented an interesting example of the blending of the Old and New Worlds as the religious establishment developed by installments. The British government initiated this tangle through the methods used to encourage colonists to retain ties to the Church of England (primarily to combat French and Spanish Catholicism in the New World).³⁸ Although not specifically instituting an establishment, the 1606 charter encouraged a church-state relationship.³⁹ This document decreed that "the true word, and service of God and Christian faith be preached, planted and used" in the New World.⁴⁰

Subsequent legislation strengthened the position of the Church of England in Virginia. By 1661, Anglicans enjoyed the privileges of establishment: a church and glebe in each parish, appointed vestries, and guaranteed salaries for the clergy.⁴¹ Moreover, attendance at Sunday services became mandatory and dissenters faced severe penalties.⁴² Then in 1673, the order came for each plantation to provide a house of worship to conduct

Anglican services. In addition, the planter had to pay the religious tax before he could sell his tobacco.⁴³

Succession of the English Crown altered the religious situation in the colonies. Whereas, the Stuarts had supported the primacy of the Anglican church, William and Mary offered hope to dissenters.⁴⁴ Their Toleration Act of 1689 was the first acknowledgement of a right for public worship outside the state church. Yet, laws against dissenters remained and the supremacy of the establishment continued; the Act denied important privileges to dissenters--such as civil & military offices and admission to universities and corporations.⁴⁵ Complete religious freedom would not transpire for another century.⁴⁶

Expressions of agitation increased among dissenters after the Toleration Act. They resented the fact that the Virginia Anglicans managed to protect their rights and properties while conceding limited privileges to only a few independent groups.⁴⁷ Furthermore, those who accepted the restricted privileges of worshipping at their own church once every two months paid a price in civil and political impediments.⁴⁸ When dissenters tried to expand the boundaries of the Toleration Act of 1689 to gain further freedoms, their appeals were in vain. The Bishop of London declared that the Act merely "intended to ease the consciences of non-conformists not to serve as a dispensation for itinerant preachers."⁴⁹

During the early period of settlement, these legal issues were of little consequence. Leaders in Virginia intentionally discouraged the infiltration of dissenters. Officials promptly expelled a group of Puritans in Virginia in 1649.⁵⁰ In 1660, the legislative session banished a group of Quakers, those "unreasonable and turbulent sort of people," and imposed a fine on anyone who brought more Quakers to the colony.⁵¹

While enjoying the privileges of government endorsement, the Anglican Church made several detrimental decisions. One action which alienated many people involved the quest to have an American Bishop. The church depended on England for strength and administration. As the vast distance weakened this relationship, the American church had deviated from strict episcopal organization toward a more congregational approach.⁵² Problems arose because the governor of Virginia had assumed much of the authority to supervise the clergy.⁵³ The campaign for an American Bishop reflected the frustration within the church for more structured organization. In fact, the hope that a bishop could preserve the church continued even during the Revolution. As late as 1778, a "Friend to Equal Liberty" urged a convention to elect a leader.⁵⁴

Yet, as hostilities with England intensified, Americans increasingly opposed the hierarchical government of the Anglican Church. Presbyterians and Congregationalists

especially feared increasing political powers of Anglican officials who were also influential social authorities. Similar circumstances in England had produced severe persecution.⁵⁵

Opposition also resented the image of the Anglican Church as representative only of the elite in Virginia.⁵⁶ Indeed, the clergy had devoted their attention to the elite, planter class. For the church, it was a matter of expediency. The upper classes controlled the government and the government provided financial support and direction to the church through legislation. Maintaining the favor of these men became the focus of the clergy--at the expense of the spiritual needs of the middle and lower classes.⁵⁷ In fact, some places in the back country of western Virginia had no sermons by an authorized minister for five years at a time.⁵⁸ This left a large percentage of the people unchurched and irreligious. This, in turn, posed problems for the church with both the common people and the elite. As the lower classes lost respect for the representatives of the church, the animosity to the clergy insured a breakdown of religion-oriented authority in society.⁵⁹ Then, the inability of the clerics to retain the allegiance of the common people exasperated the gentry, who feared the loss of their own status in connection with the church.⁶⁰

In this situation, the church was less culpable than it was a victim of circumstances. Settlements scattered over the vast Virginia region presented burdensome administrative problems. Even those ministers who had sincerely desired to meet the needs of the people were hard pressed to spread their labors over parishes which often extended a hundred miles.⁶¹ Sparse population also provided a small membership to support the minister. These poor financial prospects certainly discouraged qualified local candidates for the ministry, but the church imposed additional hardships.⁶² Local candidates for the ministry were required to go to England for ordination. This arduous and often dangerous journey discouraged some. Because of these adverse factors, those men who were willing to minister were often deficient in ability and even morality.⁶³ The poor quality of clergy in turn caused a lack of allegiance and defections to ever increasing sects of dissenters.⁶⁴

The genuine infusion of dissenters in Virginia came after 1732 when pious Scotch-Irish and Germans from Pennsylvania began to move into the Shenandoah Valley.⁶⁵ Most of these settlers embraced Presbyterianism. Yet, in spite of their position as dissenters from the Anglican establishment, in the early part of the eighteenth century Presbyterians still accepted the necessity of an established church as the only possible method to insure the spreading of the gospel which they considered necessary to

preserve civilization. While the Presbyterians acquiesced to the idea of a traditional hierarchical organization,⁶⁶ as small land holders, these Scotch-Irish settlers opposed privilege or inequality. In time, their ideas had a great influence on the political ideology of the interior of Virginia toward opposition to English government and religion. These same individualistic ideals eventually led them from gratitude for toleration to insistence on religious liberty.⁶⁷

Their journey began with the stirring of revivalism in the era later labeled the Great Awakening. In the initial phase of that great revival in Virginia, the back country Presbyterians were among the first to exchange religious apathy for fervor.⁶⁸ It is a note of irony that the frontier area which the Anglican clergy had considered insignificant became the seedbed of the nemesis of the establishment.

The Awakening message was not a new gospel, but a return to the literal acceptance of Scripture which had succumbed to intellectualism. The ideology of the Awakening, often referred to as Pietism, advocated the independence of the individual under the personal grace and guidance of the Spirit.⁶⁹ Pietists desired a return to the moral teachings of Jesus and rejected the religious traditions added after the New Testament church.⁷⁰ The supporters of the message were enthusiastic and personal

evangelism was spreading the fervor even before the famed evangelist George Whitefield visited Hanover County, Virginia, in 1745. Two years later, the fiery Baptist Samuel Davies arrived from Delaware to continue Whitefield's teaching.⁷¹ After 1747, Hanover teemed with Baptists and Presbyterians and the struggle for legal toleration of dissenters began in earnest.⁷²

The leaders of the Great Awakening did not intentionally bypass the Anglican Church. Whitefield made futile attempts to use his Anglican ordination to teach in the churches. Devereaux Jarratt, another Anglican minister, also tried to bring the Awakening to the established church and many Anglicans accepted his urging toward reform and revival.⁷³ The clergy, however, did not welcome this message. The tidewater area, especially, maintained strong Anglican support and, in time, Jarratt turned to the Methodists and became one of their chief leaders.⁷⁴

The Methodists were a sect of the Church of England which followed the teachings of John Wesley. Their original intent was not separation; in fact, they supported the established church.⁷⁵ The Methodists sought to return to a gospel of personal conversion experience followed by sanctification (a daily discipline which led to a life of holiness).⁷⁶ This fervent pietism corresponded with that of the Great Awakening revivals. Moreover,

Wesley's disciples exhibited many examples of the same type of emotionalism which offended the establishment leaders-- outbursts of uncontrolled laughter and glossolalia.⁷⁷ These emotional displays roused antirevivalist attitudes within the established church; such demonstrations of enthusiasm did not conform to traditional or rationalist ideology. Opposition to this spiritual movement was yet another serious mistake of the Anglican Church.

A related error was the matter of reaction to their adversaries. While Anglican leaders debated Methodist activities, they discounted the importance of another pietist sect, the Baptists.⁷⁸ Their appearance caused little stir initially. Although some of the revivalists in Virginia had personal ties with New England dissenters, most early Baptist congregations in Virginia developed without any organized connections.⁷⁹ Most of them were from lower classes in remote areas and their preachers were uneducated. Authorities in some locations expected that such lowly classes would be of little significance and, therefore, did not diligently pursue Baptist dissenters. Not until the sect had experienced significant growth, did leaders begin to make earnest efforts "to put down the disturbers of the peace, as they were now called."⁸⁰

While the dissenters had remained few and unorganized, enforcement of religious laws was erratic.⁸¹ Then, in 1747, several civil suits were filed against dissenting

ministers.⁸² Increased prosecution inspired organized protests. In 1748, Samuel Davies debated against the Toleration Act of 1689 on the legal grounds that the act no longer suited the conditions in Virginia. He insisted that the vast distances on the frontier did not permit adherence to the requirement of attendance at registered meeting houses.⁸³ Throughout the 1740s, the House of Burgesses had generally disregarded the activities of dissenters; but by 1752, dissenters were growing in alarming numbers and the Council realized mild restraints would no longer suffice.⁸⁴ In response to the looming threat to establishment supremacy, the Council encouraged local authorities to increase pressure on troublemakers.⁸⁵

Differences of opinion over how to respond to persecution produced division within the Baptist sect by 1765. The Regular Baptists, tried to conform, hoping to induce lenient application of the laws. But, the more belligerent Separate Baptists refused even to apply for licenses.⁸⁶ By 1768, frustrated and angry authorities resorted to enforcing long neglected laws for mandatory attendance at Anglican services hoping imprisonment would be an effective deterrent to absenteeism.⁸⁷

The behavior of the Baptists had two different effects for the first enthusiastic participants of the Great Awakening, the Presbyterians. By the 1770s, the Presbyterians lost their position as leaders of the revival

movement. First, they were too few to serve broad areas; secondly, their manner was too intellectual for the residents of the remote regions. The Baptists, and many Methodist groups as well, arose to meet the needs of the common people.⁸⁸ However, the Presbyterians reaped unexpected benefits from the activities of their counterparts. After the Separate Baptists began to resist authorities, the Presbyterians enjoyed greater acceptance and even gained a semblance of respectability.⁸⁹ In fact, Governor William Gooch favored the Presbyterians and assured a Hanover County delegation "they were not only tolerated but acknowledged as a part of the established church of the realm."⁹⁰

Meanwhile, authorities resorted to severe actions in dealing with outspoken dissenters. The first case of imprisonment of a Baptist minister was in Spotsylvania County in 1768 where five men went to Fredricksburg jail.⁹¹ In areas where persecution abounded, men and women, without regard to gender or social status, became targets. John Clay, Baptist preacher and father of statesman Henry Clay, was imprisoned for establishing the Black Creek Church in Hanover County in 1770.⁹² Persecution took many forms and at times was life threatening. At Chappawamsick Church, Charles Williams threatened the preacher with a gun. Dissenters experienced other harassments such as throwing a live snake or a

hornet's nest into the midst of the worshippers and mob beatings so violent that the "fyloor [sic] shone with the sprinkled blood the days following."⁹³ In 1771, John Waller received twenty lashes from the sheriff until he was in a "gore of blood and will carry the scars to his grave."⁹⁴ There were many other instances of whipping by local officials, although there were no cases when the Court ordered the beating.⁹⁵

The most noted case of imprisonment appears in the diary of James Ireland who accepted an invitation to Culpepper County around 1769. When his host received threats if he permitted the dissenter to preach on his property, Ireland responded by placing a table astride the property line so that "when I stood on the table I would not preach on his land no more than on another."⁹⁶ After his concluding prayer, men rushed from the woods and seized the preacher. His treatment was horrendous. He stood before magistrates who had already decided his sentence and subjected him to an open parade to the jail. There he was harassed all night with oaths, sticks and stones, and the company of local drunks (many of whom he converted). Incensed crowds gathered outside his cell where Ireland preached through the window while opponents rode horses through the gathering and threatened the listeners with clubs. One scoundrel even stood on a bench and urinated into Ireland's jail window while he preached. A plot to

blow him up failed, as did an attempt to poison him, but he nearly suffocated from the smoke of a fire set outside his window to discourage his audience.⁹⁷ His jeopardy did not end with his release, but continued for years. Finally, in 1772, a cook poisoned the entire Ireland family, killing one of the children.⁹⁸

The harshness of these persecutions contributed a new source of support by arousing the sympathy of many rationalist political leaders. James Madison, especially, reacted with disgust to religious persecutions. For years he attended both Anglican services and the meetings of revivalists while he investigated the causes of the dissenters.⁹⁹ In 1774, he lamented to his friend, William Bradford, that "That diabolical, hell-conceived principle of persecution rages among some [fellow Virginians]" and urged his friend to "pray for liberty of conscience to all."¹⁰⁰ His contempt for these injustices motivated him to become an advocate for the rights of dissenters and an able champion in future legislative battles.

Opposition and harassment inflamed rather than discouraged the religious causes. The Baptists, organized to protest persecutions and, therefore, became the greatest threat to the established religion. While dissenters had finally gained political support, the Anglican church carried the burdens of poor organization, bad image, and English connections. Thus, at the time of the writing of

Virginia's constitution in 1776, there was great pressure for disestablishment.

The complexities of this battle for religious independence manifest in the example of one man in particular. John Leland was a notable leader in the assault on the established church. Leland had left his Congregational upbringing and moved from Massachusetts to Virginia in 1775 to spread the Baptist message.¹⁰¹ His bold activities in Orange County inspired many dissenters to continue the fight. Leland demonstrated the strange mixture of ideologies which appeared during this religious struggle. Although an active pietist, his arguments against the Anglican Church often resembled the rhetoric of Thomas Paine; and, he frequently appeared to agree with deistic thinkers, such as Thomas Jefferson.¹⁰² Curiously, in spite of the persecution that he observed and experienced himself, Leland also asserted that no blood was shed in Virginia. This is a misleading statement--for although there were no executions in the South as there were in Massachusetts, there was much blood shed in persecutions.¹⁰³ These apparent contradictions made Leland a controversial figure. In spite of his contribution to the battle for religious freedom in Virginia, opponents managed to drive Leland from his church, and eventually from the state. Resolutely, he returned to Massachusetts in 1791 and continued his

campaign for religious freedom there.¹⁰⁴ Indeed, Leland found there another intense battle being waged in the struggle for freedom of conscience.

Massachusetts provides an ideal illustration of interaction of civil and religious authority. The ideology of the Puritans was clearly defined and documented. Because of their high literacy rate, they left an abundance of literature: church records and civil documents, as well as pamphlets, books, tracts and personal journals.¹⁰⁵

The first settlers, the Pilgrims, Separatists who left the established church because of individual freedom of conscience, did not institute an established church during their first generation in Plymouth Colony.¹⁰⁶ Yet, even they could not accept the Anabaptist extreme of complete separation of church and state.¹⁰⁷ When the Puritans arrived a few years later to create their "city set on a hill,"¹⁰⁸ they imitated familiar English patterns in their government. They endorsed an established church--as long as it was their version of a purified church.¹⁰⁹ But the vast distance from England, the liberality of the first colonial charter, and the early neglect by English authorities fostered alterations in their ideas of church government.¹¹⁰ Although, they did not separate from the Anglican Church as the Pilgrims had, the Puritans shifted power to the local church congregations.¹¹¹ These local groups choose their own ministers, performed judicial acts,

and exercised discipline when necessary.¹¹² Towns organized under the supervision of ministers and civil authorities who were all Puritans. Because town meetings admitted only church members, the same persons held civic and ecclesiastical offices.¹¹³

Because of the emphasis on literal interpretation of Scripture, especially Old Testament law, Puritans logically interposed moral codes into their civil laws.¹¹⁴ To them, the law was equivalent to God's will and they applied it to all aspects of existence. There was no detail of daily life omitted from careful regulation.¹¹⁵ Civil leaders took the role of guardians to protect the church. Thus, in the Massachusetts Bay Colony, church and state developed even closer relations than had existed in England.¹¹⁶ This interrelationship contributed to the longevity of the battle to retain a form of establishment.

The original charter granted in 1629 was very generous and allowed nearly self-governing privileges.¹¹⁷ The patentees were joint proprietors with rights of ownership and a place on the General Court which had power to make laws and ordinances as necessary.¹¹⁸ These leaders proceeded to shape the colony into their theocratic ideal. Most agreed with John Winthrop that the process required that the colonists "must be knit together in this work as one man."¹¹⁹ Legislation to promote this goal included providing establishment privileges for the Congregational

Church. For example, in 1631, the General Court ordered no one admitted to the colony except members of the church.¹²⁰ Winthrop argued that because the corporation of Massachusetts had paid for its land, they enjoyed the privileges of a private estate and, therefore, could limit entrance exclusively to Puritans.¹²¹

Unfortunately, unanimity was elusive. There was the problem of previous non-Puritan settlers in the area and too soon dissenters from within and without presented cause for concern.¹²² The Puritan reaction was legislation to control religious behavior. These included compulsory attendance at Sunday services,¹²³ outlawing hunting on the Sabbath,¹²⁴ and uniform discipline codes within the individual churches.¹²⁵ In 1636, the Court insured Puritan domination by disallowing any church body not sanctioned by local magistrates and elders--all of whom were members of the Congregational Church.¹²⁶

At the same time, the Bay Colony encountered civil disobedience stirred by Roger Williams.¹²⁷ This disrupter had taken orders as a minister of the Church of England, then embraced many Puritan concepts, and finally joined the Separatists.¹²⁸ In promoting his new tenets, he disrupted the peace of the colony. He opposed Sunday laws, criticized the Boston church for not separating from the Church of England while trying to change it, refused the oath of loyalty on the grounds that civil government

could not enforce church rules, and blatantly called all Puritans trespassers because they had not paid the Indians for their land. After being ousted from Boston, he moved to Plymouth where he provoked controversy for two more years.¹²⁹ Finally, authorities determined to exile him.¹³⁰ Friends warned Williams that deportation was imminent and he escaped with other refugees from Massachusetts Bay to found Rhode Island in 1636.¹³¹

Williams' colony affected Massachusetts in two ways. It was a boon in that it served as a safety valve, a repository for dissenters and malcontents, so the Bay Colony could prolong its uniformity.¹³² Yet, in this sanctuary, the dissenters united and multiplied and periodically returned to torment their former persecutors.¹³³ Bay Colony authorities bemoaned the creation of this "sewer and loathsome receptacle of the land."¹³⁴ Massachusetts made futile attempts to force theocratic order on their troublesome neighbor until 1663 when Charles II granted Rhode Island a charter which included religious freedom.¹³⁵

Each confrontation against the church by dissenters prompted further legislation which merely enhanced the status of the church.¹³⁶ Support for orthodox religious instruction in Massachusetts became a priority. Proclaiming the voluntary system inadequate, in 1638, authorities imposed the first compulsory tax on those who did not

contribute voluntarily.¹³⁷ This action raised opposition from the same areas of society which would later advocate disestablishment.

Ironically, the Anglicans, who extolled the benefits of an established church in Virginia, protested the same privileges in Massachusetts.¹³⁸ They resented giving support to the Congregational Church and sought legal exemptions. They were insecure because they were outnumbered and survival was the mark of victory in this hostile environment.

Secondly, the Baptists and Quakers advocated liberty of conscience and, therefore, objected to all forced support. In fact, the Quakers' adamant refusal to pay the tax developed into a real crisis.¹³⁹ Their resistance made them objects of hatred which manifested in social prejudice as well as legal tribulation.¹⁴⁰ From 1657 to 1660, the General Court passed numerous laws against Quakers with penalties such as imprisonment, fines, whipping, stocks, seizure of property, and banishment.¹⁴¹

Massachusetts authorities dogmatically continued their attempts to bring unity through legislation. In 1638, they provided that any excommunicated person who did not show evidence of attempts at restoration should be banished.¹⁴² Soon after that, they declared that civil authorities had the power to enforce the ordinances and

rules of Christ. Under pressure, they permitted formation of new churches, but only if the members were "orthodox in judgment and not scandalous."¹⁴³

Because the ceremony of baptism provided civil benefits in addition to church status, conformity on this issue was essential. Baptist condemnation of infant baptism warranted banishment.¹⁴⁴ The conflict over Anne Hutchinson's denial of the necessity of good works convinced the majority of the people of the dangers of dissent and, thereby, increased support for intervention by the authorities.¹⁴⁵ To eliminate repetitions of the Antinomian controversy, the General Court decreed that no town could harbor any person for longer than three weeks without permission of the magistrates or council.¹⁴⁶

The ultimate canon for the Puritans was the Cambridge Platform of 1648.¹⁴⁷ Petitions to the court had protested the exclusion of some Englishmen from the colony, as well as limitations of church membership and, therefore, voting rights. They demanded relief and threatened to appeal to England. The General Court called for a synod, a colonial court to resolve church problems, at Cambridge "to discuss, dispute, & cleare up . . . such questions of church government & discipline . . . as they shall thinke needfull & meete."¹⁴⁸ The Platform provided a closer relationship among the churches and stronger ties between the church and the state.¹⁴⁹ Item six declared:

It is the duty of the Magistrate, to take care of matters of religion, & to improve his civil authority for the observing of the duties commanded in the first [tablet of the Ten Commandments, regarding man's relationship to God], as well as for observing of the duties commanded in the second table [regarding relationships between men].¹⁵⁰

Items eight and nine of the Platform proclaimed the civil authority must guard against "corrupt and pernicious opinions, that destroy the foundation," and use "his coercive powr [sic], as the matter shall require" against church bodies which did not conform to orthodox standards.¹⁵¹ This legislation enhanced the Puritan Commonwealth and intensified the use of force rather than faith to control society.¹⁵²

The actions of the General Court against the Quakers left a permanent blot on the history of Massachusetts. The Court imposed successively harsher penalties if any of the banished Quakers returned: cut off one ear; then the other ear; the third time, a hot iron through the tongue; and finally, the death penalty.¹⁵³ Under this regulation, authorities executed two men in 1659; the next year, they executed a man and a woman. Records also list twenty Quakers imprisoned before the zeal of the General Court abated.¹⁵⁴ An address to the king in 1660 justified the executions as necessary to preserve both religion and the state. They claimed the Quakers died because they showed contempt of authority by coming to the Bay Colony even

though they knew the penalties.¹⁵⁵ However, for Charles II this incident justified reducing Puritan power and he suspended their authority to impose the death penalty against the Quakers. It was a pleasant bonus that this action would also strengthen the position of the Anglican Church in the Bay Colony.¹⁵⁶

Soon after this, the Puritans received another blow to the power to manage their society. In 1664, the king ordered that all Englishmen who presented a certificate from their home minister should be admitted to the Commonwealth.¹⁵⁷ Still, authorities struggled to maintain control. Finally, the Massachusetts Bay Company provoked the British Crown to its limits. The list of offenses included: endorsing a dissenting form of religion while suppressing the Anglican Church; fining, imprisoning, and even hanging English subjects without following English law; excluding Englishmen from the colony because of church connections; and, forbidding appeals to England.¹⁵⁸ The Puritan authorities justified all their actions and, for a time, they delayed action by the king, but in 1684 the charter was revoked.¹⁵⁹

During this same period, circumstances within the Congregational Church also contributed to the loss of privileged position. One of the most significant actions was the Half-Way Covenant of 1662.¹⁶⁰ This compromise provided baptism for children of church members, who

demonstrated an upright life--regardless of whether they gave a testimony of personal religious experience. As church members, they could enjoy certain civil privileges; yet, they could not take the Lord's Supper, vote in church affairs, or hold office. Thus, they received a "halfway" membership.¹⁶¹

The Covenant demonstrated the complexity of the Puritan theory of citizenship. Although offering civil benefits, this covenant was not simply a manifestation of political motives. In fact, the debates of the synod contain no mention of political considerations.¹⁶² Again, the intention of the authorities was religious unity for the entire society--to maintain control of their society by drawing in those people who were not actively involved in the church and, therefore, outside church discipline.¹⁶³

Although originally intended only to extend membership to children of church members, by the end of the eighteenth century the church was accepting an increasing number of persons who did not make any confession of faith.¹⁶⁴ The inclusion of so many uncommitted believers was eventually destructive. In addition to bringing a diluted spiritual tone and division among the churches, this covenant eventually provided the privilege of the vote to many members with anti-establishment leanings.¹⁶⁵

Political changes in England continued the erosion of establishment security. William and Mary's Toleration Act of 1689 conceded limited religious liberty as necessary to the well-being of society. The new grant in 1691 ended the Puritan dream of uniformity.¹⁶⁶ The charter reorganized the entire society; Massachusetts, Maine, and Plymouth became one colony. The toleration provisions eliminated the civil power of the church and instituted broad liberties of conscience to all Christians except Papists.¹⁶⁷

This toleration was extremely important and had a dual effect. It served to delay the final dissolution of the established order because once enforced uniformity was gone, authorities insisted dissenters had no quarrel against the established church. Meanwhile, as dissenters operated more freely, their ranks grew and developed into the forces which would eventually fight for disestablishment.

Although the new charter provided that dissenters could attend their own churches, it required that they still support the established church.¹⁶⁸ The Puritans interpreted that to mean the General Court could impose laws to encourage and protect the Christian religion professed by the majority of the citizens.¹⁶⁹ They proceeded dogmatically under that impression. An act of 1692 required every town to collect a tax to support an

"able, learned, orthodox minister" for religious training.¹⁷⁰ This act became the basis for the official status of the church under the new charter.¹⁷¹ Therefore, from 1692 to 1728, with the exception of Boston and a few small towns, dissenters throughout Massachusetts paid taxes to support Congregational ministers.¹⁷²

Most historians emphasize the Great Awakening as the real beginning of large numbers of dissenters separating from the established churches.¹⁷³ Because the revival emphasized a personal experience and knowledge of God rather than a theoretical or intellectual basis, the Awakening took the gospel to the masses and became the religion of the common people not just the elite.¹⁷⁴ Many Congregational churches welcomed the message and, consequently, the converts brought new zeal into the church and restored the dwindling numbers.¹⁷⁵ This was one important factor in sustaining the establishment longer in Massachusetts than in Virginia.¹⁷⁶

But the revival was not a panacea for the problems of the church. In spite of the new vigor in the church, there were some New Lights and Separate Congregationalists who left the established churches over disputes about ties to the state and taxation.¹⁷⁷ Those churches which rejected the revival experienced the most division and conflict. The opposition in these churches was often the stimulus for the eventual cries for complete religious

freedom.¹⁷⁶ The revivalists who were the most ardent proponents of voluntary religious freedom did not appear to realize how radical their requests were nor how coercive they often appeared to their opponents.¹⁷⁹ In fact, an important argument in support of the enthusiasts was reliance on persuasion alone not coercive power to hold their disciples.¹⁸⁰

The adamant justification of convictions on both sides served to continue the struggle in Massachusetts longer than any other state. Establishment leaders insisted dissenters already enjoyed liberty of conscience; dissenters declared there were unjust limitations and penalties. It would require the spiritual inspirations of the Second Great Awakening and the political changes of Jeffersonian democracy to provide the strength to unseat the New England establishment.

In both Virginia and Massachusetts, disestablishment was an evolutionary process. Men who insisted that following their own consciences required breaking with the orthodox church fought first for toleration. They experienced gradual improvement and increased influence, but often at the expense of harsh persecution, civil restraints, and social ostracism.¹⁸¹ Always they held hope that the same land which had brought political and economic freedoms would provide religious opportunities as well. For years they built a foundation and enjoyed small

victories, but they lacked the impetus to fulfill that dream. It took a peculiar combination of circumstances which converged at the birth of a new nation for them to reap the benefits of all the preceding efforts. The battle would begin in earnest in Virginia in 1776.

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Chapter 2
From the Head and From the Heart:
Rationalists and Pietists Unite for
Disestablishment in Virginia

The American Revolution generated an opportunity for more than political transformation in Virginia. The general upheaval provided suitable circumstances for increased toleration and even freedom for religious dissenters. A curious alliance of forces with different motives had produced a foundation which made disestablishment possible. Both enlightened rationalists and dissenting pietists embraced the idea of individual autonomy. When dissenters demanded the right to individual spiritual expression without interference or intermediaries, rationalists supported these ideals as consistent with the rhetoric of natural rights. These diverse streams merged during the special circumstances produced by the American Revolution and began radical changes in the relationship of church and state. Nevertheless, the resolution of the issue came only after a long and heated conflict.¹

The distinctive composition of Virginia society contributed to the intensity of the campaign. Social, political, and ecclesiastical spheres were essentially indistinguishable. Reflecting the influence of John Locke, patriotism was often equated with virtue.² When the troubles in 1775 threatened irreconcilable actions, the Virginia Gazette urged citizens to "habitual prayer and

fasting."³ The January 6, 1776, edition of the Gazette declared: "REBELLION TO TYRANTS IS OBEDIENCE TO GOD."⁴

Although patterned after the English model, Virginians had developed an Americanized version of Anglicanism. It was a more intellectual religiosity than their Puritan counterparts and because of their hierarchical structure, there was less emphasis on individual accountability. The upper classes, as a whole, had developed an indifferent--even skeptical--attitude toward religion. Consequently, church attendance was more indicative of status than of spiritual condition. Nevertheless, they valued their privileges and recognized the importance of their relationships with the church in retaining their positions.⁵ To protect their dominance, Virginia leaders developed what many have viewed as the strictest enforcement of religious behavior in the colonies.⁶

Legal and social authority also intertwined without clarity and, therefore, furthered the positions of the gentry. Officially, church organization remained under the jurisdiction of the Bishop of London; but rather than maintaining personal supervision, he had appointed a figurehead Commissary to oversee the colonists. Actual operation of the parishes passed to the local vestries by default.⁷ The essence of establishment in Virginia resided in the functioning of these vestries. Because these vestrymen served as local civil leaders as well as church officials,

compulsory church participation helped maintain their dual prominence.⁸

Because of the lack of clear division of authority, disbanding the religious establishment in Virginia was not a simple procedure. Rather than one definitive legislative act, a network of interconnected legislation provided the foundation for church privileges. Therefore, the establishment had to be disassembled one stone at a time--each privilege dislodged individually.⁹

Religious dissenters had presented numerous petitions protesting discrimination and persecution during the 1750s and 1760s, but with little effect.¹⁰ Control remained at the local level and, therefore, toleration was inconsistent and piece-meal.¹¹ Harassment, imprisonment, and conflict occurred throughout Virginia.¹² In 1774, James Madison wrote to a friend that appeals from dissenters were futile because the Assembly was "too much devoted to the ecclesiastical establishment to hear of the toleration of dissenters."¹³

Yet, in less than two years circumstances eroded the privileged position of the Anglican Church. As the relationship with England deteriorated, Anglicans suffered more and more from their English ties. One point proved to be a valid concern. At the ordination ceremony, the clergy took an oath to the crown, bishop, and English prayer book. Therefore, Virginia leaders devised a new oath to the

commonwealth. When asked to swear this new allegiance, one-fifth of the clergymen resigned their positions. Many of these men left Virginia to return to England, although a few merely retired from the pulpit.¹⁴ Although most southern Anglicans were supporters of the Revolution, some defiantly remained Tories.¹⁵ As the patriots set about terminating despotic political allegiances, they were also ready to consider discarding religious ties which reflected a history of intertwining civil and ecclesiastical tyranny.¹⁶

On May 6, 1776 Virginia representatives met in the hall of the House of Burgesses for the ponderous task of devising a written constitution for a free state--the first such event in the history of the world.¹⁷ After exhorting the Continental Congress to issue the Declaration of Independence, they deliberated bills to solve the problems in Virginia.¹⁸ Considering the uncertainty of the Revolution, it is amazing that the Assembly could even contemplate dealing with such matters as religion. In fact, many participants suggested postponing these issues until the future of the country was more certain.¹⁹ However, dissenters had demanded considerable attention before the outbreak of the war and they eagerly took advantage of the Revolutionary zeal.

Thomas Jefferson was one leader who responded to the Revolution as an opportunity to institute extensive

changes, including radical proposals on religious toleration. Jefferson's philosophical views on religious liberty reflected the Americanized version of rationalist thought. He advocated the Enlightenment tenets of reason, conscience, and natural rights--which gained him the deist label.²⁰ Citing the failings of orthodox Christianity, he had rejected enforcement of organized religion even before taking up the cause of the dissenters.²¹ He had incurred much criticism for declaring, "It does me no injury for my neighbor to say there are twenty gods, or no god. It neither picks my pocket nor breaks my leg." Furthermore, he argued, "Constraint may make him worse by making him a hypocrite, but it will never make him a truer man."²² Yet in 1803, he wrote to Dr. Benjamin Rush, "I am a Christian . . . sincerely attached to . . . [Jesus'] doctrines, in preference to all others."²³ Jefferson's own religious views encouraged his support of the pietists who had returned to the simple teachings of Jesus. In fact, that dogma was so important to him that he later wrote a book intended to remove religious distortions by concentrating only on the doctrines of Jesus.²⁴

Jefferson's ideal for religion emulated that of John Locke. He endorsed "a voluntary society of men, joining themselves together of their own accord, in order to the public worshipping of god in such a manner as they judge acceptable to him and effectual to the salvation of their

souls."²³ This suggestion to permit a man to support the form of worship which was acceptable to him was one of Jefferson's most controversial ideas.²⁴

He submitted a proposal for the 1776 Virginia Constitution which would have eliminated tax support for the established church. Entitled "Rights Public and Private," it provided that "all persons shall have full and free liberty of religious opinion; nor shall any be compelled to frequent or maintain any religious institutions."²⁷ Although too radical for immediate adoption, his controversial suggestion forced an open debate of the issue.

On May 15, 1776, the legislators passed a resolution that "a committee be appointed to prepare a DECLARATION OF RIGHTS, and such a plan of government as will be most likely to maintain peace and order in this colony, and secure substantial and equal liberty to the people."²⁸ Although George Mason wrote the first fourteen articles of the Declaration of Rights, he included many of Jefferson's ideas.²⁹ Randolph Edmund Randolph, a fellow member of the committee, reported that some members of the committee especially objected to Article XVI. Written by Patrick Henry, this last one dealt with religious freedoms.³⁰ Opponents charged that Henry, who had already earned a reputation as a defender of dissenters, was devising a basis for attacking the established church.³¹

That Henry so boldly proved himself an ally of the sects is not surprising. Although his father was an Anglican and his uncle a priest, Patrick's mother converted to Presbyterianism and, from age ten, Patrick regularly attended the sermons of Samuel Davies, the fiery Baptist of Hanover County.³² Henry's performance during the notorious "Parson's Cause" in 1763 carried him to the forefront of Virginia politics.³³ In that case, he boldly ranged far beyond the matter of salaries for ministers and used the occasion to address issues of deeper concern to many citizens of Virginia. While defending the actions of the colonial legislature to adjust the price of tobacco, and, therefore, the income of the clergy, Henry attacked both crown and church. He claimed that "the King, by disallowing acts of this salutary nature, far from being the father of people, degenerates into a tyrant and forfeits all right to his subjects' obedience."³⁴ Furthermore, he voiced the frustrations of many Virginians by maintaining that establishment clergymen, by requesting the King's intervention into local decisions, were enemies of the community in intentions and behavior.³⁵ That case earmarked Henry as a champion of religious liberty. Before he reached the legislature to fight for disestablishment, his defense of many other dissenters had enhanced his reputation.³⁶

Committee members debated over the exact wording of Henry's proposal for Article XVI. The first version proposed that

all men should, therefore, enjoy the fullest toleration in the exercise of religion, according to the dictates of conscience, unpunished and unrestrained by the magistrate, unless, under color of religion, any man disturb the peace, the happiness, or the safety of society.³⁷

James Madison, long an opponent of religious persecution, objected to the word "toleration" which he asserted implied granting a favor--not a right. He warned that in the future, any dominant religion might use this implication to restrict the very freedoms it proposed to grant.³⁸ With the aid of Edmund Pendleton, the first speaker of the Virginia House of Delegates, Madison convinced the committee to change the wording from "toleration" to "free exercise of all religions."³⁹

The final form was a significant advancement in religious freedom for all Christian denominations in Virginia. Article XVI declares:

That religion or the duty which we owe to our CREATOR, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity, toward each other.⁴⁰

The Assembly adopted the new constitution and elected Patrick Henry as the first governor on June 29, 1776.⁴¹

The Virginia Gazette printed the announcement and a copy of the new state constitution on July 6.⁴² On August 24, the Gazette carried congratulations from the Baptists to their former champion on achieving his office.⁴³ What they did not realize was the price attached to that honored position--it virtually eliminated Henry's influence in the legislature. The new constitution severely limited the powers of the governor and Henry would no longer be in a position to assist the dissenters in their battles.⁴⁴

The elation over Article XVI was also premature. Dissenters hailed this act as "the rising sun of Religious Liberty to relieve them from a long night of Ecclesiastical bondage."⁴⁵ Nevertheless, although the Article proclaimed liberties for dissenters, it did not eliminate possibilities of a state church and religious taxes nor did it deny government control of religious affairs.⁴⁶ A single victory could not achieve the end of the conflict.

When the first session of the Virginia Assembly under the new constitution met on October 7, 1776, two great advocates of religious freedom, Jefferson and Madison, met for the first time.⁴⁷ They found much to bring them together--for, despite the Revolutionary War, religious issues still demanded much attention.⁴⁸ Endeavoring to work within the system, dissenters pressed the Assembly. They submitted ten petitions against religious taxation while the Anglican establishment submitted only two

defensive petitions.⁴⁹ This response indicated the intensified activity of dissenting groups. In fact, one dissenting petition carried ten thousand signatures.⁵⁰

"The Memorial of the Presbytery of Hanover" (October 24, 1776) eloquently stated the interests of the Presbyterians, but also reflected the circumstances of most dissenting groups. "The Memorial" cited the hardships of financing the "purchasing of glebes, building churches, and supporting the established clergy." This was especially offensive because the Anglican Church was "an establishment, from which their consciences and principles oblige them to dissent." All this was done while they suffered "restraint upon freedom of inquiry, and private judgement." They urged their representatives to go beyond the concept of toleration and to "concur in removing every species of religious, as well as civil bondage."⁵¹ In response to the numerous petitions, on October 11, the Assembly formed a Committee for Religion.⁵²

The public participated via a war of words in the Virginia Gazette throughout the fall session; the majority of articles were anti-establishment.⁵³ On October 11, 1776, "A PREACHER OF THE GOSPEL" offered a cutting discourse regarding the legislation that licensed ministers be exempted from the militia. He asserted that "ministers of the established church . . . are not meant by the resolve. The very words of it seem to exclude them." He

argued that because the clergy "neglect to perform the duty," they should not have the "privilege annexed to their function." He called them drones who lived on "the sweets of the land" and suggested military service as a means of becoming useful to society. He called for "a regiment of black coats as well as red coats, of gown-men as well as shirt men." If the legislature would let the "true preachers of the gospel" assume the pulpits, this would guarantee that "you will soon see the colony flourish."¹⁴

A Baptist preacher, David Thomas, submitted a poem under the signature of "The humble address of a country poet [to the House of Delegates]" for the October 18 edition of the Gazette in which he urged the legislature:

Make us all FREE before you rise!
 FREEDOM we crave with ev'ry breath;
 An equal freedom, or a death.
 The heav'nly blessing freely give,
 Or make an act we shall not live!
 Tax all things, water, air, and light,
 If need there is, yea tax the night
 But let our brave heroic minds
 Move freely, like celestial winds.
 Make Vice and folly feel your rod,
 But leave our consciences to GOD.¹⁵

Participation in the conflict with England also served to validate requests for toleration. Purdie's edition of the Gazette for October 18, carried a long article on the front page from "the several companies of militia and freeholders of Augusta." They declared "All denominations have unanimously rushed to arms, to defend the common cause." As these men of different religious opinions had

united "in defence [sic] of our invaluable inheritance," the petition urged all religious groups "be forth-with put in the full possession of equal liberty, without preference or preeminence" and that "no religious sect whatever be established in this commonwealth."⁶

On November 1, "A Member of the Established Church" responded that the object of the October 18 article was "the subversion of our church establishment." He questioned this attack on a church which was "productive of peace and order, of piety and virtue" and asked "were not dissenters freely tolerated?" The author wondered how "by destroying our church establishment, that unanimity, so necessary to the salvation of our country, will be preserved?" He also reflected the condescending attitude of establishment supporters when he declared that

to deprive men of what they have always enjoyed, and been taught to regard as their right, is a much juster cause of complaint, and much more likely to produce dissatisfaction and dissensions, than the withholding from them what they never had in possession.⁷

Then on November 8, Purdie's Gazette ran an article, "QUERIES on the subject of RELIGIOUS ESTABLISHMENTS," which questioned whether an understanding of the human mind would not "render it both unlawful and absurd for any society to invest the magistrate with authority to prescribe articles of faith, or regulate [men's] religious conduct?" Surely, the author argued, no man "ever meant to

assign to the magistrate his rights of conscience, which all good men hold the most sacred." He raised a question which reflected the entire future of American religious ideology: "Can the cause of Protestantism be maintained on any ground which will not support the profession of every religion that does not set up a claim to civil pre-eminence?" The author warned that "the daily multiplication of dissenters" suggested they would eventually become the majority and, according to the Virginia Constitution, they would then dominate. He feared they might then use their power to retaliate against their unfair treatment. Furthermore, history had demonstrated "that in those countries where religion is most carefully guarded, and its officers most highly rewarded by the laws, it has the least rational and moral influence." He cautioned against the clergymen who he claimed, "are ambitious of being MASTERS in the sense forbidden by the meek and lowly Jesus."⁵⁸

In 1776, the Methodists rejected the label of dissenters and identified themselves as "a Religious Society in Communion with the Church of England."⁵⁹ On October 18, they submitted a petition to the Assembly in support of the state church. They claimed to represent nearly three thousand members who feared "that very bad consequences would arise from the abolishment of the establishment" and pleaded that "as the Church of England ever hath been, so it may still continue to be Established."⁶⁰ They based

their arguments on the traditional conviction that religious unity was the only way to assure peace and stability in society and that state support was the only means to guarantee survival of religious teaching.⁶¹

The substance of the claims from supporters of the established church remained consistent. Jonathan Boucher, an Anglican minister, wrote anonymous articles in 1776 in which he expressed fears similar to those of the Methodists. He asserted that the "generous polity" of the Anglican Church was far superior to "a wild Republic of mad Independents."⁶²

On November 8, the Anglicans rose to defend themselves before the Assembly. They reminded their leaders that they had begun their ministry in Virginia under promises of protection. They claimed dissenters desired to withdraw from them their very property and means of living. The Anglicans contended that their religious values would promote a virtuous society in which the government could operate. Furthermore, they asserted that establishment had worked so well for 150 years and produced so many benefits to the colony that it should continue even if it imposed hardships on a few individuals. The churchmen also commended themselves on their mildness toward dissenters and warned that religious equality would bring competition for superiority, leading to confusion and civil disorder.⁶³

The question of how to accommodate the needs of the new state and yet deal justly with the religious issues resisted simple solution. Jefferson reported that the debates over religious freedoms were "the severest contests" in which he ever participated.⁶⁴ On November 5, after animated debates, the Assembly appointed a committee to produce "An act for the revision of the laws."⁶⁵ (The committee would finally give its report on June 18, 1779.)

In response to petitions from dissenters demanding financial relief, the House of Delegates considered exempting dissenters from contributing to the support and maintenance of the church.⁶⁶ Jefferson continued to press for religious as well as political freedom. He declared it "religious slavery" when "the operations of the mind, as well as the acts of the body, are subject to the coercion of the laws."⁶⁷ Eventually, Jefferson's arguments were effective. On December 9, the legislature agreed on an act to exempt dissenters from support for "maintenance of a church with which their consciences will not permit them to join, and from which they can therefore receive no benefit."⁶⁸

The result of the Assembly's labor was more of a compromise than a victory for either side. Proponents of complete religious freedom had made progress in the resolutions which followed many of Jefferson's proposals. The recommendations sent to the House included: 1. Invalidate

all acts of Parliament regarding worship, religious opinions, or mandatory attendance; 2. Repeal the Act of Assembly of 1705 which had applied parliamentary acts to Virginia law; 3. Repeal tax laws and forced contributions to any church; 4. Permit the established church to retain all property presently in its possession.⁶⁹

Although this appeared to be a great triumph, the points of concession were also significant, especially the controversy over the fourth provision. Jefferson insisted that church property should revert to the state upon the death of the minister, but the conservative leaders overruled him on this issue.⁷⁰ In addition, several connections remained between the church and state. The government could not determine doctrine but retained the power to license meeting houses and ministers of all denominations; in addition, they would continue to oversee parishes, clergy, and business of the Anglican Church.⁷¹ The most important action was actually a compromise. The levy for support of the Anglican ministers was not eliminated but it was suspended until the next session of the Assembly.⁷² These suspensions continued each session until final disestablishment occurred and Virginia collected no religious taxes from that time.⁷³ In addition, the Assembly agreed to consider a general assessment. This was the proposal to continue the religious tax

and divide the income among all the approved churches--in essence, providing a plural establishment.⁷⁴

By the time the Assembly met in May 1777, the conflict was expanding. Pro-establishment forces launched a campaign to sway public opinion--enlisting tools such as a pamphlet entitled "The Necessity of an Established Church in Any State; or, An Humble Address to the Legislators of the Commonwealth of Virginia."⁷⁵ Both sides organized efforts to influence the legislature. Petitions arrived from the central counties of Cumberland and Mecklenburg protesting the movement toward disestablishment. Then on June 3, another memorial arrived from the Hanover Presbytery commending the actions of the legislature which would increase religious liberty.⁷⁶ The document included criticism of a general assessment as merely another form of establishment and "contrary to our principles and interest: and, as we think, subversive of religious liberty." In addition, the petition entreated the legislature never to "extend any assessment for religious purposes to us, or to the congregation under our care."⁷⁷ The controversy was so heated that the Assembly chose not to consider the issue of assessment; but, they voted to continue the suspension as in the previous session.⁷⁸

In October 1777, several petitions arrived to support the cause of established religion. From the center of the state, Cumberland parish protested again and Lunenburg

parish charged that dissenters had made fraudulent claims in their petitions. Caroline parish in the Tidewater area, went even further and requested a general assessment for the support of religion.⁷⁹ The Assembly made no new decisions in this session. Again, the suspension of salaries was continued--as it was the next year.⁸⁰

Persecution of dissenters had not ceased even with the activity in the General Assembly. In 1778, two years after the declaration that all denominations were equal, Baptist elder Elijah Baker went to prison in the peninsula county of Accomack on charges of vagrancy and preaching without proper credentials.⁸¹ Although Baker was the last recorded case of imprisonment for religious charges, Baptists continued to struggle for the equality the law had proposed.⁸² Instances of persecution kept religious issues in the forefront of public discussion and inflamed the supporters of disestablishment.

As the republican ideas accompanying the Revolution spread, so did resentment of the oligarchical parochial system; and, by May 1779, there were many petitions to dissolve the vestries.⁸³ The Assembly formed a committee to write a bill for this purpose but then postponed the work until October. The Baptists complained again of harassing limitations such as prohibiting night meetings and requiring that doors remain open during meetings. But now, the tone of the complaints had changed. Toleration

was no longer acceptable; they now insisted on religious equality.⁸⁴ In response, the Assembly ordered preparation of a bill for religious freedom, but, at the same time, ordered one "for saving the property of the church heretofore by law established."⁸⁵ Obviously, the dissenters had not achieved complete victory.

The need for a bill for religious freedom was easily satisfied; although he had not presented it at the time, Thomas Jefferson had written such a bill in 1777.⁸⁶ On June 12, 1779, John Harvie presented Jefferson's Bill for Establishing Religious Freedom. However, by that time, Jefferson was serving as the Governor of Virginia and the same circumstances which had limited Henry in 1776 now prevented Jefferson from promoting his bill. Jefferson recognized his absence represented a serious handicap. He explained that while "the majority of our citizens were dissenters . . . a majority of the legislature were churchmen."⁸⁷ The imbalance in representation was significant. Now, without his strong influence, support for passage wavered and the legislature deferred action on the bill.⁸⁸ Nonetheless, establishment forces did not have the power to reverse previous decisions and the legislature voted to continue suspension of salaries for the clergy.⁸⁹

During the summer of 1779, Jefferson's bill was printed as a broadside entitled "A BILL for establishing

RELIGIOUS FREEDOM, printed for the consideration of the PEOPLE." It is unclear whether the Assembly or private funds financed the printing, but the proposal reached the public and rallied forces on both sides.⁹⁰ In this bill, Jefferson argued that "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical." Furthermore, he contended that the government should interfere with religious issues only "when principles break out into overt acts against peace and good order." He discounted the argument that religion would disappear without state support. "Truth is great," he asserted, "and will prevail if left to herself."⁹¹ This concept of religion was as revolutionary as the political sentiment which had produced the war with England and contributed to the development of a distinctly American society.

During the October session, the bill for religious freedom dominated the attention of much of the state. Numerous counties submitted petitions to the legislature.⁹² From the Appalachian Mountains, Augusta County citizens presented a memorial in support of the bill. A petition from Culpeper, in the north central region, insisted the bill for religious freedom would be "very injurious to the Christian Religion, and will be attended with the most baneful consequences if permitted to have an existence in this State" and beseeched the

legislature for "destruction of all such Diabolical Schemes." Furthermore, the Culpeper document advocated a general assessment.⁹³ This was significant as support for a general assessment often signified a concerted effort toward reestablishment or at least incorporation as an alternative.⁹⁴

After intense debates failed to bring agreement, the Assembly postponed the vote; thereby, delaying action in the same manner as they had on the matter of clergy's salaries. But, George Mason, who helped author the bill, gathered enough backing to pass a measure on December 13, 1779, repealing government support of the clergy.⁹⁵ After three years of delay, Virginia finally terminated this vital connection between church and state.

This action, though, was not enough to end the religious struggle. Several problems remained for the legislature to settle during the next few years. The Episcopalian Church (Anglicans had adopted the new name to discard their English connection) still enjoyed several legal privileges: the exclusive right to perform marriages; authority to levy and administer poor funds; and, tax-exempt glebe lands.⁹⁶ During the early 1780s, civil authorities gradually assumed the work of the vestries to care for the poor and the vestries were dissolved.⁹⁷ Enforcement of restrictions on performing marriages also relaxed.⁹⁸

Changing conditions began to affect the temporary alliances which had formed to bring disestablishment. Progress encouraged boldness in the sects. By May 1783, the Baptists, the largest and most organized, argued for complete equality of all ministers as an intrinsic right rather than a benevolent favor.⁹⁹ The Quakers and Methodists, as well, had determined to depose the Episcopalians. While collaboration could have been beneficial for all denominations, mutual distrust prevented unity.¹⁰⁰ Jefferson, though, considered this an advantage to true religious freedom. "The several sects perform the office of a Censor morum over each," he wrote.¹⁰¹ Madison agreed that "a variety of sects . . . is a security against religious persecution . . . [and guarantees] that no one sect will ever be able to outnumber or depress the rest."¹⁰²

The alignment of legislative forces had also changed by the time of the important sessions of 1784. General assessment had important supporters and even generated alliances between former opponents in the religious battle --most notably Patrick Henry and Richard Henry Lee. Many viewed a general assessment as merely a more liberal establishment and questioned Henry's support. Henry never clearly explained his apparent reversal, but it may have resulted from genuine concern over the prevailing low opinions of religion and a fear that removal of support

would cause the church to perish and, thus, destroy the morality of the state.¹⁰³ The reluctance to abandon all government support of religion was a common rationale among supporters of assessment and the petition from Lunenburg included the same argument.

That Confined to Christianity alone; we wish for the establishment of a free and universal Toleration Subject to the Constitution; we would have no Sect or Denomination of Christians privileged to encroach upon the rights of another . . . we wish to see the reform'd Christian religion supported and maintained by a General and equal contribution of the whole State upon the most equitable footing that is possible to place it . . . with Liberty nevertheless reserved to each of the Contributors [sic] respectively . . . to direct for whose benefit it is Contributed.¹⁰⁴

The peculiar alliance of dissenters and intellectuals had also faltered; the Presbyterians, especially, had wavered. Both Jefferson and Madison commented on the alteration of dogma. Jefferson declared, "Some of our dissenting allies, having now secured their particular object, [have gone] over to the advocates of a general assessment."¹⁰⁵ Madison commented that the Presbyterian clergy appeared "as ready to set up an establishmt. which is to take them in as they were to pull down that which shut them out." He also declared, "I do not know a more shameful contrast than might be formed between their Memorials on the latter & former occasion."¹⁰⁶

It appears that differences of opinion between the laity and the clergy had influenced the official

Presbyterian position. While the laity favored separation of church and state, the clergy hesitated and acted according to the strength of support for each argument. Madison believed that the clergy changed because they were "moved either by a fear of their laity or a jealousy of the Episcopalians."¹⁰⁷ He welcomed the competition between the Episcopalians and Presbyterians and considered it beneficial because "a coalition between them could alone endanger our religious rights, and a tendency to such an event had been suspected."¹⁰⁸

On June 4, 1784, the Episcopalians requested an act of incorporation. They wanted complete reorganization and self government as the Protestant Episcopal Church.¹⁰⁹ They requested that the clergy, not the legislature, have the power to set church doctrines.¹¹⁰ The Assembly delayed action on the request for incorporation; yet, the Presbyterians interpreted the possibility as a dangerous opportunity to preserve special privileges and declared it was in blatant opposition to Article XVI.¹¹¹ This resistance surprised the Episcopalians who had expected the Presbyterians would agree because the act included benefits for all approved sects.¹¹²

A general assessment appeared to be a certainty when the Assembly met in October 1784. The major adversaries in this debate were Henry, now returned to the legislature, and Madison. Henry argued that religion's importance in

the well being of the state justified a form of establishment to support the church. Madison countered that the real issue was "not is Religion necessary--but are Religious Establishments necessary for Religion?"¹¹³

Henry's rhetoric swayed the majority and the Assembly appointed a committee, chaired by him, to prepare a bill. Despite Madison's continued efforts, it appeared that the general assessment would pass. Henry then made a significant decision considering the fervor of the battle; he accepted another term as governor, thus eliminating his influence in the legislature for the second time during critical decisions.¹¹⁴ Madison did not weaken in his struggle and cited the petitions against assessment as indicative of popular desires, but by the end of November he expressed little hope of victory.¹¹⁵

On December 10, 1784, the legislature removed restrictions in the marriage laws which had prohibited dissenting ministers from performing ceremonies. This eliminated the last vestige of establishment privileges.¹¹⁶ Only two religious issues remained and the Episcopal Church made a tactical error by bringing a petition for incorporation before settling the assessment issue.¹¹⁷

Political collaboration provided adequate support to pass the incorporation act on December 22. Even Madison participated and voted to pass this act which he had so

strongly opposed. In return, he demanded cooperation in delaying the assessment issue, which he considered merely another means of establishment.¹¹⁸ The Assembly deferred the assessment issue until the next session and Madison began a diligent campaign to educate the public and rally support to defeat it.¹¹⁹

The spring campaign of 1785 demonstrated the success of Madison's efforts when many supporters of assessment did not win reelection.¹²⁰ The May session served as an organizing period for Madison's forces while other events further undermined the effectiveness of the opposition. Presbyterians, fearing a return to power by the Episcopal establishment with the Incorporation Act, withdrew support of a general assessment.¹²¹ The Episcopalian Church also lost strength of numbers needed to revive an establishment when the Methodists separated.¹²² Although this shocked the Episcopalians, it was unavoidable. Many Methodists had accepted the message of the Great Awakening and major conflicts had developed in doctrine, worship, and organization.¹²³

At the urging of George Nicholas, a leading opponent of a general assessment, Madison composed "A Memorial and Remonstrance" detailing the opposition to "A Bill establishing a provision for Teachers of the Christian Religion."¹²⁴ He argued that complete freedom of religion was "in its nature an unalienable right" which could not be

"abridged by the institution of Civil Society"¹²⁵ He further insisted that Article XVI of Virginia's Declaration of Rights insured an "equal title to the free exercise of Religion according to the dictates of conscience."¹²⁶ He declared that government support weakened the confidence in religion's "innate excellence, and the patronage of its Author," and cited historical examples of degradation of religion when connected to state.¹²⁷ Madison concluded with the assertion that the General Assembly had no more authority to become involved in religious issues than it did in rights such as freedom of the press or trial by jury.¹²⁸ Madison's well-written, persuasive memorial had a significant effect and prepared the way for passage of Jefferson's statute for religious freedom.

The anti-assessment petitions of October 1785 reflected the influence of Madison's remonstrance, but the session did not debate the general assessment issue. The topic of consideration was Jefferson's bill which finally passed in December.¹²⁹ Although establishment had already been defeated, this bill served as assurance that the state could not reinstate previous policies.¹³⁰

Yet, Madison was not satisfied. Throughout the debates, he had supported complete religious freedom and, in 1786, he led a battle to repeal the Incorporation Act of 1784. On January 6, 1787, after much debate, the Assembly passed "An act to repeal the act for incorporating the

Protestant Episcopal Church and for other purposes."¹³¹ Withdrawing the privileges of incorporation was the decisive separation of church and state for it guaranteed all churches equality and independence.

The only remaining issue was possession of glebes and other church properties. Dissenters argued that these properties, purchased with taxes from all citizens, should rightfully revert to the state to be sold or opened to public use. Church officials, on the other hand, insisted that most of this property was purchased at the time when there were few dissenters in Virginia. The majority of the tax payers at that time belonged to the church. Therefore, the holdings were legally the property of the Episcopalians.¹³² The debate continued to occupy the Assembly through various petitions and acts from 1787 until the defeat of the last effort to save some glebes in 1802.¹³³

Religious issues then moved from the hands of the politicians to the courts.¹³⁴ Virginia's controversy regarding the state taking possession of glebes became the first case in which the United States Supreme Court considered church and state relationships. In Terrett v. Tylor (1815), the Episcopalian Church finally won a battle. Justice Joseph Story ruled that the state could withhold tax support, but the legislature could not seize property which the church had acquired over the years.¹³⁵

Disestablishment had involved multiple forces and numerous individuals; but of all the champions, Thomas Jefferson probably receives the most honor. Likewise, he considered this work as among his most important. When he composed a memorandum entitled "Services to My Country" (c1800), he devoted one line to composing the Declaration of Independence. His work on "demolition of the church establishment" received a detailed paragraph.¹³⁶ He believed his work had brought the better good for the state and summarized the situation like this:

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 everyone to profess freely and openly those principles of religion which are the inductions of his own reason, and the serious convictions of his own inquiries.¹³⁷

Many circumstances continued which indicate that although the Assembly had broken the legal connections between church and state, that did not end the influence of the church in the realm of religion or of the state. In fact, in 1823, Madison reported to a friend that "no doubt exists that there is much more of religion among us now than there ever was before the change; and particularly in the Sect which enjoyed the legal patronage." He continued, "This proves rather more than, that the law is not necessary to the support of religion."¹³⁸ The goal of disestablishment forces had not been to rid Virginia of

religion, but rather to free her citizens to enjoy the most benefits it could offer. They understood Madison's statement: "conscience is the most precious of all properties."¹³⁹

Disestablishment in Virginia was not a clean break: yesterday establishment, today none. Instead, it was a series of postponements, or refusals to act, and partial changes until complete religious freedom was a reality. Yet, Virginia set an example in the church-state relationship which many other states emulated. Advocates for religious freedom in other regions, such as New England, drew courage from the results in Virginia to continue the lengthy struggle. The campaign for disestablishment in the United States would not end until 1833 in the state of Massachusetts.

ENDNOTES

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Chapter 3
Not the PENCE but the POWER:
The Disestablishment Process in Massachusetts

Massachusetts was the last state in the union to dissolve church-state ties, but the forces of disestablishment were active long before the constitutional battle of the 1830s.¹ The practice of having control at the level of the local congregations developed attitudes of republicanism. First the pietism of the Great Awakenings and then the conflicting rationalism of the Unitarians shook the theological foundations. Also of importance were the philosophical alliances which contributed to the development of the early political parties.

While the combination of these influences encouraged disestablishment as surely in Massachusetts as elsewhere in the nation, there were distinctive factors which delayed that actuality. These included the interweaving of civil and religious authorities, nearby refuges to which dissenters could retreat, early legislation for religious toleration, and the balance of political power which was in favor of the establishment. As a result of these advantages, establishment forces guarded their position and delayed the final break until 1833.

With the exception of the Pilgrims at Plymouth, the settlements in Massachusetts Bay Colony began with religious right-wing groups which imposed religious

creating in this new land their version of a purified church. Massachusetts Bay was not to be a place to experience broad new freedoms, but rather a place where English laws and institutions could reach perfection when under the proper management.³ To these strict Calvinists, the law of the land was an extension of God's authority and no detail of life was beyond moral significance, whether civil, religious, or personal.⁴ To survive, their society required uncompromising uniformity. Therefore, the colony determined to admit only similar believers; the church congregations were the citizens of the towns, and only church members received voting privileges.⁵ Very early, Massachusetts Bay dealt severely with dissidents--banishment, imprisonment, or even death. This was not unreasonable in their society; individualism equated to anarchy. Enforced orthodoxy was the only way to assure survival.⁶

Although the early dreams of uniformity did not succeed, the early period of rigid enforcement did shape the character of succeeding generations who retained the Puritan concepts of spiritual and civil government.⁷ Even after compromises occurred for the dissenting sects, Massachusetts clung tenaciously to its church-state ties. In fact, John Adams once declared, "I know they might as well turn the heavenly bodies out of their annual and diurnal courses, as the people of Mass at the present day

from their meeting-house and Sunday law."⁹ Yet, this same authoritarian society fostered the rise of respect for the individual. Their intellectual self-reliance based on Scripture and the principle of covenant altered the Puritan ideal into an new Americanized version of individualism.⁹

As early as 1691, Anglicans in Massachusetts had made a futile appeal to the crown to disestablish the Congregational Church. They claimed an established church was in violation of the Charter of 1691, but the crown ruled in favor of the established church.¹⁰ More significant challenges to the church and state relationship developed in the eighteenth century.¹¹

These began with conflicts involving the Quakers. The General Court had taken measures to suppress unorthodox influences and to apprehend trouble makers quickly. Legislation limited visitors to the colony to a maximum of forty days without a license from the magistrates.¹² Ships which carried Quakers into the colony received large fines.¹³ However, in 1724, England responded to complaints of persecution and ordered all Quaker prisoners released.¹⁴ This intervention by the Crown was significant. Placing limitations on civil authorities to imprison people for religious offenses initiated the process of weakening the connection between church and state powers in Massachusetts.¹⁵

Under pressure from England, the General Court passed several acts adjusting religious taxes. In 1727, the status of the Church of England improved. Because they endorsed an established church, Anglicans never received exemption from religious taxes, but they did receive permission to direct their taxes to the support of their own ministers.¹⁶ This was a welcome concession because there were few self-sufficient Anglican churches in Massachusetts.¹⁷ Beginning in 1728, the legislature offered both Baptists and Quakers limited exemption from taxes for the support of ministers.¹⁸ The value of these compromises was superficial because of several restrictions. While individual poll tax received exemption, properties did not. Only persons who lived within five miles of their church received exemptions. It was necessary for dissenters to reapply each year. The exemption did not apply to taxes collected to build new churches. In addition, the acts granting these exemptions were in force for a limited period.¹⁹

The Baptists persistently demanded more relief. In response, the Court ordered assessors to prepare a list of Baptists who should receive exemption. But, this token act did not provide significant benefit. The political power of Baptists was insufficient to pressure local assessors to grant the exemptions.²⁰ In 1761, when Baptist grievances began to sway the King, the Court expanded the exemption

law to include personal estates and renewed it for a period of ten years.²¹ Nevertheless, the exemption was not an adequate solution for the Baptists because of the principle involved. The very act of using a certificate of exemption implied approval of civil authority to place a religious tax.²²

One movement with diverse effects was the religious revival known as the Great Awakening which peaked in New England during the 1740s.²³ The revival encompassed all levels of society and put into motion fervent convictions which would provide support for disestablishment. The Awakening diminished the status of establishment clergy by honoring other people as authorities and by emphasizing the religious liberties of the individual.²⁴ The message of the revivalists expanded the basic Congregational concept of local self-government and voluntary submission and pitted the individual's judgment against the establishment's ecclesiastical control and state interference.²⁵ George Whitefield, the dynamic evangelist of the Awakening, encouraged a radical society in which there is "neither Greek nor Jew, circumcision, nor uncircumcision, barbarian, Scythian, bond nor free."²⁶

The Awakening also realigned the religious powers--beginning in the Congregational Church. Even while Old Light ministers (those who retained orthodox theology) reaped the benefits of renewed piety among their members,

they vigorously combatted the teachings of the New Lights (those who accepted the Awakening enthusiasms).²⁷ The internal challenge to ideology seemed more of a menace than did the external threat from dissenting sects.²⁸ New Lights, in turn, complained about the "hireling clergy" and abstained from payment of ministerial taxes. When Congregational ministers applied legal pressure to collect the money, they aroused even more resentment.²⁹ Congregations dwindled as members withdrew. Some disgruntled members joined Anglican churches rather than stay in churches where New Light believers dominated. In cases where they could not prevail, some New Lights formed their own separatist churches. Many others joined existing Baptist congregations as a reasonable escape from establishment oppression.³⁰ The appeal of this option was that these groups already possessed the exemptions from religious taxes which were expensive and difficult to obtain.³¹ This realignment after the Awakening substantially increased the numbers of zealous dissenters and many of these new converts were activists ready to accept trials with the attitude of religious martyrdom.³² There would be ample opportunity to demonstrate their fortitude in the future persecutions.

As Baptist rolls increased, many towns experienced significant loss of income and the resulting economic hardships encouraged severe measures. A notable example was

the case of the Baptists in Ashfield from 1767 to 1774.³³ After the Baptists repeatedly refused to pay ministerial taxes, the magistrates seized the personal property of the offenders and sold it (for a fraction of its actual value).³⁴ These extreme actions prompted organized efforts among the Baptists to gain religious liberty. In 1770, they formed the Warren Association of Baptists in New England through which they could fight their religious battles more effectively.³⁵ When Massachusetts authorities continued to disregard their petitions for restitution,³⁶ the Warren Association appealed to the Crown. It argued that the ecclesiastical tax was unfair because they were not represented in the financial decisions.³⁷ Even though English authorities disallowed the Ashfield law on July 31, 1771,³⁸ local authorities were slow to implement changes. Meanwhile, a significant modification in ideology had developed. The political and economic struggles had escalated the cause of the dissenters from merely securing toleration to demanding individual rights.³⁹

The individualistic ideals of the revivalists continued to generate civil disturbance as well as church disputes. The challenges to authority jeopardized the social and intellectual unity so necessary to the Puritan philosophy of society.⁴⁰ Discussions of doctrinal and political issues provoked individuals to examine their

tenets of religious and civil institutions. As they did, they sought justification for their ideas not only from the Bible, but also from English philosophers such as John Locke and John Milton.⁴¹

The process of reevaluating principles fostered even more extreme ideas. Many embraced a religious rationalism which led to gradual liberalization and invited Enlightenment ideas.⁴² Some leaders, such as Jonathan Mayhew, began to teach from Deist books (which denied the personal God of the theists), rationalist books (which stressed reason rather than Scripture), and Enlightenment books (which elevated mankind).⁴³ Followers of these ideas raised questions of reason versus revelation, morals versus miracles, and public virtue versus private salvation.⁴⁴ Although beginning among the educated elite, elements of rationalist thinking gradually spread to the general public. This ideology fostered the climate and language for key concepts of civil independence as well as complete religious liberty.⁴⁵

The legislature reflected the influence of changing attitudes by enacting a series of laws granting privileges and exemptions to dissenters in the early 1700s. Both Baptists and Quakers received grants of exemption for those who objected to paying the taxes on a conscientious basis.⁴⁶ But, even while granting privileges, the state maintained strict controls on behavior. For example, the

"Act for Better Observation and Keeping of the Lord's Day" set fines and punishment in the stocks for violating Sabbath laws.⁴⁷

The religious debates had a significant effect on society by the time of the American Revolution.⁴⁸ The same Puritans who had imposed strict external control through legislating behavior had also fostered an intellectual self-reliance based on the principle of voluntary submission. Their descendants continued to oppose monarchical powers and to sanction a representative government.⁴⁹ In fact, there were several tenets of Puritanism, such as a code of justice, compassion, and individual dignity and value, which correlated with democratic ideas.⁵⁰ Crusades for religious freedom had not only cited those Puritan tenets, but also inspired new concepts of political freedom which consequently encouraged more religious freedom.⁵¹ Before 1776, dissenters had waged a serious battle for religious changes, but the Revolution brought changes none of them anticipated. The conflict modified the religious struggle when clashing sects united to fight the English. Before the Revolution, contact was limited to periods of confrontation; now, men of different sects came together with a common goal which diminished the importance of their disagreements. Daily contact generated a sense of mutual respect among men who had once been opponents.⁵²

The stance of the churches during the Revolution had important effects on their reputations. The Congregational Churches enhanced their image during this time as nearly all of the Congregational clergymen readily used their political influence to support the Revolution.⁵³ They devised an innovative combination of Locke and theology to justify American resistance. Interestingly, they quoted Locke liberally on the necessity of resisting tyranny--even though they chose to skip over Locke's attacks on establishment of church.⁵⁴ Perhaps the most effective opportunity for ecclesiastical influence was at the election sermon delivered to the governor and the General Court. The message had a widespread impact because the minister usually published and circulated it through the entire colony.⁵⁵

The Baptists never held such elevated social status as the Congregational leaders, but they were a notable source of support for the Revolution. Their patriotism became an important tool to combat prejudice among the leadership of the new state. Some opponents, such as Robert Treat Paine, of Taunton, Massachusetts, had reacted to Baptist complaints against taxation by accusing them of Loyalists tendencies.⁵⁶ But these accusations lost credibility during the war. Baptist zeal was such that when the General Court decided in 1778 to bar 311 men whom they considered enemies of the cause, not one Baptist was

listed.⁵⁷ Although later, opponents did manage to locate among the ranks of the Baptists one minister and a few laymen with English sympathies.⁵⁸

Baptist leaders supported the war because of a genuine desire for political freedom, but they grasped the opportunity to promote religious liberty as well. One of the most influential spokesmen was Isaac Backus, a convert of the Great Awakening revival who became a noted Baptist historian.⁵⁹ His zeal soon involved him in the theological controversy which split many Congregational churches including his local church at Titicut in 1745.⁶⁰ His own mother and brothers suffered imprisonment because of their refusal to pay religious taxes.⁶¹ When he joined the Warren Association, his eloquence made him a champion of religious dissenters. Using Locke's philosophical arguments to object to religious taxes, he declared liberty of conscience was the "greatest article of liberty."⁶²

Backus was among the delegation which took the cause of religious freedom before the Continental Congress in 1774.⁶³ There he protested the principle of exemption certificates and declared that using them acquiesced to men a power which belonged only to God.⁶⁴ John Adams accused the dissenters of trying to break up the Congress. He had long claimed that the "Quakers were not generally and heartily in our Cause" and the Baptists acquired the same suspicion by association.⁶⁵ He also maintained that the

convention had no authority to deal with such problems and, even if they had, he insisted that "the laws of Massachusetts were the most mild and equitable establishment of religion that was known in the world; if indeed they could be called an establishment."⁶⁶ Whether because of Adams or not, the Congress decided not to enter into the issue of the dissenters.

Another rejection did not deter the Baptists; instead they used the political circumstances to the advantage of their religious cause. Backus insisted that there was a correlation between the struggle with England and the struggle for religious freedom. He wrote to Samuel Adams:

I am bold in that taxes laid by the British Parliament upon America are not more contrary to civil freedom, than these [religious] taxes are to the very nature of liberty of conscience, which is an essential article in our character.⁶⁷

The Anglicans, reorganized into the American Episcopal Church, did not fare as well in Massachusetts during the Revolution as the other sects. Congregationalists already resented these dissenters and charged there was no evidence that along with the change of name the Episcopalians had changed ideology.⁶⁸ The Congregational Church resented the royal pressure which had compelled Massachusetts to permit Anglicans to hold services and direct their taxes to their own ministers.⁶⁹ In addition, the Anglican oath of allegiance to the king and the quest for an

American bishop represented a threat to the American cause. Not only did Massachusetts ideology oppose the principle of a bishopric, but the Congregational Church also feared the power that an Anglican Bishop would represent.⁷⁰ They asserted the Quebec Act of 1774 was symbolic of a conspiracy for Anglican, therefore English, domination.⁷¹

Ironically, this was a case of an established church protesting establishment privileges. In the process, the Congregationalists used the same arguments against the Episcopalians which the Baptists were using against the Congregational Churches.⁷² In addition, the success of the Revolution increased confidence in the common man's abilities--a dramatic advance from the Puritan Calvinistic doctrine of the depravity of man. Consequently, the Revolution reinforced the demand for voluntary support of religion rather than government coercion.⁷³

Religious persecution did not cease even amidst the crisis with England. The Congregational Church was losing members due to both the zeal of the Great Awakening revivalists and declining fervor among others at the same time.⁷⁴ Leaders clung precariously to their favored status and used remaining laws as weapons against the activities of their opponents. In many cases, authorities found methods to circumvent legislation for toleration. For example, they used laws requiring ministers to have

degrees from Harvard or Yale to deny monetary support and privileges of assembly to dissenting groups.⁷⁵ When extremely provoked, authorities simply ignored toleration laws. In February 1774, eighteen Baptists in Warwick, Massachusetts, went to jail for not paying taxes. The exemption certificates they held provided no protection.⁷⁶

When the Continental Congress recommended that the states form new governments, Massachusetts was the first to do so and proposed a form very similar to its first charter.⁷⁷ However, the people rejected this constitution in 1777 by a vote of ten thousand to two thousand. Complaints included the fact that it contained no Bill of Rights and it reinstated some of the old ecclesiastical laws.⁷⁸ The legislature then called for a constitutional convention in 1779.⁷⁹

In May of that year, Samuel Stillman, pastor of First Baptist Church of Boston, received the honor of delivering the election sermon. He took advantage of the opportunity to present an official statement of the Baptist principles of religious freedom. Asserting a division of powers between civil and ecclesiastical government, he used as his text, "Render, therefore unto Caesar the things which are Caesar's; and unto God the Things that are God's."⁸⁰ In essence, the argument Stillman presented for the Baptists

was merely a reassertion of the Massachusetts concept of covenant--voluntary consent of the governed.⁸¹

The convention convened on September 1, 1779.⁸²

There were two especially encouraging developments for the cause of the dissenters: the rise of democratic rhetoric and the knowledge that among the representatives there were at least thirteen clergymen who might be sympathetic to their cause.⁸³ One advocate with broad and tolerant religious views was Joseph Hawley of Boston. He was a friend of Samuel and John Adams and had served in both the General Court and Provincial Congress. Dissenters welcomed Hawley because he had previously encouraged the General Court to disestablish the Congregational Church.⁸⁴ Another supporter arrived from Berkshire County in western Massachusetts; Reverend Thomas Allen had risen to prominence in Pittsfield where he had often swayed the opinion of the entire town with one speech.⁸⁵

Disestablishment forces quickly began to plead their cause to the convention. Isaac Backus proposed a bill of rights to the convention. He asserted that only voluntary obedience could make a true religion, that civil rulers had no right to force religious compliance, and that civil power should protect all persons from interference with freedom of worship.⁸⁶

Reverend Eliphalet Gillet, representing the establishment, disavowed Backus's assertions of religious persecu-

tion. Gillet claimed Massachusetts already enjoyed religious liberty. The law required citizens to worship God, but left each man to choose his own method. He also claimed proponents of complete religious freedom merely wanted freedom to have no religion at all.⁸⁷ Indeed, many felt that the actions of religious extremists had provided justification for the religious controls of an established church. David Tappan, a Congregational minister in Cambridge, condemned the "unfriendly party suspicions, cabals, slanders, and animosities, in affairs of the greatest political moment."⁸⁸ The Congregational clergymen declared the need for a strong established church to fight unrest in society.⁸⁹

This debate required specific consideration from the convention. John Adams wrote a draft of a bill of rights except for the section concerning the religious issue. The convention appointed a special committee to write that portion and then debated its final form for an entire session, from October 28 to November 11, 1779.⁹⁰ The result was that citizens would be free to choose their form of worship, but the legislature could still enforce mandatory attendance. This was negligible change from the system under which Massachusetts had previously operated. Article II stressed the importance of piety and offered religious freedom:

As the happiness of a people and the good order and preservation of civil government essentially depend upon piety, religion, and morality, and as these cannot be generally diffused through a community but by the institution of the public worship of God and of public instructions, in piety, religion, and morality. Therefore to promote their happiness and secure the good order and preservation of their government, the people ...invest their legislature with power to authorize and require, the several towns...to make suitable provision, at their own expense, for the institution of the public worship of God and the support and maintenance of public Protestant teachers of piety, religion, and morality...[as well as] authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid.⁹¹

The more controversial provision was Article III. The state would continue to require religious taxes from everyone, but the individual could direct his payment to one of the approved churches.⁹² Article III retained a church-state connection while insuring support for an ecclesiastical system:

And every denomination of Christians, demeaning themselves peaceably and as good subjects of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.⁹³

Following Joseph Hawley's advice, the legislature sent copies of the draft to the public for examination before adopting it in June 1780.⁹⁴ Nevertheless, much of the public did not accept it in its entirety. Backus led the Baptists against Article III on the basis that either submitting to religious taxation or applying for exemption

signified recognition of the state's right to set up an established church. He also speculated that the tax was an attempt to reduce the growth of the Baptists by removing economic benefits of joining the Baptist sect.⁹⁵ Continued imprisonments for refusal to pay religious taxes aroused public indignation.⁹⁶

At this time, the battle moved into the courts. The most noted law suit involved Reverend John Murray, a Universalist minister, whose church applied in 1783 to receive the taxes paid by its members. In 1784, Essex County assessors rejected the application on the grounds that the minister was not legally ordained. This charge not only made the church ineligible for governmental support, but also made all marriages he performed illegitimate.⁹⁷

The court battle expanded from financial to doctrinal issues as the establishment included evidence regarding the incorporation of the church and Murray's ordination. In 1785, the judge upheld the traditional interpretation of the Cambridge Platform: article nine declared that only parishes which filed for incorporation and received approval from the legislature could receive tax support and official ordination of ministers.⁹⁸ According to this application of Article III of the Declaration of Rights, traditional interpretation was now valid under the constitution.⁹⁹

The resolution of the case should have been straightforward from this point, but it took unexpected twists. In spite of the statements by the judge regarding the Cambridge Platform, the jury found in favor of Murray. Yet, Murray was unhappy with the precedent set by the judge's ruling and he appealed his own victory.¹⁰⁰

While awaiting the next court appearance, a pamphlet battle developed which defined the arguments of both sides as they would remain until the final resolution in 1833. As applied to Murray, the establishment claimed: (1) The minister was not legally ordained according to the Cambridge Platform; (2) his unorthodox theology did not fit the constitutional definition for a public teacher of piety, religion, and morality; and, (3) the constitution excluded unincorporated churches from tax support.¹⁰¹

Murray resisted pressure to apply for incorporation for his church. He insisted that would set a precedent that the General Court could determine the existence of all sects.¹⁰² When the Supreme Judicial Court heard the case, the court judged that the intent of the constitution was that any sect could receive the tax money from its members --including the Universalist church. However, Murray did not meet the ordination qualifications and, therefore, did not qualify for support or to perform marriages. The decision diminished the privileges of religious freedom promised by Article II and dashed the

hopes of dissenting sects across the state. As a result, dissenting groups faced more harassment. Some congregations submitted and filed for incorporation, but many resisted and took their cases before the courts.¹⁰³

A noted case for the Baptists occurred at the same time as the Murray case. Elijah Balcom filed suit against the tax assessors of Attleborough, Massachusetts. The members of the First Baptist meetinghouse refused to file for exemption or to pay the taxes. The assessors seized some cattle to sell for payment and jailed Reverend Balcom. The Baptists celebrated a victory when the court ruled in favor of Balcom in 1783,¹⁰⁴ but they suffered a reversal the next year. When Gershom Cutter, a Baptist from the parish of Cambridge, refused to pay his taxes, the court again upheld the interpretation that unincorporated societies should not receive support from the state. In the appeal of this case, the Superior Court reinforced the previous decision: no religious society should receive legal recognition until incorporated.¹⁰⁵ In another instance, Thomas Barnes, a minister from Falmouth, Massachusetts, demanded that he receive the taxes paid by his followers in 1807. He lost his case and the court's decision again was that taxes could go only to an incorporated society.¹⁰⁶

Being thwarted at the state level, the dissenters appealed again to national leaders. A delegation went to the Constitutional Convention at Philadelphia in 1787, but the founding fathers did not welcome the dissenters then any more than the Continental Congress had in 1774.¹⁰⁷ Nevertheless, the federal Constitution became the ideal of freedom from government intervention into worship and dis-establishment forces desired the same liberty in Massachusetts.¹⁰⁸

As state and national politics began to divide along party lines in the 1780s and 1790s, the churches also took partisan stands. The Congregational Church took a conservative stand which favored the property holding class, most of whom would make up the Federalist Party. Equating religious freedoms with civil liberties, the dissenters, especially the Baptists, became the basis of support for Jeffersonians.¹⁰⁹

Legislation passed by the civil government provided the privileges of establishment; therefore, dissenting sects determined to diminish the political power of the Congregational Church. Dissenters continued to seek alliances at both the state and national levels. In 1790, Isaac Backus appealed to President George Washington and included a copy of his History of New England to reveal the extent of religious persecution. He complained of the taxes and legislative control of religion in New England

while other states had none.¹¹⁰ Although he lamented to a friend his unhappiness about the continued intolerance and persecution, Washington did not intervene.¹¹¹

In 1791, dissenters in Cheshire welcomed another strong advocate. John Leland returned from Virginia where he had established a reputation as one of the ablest leaders in the struggle for disestablishment.¹¹² He used his experience to promote the same arguments which had been effective there. One of his first contributions was a dynamic pamphlet, "The Rights of Conscience inalienable, and therefore Religious Opinions not cognizable by Law: Or, The high-flying Churchman, stripped of his legal Robe, appears a Yahoo."¹¹³ His efforts promoted him to leadership among dissenters, who eventually elected him to the Massachusetts House of Representatives.¹¹⁴

During the 1790s, establishment supporters downplayed outcries for religious liberty, asserting that the Constitution of 1780 already granted sufficient freedom and preserving the church influence was essential to preserve society.¹¹⁵ They described the situation as a combination of Moses (civil government) and Aaron (church government) and proclaimed they were "united in counsel . . . the true American union, of which no Christian and no patriot can ever be ashamed."¹¹⁶ Dissenters rejected this exaltation of the ties between church and state and resented the involvement of establishment clergy in political

issues. National issues drew the clergy further into debates on the side of the Federalists.¹¹⁷ This involvement brought charges that "The Clergy are now the Tools of the Federalists."¹¹⁸

These factors also served to limit Enlightenment influence in Massachusetts. Opponents of the Enlightenment and deism cited the excesses of the French Revolution and claimed similar conspiracies existed among the American rationalists. Jedediah Morse, of the First Church of Charlestown, Massachusetts, circulated the theory of a French intrigue in "Proofs of A Conspiracy Against All the Religions and Governments of Europe, Carried On In The Secret Meetings of Free Masons, Illuminati, and Reading Societies" by Professor John Robinson of the University of Edinburgh.¹¹⁹ In time, the excesses of the French Revolution provided credibility to warnings about disestablishment forces in New England. Conservatives emphasized that when France attempted complete absence of religion the results had been disastrous.¹²⁰ These accusations diminished the impact of deism in the United States, but did not eliminate all influence of rationalism.¹²¹

Beginning in 1792, a new wave of revival, often called the Second Great Awakening, swept across the state as pietists reacted to the skepticism of rationalists.¹²² Although as sincere in its spiritual quest as the first

Awakening, this revival avoided much of the emotional excess which had provoked criticism earlier. According to Reverend Alvan Hyde, a Congregational pastor in Lee, Massachusetts, these meetings were "never noisy or irregular, nor continued to a late hour. They were characterized with a stillness and solemnity."¹²³ Like the First Awakening, the emphasis was on individual spirituality and moral living.¹²⁴ Public support was enthusiastic and the newspapers carried glowing reports. Reverend Samuel Ware of Northampton, Massachusetts, described the movement as a "second season of refreshing" and extolled the revival as a "glorious work of divine grace" and "rich blessings."¹²⁵

Much like the first revival, the Second Awakening brought separation and change. The Congregational Church experienced several doctrinal divisions: Old Calvinists (man participated in shaping his destiny), Consistent Calvinists (emphasized predestination), and Unitarians or Universalists (rejected Calvinism in favor of more rationalism).¹²⁶ Especially damaging to Congregational unity was the Unitarian movement. It introduced a form of rationalist Christianity which splintered the Congregational Churches. Unitarians conflicted with several key Calvinistic doctrines. They denied the divinity of Jesus and the doctrine of the Trinity, exalted man's goodness rather than the tenet of original sin, preached salvation

by works, and rejected revelation in favor of rationalism.¹²⁷ The Unitarian concept of universal salvation flourished in an society which was in theological transition among both pietists and rationalists. William Bentley, a Congregational minister, noted their increasing numbers and realized they represented a threat to the strength and property of the Congregational Churches.¹²⁸

The Second Awakening again emphasized freedom of conscience for every individual.¹²⁹ Because of the elevation of the common man, the New England tradition of deference which had sustained the establishment was slipping away.¹³⁰ Bentley complained that the people in Salem no longer elected men of distinguished leadership, but bestowed the office of Deacon on "the meanest of people."¹³¹

The emphasis on individual rights created a natural attraction between the sects and the Republican Party.¹³² This was especially true of the Baptists, whose constitution proclaimed "religious liberty--the real friend of civil liberty--approves the first principles of the American revolution, constitution and government."¹³³ Just as in Virginia, alliances formed between religious and political groups which sought a common goal but with different motives.¹³⁴

By the end of the 1700s and early 1800s, dissenting organizations gained strength through their support of the

developing Republican movement.¹³⁵ The Congregationalists recognized that the Baptists posed a greater threat "not from their opinions, but from their political situation."¹³⁶ They complained, "The Baptists are in their constituencies more republican than the Methodists."¹³⁷

Yet, at the time their power was receiving recognition, the Baptists suffered a great loss in leadership. Isaac Backus died in November 1806, leaving a challenge to his comrades to continue until they had fully achieved their goal.¹³⁸ He explained that principle in a speech to the Warren Association after the legislature had passed an act to continue a tax of four pence per year. Backus had encouraged the Baptists to refuse to acknowledge the power of the state to impose the tax.¹³⁹ He declared:

It is not the PENCE but the POWER, that alarms us. . . it is evident to us that God never allowed any civil state upon earth to impose religious taxes; but that he declared his vengeance against those in Israel who presumed to use force in such affairs.¹⁴⁰

From the turn of the century, Jeffersonian disciples induced bitter controversy in Massachusetts by arousing the groups that protested both political and religious neglect.¹⁴¹ The Republicans attempted to separate political and religious issues, but it was impossible--especially as the connection between the Federalists and Congregational Church became more conspicuous.¹⁴²

Motivated by the recognition that the alliance between these two groups presented a serious threat to Jeffersonians, Abraham Bishop, a Republican leader, led an attack against establishment.¹⁴³ Republicans attacked "political Congregationalism" and derided the establishment as "the old firm of Moses and Aaron." They condemned the reciprocal relationship in which the clergy sanctioned the government which in turn protected and funded the church.¹⁴⁴

Republicans gained control of the state government for the first time in the 1807-1808 session. They reflected the influence of their dissenting supporters by introducing a Public Worship Bill which would have removed restrictions on all sects.¹⁴⁵ Although Federalists rallied enough votes to see that the bill failed, William Bentley declared the vote of 127 to 102 indicated such an act was inevitable.¹⁴⁶

In 1810, under a Federalist-led government, the conflict intensified. The Massachusetts Supreme Court upheld the traditional interpretation that ministerial taxes could be dispersed only to incorporated churches. There were many dissenting groups which still refused to incorporate on the basis of conscience and they strongly protested the decision.¹⁴⁷

The next year, the Republicans were in office again and they were sympathetic to the protests from their

primary supporters. Dissenters had an eloquent voice in the legislature through John Leland who was now serving in the House of Representatives and he campaigned vigorously for revision of the religious laws.¹⁴⁸ The proposal to relieve religious oppression took the form of the Religious Freedom Act and granted individuals the right to assign their taxes to their own church regardless of whether it was incorporated. This bill was an ominous attack on the foundations of the established order. The Congregationalists claimed it would bring the demise of moral influence and they promptly labeled it the "Infidel Bill."¹⁴⁹

Establishment supporters lacked power to block the legislation; in June 1811, the legislature passed the Religious Freedoms Act. The major gain was the repeal of all previous laws regarding ministerial taxes. This action set a new precedent of toleration and demanded reevaluation of Article III of the constitution which the courts had interpreted as authorization for continued taxation of dissenters.¹⁵⁰ Yet, other provisions were not so liberal and served to continue the religious conflict. For example, everyone must file certificates--regardless of whether or not their church was incorporated and the corporate relationship between the church and town remained intact.¹⁵¹

At the same time that they received this legislative blow, the Congregational ministers made the tactical error of opposing the War of 1812. They asserted that the sects which supported the conflict were of the lower classes which would expect to profit from the war and warned that they would "threaten the extirpation of the Congregational Churches."¹⁵² Even after the war ended, establishment supporters remained critical. William Channing, a Boston minister who compiled the doctrines of the rationalist Congregationalists, admitted the Revolution may have turned out suitably, but warned another "civil commotion" might not be as successful.¹⁵³ Much of the public interpreted the Congregational stand as unpatriotic and the Republicans used it as a weapon against the establishment.¹⁵⁴

After the War of 1812, Baptists, Methodists, and a few radicals comprised most of the Republican Party in Massachusetts and they anticipated that the Republicans could help them quickly achieve the goal of complete religious liberty.¹⁵⁵ This aspiration disregarded a major handicap: because of differing ideologies, their alliance lacked agreement except on the matter of disestablishment. This presented a significant liability when contesting the Federalists who had social, economic, and religious unity.¹⁵⁶ That cohesion enabled the imperilled establishment to prolong its status.

Another factor added to the strength of the establishment. In reaction to the Republican threat to both their politics and religion, the Congregationalists had sought reinforcement from the Federalist Party. There were many mutual factors which made this coalition feasible: their traditional status in society, their opposition to democratic ideology, their alarm at the French Revolution and atheism, their tradition of mutual support (the state protected the privileges of the Congregational Church which then sanctioned civil leaders).¹⁵⁷ Because the Congregationalists opposed the same elements which the Federalists considered threatening, political leaders eagerly sought the support of the clergy.¹⁵⁸

Unfortunately, this relationship further deteriorated the image of the Congregational Church. Favoring the conservative, property holding class, undermined the approval the established church had enjoyed while supporting the Patriots against the Crown during the Revolution.¹⁵⁹ Political connections between clergymen and government authorities kindled suspicions of complicity. For example, Samuel Cooper, pastor of the Brattle Street Church in Boston, suffered ridicule because he was the known confidant of many leading legislators in New England.¹⁶⁰ Much of the public resented the political activity among the clergy. The Salem Gazette carried a

letter of complaint that Congregational ministers showed more interest in promoting party than Gospel.¹⁶¹

During the early part of the nineteenth century, Massachusetts remained in a turmoil regarding both politics and religion as power alternated between Republicans and Federalists. The Federalists retained control until 1807; the Republicans won the elections of 1808, 1810, 1811; then, the Federalists regained power and retained office until the Republicans won in 1823-1824. The Federalists made one last futile effort to elect a governor in 1827 and by 1828 were defunct.¹⁶² Each side attacked the other and declared them disastrous for the state. Federalists branded the Republicans as atheists and opponents of religion. The Republicans attacked the failures of the established church.¹⁶³ As the conflict intensified, William Bentley lamented that Massachusetts society was in "a state of religious convulsions."¹⁶⁴

Although campaigning in the 1800s was animated, society demanded propriety on the part of the individuals--no theatrics permitted. Politicians swayed voters through letters to the newspapers, pamphlets, or personal contacts by party committees in the local communities.¹⁶⁵ Consequently, the writings of dissenters became even more significant during this crucial period. Leland continued to lead the battle with stirring attacks against "religious slavery" in Massachusetts. He equated the Federalists with

the Revolutionary Tories and asserted he would sooner "vote for a wolf to be shepherd" than for a Federalist.¹⁶⁶ He also exhorted dissenters not to condone the attempt of the government to "grant freedoms it does not own."¹⁶⁷

The efforts of the sects began to produce significant changes in public sentiment at the same time that other factors converged. The alliance of the Congregational Church with the Federalists undermined respect for the establishment; theological splits had diminished the numbers and, therefore, the political clout; and the Unitarian controversy gave a final blow to any unity within the establishment.¹⁶⁸ Sympathy for the demands of both Republicans and dissenters was increasing when the state Supreme Court heard the Dedham Case (1820). A conflict arose over the selection of a new minister for this little town outside Boston. The church members wanted an orthodox Trinitarian minister, but the citizens of the town wanted a Unitarian pastor and the Constitution of 1780 permitted them to participate in the election. When the Unitarian candidate won, the traditionalists withdrew and formed their own organization. They then sued for possession of the church property. The court ruled that the church held property as a trustee of the parish and when the Trinitarians withdrew they forfeited the property. This decision cost the orthodox Congregationalists at least eighty

churches in the next few years as more communities elected Unitarian ministers.¹⁶⁹

It was apparent that the only means to assure religious equality was to revise the Constitution of 1780, but the Federalists had enough votes to block Republican pressure for any such action in the early part of the nineteenth century. Finally, in 1820, the Federalists had an ulterior motive for agreeing to a convention: they were interested in separating from the democratic extremists of Maine.¹⁷⁰ While Federalists admitted some adjustments would occur in the church-state relationship, they determined to keep the changes "within bounds."¹⁷¹ A January 1820 issue of the Hampshire Gazette carried the message to the legislature from Federalist Governor John Brooks. He endorsed partial revision of the Constitution, at least in regards to the Declaration of Rights.¹⁷²

Indeed, church-state relations were the issues which dominated the both the floor of the convention and the minds of the public.¹⁷³ Throughout that year the Boston Patriot carried the debates. In May, an article signed "SHETHAR" pleaded that the state establish "religious freedom on a foundation which priestcraft shall not be able to destroy."¹⁷⁴ An establishment supporter reminded the convention that "orthodox Christians in Massachussets form a very large and respectable portion of its population."¹⁷⁵ "Gracchus" argued that because Boston had

never had a religious tax it was not a suitable place for leaders to make a decision on such matters.¹⁷⁶ The debates continued and, in September, the Patriot announced there would be a special convention to fix or discard the present constitution, including the religious toleration portions.¹⁷⁷

The Congregationalists insisted that a strong established church was necessary to fight evils such as deism and excessive democracy much as that in France.¹⁷⁸ Again, they recited their past contributions to the state as validation of their cause. The established order had endorsed the government during the Revolution and during Shays's Rebellion and they had used their influence to promote the new constitution. Because they had upheld the government, they now expected the government to sustain them.¹⁷⁹ But their argument was becoming harder to condone. Earlier advocates of establishment had used Locke's theories, but now opponents began to use his theories of liberty and toleration to demonstrate the inconsistency of supporting an establishment.¹⁸⁰ The growth of the dissenting denominations also contributed to the fears of the Congregationalists. The record shows the following number of churches in 1820: 373 Congregationalist, 153 Baptist, 67 Methodist, 39 Friends, 22 Episcopalian, 21 Universalist, and 23 other groups.¹⁸¹ Although Congregational churches were still the majority,

the profusion of sects was alarming; furthermore, they realized internal divisions weakened their influence.¹⁰²

The Baptists, especially, continued diligent efforts to influence both the public and the legislature. John Leland compared the struggle in Massachusetts with that in Virginia and declared, "The very idea of toleration is despicable. All should be equally free, Jews, Turks, Pagans and Christians." He further contended, "A general assessment (forcing all to pay some preacher) amounts to an establishment."¹⁰³ Again the public expressed itself through newspaper debates. In October 1820, the Hampshire Gazette urged the legislators to permit complete religious liberty.¹⁰⁴ Then "LAICOS" insisted that moral laws were unnecessary. Good people already are moral and bad people would ignore the laws.¹⁰⁵ But a defender of the establishment declared, "We ought to erect mounds to keep out the flood of innovation." Then he cautioned, "We are fast losing everything characteristic of us as a state."¹⁰⁶

The legislative deliberations of the convention repeated the arguments used for years by both sides regarding religious debates: acceptable ordination; definition of a public teacher of piety, religion, and morality; tax money to incorporated churches only; and, the extent of government intervention.¹⁰⁷ During these debates, Daniel Webster held to the traditional relationship of church and state when he declared that it was vital to retain "an

expression of our respect and attachment to Christianity-- not indeed, to any of its peculiar forms, but to its general principles."¹⁸⁸ Representative Childs, from Pittsfield, sponsored a resolution to put all denominations on the same standing, but it failed by a vote of 246 to 136.¹⁸⁹ Then Representative Williams, from Beverley, suggested the state permit voluntary support and tax individuals who did not contribute to a recognized church-- with that money going to support the Congregational Church. This was a drastic suggestion which would not only remove taxing power and control of monies from the state, but it also assured the collapse of the establishment.¹⁹⁰ The newspapers carried the debates from October through December 1820. B.C. Tertius insisted that the real question in the rights of conscience was whether civil government has authority to require people to support public worship. He declared it did not!¹⁹¹ An article signed "CONSCIENCE" urged freedom for each man's own understanding of the Christian message.¹⁹² By the end of October the debated had degenerated into an argument between traditionalists and Unitarians. Each claimed the other was using politics to win a theological battle.¹⁹³ Throughout November and December the newspapers gave detailed accounts of the debates in the convention.¹⁹⁴ Many citizens argued that the change was necessary to bring

the Massachusetts Constitution in agreement with the United States Constitution.¹⁹⁵

Finally, the convention submitted the proposals to the people. Proponents of change asserted that conservatives purposely confused the public by combining several issues on the ballot so the amendment would not pass.¹⁹⁶ In any case, the resolution was not strong enough to gain significant support; the public rejected it by a vote of 19,547 to 11,065.¹⁹⁷ The defeat was a victory for the Federalist-Congregationalist interests and offered the appearance of security.¹⁹⁸ However, the Convention took another action which would have significant consequences. They altered the procedure of amending the constitution so that future legislatures could add amendments without a special convention. That decision would enable passage of the amendment which would finally bring disestablishment in 1833.¹⁹⁹

Several political changes had to occur before that could become a reality and forces were at work to bring those alterations. This was a time of anxiety for Americans because of the loss of the founding fathers, social modifications, economic uncertainty, and political struggles.²⁰⁰ Political groups played on those anxieties to sway public opinion at the polls.

The Unitarian conflict within the Congregational ranks brought benefits for the Republicans and their dissenting

supporters.²⁰¹ From the beginning, Jeffersonian Republi-canism had appealed to the politically and religiously disinherited. Increasingly, previous defenders of the establishment allied with dissenters as traditional, Trinitarian Congregationalists began to change their stand on religious taxes. Because the funds were going to the Unitarians, whom the traditionalists considered infidels, government support of religious organizations was no longer acceptable.²⁰² More Jeffersonian Congregationalists (such as John Bacon, of Stockbridge, Reverend Joseph Barker, of Middleboro, Reverend Solomon Aiken, of Dracut, Reverend Samuel Niles, of Abington, and Reverend Thomas Allen, of Pittsfield) joined John Leland to fight for religious rights for all Christian sects.²⁰³

No political group could gain dominance during the early 1800s; elections were close and the two parties struggled for control. In fact, the election usually turned on a margin of less than ten percent.²⁰⁴ Yet, when the Federalists lost the race for governor in 1823, the Jeffersonian legislature gained strength enough to enact legislation such as "poll parishes" which were favorable to the dissenters. These consisted of the actual membership of the church rather than a geographical area and were important to correct the political districts formed under gerrymandering in 1812.²⁰⁵ They also recognized for incorporation any group of ten or more who

separated from the regular parish. This encouraged numerous new religious societies and many towns opted for a voluntary method of support for the churches.²⁰⁶

At the same time that the appeals of the sects were receiving more endorsement, the old arguments for the necessity of an establishment were disintegrating. By this time, Massachusetts was the only state in the union which retained an established church. There was ample evidence that voluntary support worked and that churches would not be abandoned in such an arrangement.²⁰⁷ Boston, which had always supported its church through donations, attested to the ability of religious institutions to endure without government endorsement. In addition, several other towns had Congregational Churches which now survived on voluntary support.²⁰⁸

The years between 1827 and 1832 were a period of redefining party lines.²⁰⁹ Specific groups, each focusing on their own interests, switched sides in the political battle and united to develop more effective power. The Adams wing of the Federalists had already blended with the conservative wing of old Jeffersonians and the Republican party adopted many of the positions advocated by Adams; and, by 1828, the National-Republican party was including both former Federalists and Republicans in its Central Committee.²¹⁰ The political allies of the sects were becoming a strange mixture.

Yet there was another peculiar element to add to the situation. Beginning in 1828, Antimasonic activities gave rise to a new party which, although it crumbled in the mid 1830s, had two important consequences. It brought increased activities by the public, especially after 1830, and it influenced the major parties to support the reform measures which the voters wanted.²¹¹ The rise of Antimasons owed much to the general anxiety of the era which made the public ready to believe the conspiracy claims.²¹² One result of the Antimasonic movement was to unite the different denominations and motivate them to action. Two leaders, Nehemiah Batcheller and Edward Lewis, published an appeal to stop the Free Masons in which they claimed to represent all Christian denominations.²¹³ They did, in fact, have support from many of the reformers because of their rhetoric of morality and equal rights for all citizens.²¹⁴

The campaign to replace all Masonic sympathizers helped dissenters elect representatives who were more sympathetic toward disestablishment;²¹⁵ for at the same time, there was an effort by traditionalists to unseat Unitarians. Although they were a minority, Unitarians had managed to hold political offices where they supported legislation to maintain the establishment. The sects and Trinitarians had not previously objected to their presence in the legislature because they were not so liberal in

their politics as in their theology. However, as more Trinitarians joined forces with the sects, they realized the power to remove these infidels from power. The accusations against them were ironically familiar: they had used political office for the advantage of their own sect.²¹⁶

By 1829, Jacksonian influences had reinforced confidence in the abilities of common men to govern themselves. This philosophy served to undergird the forces of disestablishment.²¹⁷ Leland hailed President Andrew Jackson as a watchman of religious rights and took advantage of the political climate to pursue the demands of the sects. Leland harangued the union of church and state as an unnatural marriage which would produce monstrous offspring. He demanded a complete disassociation, including religious tests for public office.²¹⁸ In addition, he called the establishment a "gnawing worm under the bark of our tree of liberty."²¹⁹ Reverend Heman Humphrey, president of Amherst College, supported Leland's stance and declared that "the kingdom of Christ . . . never received a more terrible shock, than it did on that day, when its holy simplicity was eclipsed by the purple of Constantine."²²⁰

Yet, amid the toleration and political support, there were instances of religious persecution. Laws to control

behavior remained in force, such as those regarding religious tests for public office or Sunday observance.²²¹ Some local authorities were still enforcing those regulations. On October 10, 1832, the Hampshire Gazette, reported that Robert Matthias had been arrested on a charge of blasphemy.²²²

Traditional Congregationalists, Baptists, and Antimasons applied pressure for change. Persistence finally brought results. The legislators finally admitted that it was necessary to discard the last vestiges of the establishment. Even supporters of the state church agreed that because tax money would go to all sects, it was likely to support heresy as well as orthodoxy.²²³ In 1831, the House of Representatives voted 272 to 78 for an amendment to disestablish, but the Senate chose to postpone action.²²⁴ Additional public support and the fact that the 1820 revision permitted the legislature to make amendments without a new convention convinced the House that there were at last sufficient votes to support such a move.²²⁵ In 1832, the House proposed an amendment to annul Article Three (348 to 93). The Senate attempted to delay action, but finally agreed (25 to 13) to submit the amendment to the people.²²⁶ When presented to the public in 1833, it passed by a margin of ten to one.²²⁷ Finally, all citizens of Massachusetts could enjoy equal religious liberty.

Massachusetts had held to its establishment longer than any other state, but the demands for individual liberties of conscience eventually prevailed. Just as in Virginia, religious forces joined forces with political powers to affect the church and state relationship. For the Congregational Church, a combination of internal struggles and the political downfall of their supporters finally brought the demise of their establishment privileges. Those who had fought in the long struggle viewed disestablishment as the triumph of the rights of the common man. Leland wrote, the "die is cast and the game is won. The people have met their aristocratic enemies and conquered!"²²⁰

ENDNOTES

1. L. P. Beth, American Theory of Church and State (Gainesville, FL: University of Florida Press, 1928), 49.
2. Mead, Lively, 17.
3. Mead, Lively, 17; Meyer, Church and State, 2; J.T. Adams, Founding, 295.
4. Ahlstrom, Religious History, 348; J.T. Adams, Founding, p79.
5. Beth, American Theory, 38, 42.
6. Mead, Lively, 14; Perry, Puritanism, 76-77; E. Smith, Religious Liberty, 7.
7. Stokes, Church and State, 5.
8. Adams, Life and Works, 11:399.
9. Perry, Puritanism, 192, 194.
10. Jacob Meyer, Church and State in Massachusetts from 1740 to 1833 (Cleveland, OH: Western Reserve University Press, 1930), 71.
11. Williston Walker, A History of the Congregational Churches in the United States (New York: The Christian Literature Co., 1894), 215.
12. "AN ACT IN FURTHER ADDITION TO AN ACT ENTITLED AN ACT DIRECTING THE ADMISSION OF TOWN INHABITANTS, MADE AND PASS[E]D IN THE THIRTEENTH YEAR OF THE REIGN OF KING

13. *Ibid.*, 336-7.

14. Meyer, Church and State, 223.

15. *Ibid.*, 31, 229. See also Martin E. Marty, Pilgrims in Their Own Land: 500 Years of Religion in America (Boston: Little, Brown and Co., 1984), 152.

16. "AN ACT IN ADDITION TO THE SEVERAL ACTS FOR THE SETTLEMENT AND SUPPORT OF MINISTERS," (12 Dec. 1727), Acts and Resolves, 2:459. See also Meyer, Church and State, 71; John D. Cushing, "Disestablishment in Massachusetts, 1780-1833," William and Mary Quarterly, 26 (April 1969): 171.

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Chapter 4
Building the Wall:
Comparison of Disestablishment in
Virginia and Massachusetts

Virginia politicians led the country in defining the new relationship between church and state in their 1776 constitution. Yet, even they could not take such drastic action in one step. Although beginning the separation process quickly, rather than terminate government support for religion they repeatedly postponed it until 1789. Massachusetts retained the traditional established church in their first constitution and delayed disestablishment through expanded toleration for the dissenting sects. Not until after the turn of the century did Massachusetts society begin to accept the concept of separation of church and state; and even then, it took until 1833 to complete the process.

Disestablishment was such a complex issue that it required multiple changes before society could endorse such a radical departure from centuries of tradition. The American Revolution produced favorable conditions to invigorate the many forces which would bring about disestablishment. Several factors were important: the difference in the roles of the established churches in the two states, the perception of each denomination's patriotism during the Revolution, political changes as democratic ideals developed in the new country, and theological divisions

which resulted from new philosophical ideas. However, the combination of two forces was of special significance--a temporary alliance formed between religious dissenters and rationalist politicians. In both Virginia and Massachusetts, this combination provided the impetus to accomplish the separation of church and state.

The first element which affected the timing of disestablishment was the fundamental difference between the established churches in Virginia and Massachusetts. The Puritan Congregationalists enforced ideas of individual conformity to moral codes and developed local church government through the concept of covenant. On the other hand, the Anglicans retained the hierarchical government administered by distant English authorities and stressed social responsibility not individual commitment.

The turmoil of the Revolutionary period served as a catalyst for religious changes, but the effects were more immediate in Virginia than in Massachusetts. Unlike their Puritan countrymen, individual spirituality was not the central ambition of Virginia Anglicans. An emphasis on the relationship between church and civil government resulted in neglect for the majority of the population. Many areas had no religious authorities. The outcome was a lack of personal commitment among the populace. Fervency was also lacking among the Virginia elite; nominal involvement in the state church was merely one element in replication of a

society with a privileged gentry. The established church received protection because of its role in maintaining the position of the elite. Authorities dealt severely with dissenters because they threatened the structure of society. Consequently, by the middle of the eighteenth century, Virginia was the safest haven in the New World for Anglicans.¹

Nevertheless, the Church of England overestimated its security. The lack of individual commitment provided opportunity for anti-establishment sentiment. The same segment of elite politicians who secured the Anglican stronghold encouraged Enlightenment studies. Rationalists sought to free man's reason from enslavement by traditional institutions.² Therefore, rationalists agreed with pietists that religion was a matter between the individual and God with no place for government intervention. Hence, there was no place for a government-sanctioned church. This political support for dissenters coincided with the timing of the Revolution when Virginians were writing their new constitution. Having rejected the idea of multiple establishment, they faced the choice of one sanctioned church or none at all. When, along with everything else considered English, dissenters rejected the Church of England, disestablishment was the inevitable choice.

The Congregational Church experienced a more stable situation. For its first 150 years, the Puritan establish-

ment enjoyed a secure position in Massachusetts. Every town maintained a church which was the center of their society. This commitment was an important element in the differences between the two states. Because the established church in Massachusetts had prominent authorities in every community, they were in a position to maintain more influence over the personal piety of their members than the Anglicans.

Even when pressure had forced limited toleration of dissenters, Congregational leaders used their influence with civil authorities to retain significant privileges for the established church--such as performing marriages. Yet, the early foundation of toleration provided rationalization for prolonging the life of the establishment. In addition, while Baptist dissenters in Massachusetts objected in principle to church and state connections, they retained Calvinist doctrine. This homogeneity of theology enabled Massachusetts to develop a workable form of multiple incorporation which justified delaying complete disestablishment.

The second element which affected disestablishment was the social status of the various religious groups. The American Revolution had a significant impact on public perception of each denomination which affected the amount of support. The official Anglican opposition to the Revolution was detrimental. Anglican ties to England had added

to the early success of their establishment in Virginia. But, this link became a handicap at the time of the Revolution. As Americans worked to free themselves of everything British, Patriots viewed Anglicans with suspicion. This hostility encouraged many devoted Episcopalians to return to England and the established church suffered a substantial loss of both clergy and laity. This exodus removed valuable support to sustain the Episcopal Church in this country.*

The Congregational Church was free of English connections and, therefore, it did not suffer the same stigma as the establishment in Virginia. On the contrary, the Massachusetts establishment aggressively advocated the Revolutionary cause and Congregationalists preached enthusiastic patriotism. In fact, during the disestablishment debates, Congregationalists claimed that their patriotic effort entitled them to special consideration from the legislature.

The Revolution affected the image of dissenters to society and their self image. Wartime service improved the status of dissenters as they proved themselves loyal patriots. Their leaders took advantage of this enhanced prestige to attack prejudice and seek increased toleration. The other change was internal. On the basis of their contribution during the war, dissenters presumed to demand the things for which they had previously pleaded. They also

added a new, uniquely American argument: that establishment was not only a religious issue, but a matter of the principle of liberty and equality.³ Dissenters increased in boldness, but they did not yet have the strength to bring change.

The third element which affected the timing of disestablishment was political support. Even though Massachusetts dissenters increased in numbers and status, they lacked the influence of prominent politicians. In Virginia, these allies were among the strongest political leaders in the state. Thomas Jefferson was the predominant figure and the only man who dared demand the instantaneous abolition of the establishment in 1776.⁴ James Madison had reacted to religious bigotry early in his life and his friendship with Thomas Jefferson solidified his resolve to fight church-state connections.⁵ When Jefferson departed for France, Madison assumed the role of champion of religious freedom.⁶ He declared: "The opinions of men, depending only on the evidence collected in their own minds, cannot follow the dictates of other men."⁷ Patrick Henry's eloquent speeches also demonstrated a close connection between liberty of religion and the civil liberty for which the nation was fighting.⁸

Dissenters in Massachusetts had few capable political advocates. The foremost reason for this was the close alliance which had always existed between the Congrega-

tional Church and the legislature. As the religious struggle escalated, the political situation remained unchanged. By 1795, most legislators were Federalists who were also members of the Congregational Church.⁹ While this alliance retained power, it successfully delayed disestablishment because there were no powerful politicians to assist dissenters. Samuel Adams made gestures of toleration; yet, he did not offer his support to bring legal equality. John Adams, supported some separation of church and state in the constitution of 1820, but never endorsed complete disestablishment. These attitudes in civil authorities sustained establishment privileges for the Congregational Church. Dissenters realized that securing political power was the only way to bring change in Massachusetts. They finally found strong political leadership from those who had participated in Virginia's religious debates.

Massachusetts authorities reluctantly met the dreaded impact of Jeffersonian Republicans. Jefferson urged the statesmen of New England to follow the example set by Virginia: disestablish the Congregational Church and offer complete freedom of conscience.¹⁰ Yet, he recognized the difficulty of achieving this goal in the midst of "political Congregationalism." He wrote to a friend, Moses Robinson, that the Republican Party in Massachusetts would first have to defeat "the dominion of

the clergy, who had got a smell of union between Church and State."¹¹

Religious leaders with experience battling the Anglicans were also instrumental in the struggle against the Congregational establishment. The most notable were the Baptist leaders, Isaac Backus and John Leland. Backus, a long-time leader of dissenters in Massachusetts, traveled to Virginia and encouraged disestablishment forces to fight for the final dissolution of church and state ties in 1789. In 1791, John Leland returned to Massachusetts as a seasoned leader in the battle for religious freedom.

Perhaps the strangest development of disestablishment was this alliance between rationalistic politicians and devout religious leaders. Much of their ideologies were in opposition; yet, they realized they needed each other to achieve the common goal of ending state involvement in church affairs. Leland acknowledged this mutual need and encouraged Baptists to support the Republican Party in Massachusetts in spite of the influence of Deism. He insisted that it was necessary to elect Republicans to overcome the Congregational-Federalist power.¹²

Though a strange brotherhood, the alliance of politicians and pietists benefited both sides. The dissenters added the votes needed to install Republican candidates in office in Massachusetts. Then, in 1800, it was Republican leadership which led the legislature to repeal the laws of

1780 for support of worship and ministers. Jeffersonian Republicans passed the Religious Freedom Act of 1811 which gave exemptions to religious taxes upon proof of membership in any sect other than the established church.¹³ Disestablishment leaders continued to work for complete religious freedom and Leland proposed an amendment to the 1820 constitution to separate the church and state.¹⁴ Ultimately, using the Religious Freedom Act of 1811 as a basis, Republicans succeeded in disestablishing the Congregational Church completely in 1833. Immediately thereafter, the alliance ended as pietists affiliated with traditionalists against rationalists on theological issues.¹⁵

The fourth element which brought disestablishment was the theological changes which resulted from philosophical trends of the period. Discarding centuries-old political ideas promoted a willingness to change other areas of society. As Revolutionary rhetoric celebrated the triumph of common man against political tyranny, the arguments for individual liberty expanded into religious issues. This philosophical concept brought more distress to the already troubled Congregational Church. Although accepted more slowly than in Virginia, rationalistic ideology began to supplant the tenet of revelation. This theological counterpart to political rationalism produced major doctrinal divisions between the Unitarians and the Congregationalists. The liberal drift ignited the Second

Great Awakening, often led by Congregational-Federalists who were opponents of rising Republicanism and avowed defenders of established religion.¹⁶ For these traditionalists, religious and political concerns converged.

As part of their offensive, Congregationalists tied religious extremists to secret organizations, such as the Illuminati and the Masons, and accused them of atheistic conspiracy. The Federalists used the same accusations to discourage Republican growth; in the presidential campaign of 1800, Jeffersonians were linked to atheism and the French Jacobins.¹⁷ But traditionalists were fighting in vain. Congregational strength decreased as the Unitarian movement engulfed half of the Congregational churches in Massachusetts between 1800 and 1830.¹⁸ Because of this loss of numbers, and with the death of the Federalist Party, traditional Congregationalists lost their influence. The last bulwark of the establishment stronghold crumbled.

In conclusion, it is important to note that most leaders of the movement for religious freedom were neither anti-religion nor men with sinister motives, but devout spiritual men who were seeking individual freedom of conscience. What is significant was the progression of their campaign. At first, the sects pleaded for simple toleration. But, even when they received legal sanction, dissenters experienced social prejudice and rejection. Within the rigid Puritan society, they were aliens and

outsiders. Consequently, the quest for respectability became an important element in their religious struggle.¹⁹ As their status and influence increased, they expanded their demands. Leaders such as Leland promoted the argument that religious liberty was "a right inherent, and not a favor granted."²⁰ Thus encouraged, dissenters began a serious fight for complete religious liberty and disestablishment.

Although, the same religious forces appear to have been at work in both Virginia and Massachusetts, their results were very different. Other factors were critical in the timing of disestablishment. Ultimately, the missing ingredient which finally brought success for dissenters in Massachusetts was the assistance of leaders, both religious and political, who had helped achieve disestablishment in Virginia.

The establishment stronghold in Massachusetts resisted the attack for fifty-seven years, but with disestablishment in 1833, the entire country had put an end to government intervention into religious affairs. Jefferson had earlier hailed this arrangement as a "fair experiment" which would show "whether freedom of religion is compatible with order in government, and obedience to the laws."²¹ Disestablishment was not a negative action, but rather a freeing of individuals from external restraint. In fact, disestablishment is possibly the natural culmination of the

Protestant Reformation tenet of the priesthood of the believer: each Christian has the duty to obey his own conscience.²² Indeed, Scripture commands, "Work out your own salvation with fear and trembling."²³

ENDNOTES

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4. Hugh Blair Grigsby, The Virginia Convention of 1776: A Discourse Delivered Before the Virginia Alpha of Phi Beta Kappa Society, in the Chapel of William and Mary College, in the City of Williamsburg, on the Afternoon of July the 3rd, 1855 (Richmond, VA: J.W. Randolph, 1855), 174.
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13. Stokes, Church and State, 179.

14. *Ibid.*, 63.

15. Mead, Lively, 193.

16. S. Smith, American Christianity, 521.
17. Butler, Awash, 219-220.
18. Robert T. Handy, A Christian America: Protestant Hopes and Historical Realities, (New York: Oxford University Press, 1971), 18. See also Butler, Awash, 220; Marty, Pilgrims, 154.
19. William Gerald McLoughlin, The New England Dissent, 1630-1833: The Baptists and the Separation of Church and State. 2 vols. (Cambridge, MA: Harvard University Press, 1971), 1:xvi, xviii.
20. John Leland, "Autobiography," The Writings of the Late Elder John Leland, ed. L. F. Greene (New York: G.W. Wood, 1845. repr. New York: Arno Press, 1969), 39.
21. Jefferson to Baptist leaders, 21 November 1808, The Complete Jefferson, Containing his Major Writings, Published and Unpublished, Except his Letters, ed. Saul K. Padover (New York: Duell, Sloan & Pearce, Inc., 1943), 538-9; Loren P. Beth, The American Theory of Church and State (Gainesville, FL: University of Florida Press, 1958), 26.
22. Ralph Barton Perry, Puritanism and Democracy (New York: Vanguard Press, 1944), 345.
23. Philippians 2:12.

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VITA

Jo Anne Bennett

Candidate for the Degree of
Master of Arts

Thesis: A MATTER OF CONSCIENCE: A COMPARISON OF THE
DISESTABLISHMENT STRUGGLE IN MASSACHUSETTS AND
VIRGINIA

Major Field: History

Biographical:

Personal Data: Born in Bartlesville, Oklahoma, On
September 5, 1945, the daughter of Francis and
Maxine Moland.

Education: Graduated from College High School,
Bartlesville, Oklahoma in May 1963; received
Associate of Arts Degree in Education from
Southwestern Assemblies of God College,
Waxahachie, Texas in May 1966; Bachelor of
Science degree in Education from Northeastern
Oklahoma State University in May 1969. Completed
the requirements for the Master of Arts degree
with a major in History at Oklahoma State
University in May 1996.

Experience: Employed by Tulsa Public Schools 1969-70
as third and fourth grade teacher; United
Independent Schools, Laredo, Texas, 1971-73 as
fourth grade teacher; Tulsa Public Schools, 1981-
82 as fourth and fifth grade teacher; home
educated my two children and conducted training
seminars for home-educating parents, 1984-93;
Oklahoma State University, 1994 as teacher's
assistant for history department; Grace
Fellowship Christian School, Tulsa, Oklahoma,
1994-95 as high school history teacher and 1995-
96 as sixth grade teacher; Oral Roberts
University, 1996 as director of Home Education
Center.