



Church and State:
Religion in the Young American Republic
July 25-29, 2016

The seminar on church and state for young faculty will explore the interaction of religion and political life in the early American republic. Beginning with consideration of the American colonial and revolutionary eras, including the First Great Awakening and the theological contribution of Jonathan Edwards, the seminar will go on to take up the nation's early life under the new Constitution with its First Amendment protection for religious freedom. As the Second Great Awakening swept over American Christian life in the period 1795 to 1810, how did various religious and political actors in the country come to consider or reconsider the relationship between church and state? Looking forward to the Jacksonian period, what political, legal, and social forces came to affect the further evolution of this relationship? Readings in the seminar will be primary sources in early American religious and political thought.

Faculty:

Daniel L. Dreisbach is a professor specializing in U.S. constitutional law and history at American University in Washington, D.C. He received a B.A. from the University of South Carolina, a D.Phil. from Oxford University, where he studied as a Rhodes Scholar, and a J.D. from the University of Virginia. His research interests include the intersection of religion, politics, and law in American public life. He has authored or edited nine books, including *Thomas Jefferson and the Wall of Separation between Church and State* (New York University Press, 2002), *Faith and the Founders of the American Republic* (Oxford University Press, 2014), and *The Sacred Rights of Conscience* (Liberty Fund, 2009). Professor Dreisbach is a past recipient of American University's highest faculty award, "Scholar / Teacher of the Year."

Thomas S. Kidd is Distinguished Professor of History at Baylor University, and Associate Director of Baylor's Institute for Studies of Religion. He received a B.A. and M.A. at Clemson University, and completed his Ph.D. in history at the University of Notre Dame. His books include *Baptists in America: A History* (with Barry Hankins, Oxford University Press, 2015), *George Whitefield: America's Spiritual Founding Father* (Yale University Press, 2014), *Patrick Henry: First Among Patriots* (Basic Books, 2011), *God of Liberty: A Religious History of the American Revolution* (Basic Books, 2010), *American Christians and Islam* (Princeton University Press, 2008), and *The Great Awakening: The Roots of Evangelical Christianity in Colonial America*, (Yale, 2007). He has written for outlets including *The Wall Street Journal* and *The Washington Post*, and he blogs regularly at The Anxious Bench at Patheos.com.

Gerald R. McDermott is the Anglican Professor of Divinity at the Beeson Divinity School of Samford University. He was educated at the University of Chicago, South Dakota State University, Grand Rapids Baptist Seminary, and the University of Iowa, where he earned his Ph.D. in religion. One of the leading authorities on “America’s theologian,” McDermott has produced six books on Jonathan Edwards. His *Theology of Jonathan Edwards* (with Michael McClymond; Oxford University Press, 2012) won *Christianity Today*’s 2013 award for Top Book in Theology/Ethics. His other books on Edwards include *Understanding Jonathan Edwards* (Oxford, 2008), *Jonathan Edwards Confronts the Gods* (Oxford, 2000), *One Holy and Happy Society: The Public Theology of Jonathan Edwards* (Penn State Press, 1992), and *Seeing God: Jonathan Edwards and Spiritual Discernment* (Regent College Press, 2000). His newest book, from the University of Massachusetts Press in 2015, is *The Other Jonathan Edwards: Readings in Love, Justice and Society* (co-produced with historian Ronald Story). He has also published several books in the field of Christian theology of world religion and is the editor of *The Oxford Handbook of Evangelical Theology* (Oxford, 2010), and author of *The Great Theologians* (InterVarsity Press, 2010).

Syllabus

All readings unless otherwise indicated are to be found in Daniel L. Dreisbach and Mark David Hall, eds., *The Sacred Rights of Conscience: Selected Readings on Religious Liberty and Church-State Relations in the American Founding* (Indianapolis: Liberty Fund, 2009). Additional readings will be provided as PDF files.

Monday, July 25, morning session: European Sources of American Practices and Ideas Led by Professor Dreisbach

Readings (Dreisbach/Hall), pp. 19-79:

- Martin Luther, Temporal Authority: To What Extent It Should Be Obeyed
- Schleithem Confession of Faith
- John Calvin, *Institutes of the Christian Religion*
- Act of Supremacy; Act of Uniformity; Thirty-nine Articles of the Church of England
- Richard Hooker, *Laws of Ecclesiastical Polity*
- The First London Baptist Confession of Faith
- Westminster Confession of Faith
- Thomas Hobbes, *Leviathan*
- William Penn, The Great Case of Liberty of Conscience
- John Locke, “A Letter on Toleration,” *The Second Treatise*
- “Cato” [John Trenchard and Thomas Gordon], Cato’s Letters, Letter 66, “Arbitrary Government proved incompatible with true Religion, whether Natural or Revealed”
- Montesquieu, *The Spirit of the Laws*
- William Blackstone, *Commentaries on the Laws of England*
- Adam Smith, *The Wealth of Nations*

Provided separately as PDF:

- “Stephen Junius Brutus,” *Vindiciae, Contra Tyrannos*, 1579

Monday, July 25, afternoon session: Colonial Background
Led by Professor Kidd

Readings in Dreisbach/Hall:

- Virginia, pp. 84-86
 - Articles, laws and orders, Virginia
- Plymouth, “Mayflower Compact,” pp. 86-87
- Massachusetts, pp. 89-103
 - “The Laws and Liberties of Massachusetts”
- Maryland, pp. 103-107
 - An Act Concerning Religion
- New Netherland
 - “Provisional Regulations,” etc., pp. 107-110
- Rhode Island, pp. 114-116
 - Charter of Rhode Island and Providence Plantations
- Wm. Penn/Pennsylvania, pp. 116-119
 - “Frame of Government of Pennsylvania”; “Laws Agreed Upon in England, &c.”
- Carolina, pp. 119-120
 - The Fundamental Constitutions of Carolina
- John Winthrop, pp. 131-132
 - “Little Speech on Liberty”
- Roger Williams, pp. 146-155
 - “Mr. Cottons Letter Lately Printed, Examined and Answered”
 - “The Bloody Tenent, of Persecution, for Cause of Conscience, discussed, in A Conference betweene Truth and Peace”; Letter from Roger Williams to the Town of Providence
- Elisha Williams, pp. 173-179
 - *The Essential Rights and Liberties of Protestants*
- Isaac Backus, pp. 204-211
 - “An Appeal to the Public”

Tuesday, July 26, morning session: Theology, Ethics, Politics of Jonathan Edwards
Led by Professor McDermott

Selections from Jonathan Edwards provided as PDFs:

- *Nature of True Virtue*, chapters 1 and 2
- “Sin and Wickedness Bring Calamity and Misery on a People”
- “Impending Judgments Averted Only by Reformation”
- “The Duties of Christians In a Time of War”
- “A Strong Rod Broken and Withered”

Tuesday, July 26, afternoon session: “Resistance Politics and Religious Implications”
Led by Professor Kidd

Readings in Dreisbach/Hall:

- Samuel Adams, pp. 202-204
 - “The Rights of the Colonists, A List of Violations of Rights and a Letter of Correspondence”
- Rules and Orders for the Continental Army, p. 218
- Congressional Chaplains, pp. 218-219
- The Declaration of Independence, pp. 220-222
- Congressional resolutions and the Great Seal, pp. 222-231
 - Congressional Resolution Calling for a Day of Thanksgiving
 - The Articles of Confederation and Perpetual Union
 - Congressional Resolution Recommending the Promotion of Morals
 - Congressional Resolution Calling for a Day of Fasting, Humiliation, and Prayer
 - Congressional Resolution Calling for a Day of Thanksgiving and Prayer
 - Texts Concerning the National Seal
 - Benjamin Franklin’s Draft
 - Thomas Jefferson’s Draft
 - Charles Thomson’s Report to Congress
- The Northwest Ordinance, pp. 236-238
 - An Ordinance for the Government of the Territory of the United States, North-West of the River Ohio
- Virginia, p. 241
 - Virginia Declaration of Rights: Mason’s Draft, Final Version
- Massachusetts, pp. 245-247
 - Massachusetts Constitution
- Virginia, pp. 247-253
 - “A Bill Concerning Religion”
 - “A Bill Establishing Religious Freedom”
 - “A Bill for Punishing Disturbers of Religious Worship and Sabbath Breaker”
 - “A Bill for Appointing Days of Public Fasting and Thanksgiving”
 - “A Bill Establishing a Provision for Teachers of the Christian Religion”
- B.F. Moore on state constitutions, pp. 257-264
 - *Relevant excerpts from the constitutions of: Pennsylvania, North Carolina, Delaware, Maryland, New Jersey, New Hampshire, Georgia, Vermont, Connecticut, Rhode Island, New York; Commentary on the same*
 - *Relevant excerpts from proclamations of various state legislatures*

Wednesday, July 27, morning session: Theology of Resistance in the Revolutionary Period
Led by Professor McDermott

Readings provided as PDFs:

- John Wesley, “A Calm Address to Our American Colonies,” 1775; and anonymous response, “A Constitutional Answer to Wesley’s Calm Address,” in Ellis Sandoz, ed.,

Political Sermons of the American Founding Era, 1730-1805 (Liberty Fund, 1-vol. ed., 1991; 2-vol. ed., 1998), pp. 409-38.

- Jonathan Mayhew, “A Discourse concerning Unlimited Submission and Non-Resistance to the Higher Powers,” 1750
- Samuel West, “A Sermon Preached Before the Honorable Council,” 1776
- Jonathan Boucher, “On Civil Liberty, Passive Obedience, and Non-Resistance,” 1776

Readings in Dreisbach/Hall:

- John Witherspoon, pp. 278-290
 - “Sermon Delivered at a Public Thanksgiving after Peace”
- Thomas Jefferson, 290-294
 - *Notes on the State of Virginia*, Query XVII and Query XVIII
- Philadelphia Synagogue, 294-295
 - Petitions for Equality by the Philadelphia Synagogue to Council of Censors of Pennsylvania
- George Washington, 296-298
 - “Circular to the States”
- James Madison, pp. 309-313
 - “A Memorial and Remonstrance Against Religious Assessments”
- Publius/Federalist Papers, pp. 314-316
 - *The Federalist Papers*, Number 10
 - *The Federalist Papers*, Number 51
- John Leland, 335-345
 - *The Rights of Conscience Inalienable*

Wednesday, July 27, afternoon session: Framing the Constitution
Led by Professor Dreisbach

Readings in Dreisbach/Hall, pp. 346-403:

- Benjamin Franklin, Call for Prayer in the Constitutional Convention
- U.S. Constitution, *excerpts*
- Publius [James Madison], *The Federalist Papers*, Number 37
- Letter from William Williams to the Landholder, *The American Mercury*
- Essay by Elihu, *The American Mercury*
- Letter from Benjamin Rush to Elias Boudinot
- Letter from Benjamin Rush to John Adams
- Address of the Presbytery of the Eastward to George Washington; Letter from George Washington to the Presbyterian Ministers of Massachusetts and New Hampshire
- Timothy Dwight, Jr., *A Discourse, in Two Parts; President Dwight’s Decisions of Questions Discussed by the Senior Class in Yale College, in 1813 and 1814*
- Alexander M’Leod, *A Scriptural View of the Character, Causes, and Ends of the Present War*
- James Willson, *Prince Messiah’s Claims to Dominion over All Governments*
- James A. Bayard, Jr., *A Brief Exposition of the Constitution of the United States*
- Letter from Benjamin Franklin to Richard Price

- Noah Webster, “On Test Laws, Oaths of Allegiance and Abjuration, and Partial Exclusions from Office”
- U.S. Constitution, Article VI, Clause 3
- Letter from Jonas Phillips to the President and Members of the Constitutional Convention
- Letter from James Madison to Edmund Pendleton
- An American Citizen [Tench Coxe], *An Examination of the Constitution for the United States of America*
- A Landholder [Oliver Ellsworth], No. 7, *Connecticut Courant*
- Letter from William Williams to the Landholder, *The American Mercury*
- Publius, [James Madison], *The Federalist Papers*, Numbers 52 and 57
- Letter from James Madison to Edmund Randolph
- Luther Martin, *The Genuine Information*
- Essay by Samuel, (Boston) *Independent Chronicler and Universal Advertiser*
- A Friend to the Rights of the People, (New Hampshire), *Anti-Federalist* No.1, *Freeman’s Oracle*
- Letter by David, *Massachusetts Gazette*
- Aristocrotis, *The Government of Nature Delineated; or An Exact Picture of the New Federal Constitution*
- Debate in the Ratifying Conventions of: Massachusetts, Virginia, and North Carolina
- Proposed Amendment, South Carolina Ratifying Convention
- Joseph Story, *Commentaries on the Constitution of the United States* §§ 1837-43

Thursday, July 28, morning session: The First Amendment
Led by Professor Kidd

Readings in Dreisbach/Hall, pp. 405-409:

- George Mason, “Objections to This Constitution of Government”
- Richard Henry Lee’s Proposed Amendments
- John Leland’s Objections to the Constitution

Reading provided as PDF:

- Patrick Henry speech at Virginia Ratifying Convention

Readings in Dreisbach/Hall, pp. 412-437:

- Letter from Thomas Jefferson to James Madison
- Letter from James Madison to Thomas Jefferson
- *Selected Amendments Proposed by the State Ratifying Conventions*
 - *Amendments Proposed By:* Pennsylvania Minority, Massachusetts Minority, Maryland Minority, New Hampshire Ratifying Convention, Virginia Ratifying Convention, New York Ratifying Convention, North Carolina Ratifying Convention, Rhode Island Ratifying Convention
- James Madison, Speech in the First Congress Introducing Amendments to the U.S. Constitution
- *Debates in the First Congress on the Religion Clauses:*
 - Religion Clauses from Madison’s June 8, 1779 Speech
 - Draft Proposals from the House Committee of Eleven
 - Religion Clauses from House Committee Report

- House Debate over Religion Clauses
- Religion Clauses from House Resolution and Articles of Amendment
- Senate Debate over Religion Clauses
- Amendment Concerning Religion as Agreed to by the Senate
- Amendment Concerning Religion as Agreed to by the Conference Committee
- U.S. Constitution, Amendment I
- Joseph Story, *Commentaries on the Constitution of the United States* §§ 1863-73

Thursday, July 28, afternoon session: Developments in the Early Republic
Led by Professor Dreisbach

Readings in Dreisbach/Hall, pp. 475-535:

- An Act Regulating the Grants of Land Appropriated for Military Services and for the Society of the United Brethren, for Propagating the Gospel among the Heathen
- Treaty of Peace and Friendship between the United States of America and the Bey and Subjects of Tripoli, of Barbary; Treaty with Kaskaskia Indians
- *Pamphlets*:
 - William Linn, “Serious Considerations on the Election of a President: Addressed to the Citizens of the United States”
 - Grotius [Dewitt Clinton]: “A Vindication of Thomas Jefferson; against the Charges Contained in a Pamphlet Entitled, “Serious Considerations,” &c.”
- *Private Correspondence*:
 - Letter from Thomas Jefferson to Benjamin Rush
 - Letter from Thomas Jefferson to Dr. Joseph Priestly
 - Letter from Thomas Jefferson to Moses Robinson
 - Letter from Abigail Adams to Thomas Jefferson
 - Letter from John Adams to Benjamin Rush
- *Roots of Jefferson’s “Separation of Church and State”*
 - Richard Hooker, *Of the Laws of Ecclesiastical Polity*
 - Roger Williams, “Mr. Cottons Letter Lately Printed, Examined and Answered”
 - James Burgh, *Crito, or Essays on Various Subjects*
- *Jefferson’s “Church and State” Metaphor*
 - Letter from Danbury Baptist Association to Thomas Jefferson
 - Letter from Thomas Jefferson to Atty. Gen. Levi Lincoln
 - Letter from Atty. Gen. Levi Lincoln to Thomas Jefferson
 - Letter from Postmaster General Gideon Granger to Thomas Jefferson
 - Letter from Thomas Jefferson to Mssrs. Nehemiah Dodge, Ephraim Robbins, and Stephen Nelson
- *Understanding Jefferson’s Metaphor*
 - Thomas Jefferson, Second Inaugural Address
 - Letter from Thomas Jefferson to the Rev. Samuel Miller
- *The Metaphor and American Law*
 - *Reynolds v. United States*, 98 U.S. 145, 162-64 (1879)
 - *Everson v. Board of Education*, 330 U.S. 1, 15-16, 18 (1947)
 - *Wallace v. Jaffree*, 472 U.S. 38, 91-92, 106-107, 112-113 (1985)

Friday, July 29, morning session: Political Theology of Nathanael Emmons
Led by Professor McDermott

Readings provided as PDFs: Nathanael Emmons selections, all drawn from Emmons, *Social and Civil Duties*, vol. 2 of his 6-volume *Works* (1842), pp. 169-249:

- “God Never Forsakes His People,” sermon XII
- “Jeroboam,” sermon XIII
- “False Zeal,” sermon XIV
- “American Independence,” sermon XV
- “Religious Instructors Useful to Civil Society,” sermon XVI

Friday, July 29, afternoon session: Christianity, the Law, and the General Picture
Jointly led by Professors Dreisbach, Kidd, and McDermott

Readings (Dreisbach/Hall, pp. 537-620):

- *Essays and Letters*
 - Thomas Jefferson, “Whether Christianity is Part of the Common Law”
 - Letter from Thomas Jefferson to Dr. Thomas Cooper
 - Letter from Thomas Jefferson to Major John Cartwright
 - Joseph Story, “Christianity a Part of the Common Law”
 - Anonymous, “Is Christianity a Part of the Common-Law of England”
- *Judicial Opinions*
 - *People v Ruggles*, 8 Johnson 290 (NY 1811)
 - *Updegraph v Commonwealth*, II Sergeant and Rawle 394 (PA 1824)
 - *State v Chandler*, 2 Harrington 553 (DE 1837)
- James Madison, Detached Memoranda
- Letter from James Madison to Robert Walsh
- Letters from James Madison and Thomas Jefferson to Jacob de la Motta
- Letter from James Madison to Jacob de la Motta
- Letter from Thomas Jefferson to Jacob de la Motta
- Letter from James Madison to Edward Livingston
- Jasper Adams, “The Relation of Christianity to Civil Government in the United States”
- Letter from John Marshall to Jasper Adams
- Letter from Joseph Story to Jasper Adams
- Letter from James Madison to Jasper Adams
- Alexis de Tocqueville, *Democracy in America*