

## **SPIRITUAL FORMATION OF THE U. S. CONSTITUTION, PART 2**

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Once upon a time—in fact it was just over 222 years ago, in May of 1787—a certain group of leaders from the various states that comprised our fledgling country got together in Philadelphia and spent a hot summer hammering out what became the Constitution of the United States.

Maybe you've heard about this event. It's a great story, which should be distinguished from a similar summer gathering also in Philadelphia 11 years earlier when the Declaration of Independence was forged. We have sustaining images from *that* perhaps more dramatic revolutionary event of "1776" partly because of the play and movie by that numerical name.

But the Constitutional Convention—more than a decade later, in 1787—took the very creative and influential next steps in crafting a political system that still animates and unites our increasingly diverse and often fractious country.

Umpteen generations later, we today have inherited from that courageous and extremely thoughtful Constitutional Convention, among other important things, a freedom never before established: religious liberty.

This idealistic and unprecedented experiment of governmental protection for a diversity of religious opinion continues in our time. The *experiment* continues. The innovation of national religious liberty was immediately threatened at and during its birth, and has continued to be attacked ever since by forces that disagree with the fundamental and perhaps surprising premise affirmed by our Founders: namely, that religion is actually better off without state authority—and, not coincidentally, the state is better off without religious authority.

This new idea of actually—legally—separating church and state flew in the face of many centuries of momentum preceding the US Constitution, during which time civil rulers and dominant religions often, if not always merged their authorities, assuming that state-enforced uniformity of belief was the most effective way to both govern the people and promote religion. And some Americans still actively advocate for such theocracy.

My previous sermon on this subject tried to present some of the large religious and cultural forces that were at work in colonial America to enable this experiment of legalized religious freedom to step forth onto the stage of history. Today I will endeavor to profile some of the notable individual paths that converged and cooperated (or not!) in the radical effort to disconnect religion from government. Time being limited, and the many stories so rich, I will center on a few Founders who emerged from the noble state of Virginia.

“The Godless Constitution,” as one very provocative book calls it [see booklist that follows], was nonetheless created by Founders who had strong spiritual understandings. I believe that we today are best served by a clear awareness of how and why they came to design this ingenious separation between religion and government. For we who are current caretakers of liberal religious institutions are the ones most likely to be called upon to firmly remind our culture of this essential and still fragile heritage as we all explore a new millennium facing changes and challenges that are, if nothing else, often religiously demanding.

222 years between then and now is a long stretch over which we might easily forget that the Founders were not out to dismantle or eliminate religion, but rather, in something of the spirit of their Puritan forebears, they hoped to purify it—”it,” of course, meaning Christianity. (The Founders were vaguely aware of some other world religions and, as we know, not at all conscious of the indigenous Native American religion surrounding them, so the scope of religion for them was mostly the increasing variety of Protestant orientations, with some Catholics and Jews as well.)

Certain significant Founders, however committed they were to Christianity, were *not* very impressed either by the orthodox forms that religion had come to take in their time or by the many destructive testaments to religious oppression and hypocrisy that seemed to accompany a long global history of state-enforced uniformity of belief. With a confidence that was characteristic of the leaders of their Enlightenment era, they rejected the stale worship, superstitious theology and dubious associations with government that dominated established colonial churches. They yearned for something more reasonable.

Thomas Jefferson epitomized this posture. With a broad and well-trained intellect that could simultaneously draw on the classics and brilliantly synthesize new ideas, he had a private passion for ancient but enduring religious ideas that he wished could be unshackled from centuries of rigid dogma imposed by church authorities.

He was steadfastly committed to the essential principles taught by Jesus, but often couldn’t bear attending church, although he supported numerous congregations financially. He carefully held his opinions about theology to himself, but letters published after his death show a fierce frustration about how the Christian religion had been perverted. For example:

“It is the speculations of crazy theologians which have made a [Tower of] Babel of a religion the most moral and sublime ever preached.”

He referred to these speculations as

“artificial systems, invented by ultra-Christian sects, unauthorized by a single word ever uttered by [Jesus].”

Jefferson's list of readily deniable dogma reads like a veritable What's What of orthodox theology. Here are some of the "speculations" rejected by Jefferson, as he named them:

"the immaculate conception of Jesus, his deification, the creation of the world by him, his miraculous powers, his resurrection and visible ascension, his corporeal presence in the Eucharist, the Trinity, original sin, atonement,...etc."

All these he declared untrue to the actual teaching of Jesus. Sound familiar?

In place of all this speculation, Jefferson preferred:

"the doctrine of Jesus...that to love God with all thy heart and thy neighbor as thyself is the sum of religion... Compare [this] with the demoralizing dogmas of Calvin."

However, as fiercely as he felt on this score, Jefferson was nonetheless still reticent about articulating religious perspectives, always refusing to be drawn out, except in personal letters, which usually included a request to keep his words private. Late in life, he reiterated this stance:

"I never told my own religion, nor scrutinized that of another. I never attempted to make a convert, nor wished to change another's creed. I have ever judged of the religion of others by their lives."

What he did do, eventually, was to cut out and paste together the pieces of the Christian Scriptures that made sense to him, a document that later became known as "The Jefferson Bible," although he titled it, "The Life and Morals of Jesus of Nazareth."

This creation was inspired, as was Jefferson generally, by the first Unitarian minister in the first Unitarian Church in America (in Philadelphia): Joseph Priestley, who was quite popular among some of the Founders for his rational portrayals of "the doctrine of Jesus." In fact, Priestley had declined Jefferson's urging to reorganize the Christian Scriptures first; thus, we have "The Jefferson Bible" and not "The Priestley Bible."

Priestley, who had left England after being viciously persecuted for his rational religion, was a huge intellect in his own right. He authored not only the influential religious statement titled, "An History of the Corruptions of Christianity" (1782), but also, with encouragement from another Philadelphian, Ben Franklin, a treatise on "The History and Present State of Electricity" (1767).

And he also discovered—as we might recall from our school days—the element oxygen. In my research on the Founders, I was rather happily surprised to find how often Priestley's name came

up in religious discussions. Jefferson once confessed,

“I have read Priestley’s books over and over again, and I rest on them...as the basis of my own faith.”

Joseph Priestley’s full name is honored in the title of our mid-Atlantic district association of UU congregations. He is a good example of how Unitarians have quietly had historical impact far beyond our relatively small numbers. It is largely his vision of Unitarian Christianity (developed further in the next generation by William Ellery Channing) that inspired Jefferson’s famous, if overly optimistic 1822 prediction:

“I confidently expect that the present generation will see Unitarianism become the general religion of the United States.”

Jefferson and Ben Franklin are generally acknowledged as the least orthodox of the Founders and the most receptive to Enlightenment principles of reason and freedom. Two other Virginian Founders, George Washington and James Madison, were also clearly Christian, but also shared Jefferson’s lack of enthusiasm for church.

The Father of our Country, known for his integrity and truthfulness, would never kneel to pray or affirm the Trinity whenever he did go to church; and he usually left before Holy Communion. Yet was renowned far and wide for his character. Washington, like his peer Enlightenment leaders, did nothing because of any fear of Hellfire and Damnation, but rather because behaving rightly was the right thing to do.

For instance, Commander-in-Chief Washington was committed to practicing an even-handed tolerance because it was the right thing to do. He expressly prohibited his troops from ridiculing the commonly hated Catholics to the north. Also like Jefferson, he wrote about religion a lot in private letters, although more placidly than Jefferson.

Maybe it was something in the Virginian water, but Jefferson, Washington and James Madison were all passionately dedicated to the proposition that a person’s religious opinions were an entirely private matter. (Unfortunately, we know much less about Madison’s beliefs because, unlike Jefferson and Washington, he purged all his personal writings before he died.)

To these men, *how* people lived out their religion was all the evidence required. This was a critical essence of their religious perspective: that there was no efficacy in petitionary prayer (asking God for favors or protection). The highest form of worship, to them, was to lead a moral life. When they did speak about religion, it was generally without specific references to God or Christ, preferring more inclusive terms, such as “Providence,” a favorite image of Washington’s.

Thomas Jefferson often gets a good deal of attention as a Founder, but he wasn't even at the Constitutional Convention that Washington presided over in that hot summer of 1787. Jefferson was off being our ambassador to revolutionary France. His presence was felt nonetheless, however, largely because of the previous year's passage of his creation—"one of the preeminent documents in the history of religious liberty"—the Virginia Statute for Religious Freedom.

In the chaotic decade after the Declaration of Independence but before the Constitutional Convention, this landmark bill, the Virginia Statute for Religious Freedom, struggled slowly toward affirmation. It was steadfastly championed by James Madison, Jefferson's partner in steering Virginia out of the hands of an established Anglican Church. These two Founders were of one mind about the importance of a complete separation between religion and government, and the new State of Virginia was their workshop.

The emergence of this Virginia Statute for Religious Freedom is noteworthy because it provided the model for the U.S. Constitutional Convention's inclusion of similar ideas. It was the first to embody a dramatic reversal of the momentum from centuries of state-imposed uniformity of belief. A capsule rendition is worth reading:

*Whereas almighty God hath created the mind free; (and whereas) all attempts to influence it [the mind] by temporal punishments or burdens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy author of our religion...; (and whereas) truth is great and will prevail if left to herself..., errors ceasing to be dangerous when it is permitted freely to contradict them:*

*Be it enacted...that no (one) shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested, or burdened in body or goods, nor shall otherwise suffer on account of religious opinions or belief...*

By the phrase, "burdened in body or goods," Jefferson was referring, in part, to a general tax assessment that supported the state's churches. This was—and still is—a popular method by which states get enmeshed with religion: tax all the people to pay for the religion of some.

Today, one can see this resilient recurring technique in action when our taxes that are designed to fund public education get diverted by vouchers or the like into supporting sectarian religious schools. And the Bush Administration's so-called "Charitable Choice" initiative was a seductive relative. Yes, the *experiment* separating church and state continues, and is still resisted mightily by some considerable forces.

Jefferson first drafted the Virginia Statute for Religious Freedom in 1777, just a year after

independence, but it took a full ten years of advocacy to get it passed, by which time the author was in France. Activist Madison carried on in Jefferson's absence and had to steadfastly argue against regular calls for a general Virginia tax assessment to support Christian churches broadly and the Anglican Church in particular. He did this in compelling fashion, and deserves at least as much credit as author Jefferson for the final victory of religious freedom in that pivotal state.

Perhaps like many casual students of history, I had overlooked the important contributions of James Madison, who often stands in the large shadows of Washington and Jefferson. Madison's own very persuasive statement against Virginia taxes to support religion and his parts of the Federalist Papers in support of the completed U.S. Constitution rank right up there with the major works of the Founders. (He is deservedly known as the Father of the Constitution.)

But you know, there's no authoritative list (that I could find) of precisely who "the Founders" were. Different publications include different numbers and more or less prominent players. For instance, would you consider Patrick Henry a Founder—he of the famous "Give me liberty or give me death" speech during the revolution?

Well, he became the first governor of the new state of Virginia but refused to attend the Constitutional Convention because he "smelled a rat." He argued *against* ratification of the Constitution and was a most vocal advocate *in favor* of tax assessments to support Christian churches, vigorously *opposing* efforts for full religious freedom. I can just imagine the hot debates on this issue between Henry and Madison. Evidently his passion for liberty included only political freedom.

Yes, Patrick Henry eventually lost on the tax assessment issue in his state when the Virginia Statute for Religious Freedom was passed, and of course he lost on ratification of the Constitution. But he nonetheless worked hard later, nationally, in the years immediately after ratification of the Constitution, to add the Bill of Rights, which deepened the concept of religious liberty in its very first amendment. So maybe Madison eventually got to Henry and convinced him about the value of separating church and state. They both get my vote as official "Founders."

The Bill of Rights, as you may well know, is what we call the first ten amendments to the Constitution, and it quickly established another important dynamic balance, but not in content as much as style. The Founders wisely encouraged both stability, anchored in the unchanging Constitution itself, and an openness to change through the amendment process.

To support this balance, the Constitution's Preamble contains a carefully chosen purpose phrase, which should sound familiar: "in order to form a more perfect union." To strive for something that will be ever "more perfect" is to recognize the importance of always considering new ideas, what we today might call "being in process."

This was a classic Enlightenment attitude, a confidence that all things and people could and should be perpetually improved beyond what can be conceived or perceived at any given moment. (It later became embodied in an entire school of religious thought called Process Theology, which promotes the idea that being consciously on a journey can be more valuable than actually reaching an idealized destination.)

Such open and optimistic thinking, written into the Constitution's Preamble, stands in marked contrast to that era's harsh Calvinist notions of predetermined qualities, such as original sin, essential human depravity and special election to heaven, which dominated orthodox Christian views at the time of the Founders. The final Preamble to the Constitution was one intentionally—and courageously—without any reference to the Christian religion, but don't think that there weren't strong efforts to insert God and Jesus in there as the new government's inspiration. There were!

More inclusive minds prevailed—which, again, is not to say that the Founders didn't believe that their lively experiment was divinely ordained. They did! But, from their studies of history and their own life experiences they found the record of merged religious and civil power so dastardly bad that they should design a separation of these authorities. Plus, as I described in my previous sermon on this subject, it was about the only way to accommodate the growing diversity of religions that were spreading out in this new and large country.

The Founders truly hoped that Christianity would prosper more if not tainted by association with government, which itself would then have more credibility without relying on collusion with clergy. The government they designed would be at its best when it was able to translate freedom into growth for its citizens, all citizens, regardless of religious orientation.

Remember that in these struggles for religious freedom the value of religion, per se, was never in question; it was assumed by virtually all the Founders. With the possible exception of Ben Franklin, they cannot be fairly portrayed personally as anything less than deeply Christian, *relative to their day*, which had a different continuum of devout posture from what we know today.

Some of our modern orthodox authors try hard to claim the Founders as allies in calling us a “Christian nation” *by design*, but this is quite a stretch that does not hold up under reasonable scrutiny. Yes, they were all Christians, as most citizens would have called themselves then, but the primary issue before the Founders was how much or how little state support for religion they would install in the architecture of the new government.

For those less venturesome folk of that era, who, like Patrick Henry, resisted the idea of separating church and state, James Madison was ultimately persuasive with one particular

argument. Imagine, he countered, if there *were* an established national religion alongside the new system of balanced political power.

How, he asked pointedly, could the judicial branch possibly decide on complex theological matters in the clearly predictable clashes that would happen between different religious groups that were already in conflict? It was way too much to expect of the courts, and would likely bring down the whole experiment in short order.

This was a vivid and convincing image, and so legalized religious freedom as contained in the US Constitution was finally ratified in 1789. Three of the first four presidents of the new federal government were the formative Virginians: Washington, Jefferson & Madison, all of them for two terms each. The one non-Virginian president in this period was John Adams, who, interestingly, was an avowed Bostonian Unitarian.

Yet another Virginian, James Monroe, was the fifth president, again for two terms. I, for one, have a new historical respect for this state, which also produced, more recently, another notable proponent of religious liberty: my spouse & co-minister Barbara.

Thomas Jefferson was certainly a complex person, complete with failings that we may or may not want to judge from this distance. But he was also a very accomplished Founder. However, he chose to have only three of his many accomplishments carved onto his gravestone. Curiously, being US president was not one of them.

Rather, he wished to be most remembered for his authorship of two documents—the Declaration of Independence and the Virginia Statute for Religious Freedom—and as founder of the University of Virginia (one of the first non-sectarian, state-run universities in America).

These three contributions to our culture all centered on furthering the quest for human growth and freedom of the individual spirit. Jefferson is one main character among many in a noble story of commitment and creativity that is the experiment in religious liberty *we* are living out.

Did I mention that it was and still is an *experiment*?

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*[Book list follows...]*

## ***Book List of Pertinent Publications***

(Source materials for “Spiritual Formation of the U. S. Constitution,” by Rev. Jaco B. ten Hove)

Jefferson, Thomas. ***The Jefferson Bible: the Life and Morals of Jesus of Nazareth.*** 1989, Beacon Press, Boston. With a helpful forward by F. Forrester Church and a sample copy of Jefferson’s actual cut-and-paste job.

Kramnick, Isaac and Moore, R. Laurence. ***The Godless Constitution: The Case Against Religious Correctness.*** 1996, W. W Norton, New York. “An urgent and timely reexamination of the roots of church-state separation in American politics—and a ringing refutation of the misguided claims of the religious right.”

Eidsmoe, John. ***Christianity and the Constitution: The Faith of Our Founding Fathers.*** 1987, Baker Book House, Grand Rapids, MI. With a forward by D. James Kennedy and a blurb promo by Tim LaHaye, this is an instructive portrayal of “the truth” as seen by the religious right.

Sanford, Charles B. ***The Religious Life of Thomas Jefferson.*** 1984, The University Press of Virginia. A thorough and rather scholarly treatment of Jefferson’s religious ideas and behavior.

Mead, Sidney E. ***The Lively Experiment: The Shaping of Christianity in America.*** 1963, Harper and Row, NY. A truly illuminating study of dynamic colonial forces, not often given attention.

Church, Forrest, ed. ***The Separation of Church and State: Writings on a Fundamental Freedom by America’s Founders.*** 2004, Beacon Press, Boston. “This concise primer will get past the rhetoric that surrounds the current debate and deliver instead specific writings by the original authors of the Constitution.”

Richardson, Peter Tufts. ***The Spiritual Founders of Our Constitution.*** 1987, privately published, Kennebunk, ME. Possibly available via Red Barn Publishing ([www.redbarnrockland.com](http://www.redbarnrockland.com)). A frankly polemical description of the Founders’ religious liberalism by a UU minister/author, challenging the religious right at the 200<sup>th</sup> anniversary of the Constitution.

Bowen, Catherine Drinker. ***Miracle at Philadelphia: The Story of the Constitutional Convention, May to September 1787.*** 1986, Little, Brown & Company, Boston.

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