**EP 40 - CHURCH AND STATE.mp3**

**Virginia Prescott:** [00:00:15] I'm Virginia Prescott and this is Civics 101, the podcast refresher course on some of the basics of American democracy, stuff you may have forgotten or even slept through in school. Today we're picking up a question from one of your fellow listeners slash classmates who asked if there is a separation of church and state, what's the deal with the Pledge of Allegiance and the swearing on the Bible thing? Well our guides today are two of the American History Guys from Backstory; Ed Ayers who specializes in 19th century American history. Hello Ed!

**Ed Ayers:** [00:00:48] Hi Virginia.

**Virginia Prescott:** [00:00:49] And Brian Balogh he is master of the 20th. Hello Brian.

**Brian Balogh:** [00:00:53] Hey Virginia.

**Virginia Prescott:** [00:00:54] So who wants to pick this one up? How did the Founders address the separation of church and state originally?

**Ed Ayers:** [00:01:01] Gingerly I would say, you know it's interesting that it actually begins in Virginia with Thomas Jefferson there's a kind of swirl of these new religious groups around these people that are called Evangelicals who are starting their own churches and are not waiting for the Church of England to tell them where they can and what kind of training the ministers are going to have to have. And Jefferson in the Virginia statue of religious freedom says that's OK we're not going to tell you what you can believe. So it actually begins before the Constitution and it grows out of the experience of Jefferson living in a surprisingly diverse religious environment.

**Virginia Prescott:** [00:01:42] Is that actual phrase "separation of church and state" ever used in the Constitution or the first amendment?

**Brian Balogh:** [00:01:49] Well they used the language most famously in the first amendment. And that first amendment refers to the fact that there should be no law representing an establishment of religion or prohibiting the free exercise thereof. And that's become known as the establishment slash free exercise clause of the First Amendment of the Constitution. As Ed knows they also used it in the body of the constitution even before the Bill of Rights. But they used it in reference to office holders not being subjected to a religious test.

**Virginia Prescott:** [00:02:32] So no representative in Congress would have to go through some sort of religious qualification.

**Brian Balogh:** [00:02:37] Exactly.

**Ed Ayers:** [00:02:38] You know I think it's worth pausing a little bit over establishment. No we think OK there can't be an official religion and it does mean that but what it mainly means is that people are not going to be taxed to support a church that is sponsored by the state. And this sort of fits into the general tenor of the Declaration or the Constitution which is declaring all the things the state is not going to do. And so the state is not going to say whether you belong to a church or not whether you believe in its tenets or not. You will be taxed to support it. So when they said there's not going be an establishment of this church that's really what they're talking about because that had not been the practice before in many of the states. Now we forget that awesome as the Constitution is, it's the United States of America. And the very fact that separation of church and state grows out of a state context, Virginia, should remind us that all 13 states have a different trajectory on all these New England there's a much tighter connection between the government and the established church. In other places, it's a pretty ragged relationship. So they're trying to bring some kind of uniformity to this with the Constitution and one of the things that they're trying to do is say there will not be a national established church but it takes a while for some of the states to make the same distinction.

**Virginia Prescott:** [00:04:00] Well I'd love to hear some examples of that because I'm thinking that you know these people made their way to what was to become the United States in the 17th and 18th century fresh from a lot of wars religious wars a lot of blood shed over religious differences. Now they have this new nation. No official national church. How was that enforced? Were there clear cases of violations being prosecuted in the 17th and 18th century?

**Ed Ayers:** [00:04:30] We all know about the Puritans and how much of an identity there was between their idea of God's presence on Earth and laws. People today in New England talk about the blue laws. It grows out of Connecticut and the Puritans. And that's pretty much the fact that you're having religious organizations making laws for everyone. It is one of the things that an established church brings, and this becomes sort of the source of tension over the next hundred years. Well if a majority of us are Christian and we vote to impose these things say like respecting the Sabbath on everybody, is that legitimate? Is that crossing that wall between church and state? Or is that democracy in action in many ways? I don't know, Brian? It seems to me that that is sort of the enduring thing here in American history is the inner connection between religious belief and democratic expression of that at the polls.

**Brian Balogh:** [00:05:32] That's exactly right, Ed. And as with so many issues that come down to a tension between individual rights on the one hand and the voice of the majority on the other we avoid a lot of problems by just what you are talking about Ed, by kind of letting the states themselves decide. So in Virginia they get rid of the Established Church pretty quickly. In Massachusetts the Established Church hangs on until the 1830s. So when Ed was talking about the state he was talking about the United States of America and the national constitution. But one of the ways that we kind of, oh, sugar coat these difficult tensions is by localizing them. Letting individual states themselves decide about these kinds of tensions between individual rights in this case and the democratic will on the other.

**Ed Ayers:** [00:06:32] And here's a little bonus question for Civics 101. When I was in school a question often was What's the longest word in English in the dictionary. And the answer always was antidisestablishmentarianism. And if you think about what that means it's exactly what we're talking about here. It's anti - disestablishment atarianism. So it's people who are trying to disestablish the church in Massachusetts and people opposed to that. That gives you some idea. This is so complex it takes the longest word in American history to describe it.

**Virginia Prescott:** [00:07:04] Well I'm also thinking about you know the difference between a secular state. Say the French revolutionaries. Their goal was to de Christianise the republic and establishe a secular state. So what is the difference between that establishment of a rigidly secular state in France and the separation of church and state here in the fledgling republic of the US and the country we live in today.

**Brian Balogh:** [00:07:28] Virginia one of the answers is exactly what we were just talking about and that's the power of a strong centralized state. You know even today if you've been to France things get controlled in Paris that radiate out across the entire nation. And France viewed itself very much as a single nation. We viewed ourselves as a republic and in many ways a collection of republics so one answer to your question is that we did divvy out these decisions to the various states and then within the states the localities themselves. The second answer is that we unlike France were becoming a more Christian nation. I would defer to Ed on this one but we were certainly becoming a more evangelical Christian nation in the early 19th century actually after the founding. Would you agree with that Ed?

**Ed Ayers:** [00:08:27] Yeah I'd say Brian that in France the idea became and again it's tied in to power and money. You know the people had seen the Catholic Church as exhorting way too much influence in French society here the idea was we're not going to establish one church because there's going to be this free market for many kinds of churches. You know when Jefferson writes that Virginia statute he doesn't just talk about Christian and not Christian he talks about the Hindu and Muslim and and infidels, is actually in the sentence. And so the idea is here in America we are going to have a free market of religion in many ways like we have a free market to the economy. So France looks to suppress what religion they have which feels to be too much to anti-clericalism, and the United States is like taking the lid off and let's let religion flourish. And it does as Brian says in the 50 years after the Constitution is ratified religious belief of every variety just explodes across the country. It is really only then that you can talk about the United States being an evangelical nation. And those are the Methodists, the Presbyterians, the Baptists are the most rapidly growing denominations in the country and the very fact that I use the word denomination suggest how multiplicitous Protestantism was that we have to kind of break it apart in all it's different competing and yet cheerful different pieces. So United States if the intent of the Constitution was to suppress religion anyway it did a really bad job of it because it really flourished.

**Virginia Prescott:** [00:10:08] Well and you mentioned how ragged that idea was and how localized and state based governance of religion or the separation of church and state became or didn't. And this is an argument that's often been made that there is no separation of church and state in the Constitution. The founders were men of God they were intent on establishing a Christian nation based on biblical values can they make that case?

**Ed Ayers:** [00:10:34] In my opinion, no. The founders were pretty explicit about a lot of other things, you know and there's no reason for them to have hidden their beliefs behind silence on this front that's what they thought. And Jefferson recognized and even celebrated the multiplicity of religion. I don't think he would have taken it for granted that there was one agreed upon set of principles that everybody would fall into if it were not laid out in the Constitution. That's what looks like to me Brian, what do you think?

**Brian Balogh:** [00:11:04] No I totally agree with that Ed and I would simply add that when they talked about not establishing a religion and they talked about the free exercise of religion they were not in any way anti religious or especially anti Christian. It really did go back to what Jefferson said which is that religion should be between man and his God. And I think he believed that, he had good reason to believe that he had some pretty unorthodox religious beliefs himself and he did not want the state or any central power telling him what his relationship between him and his God should be. And this goes back to to one of the central tensions of individual rights and protected rights in the United States and the will of the Democratic majority. Certainly there were instances in the United States history quite early on where that came to the test. Ed could talk to you about the sabbatarians who were very upset about the delivery of the U.S. mails on Sundays.

**Ed Ayers:** [00:12:20] It's very interesting to think that President Trump seems to be an exception to this idea that had been common sense that to be elected certainly the presidency you had to have a religious affiliation. And Trump won 80 percent of the evangelical vote without claiming any such affiliation. What do you make of that Brian?

**Brian Balogh:** [00:12:43] He worked really hard to get the endorsement of evangelical leaders such as the head of Liberty University for instance, Ed. And there are those who feel that Trump strongly backed positions advocated by Christian evangelicals particularly when it came to appointing a Supreme Court justice who would challenge the existing law. Roe v. Wade on abortion.

**Ed Ayers:** [00:13:12] Yeah that's right Brian that the relationship between church and state seems to have shifted from what person embodies my beliefs to what person is going to help enact the laws that protect my beliefs that people seem to look to the presidency less right now as sort of the embodiment of their religious ideals or more as an instrument of their religious ideals. I think this surprised a lot of people. But you can understand why given the history of church and state in this country that people said "you know what we are looking for is the freedom to exercise what we believe. And it seems to us that prayer in the schools is what we believe, freedom of choice in schools is something we believe in, having Roe v. Wade overturned is something we believe in. We don't care so much about what that particular religious beliefs or the president might be."

**Virginia Prescott:** [00:14:08] Well how about this. You both have talked about the deep tension this has created in American life both in the past and maybe resurgence now. Would the founders be satisfied with how the separation of church and state has been interpreted and has been left throughout American history?

**Brian Balogh:** [00:14:25] I don't know. They seem like pretty grumpy men to me, Virginia. Would they really be satisfied with anything?

**Brian Balogh:** [00:14:33] Great answer Brian. We're leaving that one to Ed, apparently.

**Ed Ayers:** [00:14:38] Well the answer would be no. Because I think they would be surprised at how well this it's still an issue of debate and of Civics 101 that we still have to talk about this. They I think hoped in the same way that they hope other problems might go away such as slavery that the enlightened nation that they were creating would find ways to work through these problems. And the fact that we're still wrestling with the very same problems that they did I think might be a little disconcerting to them grumpy or not.

**Brian Balogh:** [00:15:13] And if I can have one more shot at a more serious answer Virginia I think what they might be most surprised by are the number of Americans who are agnostic or atheist. I do think that represents a very large shift from the 19th century and I think they would be surprised to see that.

**Virginia Prescott:** [00:15:38] Well Brian Balogh thank you so much for speaking with us.

**Brian Balogh:** [00:15:42] It's been great to talk to you, Virginia.

**Virginia Prescott:** [00:15:44] And Ed Ayers, thank you so much for speaking with us.

**Ed Ayers:** [00:15:46] My pleasure.

**Virginia Prescott:** [00:15:47] I'm not going to reveal who is my favorite student at the moment we're going to leave that one out there.

**Ed Ayers:** [00:15:53] I brought that apple for nothing?

**Brian Balogh:** [00:15:55] And the crate of apples will be delivered to you.

**Virginia Prescott:** [00:16:02] All right. That's it for today's lesson. If you're itching to be at the top of the class you can sign up for extra credit. That's our weekly newsletter. You'll learn things like which presidents were voted most popular and which didn't even make the yearbook. You can also take quizzes to test your chops and find supplementary reading lists to keep you on your game. You can sign up for extra credit at Civic's one on one podcast dot org and that's where you can submit your questions by e-mail or text or voice memo. Today's episode was produced by me. Virginia Prescott and edited by Jimmy Gutierrez. Music from Brooke for free. Civics 101 is a production of New Hampshire Public Radio.