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Pennsylvania Institutes Religious Liberty, 1682-1860

THE PENNSYLVANIA TRADITIONS of religious liberty show a remarkable continuity from the 1680s until the Civil War, a pattern best exemplified by institutional history. Indeed, by focusing on the colonial assembly, state legislature, courts, laws, constitutions, and institutional church as they defined religious liberty over time, it becomes apparent that in Pennsylvania the politicians and the churches—both clergy and laity—fell in love with freedom of religion early in the eighteenth century, and that the essential outlines of Pennsylvania's nineteenth-century pattern emerged before the Great Awakening. To be sure, because policy was made on an ad hoc basis, no one pattern of church and state, no consistent pattern of strict neutrality or accommodation, marked the Pennsylvania experience either before or after 1776. Modifications in the concept and practice of religious liberty occurred, and the ideology of republicanism forced rethinking.[1] Still, with the major exception of pacifism,

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[1] Thomas Curry, *The First Freedoms: Church and State in America to the Passage of the First Amendment* (New York, 1986), discusses all the colonies, but devotes only cursory attention to Pennsylvania. For the larger literature on religious liberty in early America, see William McLoughlin, *New England Dissent, 1630-1833* (2 vols., Cambridge, 1971); Richard Bushman, *From Puritan to Yankee: Character and Social Order in Connecticut, 1680-1760* (Cambridge, 1971); Thomas Buckley, *Church and State in Revolutionary Virginia, 1776-1787* (Charlottesville, 1977); Alan Heimert, *Religion and the American Mind from the Great*

even William Penn could have felt comfortable with the state's practices in 1860.

Pennsylvania's tradition of religious liberty began with William Penn. Like other Quakers, Penn had experienced persecution in England and wanted the new colony to allow freedom of conscience.[2] This meant that Pennsylvania would have no established church, no tax-supported clergy, no tithe, no church courts. Yet Penn also wanted the order, the stability, and the morality the church conferred upon the existing political order. Good government depended upon virtuous citizens, and religious institutions were the primary force in instilling a morality originating in natural law, discoverable from reason, and confirmed by scripture. So, while the first Pennsylvania law codes made no provision for an established church, the law encouraged religious observances and mandated a moral system. In addition to laws enforcing the civil elements of the Ten Commandments (outlawing blasphemy, murder, theft, and adultery), the statutes reflected Quaker influence in proscribing stage plays, cockfights, and swearing, and in requiring strict observance of the Sabbath. Pennsylvania was also to be a Quaker commonwealth with no provision made for a militia, no special status for clergy, and no tendering of oaths. Penn assumed that by guaranteeing freedom of religion, his colony could attract a wide variety of religious people, and he remained certain that these godly settlers could agree upon a moral framework that could keep the peace.[3]

Penn's utopian vision for his "holy experiment" did not lead to harmony. Members of the Church of England who came to seven-

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Awakening to the Revolution (Cambridge, 1966); William Troutman, "Respecting the Establishment of Religion in America" (Ph.D. diss., Duke University, 1959); Rhys Isaac, "Religion and Authority: Problems of the Anglican Establishment in Virginia in the Era of the Great Awakening and the Parson's Cause," *William and Mary Quarterly* 30 (1973), 3-36; and Isaac, "Evangelical Revolt: The Nature of the Baptists' Challenge to the Traditional Order in Virginia, 1765-1776," ibid. 31 (1974), 345-68. John F. Wilson, ed., *Church and State in America: A Bibliographic Guide* (2 vols., Westport, 1987), is a complete bibliography spanning the colonial period to the present.

[2] Mary Maples Dunn, *William Penn: Politics and Conscience* (Princeton, 1967); Sally Schwartz, "William Penn and Toleration: Foundations of Colonial Pennsylvania," *Pennsylvania History* 42 (1983), 284-312.

[3] J. William Frost, "Religious Liberty in Early Pennsylvania," *Pennsylvania Magazine of History and Biography* (hereafter, *PMHB*) 105 (1981), 424-31.

teenth-century Pennsylvania accepted toleration but not religious liberty. They wanted to re-establish the pattern of religion that they had known in England, where the Church of England set the tone for the society. There was also a political reason. After 1689 in England Quakers received toleration, but they were not allowed to hold political office. To extend the English practices to Pennsylvania would have forced Quakers out of the Assembly and allowed Anglicans to run the colony.

The Church of England had relatively few members in Pennsylvania and no power in the Assembly. If the Anglicans had been a majority in the colony, they would have created a tax-supported church and barred Friends from political office. After all, these things happened when the Anglicans established their church in Maryland and in North and South Carolina. Anglican efforts to change the definition of religious liberty in Pennsylvania failed, in part because all other denominations in colonial America were wary of the Church of England.[4] The experience in New York warned those in Pennsylvania about the limits of toleration. When Lord Cornbury, a nephew of Queen Anne, became governor of New York and New Jersey, in 1701, he wanted to establish the Church of England in these colonies. He also sought to curb dissenters from enlarging their followings, which on one occasion caused Cornbury to imprison the Presbyterian preacher Francis McKemie for his itinerant speaking across New York.[5] Baptists and Presbyterians in Pennsylvania in the early eighteenth century preferred Quaker liberty to Anglican toleration.

Pennsylvania held firm, and it remained free, in part because virtually all of the settlers supported religious liberty. The pattern of Pennsylvania's sectarian definition of separation of meeting from government was reinforced by the first wave of German settlers. The Mennonites, the Amish, and later, the German Brethren, or Dunkers, were very much like the Quakers. All of these groups used plain dress, distinctive speech, and unpaid ministers; they refused to take

[4] Ibid., 438-41; Deborah Mathias Gough, "Pluralism, Politics, and Power Struggles: The Church of England in Colonial Philadelphia, 1695-1789" (Ph.D. diss., University of Pennsylvania, 1978), 25-72.

[5] Boyd Schenther, ed., *Life and Writings of Francis McKemie* (Philadelphia, 1971), 21-25, 189-244.

oaths; and they settled in enclaves.[6] In Europe none of these sects had enjoyed state support, so they had learned before arrival in America to manage their church affairs internally and to control members. They adjusted easily to affairs in Pennsylvania, where the government welcomed them and left them alone so long as they did not disturb the peace. The German sectarians came to the colony for economic advantage and religious freedom, and their success reinforced those elements there.

Most eighteenth-century German immigrants were not sectaries but members of either the Lutheran or Reformed churches. The German laity preceded the clergy, and the laity founded and controlled the new Lutheran and Reformed churches. When the clergy came somewhat later, they had to learn that they could not re-establish the European pattern.[7] Adapting to Pennsylvania conditions required time and a reorientation of the minister's role in church and society. Henry Melchior Muhlenberg, the most prominent Lutheran immigrant minister, estimated that it took seven years of seasoning for a European pastor to learn how to function in Pennsylvania,[8] where a clergyman had to operate less as a political-spiritual authority supporting the existing realm than a spiritual politician working with members of his congregation and where a clergyman needed to adjust to being hired on contract by laity who could easily dismiss him.[9] The European pastor in Pennsylvania had to learn that the support the congregations gave to churches was voluntary and that minister and congregation cooperated in decisions to build a church or discipline a church member. Anticlericalism and theological debates flourished. Gottlieb Mittelberger described mid-eighteenth-century Pennsylvania

[6] Charles Henry Smith, *Mennonite Immigration to Pennsylvania in the Eighteenth Century* (Norristown, 1929); Richard MacMaster, *Land, Piety, Peoplehood: The Establishment of Mennonite Communities in America, 1683-1790* (Scottdale, 1985); Donald Durnbaugh, ed., *The Brethren in Colonial America* (Elgin, 1967).

[7] Charles H. Glatfelter, *Pastors and People: German, Lutheran, and Reformed Churches in the Pennsylvania Field, 1717-1793* (2 vols., Breinigsville, 1980-1981), *2*:239-47.

[8] Theodore G. Tappert and John H. Doberstein, eds., *Journals of Henry Melchior Muhlenberg* (3 vols., Philadelphia, 1942-1948), *2*:295.

[9] William Stevens Perry, ed., *Papers Relating to the History of the Church in Pennsylvania* (n.p., 1871), 245, 458-59.

as heaven for farmers and artisans, and hell for preachers and government officials.[10]

All immigrant churches except Roman Catholics had trouble in colonial Pennsylvania with their clergy. The government offered no support to either clergy or laity except when blasphemy of God or Christ occurred.[11] The colony was governed by a pacifist sect that did not baptize children, did not have a eucharist, and did not maintain a paid clergy. The church people complained that the sectaries rejoiced in the discomfiture of the clergy.[12] Some ministers came to Pennsylvania to escape difficult situations in Europe and were temperamentally unable to adjust. Others without ordination came as indentured servants and sought to pass themselves off as regular clergy.[13] Depression, immorality, and squabbling often characterized the clergy of the Lutherans, Reformed, Anglicans, and Presbyterians.[14]

[10] Gottlieb Mittelberger, *Journey to Pennsylvania*, ed. by Oscar Handlin and John Clive (Cambridge, 1960), 47-48.

[11] Glatfelter, *Pastors*, *2*:200-201; Tappert and Doberstein, eds., *Journals of Henry Melchior Muhlenberg*, *1*:690-92.

[12] Perry, ed., *Papers*, 245.

[13] Glatfelter, *Pastors*, *2*:194-201.

[14] Leonard Trinterud found the failure of the Old Light Presbyterian clergy exemplified by their moral failings. He calculated that eight of twelve Old Light ministers had blemishes on their record. Among the Anglicans, Francis Phillips was accused of boasting about seducing the wives of two prominent men and the daughter of another man. The rivalries between Robert Jenney, Richard Peters, William Smith, William Sturgeon, Archibald Cumings, and William MacClenachan kept the politics constantly alive. Even when there were only a few clergymen of each denomination, they quarreled over theology, credentials, authority, and money. Muhlenberg, for example, also complained about the "malum Hypocondriacum" of those who came from Halle. Among the Reformed, Berger, Zufall, and Lange drank too much; Bartholmaus and Wittner were melancholy if not depressive. Two New Jersey examples of incompetent clergymen will suffice: Casper Stapel, a single man, attempted to choose a wife by putting the names of fifteen or sixteen young women into a hat and pulling one out. Both the young women and the congregations were displeased. Stapel also drank too much. After an unsuccessful pastorate, Stapel returned to a life described as drinking a little, practicing medicine, and thinking about women. Pastor Wolf, a German, married a New Jersey woman, but after their child was born, the wife upset his pride when she diapered their baby in a room where he was present. So he attempted to beat her and later to divorce her. While refusing to conduct services, Wolf sought to collect his full salary on the basis of a contract entered into by the congregation before his arrival. The biographical sketches of John Daniel Schroeter, Ludolph Henry Schrenck, Casper Lewis Schnorr, John Christian Schultz, and Daniel Schumucker in Glatfelter, *Pastors*, *1*:121-27, show the failings of many

The churches survived the errant clergy. The harsh physical conditions in early Pennsylvania also made for religious heroes. The shortage of ministers was so severe and the needs of the populace so pressing that a pattern of itinerancy, with circuit riders who served many parishes, became the Pennsylvania pattern long before the arrival of the Methodists. Traveling in all kinds of weather, underpaid, frequently abused by anticlerical sectarians and church people, many of the colonial ministers inspired their congregations by their piety and devotion. In time the problems of adjustment to a new world eased as denominations created a synod, coetus, or ministerium. These organizations helped structure a denominational pattern for authority within the churches and between clergy and congregation. The clergy learned that freedom allowed a relationship based upon affection and shared religious understanding and experience to tie a church together. A pastor whose preaching served as a means of grace gained the loyalty of his parishioners. Religious liberty gave the church the opportunity to manage its own affairs free from governmental interference, and the clergy gained the independence to support or criticize the policies of the government.

Religious freedom—the equality of all men and all churches before the law—allowed new roles and responsibility for the laity. Indeed, religious freedom allowed the laity to acquire the tools necessary for democracy. Church members learned to act responsibly in calling the minister, signing the contract with him for salary, and accepting liability for the debt incurred for the church building. Congregations were delighted at first with anyone who could read the liturgy and give a passable sermon. They began to distinguish real from bogus clergymen, to ask for credentials, to realize that the cheapest traveling so-called minister was not the best, and to recognize that supporting a denominational organization brought benefits. Like the Quakers, the German laity supported a religious liberty that resulted in no lordly clergy, no tithes, no militia, and no war.

German Lutheran and Reformed ministers. Leonard J. Trinterud, *Forming an American Tradition* (Philadelphia, 1949), 135-36; R.L. Winter, *John Caspar Stoever* (n.p.), 92-93; W.J. Hinke, ed., *Life and Letters of Rev. John Philip Boehm* (Philadelphia, 1916), 266; *Minutes of the Coetus of the Reformed German Congregations of Pennsylvania* (Philadelphia, 1903), 179-80, 205, 246, 252, 285; Gough, "Pluralism, Politics, and Power Struggles," 87-89, 136-46, 181, 224-34.

Successful churches were those in which the minister cooperated with the laity in such delicate tasks as allocating pews arranged according to the contributions, pew-rent, and prestige of members. Communion was a potential source of friction between minister and congregation, for most Protestant churches had some restriction upon the communion table. A member had either to make confession or have a conference with a pastor. Those practicing immoralities could be barred, but ministers learned that a false accusation of immorality could bring a suit for libel.[15] In Pennsylvania the clergy and laity increasingly recognized the need to work together to preserve the reputation of their churches.

The laity wanted good relationships among denominations. Lutheran and Reformed churches had existed harmoniously in the Palatinate. In America members intermarried, formed Union churches, and cooperated at the local level.[16] Their members did not wish ministers to stress theological divergences that would divide the community. At the same time, members wanted to preserve their denominational affiliation. Dutch Reformed, German Reformed, and Presbyterians were all Calvinist; while they worked together and, on occasion, ordained each others' ministers, all resisted any organizational unity.[17] Lutherans and Anglicans also discussed a merger, but none resulted.

The Moravians first came to Pennsylvania in the 1740s. Their leader, Count Nicolaus Ludwig von Zinzendorf, hoped that the religious freedom Pennsylvania offered would provide the opportunity for all denominations to join in an ecumenical fellowship nurtured by a common sacramental piety. The conferences Count von Zinzendorf instituted were not successful, because the Moravians also created distinctive communitarian settlements and the other settlers did not trust the count's intentions (Count von Zinzendorf was an

[15] Israel Acrelius, *History of New Sweden: Or, the Settlement on the River Delaware*, trans. by William M. Reynolds (Philadelphia, 1874), 238, 305; H[enry] Harbaugh, *Life and Labors of Rev. Michael Schlatter* (Philadelphia, 1857), 202; Perry, ed., *Papers*, 101, 161, 192, 458-59.

[16] Glatfelter, *Pastors*, *2*:161-70.

[17] James I. Good, "Early Attempted Union of Presbyterian and German Reformed," *Journal of the Presbyterian Historical Society* 3 (1905-1906), 129-36.

imperious nobleman, a pietist, a Moravian bishop, and a Lutheran minister).[18]

Moravian ministers claiming also to be Reformed or Lutherans began serving congregations of these denominations. The result was a series of church battles, several of which became court cases, when the Reformed and Lutheran members feared that they might lose their religious identities.[19] The Pennsylvania courts refused to decide these and other church cases involving property on the basis of theology. Rather, in each case the courts sought to determine either the wishes of the founders or the desires of the majority of the congregation.[20] Eventually, the Moravians became a distinct denomination with its own churches.

Religious liberty divorced theological conflicts from the state. The colony allowed trustees of religious groups to hold property; if there were schisms or dissension within a church, the courts decided the matter based upon property law, not ecclesiastical precedent. The state would not try to determine whether either of two feuding religious groups was legitimately entitled to claim the property as being truly Presbyterian, Baptist, Lutheran, or Reformed.

Religious freedom also eased conflict among denominations, because many clergy and laity saw what united them was more significant than their differences. While Presbyterians, Anglicans, Lutherans, and Quakers might squabble with each other, their rivalries paled against the blood feuds within the denominations. Indeed, one could speculate that the lack of temporal penalties prolonged intra-church disputes and was a liability of religious toleration. These disputes sometimes erupted because of various religious traditions in one denomination. The Presbyterians, for example, came from Scotland, Ireland, New England, and England, and they were further divided over the evangelical revival movement known as the Great Awakening

[18] August Gottlieb Spangenberg, *Life of Nicholas Lewis Count Zinzendorf*, trans. by Samuel Jackson (London, 1838); [Nicolaus Ludwig] Count von Zinzendorf, *Maxims, Theological Ideas and Sentences out of the Present Ordinary of the Brethren's Church* (London, 1751).

[19] Glatfelter, *Pastors*, *2*:93-94, 99, 126-34.

[20] Tappert and Doberstein, eds., *Journals of Henry Melchior Muhlenberg*, *1*:544-52, 618-19, and *2*:512.

which split Presbyterian congregations and even the synod.[21] Likewise, Lutherans and Reformed carried from Europe conflicting attitudes towards orthodoxy and pietism. Religious freedom meant that the state was not weakened because of schisms within denominations.

One test of religious liberty is how a society deals with deviant groups, outcasts—those who challenge the dominant norms of that society. In colonial Pennsylvania there were three such groups: the followers of Conrad Weisel (who set up the cloister at Ephrata), the Moravians at Bethlehem, and the Roman Catholics. All three groups occasioned some problems with the government of Pennsylvania.

Weisel at Ephrata created a settlement where celibacy was observed. Some women in Pennsylvania left their husbands and joined the community at Ephrata, living apart from their families. When the husbands brought suit against Weisel, the question before the colony's courts was whether Weisel by attracting the women to Ephrata had created alienation of affections. The courts ruled that they had no jurisdiction. Weisel and the women were not accountable for their religious beliefs. So long as the Ephrata community paid its taxes and observed the moral law, the colony's officials would not intervene.[22] The same pattern happened at Bethlehem. The Moravians who settled at Bethlehem created an exclusive settlement where they were virtually self-governing. Their goods were held in common; they reserved the right to restrict any migrant coming into the community; and young people made decisions, by casting of lots, on whether to marry and whom to marry. Even the Moravians worried whether such autonomy would be allowed by Pennsylvania officials.[23]

[21] For general histories of Presbyterians in Pennsylvania, see Trinterud, *Forming an American Tradition*; Guy Klett, *Presbyterians in Colonial Pennsylvania* (Philadelphia, 1937); Martin Lodge, "The Great Awakening in the Middle Colonies" (Ph.D. diss., University of California, Berkeley, 1964); Elizabeth Ingersall, "Francis Alison: American 'Philosophe,' 1705-1799" (Ph.D. diss., University of Delaware, 1974); and Marilyn Jeanne Westerkamp, "Triumph of the Laity: The Migration of Revivalism from Scotland and Ireland to the Middle Colonies, 1625-1760" (Ph.D. diss., University of Pennsylvania, 1984).

[22] Brother Lamech, *Chronica on Ephratense*, trans. by J. Max Hark (Lancaster, 1889), 45, 58, 83, 140, 216, 239.

[23] Joseph Levering, *A History of Bethlehem, Pennsylvania, 1741-1892* (Bethlehem, 1903), 147, 210-12; Jacob Sessler, *Communal Pietism Among Early American Moravians* (New York, 1933); Gillian Linda Gollin, *Moravians in Two Worlds: A Study of Changing Communities* (New York, 1967).

How could the Moravians, who had come to Pennsylvania for religious reasons, guarantee their rights to religious freedom? The government's answer was to permit Bethlehem to become virtually a self-governing township. The local justice of the peace was a Moravian, and the member of the Pennsylvania Assembly from Bethlehem was a Moravian. In short, the Moravians were allowed to practice their religion as they saw fit, with no interference from the goverment of Pennsylvania.

Roman Catholics had a more complicated relationship with Pennsylvania authorities. Roman Catholics were greatly feared in seventeenth- and eighteenth-century America. English toleration had come at the expense of Roman Catholics; in fact, the main content holding Protestants in England together after 1689 was that they were not Roman Catholic. The British government did not permit Catholics to enjoy full legal equality in Pennsylvania. The Crown insisted that members of the government take an oath or an affirmation of allegiance that barred all Roman Catholics, Jews, and deists from serving.[24] When the Assembly attempted to nationalize foreign Roman Catholics, the British government said no. Theoretically, then, a foreign-born Roman Catholic in Pennsylvania could not own property, but in practice that law was not enforced. Only in Pennsylvania, of all the British dominions, were Catholic priests allowed to own property and to worship publicly. Pennsylvania was the exception because the charter granting liberty of conscience had been given before the Glorious Revolution of 1688, and the 1705 law on religious liberty did not mention Catholics.[25] Still, Roman Catholics in Pennsylvania had to bear the burden of being of the same religion as the King of France and the Stuart pretender to the English throne. Between 1689 and 1815, England and France were regularly at war with one another. The issue for patriotic English Americans was whether Roman Catholics in time of war would remain loyal to Protestant Eng-

[24] *Votes and Proceedings of the House of Representatives of the Province of Pennsylvania. Pennsylvania Archives*, Eighth Series (8 vols., 1931-1935), *1*:402; James T. Mitchell and Henry Flanders, eds., *Statutes at Large of Pennsylvania from 1622 to 1801* (14 vols., Harrisburg, 1896-1909), *2*:465, 489-90; *Minutes of the Provincial Council of Pennsylvania* (16 vols., Harrisburg and Philadelphia, 1838-1853), *2*:229; Charles J. Stille, "Religious Tests in Provincial Pennsylvania," *PMHB* 9 (1885), 365-406.

[25] *Minutes of the Provincial Council of Pennsylvania*, *3*:546-47, 567.

land, or support Catholic France.[26] On two occasions during wars, in 1740 and 1758, Philadelphia mobs attacked Catholics.[27] Both times Quaker magistrates in Philadelphia intervened to stop the destruction or the burning of Catholic property.

In any polity, the assumed obligation of citizens to defend the state from foreign attack or domestic rebellion is one of the principal, and often the most sensitive, tests of religious liberty. In Pennsylvania the obligation assumed special importance because of the pacifism of the Quakers and various pietistic German sects. Pacifism became a political issue in Pennsylvania because the Friends controlled the Assembly. When governors attempted to raise a militia, the Assembly refused, arguing that Penn's grant of liberty of conscience entailed making no provision for defense. A law creating a militia and requiring men to serve would violate the consciences of the assemblymen and inhabitants. The sons of William Penn proclaimed their support for the colony's policy of religious freedom, but they interpreted liberty differently from the Assembly. The Proprietors, none of whom were Quakers, approved of the legal equality of all religious bodies. Thomas Penn, for example, opposed granting charters of incorporation for individual churches because he did not wish to give any church special privileges. By the 1740s the Proprietor wished to destroy the political power of the Quakers in the Assembly.[28] Since the Proprietary party could not win elections, Thomas Penn sought to use the Friends' refusal to take oaths as a method of barring them from membership in the Assembly. He hoped to persuade the English government that the Quakers' pacifism made them unfit to govern.[29] His supporters argued that the Quakers imposed their sectarian beliefs upon the entire populace and thereby destroyed the legal equality of all de-

[26] Joseph Casino, "Anti-Popery in Colonial Pennsylvania," *PMHB* 105 (1981), 279-309.

[27] Joseph P. Kirlin, *Catholicity in Philadelphia* (Philadelphia, 1909), 77; "Diary of Daniel Fisher," *PMHB* 17 (1893), 274.

[28] General interpretations of this period include Alan Tully, *William Penn's Legacy: Politics and Social Structure in Provincial Pennsylvania, 1726-1755* (Baltimore, 1977); and Jack Marietta, "Growth of Quaker Self-Consciousness in Pennsylvania," in J. William Frost and John M. Moore, eds., *Seeking the Light: Essays in Quaker History* (Wallingford, 1986), 79-104.

[29] Thomas Penn to Richard Peters, 1755, Penn Correspondence, IV, 75; Thomas Penn to Robert Hunter Morris, Jan. 27, 1756, ibid., IV, 218; and March 13, 1756, ibid., IV, 245 (Historical Society of Pennsylvania).

nominations. Friends supposedly prostituted their religion for political gain, so tendering them an oath was not an infringement of religious liberty.[30] Spokesmen for both the Presbyterians and Anglicans denied the Assembly's contention that religious liberty required pacifism. Both Gilbert Tennent and William Smith, for example, sought to demonstrate that military service contributed to Christian liberty.[31] Whether or not the parishioners agreed with their clergy on the issue of pacifism, the inhabitants continued to elect Quakers to the Assembly.

In the imperial struggles the English fought with the French and Spanish in the early eighteenth century, the Assembly preserved pacifism within the colonial context by voting money requested by the royal government and restricting its use for non-military supplies.[32] This strategy worked until General Edward Braddock was defeated in 1755 and the Indians began raiding the Pennsylvania frontiers. The Quaker-dominated Assembly voted a war tax and passed a law authorizing the creation of a militia composed of volunteers. Thomas Penn blamed the Indian troubles on the unprepared state of the colony caused by Quaker pacifism. While he proposed tendering an oath, the British government instead accepted an arrangement worked out by English Friends whereby American Quakers would withdraw from the Assembly in wartime.[33] This compromise purportedly preserved both the peace testimony and religious liberty.

Even before news of the arrangement reached Philadelphia, the elders of the Philadelphia Yearly Meeting brought pressure upon Quaker members of the Assembly to step down. A sufficient number either resigned or declined to stand for re-election, so that there would no longer be a Quaker majority.[34] The Yearly Meeting protested the

[30] William Smith, *A Brief View of the Province of Pennsylvania* (London, 1756), 17, 58, 60, 76-77.

[31] Gilbert Tennent, *Late Association for Defense Encouraged* (Philadelphia, 1748); Tennent, *Late Association for Defense Further Encouraged* (Philadelphia, 1748); and Horace Smith, *Life and Correspondence of Rev. William Smith, D.D.* (Philadelphia, 1879), 112-15.

[32] Herman Wellenreuther, "The Political Dilemma of the Quakers in Pennsylvania, 1681-1748," *PMHB* 95 (1970), 135-72; Jack Marietta, *The Reformation of American Quakerism* (Philadelphia, 1984), 131-49.

[33] Thomas Penn to James Hamilton, Feb. 13, 1756, Penn Correspondence, IV, 250; Thomas Penn to Richard Peters, March 22, 1756, ibid., IV, 260.

[34] Marietta, *Reformation of American Quakerism*, 150-68, is the most complete account.

militia law and the war tax as violations of Pennsylvania's liberty of conscience, and a few Quakers refused to pay the tax. After 1755 the Quakers would never again have a majority in the Assembly, though after peace was restored in 1763 many regained their seats.

The American Revolution completed the Quakers' withdrawal from politics because it split Pennsylvania along religious lines. Virtually all the inhabitants opposed the new British taxes after 1765 and approved of resistance to what they saw as unconstitutional actions. For the Quakers, the Moravians, the Mennonites, and some Anglicans, the issues after 1774 were war and revolution, and while they were willing to negotiate, they were not willing to fight.[35] Quakers couched their opposition to war before 1776 in the rhetoric of religious liberty.[36] Their opponents since Queen Anne's War had denied that religious liberty required pacifism. Instead, they asserted that the pacifists' refusal to form a militia was a denial of freedom for the majority and an attempt to give Quakerism unequal status. The arguments used by both sides in 1776 recapitulated those employed earlier when Pennsylvania confronted war. Many revolutionaries believed that the sectarians favored the British, and that forcing a test oath or affirmation would force loyalty.[37] They did not see this requirement as weakening religious liberty but as punishment for those who wished to escape from the burdens of defending liberty. With the freedom of everyone at stake, no one should escape the common burdens.

When independence became the issue, the Quakers lost power, and Pennsylvania repudiated the charter and its 1701 Frame of Government, but the separation of churches from the government was so basic in Pennsylvania's colonial heritage that it remained part of the state's new constitution in 1776. The constitution guaranteed no persecution for religious belief, and it granted to all the free

[35] Richard Ryerson, *The Revolution is Now Begun: The Radical Committees of Philadelphia, 1765-1776* (Philadelphia, 1978), identifies the denominational loyalties of the men who supported and opposed the war and independence.

[36] Marietta, *Reformation of American Quakerism*, 211-32; Arthur Mekeel, *The Relation of Quakers to the American Revolution* (Washington, 1979), 84-104, 129-47, 160-69; MacMaster, *Land, Piety, Peoplehood*, 249-87.

[37] *Votes and Proceedings of the House of Representatives . . . of Pennsylvania*, *8*:7327-30, 7334-37, 7348-50.

exercise of religion. Any pacifist component of religious liberty ended, however, and those who for conscience refused to serve in the militia or to pay war taxes received fines and extra taxes. The revolutionary government disfranchised Quakers, Moravians, and Mennonites by tendering them an oath or affirmation which required assistance in the war effort. While the pacifists lost religious freedom, the Roman Catholics gained equality because British anti-papal loyalty oaths and restrictions on naturalizing Catholics ended.

The first draft of the new constitution specified that any property owner who believed in God could serve in the legislature. The Protestant clergy were outraged when they saw this provision, which would allow a Muslim, Jew, or deist to serve in the state legislature.[38] The clergy succeeded in having the convention modify the proviso so legislators had to declare their belief in God and the Old and New Testaments.[39] The clergy also had inserted articles confirming all existing charters and requiring that laws for the encouragement of virtue and prevention of vice and immorality should be made and constantly kept in force.[40] The revolutionaries of 1776 retained much of the moral legislation inherited from colonial days and even strengthened the law on the observance of the Sabbath.[41] Blasphemy, profane swearing, drunkenness, and theater attendance were all illegal.

Religious freedom occasioned little debate among Pennsylvania's revolutionary leaders. The churches and the state had managed to flourish without a formal linkage. There was also little discussion about the moral content of the laws, even when the statute had a specifically Christian content.[42] What was controversial was the va-

[38] Tappert and Doberstein, eds., *Journals of Henry Melchior Muhlenberg*, 2:740-42; Kenneth Hamilton, *John Ettwein and the Moravian Church During the Revolutionary Period* (Bethlehem, 1940), 161-62.

[39] Robert A. Weinert, ed., *Constitutions of Pennsylvania, Constitution of the United States* (Harrisburg, 1964), 239-40, 246.

[40] *The Proceedings Relative to the Calling of the Conventions of 1776 and 1790. The Minutes of the Convention that Formed the Present Constitution of Pennsylvania* (Harrisburg, 1825), 53, 117-23; William Smith, *An Address to the General Assembly, in the Case of the Violated Charter* (Philadelphia, 1788). Smith's attempt in 1776 to preserve the autonomy of the College of Philadelphia failed. In 1779 the Assembly revoked the charter, dismissed Smith, and created a new governing body. The Presbyterians dominated the college during the war years.

[41] *Statutes at Large of Pennsylvania*, 9:55-58.

[42] The only controversy was over the ban on theaters and plays. In 1788, after a vigorous debate, the Assembly allowed plays conducive to "morality and virtue." Ibid., *13*:184-86.

lidity of the 1776 constitution, the form of government, and the disfranchisement of Quakers and other groups because of their religious beliefs.[43] But so long as the pacifists could be lumped with the Tories there was no change. The bitter divisions in Pennsylvania politics from 1776 until 1787 finally resulted in the drawing of a new constitution, ratified in 1790. The Pennsylvania constitution of 1790 was more radical than the 1776 document in one area—religious liberty. In response to the Jewish community of Philadelphia, the Pennsylvania constitutional convention dropped the qualification that all legislators had to swear to the divine authority of Old and New Testaments.[44] Instead, the officials had to declare that they accepted the being and moral government of God, a provision which is still part of the Pennsylvania constitution.[45] Article VIII of the 1790 constitution proclaimed that, among natural rights, all men had a "natural and indefeasible right to worship God according to conscience, and that no one could be compelled to attend, erect, or support any place of worship." Thus far that language closely paralleled the 1776 document. A new clause, the meaning of which was not debated by the convention, declared that "no preference shall ever be given, by law, to any religious establishments or modes of worship."[46] The constitution allowed non-legally mandated preference to be given to religion. A prayer on a public occasion would have been such a customary usage. The clause also permitted preference to be given to all religious bodies on the basis of equality. Therefore, laws incorporating churches and granting tax exemptions were permissible.

The Pennsylvania law codes of the late eighteenth century kept the provisions opposing blasphemy, for preservation of the Sabbath, and against drunkenness and other vices.[47] The revolutionary gen-

[43] Benjamin Rush, *Considerations on the Present Test-Law* (Philadelphia, 1784); Anne Ousterhout, *A State Divided: Opposition in Pennsylvania to the American Revolution* (Westport, 1987), 161-62, 191-94.

[44] Edwin Wolf 2nd and Maxwell Whiteman, *The History of the Jews of Philadelphia from Colonial Times to the Age of Jackson* (Philadelphia, 1957), 82.

[45] *Proceedings Relative to the Calling of the Conventions of 1776 and 1790*, 216-18, 376.

[46] Weinert, ed., *Constitutions of Pennsylvania*, 212; Constitution, Articles 1 to 2, in *Purdon's Pennsylvania Statutes Annotated* (Philadelphia, 1969), 227-34.

[47] *Statutes at Large of Pennsylvania* (for 1779), 9:313; Pennsylvania Statutes, 1794, printed in James Dunlop, *General Laws of Pennsylvania* (Philadelphia, 1847), 151-54.

eration agreed that republican government required a virtuous citizenry, and a virtuous citizenry required morality, with religious observance the only sound ground for morality. The state, therefore, would pass laws which would help it remain unentangled from the institutional church, and would treat religious questions as issues of civil order and morality. The state justified legislation involving the churches on the basis of political or moral language. The government recognized that there should be a linkage between religious or moral language, but the state would keep its rationale for action to be morality, not religion. At the same time, the state and the courts would foster the observance of religion.

In the early nineteenth century the Second Great Awakening reshaped the religious commitments of many Pennsylvanians. The Methodists were the most significant new denomination, but Presbyterians, Lutherans, and Reformed shared in the revival. The sectarians lost political significance as their percentage of the total population dwindled. The Presbyterians became the dominant church in Philadelphia, and the Lutheran and Reformed retained the allegiance of the Germanic inhabitants. The issue for this article is how did the Second Great Awakening affect religious liberty in Pennsylvania. The answer: directly, very little, and indirectly, immensely. That is, the basic legal governmental and institutional pattern of Pennsylvania stayed the same. Church and state were still separate, all denominations had legal equality, and clergy and laity determined church polity. The Sabbath remained a day of rest and blasphemy was still illegal. Even the objects of the new moral crusades had been present in eighteenth-century Pennsylvania: antislavery, antidrunkenness, and pro-education for the young. While the churches endorsed these causes to some extent, neither the success nor failure of any of them would change Pennsylvania's commitment to religious freedom.

Between 1790 and 1860 the courts and the legislature supported liberty of conscience, separation of church and state, and accommodation of religion. To concentrate only on the actions of one branch of government would distort the complexity of the arrangements. The courts dealt with the property or institutional rights of churches, punished blasphemy, and enforced Sabbath restrictions. The legislature incorporated churches, on occasion debated the implications of separation of church and state, and addressed a wide range of moral

issues involving religion, of which the most controversial involved public schools and alcohol. The following examination of first the courts and then the constitutional convention of 1837 will show the continuities in the Pennsylvania traditions of freedom of religion.

Though not always realized in practice, proprietary Pennsylvania recognized the legal equality of all churches. After the Revolution this ideal shaped the policy of free incorporation. The state in practice almost always allowed every religious group to draw up its own stipulations for incorporation. After being processed by the Supreme Court and the Attorney General, such a charter of incorporation would be enacted by the legislature. The courts would enforce the charter's provisions in case of a dispute.[48] According to the court, in those cases where two ministers claimed to be the pastor of the same church, the power of choosing the minister would lie either in the majority of the congregation, or in the vestry or the presbytery, depending upon what the charter said.[49] If a minister were to be dismissed and another called, only the duly constituted authority could do so. If the charter said the property belonged to the Methodist Annual Conference in Pennsylvania, so be it.[50] When one man brought a suit against another for disturbing a church service by his manner of singing, the court dismissed the suit, saying only the duly constituted authority was allowed to bring such an action against an individual.[51] One man left all his property to the communitarian group founded by the Reverend George Rapp. The sons sued, claiming unreasonableness. The court decided against the sons, holding that the donation, even though it was made under Rapp's pressure, was legal. The state Supreme Court said that Pennsylvania law recognized no such thing as a superstitious use of money, and it insisted that there was no religious belief or

[48] Pennsylvania Statutes, 1791, in Dunlop, *General Laws*, 132-34.

[49] Methodist Church v. Remington, in Frederick Watts, *Reports of Cases Argued and Determined by the Supreme Court of Pennsylvania* (10 vols., Philadelphia, 1834-1841), *1*:218-24.

[50] Riddle v. Staven, in Thomas Sergeant and William Rawle, *Reports of Cases Argued and Determined in the Supreme Court of Pennsylvania* (17 vols., Philadelphia, 1818-1829), *2*:542-43; Unanst v. Shortz, in Thomas Wharton, *Reports of Cases Argued and Determined in the Supreme Court of Pennsylvania* (6 vols., Philadelphia, 1839-1841), *5*:519-23.

[51] Owen v. Henman, in Sergeant and Rawle, *Reports of Cases*, *1*:548-51.

dogma that was established in Pennsylvania. The court's obligation, therefore, was to enforce either the charter or the deed of trust.[52]

St. Mary's Roman Catholic Church in Philadelphia was wracked from 1810 to 1829 by a controversy known as trusteeship. The trustees claimed the right to call and to dismiss pastors. When the bishop of Philadelphia resisted their claims, the trustees attempted to amend the church charter of St. Mary's to exclude the clergy from any governing role in the temporalities of the church. The state Supreme Court in 1829 held that the change in the charter of St. Mary's Church was illegal because the clergy had been included in the original charter, and to exclude them was to defeat the purpose of the original incorporation.[53] When the state legislature passed an amendment to the charter allowing the trustees to operate the church without the bishop, the governor vetoed that law as an infringement upon the right of the original charter.

The closest the state came to an espousal of Christianity was in blasphemy and Sabbath observances cases. In a blasphemy case, in 1824, the judges dismissed the indictment as faulty but then enunciated their understanding of the status of religion in the commonwealth. The court argued: William Penn, the colonial assemblies, and those who drew up the constitutions of 1776 and 1790 incorporated liberty of conscience with Christianity, and in both colony and state the common law of Pennsylvania was founded upon natural and revealed law. The state had a law against blasphemy because to attack the basics of Christianity would endanger the foundation of society. A serious theological discussion of Christianity aimed at discovering truth was protected speech, but not an attempt to ridicule the being and providence of God, Jesus Christ, or the morality that protected government. The proscription of blasphemy, the court concluded, was compatible with liberty of conscience.[54]

Virtually no one opposed some kind of a sabbatarian law in either the colonial or early national period, and every state had such a law. Christian churches recognized a law to enforce Sabbath rest as part of an eternal moral law. "Remember the Sabbath to keep it holy"

[52] Schriber v. Rapp, in Watts, *Reports of Cases*, 5:360-65.
[53] St. Mary's Church, in Sergeant and Rawle, *Reports of Cases*, 7:517-63.
[54] Updegraph v. Commonwealth, in Sergeant and Rawle, *Reports of Cases*, *11*:393-410.

was part of the Ten Commandments, and many clergymen insisted that it had as much validity as other moral stipulations in the Ten Commandments, including those against stealing, murder, and adultery. To the clergy, the Sabbath law was based on natural law, as old as the creation story in Genesis, and was designed to give a day of rest.[55] The state legislature unofficially accepted the divine origin, but the law was predicated upon the necessity of a day of rest, and Pennsylvania's distinctive Sabbath laws survived until the mid-twentieth century.

A serious debate over whether Sabbath laws were an infringement of the relations between church and state took place only at the federal level.[56] A federal law of 1810 had stipulated that mail could be transported on Sunday, and that the Post Office was to be open one hour on every Sunday. The federal law superseded state law, and seemed to the clergy an attempt at federal encroachment on religious rights—an establishment of an irreligious law. The Presbyterian clergy in particular launched an intensive effort to have the federal law repealed. In spite of efforts lasting over a thirty-year period, the federal government refused to change the law. Ironically, the present situation, where the mail can be picked up and transported on Sunday, but post offices are not open on Sunday, is a compromise between the federal position and that of the evangelical Protestant opponents.

In Pennsylvania the Sabbath law of 1794 outlawed all labor on the Sabbath except for works of charity and necessity, and the law labeled as works of necessity such matters as fixing food and the delivery of milk (which had to take place before 9:00 a.m. or after 5:00 p.m. on Sunday). The state courts in Pennsylvania did not question the legality of Sabbath legislation. They insisted that the legislature meant there could be no legal business transacted on

[55] *Extracts from the Minutes of the General Assembly of the Presbyterian Church* (Philadelphia, 1812), 26; and idem (Philadelphia, 1815), 126; Alfred Hamilton, *The Christian Sabbath* (Philadelphia, 1846), 20; John H. Agnew, *A Manual on the Christian Sabbath* (Philadelphia, 1852), vii, 87-89; Justin Edwards, *Permanent Sabbath Documents* (Philadelphia, 1844), 6, 11.

[56] Frederick L. Bronner, "The Observance of the Sabbath in the United States, 1800-1865" (Ph.D. diss., Harvard University, 1937), remains indispensable for understanding the conflict.

Sunday. Therefore, no contract could be signed on Sunday. If a man rented a horse on Sunday and damaged the horse, the man was not responsible for the damage, because a contract made on a Sunday was invalid.[57] But if a man rented a horse and went to visit his father on a Sunday and damaged the horse, the man was liable, because the visiting of a father was a work of charity and not of business.[58] The state Supreme Court said that on Sunday a jury could deliberate but not hand down a verdict, a traveler could not be sold a glass of beer, and a justice of the peace could not enter a house to see whether a Sabbath law was enforced.[59] The Court insisted in the 1850s that driving an omnibus in Pittsburgh on Sunday was illegal, even if some of the public who rode that omnibus were on their way to church.[60] On the other hand, a servant who was a coachman could take the family to church on Sunday, even though it was the normal employ of the coachman.[61] The courts held that it was legal for boats to cross rivers on a Sunday, and the legislature and the courts determined that a canal company would not be liable if it closed the locks on Sunday. On the other hand, the canal employee would not be in violation of the law if he operated the locks on a Sunday.[62] The state Supreme Court finally said that it could draw no hard line between necessary and unnecessary work, and therefore the question had to be settled on a common-sense basis.

The sabbatarian cases in Pennsylvania showed the closest relationship between the government and religion. The courts normally based their decisions upon the rest/relaxation of the Sabbath—that it was imperative for the good of the commonwealth that all people rest on one day of the week. Yet certain language of the courts went beyond the rest/relaxation theory of the Sabbath to claim that the Sabbath

[57] Kepner v. Keefer, in Watts, *Reports of Cases*, *6*:231-35.

[58] Logan v. Mathews, in Pennsylvania State Supreme Court, *Pennsylvania State Reports* (140 vols., Harrisburg, 1844-1890), *6*:417 (hereafter, *Pennsylvania State Supreme Court Reports*).

[59] Huidekoper v. Cotton, in Watts, *Reports of Cases*, *3*:58-59; Omit v. Commonwealth, in *Pennsylvania State Supreme Court Reports*, *21*:426-37; Commonwealth v. Eyre, in Sergeant and Rawle, *Reports of Cases*, *1*:346-51.

[60] Johnston v. Commonwealth, in *Pennsylvania State Supreme Court Reports*, *21*:435.

[61] Commonwealth v. Nesbit, in ibid., *34*:405-11.

[62] *Acts of the General Assembly of the Commonwealth of Pennsylvania* (Session 1845), 364; Murray v. Commonwealth, in *Pennsylvania State Supreme Court Reports*, *24*:270.

was a holy, sanctified day according to the Christian tradition. Even when the courts in Pennsylvania were most orthodox Christian, they never accepted the evangelical position that it was the role of the government to restrict relaxation on the Sabbath. The courts did not enforce a ban on swimming or proscribe games, except in taverns, or ever attempt to require attendance at church.

In 1837 the citizens of Pennsylvania voted by a very narrow margin to call a convention to amend the 1790 constitution. When the convention met, it was almost evenly divided between Democrats and an alliance of Whigs and Anti-Masons. Ultimately, the convention made no changes in the religious clauses in the 1790 constitution, but on two occasions the delegates, after debating religion, proceeded to a roll-call vote. An analysis of these discussions and the votes provides an indication of the feelings of the delegates, who were well aware of the constitutional issues of separation of church and state and liberty of conscience.

The convention opened and held the first half of its sessions in Harrisburg, then moved to Philadelphia for the remainder. At the beginning a motion passed, without division, asking the clergy of Harrisburg to open each day's proceedings with prayer. Shortly before the convention was to move to Philadelphia, Thaddeus Stevens moved that the clergy of Harrisburg who had prayed be paid $350. This motion, which Stevens assumed would be non-controversial, occasioned a debate and amendments which were summarized in thirteen pages of the *Proceedings and Debates*. The debate, Stevens wryly observed, cost more than the clergy.[63] Those favoring the motion thought it only just to pay the clergy for professional services rendered at the request of the convention. It would be dishonorable to take the clergy's time without compensation and to discuss the matter was insulting to them. These politicians did not see the matter as a church-state issue or as establishing any kind of precedent.[64]

Opponents presented a diversity of perspectives. Some thought the $350 was too much money, since it granted to each clergyman $3

[63] *Proceedings and Debates of the Convention of the Commonwealth of Pennsylvania, to Propose Amendments to the Constitution* (14 vols., Harrisburg, 1837-1839), 5:317-31.

[64] Ibid., 318-19.

per attendance and the prayers took only a few minutes to deliver. The delegates were only receiving $3 per day. When one delegate suggested that the money be taken from the per diem allowance for each delegate, that amendment was quickly rejected. Another suggestion was to rely on voluntary contributions from delegates. One man saw the paying of the clergy as a divisive measure. Religion had caused wars since antiquity but separation of church and state precluded such catastrophes in America.[65] The most able opposition speech came from Thomas Earle, editor of the radical *Mechanics Working Press*. No taxation for the payment of clergy had been allowed in Pennsylvania since the time of William Penn. Any use of tax funds to pay the clergy violated liberty of conscience and established a dangerous precedent. Earle opposed not only the payment of the clergy, but even the opening of the sessions with prayer. Prayer was a private act which could be used in church, but should never occur in a governmental function.[66]

The variety of perspectives expressed in debate makes difficult an interpretation of the vote on the resolution to pay the clergy. A vote against could have been all or one of the following: anticlerical, antireligion, absolutist position on the separation of church and state, or concern for the precedent. A vote in favor could signify an accommodationist position on church and state, courtesy to the clergy, no precedent, or no principle involved. The final vote was close, 60 to 58 in favor of paying the clergy. When the convention was first organized, the Whig/Anti-Masonic candidate, John Sergeant, was elected president over the Democrat James Porter, 66 to 63.[67] A comparison of those voting for Sergeant and against Porter disclosed that the Whigs/Anti-Masons voted two-to-one (36 to 17) in favor of payment and the Democrats three-to-one (39 to 12) against payment. That voting pattern supports those historians who argue that the Whigs had support from the evangelical Protestants and favored accommodation of church and state.

[65] Ibid., 323, 325-26.

[66] Ibid., 320-22. In Philadelphia there was another bitter debate on the subject. The convention, by a 57-33 vote, decided not to pay the clergy. The Philadelphia clergy had already indicated they did not wish to be paid.

[67] Ibid., *1*:12.

A second roll call came on a motion to appoint a special committee to consider several petitions requesting that the "civil rights, privileges or capacities of any citizen, shall in no way be affected, diminished, or enlarged, merely on account of his religious opinions."[68] The issue here was the 1790 clause requiring officeholders to acknowledge belief in the "being" of God and of a future state of punishment or reward for one's deeds. A related issue was whether people who did not believe in hell could be tendered an oath because their testimony in court might not be accepted.[69] Those advocating a change desired an absolute separation between church and state, and disliked what they saw as a religious test that discriminated against free thinkers, Universalists, and some Unitarians.

A committee of the convention, chaired by Democrat James Porter, had already recommended against any changes in the religious clauses. Porter argued that his committee had rejected proposed amendments against enforcing the Sabbath, outlawing duels, and forbidding lotteries because they were already subjects of legislation and needed no constitutional sanction. His committee had already considered provisions on religious tests similar to that in the memorials and had rejected them.[70]

The vote was not a straightforward referendum on changing the constitution. Some delegates opposed any additional committees as a needless expense and a dangerous precedent for the convention to adopt. Others did not want any change in the religious clause of the constitution, but believed that in a democracy so many petitioners should have their wants carefully considered by a special committee. A delegate could have voted for amendment because he wanted more strict legislation which could be used against Mormons, Masons, and those who fought duels and gambled in lotteries. Or he could have supported the opposite and wanted no religious tests.

The convention rejected the special committee by a vote of 65 to 44. The Whigs/Anti-Masons split evenly (27 to 24); the Democrats voted against the resolution (16-34) or by a two-to-one margin, pre-

[68] Ibid., 7:139.

[69] *Journal of Session 1835 of the Senate* (2 vols., Harrisburg, 1835-1836), *2*:559-60, records a debate over whether a person of unorthodox belief in hell could testify.

[70] *Proceedings and Debates of the Convention*, 7:139-44.

ferring to keep the test. Of the 16 Democrats who voted for a special committee, 14 had opposed paying the praying clergy. Of the 27 Whigs/Anti-Masons who supported the special committee, only three had opposed paying the clergy. It seems reasonably certain that the Whigs/Anti-Masons who approved paying the clergy and wanted a special committee wanted to strengthen the moral/religious articles in the constitution. There was also a hard core of support for complete separation of church and state whose advocates wanted no payment of clergy for prayers and no religious tests, but they numbered no more than 17 delegates out of 130 and had a minority role even in the Pennsylvania Democratic party.

Normally, the power of the churches was expressed through the dominant political parties rather than in a separate Christian organization. The Pennsylvania House of Representatives in 1841 graphically demonstrated the Christian ascendancy. The House received a resolution, similar to that rejected by the constitutional convention, signed by 119 men asking repeal of all laws "against blasphemy and the violation of the Sabbath Day." The House was outraged, labeling the petition "disreputable to the Legislature of Pennsylvania" and refusing to entertain it. A resolution to this effect passed 81 to 1. The preamble, which passed 85 to 0 was vitriolic:

> the members of this body are deeply impressed with the belief that the doctrines contained in the said petition are destructive, not only of all the ties which bind men together as civilized beings, but of all the obligations which unite man, to GOD the Creator and Governor of the Universe: *And Whereas*, we are unwilling that any inference should be drawn, from the fact of such petition having being received without any motion having been made for a disposition of it, that the members of this House, can in the remotest degree, give countenance and currency to infidel opinions and principles, which strike at the foundation of all civil government. . . . [71]

The member who voted against the resolution, but not the preamble, made clear that he opposed the substance of the petition. His vote expressed his belief that a member's duty was to present all memorials to the House "no matter to what subject they relate." The

[71] *Journal of the House* (Harrisburg, 1841), 453-54.

constitutional issue was whether any petition in correct form should be labeled "disreputable." He would have preferred the resolution to state that the memorial met the "decided disapprobation" of the House.[72] The House's action was striking proof of the power of Christian principles imposed on conditions of religious liberty.

Pennsylvania in 1860 bore little resemblance to the "holy experiment" initiated by Penn and the Quakers. Presbyterians, Roman Catholics, Lutherans, German Reformed, and Methodists each outnumbered the sectarians. Pluralism, two Great Awakenings, and denominationalism reduced Penn to a monument and Friends to a quaint anachronism. The politics and economy of the province had virtually no similarity to the parties and factories of the antebellum commonwealth. Independence, republicanism, and democracy created a new political vocabulary just as antislavery, temperance, and penitentiaries transformed the moral world. There might have been a corresponding metamorphosis in religious liberty. Yet, judging by institutions, there was extraordinary continuity in ideal and practice.

In 1860 as in 1700 Pennsylvania remained committed to the legal equality of all denominations, minimal religious tests to hold office, separation of church and state, freedom of belief, and autonomy for the institutional churches. There was no tithe, no establishment, no persecution for religious practice so long as the peace was not disturbed. Pennsylvanians still expected their legislators to be religious men and to use the law to discourage vice and encourage morality. The courts still assumed that Christianity undergirded the law of the land. Blasphemy, profane swearing, drunkenness, and desecrating the Sabbath constituted criminal acts. There was one substantial change, however. In 1700 Pennsylvania was unique, more tolerant than the rest of the colonies. In 1860 Pennsylvania was like other states, only slightly more conservative.

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[72] Ibid., 501.