

have failed to do. The higher learning is in no danger. The great universities of the East, as well as one or two in the West, are already beginning to rival the ancient universities of Europe. They will soon have far greater funds at their command with which to move towards the same ideal as Germany sets before herself; and they have already what is better than funds — an ardour and industry among the teachers which equals that displayed fifty years ago in Germany by the foremost men of the generation which raised the German schools to their glorious pre-eminence.

It may be thought that an observer familiar with two universities which are among the oldest and most famous in Europe, and are beyond question the most externally sumptuous and beautiful, would be inclined to disparage the corresponding institutions of the United States, whose traditions are comparatively short, and in whose outward aspect there is little to attract the eye or touch the imagination. I have not found it so. An Englishman who visits America can never feel sure how far his judgment has been affected by the warmth of the welcome he receives. But if I may venture to state the impression which the American universities have made upon me, I will say that while of all the institutions of the country they are those of which the Americans speak most modestly, and indeed deprecatingly, they are those which seem to be at this moment making the swiftest progress, and to have the brightest promise for the future. They are supplying exactly those things which European critics have hitherto found lacking to America: and they are contributing to her political as well as to her contemplative life elements of inestimable worth.

## CHAPTER CVI

### THE CHURCHES AND THE CLERGY

IN examining the National government and the State governments we have never once had occasion to advert to any ecclesiastical body or question, because with such matters government has in the United States absolutely nothing to do. Of all the differences between the Old World and the New this is perhaps the most salient. Half the wars of Europe, half the internal troubles that have vexed European states, from the Monophysite controversies in the Roman Empire of the fifth century down to the Kulturkampf in the German Empire of the nineteenth, have arisen from theological differences or from the rival claims of church and state. This whole vast chapter of debate and strife has remained virtually unopened in the United States. There is no Established Church. All religious bodies are absolutely equal before the law, and unrecognized by the law, except as voluntary associations of private citizens.

The Federal Constitution contains the following prohibitions:—

Art. VI. No religious test shall ever be required as a qualification to any office or public trust under the United States.

Amendment I. Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof

No attempt has ever been made to alter or infringe upon these provisions. They affect the National government only, placing no inhibition on the States, and leaving the whole subject to their uncontrolled discretion, though subject to the general guarantees against oppression.

Every State constitution contains provisions generally similar to the above. Most declare that every man may worship

God according to his own conscience, or that the free enjoyment of all religious sentiments and forms of worship shall be held sacred;<sup>1</sup> most also provide that no man shall be compelled to support or attend any church; some forbid the creation of an established church, and many the showing of a preference to any particular sect; while many provide that no money shall ever be drawn from the State treasury, or from the funds of any municipal body, to be applied for the benefit of any church or sectarian institution or denominational school. Thirty-three constitutions, including those of the six new States, forbid any religious test to be required as a qualification for office; some declare that this principle extends to all civil rights; some specify that religious belief is not to affect a man's competence as a witness. But in several States there still exist qualifications worth noting. Vermont and Delaware declare that every sect ought to maintain some form of religious worship, and Vermont adds that it ought to observe the Lord's Day. Six Southern States exclude from office any one who denies the existence of a Supreme Being. Besides these six, Pennsylvania and Tennessee pronounce a man ineligible for office who does not believe in God and in a future state of rewards and punishments. Maryland and Arkansas even make such a person incompetent as a juror or witness.<sup>2</sup> Religious freedom has been generally thought of in America in the form of freedom and equality as between different sorts of Christians, or at any rate different sorts of theists; persons opposed to religion altogether have till recently been extremely few everywhere and practically unknown in the South. The neutrality of the State cannot therefore be said to be theoretically complete.<sup>3</sup>

In earlier days the States were very far from being neutral. Those of New England, except Rhode Island, began with a sort of Puritan theocracy, and excluded from some civil rights

<sup>1</sup> Four States provide that this declaration is not to be taken to excuse breaches of the public peace, many that it shall not excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the State, and three that no person shall disturb others in their religious worship.

<sup>2</sup> Full details on these points will be found in Mr. Stimson's valuable collection entitled *American Statute Law*.

<sup>3</sup> Nevada and Idaho have recently disfranchised all Mormons resident within their respective bounds; but Mormonism is attacked not so much as a religion as in respect of its social features and hierarchical character.

persons who stood outside the religious community. Congregationalism was the ruling faith, and Roman Catholics, Quakers, and Baptists were treated with great severity. The early constitutions of several States recognized what was virtually a State church, requiring each locality to provide for and support the public worship of God. It was not till 1818 that Connecticut in adopting her new constitution placed all religious bodies on a level, and left the maintenance of churches to the voluntary action of the faithful. In Massachusetts a tax for the support of the Congregationalist churches was imposed on all citizens not belonging to some other incorporated religious body until 1811, and religious equality was first fully recognized by a constitutional amendment of 1833. In Virginia, North and South Carolina, and Maryland, Protestant Episcopacy was the established form of religion till the Revolution, when under the impulse of the democratic spirit, and all the more heartily because the Anglican clergy were prone to Toryism (as attachment to the British connection was called), and because, at least in Virginia, there had been some persecution of Nonconformists, all religious distinctions were abolished and special ecclesiastical privileges withdrawn. In Pennsylvania no church was ever legally established. In New York, however, first the Dutch Reformed, and afterwards the Anglican Church had in colonial days enjoyed a measure of State favour. What is remarkable is that in all these cases the disestablishment, if one may call it by that name, of the privileged church was accomplished with no great effort, and left very little rancour behind. In the South it seemed a natural outcome of the Revolution. In New England it came more gradually, as the necessary result of the political development of each commonwealth. The ecclesiastical arrangements of the States were not inwoven with the pecuniary interests of any wealthy or socially dominant class; and it was felt that equality and democratic doctrine generally were too palpably opposed to the maintenance of any privileges in religious matters to be defensible in argument. However, both in Connecticut and Massachusetts there was a political struggle over the process of disestablishment, and the Congregationalist ministers predicted evils from a change which they afterwards admitted to have turned out a blessing to their

own churches. No voice has ever since been raised in favour of reverting—I will not say to a State establishment of religion—but even to any State endowment, or State regulation of ecclesiastical bodies. It is accepted as an axiom by all Americans that the civil power ought to be not only neutral and impartial as between different forms of faith, but ought to leave these matters entirely on one side, regarding them no more than it regards the artistic or literary pursuits of the citizens.<sup>1</sup> There seem to be no two opinions on this subject in the United States. Even the Protestant Episcopalian clergy, who are in many ways disposed to admire and envy their brethren in England; even the Roman Catholic bishops, whose creed justifies the enforcement of the true faith by the secular arm, assure the European visitor that if State establishment were offered them they would decline it, preferring the freedom they enjoy to any advantages the State could confer. Every religious community can now organize itself in whatever way it pleases, lay down its own rules of faith and discipline, create and administer its own system of judicature, raise and apply its funds at its uncontrolled discretion. A church established by the State would not be able to do all these things, because it would also be controlled by the State, and it would be exposed to the envy and jealousy of other sects.

The only controversies that have arisen regarding State action in religious matters have turned upon the appropriation of public funds to charitable institutions managed by some particular denomination. Such appropriations are expressly prohibited in the constitutions of some States. But it may happen that the readiest way of promoting some benevolent public purpose is to make a grant of money to an institution already at work, and successfully serving that purpose. As this reason may sometimes be truly given, so it is also sometimes advanced where the real motive is to purchase the political support of the denomination to which the institution belongs, or at least of its clergy. In some States, and par-

<sup>1</sup> There is, however, and has for some time been, a movement, led, I think, by some Baptist and Methodist ministers, for obtaining the insertion of the name of God in the Federal Constitution. Those who desire this appear to hold that the instrument would be thereby in a manner sanctified, and a distinct national recognition of theism expressed.

ticularly in New York, State or city legislatures are often charged with giving money to Roman Catholic institutions for the sake of securing the Catholic vote.<sup>1</sup> In these cases, however, the money always purports to be voted not for a religious but for a philanthropic or educational purpose. No ecclesiastical body would be strong enough to obtain any grant to its general funds, or any special immunity for its ministers. The passion for equality in religious as well as secular matters is everywhere in America far too strong to be braved, and nothing excites more general disapprobation than any attempt by an ecclesiastical organization to interfere in politics. The suspicion that the Roman Catholic church uses its power over its members to guide their votes for its purposes has more than once given rise to strong anti-Catholic or (as they would be called in Canada) Orange movements, such as that which has recently figured so largely in Ohio, Indiana, Michigan, and Illinois under the name of the American Protective Association. So the hostility to Mormonism was due not merely to the practice of polygamy, but also to the notion that the hierarchy of the Latter Day Saints constitutes a secret and tyrannical *imperium in imperio* opposed to the genius of democratic institutions.

The refusal of the civil power to protect or endow any form of religion is commonly represented in Europe as equivalent to a declaration of contemptuous indifference on the part of the State to the spiritual interests of its people. A State recognizing no church is called a godless State; the disestablishment of a church is described as an act of national impiety. Nothing can be farther from the American view, to an explanation of which it may be well to devote a few lines.

The abstention of the State from interference in matters of faith and worship may be advocated on two principles, which may be called the political and the religious. The former sets out from the principles of liberty and equality. It holds any attempt at compulsion by the civil power to be an infringement on liberty of thought, as well as on liberty of action, which could be justified only when a practice claiming to be

<sup>1</sup> In 1870 the Roman Catholic schools and charities of New York received more than \$400,000 (£80,000); about \$72,000 were then also given to other denominational institutions.

religious is so obviously anti-social or immoral as to threaten the well-being of the community. Religious persecution, even in its milder forms, such as disqualifying the members of a particular sect for public office, is, it conceives, inconsistent with the conception of individual freedom and the respect due to the primordial rights of the citizen which modern thought has embraced. Even if State action stops short of the imposition of disabilities, and confines itself to favouring a particular church, whether by grants of money or by giving special immunities to its clergy, this is an infringement on equality, putting one man at a disadvantage compared with others in respect of matters which are (according to the view I am stating) not fit subjects for State cognizance.

The second principle, embodying the more purely religious view of the question, starts from the conception of the church as a spiritual body existing for spiritual purposes, and moving along spiritual paths. It is an assemblage of men who are united by their devotion to an unseen Being, their memory of a past divine life, their belief in the possibility of imitating that life, so far as human frailty allows, their hopes for an illimitable future. Compulsion of any kind is contrary to the nature of such a body, which lives by love and reverence, not by law. It desires no State help, feeling that its strength comes from above, and that its kingdom is not of this world. It does not seek for exclusive privileges, conceiving that these would not only create bitterness between itself and other religious bodies, but might attract persons who did not really share its sentiments, while corrupting the simplicity of those who are already its members. Least of all can it submit to be controlled by the State, for the State, in such a world as the present, means persons many or most of whom are alien to its beliefs and cold to its emotions. The conclusion follows that the church as a spiritual entity will be happiest and strongest when it is left absolutely to itself, not patronized by the civil power, not restrained by law except when and in so far as it may attempt to quit its proper sphere and intermeddle in secular affairs.

Of these two views it is the former much more than the latter that has moved the American mind. The latter would doubtless be now generally accepted by religious people. But

when the question arose in a practical shape in the earlier days of the Republic, arguments of the former or political order were found amply sufficient to settle it, and no practical purpose has since then compelled men either to examine the spiritual basis of the church, or to inquire by the light of history how far State action has during fifteen centuries helped or marred her usefulness. There has, however, been another cause at work, I mean the comparatively limited conception of the State itself which Americans have formed. The State is not to them, as to Germans or Frenchmen, and even to some English thinkers, an ideal moral power, charged with the duty of forming the characters and guiding the lives of its subjects. It is more like a commercial company, or perhaps a huge municipality created for the management of certain business in which all who reside within its bounds are interested, levying contributions and expending them on this business of common interest, but for the most part leaving the shareholders or burgesses to themselves. That an organization of this kind should trouble itself, otherwise than as matter of police, with the opinions or conduct of its members, would be as unnatural as for a railway company to inquire how many of the shareholders were total abstainers. Accordingly it never occurs to the average American that there is any reason why State churches should exist, and he stands amazed at the warmth of European feeling on the matter.

Just because these questions have been long since disposed of, and excite no present passion, and perhaps also because the Americans are more practically easy-going than pedantically exact, the National government and the State governments do give to Christianity a species of recognition inconsistent with the view that civil government should be absolutely neutral in religious matters. Each House of Congress has a chaplain, and opens its proceedings each day with prayers. The President annually after the end of harvest issues a proclamation ordering a general thanksgiving, and occasionally appoints a day of fasting and humiliation. So prayers are offered in the State legislatures,<sup>1</sup> and State governors issue proclamations for days of religious observance. Congress in

<sup>1</sup> Though Michigan and Oregon forbid any appropriation of State funds for religious services.

the crisis of the Civil War (July, 1863) requested the President to appoint a day for humiliation and prayer. In the army and navy provision is made for religious services, conducted by chaplains of various denominations, and no difficulty seems to have been found in reconciling their claims. In most States there exist laws punishing blasphemy or profane swearing by the name of God (laws which, however, are in some places openly transgressed and in few or none enforced), laws restricting or forbidding trade or labour on the Sabbath, as well as laws protecting assemblages for religious purposes, such as camp-meetings or religious processions, from being disturbed. The Bible is (in most States) read in the public State-supported schools, and though controversies have arisen on this head, the practice is evidently in accord with the general sentiment of the people.

The matter may be summed up by saying that Christianity is in fact understood to be, though not the legally established religion, yet the national religion.<sup>1</sup> So far from thinking their commonwealth godless, the Americans conceive that the religious character of a government consists in nothing but the religious belief of the individual citizens, and the conformity of their conduct to that belief. They deem the general acceptance of Christianity to be one of the main sources of their national prosperity, and their nation a special object of the Divine favour.

The legal position of a Christian church is in the United States simply that of a voluntary association, or group of associations, corporate or unincorporate, under the ordinary law. There is no such thing as a special ecclesiastical law; all questions, not only of property but of church discipline and jurisdiction, are, if brought before the courts of the land, dealt with as questions of contract;<sup>2</sup> and the court, where it is obliged to examine a question of theology, as for instance

<sup>1</sup> It has often been said that Christianity is a part of the common law of the States, as it has been said to be of the common law of England; but on this point there have been discrepant judicial opinions, nor can it be said to find any specific practical application. A discussion of it may be found in Justice Story's opinion in the famous Girard will case.

<sup>2</sup> Or otherwise as questions of private civil law. Actions for damages are sometimes brought against ecclesiastical authorities by persons deeming themselves to have been improperly accused or disciplined or deprived of the enjoyment of property.

whether a clergyman has advanced opinions inconsistent with any creed or formula to which he has bound himself — for it will prefer, if possible, to leave such matters to the proper ecclesiastical authority — will treat the point as one of pure legal interpretation, neither assuming to itself theological knowledge, nor suffering considerations of policy to intervene.<sup>1</sup>

As a rule, every religious body can organize itself in any way it pleases. The State does not require its leave to be asked, but permits any form of church government, any ecclesiastical order, to be created and endowed, any method to be adopted of vesting church property, either simply in trustees or in corporate bodies formed either under the general law of the State or under some special statute. Sometimes a limit is imposed on the amount of property, or of real estate, which an ecclesiastical corporation can hold; but, on the whole, it may be said that the civil power manifests no jealousy of the spiritual, but allows the latter a perfectly free field for expansion. Of course if any ecclesiastical authority were to become formidable either by its wealth or by its control over the members of its body, this easy tolerance would disappear; all I observe is that the difficulties often experienced, and still more often feared, in Europe, from the growth of organizations exercising tremendous spiritual powers, have in the United States never proved serious.<sup>2</sup> No church has anywhere a power approaching that of the Roman Catholic Church in Lower Canada. Religious bodies are in so far the objects of special favour that their property is in most States exempt from taxation; and this is reconciled to theory by the argument that they are serviceable as moral agencies, and diminish the expenses incurred in respect of police administration.<sup>3</sup>

<sup>1</sup> The Emperor Aurelian decided in a like neutral spirit a question that had arisen between two Christian churches.

<sup>2</sup> Occasionally a candidate belonging to a particular denomination receives some sympathetic support from its members. In a recent State election in Arkansas, as one candidate for the Governorship had been a Baptist minister and the other a Methodist presiding elder, and four-fifths of the voters belonged to one or other denomination, each received a good deal of denominational adhesion.

<sup>3</sup> In his message of 1881 the Governor of Washington Territory recommended the legislature to exempt church property from taxation, not only on the ground that "churches and schoolhouses are the temples of education, and alike con-

Two or three States impose restrictions on the creation of religious corporations, and one, Maryland, requires the sanction of the legislature to dispositions of property to religious uses. But, speaking generally, religious bodies are the objects of legislative favour.<sup>1</sup>

I pass on to say a few words as to the religious bodies of the country.<sup>2</sup>

In the eleventh census (1890) an attempt was made to obtain from each of these bodies full statistics regarding its numbers and the value of its property. The results, which I take from the bulletins and abstracts of that census, were, as respects the denominations whose membership exceeds 500,000 persons, as follows:—

Roman Catholics . . . . .	6,250,045 <sup>3</sup>
Methodists (17 bodies) . . . . .	4,589,284
Baptists (13 bodies) . . . . .	3,712,468
Presbyterians (12 bodies) . . . . .	1,278,332
Lutherans (16 bodies) . . . . .	1,231,072
Disciples of Christ . . . . .	641,051
Protestant Episcopalians . . . . .	540,509
Congregationalists . . . . .	512,771 <sup>4</sup>

Besides these eight bodies the Jews are returned as having 130,496 members (only heads of families, however, being reckoned), the Friends 107,208, the Spiritualists 45,030, and eight communistic societies (including the so-called Shakers) only 4049. The total number of persons returned as communicants or members of all the churches is 20,612,806.

Of the above-mentioned denominations, or rather groups, for most of them include numerous minor denominations, the duce to the cultivation of peace, happiness, and prosperity," but also because "churches enhance the value of contiguous property, which, were they abolished, would be of less value and return less revenue."

<sup>1</sup> New Hampshire has lately taxed churches on the value of their real estate exceeding \$10,000 (£2000).

<sup>2</sup> An interesting and impartial summary view of the history of the chief denominations in the United States may be found in Dr. George P. Fisher's *History of the Christian Church*, pp. 559-582.

<sup>3</sup> All baptized Roman Catholics over nine years of age are treated as members.

<sup>4</sup> The total number of ministers of all denominations is returned at 111,036, the total value of church sites and buildings (including 47 Chinese temples) at \$679,630,139.

Methodists and Baptists are numerous everywhere, but the Methodists especially numerous in the South, where they have been the chief evangelizers of the negroes, and in the Middle States, New York, Pennsylvania, Ohio, Indiana, Illinois. Of the Congregationalists nearly one-half are to be found in New England, the rest in such parts of the Middle and Western States as have been peopled from New England. The Presbyterians are strongest in Pennsylvania, New York, Ohio, New Jersey, and in the older Southern States,<sup>1</sup> especially Virginia and North Carolina, States where many Scoto-Irish emigrants settled, but are well represented over the West also. Of the Lutherans nearly one-half are Germans and one-quarter Scandinavians, including Icelanders and Finns. The Protestant Episcopalians are strongest in New York (which supplies one-fourth of their total number), Pennsylvania, New Jersey, and Massachusetts. There are fifty-two dioceses and seventy-five bishops; no archbishop, the supreme authority being vested in a convention which meets triennially. The Unitarians (in all 67,749 with 459 ministers) are very few outside New England and the regions settled from New England, but have exercised an influence far beyond that of their numbers owing to the eminence of some of their divines, such as Channing, Emerson, and Theodore Parker, and to the fact that they include a large number of highly cultivated men. The Roman Catholics are, except in Maryland and Louisiana, nearly all either of Irish, German, Slavonic, or French-Canadian extraction. They abound everywhere, except in the South and some parts of the North-west, and are perhaps, owing to the influx of Irish and French-Canadians, most relatively numerous in New England. The great development of the Lutheran bodies is of course due to German and Scandinavian immigration. Of all denominations the Jews have increased most rapidly, viz. at the rate of 160 per cent for the ten years, 1880-1890. The State with fewest is North Carolina. Of the Orthodox Jews, who are returned as being to the Reformed in the proportion of two to three, half are in New York.

All these phenomena find an easy historical explanation.

<sup>1</sup> The strength of Presbyterianism in the South is probably due in part to the immigration into those States of Ulstermen in the middle of last century, and of settlers from Holland at a still earlier date.