



# RELIGION AND THE STATE

EUROPE AND NORTH AMERICA IN  
THE SEVENTEENTH AND EIGHTEENTH CENTURIES

EDITED BY JOSH B. STEIN  
AND SARGON G. DONABED

Religion and the State

*Europe and North America in the  
Seventeenth and Eighteenth Centuries*

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# Religion and the State

To Suzanne, Amanda, and Sarah, my wonderful daughters-in-law, three.

For Tom Clarke, John Lanci, Mary Joan Leith, Greg Shaw, and Erika Schluntz who introduced me to the study of religion.

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## Foreword

Roger Williams University is named after the English Protestant theologian Roger Williams (1603–1683), who in spring of 1636, along with a number of his followers, founded the Providence (named so for God’s providence) Plantation Colony, which provided a refuge for religious minorities. There, civil matters were settled by a majority vote by heads of households, and the concepts of “liberty” and “conscience” were held in great esteem. The London-born preacher, an early proponent of religious freedom and the separation of church and state, established the First Baptist Church of Providence (the first in the United States) in 1639.

Williams was also a student of Native American languages and an advocate for impartial dealings with Native American nations, and a close friend of Narragansett chief Canonicus, who in fact granted Williams the land on which the settlement was built. Various people would flock to Williams’s colony in the following years, including dissenting Christians, Jews, and others.

In this tradition of religious freedom and discovery, the History Department at Roger Williams University sponsored the first Church/State conference in 2007, the second in 2009, and the third in 2011. Participants at all the conferences have hailed from around the world, including Spain, Poland, Egypt, Turkey, Israel, Canada, Scotland, and the United States. This book is a result of the most recent conference, the third biennial conference on Church/State relations entitled “Religion and the State: The 17th and 18th Centuries in Europe and America,” chaired by Joshua B. Stein, Sargon G. Donabed, and Matt Hedstrom. Speakers included Lawrence Goodheart, University of Connecticut; Rebeca Vázquez Gómez, University of A Coruña (Spain); Steven K. Green, Willamette University; Matthew Hedstrom, University of Virginia; Joy Howard, United States Military Academy at West

Point; Jae Jerkins, Florida State University; Sara Kitzinger, University of St. Andrews (Scotland); Matt McCook, Oklahoma Christian University; Douglas S. Mock, Boston University; Keith Pacholl, University of West Georgia; Julianne Parse Sandlin, Florida State University; Noah Shusterman, Temple University; Brent S. Sirota, North Carolina State University; Holly Snyder, Brown University; Tara Thompson Strauch, University of South Carolina; and Tasdeusz J. Zielinski, Christian Academy of Theology (Warsaw). The conference was honored to host James Hitchcock of St. Louis University, and Gordon S. Wood of Brown University and winner of the 1993 Pulitzer Prize for History as the two keynote speakers.

Joshua B. Stein and Sargon G. Donabed

Roger Williams University, March 2012



# Introduction: Establishing and Disestablishing Religion in the Atlantic World

Matthew S. Hedstrom and Brent S. Sirota

On December 6, 2007, former Massachusetts governor Mitt Romney, then running for the Republican presidential nomination, gave his so-called “Faith in America” speech at the George Herbert Walker Bush Library in College Station, Texas. Seeking to cement his status as a conservative alternative to Senator John McCain, Romney hoped to reassure Christian voters about his Mormon faith and, in doing so, neutralize the threat to his candidacy posed by former Arkansas governor Mike Huckabee, a Baptist minister and a favorite of evangelical Republicans.<sup>1</sup> In a rather self-conscious emulation of the address given by another Massachusetts politician nearly half a century earlier—Roman Catholic presidential candidate John Kennedy’s September 1960 speech to the Greater Houston Ministerial Association—Romney delivered a meditation on the meaning of religious toleration in American history. Above and beyond the *de rigueur* invocations of the founding fathers, the candidate’s text dwelt on the bequest of the early modern world, tracing the legacy of the enlightenment on both sides of the Atlantic. Romney invoked the renegade Puritans Anne Hutchinson and Roger Williams, grouping them together with Mormon pioneer Brigham Young, all religious dissenters for whom America had failed to live up to its high purpose as a refuge for tender consciences. Such figures served as confessors for what he called “our grand tradition of religious tolerance and liberty.” But when the governor looked toward Europe, he saw only empty cathedrals, “postcard backdrop to societies just too busy or too ‘enlightened’ to venture inside and kneel in prayer.” Romney was, in effect, presenting a curious bifurcation in the legacy of the Enlightenment, which had apparently equipped Americans with wisdom enough to

guarantee “the free exercise of religion,” but left Europeans possessed only of a deplorable “religion of secularism.” Interestingly, Romney blamed “the establishment of state religions in Europe” for this predicament. In the American republic, which proscribed such establishments, religion was cherished as a liberty, while in Europe religion was overthrown as an imposition. In this political and ideological context, Romney’s task in College Station was a fairly trick one. He needed to conjure just enough liberalism from the Christian conservatives in the base of his party to accept a Mormon candidate as their standard-bearer, but not so much that it endangered his (already somewhat questionable) *bona fides* as an advocate for the so-called “values” issues dear to social and religious conservatives. He needed an American Enlightenment, not a European one.

The Romney speech vividly demonstrates Faulkner’s famous dictum, “The past isn’t dead. It isn’t even past.” The historiography of Church-State relations in America and Europe remains a live cultural, religious, and political issue on both sides of the Atlantic. Even more, Romney’s invocation of history illuminates the need for a thoroughly trans-Atlantic approach to the history of Church-State relations in the modern West. In the seventeenth and eighteenth centuries, the formative period for modern Church-State relations, we see vividly the complex interrelationship of developments in England, France, and America. Ever since, historians and political figures, such as Romney, have compared the European and American efforts to discern the proper role of religion in government and government in religion.

Though the “republican” turn in the historiography of the American founding has long abandoned the once unassailable proposition of *Locke et praeterea nihil*, the English philosopher continues to loom large in the genealogy of American religious liberty. As citizens, Americans claim the intellectual bequest of Renaissance civic humanists, seventeenth-century English republicans, country Whigs, and Scottish *philosophes*, and yet as possessors of liberty of conscience, somehow we are all still Lockeans. Thus, it was refreshing to encounter a series of papers that examined what might be thought of as a variety of “illiberal” affirmations of the separation of Church and State, in which claims for separation were rooted not in the putatively enlightened languages of individual rights, civic liberty, toleration, or secularism, but rather in conceptions of discipline, priestly authority, and ultramontaniam. The separation of Church and State, it must be remembered, preoccupied proponents of enlightenment no less than the agents of European counter-enlightenment.

James Hitchcock’s contribution to the volume offers a meticulous overview of the vicissitudes of politics and religion in the politics of post-Reformation Europe. Hitchcock deftly weaves together various narratives of dynastic crisis, religious settlement, and sectarian conflict throughout the sixteenth, seventeenth, and eighteenth centuries. He rightly highlights the para-

doxical aspect of religious politics in the period, where faith served as both “the moral foundation for obedience to the state and as the justification for rebellion.” His account engages with the major theorists of Church-State relations in the period stretching from the Reformation to the Enlightenment. Significantly, he suggests that the European theorists of toleration, by confining faith to human interiority, were unable to stem the tide of religious indifference unleashed by the Enlightenment. Only the United States, he suggests, was able to reconcile disestablishment and dogma.

Sara Kitzinger’s contribution adopts an illuminating theological perspective on the problem of Church-State relations in late sixteenth- and early seventeenth-century England. Supplementing the conventional narrative that considers the magisterial and Erastian form of the established Church of England as something of a political exigency, born of the religious and dynastic instabilities of the Tudor age, Kitzinger presents the Church as something of a theological exigency as well. Setting the English Church amid a wider conversation in the Reformed Protestant world, Kitzinger depicts an Elizabethan and early Stuart Church of England in need of continual insulations from the ecclesiological implications of a rigorous predestinarian theology. In her telling, English predestinarians gravitated toward an ecclesiological vision in which a church comprised exclusively of the godly subsisted under the authority of a strictly ministerial discipline. In rejecting magisterial oversight and the inclusion of the ungodly among the congregation, the English predestinarians embraced an ecclesiology in which Church and State “were potentially segregated.” This could by no means be allowed by the defenders of the Anglican establishment and the royal supremacy upon which it rested. And indeed, as Kitzinger shows, Anglican establishmentarians were willing to risk theological ambiguity on the question of absolute predestination in order to defend the church polity. Moreover, as religious and political tensions worsened in early seventeenth-century England, defenders of the magisterial establishment increasingly abandoned the doctrine of predestination altogether. Critics of the Anglican establishment meanwhile resorted to ever-greater spiritualization of the church in order to justify its emancipation from magisterial tutelage. Many, such as Roger Williams, found themselves rehabilitating the fallen natural world to provide some ground upon which a free church might stand.

Brent Sirota’s chapter examines the fate of Anglican high churchmanship in the aftermath of the Glorious Revolution of 1688–1689. The displacement of the legitimate, though Roman Catholic, sovereign James II from the English throne in favor of his Protestant son-in-law and daughter posed a seemingly insoluble problem for the conservative wing of the established Church. While a small handful of conservative clergy and laity refused to transfer their allegiance to the new monarchs and suffered the consequences of their “nonjuring,” the majority of Anglican high churchmen acceded to the Revo-

lution. Having done so, however, they found themselves bereft of the ideological means of mounting an opposition to the reformist agenda of the new regime. In Sirota's telling, the Anglican high church movement lit upon the language and principles of the so-called "country ideology"—a complex of political and constitutional ideas emphasizing civic virtue and honest governance, well-known to scholars of the eighteenth-century Anglo-American world, at least since the publication of Bernard Bailyn's *The Ideological Origins of the American Revolution* a half-century ago. Employing the language of the "country ideology," Anglican High Church writers sought to embed the rights and privileges of the established Church within a conception of England's ancient constitution. The traditional prerogatives of church and clergy were to be defended against the Leviathan-like fusion of civil and ecclesiastical power embodied in the Revolution state.

Noah Shusterman's examination of the controversy in revolutionary France surrounding the Civil Constitution of the Clergy of 1790 offers an instructive counterpoint to Brent Sirota's essay. In both studies, a reactionary clergy find themselves exposed to the dominion of a sovereign state in which civil and ecclesiastical power had been functionally integrated. In Sirota's analysis of the ecclesiastical politics surrounding the Revolution of 1688–1689, the clerical opposition attempted to circumscribe the sovereignty of the revolutionary state, sheltering the beleaguered Church of England within the liberties of the so-called "ancient constitution." In Shusterman's essay, however, the refractory French clergy, when confronted with the seemingly unlimited sovereignty of the National Assembly over the Gallican Church, opted instead for counter-revolution. Shusterman depicts the crisis as something of a classic Schmittian "state of exception." Whereas the Old Regime could abide the elaborate fiction of political and ecclesiastical cooperation between scepter and miter, the moment of revolution requires a revelation of sovereignty: the church must yield. Shusterman considers its unwillingness to do so a "turning point" in the French Revolution, the foundational resistance upon which the counter-revolution would be erected. From this vantage, it is not surprising that government repression of the counter-revolutionaries in the years 1792–1794 proceeded with such a pronounced anticlerical agenda. In a grim coda, Shusterman invokes the images of the *noyades* and the "republican marriages," the horrific drownings of refractory clergy and nuns, employed against counter-revolutionaries in the Vendée. In these, perhaps, one sees clearly the full amplitude of revolutionary sovereignty exercised without limit against the countervailing powers of the Gallican Church.

Rebeca Vázquez Gómez helpfully bridges the gap between the early modern world and the twenty-first century. Vázquez's chapter examines the legacy of Spain's Catholic denominational past in post-Franco Spanish society. In particular, she examines contemporary efforts on the part of the Spanish

state to balance its claims to secularity and the protection of religious freedom in the public sphere. Vázquez highlights the weight of the Catholic past in contemporary controversies regarding Christian, Islamic, and Jewish symbols and attire in public institutions. Authorities often vigorously pursue religious neutrality with respect to minority faiths, while remaining tolerant of the persistence of Christian symbols as part of the historic or artistic heritage of the nation. Vázquez's is a fitting conclusion to the European section of the volume, as it opens up serious questions regarding the aptitude of liberal and enlightenment notions of disestablishment and political secularity in a world in which secularization has either slowed markedly or reversed completely. Once again, Europe must address the concerns of those who fundamentally reject the notion of a public sphere purged of religious practice, values, and discourses.

The historiography of Church-State relations in British North America and the early United States follows many of the same contours as that regarding Europe, as the following essays reveal. In the case of scholarship on the United States, however, we see a particularly powerful liberal master narrative. This narrative frames not merely the Establishment and Free Exercises clauses of the First Amendment to the U.S. Constitution as the inevitable culmination of political contestation between Church and State, but even more looks to the particularly robust and far-reaching post-World War II interpretations of these constitutional provisions as the yardstick by which to measure earlier generations. But as Philip Hamburger, in *Separation of Church and State*, and others have argued, the American experience of Church-State relations has often blended liberal and illiberal impulses, as secularly and religiously motivated constituencies—always unstable categories—have variously cooperated and competed in the public discourse about religion and public life.<sup>2</sup> We must understand the complexities of these crosscurrents if we are to make sense of the larger story of Church-State relations in colonial America and the United States.

The great victories of the Revolutionary period for religious liberty—first the *Virginia Statute for Religious Freedom*, penned by Thomas Jefferson and championed by James Madison, and a few years later the First Amendment to the Federal Constitution—were remarkably far-reaching pieces of legislation, truly unprecedented in scope. The great leaders of the moment certainly saw them that way. George Washington, in his famous 1790 letter to the Jews of Newport, for example, claimed that under the new government, “It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent national gifts. The Government of the United States,” he wrote, “gives to bigotry no sanction, to persecution no assistance. . . .” Jefferson, not surprisingly, went even farther. Commenting in old age on the Virginia Statute, he noted that

his intention was “to comprehend, within the mantle of its protection, the Jew and the Gentile, the Christian and Mahometan, the Hindoo, and infidel of every denomination.”

Yet highlighting Washington and Jefferson in this way obscures the very real political battles of the Revolutionary period for religious liberty, and the variety of arguments that were advanced for and against the Constitution and its protections. If Washington and, even more, Jefferson were steeped in the latest philosophies of Anglo-American liberalism, a great many of their countrymen were not, and the debates about Church and State in the founding period—and indeed for the rest of American history—were waged, quite often, in religious terms in addition to classical liberal terms. Article 6, paragraph 3 became the flashpoint. This section of the proposed federal Constitution reads, “no religious test shall ever be required as a qualification to any office or public trust under the United States,” and though it elicited little comment at the Constitutional Convention in Philadelphia—little comment among the Washingtons and Madisons, in other words—it set off a firestorm in the states. Eleven of the thirteen states at this time, after all—all but New York and Virginia—had religious tests for holding office, including Rhode Island, where only Protestants could hold office or vote. The ratification fight in North Carolina provides perhaps the best insight into the fierceness of this debate over the secular Constitution. “Let us remember,” warned William Lancaster, a Baptist minister and anti-Federalist delegate to the North Carolina ratifying convention about what Article 6 might mean for the future of the Presidency. “Let us remember that we form a government for millions not yet in existence. I have not the art of divination. In the course of four or five hundred years, I do not know how it will work. This is most certain, that Papists may occupy that chair [again, meaning the Presidency], and Mahometans may take it. I see nothing against it.”<sup>3</sup>

Papists and Mahometans—Catholics and Muslims—in this formulation stood for the prime exemplars of religious tyranny—often literally understood as antichrist, and certainly as embodiments of religious systems thoroughly and oppressively intermeshed with civil governance. Rev. Lancaster, as a Baptist minister, knew something of this kind of tyranny himself, since Baptists were excluded from public office in England on account of their dissenting faith. Only Protestants, he contended, with their proper theological understanding of the role of individual conscience, could adequately safeguard religious freedom. Catholics and Muslims, on the other hand, would naturally seek to subvert liberty, as the history of the papacy and the caliphate seemed to demonstrate. As a delegate in Massachusetts worried, without some kind of religious test for office, “Popery and the Inquisition may be established in America.”<sup>4</sup>

Counter to these concerns, in ratifying conventions across the continent, Federalist delegates dutifully argued on Enlightenment grounds for individual liberties. But many also advanced decidedly more pragmatic arguments, arguments that met these religious concerns head on. Madison himself made it best. One of the reasons he remonstrated against religious assessments in Virginia, he wrote, was because a religious establishment was “adverse to the diffusion of the light of Christianity” and would impede its spread among those “still remaining under the dominion of false Religions.” A state church, Madison contended, “at once discourages those who are strangers to the light of revelation from coming into the Region of it; and countenances by example the nations who continue in darkness, in shutting out those who might convey it to them. Instead of Levelling as far as possible, every obstacle to the victorious progress of Truth, [a religious establishment] with an ignoble and unchristian timidity would circumscribe it with a wall of defence against the encroachments of error.” The author of the First Amendment and president who ardently defended secularism, to a point that would be inconceivable today, argued for religious liberty because, he felt, it would aid the spread of Christianity in its battle with false religion.

The essays in this volume on Church and State in North America helpfully illuminate, in different ways, the complex interplay of religion and political philosophy that framed these early American deliberations about religion and public life. Lawrence B. Goodheart’s essay brings our focus to British colonial America in the seventeenth century, with a study of the law and practice of capital punishment in Connecticut. Goodheart’s work locates the Puritan project in New England in the wider context of the Puritan experience in England, but delineates critical departures. Most fundamentally, Puritans in America framed their enterprise in North America as the establishment of a New Israel, and as settlers on a frontier an ocean away from metropolitan England were free to base much more of their legal code on Old Testament models. For these reasons, Puritans in Connecticut deemed a wide array of offenses punishable by death, ranging from murder to witchcraft, adultery, bestiality, blasphemy, and cursing, smiting, or rebelling against a parent. Yet, as Goodheart’s essay demonstrates, such provisions were enforced unevenly, a tacit acknowledgement of the challenges of governing a New Israel in the New World. Over the course of the seventeenth century, the law of capital punishment in Connecticut changed to reflect these evolving cultural norms, so that fewer and fewer offenses were deemed capital crimes. These changes, Goodheart suggests, stemmed not only from the impracticalities of the previous system, but also from the decline of Puritan understanding of their society through an Old Testament typology.

The Puritan understanding of their errand in the wilderness as a sacred reenactment of God’s covenant with Israel stood in marked contrast to the experience of actual Jews in colonial British America, as Holly Snyder in-



sightfully demonstrates. Her essay addresses the political and civic rights granted to Jews in Rhode Island, the colony long regarded as the most liberal in its religious tolerance. Rhode Island history, Snyder contends, has too often been read through the lens of Roger Williams's writings on liberty of conscience rather than through the colony's actual practices regarding religious freedom. Here Snyder offers the illuminating example of the 1762 denial of naturalization to two Jews who had resided in the colony for seventeen years, and, more compellingly, the withholding of voting rights from Rhode Island Jews until 1798. This backdrop places not only the legacy of Roger Williams in a new light, but also the famed 1790 letter of George Washington to the Jewish congregation in Newport. In this letter Washington affirmed that the new nation gave "to bigotry no sanction," and yet the Jews of Newport, we see, rightly knew better, as they were denied in their home state what the new Federal Constitution afforded. In fact, as Snyder writes, "The Charter of 1663, with its provision for liberty to protect Rhode Island against the 'enemies of Christianity,' remained as the founding instrument of Rhode Island statehood—a posture which would not be finally, and irrevocably, abandoned until the adoption of a State Constitution in the 1840s." The case of the Jews of Rhode Island provides a starkly clear example of "the extent to which 'Liberty of Conscience,' as articulated by Roger Williams, was put into practice," and therefore of the limits of religious freedom in colonial America.

Tara Thompson Strauch shifts our attention to the pivotal decade between the Declaration of Independence and the ratification of the federal Constitution, a period when states served as critical laboratories of democracy. In particular, she describes the fascinating and little-studied legal and theological debates in various states regarding the swearing of oaths. Removing oath requirements for public service, many feared, would allow Muslims and Jews to become full participants in civic life, while narrowly constructed oaths would bar Quakers, Mennonites, and other pious Christians from service, for irrelevant theological reasons. The debates over oaths at the state level, in this way, manifested the same tensions and fractures as did the simultaneous debates regarding the ratification of federal Constitution—an effort to balance religious liberty with the desire to protect the privileged status of Protestant Christianity. Underlying the argument in favor of oaths was the assumption that individual virtue, an absolute necessity for a democratic polity, required religious faith, often assumed to include, at a minimum, a belief in a future state of rewards and punishments. (In practice, the theological basis for virtue was often understood much more narrowly as essentially requiring adherence to Protestant Christianity in some form.) Eventually, however, Gov. William Livingston of New Jersey and others began to offer Madisonian arguments against oath requirements for public officials, opining, in Strauch's characterization, "that true Christian citizens could only exist in a



state which did not require a certain denominational affiliation.” Those Anglicans and Lutherans accustomed to European state churches often supported oath requirements, but soon the adherents of dissenting traditions—not only Quakers and Mennonites, but Baptists and Methodists as well—came to see oath provisions as assaults on freedom of conscience, and in that way ultimately inimical to religion. As in the matter of the Constitution itself, only the presumption that the United States would remain Christian in fact, if not strictly in law, allowed the coalitions of dissenters and deists to argue persuasively against oath requirements.

Keith Pacholl, like Strauch, likewise focuses on the early national period and the ongoing debates about the proper public role of religion in a moment of rapid disestablishment. Pacholl’s essay addresses the role of education—especially through early American periodical literature—in instilling notions of civic virtue in the American reading public. Periodicals offered a powerful mechanism for the moral formation of Americans in the era between the founding of the republic and the emergence of widespread public education systems in the states. In fact, as Pacholl notes, Americans at the end of the eighteenth century had “a higher per capita readership of periodicals than anywhere else in the Atlantic world.” Periodical writers frequently reminded readers of the increased need for virtuous citizens in a self-governing and religiously disestablished nation. This moral formation, Pacholl notes, reflected prevailing Enlightenment notions of “rational Christianity,” a faith reconciled with science in the vein of the Scottish Common sense philosophy. Begun in childhood, a reasonable, pragmatic education would prepare boys for political leadership and girls for the duties of “republican motherhood.” At the same time, periodical writers stressed the principles of religious toleration as an ethical requirement of rational Christianity. Beyond arguing for virtue and toleration, Pacholl notes as well the simultaneously argument in the periodicals for the cultivation of science and reason as similarly necessary for the survival of the republic. In these ways, Pacholl finds in the mass circulation periodicals a wide-ranging discourse about the proper place of religion and education in the early national period.

The concluding essay of the American section of this volume, like the concluding essay of the European section, takes a step back from the controversies of the seventeenth and eighteenth centuries and examines matters of Church and State closer to our own times. Matt McCook does this through a detailed examination of contemporary debates about the religious character and intentions of the Founding Fathers. This debate, he notes insightfully, typically sheds more light on the religious, cultural, and political faultlines of the late twentieth and twentieth-first centuries than on those of the founding period. McCook groups contemporary writers on religion and the founding into four broad categories: secular polemicists, Christian polemicists, strict-separation academics, and accommodationist academics. McCook helpfully