



The Second Disestablishment: Church and State in Nineteenth-Century America

By Steven Green

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Debates over the proper relationship between church and state in America tend to focus either on the founding period or the twentieth century. Left undiscussed is the long period between the ratification of the Constitution and the 1947 Supreme Court ruling in *Everson v. Board of Education*, which mandated that the Establishment Clause applied to state and local governments.

Steven Green illuminates this neglected period, arguing that during the 19th century there was a "second disestablishment." By the early 1800s, formal political disestablishment was the rule at the national level, and almost universal among the states. Yet the United States remained a Christian nation, and Protestant beliefs and values dominated American culture and institutions. Evangelical Protestantism rose to cultural dominance through moral reform societies and behavioral laws that were undergirded by a maxim that Christianity formed part of the law. Simultaneously, law became secularized, religious pluralism increased, and the Protestant-oriented public education system was transformed. This latter impulse set the stage for the constitutional disestablishment of the twentieth century.

The Second Disestablishment examines competing ideologies: of evangelical Protestants who sought to create a "Christian nation," and of those who advocated broader notions of separation of church and state. Green shows that the second disestablishment is the missing link between the Establishment Clause and the modern Supreme Court's church-state decisions.

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The Second Disestablishment: Church and State in Nineteenth-Century America By Steven Green Bibliography

- Sales Rank: #408875 in Books
- Published on: 2010-04-12
- Original language: English
- Number of items: 1
- Dimensions: 6.40" h x 1.40" w x 9.40" l, 1.72 pounds
- Binding: Hardcover
- 472 pages



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Editorial Review

Review

"*The Second Disestablishment* illuminates much that has gone unexplained about the progressive separation of church and state, not only from American politics, but also from law itself.... The author has brought the nineteenth century into a historiography that has largely ignored it."--*Church History*

"In this important book Green centers the debate about American church-state relations in the neglected but crucial arena of nineteenth-century state judiciary actions. States by 1900 generally endorsed Jefferson's principle of church-state separation, but only after a long series of legal disputes about a purported religious basis of the common law. Blasphemy and Sabbath statutes, religious oath requirements and a Protestant public school system all have a place in Green's fascinating account."

--R. Laurence Moore, co-author of *The Godless Constitution*

"*The Second Disestablishment* is one of the most penetrating books to have been written in recent years on the American ideal of the separation of church and state. Those who have argued that the 'Christian Nation' rhetoric of the nineteenth century contravenes and even trumps the separationist ideals of the Founding Era and modern Supreme Court jurisprudence will hereafter have to deal with Green's powerful counterargument."

-- Derek H. Davis, author of *Religion and the Continental Congress*

"Antidisestablishmentarianism is long, awful word. Steven Green has given us a long, wonderful look at the 100 year wilderness in which our nation wandered around that concept. Warring camps, nearly everyone, fights for secularization or sacralization of society. 'Separation of church and state' is up for grabs. It is not complete, not neat, yet, not obsolete. Green offers fresh thinking on a perennial topic."

--James M. Dunn, Professor of Christianity and Public Policy, The Divinity School at Wake Forest University

About the Author

Steven K. Green is a Professor of Law and Adjunct Professor of History at Willamette University in Salem, Oregon., where he directs the interdisciplinary Center for Religion, Law and Democracy. Green is the co-author of *Religious Freedom and the Supreme Court*, a case-book on church and state, and the author of more than two dozen scholarly articles on religion, law and history. He received a law degree from the

University of Texas and a masters and PhD in constitutional history from the University of North Carolina.

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