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Theology and Disestablishment in Colonial America: Insights from a Quaker, a Puritan, and a Baptist

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Introduction: From The Puritan To The Constitutional Founding

The Puritans' holy experiment in New England, begun in the early 17th century, was very different from the late 18th century reality of America. Puritan leaders had envisioned a glorious "city on a hill" where church and state cooperated to ensure a Christian commonwealth. But a century later, this dream had turned into the messy reality of a religiously diverse community. Not only was there no federal religious establishment, but most colonies also rejected religious establishments. Connecticut and Massachusetts hung on to the vestiges of their establishments for two or three decades, until 1818 and 1833 respectively. But these states' capitulation was just a matter of time. By then, disestablishment and the principle of religious voluntarism had become as much the American Way as religious establishment had been the Puritan and New England Way.

This change was not a top-down affair foisted by a small group of deist elites on an unsuspecting and more conventionally religious populace. As law professor Carl Esbeck recently noted, "the American disestablishment occurred over a fifty-to-sixty year period, from 1774 to the early 1830s" and was "entirely a state-law affair," completely independent of the Revolution or the adoption of the Bill of Rights.¹ Thus, the

¹ Carl H. Esbeck, "Dissent and Disestablishment: The Church-State Settlement in the Early American Republic," *Brigham Young University Law Review* 4 (2004): 1590.

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credit for disestablishment cannot be placed on a small, elite group of enlightenment thinkers gathered in Philadelphia to draft a new national constitution. Rather, it was a populist movement throughout the states where religious, rather than enlightenment influences, were predominant. As Esbeck puts it, “at the state level, where the work of disestablishment did take place, the vast number of those pushing for it were not doing so out of rationalism or secularism. Rather, they were religious people who sought disestablishment for (as they saw it) biblical reasons.”²

Much of the scholarship surrounding the founding period and disestablishment has focused on secular Enlightenment and Republican influences.³ Many of the national founders were Enlightenment thinkers who leaned toward or accepted deistic beliefs. Because of this, those analyzing the impulses to disestablishment have often given religion a secondary, supporting role. A ritual nod is usually given to Roger Williams and a handful of Baptists and Quakers. But even those authors who acknowledge a role for religion in the journey to disestablishment tend place the heavy ideological lifting on the shoulders of secular thought.⁴

² Esbeck, 1590.

³ Two of the most influential, now classic, works on the revolutionary period acknowledge some religious influence, but focus almost entirely on secular Republican and Enlightenment ideals arising out of certain strands of British politics. Bernard Bailyn, *The Ideological Origins of the American Revolution*, (Cambridge: Harvard UP, 1967) xi-xii; Gordon S. Wood, *The Radicalism of the American Revolution*, (New York: Vintage, 1993), 4-5.

⁴ William Lee Miller traces three roots of religious liberty—the Enlightenment, Republicanism, and dissenting religion—and uses the figures of Jefferson and Madison, contemporaries of the constitutional founding, to illustrate the Enlightenment and Republican streams. But he reaches back nearly 150 years to pluck his religious voice, that of Roger Williams, who serves, by Miller’s own admission, more as a symbol for dissenting ideas, rather than as a historical figure with direct influence on the constitutional founding. William Lee Miller, *The First Liberty: Religion and the American Republic*, (New York: Paragon House, 1988), 153-155. Other recent works acknowledge the influence of religion on disestablishment, but generally describe it in terms of either religious minorities’ self-protective responses to majoritarian religion or of the general pragmatic response of society to a growing religious pluralism. Frank Lambert, *The Founding Fathers and the Place of Religion in America*, (Princeton: Princeton UP, 2003). John Witte, Jr., *Religion and the American Constitutional Experiment: Essential Rights and Liberties*, (Boulder: Westview, 2000). In both these works, the emphasis on the role of religion is that of pragmatic response to American pluralism, rather than the principled outgrowth of religious ideology. The two main religious impulses are seen as either a pragmatic desire by religious minorities to avoid persecution or a practical recognition by mainstream religious groups that to live in peace in a diverse and pluralistic religious community required some kind of widespread tolerance and eventually disestablishment. Religious

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But once one turns, in an attempt to account for widespread state disestablishment, from the elites to the grass-roots, religious thought becomes much more important.⁵ And thus the conundrum emerges. How did it happen that the Puritan Way in the northeast, and the Anglican establishments in the South, were ideologically routed by persecuted bands of Baptists, a small group of Quakers in the middle colonies, and a dead religious radical from Rhode Island?

Perhaps this is overstating the case for effect, but not by much. It is as though the Puritan and Anglican establishments were a powerful steam locomotive that disappeared into a tunnel in the late 1600s. The engine was distantly trailed by a car of dissent, containing agitators like Williams and Hutchinson, a trailing caboose, at times abandoned on isolated side-tracks. But lo, when the train emerges into the uplands of the mid-1700s, the “radicals” have assumed command of the steam engine, and the “theocrats” are nearly out of steam, soon to be shunted off to the scrap-yard.

How did this change happen? One standard explanation is that the religious revival and agitation caused by the Great Awakenings greatly increased the power and influence of the dissenting sects.⁶ Understandably, those in the minority favored disestablishment, as they were oppressed by it, and thus religious revivals would tend to help weaken religious establishment. And the growth of religious diversity would weaken the ability of any one group to impose its form of religion or worship.⁷

belief or theology is usually seen as an afterthought to justify an otherwise socially, culturally, or politically necessary, or at least desirable, state. Probably the best work to acknowledge the ideological contributions of religion is Chris Beneke's recent book, *Beyond Toleration: The Religious Origins of American Pluralism* (New York: Oxford UP, 2006). Beneke notes, as do I in this article, the central role that the “right of private judgment” played in turning the culture of eighteenth-century America into one open to pluralism and disestablishment. He even identifies this principle with Protestants, but suggests that they adopted the principle from enlightenment thinkers. This article argues that the “right of private judgment” has distinctly religious roots and that this can be discerned from the writings of the three authors examined in this paper.

⁵ As Nathan Hatch put it, “the rise of evangelical Christianity in the early republic is, in some measure, a story of the success of the common people in shaping the culture after their own priorities rather than the priorities outlined by gentlemen such as the framers of the constitution.” Nathan O. Hatch, *The Democratization of American Christianity*, (New Haven: Yale UP 1989), 9.

⁶ *Idem*, 59-61.

⁷ *Idem*, 64-65.

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This explanation, however, tends to degrade the religious impulse to a mere doctrine of self-preservation or convenience. It is viewed as the inevitable pragmatic response made by any minority, religious or otherwise, facing persecution.⁸ Thus, the attention returns, for the philosophical or theoretical heavy lifting needed for a long-term disestablishment, to the developing philosophical or political streams that the religious ideas find themselves caught up with. But this cannot be the whole story. Many of the Colonial disestablishments occurred prior to the First Great Awakening, or in the religiously quiet era of the Revolution prior to the Second Awakening.

Indeed, it is clear that in a number of instances a theologically-based legal commitment to toleration and disestablishment preceded and appears to have caused the pluralistic social and religious conditions that are often cited as the pragmatic reasons for disestablishment. The most obvious examples of this are Rhode Island and Pennsylvania, where the founders—Roger Williams and William Penn respectively—created legal frameworks for their colonies based explicitly on their theological commitments to freedom of conscience and religious tolerance.⁹ New Jersey and Delaware were also shaped by William Penn and other Quakers, and are places where the principle of tolerance preceded the growth of pluralism.

New York is also a candidate for this category. While historically possessing an established church—first Dutch Reformed, then Anglican—New York, when it was the New Netherlands, had experienced a robust religious tolerance under Dutch rule. This had led to a religious and ethnic diversity that prevented the Anglican establishment from taking meaningful hold.¹⁰ Further, many of the groups who agitated for disestablishment, such as the Baptists, did not change their position on this

⁸ Bernard Bailyn, in his classic treatise on the American Revolution, described the opposition to establishments as generally “unsystematic, incomplete, pragmatic,” and “little grounded in doctrine.” *The Ideological Origins of the American Revolution*, (Cambridge: Harvard UP, 1967), 248-250. Gordon Wood portrays religious groups as basically a force in opposition to disestablishment: *The Radicalism of the American Revolution* (New York: Knopf, 1992), 330-331. For a more recent forceful exposition that disestablishment and the separation of church and state were initially a purely secular, republican affair, see Philip Hamburger, *Separation of Church and State*, (Cambridge: Harvard UP, 2002), 144 ff.

⁹ Thomas J. Curry, *The First Freedoms: Church and State in America to the Passage of the First Amendment*, (Oxford: Oxford UP, 1986).

¹⁰ Richard W. Pointer, *Protestant Pluralism and the New York Experience*, (Bloomington and Indianapolis: Indiana UP, 1988), 1-3.

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question long after they had achieved comfortable majority status. Thus, the position appears to have had some principled basis beyond mere self-preservation or a pragmatic response to pluralism.

This paper attempts to understand more fully the religious impulses towards disestablishment in pre-revolutionary America. It does so by analyzing three major statements on religious liberty, made by three prominent religious leaders, from three points in the religious and social triangle of the day: a Quaker—William Penn; a Baptist—Isaac Backus; and a Puritan—Elisha Williams. This paper will compare and contrast their arguments for religious liberty and disestablishment, especially their theological and biblical arguments. It will attempt to discover any shared religious, theological visions of religious freedom that cut across these rather broad Protestant sectarian boundaries.

If it is possible to discern some underlying theological or biblical themes that are common to all three views, this would provide some meaningful evidence that the religious dissent of the day had principled, doctrinal content to go along with its pragmatic concerns. The greater the coincidence of shared theology, the stronger support it provides for the argument that the religious response included principled, doctrinally-driven components, rather than being merely pragmatic arguments in superficial religious dress. Proving such a point would require looking at many more than three individuals. But a broader survey would lose the ability to grapple in-depth with the details of the theological arguments being made. It is the goal of this paper to compare and contrast meaningfully the theology of the three authors, to gauge the kind and depth of theological ideas involved. It would be a future project to survey the extent and pervasiveness of these theological views in colonial America and their direct impact, if any, on legal ideas.

The three figures chosen were well-respected and well-known leaders within their confessional affiliations. Because of this, it can be assumed with some safety that they write from within the tradition of scriptural understanding of their faith communities. Between the three, one will expect differences, of course: both in outlook, arguments, and ending points. But as this article will show, underneath the differences of class, education, and religious outlook, a consistently similar argument emerged. It is one based on principled theological views of the personal nature of human spiritual epistemology, the resulting absence of final earthly spiritual authority, and the consequent prohibition of the use of force in the jurisdiction of religion. These ideas worked in harmony to support the proposal of disestablishment. It is also argued that this group

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of ideas is associated with the reformation doctrine of the “priesthood of all believers” and the corollary idea of the “right of private judgment in matters of biblical interpretation.”

This article looks at each of the historic figures, Penn, Williams, and Backus. It examines briefly the person and place of the writer and the immediate setting of the statement under review. It then gives an overview of each statement, with a focus on the theological arguments raised. Finally, the theological themes common to the three subjects will be compared and contrasted.

I. William Penn—The Privileged Dissenter

For many years in Philadelphia, it was unlawful to erect a building any higher than the statue of William Penn that stood atop town hall. This was an ironic role for a figure of a man who in life, as a practicing Quaker, believed that no human being deserved the deference or homage of as much as a removed hat. But Penn was no ordinary Quaker. He was born in 1644 into a family of relative wealth, privilege, and power.¹¹

Americans know Penn as the founder of Pennsylvania. But most probably do not know that the colony was not named for William, but for his father, a well-connected Admiral in the British navy. His well-to-do background allowed him a privileged education. He attended Christ Church College, Oxford, in 1660, where he had contact with John Locke, who at the time was a tutor at Christ Church, and Dr. John Owen, a well-known dissenting Puritan theologian.

Penn then went on a gentleman’s finishing trip to Europe. While in France, Penn’s serious religious nature again revealed itself by his decision to attend the Protestant Academy of Saumur. There, he studied under Moise Amyraut, a leading Calvinist theologian who played a key role in promoting religious toleration in France. After Penn returned to England, his father desired him to assist with the family business in Ireland. In preparation for that role, Penn studied law in London for a year, which put the finishing polish on his dissenting advocacy skills.

He went to Ireland to manage his father’s estates, and there he came into contact with the Quakers. Impressed with their piety and apparently primitive Christianity, he soon joined the sect. Penn quickly assumed the

¹¹ The details found in this summary of Penn’s early life were taken from Mary K. Geiter, *Profiles in Power: William Penn*, (Singapore: Pearson Education Asia, 2000), 13-21; Mary Maples Dunn, *William Penn: Politics and Conscience*, (Princeton: Princeton UP, 1967), 3-6; Andrew R. Murphy, Ed., *The Political Writings of William Penn*, (Indianapolis: Liberty Fund, 2002).

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role of advocate and champion for the oppressed Quakers. Due to his background and education, he had connections at the royal palace, at the courts, and in the boards of commerce. He used these connections to elevate the plight of the disenfranchised, often persecuted Quakers to new heights of visibility.

In choosing to become a Quaker, Penn appeared to give up a life of privilege and power—Quakers were ineligible to hold government office. The irony is, of course, that had he not become a Quaker, Penn would as likely be as unfamiliar to most of us today as is the naval career of his father.

A. Context of *The Great Case of Liberty of Conscience*. At times, Penn's advocacy work became alarmingly hands on, at least in his father's opinion. Penn spent time in prison for personally violating restrictions on dissent. It was during one of these times in prison in 1670 that Penn wrote *The Great Case of Liberty of Conscience*. The immediate target of this document was the newly passed Conventicle Act, which forbade non-conforming sects from gathering for worship. But Penn used the opportunity to unleash the full range of his historical, theological, and legal training on the question of liberty of conscience and the roles of church and state.

The document was written in an English prison, by an Englishman, to an English King and English public. But it is also an American historical document, for it details the religious/political thought of a man who, in shaping three American colonies and their governments,¹² arguably "left a greater mark on British North America than any other single individual in the colonial era."¹³

B. Overview of *The Great Case*.¹⁴ In pressing a case, the legally trained Penn tended to leave no argument unused. He marshals a wide range of arguments, many of which appear to overlap. Penn aids the reader by putting forward the arguments under very specific headings: the nature and rights of God; the nature of Christianity; the teachings of the Bible; arguments from nature and reason; the nature of good government; and the witness of history. For our purposes, however, his theological arguments are of greatest interest.

¹² Along with Pennsylvania, Penn worked with the Quakers who founded New Jersey, and Delaware continued under his oversight even after it split from Pennsylvania. Esbeck, 1461, 1468-69.

¹³ Geiter, back cover.

¹⁴ The text of the "Great Case" used here is taken from Murphy, ed., 79-119.

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1. *Nature and Rights of God.* Penn's first argument is a clever reversal of the usual modern claim for human rights. Rather than starting with his, or the Quaker's, inalienable right to worship, he starts with God's right to man's worship. Rather than defending his turf, he chooses to defend God's turf. This, at least as a rhetorical matter, raises considerably the ante for his opponents. As Penn puts the argument in his title heading, "That Imposition, Restraint, and Persecution for Conscience-Sake, highly Invade the Divine Prerogative, and Divest the Almighty of a Right, due to none beside Himself."¹⁵

2. *Biblical Teachings.* Penn then moves on to explicit biblical teaching on the question of force in religion. He lists twelve different texts, or groups of texts, as opposing force in religion. The groups can be divided into three main categories: texts detailing limits on human knowledge, texts detailing limits on human spiritual authority, and texts describing appropriate Christian conduct or praxis in relation to power.¹⁶

Penn begins with rather an obscure verse, Job 32:8, which says "The Inspiration of the Almighty gives Understanding." This is the second time that Penn cites this text in his book, and it gives support to a very basic argument regarding human understanding and epistemology that he relies on throughout his work. In Penn's words, "If no Man can believe before he understands, and no Man can understand before he is inspir'd of God," then it is unreasonable and inhuman to punish someone for not believing something.¹⁷

He then cites several other verses that emphasize the limits of human knowledge and the need to rely on God for true spiritual knowledge. "Woe unto them that take Counsel, but not of me" (Isa 30:1). "Let the Wheat and the Tares grow together, until the end of the world," because, the implication is, the Christian cannot always tell one from the other (Matt 13:27). It is the "Spirit of Truth" that shall "lead you into all Truth" (John 16:8,13).

This argument regarding the limits of human knowledge, and how humans gain spiritual knowledge, is then followed by a logical corollary: If humans cannot know spiritual truth, except from God through the Holy Spirit, then no human is in a position, or has the authority, to ultimately judge others in spiritual matters. Thus, Jesus said that "the Princes of the Gentiles, exercise Dominion over them . . . but it shall not be so among

¹⁵ Idem, 84.

¹⁶ Idem, 90-91.

¹⁷ Idem, 90.

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you.” In Matt 20:25 Jesus indicated there were different realms, Caesar’s and God’s, and that God’s did not involve force (Luke 20:25; 9:54-56).

The last group of texts represents the conclusion on how Christians should act, with meekness and use of persuasion, given the first two premises. The three group of texts work very like a syllogism. If only one with full spiritual knowledge has authority to judge, and humans lack full spiritual knowledge for others, then they cannot judge and coerce in spiritual matters. Or to put it positively, each individual must seek spiritual knowledge directly from God. And no individual has ultimate spiritual authority over another. Thus, the Christian practice should be one of persuasion, not of force.

3. *Nature and Reason.* Penn’s next category is explicitly based on philosophical reasoning, rather than on theology or the Bible. In this section he draws a distinction between arguments from nature and arguments from reason. The former consist of arguments from universal human experiences, and the latter consists of truths from the world of logic.

He also argues from the field of the nature, execution, and end of good government. Penn proposes that the nature of good government is justice, and that religious force violates the principles of equality, fairness, and proportionality inherent in a just state. He then turns to the heart of his legal argument concerning laws and government, that the great rights to liberty and property set down in English law, extending back to the Magna Charta, cannot be undone by more recent laws, which merely build on these foundational laws.

C. Conclusion Regarding Penn. Three main points can be made about Penn’s use of theological arguments. The first is that his theological argument for religious liberty appealed first to God’s rights, rather than human rights. The second is that his theological arguments were not limited to biblical arguments, but he drew broadly from the world of natural theology and philosophy. The final point is that his use of theology and scripture emphasized the limits on human spiritual knowledge and religious authority as a basis for not using civil force in religious matters.

The second and third points are particularly significant for how they parallel the other two authors we will examine, and these points will be discussed in the conclusion to the paper. But the first point is somewhat unique to Penn and deserves comment here.

Penn’s formulation turns the contemporary vision of religious freedom and civil liberties on its head. Rather than starting with man and moving outward, Penn starts with God and moves downward. It is not

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human rights he is expounding, but God's right to human worship and devotion. The corollary of God's right to human worship is Penn's duty to worship God, with which the state is interfering.

The constitutional founders were aware of this manner of formulating the issue. Madison, in his famed *Memorial and Remonstrance*, gave as his first reason for religious liberty the fact that worship was "a duty towards the Creator. It is the duty of every man to render to the Creator such homage and such only as he believes to be acceptable to him. This duty is precedent, both in order of time and in degree of obligation, to the claims of Civil Society," and as such, it must be respected by Civil Society.¹⁸

II. Elisha Williams—The Orthodox Lawyer

The "River Gods" was the name given to a series of imposing aristocratic leaders in the towns along the Connecticut River in western Massachusetts during the 18th century.¹⁹ Elisha Williams, born in about 1694, was a prominent member of one of the gentry families so designated. He was part of a long line of eminent ministers, military men, and magistrates in the region, and was a cousin of the Puritan divine Jonathan Edwards. His eventual role as dissenter from the decrees of the established order, then, was less a parish squabble, and more akin to the drama of a Wagnerian opera—a battle among the gods of New England, with serious, statewide political careers and influences at stake.

Unlike his brothers and cousins, Elisha²⁰ did not follow the traditional Williams path to the Presbyterian pulpit. While he studied theology as a youth, he took up teaching and avoided taking on a pulpit. At one point, he studied law in preparation for a legal career, but ended up using his legal training as a state assemblyman and a judge, rather than a practicing lawyer. When he was 25 or 26, Elisha underwent a fuller conversion experience and decided to enter the ministry after all.

¹⁸ James Madison, *Memorial and Remonstrance Against Religious Assessments*, 1785.

¹⁹ The factual background for this summary of Elisha Williams' life was taken from Kevin Michael Sweeney, "River Gods and Related Minor Deities: The Williams Family and the Connecticut River Valley, 1637-1790" (Ph.D. diss., Yale University, New Haven, 1986).

²⁰ Due to the number of other prominent Williamses in his family, the other well known religious liberty advocate Roger Williams, and the fact that Penn's first name was William, I will refer to Elisha Williams as "Elisha" throughout this discussion.

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He pastored for three or four years before accepting the rectorship of Yale college. The previous head of Yale had tried to take the college down an Anglican, Arminian-friendly road, and the trustees were anxious to re-establish a reformed orthodoxy. Elisha more than met these expectations. In an opening sermon he re-affirmed Calvin's fundamentals of utter depravity, election, predestination, and irresistible grace. But he did so in a way that showed he was open to further developments on how these doctrines functioned in light of contemporary thinkers like Locke.

A. Setting of *A Seasonable Plea*. It was Elisha's openness to the advancing nature of truth that placed him at the center of the controversy of the First Great Awakening between the religious enthusiasm of the "new lights" and the traditional "old light" establishment. By the time the Awakening was under way in 1740, Elisha had resigned his Yale post to recover his health and to pursue a career in Connecticut politics. Shortly thereafter, despite losing a race for governorship, Elisha was made a judge on the Superior Court, as well as Speaker of the Assembly.

At about that time, the Connecticut Assembly passed a bill that placed stiff restrictions on itinerant preachers and made it difficult for settled preachers to speak outside their own districts. While Elisha was opposed to some of the excesses of the Awakening, he supported what he thought was "agreeable to true Principles of Calvinism." He was not opposed to appropriate enthusiasm in religion, and was counted among the "new lights."

Elisha spoke against the new law, in the assembly and in public. His stand came at a cost. Elisha was aware of the risks, but stated his intent to "act his own Principles, let Man make what Use of it they please, and he would serve Mankind as well as he could, so far as they would let him."²¹ In 1743, the assembly removed him from his judgeship, and shortly afterwards, he also lost his appointment as justice of the peace. While his political fortunes later rebounded, such a result was by no means certain.

It was in 1744 that Elisha wrote his *Seasonable Plea for The Liberty of Conscience*, an exposition of the principles of religious liberty in the context of the anti-itinerancy law.

B. Overview of *A Seasonable Plea*. In a short introduction, Elisha introduces his recurring theme and central point: That as the "Sacred Scriptures are the *alone Rule of Faith and Practice* to a Christian . . . that

²¹ Idem, 316.

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every Christian has a *Right of judging for himself* what he is to believe and practice.”²² And that it is thus “perfectly inconsistent with any Power in the civil Magistrate to make any penal Laws in Matters of Religion.”²³ Protestants, he notes, are agreed in the profession of this principle, but too many have departed from it in practice. He then launches into a philosophical and religious discourse to demonstrate the truth of the above propositions.

1. Origin and Ends of Civil Government. Where Penn began with spiritual and divine, the nature and rights of God’s kingdom, Elisha begins with the temporal and earthly, the rights and limits of civil kingdoms. He begins with an overview of the origins and ends of civil government. His argument is based, by his own references, on the work of John Locke. He starts with the equality men have in the state of nature, at least by the time they attain the age of reason. Reason is the basis of understanding, free choice, and action, and is thus, in Elisha’s view, the basis of natural freedom. It is this very reason that tells us that all are born with equal rights to liberty and property.

But these rights to liberty and property cannot be well preserved in the state of nature. Governments are instituted to preserve and protect these rights. The state draws its power from the people, and its legitimate end is the preservation of persons, liberties, and estates. Given these ends of government, Elisha moves on to discuss what liberty or power persons give up to the civil government to allow it to accomplish its ends.²⁴ The two primary objects people give up are the *power* to preserve his person and property, and the *freedom* from societal laws that protect the persons and properties of others.

2. Rights Retained by the Individual. Elisha now he comes to his main concern, which is the liberties and rights that people *retain* upon entering civil society. He begins with the general rule that no more natural liberty or power is given up than is necessary for the preservation of persons and property.²⁵ Thus, persons retain all their natural liberties that have no relation to the ends of society. They can read Locke, or Milton, or the Bible, and the state has no business interfering.

²² Elisha Williams, *A Seasonable Plea for the Liberty of Conscience and the Right of Private Judgment in Matters of Religion*, (Boston: S. Kneeland and T. Green, 1744), 1 (emphasis in original), viewed in *Early American Imprints*, 1st Series, no. 5520.

²³ *Idem*.

²⁴ *Idem*, 5.

²⁵ *Idem*, 6.

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Second, he states that persons retain the right of judging in matters of religion. This is a right based on the nature of humanity, which is that of a rational, reasonable being, capable of knowledge of his Maker, and accountable to that Maker for his actions. As faith and religious practice depend on individual judgment and choice, that faith cannot, logically, depend on the will of another human.²⁶

The reasonable nature of humanity is such a key point for Elisha's argument for liberty that it is worth quoting at length from him on it:

*This Right of judging every one for himself in Matters of Religion results from the Nature of Man, and is so inseparably connected therewith, that a Man can no more part with it than he can with his Power of Thinking . . . —A man may alienate some Branches of his Property and give up his Rights in them to others; but he cannot transfer the Rights of Conscience, unless he could destroy his rational and moral Powers, or substitute some other to be judged for him at the Tribunal of God.*²⁷

Thus, Elisha takes an opposite, though complementary approach to Penn. Rather than focusing on God's power and privileges and following up with human duties, Elisha rests his argument on the essence of the nature of man, as God created him. But like Penn, while this argument is theological in nature, drawing on the nature of man and his relation to God, Elisha does not base it explicitly on biblical authority. Rather, it is an argument from reason, an argument of natural theology. Elisha acknowledges this difference by explicitly next turning to the Bible as an additional, second argument to support his thesis that religious matters are issues of private concern.

3. *The Bible and the Right of Private Judgment.* To "further clear this Point," the sole propriety of private religious judgment and to show the extent of it, Elisha next appeals to the "Truth, That the *Sacred Scriptures* are the alone Rule of Faith and Practice to every individual Christian."²⁸ Here, Elisha begins an extended Bible study that supports from the Bible the points made in his previous arguments from reason and nature. He begins to trace arguments strikingly similar to those of William Penn about spiritual epistemology, authority, and the limits of human spiritual power and oversight.

²⁶ Idem, 7-8.

²⁷ Idem, 8 (emphasis in original).

²⁸ Idem.

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But where Penn started, as a Quaker would, with texts regarding Christians being taught directly of God, and receiving truth from the Spirit, Elisha starts with texts asserting the basic Protestant doctrine of biblical supremacy in religious matters. He quotes 2 Tim 3:15-16, that scripture is “given by inspiration from God, and is profitable for Doctrine, for Reproof, for Correction, for Instruction in Righteousness,” and John 20:31, that “these things are written that ye might believe that Jesus is the Christ . . . and that believing ye might have Life through his name.”

Having asserted biblical supremacy, he then moves to the right of every person to “read, inquire and impartially judge” the meaning of scripture for himself.²⁹ No person or group, whether pope, priest, bishop, pastor, counsel or civil body can be the final authority on biblical matters for the individual. If any earthly authority was the final arbiter of biblical matters, that authority would replace the scriptures as the final authority.³⁰

This means that believers have the duty to check pastors and teachers by the Word. He cites Acts 17:11, where Paul commends the Bereans for checking his own teachings against the Hebrew scriptures, and quotes 1 Cor 10:15, where Paul says, “I speak as to wise Men, judge ye what I say.”³¹ This is the very nature of the biblical rule of faith and practice, as acceptance of human authority would become a rule of human faith and practice. The Bible is the tool by which Christ rules the church, and any other rule is to deny Christ the right to be “King in his own Kingdom.”³²

Here Elisha has begun to echo some of Penn’s initial arguments about the “rights of God,” and it brings him to a similar concluding point regarding civil power: it has no jurisdiction in religious matters—both because of the affirmative lack *and* because of the existing jurisdiction claimed by God and Christ.³³ As an Englishman is subject to the laws of England, and not of France or Spain, so the Christian is subject to the laws of God and Christ in religious matters, and not to human laws. “No man can serve two masters.”³⁴

4. Limits of Earthly Civil Power. Elisha then sets out the “corollaries” of the principles he has deduced from reason and Scripture. The first

²⁹ Idem, 9.

³⁰ Idem, 10-11.

³¹ Idem, 9.

³² Idem, 12.

³³ Idem.

³⁴ Idem, 13.

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is that the civil authority has no power to “make or ordain Articles of Faith, Creeds, Forms of Worship or Church Government.”³⁵ These matters have no relationship to the legitimate ends of civil society, and invade the rights of Christ.³⁶ And if the state has no business running the church itself, it certainly has no right to “establish any Religion,” e.g., religious beliefs, or rules, or kinds of worship, on penalty of civil law.

To accept that human authorities might so legislate is to confer on them the attribute of infallibility. Rather than a single pope, those that accept civil rule of religious standards have created literally hundreds of popes, for each state and each government is now a final religious authority within their jurisdiction.³⁷ But if they err, then what they enforce is no longer the Bible, but human authority.³⁸ This plainly violates the biblical rule of faith and practice.

In setting out this argument, Elisha expresses a rather sophisticated view of Bible reading and interpretation that we usually associate with modern thought. Elisha notes that as the Bible is not written as a coherent, self-executing legal code, for the legislature to “enforce” the Bible, it will first have to interpret the Bible.³⁹ Thus, what the legislature will implement will not be the Bible itself, but the legislature’s view or understanding of what the Bible teaches.⁴⁰

This difference between “the Bible” and “the Bible as understood,” was an important basis of Elisha’s view of liberty. Thus, his commitment to religious liberty rests in part, as Penn’s did, on human epistemological limitations in spiritual matters.

5. *Meaning of “Establishment of Religion.”* In his discussion of civil rule, Elisha provides insights into what “religious establishment” meant in the 18th century. Today, some insist it referred only to the creation of a national or state church. But Elisha uses the term more broadly than this. An establishment of religion for him would be the state attempting to enforce any standard, practice, or rule based on the Scriptures, rather than on the legitimate ends of government.⁴¹

But at the same time, he was far from being a 20th century constitutionalist. He allowed that, while the state could not legislate on issues of

³⁵ Idem, 13.

³⁶ Idem, 17-18.

³⁷ Idem, 22.

³⁸ Idem, 20.

³⁹ Idem, 21.

⁴⁰ Idem.

⁴¹ Idem, 19-20.

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religion, it could recommend or encourage—“Approbation” or “Recommendation” were the terms Elisha used—certain religious beliefs and practices.⁴² He also saw no conflict between his argument against establishment and the civil enforcement of agreements between pastors and their religious societies for financial support.⁴³

This amounted to the enforcement of a tax against members of a church to support a pastor, whether or not an individual member voted for or agreed with the theology of that pastor. While this differed from a general assessment in support of religion, it contained enough of an entanglement of church and state to fail modern constitutional muster.

As a closing matter, Elisha appeals, as Penn did, to the rights of Englishmen, both under the Magna Charta and the Act of Toleration.⁴⁴ The Connecticut charter, Elisha reminds his readers, was subject to the Act of Toleration, and the anti-itinerancy law could thus jeopardize their colonial status. But this, he noted was a relatively small matter, given the fact that the right of private judgment and religious liberty was not conferred by the Magna Charta or Act of Toleration, but was from God. And all those that infringed it would find, in the judgment, that “Christ will be King in his own Kingdom.”⁴⁵

III. Isaac Backus—Self-Made Dissenter

Unlike either Penn or Williams, Backus did not have the benefit of college training. Rather, he was a self-taught, yet highly effective, advocate for religious liberty.⁴⁶ He was born into a well-to-do Connecticut family in 1724, with a father who served in the state Assembly. But when Isaac was sixteen his father died. His mother now had to raise eleven children on her own. Isaac was needed all the more in the fields of the family farm, and college was out of the question.

Although the family had been dutiful members of the standing order, Backus’ religious commitment had been, by his later accounting, shallow and careless. But the time of crisis in the Backus family coincided with

⁴² Idem, 19.

⁴³ Idem, 54.

⁴⁴ Idem, 58, 64-65.

⁴⁵ Idem, 65.

⁴⁶ Details of the life of Isaac Backus found in this section were taken from the introduction of William G. McLoughlin, ed., *Isaac Backus on Church, State, and Calvinism* (Cambridge: Harvard UP, 1968) [“McLoughlin I,”] and from William G. McLoughlin, *Isaac Backus and the American Pietistic Tradition* (Boston: Little, Brown, 1967) [“McLoughlin II”].

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the outbreak of the Great Awakening and the preaching of George Whitefield in 1740. Isaac's grieving mother was re-awakened with a new and deeper conversion experience, and shortly thereafter, so was Isaac.

Soon Backus was involved in his first experiences of religious controversy. He and his fellow "new light" enthusiasts began to object to the half-way covenant arrangement, whereby those with no profession of conversion were made church members, in the Congregational Church. Defeated in their attempts to reform it, Backus and other "new lights" withdrew to begin their own congregation on "purer" principles, allowing in as members only those who described a conversion experience.

But Backus and his friends found that by separating, they had now entered uncharted and perilous legal waters. The New England establishment had, grudgingly, granted a certain level of toleration to recognized religious groups, such as Anglicans, Quakers, and Baptists. But these exceptions were carefully defined and carved out. They did not apply to those merely seeking a "purer form" of the established church. Backus and his friends had effectively declared revolution against the existing order, and many of them were fined and imprisoned.

Thus began Backus' first of many experiences in opposing the state enforcement of political orthodoxy. It was a journey that would take him from the established church, to the separatists, and eventually into the Baptist church. It was during his time as a Baptist minister that he wrote and spoke most widely and publicly on issues of religious freedom. This autodidact eventually wrote the definitive history of Baptists in New England and served as a delegate to the Massachusetts convention to ratify the U.S. Constitution.

A. Setting of *An Appeal to the Public for Religious Liberty*. By the late 1760s, the scattered Baptist churches had organized into an association to bring pressure to bear to make more effective the laws granting tax exemptions to their denomination. The association appointed Backus as "Agent for the Baptists in New England," and tasked him with seeking remedies for tax grievances, either in the courts or the legislature. Backus had some success in this role. At one point in 1771 he appealed to the King of England and had the satisfaction of seeing him veto a law of the Massachusetts general assembly.

Yet, the tax exemption system was still cumbersome. It was a system of mere toleration and led to prejudice against the Baptists, who were considered by many to be tax evaders. The application of the exemptions was in the hands of local towns and parishes, which at times misused and misapplied them. In 1773, the association considered whether it should

adopt a church-wide policy of civil disobedience and refuse to seek the exemption or pay the taxes. In the end, they authorized each church to decide whether to take this drastic step. At the same time, they voted to widely publish and distribute copies of Isaac Backus' *An Appeal to the Public for Religious Liberty*, an attack on the "tyranny" of the tax-exemption system.

B. Overview of *An Appeal to the Public*. Penn and Williams started at opposite ends of the natural theology spectrum. Penn began with the nature and rights of God and the heavenly government, Williams with the nature and obligations of man and civil government. But Backus starts at a third point off of that continuum, that of biblical revelation and its teaching regarding the fallen nature of man and the proper roles of civil and ecclesiastical rulers.⁴⁷ But these are arguably three points of a connected triangle and, in the end, the arguments share more ground than they exclude.

Backus explicitly rejects the Lockean state of nature reasoning, relied on explicitly by Williams, and also implicitly used by Penn. He asserts that because of man's fall, and his subsequent sinful nature, that he naturally possesses no real freedom or liberty, but is in bondage. Man does not give up rights and freedom by entering society. Rather, man must "submit to some government in order to enjoy any liberty and security at all."⁴⁸

In the Bible, Backus argues, God has appointed two kinds of governments, civil and ecclesiastical, to create order and opportunity for liberty. But these two kinds of governments are very different, and his argument for religious freedom is largely based on those differences.

1. Differences between Civil and Church Governments. Backus begins by noting the differences in the Bible between civil and ecclesiastical governments and the history of these governments. What is interesting about this section is that despite rejecting Locke's ideas about the state of nature at the opening of his essay, his argument here seems to borrow from Lockean ideas about states deriving their authority from the people. While the notion or propriety of social contract between ruler and ruled is not denied by the Bible, it is hard to argue that it is affirmatively set out there. So despite his stated attempts to construct a biblical theology of church and state, Backus detours, and not for the last time, into arguments of natural theology that parallel those of Penn and Williams.

⁴⁷ McLoughlin I, 310-311.

⁴⁸ Idem, 312.

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2. *Blending of the Civil and Spiritual.* Backus then goes over the history of force entering the church, first under Constantine, and then in the medieval church through the time of the Reformation. He then turns to more current examples of church/state combinations. He details how church and state have been inappropriately combined in Massachusetts and how this institution differs, both in nature and effects, from that set out in the Bible.

He argues that taxation in support of ministers violates the teaching of Scripture, which is that “they which preach the Gospel shall live of the Gospel” (1 Cor 9:13-14).⁴⁹ He cites two well known New England divines to the effect that the tax support of the ministers makes them the “king’s ministers” who minister in the “king’s name.”⁵⁰ This is a prima facie violation, in Backus’ view, of Christ’s command that his kingdom “is not of this world.”

His latter argument here is an application of belief that church and state have separate, “dual jurisdictions.” The rationale behind the “dual jurisdiction” doctrine, he writes, rests largely on two separate points—the *nature* and the *effect* of proper government institutions.⁵¹ The nature of church government in Massachusetts was to make pastors ministers of the king, but in reality, they should be ministers of God. The effect of this state government was that it made the majority the test of orthodoxy. This power had been used in the state to imprison, whip, and banish men only for denying infant baptism.

In his dual jurisdictions view and his belief in the inability of the legislature or the majority to arrive at reliable spiritual truth, Backus is making an epistemological argument similar to that of Penn and Williams. Later on he writes explicitly about the “right of private religious judgment.” But this right flows by necessity from his rejection of the legislature’s ability to determine spiritual truth.

3. *Spiritual Standards of Epistemology, Authority, and Use of Force.* While he gets there less directly than Penn and Williams, Backus ends up at basically the same place in regards to spiritual epistemology, religious authority, and use of force. But first, he disclaims, in another rejection of Locke, that the Baptists were making arguments from natural rights. Backus insists that his claims rest on the “Charter privilege,” the legal rights of Englishmen to be free of religious discrimination. Even this

⁴⁹ Idem, 318.

⁵⁰ Idem.

⁵¹ Idem, 320-321.

close to the revolution, the Baptists had not yet fully decided which camp, loyalist or revolutionary, would best defend their interests.

The language of rights was being used at the time to propose revolution against England. Yet at this point the Baptist's best defense against religious laws was often their charter privileges under British law. This was shown by Backus' earlier invalidation of a state law by an appeal to the king. So at this point, Backus was hedging his bets, practically if not ideologically. He rested on practical legal protections rather than more grandiose, but less enforceable philosophical ones that might actually undercut the existing legal protections.

In conclusion, Backus makes explicit what has lain beneath the surface of his arguments. And these are the essential points of both Penn and Williams. Backus, echoing Williams, states that the disability of civil government in spiritual matters rests on the truth that "each one has an equal right to judge for himself, for we must all appear before the judgment seat of Christ" (2 Cor 5:10).⁵² Every man has not only the right, but the responsibility, to "judge for himself" and to act "according to the *persuasion of his own mind*."⁵³

He argues that to place an earthly power between God and man is to usurp the role and place of God. It makes men judges of spiritual matters, a role they have no right to play.⁵⁴ He notes that the exemption system itself is based on a notion of inequality. Why do the Baptists need to seek exemptions from the established church, and not vice versa? Backus would not appear to accept Williams' notion that the state can "encourage" or "promote" a particular religious view.

And he returns to his theme of "no jurisdiction" of civil authority in religious matters: that no force can be used in those matters. So, while arriving there by a somewhat different route, Backus ultimately rests on the three points common to Penn and Williams: the sacred syllogism of personal spiritual knowledge, no earthly spiritual authority, and the non-jurisdiction of civil power in spiritual matters.

IV. Conclusion: A Quaker, a Puritan, and a Baptist Meet

It is doubtful whether any of the three men discussed in this essay ever met in person. Penn died before Backus was born and was geographically distant from a youthful Williams. There is a chance that

⁵² *Idem*, 332.

⁵³ *Idem*, 335.

⁵⁴ *Idem*, 333.

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Backus and Williams could have met; but social, class, and religious differences probably conspired to prevent it. While they were on similar sides of some of the Great Awakening debates, they were participants in very different venues and social levels.

All three were separated by tremendous philosophical and religious differences. Williams embraced Locke, Backus rejected Locke, and Penn wrote prior to him, although he drew on similar sorts of reasoning. Backus accepted Scripture only as guide, Williams accepted scripture and reason, and Penn would have placed “enlightened, inner, spiritual reason” even ahead of Scripture. Yet, all these differences did not prevent them from coming to remarkably similar conclusions regarding religious liberty, using remarkably similar theological arguments.

It is where their minds meet that is most interesting and important for our purpose of finding a common theological impulse to separation. Apart from the individual contributions made by each and discussed above, two themes common to all deserve particular attention. The first is the use of both revealed and natural theology, or metaphysical philosophy. The second is the syllogism of spiritual epistemology, religious authority, and the “no jurisdiction of force” conclusion.

A. Natural Theology and Limiting Government. Penn and Williams made explicit distinctions, both in the form and substance of their arguments, between arguments based on reason about God and ultimate realities and arguments based on biblical authority. Backus appeared to reject the use of philosophy in his arguments, but as noted in the discussion of his arguments, in a number of places he relied on it in practice.

This distinction between natural theology and revealed theology, rather obscured presently, helps answer one of today’s constitutional conundrums: if the Constitution forbids the implementation of religious ideas by the state, and if the idea of religious liberty rests on a religious or theological base, then how can the Constitution protect religious liberty without running afoul of its own restrictions?

Penn and Williams would respond by saying, as did Thomas Jefferson in his Declaration of Independence, that there are certain universal truths about God and his requirements on humanity, relating to basic justice and fairness, which are capable of being understood by all persons everywhere. These truths or ideas may also be contained in Scripture, but they are not unique to Scripture and as such are a legitimate basis of public acts and policy.

If Backus had been completely consistent with his stated policy of only using arguments based entirely in Scripture, he would have run into

this logical conundrum: how could he criticize the establishment for legislating based on religious beliefs, when his argument that they should not was also a purely religious belief? But both Williams and Penn did themselves, or rather their posterity, a service by grounding their arguments, at least in part, in a philosophy that was not exclusively or entirely reliant on scripture.⁵⁵

B. The “Sacred Syllogism” and the Priesthood of Believers. The most frequent and recurring basis of the trios’ call for religious liberty and disestablishment was the syllogism of the limits of human spiritual epistemology, the lack of human spiritual authority, and the resulting “no jurisdiction of force” in spiritual matters. In summarizing Backus’ and the Baptists’ commitment to the separation of Church and State, historian William McLoughlin attaches a helpful doctrinal label that captures this recurring constellation of ideas. He writes that the separatist impulse, apart from its very real pragmatic motives, “sprang from the resurgence of the pietistic doctrines of the *priesthood of all believers* and of the gathered, voluntaristic church.”⁵⁶ McLoughlin believes that this impulse was somehow unique to the anti-elite, anti-hierarchical Baptist polity. But these same ideas also emerge in the arguments of Williams and Penn.

It would be another project to show the roots of these shared ideas in the priesthood of believers doctrine, coming primarily from Luther, and being most fully embraced by Anabaptists, and then English Baptists.

⁵⁵ Today, we have largely lost the language of natural theology. It is assumed that any “God” talk is religious and inappropriate for use in public policy or discourse. But by this standard, the Declaration of Independence itself, with its references to the “Creator,” is a religious document and violates the Constitution. Indeed, the First Amendment, with its elevation of the realm of the religious to special status, based on the philosophy of the Declaration, would also infringe this purported principle.

Perhaps we need to re-discover the view of the founders that religion, as Madison put it, is “the duty which we owe to our Creator and the manner of discharging it.”⁵⁵ Religion in this sense is not merely any reference or acknowledgement that a God or a sacred realm, beyond the legitimate reach of government, exists. Indeed, the founders viewed as crucial to our theory of civil liberties these metaphysical facts and the limits on the state that flow from them.

Perhaps the Pledge of Allegiance case is easier than we think. To admit that we are one nation “under God” tells no citizen how they must behave religiously. But it does tell the state that there is another jurisdiction, another realm of human belief and conduct, over which it does not have authority. In this sense, the pledge may be more for school teachers and public officials than it is for the students. As Penn, Williams, and Backus would all agree, the state needs constant reminding of its limits.

⁵⁶ McLoughlin II, 232 (emphasis added).

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But we do know that Penn, Williams, and Backus were Protestants of one stripe or another, and all three had a certain common, core heritage. Part of the essence of that heritage included the priesthood of believers and all that that implied about direct access to God and spiritual truth, no earthly spiritual intermediates or authorities, and the right of private spiritual judgment. As historical theologian Alister McGrath recently put it, in his view the single most influential—and dangerous—idea to come out of the Protestant Reformation was the belief that the Bible, in its main themes, could and should be understood and interpreted by all believers. As he puts it:

The idea that lay at the heart of the sixteenth-century Reformation, which brought Anglicanism and the other Protestant churches into being, was that the Bible is capable of being understood by all Christian believers—and that they all have the right to interpret it and to insist upon their perspectives being taken seriously.⁵⁷

McGrath also identifies this idea as an expression or outgrowth of Luther's "doctrine of the universal priesthood of believers." This doctrine gave "every Christian the right to interpret the Bible and to raise concerns about any aspect of the church's teaching or practice that appear to be inconsistent with the Bible."⁵⁸ McGrath sees this related group of ideas surrounding the priesthood of believers—notions of the perspicuity of the central teachings of Scripture, the supreme authority of Scripture, and the right to personal interpretation of Scripture—as being the defining thread that runs through the story of Protestantism's engagement and encounter with western culture and society.

McGrath does not deal with the legal question of disestablishment or the religious arguments underlying it. But the ubiquity of this doctrine in the writings of these three, disparate religious personalities does tend to support McGrath's argument that the right to scriptural interpretation did have a wide and varied impact on western society. It also supports the argument of this paper that the religious impulse to disestablishment had an integrated doctrinal core. It was a core that both motivated the religious community and also inspired other, more publicly accessible and

⁵⁷ Alister McGrath, *Christianity's Dangerous Idea: The Protestant Revolution—A History From the Sixteenth Century to the Twenty-First* (New York: Harper Collins, 2007), 2.

⁵⁸ *Ibid.* 52-53, 199-200.

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civily legitimate arguments from natural theology and philosophy for disestablishment.

Page Smith, the American historian, once said that “the Protestant Reformation produced a new kind of consciousness and a new kind of man. . . . Luther and Calvin, by postulating a single ‘individual’ soul responsible for itself, plucked a new human type out of [the] traditional ‘order’ and put him down naked, a re-formed individual in a re-formed world. The doctrine of a “priesthood of believers,” with each person responsible directly to God for his or her own spiritual state . . . brought remarkable new opportunities . . . and indeed, entire new communities.”⁵⁹

What we have found here supports that claim. In looking for the ideological roots of separation, it would be short-sighted to rely entirely on Republican and Enlightenment thought and to overlook the theological contribution of the Reformation doctrine of the priesthood of believers. Seventh-day Adventists have a particular interest in this doctrinal foundation, as it also provides the basis for the Adventist view of the sanctuary doctrine. It was the re-discovery of Christ’s high-priestly ministry in the heavenly sanctuary, and our direct access to Him as believers, that brought to view the priesthood of believers here on earth.

From this view, the sanctuary doctrine, rather than being a purely unique Adventist insight, is actually, at least at its roots, shared commonly throughout Protestant Christianity. Perhaps Adventists would be in a position to better share their unique insights on the sanctuary doctrine with others if we were more conscious of the pervasive influence and significant impact that the roots of this doctrine have had among our Protestant friends and their forebears. For it is only a persistent and broadly-rooted doctrine that could unify the church/state thought—and cause a meeting of the minds—of a Quaker, a Puritan, and a Baptist.

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⁵⁹ Page Smith, ed., *Religious Origins of the American Revolution*, (Missoula: Scholars, 1976), 2-3.