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Antidisestablishmentarianism

ANTIDISESTABLISHMENTARIANISM: in the old days, it used to be famous as the killer word that showed up in the final rounds of American spelling contests. In the world of current politics, Americans need to look at some of the new ways in which it may be writing itself back into the national lexicon as a term of ideology—a great ghost-word now coming back to haunt us from the fringes of politics and religion, history and memory. What does it mean? In the simplest terms, it comprises a wish to dismantle the constitutional provision of religious *dis*-establishment as a fundamental principle of political liberty—that is, to do away with, or at least radically alter, a philosophy of governance that makes a bedrock guarantee of general freedom of religion by explicitly prohibiting the official establishment of any particular religion. Where, as a matter of law, can the principle of American disestablishmentarianism be found? As to Constitutional particulars, the answer could not be more clear. Regarding the particular rights of citizens under the law, religious disestablishment is literally the first item of explicit guarantee articulated in the Bill of Rights, leading off as the opening predication of Article I. “Congress,” it says, “shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . .” There, as can be seen, one actually finds two provisions. The first is commonly called the “establishment clause,” although it might more accurately be called the “disestablishment” clause. It declares unconstitutional any law mandating an official, established, state religion. The second, commonly called the “free exercise clause,” pretty much says what it means. It declares unconstitutional any measure prohibiting the free exercise of religious belief. The representatives of the people, the provision states in summary, will not legislate the establishment of any particular religion; and accordingly, the people themselves will have unrestricted rights as individuals to believe and express their beliefs freely on matters of religion.

Only at that point, launching into the second half of the sentence thus

begun, does Article I then go on to the set of secular political itemizations of “first amendment guarantees” it is commonly known for: freedoms of speech, the press, peaceable assembly, and petition for redress of grievances. Indeed, the very order of phrasings implies a certain logic of progression. As far as freedom of expression goes, religious freedom opens the way to all the other freedoms; and the opening of the way to religious freedom is religious disestablishment. As far as the conceptual unfolding of First Amendment guarantees is concerned, religious disestablishment is the principle from which all others follow.

How did the opening section of the opening provision of opening Article of the Bill of Rights get written that way, one asks? Why was the issue of religious *dis*-establishment deemed that important?

As regards the thinking of the founders, one may venture some fairly straightforward explanations on the basis of their working knowledge of relationships between politics and religion within recent memory. In keeping with the ideas of Shaftesbury and others on history as “philosophy teaching by example,” eighteenth-century Anglo-American governmental thought carried a notable strain of common-sense realism, pragmatism, even—some might say—cynicism, earned of reflections on the endless state-sponsored wars of religion blighting the course of early modern nationhood—wars waged between and among regimes over long years, across vast geographic spaces, and in bewildering array of alignments; but, as often, wars waged as within state boundaries by principalities practicing religious terror against their own people. Western nations carried the memory of the wars of the Reformation, the bloody turmoils and upheavals of the German States, Central Europe, Scandinavia, France, and England; and the Counter-Reformation terrors of Spain, Portugal, and Italy. In particular, as the American founding generation looked abroad, most notably to England and France, their main sources of secular Enlightenment political philosophy, they saw establishmentarian regimes still mired in religious conflict. England, regarded by many as their old political and religious home, was an unhappy land where Catholicism had bred Anglicanism, which in turn had bred dissenting Nonconformists and Separatists, Quakers, Presbyterians, Congregationalists, and Baptists. A bitter Civil War, eventuating in the execution of an Anglican monarch and the installation of a Puritan Commonwealth, had been followed by an Anglo-Catholic Restoration; and then, in a second wave of protestant reform, had come new religious spinoffs including Methodists, Ranters, Deists, Unitarians, and Universalists, not to mention all manner of new scientisms and utopianisms. Scotland, home to many of the rational sceptics, or “common-sense” philosophers favoured by Americans, had gone early from Catholicism to a darkly Calvinist strain of state

Presbyterianism. Bloody Ireland remained a land of sectarian hatreds and slaughters, not the least helped by ongoing attempts at political solution facing off a Catholic south against northern English plantations full of re-colonized Scotch-Irish Protestants. And then there was France, presided over by the monstrosity of state Catholicism, with its savage history of Papist and Huguenot, and its foremost political thinkers turned violently anti-clerical and openly atheistic. Beyond, the Netherlands, Scandinavia, the German principalities of old Holy Roman Empire, and the ancient kingdoms of central Europe revealed a patchwork of Catholic and struggling Protestant polities: Lutheran, Reformed, Anabaptist; Brethren, Hussite, Mennonite, Hutterite, Amish, Dunkard, Schwenkfelder, Zinzendorfer.

In the New World, nearly all of the colonies could be said to have had originally some form of establishmentarian connection. New England had been Puritan, with Congregationalist schismatics departing early to Connecticut and elsewhere. New York and most of the colonial South had remained officially Church of England, with a tax-supported clergy, a traditional system of tithes and benefices, and, well into the eighteenth century, mandatory church attendance laws and enforcement of official religious observances. The initial settlement of the Jerseys, East and West, had divided according to Anglican and Quaker. Delaware bore the stamp of French Huguenots; Maryland that of English Catholics. Only nominally Quaker Pennsylvania and miniscule, contrary Rhode Island, had practiced anything like overt disestablishmentarianism. The first, with its mixture of English and German pietists in the east, and Scotch-Irish peopling the westward frontier, became known as a place of religious pluralism and toleration, albeit dotted with sanctuaries housing fervently pious congregations fervent in their sectarian denominational faith and solidarity. The second had early acquired a just reputation as a refuge for antinomian, Baptist, Quaker, Jew. The Revolutionary-era founders, an admixture in politics and religion of the traditional educated classes with—as in the case of Franklin—the occasional brilliant autodidact, had in many instances arrived at a new syncretism involving their inheritance of faith on one hand with their intellectual attraction to the philosophy of Enlightenment Reason on the other. Particularly strong for the Anglo-Americans was the rational inheritance of Newtonian and Lockean sensory philosophy filtered through Scottish Common-Sense scepticism; the radical thinkers among them were also swayed by the French *philosophes*, numbering among themselves individuals both revolutionary in their politics and radical in their anti-clericalism, religious and philosophical agnosticism. Somewhere in the middle was Deism. In England, it would rate sufficient importance to command a historical footnote. In America, on the other hand, coupled with proto-Romantic

inclinations toward the natural sublime, it would frequently become the new secular religion, with the old notions of Father, Son, and Holy Ghost disenthroned by the new holy trinity of Reason, Science, Nature. In the new climate of belief, celebrated freethinkers such as Franklin and Jefferson advanced the cause of a liberal, multi-sectarian pluralism; but even among committed religionists, of which there were plenty in the constellation of founding worthies, Reason bred political accommodation, with frequent expressions of commitment to toleration and amity among sects and creeds. Overall, the power of religion was uniformly acknowledged, and attested to with sincere warmth, as an enduring and effective force for social good and public morality—by rational sceptics; by sectarian divines; and, according to their own queer personal syncretisms, by every grade of fence-sitter in between. Washington, a nominal Christian who also somehow managed to be a Deist, a Mason, and an Anglican Vestryman who absented himself from the holy eucharist, had no reluctance in connecting popular religious beliefs with political notions of “private and public felicity.” Thus in his Farewell Address of 1796, amidst a set of instructions on how to preserve constitutional right while steering a steady course amidst the disruptions of faction and party, he paused significantly in mid-text for an explicit endorsement of “religion and morality” as conjoined instrumentalities of civic order and common good, describing them as the “great pillars of human happiness” and the “firmest props of the duties of men and citizens.”¹ John Adams, the son of a Congregationalist Minister who found his way to lifelong liberal Unitarianism, and a concomitant wariness of sectarian dogma, nonetheless arrived at much the same view. Anticipating constitutional debates in a 1785 letter to Dr. Joseph Price, he wrote, “we should begin by setting conscience free,” observing that “when all men of all religions . . . shall enjoy equal liberty, property, and an equal chance for honours and power . . . we may expect that improvements will be made in the human character and the state of society.”² To be sure, from beginning to end, his personal vision of civic character would be defined by a Unitarian-style domestic Christianity he never disavowed. Establishmentarianism, however, was not part of the program. “Ask me not, then,” he wrote in an 1810 letter to Dr. Benjamin Rush, “whether I am Catholic or Protestant, Calvinist or Arminian. As far as they are all Christians, I wish to be a fellow-disciple with them all.”³

¹ *Writings of Washington*, Vol. 35 [March 1796–July 1797] (Washington, DC: US Government Printing Office, 1931) 637.

² *Writings of John Adams*, Vol. 8 (Freeport, NY: Books for Libraries Press, 1969) 232.

³ *Writings of John Adams*, Vol. 9 (Freeport, NY: Books for Libraries Press, 1969) 627.

On the reverse side of pluralistic intention, Washington, Jefferson, Adams, Franklin, it is sometimes forgotten, along with such major constitutional thinkers as Madison, a card-carrying deist, Jay a conventional Christian, and Hamilton, at various odd points in his life something of an evangelical, saw themselves as the legatees of a negative understanding of Anglo-European traditions of governmental involvement in religion. Irrational hatred and sectarian strife corrupted government; but government also corrupted religion by limiting general belief and elevating “party” or “faction” into state-supported sectarianism. In the most basic terms, they all seemed ready to take a chance on the idea of a new commonwealth of spirit, as yet untried: where people, in matters of belief, given nearly every political freedom they could imagine, could also keep from tearing each other apart and, in the process, demolishing both government and religion, over sectarian fanaticisms.

To lay this account on concrete historical foundations, there had also been within memory something of a working rehearsal in such accommodation: a set of late colonial-era deals brokered and set in place by political and religious authorities on pluralism and toleration as principles of cultural comity. The occasion had been what we now call the Great Awakening—a wave of religious revivalism that had swept the colonies from New England to the Atlantic South in the 1730s and 1740s, diluting the authority of various traditional establishmentarian creeds and religious hierarchies, while democratizing American Protestantism generally and giving many individual colonists in their religious lives something of a first taste of populist proto-democracy. In the ideological sphere, this had been born of a direct collision of sacred and secular interests: colonial divines warned of the spiritual famine portended by the rule of Reason while simultaneously availing themselves of the new, rational freedoms of the Enlightenment religious marketplace to resuscitate or re-instate in new configurings various forms of a waning Christian idealism. This was the world of George Whitfield and Jonathan Edwards; but it was also the world of the young Franklin and Washington; and in relationships of cultural authority, live-and-let-live deal-making frequently cemented relationships between religious and political elites. Both traditional denominational leaders and anti-sectarian pluralists envisioned a tide on which all boats might rise. Church leaders looked forward to a free hand in recruiting new memberships in turn swelling the cause of piety and ensuring financial and institutional health; secular anti-sectarian sceptics and freethinkers envisioned an evolving climate in which the marketplace of ideas would operate freely to put an end to irrational superstition. This is to say that something called American disestablishmentarianism had itself already been installed by the mid- to late eighteenth century as a transco-

lonial attitude, a crucial compromise achieved in the decades just before the revolution.

In terms of live-and-let-live attitudes toward religious spirituality, one cannot overestimate what this offered to a new nation empowered to write its own destiny essentially *ex nihilo* out of its founding documents. Here was a politico-religious window of opportunity to experiment on an ideological issue that no regime in western, Anglo-European political tradition—which constituted history as it was known—had ever been able to resolve. And say what one will about elite deal-brokering or cynical corporate pragmatism: as to actual, working relationships of belief and power, the American response provided a political solution that proved ideologically possible just when it needed to; indeed probably could not have happened a century or two earlier or later; and has now managed to remain in place for more than two centuries since.

From the side of the sceptics, the hardball realism behind such thinking on organized religion was the “Opinion,” as tersely put by Benjamin Franklin, “that the worst had some good effects.” As long as any sect kept basically to what he deemed the Deist essentials—the belief in a god, a distinction between good and evil, and a moral system of rewards and punishments—without superadding such “other Articles,” as he called them, “which without any Tendency to inspire, promote or confirm Morality, serve principally to divide us & make us unfriendly to one another,”⁴ it could count on his support. Meanwhile, on what purported to be the side of the angels, one could find the notably religious Hamilton, observing that freedom in matters of belief made good business sense as well. In his groundbreaking 1791 “Report on Manufactures,” he wrote:

listening to the powerful invitations of a better price for their fabrics, or their labour, of greater cheapness of provisions and raw materials, of an exemption from the chief part of the taxes, burdens and restraints, which they endure in the old world, of greater personal independence and consequence, under the operation of a more equal government, and of, what is far more precious than mere religious toleration, a perfect equality of religious privileges) would probably flock from Europe to the united states to pursue their own trades or professions, if they were once made sensible of the advantages they would enjoy, and were inspired with an assurance of encouragement and employment⁵

By practical consensus, then, disestablishmentarianism seemed to many of the founders, simply and patently, a good idea worth trying—no

⁴ Benjamin Franklin, *Autobiography*, ed. J.A. Leo Lemay and P.M. Zall (New York: Norton, 1986) 65.

⁵ *Papers of Alexander Hamilton*, Vol. 10 (New York: Columbia U Press, 1966) 253–54.

matter what their personal religious inclinations; or, as a matter of fact, in many cases, actually apart from their personal religious inclinations. Whether arising from the idea of a freedom to believe or not believe as one wished—or, in the rare case, not to believe at all—it became codified as part and fabric of a larger, generally shared belief in the interrelatedness of religious freedom and political freedom—of free exercise of belief in matters divine and human as a key to enlightened and productive citizenship. One takes it now to be a kind of given, an obvious political idea that sounds like simplicity itself. At the time, it seems to have been something more like an inspired hunch, a new concept at once boldly separatist and sensibly reconciliatory they all seemed to agree on as a sound political investment.

The historian Thomas J. Curry summarizes the point exactly: “With the enactment of the First Amendment,” the citizens of the United States, through their representatives, “acknowledged the end of the long tradition of Christendom, in which government had exercised power to uphold, promote, and support religion.” At the same time, he goes on, they did so in terms of a quite specific political focus. “The amendment,” writes Curry, “*addressed itself to government only*” [my italics]. “It was intended to free religion from state power and influence and allow it to prosper or not, according to the conviction of religious believers.”⁶

What this translated into in terms of long-term political consequences was far larger than anyone probably reckoned, something like an evolutionary adaptation in the history of governments: the selection, for fitness and survival, of a vital, long-term, functioning disestablishmentarian polity. To enlarge the scientific metaphor, one sees it best then and now as a true quantum event, a singularity. Indeed the closest figure may come from current information technologies, where the disestablishment principle, devised in the past so as to play itself out in the future, becomes something akin to what a mathematician would call a genetic algorithm—a model, a set of equations, computational possibilities, even an engineering solution, for problems themselves not yet completely modeled or envisioned. This is to say that we would be wrong to consider disestablishmentarianism as we know it as some expression of fixed, complete, original wisdom on the part of the founders so much an adaptive accident of constitutional process—a principle working through its own complex evolution among myriad historical vectors. It was, after all, a provision initially agreed upon up by intellectual and religious elites who believed they were founding a republic rather than

⁶ Thomas J. Curry, *Farewell to Christendom: The Future of Church and State in America* (New York: Oxford U Press, 2001) 44.

a democracy; and who even so, in matters of faith, deemed it advisable to institute additional common-sense measures protecting humankind from itself, as elsewhere, from what religious thinkers of the era would have called bigotry and political thinkers would and did call faction—in either case divisive and destructive departures from public comity and consensus; and only later cemented a relationship between reason and faith that has thus far managed to sustain the world's longest-surviving democracy. It became, that is, a *political* mode of *religious* comity that would test itself through a succession of crises including banks, tariffs, parties; native removals, slavery, westward expansionism, nullification, abolitionism; disunion, Civil War, and Reconstruction; and that would then go on to accommodate waves of party politics, corruption, immigration, industrialism; nativism, anti-Catholicism, anti-Semitism; class conflict, poverty, racism, rural and urban blight; economic depression; world war, red scares, and the threat of nuclear Armageddon; subsequent upheavals born of divisive military adventurisms abroad and civil disorders at home; now direct terrorist attack. Apace, as is well known, this has also been a history accompanied by numerous risings and fallings of general religious enthusiasm: amidst the hubbub and bustle of the early national era, a second great awakening, the revival, the camp meeting, the rise of modern sectarianism, Presbyterianism; Methodism; Baptist communions—albeit splitting apace over slavery in schisms unhealed in many cases to the present; the peopling of the transappalachian west, presided over by popular divines including Henry Ward Beecher and Charles Grandison Finney; the attendant rise of seminaries, state universities, denominational church-related colleges; the revolutionizing American higher education, emphasizing the education of ministers along with doctors, professors, lawyers, military, political, business leaders, credentialed members of merchant and professional classes; and along with it, frequently instigated by ministers, the concurrent openings of education across lines of gender, race, economic class. Later renewals and revivals would center on new figures of religious celebrity, including Henry Ward Beecher, William Jennings Bryan, Aimee Semple McPherson, and Billy Sunday. In turn, mid-twentieth-century popular religion would extend itself in opening media venues—mass-market paperback publishing, radio, TV—through figures ranging from Norman Vincent Peale and Bishop Fulton J. Sheen to new celebrity preachers such as Billy Graham and Oral Roberts, and in turn the ever-lengthening line of apostles in the age of the megachurch and media-made electronic church. To be sure, along the way, one may note dark sectarian episodes and incidents not unlike the travails of older, establishmentarian regimes: the anti-Catholic riots of the mid-nineteenth century; the murder of the Mormon prophet Joseph Smith; the assassination

of Malcolm X; the government destruction of a cult compound in Waco Texas; an atrocity bombing carried out in retribution by bombers of Federal Courthouse in Oklahoma City. And now the larger geopolitical prospect of religious slaughter from without has been realized in the 2001 attacks on New York City and Washington DC by suicidal Muslim fanatics. In the appalling spectacle of exploding airliners and falling, burning skyscrapers, one attempts to devise cultural, political, and economic explanations, even as the true cause of the horror broadcasts itself as the difference between one people's understanding of the Word of God as opposed to another's. The new wars of global politics thus image the oldest wars of belief. A nation such as our own, having achieved uncontested world power status, will now be tested as never before precisely in its capacity not to succumb to the religious temptation of waging holy war at will in the world.

At home, internal or domestic history, we have been the beneficiaries of a political system that has largely kept us from doing that to each other. We may ascribe that to founding foresight, prescience; we may credit steady, 20/20 hindsight, keeping faith with sensible original design. Or, as suggested, we may have simply spent two centuries and more paying homage to a kind of dumb luck of the historical moment—of having a certain kind of people available to strike a certain form of constitutional agreement over the relationship between religion and secular politics at a certain moment of opportunity, before or after which no such agreement on any such peculiar terms would have been likely. The fact remains that legally and administratively, the resultant no establishment or disestablishment provision has remained a kind of evolving cultural DNA, a genetic code of polity undergoing complex legal and judicial transmissions, precedents, rulings by courts, federal, state, and local; observances by executive authority at various levels, tradition, a set of fortuitous, infinitely extending and interwoven accidents of judicial interpretation, restraints of executive exercise.

Depending on how one looks at it, all one can say is that it has simply worked; and the rest, as they say, is history, in this case almost in spite of itself. In the most concrete terms, whether in the exercise of the executive, the legislative, or the judicial powers, at the national, state, or local level, the United States as a governmental entity has somehow managed in fact and practice to remain resolutely disestablishmentarian in policy even while espousing what no sensible interpreter can fail to recognize as a kind of liberal democratic Christian Protestantism. To be sure, intellectual culture has always reserved its own bemused, ironic reverence for a strain of popular agnosticism, the celebrated freethinking of a Paine, a Whitman, a Clemens, a Mencken, or a Vonnegut. On the other hand, every bit as influential has been the phenomenal grass roots vitality of American domestic,

populist religion, with its endless cycles of reawakening and revivification, withstanding endless challenges of transcendentalists, Darwinists, materialists, humanists, new age synthesizers, modern and postmodern secularists. Meanwhile, even as a nation has measured the power again and again of traditional, established, basically Christian denominationalism, it has gone on spawning new sects, Mormons, Seventh-Day Adventists, Christian Scientists, Jehovah's Witnesses, Church of Christ, Church of God, Assemblies of God, on a cultural landscape distinctly American. When the much-quoted G.K. Chesterton called America a nation with the soul of a church, he was onto something.

At the level of common pronouncement and ritual observance, historically this has translated into a quasi-official American religiosity that most of us on a given day take to be pretty much unchanged in its public face over two centuries. Interpreters have attempted to devise various phrasings, all emphasizing the distinct element of functionality: Latitudinarian Protestantism. Nominal Christianity. Ceremonial Deism. At all levels, its acknowledgment in public expression or gesture has generally been considered as part of a national religion comprehending some larger ideology of pluralism, toleration, and—even in the case of faiths outside the generic Judaeo-Christian formula—policies assumed to operate in a spirit of something like benign inclusion. From Washington onward, an unbroken succession of chief executives—ranging from notable non-churchgoers such as Lincoln and Reagan to those presenting themselves as overtly religious—have felt free to make appeals to Divine Guidance, albeit while carefully maintaining a distinct public reticence on the “branding” of any sectarian affiliation. As with the chief magistrate, the legislative power has limited itself to bare, generic revisions. Sessions begin with a prayer, accepted in a spirit of open interdenominationalism. The House of Representatives and Senate retain ceremonially appointed chaplains. In the courts, forms of religious expression and display have been generally allowed if presented as denominationally non-specific and/or clearly and overtly historical in nature or intent. As with the national model of tradition, so at the state and local levels, this is generally how it has worked: at the intersection of history and memory, religion and government have been allowed to co-exist informally in a kind of implied contract. And an emphasis should be made on the words ‘informally’ and ‘implied.’ In reality, any link between the phrasing “Congress shall make no law ...” and some purported “wall of separation” between church and state, (the words, cited triumphantly by secularists and with predictable scorn by their opponents, are those of the notoriously elusive Jefferson), remains impossible to trace out in a line of explicit legal or textual genealogy. As must be admitted by the most devout

secularist, with serious issues of construction, jurisdiction, and legitimate exercise, that radical concept of separation—save for one other small, quick, internal provision banning any religious test for qualification to be the chief executive—just isn't there, constitutionally or otherwise.

On the other hand, taking down an imaginary wall is still an imaginary exercise; and current proponents of a renewal in public religious utterance and display frequently do just that as quondam linguists when they cite the founders using expressions such as “God” or “Providence,” along with rather more common appeals to “the Deity,” the “the Creator,” the “Divine Parent,” the “Author of Mankind;” or as creative historians when they assert the separation principle as we know to be it itself religiously rooted in nineteenth-century anti-Catholicism; or, going further back, in efforts of committed federalists actually attempting to protect individual state establishments of religion. Well, it isn't there either.

For either party, there simply is no chapter and verse. To put this another way, the only facts we have are the facts of application; and those facts of application comprise historical examples of instances of religious speech and ceremonial practice themselves so embedded into particular moments as to be themselves thought of really as part of historical rather than religious culture. The new American religionists collect historical examples of instances of religious speech and ceremonial practice so embedded into particular moments as to be themselves thought of really as part of historical rather than religious culture. And they are correct. The facts remain that Presidents take the oath of office on a Bible; a congressional session opens with a prayer; witnesses in a court of law—unless excused on the grounds of religious objection—swear to tell the truth before God. It is a line that gets crossed a hundred or thousandfold every day, in ways no one challenges as officially promoting the viewpoint of a particular religion. The new secularists for the most part accommodate such moments to their thinking precisely because they are deemed historical rather than religious. On the other hand, they see the larger rule of law affirmed when public functionaries get slapped down by the courts for trying to import Ten Commandments monuments into public spaces for reasons deemed overtly religious, or school boards enjoined from investing science curricula with non-scientific ideologies deemed to promote, in the words of a recent opinion, a particular view of protestant Christianity.

Yet here, across the very range such instances, is exactly where the genius of the disestablishment provision has resided. It has been a masterpiece of pragmatism, in all its very looseness of practical operation, a principle of astonishing firmness and utility, and vice-versa—the classic example of an idea that becomes not a totalizing, absolutist doctrine but a flexible means

of solving problems in the world. In terms of concrete ideological influence, it may be arguably the single most important principle of political stability and cultural comity in the last two centuries. All one needs to do even for modest present confirmation is look briefly abroad at other nations trying to work by other systems. Great Britain, with what seems in many ways an attractive modified establishmentarianism, does so at the expense of supporting the twinned anachronisms of monarchy and episcopacy. Former Catholic states such as Spain and Italy practice openly retrograde forms of historical accommodation. France, with its radical disestablishmentarianism, enforces rigid bans on sectarian expression, display, extending to head coverings. Still within memory are the corresponding failures of Communist-era attempts in the Soviet Union and the states of Eastern Europe to enforce public atheism. In turn, one awaits the new disorders bound to surface in current successors such as China, Cuba, and North Korea. Current Islamic states range from theocracy to various modified versions. For the most part, they remain rigidly totalitarian, either in religious or secular extreme, or, as with the current American experiment in Iraqi democracy-building, hopelessly disordered and riven by murderous, bloody schism.

In this context, how then, at home in twenty-first-century America, does one come to terms with host of current challenges to current understandings and traditional applications of the disestablishmentarian principle, with almost daily reports on attempts by believers to re-institute school prayer, to modify the teaching of the theory of biological evolution, to allow display of religious documents in courthouses and other public spaces; to broaden the limits of religious speech by public officials acting in their official capacities; or, on the part of resistant secularists, to protest fundamentalist proselytizing at the US Air Force Academy or recitation in public schools of the “under God” version of the pledge of allegiance?

A major answer, I would propose, should lie in the conceptualization of a process that has been premised from the outset on a set of working questions, as opposed to fixed ideological categories and definitions. That is, whether in Bible-thumping polemics giving word counts on how often George Washington or John Adams used the term ‘religion,’ or in a plethora of deeply researched recent studies—David Holmes’ *The Faiths of the Founding Fathers*, for instance, Jon Meacham’s *American Gospel*, or Brooke Allen’s *Moral Minority*⁷—historically the big question is simply *not* whether the

⁷ David Holmes, *Faiths of the Founding Fathers* (New York: Oxford U Press, 2006); Jon Meacham, *American Gospel: God, the Founding Fathers, and the Making of a Nation* (New York: Random House, 2006); Brooke Allen, *Moral Minority: Our Skeptical Founding Fathers* (New York: Ivan R. Dee, 2006).

founders can be somehow divided in the main into traditional believing Christians who believed that religion had a role in government or radical enlightenment secularists who believed as fervently that it should have no role at all. Rather, the question is whether they were in the main disestablishmentarians. The answer is that they were, although most of them would have equally resisted such a label. The point is that they generally agreed to de-politicize somehow an issue they saw that no government in history had ever been able to resolve through letting it get invested into secular politics. To put this simply, disestablishmentarianism was simply of a piece with their larger political disinterestedness. It was of a piece with everything, separation of powers, checks and balances, proportional representation, a general view of human nature as lying somewhere between fallibility and perfectibility, in a political sense as imperfect but provable. Accordingly, disestablishmentarianism seemed a coordinate approach worth trying on an enormously divisive and disruptive problem of general governance—in the religious dimension called bigotry; in a secular, intellectual dimension called unreason. American disestablishmentarianism was about political innovation in government, taking down a hurdle—the attempt to give a new nation full of fallible people trying to find their way to political and spiritual solidarity a running start on a new order of things. People would fall into conflict over money, power, property, political interests generally; religion, a special category of human divisiveness, some grasp of the invisible and supernatural—albeit no less human for that—people could still hate and kill each other over in a heartbeat. The flip side of such realism about human nature, divines and secularists alike, religion an astonishingly effective instrument of social control; historically a source of public good, fundamental human dignity, even heroism. On both these counts, one may propose, disestablishmentarianism made it possible for the new republic to become functioning democracy.

A second answer, equally important for present-day controversialists, lies in an attempt to address the problem without bending old words, however venerable and valuable, into the shapes of new imaginary categories of identification and definition. Most of the people one might be is tempted to call, for instance, the new antidisestablishmentarians—albeit motivated by their voluntary identification with a new, activist, evangelical, largely Protestant Christian church militant to re-create a new American polity worthy of a new American age of faith—would certainly resist being called any such thing. Indeed, even as they attempt actively to contest, re-interpret, and ultimately revise the disestablishment principle, they would as likely resist being called establishmentarian in any sense with which most people are familiar. Rather, they would argue that they are simply asking for the

renewal of traditional public forms of religious expression and display in politics, education, and general culture that they rightly see as part of their historical and ideological inheritance as Americans. Furthermore, such assertions are correct, based as they are on the historical traditions of a quasi-official state Christianity which we have in fact had for hundreds of years. Nor does it help generally to accuse proponents of religion in the public sphere, save in the case of the odd, would-be ayatollah, of being aspirant theocrats. Rather, on a school board or a county commission, a vestry or a missionary outreach committee, they would surely argue that on a concept of essential religious liberties, they remain quite in consonance with the basic beliefs of their disestablishmentarian counterparts. Conversely, on the latter count, most political secularists would not necessarily consider themselves radical disestablishmentarians in any sense. In terms of personal religious views, not only are they *not* militant atheists but, for the most part, not even liberal agnostics. They frequently belong to churches and do not belong to Americans for the Separation of Church and State or the ACLU. They just carry a disestablishmentarian commitment to working forms of religious comity they rightly see as part of their historical and ideological inheritance as Americans. And they, too, are right. In the middle, meanwhile, lies some ground of common-sense consensus (the derivation of the term, philosophically) still, after all these years, strangely resembling that imagined by the founders without envisioning any such radical boundaries on either side. To use the phrasings of Thomas J. Curry, here was a polity for all political and religious seasons, aspiring to “the functionality of an established church while simultaneously attempting to avoid its inherent coercive features,” and simultaneously allowing “that government may” and probably should “promote religion for the purposes of strengthening public morality.”⁸

For most Americans, in fact, that would stand as a fair summation of the practical legacy of religious pluralism and toleration within recent memory. As descendants of the World War II generation, within our own memories, we are the cultural legatees of the views of popular comity embodied in Norman Rockwell’s illustrations of the Four Freedom Series and of the popular ecumenicalism once celebrated in such texts as Will Herberg’s *Protestant, Catholic, Jew*,⁹ of pastors, priests, and rabbis all celebrating together at a National Day of Prayer. So, in the competition for membership among the new Christian faithful—do traditional denominations find their

⁸ *Farewell to Christendom* 3.

⁹ Will Herberg, *Protestant, Catholic, Jew: An Essay in American Religious Sociology* (Garden City, NY: Doubleday, 1955).

numbers drained by the attractions of new leaders and like-minded followers in the community church, the independent church, the megachurch, the affiliated church, the electronic church—all notable for the degree to which doctrines, sectarian identities, conceptions of church governance and ministerial credentialing and responsibility give way to new styles of preaching, praising, praying, and general making of joyful noise. Once again, as in so many revivalisms of old, the rapt and adoring attend to the preacher-showman and the attendant spectacle. The new styles of preaching, music, audience entertainment, and participation are fully those of live performance, somehow comprehending the revival, the sports event, the rock concert. The new city on a hill is probably not Washington, DC, but rather Colorado Springs, the epicenter of the born-again non-denominational fundamentalist evangelical church and state militant, billing itself as “the Vatican of evangelical Christianity,” where tourists flock to a Focus on the Family theme park and, as recorded in a recent *New York Times* article, young Christians feud with their families over popular congregational preferences, preferring frantic, the MTV-style, charismatic youth-ministries they emotionally identify with. Or, if not Colorado Springs, the new full-service city of God embodied in the stadium churches of Houston and Chicago or the electronic ministries of PTL and CBN.

In an America of countless places where seventeen or seventeen thousand congregants sway to the music and the preaching, palms upward, crying out for joy, attending services in a civic center or indoor stadium with a rock band, a light show, and in one case, cascading waterfalls, the devotees of the newest great awakening ask, how can this not be reckoned a nation of believers? Where, ask the advocates of free and open American worship in a new age of faith, should American religion not be pushing against the wall of church and estate, proclaiming the absolute freedom to believe, to be born again out of the bondages of sin and death, the call to both the courage and the liberty to be demanded of the individual Christian? Where, on the other hand, does the cult become the ideology, ask the new secularists? Where does the message of the good news move from the realm of the epiphanic into that of the demagogic? Where does the weird religious grandstanding of a political official merge with the fervent political patriotism of a major religious figure? What do we call the new American politics of religion when a journalist is chastised by an administration spokesman for failing to comprehend the difference between a “faith-based” as opposed to a “reality-based” world view, the latter of which is clearly the new order of things?

And what of the planet, out where the world of the new American religionists or that envisioned by the political secularists intersects with a

world, to use Sam Harris's phrasing, already at the end of faith? What now, he asks, is the point at all of faith, at least as we have traditionally known it, at home or abroad, in new age of global religious murder where we no longer have the luxury of tolerating each others' unearned superstitions; yet simultaneously, what are we do with an idea equally as outmoded of a "religious moderation" that plays false with "faith and religion equally" by failing "to criticize the unreasonable (and dangerous) certainty of others."¹⁰ What if it is not just faith, that is, which is a destructive anachronism, but also toleration or pluralism as well, precisely to the degree that they become a way of rationalizing the destructive political consequences of religious ideologies generally. What indeed, he asks, is the difference between people killing other people on the grounds of professing to honour one theology as opposed to another; or standing by while one group of people assaults, excoriates, damns to eternal perdition another, who hate them equally, all on the basis of antithetical beliefs they hold on both sides without a shred on the evidence one would require for a sixth-grade science experiment or a misdemeanour conviction? These are new questions, Harris proposes, that we ask not in the name of national comity or even understanding, but at the risk of our very lives and well-being.

These are indeed global questions. And they will ultimately have global answers, if life on the globe is to remain. For the moment, I propose, Americans could at least begin, both at home and abroad, by consulting what has really been a rather distinguished political record of common-sense religious agreement to disagree: by remembering that if we have aspired to be a city on a hill and a political light unto the nations, we have frequently done so by keeping our working, civic culture in religious order by a consensus-based disestablishmentarian constitutionalism; and that the historical basis of the latter has lain from the outset not in radical categorizations but in working precepts that have frequently made something as complicated belief as simple as taxes. Thus, for instance, wrote James Madison, in his 1784 "Memorial and Remonstrance Against Religious Assessments," keeping the matter within the Christian and Protestant fold, and still managing to look down the long, slippery slope of ideology. "Who does not see," he proposed, "that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other sects? That the same authority which can force a citizen to contribute three pence only of his property for the

¹⁰ Sam Harris, *The End of Faith: Religion, Terror, and the End of Reason* (New York: Norton, 2004) 21, 39.

support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?”¹¹

Who does not see, one asks, echoing Madison, that this is still what is actually portended when an American functionary speaks an establishmentarian view of religion even in the generic, homogenized, megachurch style of easy-do eclecticism, somehow between patriotism and piety, a world of born-again self-actualization with plenty of room for the SUV, the cell phone, the expensive summer camp or religious ranch, the country club, the Christian school. That any move toward establishmentarian religious notions of truth and falsehood, right and wrong, power and subjection, divine right and divine institutions versus human right and human institutions in any form, even in a form so bland or seemingly harmless as popular reference to some dominant Judaeo-Christian tradition, is a move toward the theocratic. What is Judaeo-Christian, then, insofar as Judaic tradition is absorbed into generic Christianity? Does that mean Jewish? On matters of law, does that mean the inheritance of the Ten Commandments? The Talmud? On the Christian side of the phrasing, what about the Sermon on the Mount? How about ecclesiastical tradition? When we say “Christian,” do we really mean Protestant? Or on common-cause matters, such as abortion or gay rights can it be Catholic? If not, then what? Episcopalian; Lutheran, Congregationalist, Unitarian, Trinitarian, Reformed, Presbyterian, Methodist, Baptist, Church of God, Church of Christ, Disciples of Christ, Jehovah’s Witnesses; Assemblies of God; Mormon; Christian-Scientist; Unitarian-Universalist? What of the storefront church; the nondenominational megachurch? What about Scientology? The Kabbalah? What of all this in relation to devotionism around the globe? What is Islam? Shia; Sunni; Wahabi; Ismaili? What is Judaism? Reformed? Orthodox? Lubavitcher? Beyond the three world monotheisms, what of those religions arriving on our shores from Asia, Africa, the Pacific, the other Americas? What is a Hindu, a Buddhist, a Confucian, a Taoist, an Animist? But now, in the globalized world of domestic religion, that is just the beginning of the problem. At the sundry new intersections, domestic and international, religion and politics, what kind of justice may any of these expect to find here according to basic human freedoms and guarantees of protection under the law?

To put this from a reverse angle, if this country, breaking with its traditions of official, radical, absolute religious disestablishment, begins to move toward adoption, even by any informal or implied legal standard, the idea of a state-supported religion or certain state-supported sectarianisms

¹¹ *Papers of James Madison*, Vol. 8 [1784–86] (Chicago: U of Chicago Press, 1962) 200.

as opposed to certain others, where does state-supported cross the line into state sponsored? Or if a religion is merely state-recognized, does that make it state-approved? Is so, what are the terms of state approval, and how does an approved religion differ from one unapproved by state power? Does that mean that its public practice will be illegal? One might see that, for instance, in the sense that a Rastafarian is outside the law in most jurisdictions because there are laws against marijuana. On the other hand, does that mean a Scientologist or a Wiccan is within the law because there are no particular laws against being mildly delusional? How about private allegiance and/or private devotional practice as opposed to public? Thus we begin moving down a slippery slope indeed, with the vertical metaphor intentional in every respect.

We need to re-think it all, at home and abroad. At home, we need to hold onto a wise pragmatism that worked to keep us steadfast in our role as defenders of a national faith in Americans to live freely in the marketplace of both secular and religious ideas of belief. Abroad, we similarly need to refuse a view of history based on competing absolutisms, political or otherwise. It does not take a Hegel to see that among the chief threats of any establishmentarianism fanaticism is that it invariably provokes its other, although sometimes it takes a Samuel Clemens to say it. For Americans, this is what has worked: a common-sense constitutional tradition evolved through equally common-sense principles of legal and judicial interpretation that, as on many other radically divisive issues, finds public consensus precisely by refusing to separate out the ideological product from political process. It is even configured on the money, the basic evolving design of our national iconography if there ever was one. On one side presides George Washington, the great Founding Father who somehow managed simultaneously to remain the First Citizen. On the other, can be found the twinned mottoes “In God We Trust” and “Annuity Coeptis—Novus Ordo Saeculorum.” Thus on the American one-dollar bill reside the great schemes for the working reconciliation of divine and human time, of the religious and political orders of things. They do not call it currency for nothing. Say what one will about another much debated phrase, “the wisdom of the founders.” On the great killer issue of politics and religion, the curious foundation of coexistence called American disestablishmentarianism has been our great adaptive response; and to forget it now, at home or abroad, would be a cultural decision proving retrograde in the fullest sense.