

DRAFT

Review of Daniel L. Dreisbach, *Religion and Politics in the Early Republic: Jasper Adams and the Church-State Debate* (1997), *Journal of Law and Religion* 16 (2001): 565-568

John Witte, Jr.

The civic catechisms and canticles of our day still celebrate Thomas Jefferson's experiment in religious liberty. To end a millennium of repressive religious establishments, we are taught, Jefferson sought liberty in the twin formulas of privatizing religion and secularizing politics. Religion must be "a concern purely between our God and our consciences," he wrote. Politics must be conducted with "a wall of separation between church and state."¹ "Public religion" is a threat to private religion, and must thus be discouraged. "Political ministry" is a menace to political integrity and must thus be outlawed.

These Jeffersonian maxims remain for many today the cardinal axioms of a unique American logic of religious freedom to which every patriotic citizen and church should yield. Every public school student learns the virtues of keeping his Bible at home and her prayers in the closet. Every church knows the tax law and tort law advantages of high cultural conformity and low political temperature. Every politician understands the calculus of courting religious favors without subvening religious causes. This "First Amendmentization" of ourselves, popular Jeffersonian logic teaches, is the price our founding fathers asked us to pay, so that everyone could enjoy the ample liberties now at hand.

"A page of history is worth a volume of logic," Justice Holmes once wrote.² And careful historical work in the past three decades has begun to call a good deal of this popular Jeffersonian logic into question. Not only are Jefferson's views on disestablishment and free exercise considerably more nuanced than their popular caricature allows. But the fuller account now

¹ Quoted and discussed in Daniel L. Dreisbach, "Sowing Useful Truths and Principles": *The Danbury Baptists, Thomas Jefferson, and the "Wall of Separation"*, 39 *J. CHURCH AND STATE* 455 (1997).

² *New York Trust Co. v. Eisner*, 256 U.S. 345, 349 (1921), quoted in DANIEL L. DREISBACH, *RELIGION AND POLITICS IN THE EARLY REPUBLIC: JASPER ADAMS AND THE AMERICAN CHURCH-STATE DEBATE* xi (1996).

Daniel L. Dreisbach, *Religion and Politics*.

available of the genesis and exodus of the American experiment in religious liberty suggests that Jefferson's views were hardly conventional in his own day or in the century to follow.

Daniel Dreisbach, a distinguished legal historian at American University, has contributed several pathbreaking articles to a fuller nineteenth-century history of American religious liberty and a more nuanced account of Jefferson's views.³ In this pristinely-crafted volume, Dreisbach holds up Jasper Adams (1793-1841) of South Carolina as an eloquent exponent of a typical early nineteenth-century American view of religious liberty that was anything but Jeffersonian. Adams, a relative of the famous Massachusetts Adams family, was a prominent South Carolinian preacher, educator, and moralist. A moderate Episcopalian, he participated actively in the controversies about religious liberty that had emerged with alacrity in Jacksonian America. Was "Christianity a part of the common law" as conservatives such as Joseph Story and John Marshall argued, or was the American common law constitutionally freed from Christian influence as Jefferson and his followers argued? Were federal and state legislatures entitled to maintain traditional Christian laws of Sunday observance and blasphemy or were such policies foreclosed by new constitutional prohibitions against the establishment of religion? Could government give non-preferential support to all forms of religion, or was all government aid to religion foreclosed?

Jasper Adams answered these and related questions in several important tracts, most notably in his lengthy 1833 political sermon delivered in Charleston: "The Relation of Christianity to Civil Government in the United States."⁴ Like most churchmen and statesmen of his day, Adams insisted on the disestablishment of any one religion, and the freedom of all peaceable private

³ See esp. Dreisbach, *supra* note 1; Daniel L. Dreisbach, *A New Perspective on Jefferson's Views on Church-State Relations: The Virginia Statute for Religious Freedom in its Legislative Context*, 35 AM. J. LEG. HIST. 172 (1991); *id.*, *In Search of a Christian Commonwealth: An Examination of Selected Nineteenth-Century Commentaries on References to God and the Christian Religion in the United States Constitution*, 48 BAYLOR L. REV. 927 (1996); *id.*, *The Constitution's Forgotten Religion Clause: Reflections on the Article VI Religious Test Ban*, 38 J. CHURCH AND STATE 263 (1996); *Thomas Jefferson and Bills No. 82-86 of the Revision of the Laws of Virginia, 1776-1786: New Light on the Jeffersonian Model of Church-State Relations*, 69 N. CAR. L. REV. 1 (1990); *Thomas Jefferson, a Mammoth Cheese, and the "Wall of Separation Between Church and State*, in RELIGION AND THE NEW REPUBLIC: FAITH IN THE FOUNDING OF AMERICA 65 (James H. Hutson, ed. 2000). Some of the themes of these articles are adumbrated in DANIEL L. DREISBACH, REAL THREAT AND MERE SHADOW: RELIGIOUS LIBERTY AND THE FIRST AMENDMENT (1987) and elaborated in a tract on the history of the doctrine of separation of church and state forthcoming from New York University Press.

⁴ Reprinted with Adams' notes in DREISBACH, *supra* note 2, at 39-104.

religions. But like many civic republicans of his day, Adams believed that American society still needed a fund of common religious values and beliefs, a body of civic ideas and ideals that suffused the common law and the public opinion. This was what Benjamin Franklin had a century before called the "Publick Religion" of America.⁵ In Adams' formulation, this public religion could partake of the local religious flavors and accents in each of the states. But in general, this American public religion taught a creed of honesty, diligence, devotion, public spiritedness, patriotism, obedience, love of God, neighbor, and self. Its icons were the Bible, the Declaration of Independence, the bells of liberty, the federal and state constitutions. Its clergy were public-spirited religious ministers and religiously-devout politicians. Its liturgy was the public proclamation of prayers, songs, sermons, and Thanksgiving Day offerings by statesmen and churchmen alike. Its policy was governmental appointment of legislative and military chaplains, governmental sanctions against blasphemy, sacrilege, and iconoclasm, governmental sponsorship of religious societies, schools, and charities.

In Adams' view, the continued public ministry of churches and the continued state patronage of public religion were essential to the preservation of liberty, morality, and the rule of law in the United States. He adduced many historical examples from Europe and America of the healthy interaction of church and state to drive home his main point: "No power less efficacious than Christianity can permanently maintain a public tranquility of the country, and the authority of law. We must be a Christian nation, if we wish to continue a free nation."⁶

Daniel Dreisbach's volume provides a critical edition of Adams' 1833 sermon, adorned with a robust preface and introduction, Adams' own notes on the sermon, and several appendices on Adams' biography, his library, his correspondents, his obituary, and his influence. Dreisbach also provides critical editions of largely unknown letters about the sermon from Story, Marshall, James Madison and other contemporaries as well as a biting 1835 review of the sermon by a prominent Jeffersonian, perhaps Thomas Cooper. Without straining the point, Dreisbach also adumbrates the implications of Adams' views for our contemporary constitutional controversies over non-preferential governmental support for religious charities and schools, and for

⁵ Benjamin Franklin, *Proposals Relating to the Education of Youth in Pensilvania* (1749), quoted and discussed in Martin E. Marty, *On a Medial Moraine: Religious Dimensions of American Constitutionalism*, 39 EMORY L. J. 9, 16-17 (1990).

⁶ DREISBACH, *supra* note 2, at 17, 52.

non-discriminatory political reflection of the nation's enduring religious legacy and public beliefs.

This volume is essential reading for scholars and students of American law, politics, history, and religion. It will stand as an enduring contribution to our understanding of Jasper Adams and of the variant views of religious liberty in the early American republic.

John Witte, Jr.,
Emory University