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Religion and Constitutional Government in the US

by Semonche, John E.

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be confined to the neighborhood where it originated. The more rapid and the more frequent this interchange, the more rapid will be the march of intellect and the progress of improvement. The mail is the chief means by which intellectual light irradiates to the extremes of the Republic. Stop it one day in seven, and you retard one seventh the improvement of our country. So far from stopping the mail on Sunday, the committee would recommend the use of all reasonable means to give it a greater expedition and a greater extension. What would be the elevation of our country if every new conception could be made to strike every mind in the Union at the same time! It is not the distance of a Province or State from the seat of Government which endangers its separation, but it is the difficulty and unfrequency of intercourse between them. Our mails reach Missouri and Arkansas in less time than they reached Kentucky and Ohio in the infancy of their settlements; and now, when there are three millions of people, extending a thousand miles west of the Alleghany, we hear less of discontent than when there were a few thousand scattered along their Western base.

To stop the mails one day in seven would be to thrust the whole Western country and other distant parts of this Republic one day's journey from the seat of Government. But were it expedient to put an end to the transmission of letters and newspapers on Sunday because it violates the law of God, have not the petitioners begun wrong in their efforts? If the arm of Government be necessary to compel men to respect and obey the laws of God, do not the State Governments possess infinitely more power in this respect? Let the petitioners turn to *them*, and see if they can induce the passage of laws to respect the observance of the Sabbath; for if it be sinful for the mail to carry letters on Sunday, it must be equally sinful for individuals to write, carry, receive, or read them. It would seem to require that these acts should be made penal to complete the system. Travelling on business or recreation, except to and from church; all printing, carrying, receiving, and reading of newspapers; all conversations and social intercourse, except upon religious subjects, must necessarily be punished to suppress the evil. Would it not also follow, as an inevitable consequence, that every man, woman, and child should be compelled to attend meeting; and, as only one sect, in the opinion of some, can be deemed orthodox, must the law not determine which *that* is, and compel all to hear these teachers and contribute to their support? If minor punishments would not restrain the Jew or the Sabbatarian or the Infidel, who believes Saturday to be the Sabbath, or disbelieves the whole, would not the same system require that we resort to imprisonment, banishment, the rack, and the faggot to force men to violate their own consciences, or compel them to listen to doctrines which they abhor? When the State Governments shall have yielded to these measures, it will be time enough for Congress to declare that the rattling of the mail coaches shall no longer break the silence of this despotism. It is the duty of this Government

to afford to *all*, to Jew or Gentile, Pagan or Christian, the protection and the advantages of our benignant institutions on *Sunday*, as well as every day of the week. Although this Government will not convert itself into an ecclesiastical tribunal, it will practice upon the maxim laid down by the founder of Christianity that it is lawful to do *good* on the Sabbath day. If the Almighty has set apart the first day of the week as time which man is bound to keep holy and devote exclusively to his worship, would it not be more congenial to the prospects of Christians to appeal exclusively to the Great Lawgiver of the Universe to aid them in making men better—in correcting their practices by purifying their hearts? Government will protect them in their efforts. When they shall have so instructed the public mind and awakened the consciences of individuals as to make them believe that it is a violation of God's law to carry the mail, open post offices, or receive letters on Sunday, the evil of which they complain will cease of itself, without any exertion of the strong arm of civil power. When man undertakes to be God's avenger he becomes a demon. Driven by the frenzy of a religious zeal he loses every gentle feeling, forgets the most sacred precepts of his creed, and becomes ferocious and unrelenting.

Our fathers did not wait to be oppressed when the mother country asserted and exercised an unconstitutional power over them. To have acquiesced in the tax of three pence upon a pound of tea would have led the way to the most cruel exactions; they took a bold stand against the principle, and liberty and independence was the result. The petitioners have not requested Congress to suppress Sunday mails upon the ground of political expediency but because they violate the sanctity of the first day of the week.

This being the fact, and the petitioners having indignantly disclaimed even the wish to unite politics and religion, may not the committee reasonably cherish the hope that they will feel reconciled to its decision in the case; especially as it is also a fact that the counter memorials, equally respectable, oppose the interference of Congress upon the ground that it would be legislating upon a religious subject and therefore unconstitutional.

ALEXIS DE TOCQUEVILLE,
DEMOCRACY IN AMERICA, I, 1835

A French aristocrat, Alexis de Toqueville travelled extensively through the United States in 1831 and recorded his observations and comments in a two-volume work that is still admired and studied. Tocqueville found much to admire in the energy and convictions of the American people.

The subject of religion especially intrigued him, for here in a country where government and religion were separated, he found religion thriving. Religious liberty, he believed, strengthened the republican institutions of the

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country. Tocqueville believed that Europeans, who regularly complained about the loss of religious faith, might well profit from learning about the American experience with religion.

Religion in America takes no direct part in the government of society, but it must be regarded as the first of their political institutions; for if it does not impart a taste for freedom, it facilitates the use of it. Indeed, it is in this same point of view that the inhabitants of the United States themselves look upon religious belief. I do not know whether all Americans have a sincere faith in their religion—for who can search the human heart?—but I am certain that they hold it to be indispensable to the maintenance of republican institutions. This opinion is not peculiar to a class of citizens or to a party, but it belongs to the whole nation and to every rank of society. . . .

The Americans combine the notions of Christianity and of liberty so intimately in their minds that it is impossible to make them conceive the one without the other; and with them this conviction does not spring from that barren, traditional faith which seems to vegetate rather than to live in the soul.

I have known of societies formed by Americans to send out ministers of the Gospel into the new Western states, to found schools and churches there, lest religion should be allowed to die away in those remote settlements, and the rising states be less fitted to enjoy free institutions than the people from whom they came. I met with wealthy New Englanders who abandoned the country in which they were born in order to lay the foundations of Christianity and of freedom on the banks of the Missouri or in the prairies of Illinois. Thus religious zeal is perpetually warmed in the United States by the fires of patriotism. These men do not act exclusively from a consideration of a future life; eternity is only one motive of their devotion to the cause. If you converse with these missionaries of Christian civilization, you will be surprised to hear them speak so often of the goods of this world, and to meet a politician where you expected to find a priest. They will tell you that “all the American republics are collectively involved with each other; if the republics of the West were to fall into anarchy, or to be mastered by a despot, the republican institutions which now flourish upon the shores of the Atlantic Ocean would be in great peril. It is therefore our interest that the new states should be religious, in order that they may permit us to remain free.”

Such are the opinions of the Americans; and if any hold that the religious spirit which I admire is the very thing most amiss in America, and that the only element wanting to the freedom and happiness of the human race on the other side of the ocean is to believe with Spinoza in the eternity of the world, or with Cabanis that thought is secreted by the brain, I can only reply that those who hold this language have never been in America and that they

have never seen a religious or a free nation. When they return from a visit to that country, we shall hear what they have to say. . . .

THE PHILOSOPHERS of the eighteenth century explained in a very simple manner the gradual decay of religious faith. Religious zeal, said they, must necessarily fail the more generally liberty is established and knowledge diffused. Unfortunately, the facts by no means accord with their theory. There are certain populations in Europe whose unbelief is only equaled by their ignorance and debasement; while in America, one of the freest and most enlightened nations in the world, the people fulfill with fervor all the outward duties of religion.

On my arrival in the United States the religious aspect of the country was the first thing that struck my attention; and the longer I stayed there, the more I perceived the great political consequences resulting from this new state of things. In France I had almost always seen the spirit of religion and the spirit of freedom marching in opposite directions. But in America I found they were intimately united and that they reigned in common over the same country. My desire to discover the causes of this phenomenon increased from day to day. In order to satisfy it I questioned the members of all the different sects; I sought especially the society of the clergy, who are the depositaries of the different creeds and are especially interested in their duration. As a member of the Roman Catholic Church, I was more particularly brought into contact with several of its priests, with whom I became intimately acquainted. To each of these men I expressed my astonishment and explained my doubts. I found that they differed upon matters of detail alone, and that they all attributed the peaceful dominion of religion in their country mainly to the separation of church and state. I do not hesitate to affirm that during my stay in America I did not meet a single individual, of the clergy or the laity, who was not of the same opinion on this point.

This led me to examine more attentively than I had hitherto done the station which the American clergy occupy in political society. I learned with surprise that they filled no public appointments; I did not see one of them in the administration, and they are not even represented in the legislative assemblies. In several states the law excludes them from political life; public opinion excludes them in all. And when I came to inquire into the prevailing spirit of the clergy, I found that most of its members seemed to retire of their own accord from the exercise of power, and that they made it the pride of their profession to abstain from politics.

I heard them inveigh against ambition and deceit, under whatever political opinions these vices might chance to lurk; but I learned from their discourses that men are not guilty in the eye of God for any opinions concerning political government which they may profess with sincerity, any more than they are for their mistakes in building a house or in driving a

furrow. I perceived that these ministers of the Gospel eschewed all parties, with the anxiety attendant upon personal interest. These facts convinced me that what I had been told was true; and it then became my object to investigate their causes and to inquire how it happened that the real authority of religion was increased by a state of things which diminished its apparent force. These causes did not long escape my researches.

The short space of threescore years can never content the imagination of man; nor can the imperfect joys of this world satisfy his heart. Man alone, of all created beings, displays a natural contempt of existence, and yet a boundless desire to exist; he scorns life, but he dreads annihilation. These different feelings incessantly urge his soul to the contemplation of a future state, and religion directs his musings thither. Religion, then, is simply another form of hope, and it is no less natural to the human heart than hope itself. Men cannot abandon their religious faith without a kind of aberration of intellect and a sort of violent distortion of their true nature; they are invincibly brought back to more pious sentiments. Unbelief is an accident, and faith is the only permanent state of mankind. If we consider religious institutions merely in a human point of view, they may be said to derive an inexhaustible element of strength from man himself, since they belong to one of the constituent principles of human nature. . . .

As long as a religion rests only upon those sentiments which are the consolation of all affliction, it may attract the affections of all mankind. But if it be mixed up with the bitter passions of the world, it may be constrained to defend allies whom its interests, and not the principle of love, have given to it; or to repel as antagonists men who are still attached to it, however opposed they may be to the powers with which it is allied. The church cannot share the temporal power of the state without being the object of a portion of that animosity which the latter excites. . . .

As long as a religion is sustained by those feelings, propensities, and passions which are found to occur under the same forms at all periods of history, it may defy the efforts of time; or at least it can be destroyed only by another religion. But when religion clings to the interests of the world, it becomes almost as fragile a thing as the powers of earth. It is the only one of them all which can hope for immortality; but if it be connected with their ephemeral power, it shares their fortunes and may fall with those transient passions which alone supported them. The alliance which religion contracts with political powers must needs be onerous to itself, since it does not require their assistance to live, and by giving them its assistance it may be exposed to decay.

The danger which I have just pointed out always exists, but it is not always equally visible. In some ages governments seem to be imperishable; in others the existence of society appears to be more precarious than the life of man. Some constitutions plunge the citizens into a lethargic somnolence,

and others rouse them to feverish excitement. When governments seem so strong and laws so stable, men do not perceive the dangers that may accrue from a union of church and state. When governments appear weak and laws inconstant, the danger is self-evident, but it is no longer possible to avoid it. We must therefore learn how to perceive it from afar.

In proportion as a nation assumes a democratic condition of society and as communities display democratic propensities, it becomes more and more dangerous to connect religion with political institutions; for the time is coming when authority will be bandied from hand to hand, when political theories will succeed one another, and when men, laws, and constitutions will disappear or be modified from day to day, and this not for a season only, but unceasingly. Agitation and mutability are inherent in the nature of democratic republics, just as stagnation and sleepiness are the law of absolute monarchies.

If the Americans, who change the head of the government once in four years, who elect new legislators every two years, and renew the state officers every twelve months; if the Americans, who have given up the political world to the attempts of innovators, had not placed religion beyond their reach, where could it take firm hold in the ebb and flow of human opinions? Where would be that respect which belongs to it, amid the struggles of faction? And what would become of its immortality, in the midst of universal decay? The American clergy were the first to perceive this truth and to act in conformity with it. They saw that they must renounce their religious influence if they were to strive for political power, and they chose to give up the support of the state rather than to share its vicissitudes.

In America religion is perhaps less powerful than it has been at certain periods and among certain nations; but its influence is more lasting. It restricts itself to its own resources, but of these none can deprive it; its circle is limited, but it pervades it and holds it under undisputed control. . . .

In Europe, Christianity has been intimately united to the powers of the earth. Those powers are now in decay, and it is, as it were, buried under their ruins. The living body of religion has been bound down to the dead corpse of super-annuated polity; cut but the bonds that restrain it, and it will rise once more. I do not know what could restore the Christian church of Europe to the energy of its earlier days; that power belongs to God alone; but it may be for human policy to leave to faith the full exercise of the strength which it still retains.

FOURTEENTH AMENDMENT, U.S. CONSTITUTION, 1868

One of three additions to the Constitution following the Civil War, the Fourteenth Amendment was primarily designed to write safeguards for the