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### Protestant Theology and the American Constitution

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# Memory, Meaning & Faith

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April 23, 2010

## Protestant Theology and the American Constitution



Did the American system of the separation of church and state (disestablishment) come from primarily Enlightenment influences, or did religious beliefs also play an important role?

A number of scholars have acknowledged the importance of religion in early American disestablishment, but they have generally categorized religious influences in one of two ways:

1. The reaction of religious minorities to the intolerance or insensitivity of religious majorities. We all favor religious toleration and freedom when we are being persecuted, and/or
2. The sheer, brute fact of religious diversity and pluralism made intolerance and a state established religion impracticable and politically untenable.

Both these insights are valid, but I believe, incomplete. Both suggest that the religious reasons for disestablishment were pragmatic, practical responses, which did not require any sort of principled foundation or framework in religious belief or theology. Generally,

Enlightenment thought, which prioritized reason over revelation, is given central place in providing the ideology for disestablishment.

The problem is, that neither of these facts alone, or in combination, adequately explain the actual facts of the early American experience.

### Religious Conviction And Disestablishment

Yes, there were groups that were in the minority, were persecuted, and did argue for tolerance and freedom, such as the Baptists and the Quakers. But notably, even when these groups came to power, either as a majority, or as a political elite, they continued their views of tolerance long after the pragmatic considerations were gone.

Also, in a number of American colonies, the fact of tolerance preceded the diversity. Rhode Island, Pennsylvania, Delaware, New Jersey, the Carolinas, and to a lesser extent New York, all had commitments to tolerance which resulted in diversity. Further, while there were some elite Enlightenment thinkers in colonial America, at the popular level, religious and Biblical views held sway.

I searched for any consistent religious threads in the writings of colonial American advocates for religious freedom and disestablishment. Initially, I compared the thought of a colonial Quaker, Puritan and Baptist who had similar views on disestablishment. I found certain shared religious convictions in relation to church and state across these confessional divides. While the sample was inadequate to prove my larger case of a unified theological influence, what I found convinced me that it was worth looking further, both backward and forward in time, and at more thinkers and writers.

### The Right To Personal Interpretation

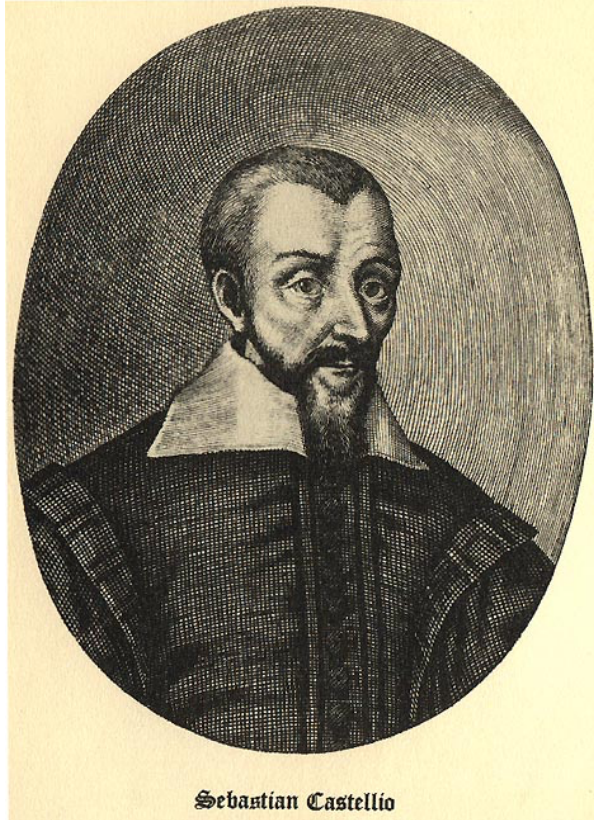
In short, what I found was a consistent argument relating to Protestant notions of the right to personal Bible study and interpretation, an idea connected with the Lutheran doctrine of the priesthood of all believers. The argument was that Protestants, having rejected the idea that the Pope was the final arbiter of Biblical truth, were creating hundreds of Popes by

allowing civil bodies or rulers to make religious laws. To make a religious law required reading the Bible, and an application of that reading through law to all citizens. Thus, it made civil leaders authoritative interpreters of the scriptures. This, it was argued by many dissenters, was inconsistent with core protestant views

I am not the first to observe that this “right of private judgment in matters of Bible study,” or more generally, “in matters of religion,” played an important role in disestablishment in 18th century America. But those who have identified believe that it was an Enlightenment idea that somehow got melded into Protestant thought.

What I have contributed, I believe, is in providing evidence to support the opposite view. That *the right of private judgment was first and foremost a theological belief that actually helped shape the Enlightenment argument.*

There is good evidence of a clear, continuous, connected line of thinkers making this argument from very early in the Reformation. Early Luther, before 1525, set this out in a principled way, connecting the priesthood of believers with the right to Biblical interpretation with the need for civil magistrates to stay out of spiritual matters.



Luther later moved away from these positions, but not before a number of Anabaptists picked up on it, and made it part of their central teaching on church and state. Other thinkers also picked up on it, notable among these were Sebastian Castellio, one time ally, and then opponent of Calvin, especially over the Servetus affair.

We see concrete manifestations of this early Lutheran idea at the 2nd Diet of Speyer in 1529, where the Luthern princes famously protested that “in matters of conscience, the majority shall have no power.” They identified this freedom with the right to study the Bible and interpret it for oneself. Indeed, it is from this event that the name “Protestant” comes.

The fact that most subsequent “protestants” did not live up to this ideal, not even the Lutheran princes themselves, should not obscure the fact that some did, and that *eventually this minority position did become, many years later in America, the majority position.*

### **How Did It Get There?**

Both Castellio, who quoted early Luther extensively, and the Anabaptists had particular influence in the Netherlands. This is where the English separatists picked up notions of adult baptism and keeping the magistrate out of spiritual matters. The influence here seems undeniable. When the English go to Holland, they have conventional, Calvinist church/state

views, *after contact with the Mennonites, they are speaking about the individual right of judgment and the two kingdoms.*

A number of different Baptists set this out in public statements, but most notable is John Murton in 1620, who writes to King James, quotes Luther, and sets out in an extensive way the argument regarding the right to Biblical interpretation, the two kingdoms, and the need for magistrates to stay out of spiritual matters. The Baptists extend the right of belief and freedom to Catholics, Jews and even Muslims.

Murton is important because he in turn is read by and quoted extensively by Roger Williams in his work the “Bloody Tenet,” and his precise argument can be found in works by John Milton and Sir Henry Vane, who were directly familiar with Roger Williams and the “Bloody Tenet,” if not with Murton directly.

Milton is significant in that he articulates this principle in a crystal clear and widely publicized package, and identifies it with the 2nd Diet of Speyer as coming from the roots of Protestantism, and being part of the name itself.

### **Protestant Influence On Penn And Locke**

Penn and Locke read Milton, certainly, and probably Roger Williams and Henry Vane. They are the two people that most

widely influenced the transmission of Protestant separationist church/state thought to America. Penn, by his direct involvement in setting up the governments of Pennsylvania, New Jersey, and Delaware, and Locke, with helping set up the Carolina government, but more indirectly through his writings on government generally, and especially his [Letter on Toleration](#). I have tried to show his connections and exposure to dissenting Protestant thought, and argue that his theory of knowledge parallels in some important ways the dissenter's notion of the Holy Spirit's role in the personal appropriation and application of spiritual truths.

I cannot prove Locke a pious, orthodox religious man. But there is strong evidence of his awareness of the dissenting protestant views on knowledge and toleration and of his interest in shaping his views to resonate with those dissenting views. I try to show this resonance in looking at the American side of this, with [Elisha Williams](#) and [Isaac Backus](#), as well as the New York lawyer [William Livingston](#), who also drew on dissenting protestant ideas to give foundations to their separationist thought. These three show the implementation of these dissenting protestant positions in the overlapping American communities of magisterial and dissenting Protestantism, and enlightenment thought.

In concluding with Madison and [John Witherspoon](#), I hope to show that the sea change in American church/state outlook happened first and most thoroughly in the religious communities. This includes many of those tending towards a magisterial view of combining church and state, such as Witherspoon's Presbyterians. The legal community followed. Thus, to show the shift in American thought at the local level, what Witherspoon does in changing the Presbyterian article of beliefs is actually more important than the Constitution or the First Amendment for understanding where America was on the question of church and state.

This is not a point that has been generally made or understood. It is vital, however, to understanding how American became not just a Protestant nation, but a dissenting Protestant nation.


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Nicholas Miller very recently successfully defended his dissertation in American History at the University of Notre Dame. The title was "The Religious Roots of the First Amendment: Dissenting Protestantism and the Separation of Church and State." The above is a version of the opening statement he made to the committee at his defense, which gives a concise overview of the dissertation and its main arguments.

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