The Learning of Liberty

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Part Three
Institutions beyond the School
Most of the Founders' ambitions for American schooling were, at least within their lifetimes, doomed to frustration. Franklin's academy clung to traditional ways; in place of Jefferson's expansive multitiered system, only a university and a few charity schools were built; and the national university, on which Washington pinned such high hopes, was never to materialize. The United States did manage to give most of its citizens the rudiments of literacy, as well as vocational and some civic training, through scattered schools, apprenticeships, and other less formal arrangements; and a college education was available to the small minority who sought and could afford it. What these educational institutions were not sufficiently able to do, however, was to imbue the bulk of the population with the moral and political principles and habits that a flourishing republic requires.

To supplement public schools, or to make up for the absence of progress in establishing them, the Founders looked to a wide range of possible sources of civic and moral education. They sought to create or sustain the religious, economic, and political institutions and practices that they were persuaded were most conducive to good morals and civic spirit. They debated the question of how a free press and voluntary associations might contribute to popular education. Finally, as we shall see in part 4, several of the leading Founders made deliberate efforts to educate by their personal examples, both by serving as models of effective informal education for their families and friends and by living—and skillfully presenting—lives worthy of emulation.

Madison and the Disestablishment of Religion

The cynosure for any consideration of the Founders' diverse views on the educational role of religious beliefs and institutions is the First Amendment: "Con-
gress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The meaning of these lapidary words, especially as regards the "establishment" clause, has been, and properly is, controversial. For the words reflect an uneasy compromise among a range of respectable, intelligent, and well-argued viewpoints represented in the country and voiced in the congressional debates at the time of the drafting of the First Amendment. To a large extent, the controversy grew out of, and has continued to be nourished by, competing conceptions of the scope and importance of religion as a source of civic and moral education.

At the time, a rather extreme opinion (which in the twentieth century has become for the Supreme Court the most authoritative, though never uncontested, opinion) was articulated by James Madison. The occasion was a 1785 bill proposed in the Virginia legislature that would have allocated state funds to support "Teachers of the Christian Religion." This bill was a very modest attempt at nonsectarian Christian establishment. It was proposed in response to the perceived vacuum in governmental support for religion that had arisen in the years since 1776, when the Tory-sympathizing Anglican church was disestablished. Many of the most important advocates of the 1785 bill, led by Patrick Henry and including George Washington and John Marshall, were moved less by theological fervor than by the worry that the loss of governmental support for religion was contributing to the decay of civic spirit and public morality. Madison, backed by George Mason, Thomas Jefferson, and others, spearheaded the opposition. He penned a now-famous "Memorial and Remonstrance" that was widely circulated and was a prime factor in the defeat of the bill. That defeat was accompanied by the enactment instead of the bill for religious liberty that Jefferson had drafted and first submitted in 1779 (now adopted with slight but significant differences).

Madison's case against the bill "establishing a provision for Teachers of the Christian Religion" consists in part, though only secondarily, of sensible arguments referring to the imprudence of any religious establishment in republics in general and, more particularly, in the republic of Virginia, given the state's peculiar recent history and likely future development. Speaking to the question of the wisdom of establishing religion in republics generally, Madison invokes a "prudent jealousy" regarding any governmental "experiment on our liberties"; this jealousy he declares to be "the first duty of citizens." He warns, with perhaps some rhetorical exaggeration, 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 support of any one establishment, may force him to conform to any other establishment in all cases whatsoever" (sec. 3).
Regarding the particular situation of Virginia, Madison appeals in the first place to the state’s past policy of “offering asylum to the persecuted and oppressed of every Nation and Religion,” a policy that “promised a lustre to our country, and an accession to the number of its citizens.” The proposed establishment is not only “a departure from that generous policy”; “it is itself a signal of persecution.” For it “degrades from the equal rank of Citizens all those whose opinions in religion do not bend.” Madison goes so far as to decry the proposal as the first step down a path that will lead to the reenactment of the Spanish Inquisition. If passed, the legislation will act like a “Beacon on our Coast,” warning the sufferer of religious harassment “to seek some other haven” (sec. 9). The present population will thin, as citizens depart under the threatened scourge of persecution for religious nonconformity (sec. 10). Worst of all, the proposed establishment “will destroy that moderation and harmony which the forbearance of our laws to intermeddle with religion has produced among its several sects,” fanning into life the fires of religious warfare with its “torrents of blood” (sec. 11). Madison warns in addition of the disastrous effects on law and fraternity that will follow from even a mild reestablishment of religion in the face of the outlook and temper of the Virginia citizenry. “Attempts to enforce by legal sanctions, acts obnoxious to so great a proportion of Citizens, tend to enervate the laws in general, and to slacken the bands of Society” (sec. 13). A “measure of such singular magnitude and delicacy ought not to be imposed, without the clearest evidence that it is called for by a majority of citizens: and no satisfactory method is yet proposed by which the voice of the majority in this case may be determined, or its influence secured” (sec. 14).

These arguments are of very considerable weight. They do not, however, form the primary or principal line of remonstrance. In attacking the bill, Madison seizes the opportunity to state a sweeping case against any governmental support, at any time and place, for any religion whatsoever, and in doing so he does not confine himself to sensible prudential arguments. He rests his case chiefly on an appeal to natural rights—an appeal so absolute and uncompromising as to find few parallels in the history of modern natural rights doctrine. The argument is not only uncharacteristically doctrinaire; it is one of the least satisfactory from the perspective of theoretical or even logical coherence that Madison ever allowed himself to state in public.

Madison made the remarkable decision to try to deduce the illegitimacy of any and all governmental support for religion from the right of the free exercise of religion. Now a moment’s reflection indicates the difficulty: why should government support for the salaries of religious teachers from a broad range of denominations necessarily prevent anyone from exercising one’s religion—or lack of religion? As Richard Henry Lee, president of the Continental Congress and later to become a leading Anti-Federalist, wrote to Madison in 1784:
Refiners may weave as fine a web of reason as they please, but the experience of all times shews Religion to be the guardian of morals—And he must be a very inattentive observer in our Country, who does not see that avarice is accomplishing the destruction of religion, for want of a legal obligation to contribute something to its support. The [Virginia] declaration of Rights, it seems to me, rather contends against forcing modes of faith and forms of worship, than against compelling contribution for the support of religion in general. I fully agree with the presbyterians, that true freedom embraces the Mahomitan and the Gentoo as well as the Xn religion and upon this liberal ground I hope our Assembly will conduct themselves.  

In fact, nowhere in the "Memorial and Remonstrance" does Madison successfully demonstrate that freedom of conscience entails prohibiting government from "compelling contribution for the support of religion in general." But his failure to make his case is less troubling than the surprisingly extreme interpretation he gives to the right of free exercise of religion or conscience, as he tries to build a kind of momentum behind his rhetorical enthymeme.

Madison claims that the right of free exercise of conscience is "a gift of nature" (sec. 15), derived from a prior "duty towards the Creator," "unalienable," and "precedent both in order of time and degree of obligation, to the claims of Civil Society"—all perfectly routine natural rights doctrine, found in Locke and others. But then he leaps from this received doctrine to the claim that the right cannot be "abridged by the institution of Civil Society" and stresses that he means by this "that religion is wholly exempt from its cognizance" (sec. 1; italics added) and that "religion is exempt from the authority of the Society at large" (sec. 2; italics added). Further, he says that no abuse of this freedom "to embrace, to profess and to observe the Religion which we believe to be of divine origin" can ever be considered an offense against society or even mankind or natural rights: "If this freedom be abused, it is an offence against God, not against man: To God, therefore, not to men, must an account of it be rendered" (sec. 4).

Why was Madison led to adopt so absolutist a natural rights argument? Madison was peculiarly, passionately exercised over the issue of religious disestablishment, not only in 1785 but throughout his life; this may have tinged his thought on this issue with an uncharacteristic moral dogmatism. But perhaps considerations of rhetorical strategy played a role; perhaps Madison feared that if he once drew attention to the substantial limits or qualifications necessarily imposed on the free-exercise right (e.g., no more human sacrifices, even of consenting adults), he would have to enter such complicated reasonings that he could no longer so easily or conclusively contend that modest governmental support for multidenominational Christianity inescapably involves an infringement on the right of free exercise. His argument would then have had to rest on...
more prudential reasonings, which are almost always somewhat inconclusive. Perhaps Madison feared a slippery slope leading from debates among reasonable men over the appropriate degree of separation of church and state, to internecine religious conflict among fanatic sectarian partisans hoping to win state power to the support of their cherished religious beliefs.

Certainly Madison seems to reach out to his evangelical religious allies, such as John Leland. Leaving behind contentions moored in prudence or nature and natural rights, Madison builds on the premise of supernatural revelation or divine right. On this basis, and in a spirit that reflects or anticipates the outlook of some of the evangelical Protestant movements that arose in the years after the Founding, he asserts that governmental support for religion “contradicts” the Christian revelation in particular, since “every page of it disavows a dependence on the powers of this world” (sec. 6). He adds supplementary arguments based on faith illuminated by the historical “fact” that the Christian religion “flourished, not only without the support of human laws, but in spite of every opposition from them.” It follows, Madison contends, not only that the Christian religion in particular is in no need of any governmental aid, but that, in addition, to offer the support of human laws is to “weaken in those who profess this Religion a pious confidence in its innate excellence, and the patronage of its Author,” while strengthening the “suspicions” of “those who still reject it” (sec. 6). Besides, experience has shown “that ecclesiastical establishments, instead of maintaining the purity and efficacy of religion, have had a contrary operation” (sec. 7).

These arguments based on faith, whatever might be their merits, speak only to the effects of establishment on religious fervor and education; but what of the effects on civic and moral education—the concern perhaps uppermost in the minds of the most distinguished supporters of the bill? Here we encounter again the uniqueness and extremism of Madison’s position. For he contends, first, that it is impious for government to try to use religion to support civic spirit and, second, that religion is likely, if funded by government, to poison rather than to sustain republican spirit. The notion that government “may employ Religion as an engine of Civil Society” is damned by Madison as “an unhallowed perversion of the means of salvation” (sec. 5); and he claims that religious establishments have historically “in no instance” been “seen the guardians of the liberties of the people” (sec. 8).

Madison never ceased to insist on what he called, in a retrospective letter written to Edward Livingston late in life, “a perfect separation between ecclesiastical and civil matters”—though he severely tempered his earlier, public remonstrance by stating that his principle of “the immunity of Religion from civil jurisdiction” had always been intended with the far-reaching and open-ended proviso, “where it does not trespass on private rights or the public peace” (italics
added). But Madison never softened his rejection of religion as an instrument available to government for civic education. In the same letter just quoted, he castigates as unconstitutional the appointment of congressional chaplains, to be paid out of public coffers, and regrets being forced as president to proclaim fasts or festivals of thanksgiving (such as for the end of the War of 1812), “so far, at least, as they [the presidential proclamations] have spoken the language of injunction” and were not “merely recommendatory.” During his presidency, Madison vetoed as unconstitutional a bill that, in granting land, reserved a parcel for a church. Similarly, he vetoed a bill incorporating the Episcopal church in the District of Columbia partly because the bill provided that the church be given the authority to educate poor children. In private, Madison eventually voiced opposition to tax exemption for churches, even under state law, and to the appointment of chaplains for the armed forces.4

Though Madison was the most radical of the major Founders in his view that the president utterly lacks authority in religion, he was by no means alone in this outlook. Alexander Hamilton, arguably the leading expert among the Founders on the office and powers of the chief executive, insisted that under the Constitution, prior to and without any dependence on the First Amendment (which Hamilton opposed as unnecessary), the president “has no particle of spiritual jurisdiction.” Jefferson when president refused, on constitutional grounds, to declare religious holidays; yet, in contrast to Madison, he admitted that the state governments do have such power. On the other side, however, stands the weighty authority of George Washington. One of his early acts, in response to a request from both houses of Congress, was the proclamation of a National Thanksgiving, 3 October 1789, with the words, “It is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for his benefits, and humbly to implore His protection and favor.” The president set aside this day “to be devoted by the people of these States to the service of that great and glorious Being . . . [and to] beseech Him to pardon our national and other transgressions.”5

Jefferson and the Attempted Transformation of Christianity into a Civil Religion

While Jefferson never went to the extremes of Madison, he also never expressed reservations against any of the arguments in Madison’s “Memorial and Remonstrance.” Jefferson refers in a famous presidential letter to the need for a “wall of separation between Church and State,” though with the large qualification that religious “actions” as opposed to “opinions” are indeed subject to legislation. As he puts it in his Bill for Establishing Religious Freedom, “It is time enough for the
rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order." Most important for the purposes of this study is Jefferson's assertion in the same bill that "our civil rights have no dependence on our religious opinions, any more than on our opinions in physicks or geometry." By assimilating religious opinion to mathematical opinion in this context, Jefferson seems to suggest the Madisonian view that religious convictions have no positive role to play in republican civic education. But the original version of the Bill for Establishing Religious Freedom goes even further, to the radical pronouncement that "the opinions of men are not the object of civil government." This assertion, if taken strictly, would outlaw all governmental concern with moral and civic education. It is no wonder the statement was dropped from the version of the bill that was enacted into law in 1785.6

After all, in the same Bill for Establishing Religious Freedom, Jefferson maintains that each citizen must be allowed to choose the minister whose "morals he would make his pattern, and whose powers he feels most persuasive to righteousness"; he then argues that one crucial reason why ministers ought to be paid by their own parishioners on a voluntary basis is that this will hold out to the ministers "those temporal rewards which, proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labour for the instruction of mankind." In other words, the bill endorses an educative civil function for the clergy and clearly shows that the government that makes this bill law does most certainly have as one chief object the molding of the opinions of its citizens. What is more, in his Notes on the State of Virginia, to which he appended in the 1787 edition the Act for Establishing Religious Freedom, Jefferson further undercuts his suggestion, in the bill itself, of the irrelevancy of religious opinion to civic health. Spelling out the consequences of the moral disease of black slavery, Jefferson asks, "Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with his wrath?" (italics added). If belief in a just and punitive God is so critical to liberty, it becomes difficult to conceive why government may establish schools to teach the principles of liberty but must avoid providing any support for the teaching of this most fundamental principle of liberty.7

As we shall see in detail in chapter 13, Jefferson struggled to establish morality on a purely natural and humanistic basis; but he could never satisfy himself that morality or civic spirit in the population at large could dispense with religious faith, institutional religious guidance, and a belief in supernatural divine sanctions. To what extent Jefferson's hesitation to abjure divine sanctions arose from genuine religious conviction, and to what extent it resulted from a conviction of the political necessity of religious belief in the populace, must remain an open question. Jefferson is notable for the circumspection with which he
guarded, even from his own family and closest friends and correspondents, his ultimate religious views: "My religion," he wrote to someone seeking information for a biographical sketch, "is known to my god and myself alone." Certainly there is the ring of truth in the contrast Perry Miller draws between the zeal for religious liberty of the Puritan Roger Williams and the superficially similar zeal of Jefferson: Williams "was a libertarian because he contemned the world, and he wanted to separate church and state so that the church would not be contaminated by the state; Thomas Jefferson loved the world and was dubious about the spirit, and he sought to separate church and state so that the state would not be contaminated by the church."8

Jefferson wished to cultivate religious sentiments and preachings that would overcome religious sources of disunity and provide educative support and guidance for good citizenship. To that end he argued and worked for the reform of his fellow Americans' religious beliefs in a specific direction: away from divisive theological disputation and the demands of ascetic moralism, and toward a deistic or unitarian secular ethical humanism. With this end in view—and inspired partly by Joseph Priestley's History of the Corruptions of Christianity (1793) and Socrates and Jesus Compared (1803) and later encouraged by John Adams's letters—Jefferson undertook a thorough revision of the Scriptures. He expunged what he claimed were the false accretions, including Jesus' claims to divinity, miraculous healing, and inspiration by divine grace, as well as most of his and others' references to sin, atonement, redemption, and the resurrection. Although this remarkable work of theological and historical revision was not (for reasons of political prudence) published in his lifetime, Jefferson urged others—most notably Joseph Priestley—to carry forward and into the public eye the work of "purification" of the Christian Scripture. In his later days, Jefferson repeatedly expressed in private letters his hope and expectation that the United States would within the next couple of generations become almost entirely Unitarian in its religious outlook.9

Yet there remained one cardinal tenet of traditional Christianity that marked, for Jefferson, religion's unique and irreplaceable contribution to civic education: the belief in an afterlife, in which a just God would mete out condign reward and punishment.10 Whether Jefferson himself truly believed in a life after death—and if so, how he squared this belief with his adamant materialism, or denial of the existence of the incorporeal soul—is another open and perplexing question.11

The Anti-Federalists and Protestant Establishment

Other leading Founders, and a large proportion of the populace, felt much more strongly than Jefferson the need for some degree of governmental establishment of religion, especially in the various states. An anonymous "Proposal for Reviv-
ing Christian Conviction,” published in the *Virginia Independent Chronicle* on 31 October 1787, gives perhaps the best succinct summation of the underlying reasoning.

Whatever influence speculative vanity may ascribe to the indefinite principle termed honor, or political refinement, to an artful collusion of interests, sound reason as well as experience proves that a due sense of responsibility to the deity, as the author of those moral laws, an observance of which constitutes the happiness and welfare of societies as well as individuals, is the mean most likely to give a right direction to the conduct of mankind. The man who carries his prospects forward to futurity, and considers himself a candidate for the favor of omnipotence, will be actuated, in the general tenor of his life, by motives that elevate him above the little interests and passions which disturb the peace of society, and will discharge the relative duties of his station, unawed by the fear of man, with a consistence and steadiness correspondent to the principle from which he acts. It has been the misfortune of our infant legislature that in the multiplicity of business which has come before them, they have not had leisure to attend sufficiently to the importance of religious concerns to the welfare of the state.

The charge that the proposed constitution would weaken, or at any rate was insufficiently attentive to supporting, the religious belief essential to a reliable republican citizenry was a frequent Anti-Federalist criticism. This judgment did not reflect a fundamental disagreement with the Federalists over the ends of government, or a desire to return to Puritan or authentically classical conceptions of the purposes of society and education. Even the most religious of the Anti-Federalist writers, a writer who took the significant and unusually unclassical pen name “David,” declared that “it is agreed on all hands, that the business of government is to secure the subjects in the enjoyment of their lives, liberty, and property.” But in their estimation of the best way to prosecute this business, the Anti-Federalists generally put less faith than did the Federalists in the competition of factions orchestrated by shrewd constitutional arrangements and saw more need, as “David” says, of “prepossessing the people in favour of virtue by affording publick protection to religion.”

Anti-Federalists criticized the Constitution both for failing to guarantee freedom of conscience and for failing to establish Protestant Christianity. In calling for religious freedom, they usually had in mind the positive freedom to believe and worship as one saw fit, not the negative freedom from religion or from all governmental involvement in religion. Accordingly, as Herbert Storing sums up their views, “they saw no inconsistency between liberty of conscience and the public support of the religious, and generally Protestant, community as the basis
of public and private morality." Nevertheless, there was a certain division apparent among the Anti-Federalists who spoke to the religious question. For some, the primary target of criticism was the lack of security for religious freedom—a criticism often accompanied by strongly expressed opposition to any national establishment of religion. For others, the chief concern was the decline in the public acknowledgment and support of Protestant Christianity. 14

In the first category are those like Patrick Henry and "An Old Whig," who expound the classic Lockean argument in favor of religious freedom and often go well beyond Locke, making no exception of "papists and atheists." Henry warns that without an explicit bill of rights including freedom of conscience, religion "will be prostituted to the lowest purposes of human policy." Henry thus seems to echo, if only dimly, some of Madison's worry about the effects of religious establishment, though there is no sign Henry had changed his mind about the need for nonsectarian governmental support for religion. The "Old Whig" in Pennsylvania "hoped and trusted" that "there are few persons at present hardy enough to entertain thoughts of creating any religious establishment for this country"—though the context suggests that he means a national church, with specific articles of faith, of the sort found in England. Indeed, it seems fair to say that the Anti-Federalists who agitated for a bill of rights guaranteeing freedom of conscience did not intend that such a guarantee would or could be used to outlaw the mild and multidenominational religious establishments that then existed in many of the states and state constitutions. As Storing says, their position on religion was essentially conservative.

The Anti-Federalist position was not so much that government ought to foster religion as that the consolidating Constitution threatened the healthy religious situation as it then existed. The religious diversity of the whole United States seemed so great as to strain to breaking point any publicly useful religious foundation for the nation as a whole. Consolidation would require, then, substituting for religion some other foundation of political morality—which the Anti-Federalists foresaw would be an aggregate of selfish interests held together by force. 15

Prominent among those who focus their criticisms primarily on the difficulty of maintaining adequate government support for religion under the proposed constitution is "Agrippa" (probably James Winthrop), who protests against uniting Massachusetts with the morally and religiously inferior South.

The unequal distribution of property, the toleration of slavery, the ignorance and poverty of the lower classes, the softness of the climate, and dissoluteness of manners, mark their character. Among us, the care that is
taken of education, small and nearly equal estates, equality of rights, and
the severity of the climate, renders the people active, industrious and sober.
Attention to religion and good morals is a distinguishing trait in our char­
acter. It is plain, therefore, that we require for our regulation laws, which
will not suit the circumstances of our southern brethren, and the laws
made for them will not apply to us.

A Portland, Maine, “Customer” voices the opinion that the new constitution is
part of a tide in the country that is drawing Americans to “employ our time,
that heretofore has been employed in politicks and religion, to the pursuit of
wealth, to enable us to pay our debts, and support the dependants on govern­
ment in the style of the great men of the east.” The bitingly satirical “praise” of
the proposed constitution by the Pennsylvanian who wrote under the name
“Aristocrotis” stresses that the new government will be historically without
precedent in its entire liberation from any clerical or religious restraint on its use
and abuse of power.16

“Aristocrotis” also points out that the Constitution’s prohibition on religious
tests for office lays “the axe to the root of the tree” of religion in general and
Christianity in particular: the Constitution deliberately seeks to “extirpate” the
Christian religion from America. The Bostonian who significantly took the pen
name “Samuel” passionately attacks the prohibition on religious tests for office,
by which “all religion is expressly rejected, from the Constitution. Was there
ever any State or kingdom, that could subsist, without adopting some form of
religion?” The New Hampshire “Friend to the Rights of the People” (probably
Thomas Cogswell) perceives, in the Constitution’s “discarding of all religious
tests,” the alarming consequence that religion is “all swept off at one stroke to­
tally contrary to our state plans . . . . It may be said the meaning is not to discard
it, but only to shew that there is no need of it in public officers; they may be as
faithful without as with—this is a mistake—when a man has no regard to God
and his laws nor any belief of a future state; he will have less regard to the laws
of men.” Cogswell continues, “I think therefore that so much deference ought
to be paid” religion, “as to acknowledge it in our civil establishment; and that
no man is fit to be a ruler of protestants, without he can honestly profess to be
of the protestant religion.”17

If there was to be a consolidated national government, then it had to lend
some moral support to religion in general and to the state establishments in par­
ticular. Thus Charles Turner, who admonished the Massachusetts ratifying con­
tention that “without the prevalence of Christian piety, and morals, the best re­
publican Constitution can never save us from slavery and ruin,” and who voted
finally and with reluctance to ratify the new constitution, decried a general
moral deterioration already afoot, which would be accelerated under the new
Institutions beyond the School system. "Nor have I," Turner avowed, "an expectation" of a "greater prevalence of Christian moral principles,"

unless some superior mode of education shall be adopted. It is EDUCATION which almost entirely forms the character, the freedom or slavery, the happiness or misery of the world. And if this Constitution shall be adopted, I hope the Continental Legislature will have the singular honour, the indelible glory, of making it one of their first acts, in their first session, most earnestly to recommend to the several States in the Union, the institution of such means of education, as shall be adequate to the divine, patriotic purpose of training up the children and youth at large, in that solid learning, and in those pious and moral principles, which are the support, the life and SOUL of the republican government and liberty. . . . May religion, with sanctity of morals prevail and increase.18

A Virginian writing under the name "Denatus," who like Turner reluctantly opted in the end for adoption, though with massive amendments, goes unusually far, arguing that

the first, or second article of the said constitution, ought to contain something to this effect—That as soon as possible, academies shall be established at every proper place throughout the United States for the education of youth in morality; the principles of the christian religion without regard to any sect, but pure and unadulterated as left by its divine author and his apostles: The principles of natural, civil, and common law, and of our constitution: And the art of defending and conquering nations in battle, either by land or sea—These academies to be regulated from time to time by Congress, and their establishment to be perpetual.19

A much milder sort of governmental support for religion, and one that was widely commended, was the Northwest Ordinance, passed by Congress under the Articles of Confederation on 13 July 1787. Article 1 of the "compact, between the original States and the people and States in the said territory," declared that "no person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship, or religious sentiments"; while Article 3 declared that "religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." The fact that the ordinance was reapproved without alteration by the same Congress that drew up, under Madison's floor management, the Bill of Rights would seem to suggest that no one at the time thought that state-sponsored education aimed at cultivating reli-
Religion

The concern to protect and even encourage the establishment of multi-denominational Protestant Christianity in the states was shared by many and repeatedly voiced in the state legislative and federal congressional discussions that issued in the framing of the First Amendment. A number of state ratifications had been accompanied by requests for amendments, chiefly amendments that would constitute a bill of rights. Virginia and North Carolina pressed for the adoption of a provision about religion that would have included the words, "No particular religious sect or society ought to be favored or established by law in preference to others"; New York urged a similar stipulation. Madison, in weaving together a proposed bill of rights from the many suggestions, formulated this statement: "The Civil Rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, nor on any pretext infringed." (He also added what no state had suggested, a provision protecting individuals from state violations of the equal rights of conscience.) A select committee revised the proposed limitation on congressional action to read, "No religion shall be established by law, nor shall the equal rights of conscience be infringed." This proposal, as Michael Malbin says, "was debated by the First Congress at greater length than almost any other item in the Bill of Rights"; the speeches "concentrated on the establishment question."21

Peter Sylvester from New York opened the debate by voicing the fear that the wording "might be thought to have a tendency to abolish religion altogether." As Malbin observes, Sylvester's misgiving seems incomprehensible unless one assumes his premise was that "some form of governmental assistance to religion was essential to religion's survival." Supporting Sylvester, Elbridge Gerry from Massachusetts "said it would read better if it was, that no religious doctrine shall be established by law." Madison claimed that this was essentially what the words were intended to mean: "He apprehended the meaning of the words to be, that Congress should not establish a religion, and enforce the legal observation of it by law." To this Benjamin Huntington replied warily that "he feared, with the gentleman first up on this subject, that the words might be taken in such latitude as to be extremely hurtful to the cause of religion. He understood the amendment to mean what had been expressed by the gentleman from Virginia [Madison]; but others might find it convenient to put another construction upon it." Huntington worried that someone arrested for failing to pay the
required contributions to ministers’ salaries or church buildings might go before a federal court to find release from his obligations under state law.\textsuperscript{22}

Madison then replied that he “thought, if the word national was inserted before religion, it would satisfy the minds of honorable gentlemen.” What he understood the people feared and sought to avert, Madison explained, was not federal governmental support for religion generally, but that “one sect might obtain a pre-eminence, or two combine together, and establish a religion to which they would compel others to conform. He thought if the word national was introduced, it would point the amendment directly to the object it was intended to prevent.” But Elbridge Gerry, a former leader of the Anti-Federalists, protested any use of the word “national” as implying that the government was a consolidated union rather than a federation. The House ultimately sent to the Senate the wording offered by Fisher Ames: “Congress shall make no law establishing religion.” The Senate, after much back-and-forth debate of alternative wordings, finally returned to the House a much narrower and more precise version: “Congress shall make no law establishing articles of faith or a mode of worship.” The House refused this suggestion, and in conference between representatives of both houses, the current version was devised: “Congress shall make no law respecting an establishment of religion.” As Malbin argues, the crucial innovation of the word “respecting” is best understood as intending to prevent both a specific religious establishment on the federal level and any federal interference in the religious establishments in place in the states. Madison compromised his own views rather considerably, although one cannot rule out the possibility that he hoped that future interpretation would steadily erode the scope of state powers of establishment.\textsuperscript{23}

It does appear in fact that the state establishments waned partly because of the spread of Madisonian and Jeffersonian principles in the popular consciousness. However, the chief reasons for the decline of state legislation supporting religion were, initially, a general trend toward secularism; then weariness at the endless bickering among competing denominations over their shares of whatever financial support was forthcoming from the state governments; and finally the rise of evangelical sects, with their libertarian rebellion against all traditional forms of authority in religious matters.

The view of the relation between religion and government that predominated among the most generous and thoughtful of the Founders is perhaps best stated by Tench Coxe.

Almost every sect and form of Christianity is known here—as also the Hebrew church. All are admitted, aided by mutual charity and concord, and supported and cherished by the laws. . . . Mere toleration is a doctrine exploded by our general condition; instead of which have been substituted an
unqualified admission, and assertion, "that their own modes of worship and of faith equally belong to all the worshippers of God, of whatever church, sect, or denomination."

The link, in the Founders' minds, between civic education and the cherishing of religion is expressed most lucidly and effectively in Washington's Farewell Address.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of Patriotism, who should labour to subvert these great Pillars of human happiness, these firmest props of the duties of Men and citizens. The mere Politician, equally with the pious man ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that National morality can prevail in exclusion of religious principle.