DISCLAIMER SHEET

The Lustre of Our Country
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University of California Press

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Martyrs and crusaders—two clichéd images of Christians so old that their power to invigorate any movement might be doubted, yet so evocative of the relation of believers to the state that they are indispensable in measuring Durkheim’s hypothesis that each nation has an established religion, which is the worship of itself. Worship itself and produce martyrs who defy it? Worship itself and generate crusaders who change it? I begin here with the martyrs and end with the crusaders. In between I look at those who, neither martyrs nor crusaders, accommodate themselves to the state but remain believers.

MARTYRS

The Jehovah’s Witnesses held a doctrine that impelled them to challenge directly and explicitly the notion of the nation as supreme. They understood the prohibition of Exodus 20:3–5 against worship “of a graven image” to apply to the salute to the flag. Like early Christians refusing to sacrifice incense to the emperor because it was idolatry, the Witnesses refused to perform what was for many citizens a patriotic ceremony and was for others an empty ritual. In Germany in the 1930s the Witnesses for their pains were persecuted by Hitler, and in 1935 their American leader, Judge Joseph Franklin Rutherford, compared the compulsory salute of the American flag to the idolatrous Nazi salute, “Heil Hitler.” All around the country Witnesses began to risk the expulsion of their children from school and their own prosecution as contributors to truancy by instructing their children not to give a salute required by law in at least thirty states. By 1939 some two hundred of their children had been expelled. The Witnesses claimed to be exercising their religious freedom. They lost everywhere. Chief Justice Arthur Rugg of the Supreme Judicial Court of Massachusetts voiced the prevailing judicial view: “The pledge of allegiance to the flag . . . has nothing to do with religion.”

Supreme Court of the United States was not interested in reviewing the expulsions or convictions. The national consensus was clear.

In 1940, as part of the same impulse that led the national court to decide Cantwell, the court agreed to hear the case of the two Gobitis children expelled by the school board of Minersville, Pennsylvania for failure to give the obligatory salute. Two weeks after the Supreme Court in Cantwell had enforced Free Exercise for the first time, the court in Gobitis rejected the challenge to the national symbol. Writing for the court, Felix Frankfurter declared that the case involved "an interest inferior to none in the hierarchy of legal values." That interest superior to other values he identified as the interest of "national unity"—exactly what Durkheim would have predicted. Frankfurter elaborated: national unity was "the basis for national security." The corollary was also Durkheimian: the symbol must be preserved in order to preserve the substance. The nation's flag was to be saluted when law required it. There was a single dissent.

The Jehovah's Witnesses were already unpopular. Before the decision came down on June 31, 1940, they had been victims of several incidents of mob violence in Texas. After the decision, individual Witnesses were attacked in Maine (beating, burning of the Kingdom Hall in Kennebunk), West Virginia (forced drinking of castor oil), Wyoming (tarring and feathering); Nebraska (castration), Arkansas (shooting), Illinois, Indiana, Maryland, Mississippi, Oregon (mob attacks). Two states, Oklahoma and Texas, accounted for 40 percent of the incidents. Small towns, not tolerant of outsiders, were the usual sites.

Legal measures against the Witnesses added to their woes. Many communities now adopted new flag salute requirements. In Indiana two women Witnesses were sentenced to two-to-ten years in prison for "flag desecration" because they had distributed literature opposing the salute; their convictions were ultimately overturned. The Mississippi legislature, stating that "the very life and existence of these United States and the state of Mississippi are threatened" by Germany, Italy, and Japan, made it a felony, punishable by imprisonment until the end of the war, to teach or distribute literature "which reasonably tends to create an attitude of stubborn refusal to salute, honor, or respect the flag." One Witness, R. E. Taylor, was sentenced under the statute. Affirming his conviction, 3–3, the Supreme Court of Mississippi rejected Taylor's claim of free exercise of religion and declared that religion's "primary object is a haven of rest after life's fitful fever is over." It is a fallacy of the rankest kind to assume that loyalty to one's country and its flag is attributing to them any aspect of divinity or omnipotent power." In at least thirty-one states legal steps were taken to expel nonsaluting Witness children from the public schools. Planned by no central authority, unintended by the Supreme Court, overshadowed by World War II, the legal and illegal persecution of Witnesses from 1941 to 1943 was the greatest outbreak of religious intolerance in twentieth-century America. Popular religion, the national religion one would be tempted to say, appeared triumphant.

Not all subscribed. A split appeared. The New Republic, which Frankfurter had helped to found, said that the court had come "dangerously close" to being the victim of war hysteria. The Harvard Educational Review said the decision subordinated the civil liberties of minorities to "the will of the majority." Christian Century, the liberal Protestant magazine, said, "Courts that will not protect even Jehovah's Witnesses will not long protect anybody." America, the Jesuits' journal, said that the court had permitted destruction of "one of the most precious rights under the Federal and our State Constitutions." Thirty-nine law reviews discussed the decision, thirty-one of them negatively. Few decisions of the Supreme Court in modern times have met with such across-the-board rejection by journals of religion joined by the journals of the nation's law schools.

A new case, from a West Virginia town, found its way to the national court. The Witnesses, making use of the earlier briefs in Gobitis, drew on the heroic figures of Jewish history who had observed their duty to God and had refused to worship idols. Daniel and Esther were set before the court. Frankfurter's opinion was boldly attacked: it was the Dead Scott of modern constitutional law. Influenced by the intellectual revolution against Gobitis, the court shifted; 6–3, in West Virginia State Board of Education v. Barnette, it affirmed the injunction of a federal district court forbidding state officials to require the flag salute in a West Virginia school.

Remarkably, however, the rationale that commanded a majority was not specifically Free Exercise but a global invocation of the First Amendment. The most eloquent writer on the modern court, Robert Jackson, writing the most eloquent opinion of his life, concluded: "the action of the local authorities in compelling the flag salute and pledge transcends constitutional limitations on their power and invades the sphere of intellect and spirit which it is the purpose of the First Amendment to our Constitution to reserve from all official control." The Virginia Statute on Religious Freedom had affirmed that God had made the mind free. Omitting the reference to the Creator, Jackson breathed the confidence
of Madison and Jefferson that the government could not compel belief. Paradoxically, he applied the religious verb *transcend* to the secular intrusion. Climactically, he affirmed “the right to differ as to things that touch the heart of the existing order.” Sweeping, he asserted: “If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.”

Announced on Flag Day, in the middle of a great war, Jackson’s opinion in *Barnette* was a manifesto for freedom, a rejection of the totalitarian philosophy of the enemy, a ringing rejection of the proposition that the highest in the hierarchy of the values of the law was national unity. Rejecting that proposition, the center of Frankfurter’s opinion in *Gobitis*, Jackson effectively rejected the Durkheimian analysis. If the national symbol of unity was subordinate to other values, could the nation really be said to worship itself? Confronted by the martyrdom of the Witnesses, the Supreme Court answered No.

**IN-BETWEEN BELIEVERS**

Durkheim, uncompromisingly atheistic, reified the sacred as things untouchable. For Christians as for Jews religion is a relation not to a thing but to a person. The relation requires a personal response. Suppose Durkheim’s thesis were made less absolute and adapted to the facts of American practice, even altered to admit the existence of God. The compelling clarity of the original concept would be lost, but a more useful explanation of the United States might be had. Such an approach was undertaken by Robert Bellah, a sociologist whose understanding of America and of religion gives his work particular distinction. In a path-breaking essay he suggested that the United States has a “civil religion.”

By “civil religion” Bellah meant more than that consensus on values that George Santayana critically described as “the genteel tradition”—the residuum of Protestantism that retains a belief in personal responsibility and civic decency under the auspices of a superintending deity concerned with the destiny of the United States; a residual content dwindled in its latter days into a vision of the good life as making a lot of money by fair means, spending it generously, moving fast, and being friendly to the neighbors. That tradition, as it once existed and as it survives in tatters, is more accurately classified as an ethos than as a religion, and although it undoubtedly has impacted government, its influence has been indirect, implicit, and barely religious.

The American civil religion as conceived by Bellah is the religion practiced by the government. It is a religion in which certain documents—the Declaration of Independence, the Constitution and the Bill of Rights, the Gettysburg Address—have had a defining force; a religion in which these documents have the sacredness of scripture. It is a religion in which certain events—the Revolution, the Founding of the Nation, the Civil War—have taken on the archetypal significance of such biblical events as the Exodus. As Bellah quoted Robert Lowell, the Civil War becomes “a symbolic and a sacramental act,” confirmed by the martyrdom of President Lincoln, likened to “the Christian sacrificial act.” The religion is manifested in such public holidays as Memorial Day and Thanksgiving and in the proclamations and inaugural speeches of the presidents. This religion is not specifically Christian, for it does not focus on Christ; nor is it a substitute for Christianity. Although the phrase “civil religion” is derived from Rousseau, Bellah did not reflect Rousseau’s belief that a republic and Christianity are incompatible. This civil religion is not Secular Humanism nor is it ceremonial deism nor the deism that recognizes only a clockmaker creator unconcerned with his creation. Its most salient features are these: it asks that America seek justice; it recognizes that America is guided by divine providence; it acknowledges that America stands under the judgment of God. In the Declaration of Independence the Founders appealed to “the Supreme Judge of the world.” The civil religion of America still makes this appeal.

Civil religion performs a Durkheimian function, but it seeks the approbation of God. Durkheim’s atheism is absent. Civil religion synthesizes American history and heroes with biblical notions of divine destiny, supervision, reward, and retaliation. It is not the nation worshiping itself. It is the creed, symbols, and ceremonies uniting, directing, inspiring the nation.

For Bellah, the civil religion was not an unconstitutional establishment of religion. For him the liberalism that saw the state as “a purely neutral legal mechanism without purposes or values” was “a *reductio ad absurdum* and a sociological impossibility.” Historically a neutral state had never existed. The American republic was formed and maintained by the religion that animated it. Bellah’s powerful representation, drawing on Durkheim without succumbing to the monstrous implication that Leviathan must worship itself, is seductive in offering a vision for be
believers and troublesome and even outrageous to champions of absolute separation of the state from religion.

I prefer a different approach, an approach not focused on the institutional but on the individual. The individual fulfilling a public office is "in-betweener"—that is, he or she is both an officeholder with particular responsibilities and a human person with all that that implies; therefore in between the state and the religion chosen by the individual's conscience. The governmental phenomena in which religion is manifested are effects by persons enrolled in existing religions distinct from any civil religion. The military chaplains, for example, are recruited from particular denominations; they do not enter on their service as representatives of an ecumenical creed; they say mass or preach sermons or expound the Torah as Christian clergymen or Jewish rabbis. In the same way, the tax exemptions and the draft exemptions are accorded members of particular religious organizations or persons believing in specific theologies; more is required to qualify for the exemptions than belief in a superintending deity. Bellah's case for civil religion, powerful as it is in what it accounts for, leaves a good deal unaccounted for.

Civil religion is a construct, a synthesis that plausibly explains some American practices but obscures the place of persons in creating the practices. Nations do not worship, persons do. Persons have their own religions not identified with any hypothetical religion of the nation. To say person is to say intellect, intention, interiority. Persons make up collectivities, represent them, perform parts in them, and are not identical with them. To understand the person is to understand not only the part played in the collectivity but to understand the personal intention as well.

No human action is performed without a human intention inseparable from description of the action. Description of the practice of persons in terms of function must ultimately be incomplete and, if incomplete, distorted. Attention needs to be focused on the intentions of those fulfilling the roles assigned to them in what is described as civil religion. As individuals, they might, as an eminent church historian claimed, experience only "bewesement and puzzlement" hearing their practices portrayed as rites of civil religion. When the intentions of public officials are taken into account, the acts described as civil religion may become acts of individual believers expressing beliefs that do not depend upon their roles but transcend them.

The general case of liturgical prayer is instructive. For Jews, for Christians, religion is a relation to a Being conceived of as having intelligence in which human beings respond to an intelligent, willing God. The relation requires a response to a Person. At the same time Jewish and Christian liturgies have standard prayers that the worshiper is invited to employ to speak to God. Prayer is an unusual form of personal communication because it consists in phrases formed centuries before the person reciting it existed. The worshiper may make the prayer personal as, say, the Our Father is for many Christians. Prayer in liturgical usage, therefore, can be at once collective and individual. Presidential piety has the same characteristic. Presidential proclamation and speeches addressing God are formulaic. They have an archaic ring. They can be personal. No one would mistake Abraham Lincoln's voice addressing the deity for the voice of Franklin Roosevelt.

Consider the example of the presidential prayer on D-Day and its invocation of "our religion" so apparently antithetic to Bellah's case. After the three paragraphs already quoted at the start of the previous chapter, President Roosevelt's prayer continued, stating his request to God that "by Thy grace, and by the righteousness of our cause, our sons will triumph"; asking God as "Father" to receive the fallen into His kingdom; asking God's help "to redeem ourselves to Thee in this hour of great sacrifice"; calling on "our people" to "devote themselves to a continuance of prayer", each morning and evening; and concluding, "Thy will be done, Almighty God."

Roosevelt's prayer may be read as a prime exhibit of civil religion or, I would contend, as a shining instance of personal convictions placed in a public context. Uttered with the urgency of a supreme occasion, it is laced with specific Christian concepts: grace; a kingdom after death in which the resurrected will live; the fatherhood of God; the efficacy of prayer; the duty of submission to the divine will. Careful not to offend Jewish listeners by explicit reference to Christ, the prayer concludes with words familiar from Jesus's improvisation of a Jewish prayer and the common Christian recitation of it. No impersonal supervisor is addressed but the God of the Our Father taught by Jesus. The prayer is that of an Episcopalian ecumenically phrasing his petitions. The strength of the prayer—its sincerity dare one say—is that it so compactly unites Christian theological themes germane to the crisis at hand. The distinctive personal cadence of the presidential prayer testifies to the vigor with which the highest officeholders have on occasion exercised their own religion.

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The fusion of personal piety and public activity may trouble and outrage not only strict secular segregationists but Christians who see the fusion as the state subordinating religion to its grosser ends. The spectacle of prayer supporting the military enterprises of the state may be odious
Martyrs and Crusaders
to religious pacifists. More generally, Christians committed to social justice are appalled by the ease with which Christian officeholders have served unjust purposes of the state. The martyrs are few, the Christians in office, many. The critics point to the past—the long acceptance by the mainline churches of the legal system's support of slavery, the churches' failure to condemn the governmental spoliation of the Indian, the churches' support of wars of conquest against the Indians, Mexico and Spain. The critics ask, Has religious freedom been good for religion? Their answer is No.

The debate in the House of Representatives in 1995 on the flag desecration amendment would appear to confirm these critics' fears. In the debate in the House there was occasional quotation from Frankfurter's references in *Gobitis* to the rational symbol. The flag was credited with talismanic force as "what makes us all Americans" and what "makes this America." Freedom of speech has been the value most cherished by the courts. This amendment had the effect of removing one kind of communication from the protection of the Bill of Rights. Speech was subordinated to protection of the flag. *Barnette* appeared to be forgotten in the desire to make the national symbol sacred.

Undoubtedly for these elected American representatives there was not a chasm between their religion and their commitments to the government of the United State. Most of the members of Congress (all but 16) identified themselves publicly as members of religious denominations. The four great sects of Madison's day were still visible, supplemented by the Catholics and the Jews. In all 143 were self-identified as Catholic, 63 as Baptist, 61 as Methodist, 54 as Presbyterian, 50 as Episcopal, 86 as other Christian, and 53 as Jewish. These religious commitments coexisted comfortably with the patriotic purpose of protecting the flag. Honor to the flag was not prayer for the members of Congress, God, who was invited to "bless our great country," was not identified with the country. Worshiping a personal deity, the advocates of the amendment did not suppose that the flag was God's symbol or substitute.

A critic who would see in these convictions either unjustified and blind complacency or conscious hypocrisy would fail to do justice to the idealism and the integrity of many persons in public service. Such a critic would have to assume that only his or her judgment on America was correct. Above all, such a critic would not give due weight to the individual intentions with which a believer might fulfill the role of representative without denying personal belief. Like pure functionalists, such critics would deny the primacy of the personal. The critics merit the con-
demnation that colonialist anthropology has received. Their moral superiority is achieved by imposing their categories upon the persons observed. The imposition is neither humane nor Christian. As Czeslaw Milosz wrote Thomas Merton after the Trappist monk denounced the war leaders of America: "I wonder whether you, Tom, being on the side of the young America sub-society, should not think sometimes that they [the leaders] are human beings too, in spite of their benighted minds." Once humanity is recognized, religious intentions distinct from role must be acknowledged. In-betweens—a Robert Jackson, a Franklin Roosevelt—are not to be turned into robots of the state. Their religious commitments, often transcending the state, disprove the Durkheimian hypothesis. They do not, however, refute it with the irresistible force of the crusaders.

**CRUSADERS**

Crusades evoke the European examples. The evocation is not happy for Americans of Jewish ancestry. The etymology of the term tucks in the Christian *crux*. On more than one occasion there was an anti-Semitic spillover from the carrying out of a crusade. Nor are the examples attractive to rationalists who abhor religions fanaticism; nor do the original instances embody for most Christians an exemplary following of Christ. They were marauding military expeditions. Nonetheless, Woodrow Wilson did not hesitate to describe America's war against the Kaiser as a crusade; and President Roosevelt asking for divine blessing on D-Day prayed: "O Lord, give us Faith. Give us Faith in Thee; Faith in our sons; Faith in each other; Faith in our united crusade."

The president's chosen description was repeated after victory by the victorious commander, Dwight D. Eisenhower, whose account of it was entitled *Crusade in Europe*. Certainly the invasion had several characteristics of a crusade: the introduction of armed force into foreign land, a proclaimed belief in the righteousness of the cause and the evil of the adversary, the blessing of the clergy, and the invocation of God as guarantor of the righteousness and the victory. The general's use of the term *crusade* showed that, whatever unpleasant historical associations the word might have, for many Americans it had a positive resonance. To fight for the good in God's name appealed. Crusades are attractive to many Americans. They are the most distinctive characteristic of Free Exercise in this country. I shall define them now more metaphorically, and more precisely, than either Roosevelt or Eisenhower.
By crusades in the present context I mean campaigns to change the laws of the country and thereby to change the conduct of the people of the country; campaigns waged with intense and explicit religious conviction, with the use of religious categories and symbols, citing sacred scripture; campaigns led by churchmen and organized by churches; employing prayer in their support and contending that the crusaders seek to enact the will of God.

No guarantee exists that all crusades will be for good objects. But that crusades will occur has been made likely by the nature of Christianity conjoined with the First Amendment. From one perspective, crusades are splendid instances of the Free Exercise of religion. What action could be more free than the religious endeavor to change the laws that the existing government embraces and enforces? What exercise could be more vigorous than organization to effect political results? Crusades make nonsense of Tocqueville’s counsel to religion to stick to preachments about eternity. Crusades make sense of Tocqueville’s dictum that religion is America’s foremost political institution. From another perspective, crusades challenge the assumption underlying free exercise: that no religion will win. Of the four completed crusades three have left indelible marks on the United States.

The paradigmatic crusade was for the abolition of slavery. Its chief features have been concretely illustrated in the chapter entitled “God is Marching On”: a heavily clerical leadership and organized church support, especially among Congregationalists and Unitarians; an intense religious conviction that slavery was a national sin and an unrestrained use of this theological category to describe and denounce the practice of slaveholding; appeal to the Bible, especially to the Old Testament commandment against adultery (slaves were often sexually abused) and the New Testament injunction to love one’s neighbor as oneself (slaves were by definition never treated as oneself); frequent assertions that it was God’s will that slavery be ended, as in Theodore Parker’s speech on Webster stating that one must choose between God or the devil; frequent prayers to end the evil, culminating in Julia Ward Howe’s hymn to the God who was marching on.

Howe was not alone among women entering the campaign through religion. The most potent of antislavery novels, Harriet Beecher Stowe’s Uncle Tom’s Cabin, was thick with religious themes. Lydia Maria Child put out, as early as 1831, the Anti-Slavery Catechism. Maria Weston Chapman in 1836 published Songs of the Free and Hymns of Christian Freedom, addressed to those “who labor for the freedom of the America.

can slave,” urging them on in their “spiritual warfare,” and reminding them that they needed “imagination and affection” in order to follow “the dictates of reason and revelation.”

The crusade became the work of freed blacks as well. William and Ellen Craft, the Georgia couple married by Theodore Parker, went on a speaking tour of New England, narrating their experience of slavery and escape. The Reverend Leonard Grimes, a free Virginian, moved to the New Bedford area of Massachusetts and then to Boston where his Twelfth Baptist Church became a key station in the underground railroad. In 1854 Grimes attempted to ransom Anthony Burns, the Baptist minister, in whose attempted rescue from the Boston Court House Parker joined. It was no accident that Burns, held there by the authorities, should address his prayers “To all the Christian Ministers of Christ in Boston.”

The federal response to Southern secession resists cataloging as a crusade when for Lincoln the motive of preserving the Union avowedly predominated. Yet, once the war began, the slack spirits who had scorned Theodore Parker now acknowledged that he had started “the crusade” in which they were now joined. In this vein a young Bostonian wrote to Charles Eliot Norton, the essence of the genteel tradition at Harvard, apropos of Norton’s review of Joinville’s memoirs of the crusade in Palestine led by Saint Louis: “the story seems to come up most opportune now when we need all the examples of chivalry to help us bind our rebellious desires to steadfastness in the Christian Crusade of the 19th century. If we didn’t believe that this war was such a crusade, in the cause of the whole civilized world, it would be hard indeed to keep the hand to the sword; and one who is rather compelled unwillingly to the work by abstract conviction than borne along on the flood of some passionate enthusiasm, must feel his ardor rekindled by stories like this . . . No—it will not do to leave Palestine yet.” The writer is Captain Oliver Wendell Holmes, Jr., thrice wounded and much worn by over three years of war, already something of a skeptic, but with ardor rekindled willing to think of his service at the front as part of the crusade of the century. If the future justice could see the war itself as a crusade, a fortiori less critical minds must have been stirred by the analogy with Western Christendom’s military reclamation of the Holy Land. Julia Ward Howe’s hymn for the republic is a crusader’s song.

The Civil War was brought about by the antislavery crusade, the absoluteness of whose religious-moral claims angered and alienated and frightened the slaveholding South into rebellion. And the religious di-
Martyrs and Crusaders

The crusade against polygamy was less divisive because the proponents of polygamy were few, and it was far less noble because it did not take the lives of the crusaders; no chivalry was needed. The form of campaign, however, was similar, the crusade as early as 1856 finding its alliance with the Republicans, whose party platform in that year announced "the imperative duty of Congress to prohibit in the territories those twin relics of barbarism, polygamy and slavery." The next year President Buchanan, a Democrat, was advised to try "the almost universal excitement of an anti-Mormon crusade." When he ordered federal troops into the Utah territory it was generally seen as a federal effort to "root out polygamy as an affront to Christian morality."

The Church of Jesus Christ of Latter-day Saints taught that it was the duty of an adult male Mormon to practice multiple marriages, "circumstances permitting," and that failure to perform the duty "would be damnation in the life to come." Multiple marriage was no mere option or indulgence. It was a commandment, founded on the Church's exegesis of the Bible and a direct revelation by God to Joseph Smith. The Church became the target of the crusaders, who were chiefly Methodists, Presbyterians, Congregationalists, all committed to a monogamy they perceived as a requirement of Christianity.

In 1862, with the Republicans in control of Congress, "An Act to punish and prevent the Practice of Polygamy in the Territories of the United States" was passed. Bigamy was criminalized. The territorial legislature's incorporation of the Church was annulled. Madison's old wish for mortmain legislation was granted; in the territories no church could acquire real estate worth in excess of $50,000. Abraham Lincoln signed the bill into law. From the Mormon perspective, the majority was enforcing its morality. As one of this minority expressed it: religion in America was for every man "a matter between himself and God alone"—providing God don't shock our moral ideas by introducing something we don't believe in. If He does, let Him look out."

When finally, in 1879, the legislation of 1862 was challenged in the Supreme Court as a breach of Free Exercise, the challenge was unanimously rejected. To accept it "would be to make the professed doctrines of religious belief superior to the law of the land and in effect to permit every citizen to become a law unto himself." Madisonian madness was out. The author of the opinion, Chief Justice Morrison R. Waite, an Episcopalian, described it as "my sermon on the religion of polygamy."

Emboldened by this success, the crusaders pressed for more stringent enforcement and harsher laws. Polygamists were disqualified from voting and from being jurors in the territories. To prove polygamy, the government was dispensed from proving sexual intercourse between two women held out by one man as his wives; his maintenance of two households was sufficient proof. Legislation for the federal territory of Idaho prescribed an oath to be taken by anyone registering to vote. The applicant had to swear that "I am not a member of any order, organization, or association which teaches, advises, counsels or encourage its members, devotees or any other person to commit the crime of bigamy or polygamy, or any other crime defined by law, as a duty arising or resulting from membership in such order, organization or association ... that I do not and will not, publicly or privately, or in any manner whatever teach, advise, counsel or encourage any person to commit the crime of bigamy or polygamy ... either as a religious duty or otherwise." The government found the oath—one of the oldest heresy-hunting techniques—to be useful and combined it in an indictment with the statute against conspiracy, the prosecutor's most useful weapon. The government charged Samuel D. Davis and others with conspiracy to register to vote, when in truth each defendant was a member of the Mormon Church, which they knew taught, advised, counseled and encouraged its members and devotees to commit bigamy and polygamy as duties arising from membership. Davis was convicted and fined $300. He appealed, invoking Free Exercise and also Article VI of the Constitution ("No religious test shall ever be re-
Methodists. A powerful ally was an organization candidly announcing its religious roots: the Women's Christian Temperance Union. In 1887 H. H. Rutherford, a minister using “individual Protestant churches as his basic organizational unit,” led the way in designing legislation authorizing local governments to abolish the saloon. The newly found Anti-Saloon League was self-identified as “the Protestant church in action.”

The leader of the league’s educational work, Ernest Cherrington, wrote of its success: “The church voters’ lists . . . constituted the real key.”

In addition to the evil effect of alcoholism on the individual the reformers stressed the damage done to such Christian institutions as marriage and the family. Alcohol was associated with sexual sin in lowering inhibitions; the saloons were seen as centers for prostitution. Just as in the crusade against slavery, the danger to chastity—a high value in Western Christianity—gave added flair to sermons against the scoundrel.

The religious reformers were largely effective in influencing the Republican Party. There was also a religious split, with the adherents of the more liturgical, wine-using religions—Catholics, Episcopalians, Jews—showing little appetite for the abolitionism urged by zealous preachers. The Eighteenth Amendment, when it finally passed, made all wine-using liturgies difficult if not impossible by imposing a ban on sale or transportation of “intoxicating liquors” used “for beverage purposes.” No one, for example, could say that the wine used for mass was not an intoxicating liquor. No one could say that a ritual consisting in the drinking of such wine was not using the wine as a beverage. A beverage is a drink. The consumption of the wine by the priest was not imaginary. The words of the mass were “Drink of this.” Whatever Catholic theology’s understanding of transubstantiation as effecting the change of what looked like wine into the blood of Christ, the transportation of the wine prior to consecration violated the rule established as part of our fundamental law. How could the Catholic faith be freely exercised if its central rite had to be truncated? The criminal law, the Volstead Act, which actually enforced the constitutional prohibition, avoided the problem by diluting the constitutional command, explicitly excepting wine used “for sacramental purposes, or like religious rites.” The mass, communion services, Jewish seders were saved, at the small expense of ignoring the text of the Eighteenth Amendment. The crusaders, although they captured the nation, had had to accommodate those who did not share their absolute abhorrence of alcohol. The accommodation was a token that their victory would not be lasting. They had not achieved the crushing national consensus essential for the permanent enthronement of a religious-moral doctrine.
If the third crusade was spearheaded by the Protestant church in action, the fourth crusade has been aptly described by one of its leaders, the Reverend Joseph Lowery, as “the black church coming alive.” Its opening moments occurred in 1955 in Montgomery, Alabama when Rosa Parks refused to move to the back of the bus and was arrested for violating a municipal ordinance segregating bus seating by race. Martin Luther King, Jr., a local pastor, emerged as the leader of a boycott of the buses by blacks. At each critical stage King spoke in the language of religion. At the first mass meeting he quoted the words of Jesus as reported in the Gospels, told the crowd that their protest should be “with Christian love,” and gave as advice, “Let your conscience be your guide.” The crowd sang “Onward Christian Soldiers.” When his house was bombed, King cooled the crowd saying, “What we are doing is just. God is with us.” When he and the other black ministers backing the boycott went on trial for maliciously interfering with a business, their black followers filled the courtroom wearing cloth crosses bearing Jesus’ words on the cross, “Father, forgive them.” When the Supreme Court held the Montgomery ordinance unconstitutional, an anonymous black’s exclamation was recorded: “God Almighty has spoken from Washington, D.C.” The transformation of the young minister who emerged as the leader was to be not as overtly miraculous as that of the young carper in the Legend of Will Denman, but the fruits were to be as palpable. And for King, conscience was a trumpet.

The decisive phase of the modern movement for civil rights began at the call of one layman and four ministers for a meeting of black churchmen and other black leaders in January 1957 at the Ebenezer Baptist Church in Atlanta. From that meeting emerged the Southern Christian Leadership Conference, whose name incorporated its inspiration and purpose. The guide to what must be done was the Christian churchmen’s recognition that civil rights could be won only by political means and “that direct action is our most potent political weapon.” Who would engage in this action? The leadership answered: “The campaign is based on the most stable social institution in Negro culture—the church.”

The Southern Christian Leadership Conference was the force that developed the infrastructure of the civil rights movement. It provided moral, material, and organizational support to local protesters, otherwise isolated and at a disadvantage before the white power structure. Acting upon local communities it cultivated the mental attitudes conducive to protest. It led to large numbers of people wanting freedom from oppressive discrimination. Its “most magnificent accomplishment” was “the creation of a disciplined mass movement of Southern blacks.”

Twenty-one of the twenty-five original officers of the Southern Christian Leadership Conference were ordained ministers. Its president was the Reverend Martin Luther King, Jr. Its members (it had no individual members) were chiefly Christian churches or organizations. Its characteristic form of meeting was a rally modeled on a church revival, featuring a charismatic minister, often the Reverend King himself. Its imagery was biblical—for example, the present state of subservience was seen as “Egypt”; Moses was put forward as the exemplar of a deliverer. Financing came largely from the churches, chiefly from “black church-oriented meetings outside the South.” Preaching in black churches once had focused on acceptance of one’s lot in this world. The crusaders insisted that religion made a difference in society. Changing the focus and the emphasis of the sermon, the crusaders used the traditional power of religious teachers to affect cultural consciousness. The charismatic preaching of King himself “translated the message of the folk gospel” and embodied “a system of knowledge and persuasion created by generations of black folk preachers.” The notion of a crusade was congenial to the religious consciousness of blacks: so Ida B. Wells, a leader against lynching and in an earlier time, called her autobiography Crusade For Justice. King himself was the subject of a biography entitled Crusader Without Violence. The Southern Christian Leadership Conference employed the term “crusade” in its 1958 drive to register blacks to vote, which was christened “The Crusade for Citizenship.”

The religious intrusion into Southern politics was bitterly resented by beneficiaries of the existing order. As a letter received by the Reverend George Lee in Mississippi put it: “Preacher, instead of preaching the Gospel, what you say you are called to do, you are preaching to Negroes here in Humphreys County to register and vote. You had better do what you claim you were called to do, preach the Gospel.” The crusade continued, the Reverend Lee, murdered shortly after receiving this request, one of its martyrs.

A climactic moment was the confrontation planned by the Southern Christian Leadership Conference in Birmingham in 1963—a systematic, wholehearted battle against segregation which would set the pace for the nation.” The 16th Street Baptist Church in Birmingham was chosen as headquarters. This church and three other Baptist churches provided the leadership with a starting constituency of close to five thousand. The Reverend King was in charge but avoided arrest until, choosing Good Friday as the day, he disobeyed a court injunction and was put in Birmingham City Jail. From there he penned the famous epistle addressed
to "fellow clergymen": "Just as the apostle Paul left his village of Tarsus and carried the gospel of Jesus Christ to the far corners of the Greco-Roman world, so I am compelled to carry the gospel of freedom beyond my home town...I hope the church as a whole will meet the challenge of this decisive hour." Nearly one million copies of the Letter From Birmingham Jail were distributed.

And Martin himself was to know a real Good Friday, killed in a way that made him a martyr as well as a crusader. By his death he accomplished what Theodore Parker, a crusading preacher, fell short of doing. His fusion of the crucified with the crusader assured the perpetuation of his memory and his dream.

His movement succeeded because of the cohesion produced by "music, religious oratory, prayers, and shared symbols." Following the confrontations in Birmingham, 758 demonstrations occurred in 186 cities across the South; 14,733 persons were arrested. One year later Congress passed the Civil Rights Act of 1964. As effectively as the northern ministers who had advocated abolition, the black ministers of the Southern Christian Leadership Conference had intervened in the political system, provoked confrontation and conflict, and carried their crusade to victory.

Probably not enough crusades have occurred to warrant the generalizations that sociologists seek to draw from, or impose on, history. Certain salient features may be noted. It has been argued that only when the religious community is united has it been successful; but the prohibitionists achieved temporary, and the abolitionists achieved permanent, success in the face of religious opposition. What has counted has been determination, organization, intensity. These outpourings of moral energy do not arise from the friendly and insipid tolerance of the genteel tradition. They horrified that tradition by their harshness, zeal, and intolerance of the evil to be crushed. Their objectives are humane; their methods and their spirit are religious in their rigor, their purity, their faith, and their fire.

That cool eighteenth-century rationalist, David Hume, had warned that religious zeal must be checked by governmental measures if disaster was to be avoided. Madison had read Hume and not followed him: the cure was worse than the disease. Madison himself had never seen a crusade. The eruption of religion into politics he had observed had carried him to Congress, but when he proposed the First Amendment the experience of crusades was not in the forefront of his thought. When the First Amendment was adopted, it was without cost to government. Crusades have demonstrated that Free Exercise is, in fact, expensive.

Crusades make citizens uncomfortable, obviously those who disagree with their objective and some who deplore their methods. They appear to be extreme. They are typically described as abandoning preaching for politics, as making the pulpit the hustings. Invoking God, the crusaders put their opponents at a moral disadvantage; the opponents naturally resent the criticism and resist the claim. The cost in social tension is high; in the case of abolition, it was a cost measured in lives.

Religiously speaking, crusades appear to be a Christian phenomenon, with roots in the prophetic tradition of Judaism. Whether the methods of any crusade are always compatible with Christ's commandment of love may be doubted or disputed; but the Christ of the Gospel according to Luke declares: "I come to send fire upon the earth, and what do I wish but that it be kindled...Think you that I am to give peace upon the earth? No, I tell you, discord." Warrant for a crusader's cast of mind can be found in such Scripture. Crusades do not come from the government (the anti-Mormon movement is arguably a partial exception) but tell the government that there is an evil that must be extirpated. They soak up the energy of churchmen who, an unbeliever might speculate, need outlets for their energy. They give purpose and prestige to the religion that backs them.

Religion has flourished in America. Once there were sixteen denominations, four of them major; now over fourteen hundred denominations exist. Between 1791 and 1991, it is estimated with some probability, the percentage of the population belonging to a church has nearly doubled from 34 percent to 62 percent. Growth and variety of this kind must be due in part to competition, as Madison predicted. Part, too, must be ascribed to the energy developed by crusades, as he did not predict.

The crusades have not, however, bestowed permanent benefits on the churches that have sponsored them. Free Exercise authorizes full mobilization on behalf of a moral imperative religiously conceived. Free Exercise stands against any takeover of the government by a church. Crusades, in fact, have sought the enforcement of a moral claim, not the setting up of an ecclesiastical regime.

Crusades do, when successful, establish as the law of the land what begins as the religious perception of a moral requirement. Employing religion as a political institution, they mold the morals of the country. They lead to the enactment into law of religious-moral doctrine. At the same time they flourish because of the First Amendment. The government is not empowered to restrain them. They respond to imperatives that transcend the secular state. They are expressions of the demands of con-
science. They have played a major part in the American experiment of Free Exercise.

Before these bursts of religious belief, infiltrating the society, capturing the organs of government, the Durkheimian theory withers. These eruptions are not the worship of society but its reformation. They do confirm Bellah's insight that America wants to be under judgment. They are a call to judgment in the name of an authority above the state, and the state responds, subject to a sovereignty not its own.

Enshrined in the First Amendment, Free Exercise has become a cultural ideal. Imperfectly honored in practice, it is beyond verbal challenge in America: Manasseh Cutler, Joseph Story, Alexis de Tocqueville testify to this truth. Internalized by many Americans, the ideal has borne fruit in religiously mixed marriages, in religiously mixed schools, in ecumenical cooperation in charitable enterprise. These civic benefits have not been destroyed by the disruption of civic harmony that crusades have brought about. The crusade completed, no church established, Americans have come again together without those dark and bitter hatreds and ancient grudges still carrying a religious label in many parts of the world. Race has been an American problem. Religion has been the source of turmoil and of civic strength. The United States has become the active monitor and advocate of religious freedom everywhere.

It was the prophecy of James Madison that the lustre of the American light would illumine the world. That light has penetrated into many corners. Without making an encyclopedia of all the places it has reached, I propose in what follows to examine three countries and one church in their response to the American ideal.