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Edited by Barbara A. McGraw
For Michael York and Richard Switzler, 
the brothers I always wanted
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For too long, political historians and political scientists tried to tell the American story without much reference to religion. Religion was thought by many to be a separate topic, which might provide an interesting (or pesky) side note, or material worthy of a brief anecdote to a main narrative. What this volume makes clear, however, is that when religion is omitted from the story. American political history – and in fact any history – disregards powerful ideological motivations for the events it purports to illuminate. It wouldn’t be an exaggeration to say that without religion at the center of the story, the story doesn’t really make sense – especially in the United States. Placing religion at the center, this volume re-contextualizes significant socio-political movements, ideological frames, and the laws and policies that follow. No reader of this volume will be ever able to consider American political history without acknowledging the key role that religion has played in every facet.

Several years ago, Forest Church, a Unitarian minister, published *So Help Me God: The Founding Fathers and the First Great Battle over Church and State*, which advanced a way to consider the role of religion at the American founding. Church’s thesis was that the United States was formed in the midst of a struggle between two competing convictions about the foundations of the new nation, which he called “sacred liberty” and “holy order.” Although it wasn’t the intention that this volume address Church’s thesis, as the volume chapters on their various topics arrived, they often reflected that holy order and sacred liberty frame and revealed its manifestation in political movements and law and policy debates throughout American history.

Dating even to the first explorations of the Americas by the Europeans, the hierarchical ideology of an existing holy order provided the rationale for the displacement and subjection of Native Americans and the taking and colonization of the land. Not long following, that same holy order ideology provided the justification for the enslavement of Africans to work that land. And these two particular manifestations of holy order ideology have permeated American struggles in politics, law, and social change ever since, making them everything but an aside to a mainstream narrative about tradition and progress.
A nascent idea of sacred liberty came to America when religious dissenters arrived as settlers in the “New World’s” northeast, but even then they were seeking their own liberty from persecution as they established colonies on the basis of their version of holy order. Later, in the decades leading to the Revolutionary Period, as many colonists asserted rights to justify separation from the English crown, appeals to the Law of Nature also revealed the same division: was an imposed hierarchical order natural, or was liberty itself the natural state of man? All the while, the political construction of American religious pluralism unleashed diverse religious voices that challenged holy order ideological foundations from the beginning. These struggles led to the establishment of sacred liberty as “self-evident” in the Constitution of the United States. The genesis of that establishment was not the will of a particular group to assert its right to shape the holy order, but rather was a movement that held liberty to be inherent in human being and therefore sacred in its own right. Yet how liberty would be grounded in a political and legal system that supported liberty was not articulated as clearly as the US Constitution’s signers seemed to think, since arguments about what might be called its “sacred ground” ensued almost immediately (McGraw 2003).

One might suppose, as did Forrest Church, that by the early nineteenth century sacred liberty came to dominate the public sphere. Yet the struggle continued, most obviously in the ongoing oppression of Native Americans and enslavement of Africans, and in the reassertion of the idea of a Christian social order, often with the imprimatur of the courts, including the US Supreme Court. That Christian social order was challenged in turn by social movements within and without Christianity all through that century, whether considered in terms of tradition or progress.

From the beginning of the twentieth century and to contemporary times, powerful forces have continued to assert holy order ideology, and others sacred liberty, in the courts, including at the level of the US Supreme Court, and in political debates, policy-making, and social movements whether arising out of conservative or liberal impulses. They have involved such salient issues as immigration and women’s, Native Americans’, African-Americans’, and others’ civil rights, as well as approaches to US foreign relations and policy and the politics of the Earth’s ecology and human beings place in it. All the while, alternative religious voices from the margins have continually unsettled the principal players, forcing them to look in new directions – never permitting any newly anointed “mainstream” to take hold as a status quo for very long.

Even so, in the second half of the twentieth century, secularization of public spaces seemed to some in the scholarly community to be a foregone conclusion – as the eventual result of the progression of an “enlightened” politics away from religion and toward what secular proponents viewed as a more reasonable approach to politics, law, and public policy. That did not happen. Instead, religion has flourished in the United States in almost incalculable forms, home-grown and imported, within and well beyond Christianity and Judaism, with adherents staking their claim to religious freedom and expression, including in the political arena. And the study of the relationship of religion and politics has grown exponentially with scholars exploring the historical, philosophical, sociological, and theological intersections of religion(s) and the state, going well beyond the overly simplistic secularity versus religion (read: Christianity) rationalizations that still tend to dominate the popular political discourse in the United States.
Because of the growth in the religion and politics field across disciplines and the interest that has been generated in debates well beyond the academy in the corridors of power, a volume with an approach that does not narrowly focus on contemporary church/state political debates or on religious group voting patterns is timely. Rather than organizing around such topics, this volume provides a multidisciplinary, “kaleidoscopic” approach, which engages diverse perspectives from various disciplinary conversations. That approach places those conversations in a larger historical spectrum, thus enriching and extending debates on discrete topics while avoiding the tendency of debates about religion and politics to split along conservative and liberal lines.

In so doing, this volume serves two goals: (1) to provide an accessible overview of the field for students and generally educated readers to counter the overly simplified and often misguided treatment of the subject in US political discourse and media; and (2) to provide experts in narrow subfields with a broader understanding of the rich context for their own work, as well as a foundation for further study. The hope is that this volume might be a counterbalance to the tendency toward divisiveness when the subject is religion and politics, so that there can be a more robust conversation about what has been, is, and ought to be the role of religion in American public life.

Barbara A. McGraw

References


This volume is dedicated to Michael York and Richard Switzler, who generously hosted me in their home at “The Farm” in Aups, Provence, France, many times over the past few years. There, they took good care of me while I worked on this volume and other writing projects. I am forever grateful for their friendship and support, and all of the great conversations about religion and politics and other engaging topics of the day, always with a nice glass of scotch or the freshest of Negroni cocktails, followed by evening meals in the French custom – over several hours. Thanks also goes to Saint Mary’s College of California, which has provided generous financial support for the research and conference networking that was needed to produce this volume, and also, in particular, two deans have my gratitude: Stephen Woolpert, who made it possible for my work to thrive, and Zhan Li, whose enthusiasm for all things “innovative” has been an inspiration. I would also like to acknowledge Spencer Thompson, who assisted me with formatting the chapters and harmonizing the citations throughout the volume. I also greatly appreciate Rebecca Harkin, Wiley Blackwell’s Publisher for Religion and Theology, for approaching me to be the editor of this volume, for her wise advice toward the end of the editing process, and especially for her patience. Always with a smile, she is great to work with. Of course this volume would not have been possible without the contributions of the chapter authors. I am deeply grateful for their brilliant work and for their amicable and skillful responses to my editorial comments; I am very proud of the work we have produced here together. Lastly, I am grateful to my husband, Patrick McCollum, who has shown me, and many others, how important it is to aim high.

Barbara A. McGraw,
Moraga, California,
USA, December 2015
Part I

Foundations and the Founding
Introduction to Part I

Although US contemporary popular political discourse tends to divide along religious and secular lines, many who have studied the founding have come to the conclusion that it was the convergence of theology and secular philosophy, together with the historical experience of the founding generation and their awareness of the experience of religious violence in their immediately preceding generations, that led to the founding of the nation on the principles of “life, liberty, and the pursuit of happiness.” Still, debates about whether prominent founding leaders intended the prohibition of religious establishments to be an impregnable wall between church and state, or merely a permeable boundary that only prohibited an established national church, continue. Those debates reflect diverse views about the meaning and extent of liberty, including religious liberty, and the political order, which remain in tension today.

Because founding history has become a touchstone for contemporary debates in the United States, however, accounts of the role of religion at the founding have often failed to responsibly address the multiplicity of perspectives expressed at the founding. Rather, the main tendency (with exceptions, of course) is to approach the founding by looking backward to justify positions held on various issues today.

Part I of this volume attempts to disrupt that tendency by providing a set of perspectives that do not fit neatly into any one side of the debate about the founding and its origins. Starting with a Native American view of the arrival of the Europeans to “Turtle Island,” chapters go on to explore various perspectives on the genesis of religious liberty and religion’s role in the ideological foundations of pluralism, separation of church and state, Natural Law, and Deism. Yet Part I also addresses the irony of an America that from the beginning held itself out as a Promised Land – a new Jerusalem – but also embraced a religious perspective that provided the most potent justifications for the oppression of Native Americans and the enslavement of Africans.

Barbara A. McGraw
Let us begin from the hypothetical viewpoint of an original nation of the continent now commonly called North America, a place which that original nation calls “Great Turtle Island.” It is a time before any Christian political claims of sovereignty, dominion, or dominium had been asserted on the continent by any monarchy or state of Western Christendom. It is a context of spiritual and political independence for that original nation – our nation – and for all the original nations existing for thousands of years on Great Turtle Island.

Our nation is living independently of Western Christendom. We have our way of life, with our own language, culture, traditions, ceremonies, origin stories, as well as our families and child-rearing practices. We have our own economy, our own foods and medicines, our own political system and manner of decision making, as well as relations with other nations existing in their own territories.

A group of our nation’s fishermen, together with their wives and children, have gathered at the ocean shoreline for shell fishing. Suddenly, one of the women points out to the others something highly unusual that she has spotted out on the ocean horizon; it appears to be a massive canoe on the water. What our people do not yet know is that they have noticed the first colonizing ship from Western Christendom to reach our part of the world. Given our independence at that time, a question arises: On what basis will the sailing colonizers eventually claim that our nation is rightfully subject to their ideas and standards, and the judgments and documents of their monarchy?

For centuries, colonizing powers have assumed that all the nations of our part of the planet ought to exist “beneath” them. The colonizers based this assumption on what they called “sovereignty” and “possession.” The colonizers manifested this assumption by means of ritualized symbolic acts (Keller, Lissitzyn, and Mann 1938), premised on
the religious origin story these strange immigrants carried with them on their ships. Based on that origin story, the colonizing voyagers assumed—even before they set sail, even as they imagined the journey, even before they could be sure these shores existed, even before the colonizers came ashore—that they already possessed divine and royal authorization and therefore the right to subject the inhabitants of our part of the planet (Great Turtle Island) to the ideas, standards, and judgments of Christian political power to be foisted on the lands and peoples existing in distant places. That assumption later became integral to the political consciousness that served as a foundation of the United States of America.

The Book of Genesis and the Genesis of the Theology of Domination

There is ample documentary evidence that both the genesis of the United States (beginning with the establishment of the first 13 English colonies), and the political relationship between the US government and the original “Indian” nations of the continent, are analogically premised on a Judeo-Christian religious worldview traced first and foremost to the Old Testament of the Bible (Burns 1957, 61).

The biblical worldview that has shaped the US posture toward the original nations of the continent, and the US policies applied to them, are conceptually and politically structured in terms of a higher order dominating position (sovereignty) for the people who are conceptualized as having been chosen by a deity to wield providential power. By contrast, those who are viewed as providentially destined by that deity to be subjected or subordinated to that power of domination are conceptualized as being of a lower order of existence (Newcomb 2008). The operative idealized mental model and analogy is succinctly stated in Genesis 12. The deity of the Hebrews tells Abram (who becomes Abraham) to leave his father’s home and travel with that deity to a distant land that the deity wants Abram and his people to possess. It is a land already inhabited by many other nations, such as the Canaanites. Abram and his people were either to subdue those nations or else to “utterly destroy them” as stated in Deuteronomy 20:17 (Holy Bible 1816, 198).

Psalms 2:8 of the Old Testament exemplifies this pattern, as well: “Ask of me and I shall give thee the heathen for thine inheritance, and the uttermost parts of the earth for thy possession” (Holy Bible 1816, 524, emphasis added). The words are attributed to the Hebrew deity, or God, of the Bible, and they are words spoken to the leader of the “chosen people,” the Hebrews’ King David. As the story goes, David is being told by the deity that he and his people have but to ask, and the providential spirit of the Lord will
“give” them “heathen” nations, such as the Canaanites, as a form of “inheritance” (property), along with the most remote and “heathen” parts of the Earth for them to subdue and possess.

Christians of Western Europe interpreted such passages as applying to themselves, and the so-called “New World” became the land that the Old Testament deity had promised the “chosen people.” As Christians, the English people, too, considered themselves “chosen.” Consequently, once they had located (discovered) “heathen and infidel” lands, they saw themselves as having a divine commission to follow the directive from Genesis to subdue and dominate the part of the Earth that was new to them, and exert a deity-given right of Lordship (domination) over those lands. In their minds, their divine mandate was to discover and take possession of any non-Christian lands they were able to locate, and politically assert an absolute title of sovereignty (domination) over them (Mead 2008; Newcomb 2008). In the minds of the English, then, the colonizers metaphorically played the role of the chosen people and the “Indians” played the role of the Canaanites or pagans in the land that God had promised His chosen English people as they entered and took possession of the land they called their “New Israel” (Cave 1988; Mead 2008).

The English agreed that the right of domination in relation to non-Christian lands belonged to the English crown by virtue of the English location and settlement of the North American lands they “discovered.” The English colonizers were explicit: they had the moral and legal authority to spread their sovereignty and dominion (domination) throughout the world. Historical documents show that the colonizers’ views regarding colonization were conceptually rooted in the Old Testament narrative of the Chosen People and the Promised Land (Cave 1988). For example, on April 15, 1609, three years after the First Royal Charter of Virginia was issued, and one month prior to the issuance of the Second Royal Charter of Virginia, a “Preacher at Saint Saviour’s in Southwarke” named William Symonds delivered “A Sermon Preached at White-Chappel, in the presence of many Honourable and Worshipful, the Adventurers and Planters for Virginia” (Brown 1890, 284). Symonds began his sermon to the colonizers with an exposition of the Chosen People/Promised Land narrative, and the creation story in the book of Genesis, making such claims as:

Genesis 12. 1.2.3. For the Lord had said unto Abram, get thee out of thy Countrey, and from thy kindred, and from thy father’s house, unto the land that I will shew thee.

And I will make of thee a great nation, and will blesse thee, and make thy name great, and thou shalt be a blessing.

Hereupon the Lord ... did make man, both male and female, After his owne image, that is Jesus Christ, and gave them this blessing, Bring forth fruit and multyple, and fill the earth, and subdue it[.] (Brown 1890, 287)

Symonds’s sermon at White-Chappel makes clear the defining importance of the origin story of the biblical Chosen People/Promised Land narrative for the English. As a result of that narrative, the English saw themselves as a chosen people, and therefore authorized by their deity, and by their monarch through a royal patent, charter, or commission, to take possession of remote “heathen and infidel” lands across the ocean. This necessarily required
that they travel by sea to physically search for, seek out, and attempt to locate distant non-Christian lands of which they had no knowledge.

The Genesis of the Doctrine of Christian Discovery

Centuries before the Christian colonizing of North America, the biblical assumptions described above gave rise to papal doctrinal pronouncements that were to have a lasting and devastating impact on original non-Christian nations around the world. After centuries of Christian crusades, during the so-called Age of Discovery it was considered to be “a fundamental law of Christendom that all Christians were in a state of war with all infidels” (Williamson 1962, 53). The Christian state of war against non-Christians “was at that time,” says Williamson, “the justification of the permission to ‘conquer, occupy, and possess’ any non-Christian territories that might be found” (53). It is from this presumption that the claimed right of Christian domination arose as against non-Christians.

This dominating attitudinal posture toward non-Christian lands and their peoples (nations) was articulated in a series of papal bulls or edicts, such as Pope Alexander VI’s papal edict of May 4, 1493, in which he purported to “give, grant, and assign forever to you and your heirs and successors, kings of Castile and Leon, all singular the aforesaid countries and islands ... hitherto discovered ... and to be discovered ... together with all their dominions, cities, camps, places, and villages, and all rights, jurisdictions, and appurtenances of the same” (Davenport 1917, 77). The Latin version of one of the papal edicts from 1493 reads “sub actuali dominio temporali aliquorum dominorum Christianorum constitutum non sint” (Davenport 1917, 59), the significance of which is that it constituted papal authorization to establish a domination of Christian lordship on lands that had not previously been forced under the actual temporal domination of any Christian dominator. The method by which such Christian domination was to be achieved is revealed by the language found in, for example, the papal edict Romanus Pontifex. That document authorized the king of Portugal to go to non-Christian lands, and to “invade, capture, vanquish, and subdue, all Saracens, pagans, and other enemies of Christ, to reduce their persons to perpetual slavery, and take away all their possessions and property” (Davenport 1917, 23).

As famed Dakota/Nakota theologian and lawyer Vine Deloria, Jr. concluded, what the “pious language” of Alexander VI’s edict and other such edicts “meant in practical terms was that if confiscation of [Native] lands were couched in quasi-religious sentiments, the nations of Europe could proceed” (Deloria 1994, 255). Consequently, “[b]y divine law the Christian imperial nations were superior and had the right to dominion and rule over non-Christian inhabitants and their territories” (Parker 1989, 3). Such papal edicts were evidence of a “Christian doctrine of discovery” (Deloria 1999, 82–83) and Christian domination (Newcomb 2011).

From the religio-political perspective of Western Christendom, then, the first Christian nation or people to locate the lands of “heathens” and “infidels” in North America, or elsewhere, was considered to have the right to assert a title of political sovereignty (domination) and a title of dominium in relation to those non-Christian lands.
This was premised on what Alfred A. Cave characterized as the relationship of “Christian imperialism” to the “Canaanite” nations already existing in the North American Promised Land – a relationship based on what he calls the “Providential Theory of Empire” (1988, 279). Clearly, this “Doctrine of Discovery” was not primarily a secular edict, as some – even Deloria – have tended to describe it; rather, it was framed in terms of a religious contrast between Christian believers and non-believer heathens and infidels (Newcomb 2008).

This stance toward non-Christian lands and peoples also was reflected in original colonial documents such as royal charters, which espoused the Doctrine of Discovery in terms of “Christians” or “Christian people,” on the one hand, and “heathens and infidels,” on the other hand. These royal patents and charters arose in a time and attitude of competition among Christians for non-Christian lands (Williamson 1962), for population expansion and imperial economic exploitation. An early example is a royal patent from King Henry VII in 1496, which authorized John Cabot and his sons “to seek out, discover, and finde whatsoever isles, countries, regions or provinces of the heathen and infidels … which before this time have been unknown to all Christian people” (Thorpe 1909, 46–47; Washburn 1995, 30). The Cabot charter’s distinction between “Christian people” and “heathen” and “infidels” is a direct and unmistakable connection to the Genesis story, which thus forms the core of the fifteenth- and sixteenth-century religio-political context for such royal patents of discovery, subjugation (i.e., domination), and dominion.

Once having located any previously unknown non-Christian places, the Cabot letters patent say, the king’s colonizers were to “subjugate” (subjugare) those places so as to expand the king’s “jurisdiction” and “dominium titula” (domination title) and thereby benefit the king and his realm (Thorpe 1909, 45). This same idea was expressed in the later royal charters as well, such as those granted to Sir Humphrey Gilbert in 1578, and to Sir Thomas Gates and renewed to Sir Walter Raleigh in 1606 (see Johnson v. M’Intosh 1823, 577).

Symbol, Ritual, and Imagination in the Presumed Right of Sovereignty

Gary Witherspoon (1977) has noted that culture “is a symbolic code” as well as “a set of conceptions of and orientations to the world, embodied in symbols and symbolic forms.” He has explained that “[t]hrough the adoption of and adherence to particular concepts of and orientations to reality, human beings actually create the worlds within which they live, think, speak, and act” (1977, 3). Christian colonizers’ symbolic codes, conceptions, and forms were the means by which they purported to create their “New World” and their claimed right of sovereignty (right of domination) on the lands of the continent.

As a result of their culturally biased and assumed right of domination, the colonizers symbolically circumscribed, and created a metaphorical overlay on top of, the territories of the original nations of the continent through the performance of ceremonial acts of possession (Banner 2005). As Stuart Banner notes, “[The] settlers performed the ritual
acts they understood to confer sovereignty on their monarchs” (2005, 15). That is, Christians’ rights of sovereignty (domination) were created by means of the colonizers’ performance of metaphorical and symbolic acts (Keller, Lissitzyn, and Mann 1938; Seed 1995). In her Ceremonies of Possession, Seed explains “Colonial rule over the New World was initiated through largely ceremonial practices – planting crosses, standards, banners, and coats of arms – marching in processions, picking up dirt, measuring the stars, drawing maps, speaking certain words, or remaining silent” (Seed 1995, 2).

These symbolic acts required the colonizers to invent mental models and mental maps based on their imagined “reality” (Winter 2001; Newcomb 2008). Through the colonizers’ political use of their imagination, they thought of and artistically created physical maps to depict the territories of the original nations as being inside or within their colonizing zones of sovereignty, and as being part of the dominions of the different Christian European crowns. In this way, the English crown purported to create discrete zones of sovereignty around and over the territories of non-Christian nations. Banner states: “Indian tribes might retain powers of self-government within territories they occupied, but those territories were located within larger zones of sovereignty allocated to European nations on the basis of discovery” (2005, 14–15). 3

Viewed from the shore-to-ship perspective of any given original nation of the continent, those zones of “sovereignty” were zones of unjust Christian domination (Havercroft 2011, 34).

Seed points out that on these bases “sixteenth- and seventeenth-century Europeans also believed in their right to rule” (Seed 1995, 2, emphasis in original). Wilcomb Washburn expresses succinctly the background Christian religious rationale of moral right and religiously premised “legal” authority of domination:

While many other justifications for travel, settlement or conquest in the newly discovered lands were alleged, at the root of the justifications lay the assumption that Christians and Christianity had both a moral right and legal authority to overspread the world. Since this assumption was often accompanied by a belief that the Indians’ mental capacity, culture, or sins against nature rendered them naturally subject to European control, the possibility of peaceful relations between the two races on the basis of reason and respect was not to be expected. The English in large measure inherited these assumptions of European culture. (Washburn 1995, 22–23)

The Christian world regarded the colonizers’ boundary-ascribing rituals as evidence of valid Christian political claims to non-Christian lands. However, such rituals were merely an outgrowth of the mental, cultural, and metaphorical activities which constituted that form of domination typically called “the advance of civilization” that was exhibited by the Christian European powers using their physical and cognitive acumen to extend their domination globally. Yet even the word “civilization” reveals the same domination cognitive frame. Webster’s Third New International Dictionary provides this insightful definition: “the act of civilizing; esp. the forcing of a particular cultural pattern on a population to whom it [that pattern] is foreign” (Webster’s 1993, 413).

From the shoreline viewpoint of the original nations of Great Turtle Island, then, “civilization” is a process by which one invading nation or people forces another nation