2013 Research at Andrews

Andrews University
Amidst all the recent debate over the U.S. Constitution’s meaning, one thing you often don’t hear is a discussion of the historical context that prompted the Constitution’s authors to write the document and its amendments. One amendment at the center of much controversy is the famous First: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” Nicholas Miller, associate professor of church history and director of the International Religious Liberty Institute, published a book last year that explores just that question, and reframes the controversy.

The Religious Roots of the First Amendment: Dissenting Protestants and the Separation of Church and State (Oxford University Press, 2012) began as Miller’s dissertation at the University of Notre Dame. “I wanted to see if I could point to specific theological ideas that influenced the founders’ idea of not having a specific state religion,” he says. His book explores those religious and theological influences on the first amendment’s formation, contrary to the popular belief that the amendment grew out of Enlightenment suspicion of religion.

The ideas behind the First Amendment have a rich history, dating back to the Protestant Reformation or before. Martin Luther, John Milton, the early Baptists—all these leaders championed the idea of “a priesthood of all believers.” The idea that God was directly accessible to every believer carried with it a responsibility to study the Bible for oneself. Careful study led to decisions about how to lead one’s life—but that also implied that church leaders making religious rules were also basing their decrees on a potentially fallible interpretation. “The Protestants believed that no one else had the right to make religious rules for you, and so left the Catholic church because of it,” says Miller.

“At least some Protestants realized that if they were to try and pass religious laws themselves, they’d be doing the same thing as the Catholics.” Many Protestants did establish a state religion, Miller notes, but the majority of Protestants who came to populate American churches were what Miller calls “dissenting Protestants,” those who believed that church and state should remain separate.

But this isn’t always the way the First Amendment is understood. Conventional understanding of the First Amendment’s origins place it in the Enlightenment, when many thinkers proclaimed the triumph of reason over superstition and irrationality of religion. “It’s often thought that separation of church and state is a product of the Enlightenment’s prioritization of reason over the teachings of the ancients and biblical truths. Because science is led by reason, and religious people are led by ancient truths/biblical teachings—so popular thought goes—the Founders wanted to keep them out of running the state.” Many people assume the First Amendment was written for one of two reasons, both of them pragmatic: “either that there were so many religious groups that it was impractical to establish one as official; or to avoid state persecution of religious minorities,” he says.

However, this wasn’t the Founders’ intention at all, Miller argues. Although some, including Thomas Jefferson, did subscribe to French Enlightenment beliefs about the outmoded nature of religion, many of the Founders read deeply in theology and were religious themselves. “Many of them had this belief in a dissenting theological Protestant idea, and understood their reasons as theological; a theological idea that can be expressed in philosophical terms,” says Miller.

At the University of Notre Dame, Miller took a series of courses in Reformation and

Exploring the Religious Roots

Oct. 31, 1857
Martin Luther nails 95 Theses to the door of Wittenberg Church

Jan. 28–May 25, 1521
Luther’s “Here I Stand” speech at the Diet of Worms

1641
John Milton publishes the pamphlet “of Reformation” praising the effects of the Protestant Reformation

1689
John Locke publishes Two Treatises of Government (his most famous book)

1681
Pennsylvania is founded and William Penn drafts The Frame of Government on the principles of complete religious freedom
American history, where he realized that the First Amendment represented a culmination of the history of an idea. “The book contains a certain amount of philosophy, but it also has its share of action and adventure—Martin Luther and the Diet of Worms; John Milton and John Locke having to flee England to get away from the Catholic king,” says Miller.

He structured his book around 10 individuals, put into contrasting pairs, and traces the development of the idea of dissenting Protestantism through their lives and writings. From Martin Luther and Milton to John Locke and William Penn—who were actually connected in real life—to James Madison and his mentor John Witherspoon, these writers were concerned with the role of religion in society, and their works influenced the way the First Amendment looks today.

For example, John Witherspoon, president of Princeton University and signatory of the Declaration of Independence, was a leader of the Presbyterian church. In 1787, while his student James Madison was in Philadelphia drafting the United States Constitution, Witherspoon was also in Philadelphia writing the Presbyterian Constitution. Witherspoon’s Presbyterian Constitution “said that the civil [state] magistrates couldn’t be involved with the church, which actually tells us more about what the common religious people were thinking at the time,” Miller says. Miller also notes that churches can change: the Presbyterian church, who held a Calvinist view of combined church and state, in 1789 changed its mind and argued against the combination of church and state to reflect the will of its members.

But to hear the heads talk, you wouldn’t know this rich and deeply contextual history existed. “Nowadays, people tend to argue either extreme and ignore the central position,” says Miller. Working as a lawyer in Washington, D.C., Miller often dealt with issues of church and state. “I always felt like the argument over church and state took place between two extremes—there were the religious people who took religion seriously and wanted to bring the two together; and the secular people wanted the two separate, often penalizing church people. There needs to be a better understanding that views church and state as equals, partners keeping a respectful distance, rather than the church in the shadow of the state.” His book attempts to show a “more moderate middle position that avoids extremes of either a theocratic right or a completely skeptical, secular left,” he says.

Much of the controversy today, he believes, arises from a misunderstanding on both sides of the intent and history of the Amendment. Many denominations—including Seventh-day Adventists—believe in the separation of church and state, and “we’ve taken that to mean there should be a complete separation between the state and morality. Today, the conventional wisdom is that the state has to stay out of morality altogether, which is both a historical and philosophical misunderstanding.”

It’s important to understand the story behind the First Amendment, Miller says, “because today religious people ask why we should separate church and state. If they think the primary reasons were put forward by secular thinkers, then they see no reason to keep that separation, because it doesn’t have a religious background.”

Miller’s book has received positive scholarly attention, including a review in a leading journal of American history. The Religious Roots of the First Amendment also made Christian Century Magazine’s list of bestselling religious books in the fall of 2012, and Miller gave an invited talk at the University of Notre Dame on the book’s argument in April 2013. “People seem to be accepting the argument, and that’s good. It really makes a difference in our discussions today—because we can tell other Christians that the separation of church and state isn’t a skeptical, religiously hostile idea, but that it actually flows out of Christian theology.”

of the First Amendment

July 4, 1776
Continental Congress adopts the final draft of the Declaration of Independence

1787
James Madison, student of John Witherspoon, helps to draft the U.S. Constitution

U.S. Constitution formally ratified on June 21, 1788

1789
The Reformed Presbyterian Church adopts the Presbyterian Constitution, which Princeton president and Presbyterian clergymen, John Witherspoon, helped draft