The Treaty of Tripoli and the Myth of a Christian Nation

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The Treaty of Tripoli and the Myth of a Christian Nation

Abstract
Debates about Christian privilege today often center on whether the United States was founded as a Christian nation. On one side of the argument are writers such as Terry Eastland, David Barton, and also Roy Stewart Moore, the chief justice of the Alabama Supreme Court, who believe that the United States was founded, whether officially or unofficially, as a Christian nation. As Terry Eastland (1984) phrases it in his defense of a specifically Protestant Christian privilege: Let me therefore start with these propositions: that there was a principal religion in American life from 1620 until roughly 1920; that this religion was Protestant Christianity; and that Protestant Christianity has been our established religion in almost every sense of the phrase (p. 50).

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2. THE TREATY OF TRIPOLI AND THE MYTH OF A CHRISTIAN NATION

Debates about Christian privilege today often center on whether the United States was founded as a Christian nation. On one side of the argument are writers such as Terry Eastland, David Barton, and also Roy Stewart Moore, the chief justice of the Alabama Supreme Court, who believe that the United States was founded, whether officially or unofficially, as a Christian nation. As Terry Eastland (1984) phrases it in his defense of a specifically Protestant Christian privilege:

Let me therefore start with these propositions: that there was a principal religion in American life from 1620 until roughly 1920; that this religion was Protestant Christianity; and that Protestant Christianity has been our established religion in almost every sense of the phrase (p. 50).

Therefore, Eastland concludes that maintaining or restoring Christian privilege is a foundational and legitimate pursuit in our current history.

On the other side are historians such as Mark A. Noll, Nathan O. Hatch, and George Marsden. Although these historians, as evangelical Christians, might be expected to subscribe to the “Christian nation” thesis, their study of history leads them to an opposite conclusion (Noll, Hatch, and Marsden, 1983):

We feel that a careful study of the facts of history shows that early America does not deserve to be considered uniquely, distinctly, or even predominantly Christian, if we mean by the word “Christian” a state of society reflecting the ideals presented in Scripture (p. 17).

For these historians, early U.S.-America was a cauldron of competing religions and ideologies, and Christianity, as envisioned in the New Testament, was not well represented.1

This chapter focuses on the Treaty of Tripoli, an agreement made between the United States and Tripoli, one of the so-called Barbary powers on the African coast of the Mediterranean. Of particular interest is Article 11, which reads in part: “As the government of the United States of America is not in any sense founded on the Christian Religion....” The Treaty of Tripoli has become one of the main pieces of evidence used to refute the thesis that this country was regarded as a Christian nation by all the founders.

Because of the powerful implication of Article 11, the Treaty of Tripoli has met with a number of responses from current Christian-nation advocates, ranging from silence to the questioning of its authenticity or significance. This chapter aims to 1)

discuss the historical background and authenticity of the Treaty, and 2) assess the importance of the Treaty in answering the question of whether U.S.-America was founded as an officially Christian nation.

At the same time, this chapter demonstrates the contradictory notions that existed about the role of Christianity in early U.S.-America. There were many types of Christian privileges (e.g., Christian chaplains in the Congress and in the military) even in a nation that might have denied being officially Christian. Nevertheless, we shall show that, in fact, many competing ideologies, religious and secular, vied for power in early U.S.-America. The existence of so many competing notions of “Christianity” or “religion” means that any thought of an early Christian U.S.-America is too simple. Modern evangelical Christians who subscribe to such a “Christian nation” thesis also overlook the great differences between the founders’ version of Christianity and the versions practiced by modern evangelicals.

BACKGROUND OF THE TREATY

The first war fought between the United States and a predominantly Muslim nation was not Persian Gulf I in 1991, but rather a war fought between 1801 and 1805 under Thomas Jefferson, the third president of the United States. At that time, Tripoli, Algiers, Tunisia, and Morocco formed the so-called Barbary States, which had been harassing U.S. and European ships for years. Prisoners and ships were often taken. Ransom was routinely paid. 2

According to the correspondence of John Adams, who became the second president of the United States (1797-1801), potential negotiations with the Barbary powers were contemplated as early as 1783. 3 The relevant negotiations for the Treaty of Tripoli, titled officially as a “Treaty of Friendship between the United States of America and the Bey [sic] and Subjects of Tripoli of Barbary,” began under the presidency of George Washington (1789-97), although there is no record of Washington’s participation or opinion on this document. The chronology of its negotiation and ratification is as follows: 4

<table>
<thead>
<tr>
<th>Action on Treaty of Tripoli</th>
<th>President in Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signed at Tripoli on November 4, 1796</td>
<td>Washington</td>
</tr>
<tr>
<td>Signed at Algiers on January 3, 1797</td>
<td>Washington</td>
</tr>
<tr>
<td>Presented to the Senate on May 26 or 29, 1797</td>
<td>Adams 5</td>
</tr>
<tr>
<td>Ratified by the President on June 10, 1797</td>
<td>Adams</td>
</tr>
<tr>
<td>Proclaimed on June 10, 1797</td>
<td>Adams</td>
</tr>
</tbody>
</table>

The treaty was drafted in Arabic and English versions, and only the latter version has the famous Article 11, which reads:
As the government of the United States of America is not in any sense founded on the Christian Religion—as it has in itself no character against the laws, religion, or tranquility of Musselmen—and as the said States never have entered into any war or act of hostility against any Mehomitan nation, it is declared by the parties that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries⁶ (Miller, 1931-, p. 365).

That Article is widely attributed to Joel Barlow, a Connecticut-born diplomat charged with overseeing negotiations that were probably actually undertaken by Richard O’Brien, a diplomat who previously had been a prisoner of the Barbary powers.⁷

Demeaning Its Importance

The most significant point, for our purposes, is that the Treaty, with an article explicitly denying that our government was founded on the Christian religion “in any sense,” was unanimously approved by President Adams and the twenty-three senators present to vote in the Senate (see Boston, in press; Claussen, 1977).⁸ This unanimity, of course, demolishes the main contentions of the most extreme form of the “Christian-nation” thesis, which argues that U.S.-America was officially established as a Christian nation from its inception.⁹ In order to refute the obvious implications of the Treaty of Tripoli, the Christian-nation advocates have resorted to devaluing or questioning the authenticity of Article 11.

One argument used in questioning the authenticity of Article 11 is that it was not present in the Arabic version (see Boston, 1997). Thus, it is usually supposed that Joel Barlow or someone else was responsible for the English version, and inserted Article 11 illegitimately into the English version. However, such an argument is irrelevant to the question of whether Adams and the Senate approved Article 11, which was present in the English version (see Boston, 1997).

The evidence shows that Article 11 was present in the version ratified by the Senate and signed by Adams. The English version, preserved in the State Department archives, includes Article 11. Hunter Miller (1931-, p. 377), an historian working officially for the State Department, says:

The Barlow translation of the treaty proper is that which has been printed in all official and unofficial treaty collections ever since it appeared in the Session Laws of the first session of the Fifth Congress, in 1797, and in the Laws of the United States, Folwell ed., IV, 44-48 printed in 1799.

Miller (1931-, p. 384) adds,

It is to be remembered that the Barlow translation is that which was submitted to the Senate (American State Papers, Foreign Relations II, 18-19) and which is printed in the Statutes at Large and in treaty collections generally; it is that English text which in the United States has always been deemed the text of the treaty.
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The Department of State archives also include the following statement signed by President Adams (Miller, p. 383):

Now be it known, That I John Adams, President of the United States of America, having seen and considered the said Treaty do, by and with the advice and consent of the Senate, accept, ratify and confirm the same, and every clause and article thereof....And I do hereby enjoin and require all persons bearing office civil or military within the United States, and all other citizens or inhabitants thereof, faithfully to observe and fulfill the said Treaty and every Article and article thereof.

One can reasonably surmise that “every article” would include Article 11.

In the official collection of *American State Papers*, one finds a copy of the official archives of the Senate proceedings of May 26, 1797 in the First Session of the Fifth Congress, which ratified the Treaty. John Adams introduces the Treaty of Tripoli as follows:

I lay before you, for your consideration and advice, a treaty of perpetual peace and friendship between the United States of America and the Bey and subjects of Tripoli, of Barbary, concluded, at Tripoli, on the 4th day of November, 1796.10

If the Senators exercised their duties, then they would have seen Article 11. It is a very short Treaty, after all.

The fact that the Treaty of Tripoli included Article 11 at the time of its ratification is found in the *Philadelphia Gazette*, which printed the entire treaty, including Article 11, on June 17, 1797.11 The inclusion in the *Gazette* should be enough to refute the charge that Article 11 is a later invention or insertion. Equally important is that a recent study by Mark Witherspoon—Department of Communications, Iowa State University—of that newspaper’s contents from May 16 to July 17, 1797 found no adverse comments of any sort toward the Treaty, in general, or toward Article 11. Since the newspaper did publish opinions and diatribes by readers on many subjects, the silence about the Treaty of Tripoli constitutes evidence, even if weak, that the Treaty's statements were not viewed as controversial.

Another assault against Article 11 includes the contention that it was removed shortly after 1797 because of questions about its authenticity. However, other documents show that the Treaty was regarded as authentic for decades afterward. For example, in an official set of government documents published in 1846, one finds a copy of the Treaty of Tripoli with Article 11 again.12 The autobiography of Oscar Straus (1922) provides evidence that Article 11 was present in archival copies of the Treaty in the late nineteenth century and that its presence was used to show that the U.S. was not a Christian nation. Straus served as ambassador to Turkey and in other official capacities under the four presidencies. On one mission to Turkey, in 1899, he says he thought it wise to provide assurance to the Sultan about our country’s attitude toward Islam (Mohammedanism). Straus says:
...I had come prepared with a translation into Turkish of Article 11 of an early treaty between the United States and Tripoli, negotiated by Joel Barlow in 1796. It read: "As the Government of the United States is not in any sense founded on the Christian religion..." (1922, pp. 144–145).

Straus's citation allows a number of historical inferences: 1) Straus regarded Barlow's Article 11 as authentic and as in existence since at least 1796. 2) Barlow's Article 11 still was accessible to researchers and diplomats in 1899, and certainly by 1922, when Straus published his book. 3) Straus understood Article 11 to mean that the country was declared to be officially non-Christian in that Treaty.

Since the authenticity and ratification of the Treaty with Article 11 is as historically sound as any other historical document, yet another effort to refute its implications centers on the definition of "Christian nation." David Barton, for example, argues that Article 11 refers only to the federal government, especially since many founders referred to the United States as a Christian nation. Barton (2000) concludes:

Therefore, if the article is read as a declaration that the federal government of the United States was not in any sense founded on the Christian religion, such a statement is not a repudiation of the fact that America was considered a Christian nation (p. 127).

Barton (2000) adds that Article 11 was meant to assure "the Muslims that the United States was not a Christian nation like those of previous centuries (with whose practices the Muslims were very familiar) and thus would not undertake holy war against them" (p. 127). Barton is part of a broader effort to nullify the importance of Article 11 by contending that "Christian nation" refers only to Christian nations that fought with Muslims. Barton also concludes that a difference should be made between "government" and "nation." Thus, for Barton, the Treaty does not deny that the nation, as the larger collective of citizens, was regarded as Christian in its religion and practices.

But while Article 11 does refer explicitly to the government, Barton leaves unexplained what it would mean to say that the government is not founded "in any sense" on the Christian religion. Furthermore, drawing a sharp distinction between "nation" and "government" ignores the fact that Adams stated that "all citizens" of the United States were bound by the declarations of this Treaty, and so it cannot just be restricted to the federal government. Of course, Adams's admonition follows Article VI of our Constitution: "...all Treaties made, or which shall be made, under the authority of the United States shall be the Supreme Law of the land..."[3]

WHAT DOES "CHRISTIAN" MEAN?

Given that it was under President John Adams that the Treaty of Tripoli became the law of the land, we need to explore what Adams might have meant by key terms such as "Christian" and "nation." So did Adams believe that the United
States was a “Christian nation” even if our government were not? The fact is that Adams’s religious views are complex and contradictory. For example, Adams does state that our nation, or at least the method for attaining its independence, is founded on Christian principles. In a letter to Thomas Jefferson that is quoted as evidence for his side by Barton (2000, p. 128), and dated June 28, 1813, Adams says:

The general principles on which the fathers achieved independence, were the only principles in which that beautiful assembly of young men could unite....And what were these general principles? I answer, the general principles of Christianity.... (Adams, Works 10:45)

This would seem to contradict the idea that our government, not just our nation, was not “in any sense” founded on the Christian religion.

Yet, what Barton neglects to mention is that in the very same letter, Adams lists the religious affiliations of these founders, which he calls “young men,” as follows:

Roman Catholics, English Episcopalians, Scotch and American Presbyterians, Methodists, Moravians, Anabaptists, German Lutherans, Socinians, Independent Congregationalists, Horse Protestants, and House Protestants, Deists and Atheists, and Protestants qui ne croyant rien (Adams, Works, 10:45).

It is then that he explicitly says that all of these subscribed to common “Christian principles.”

Indeed, for Adams, to be “Christian,” one need not even acknowledge the existence of Christ, as is clear from this statement in a letter, dated October 4, 1813, to Thomas Jefferson, “I believe Ceanthes to be as good a Christian as Priestley.”¹⁴ Ceanthes was a Stoic philosopher who reportedly lived in the fourth century before Jesus, and Joseph Priestley did not believe in the divinity of Jesus.¹⁵ Clearly, “Christian” referred more to the ethical teachings espoused by Jesus than to belief in Christ or in any of the other supernatural statements made about him in the New Testament.

In fact, Adams thought that Jesus was a deist, judging by this statement, which also shows his attitudes toward Judaism, about his efforts to study the teachings of Jesus:

I should then take a view of the deism and ethics of the Jews, and show in what degraded state they were and the necessity they presented of a reformation. I should proceed to a view of the life, character, and doctrines of Jesus, who, sensible of the incorrectness of their ideas of the Deity and of morality, endeavored to bring them to the principles of a pure deism, and juster notions of the attributes of God, to reform their moral doctrines to the standard of reason, justice, and philanthropy, and to inculcate a belief in a future state.¹⁶

But deism was a very fashionable Enlightenment idea, which posited a creator who did not participate in human events. Deism is one step away from Atheism.
Reason, not revelations in any sacred scripture, was the instrument by which to judge morality.

So, for Adams, a “Christian” might or might not believe in God; a “Christian” may or may not believe that Jesus is the son of God. Thus, if Adams thought our nation was a “Christian nation,” it would bear little resemblance to the “Christian nation” envisioned by most modern Christian-nation advocates, many of whom are evangelical Protestants. For such present-day evangelicals, “Christian” must include the belief in the supernatural origin and nature of Christ and of acceptance of the Bible as a guide to our nation’s policies.¹⁷ Thus, what the founders meant by “Christian” is often not the same as what present-day evangelicals mean by the same word.

Contrary to a Judge Roy Moore, for instance, Jefferson explicitly denied that the Ten Commandments should form any part of our national legal structure. In a wide-ranging letter, Jefferson analyzes in detail the arguments made by an earlier English jurist, John Fortescue Aland (1670-1746), who claimed that English common law had its roots in the Bible. Jefferson does regard English common law as the root of our constitutional system. But Jefferson argues that such a connection of English common law with the Bible was late, and probably the result of forgery in at least some documents.

After detailed arguments against documents purporting to prove a connection between biblical law and English common law, Jefferson (Peterson, 1984) finally answers a main question as follows:

Finally, the answer to Fortescue Aland’s question why the ten commandments should not now be part of the common law of England? We may say they are not because they never were made so by legislative authority, the document which has imposed that doubt on him being a manifest forgery (p. 1329).

Note that Jefferson rejects basing our legislative system on biblical law because the latter was not made by legislative authority. In other words, he sees biblical law as fundamentally different from our legal system.¹⁸ Our laws come from below (the people). Biblical laws are imposed by a deity, and without a vote (see, for example, Exodus 20:1-3). For Jefferson, biblical laws, such as the Ten Commandments, and “Christianity” could be wholly separable.

Jefferson rejects the biblical type of legal system, and prefers what he has helped establish. Adams seems to have agreed with Jefferson on this point.¹⁹ Jefferson cannot be called a Christian if by that one means someone who wants to continue biblical laws and principles. Nor could Jefferson have wanted an officially “Christian” country judging by what he just said. Thus, if “Christian nation” meant a nation that officially followed biblical laws, then many of the founders explicitly rejected such a notion.

Jefferson acknowledges that some of his contemporaries thought him to be an atheist.²⁰ The Dutch American minister named William Linn published an anti-Jefferson tract titled Serious Considerations on the Election of a President: Addressed to the Citizens of the United States (1800). Therein Mr. Linn said that the election of Jefferson was a “rebellion against God” because of Jefferson’s
“disbelief of the Holy Scriptures; or, in other words, his rejection of the Christian religion and open profession of Deism” (Cunningham, 1993, p. 226).

The idea that our country was not officially a Christian nation was echoed by many early Christian theologians and clerics who lamented that fact. For example, Timothy Dwight (1752-1817), a prominent early U.S.-American divine and eighth President of Yale, remarked:

We formed our Constitution without any acknowledgement of God; without any recognition of his mercies to us, as a people, of his government, or even of his existence. The Convention, by which it was formed, never asked, even once, his direction, or his blessings upon their labours. Thus we commenced our national existence under the present system, without God (1813, p. 24).

Similarly, many early U.S.-Americans involved in the debates about our Constitution complained about how secular our new government was. Note the remarks of James Winthrop, who probably wrote under the pen name of “Agrippa,” in the Massachusetts Gazette (February 5, 1787):

Yet the framers of this new constitution did not even think it necessary that the president should believe, that there is a God, although they require an oath of him.

And the words of James Iredell, later a Supreme Court Justice, should also be read. He was responding (July 30, 1788) to complaints that the Constitution would allow non-Christians, and even atheists, to serve in office:

It is objected, that people of America may perhaps chuse [sic] Representatives who have no religion at all, and that Pagans and Mahometans may be admitted into offices. But how is it possible to exclude any set of men, without taking away the principle of religious freedom which we ourselves so warmly contend for?

So again, some people complained that the Constitution was too secular and pluralistic in early U.S.-America. In fact, note that Iredell thought our government should allow Muslims to serve in office. Ironically, Iredell now seems even more liberal than Virgil Goode, the Republican Congressman from Virginia, who recently uttered complaints about the election in 2006 of Keith Ellison (D-Minnesota), the first Muslim elected to such a position.

In short, the conclusions of John M. Murrin (1990), a professor of history at Princeton University, appears to be very appropriate:

Jefferson and Madison along with George Washington, John Adams, Benjamin Franklin, and nearly all of the Founding Fathers claimed to be Christians; but, by virtually any standard of doctrinal orthodoxy, hardly any of them was (p. 29).

If that is the case, then clearly the Christian-nation thesis is a flawed one.

According to Roger Finke and Rodney Stark (2005), two prominent sociologists of religion, early U.S.-America was, by and large, unchurched. About 17 percent of
U.S.-Americans were affiliated with churches on the eve of the U.S.-American revolution, and that climbed to over 50 percent only after 1900. The push to "Christianize" U.S.-America, meaning spreading a form of Christianity valued by modern Evangelical proponents of the Christian-nation thesis, began in the aftermath of the Civil War. As evangelical and self-described fundamentalist churches grew, so did the erroneous perception that "Christian" had meant the same thing to all the nation's founders as it does to current adherents of Christianity.

The reality of early U.S.-America is certainly more complicated than Eastland, Barton, and Moore paint it. As do many Christian-nation advocates, they see early U.S.-America as a sort of Christian Eden from which we have now fallen. A more complex and realistic understanding is that even many Christians of early U.S.-America thought our Constitution and government was much too radically secular even then. The Treaty of Tripoli certainly refutes such an Edenic view of the role of Christianity in our government. More importantly, many of the founders saw the advantages of the non-Christian and secular foundations of our government.

CONCLUSION

The Treaty of Tripoli provides a clear declaration that the government of this nation was not officially Christian. Even David Barton (2000), a staunch enemy of the separation between religion and government, acknowledges this. But even if we grant that the Treaty of Tripoli may not be used to deny that the broader nation was regarded as a "Christian" nation by many of the founders, the fact is that "Christian" meant very different things to different people in early U.S.-America. In early U.S.-America, one can find a Rev. Linn, who did not think that deists such as Jefferson could be called "Christian." But we also can find an Adams, who thought Jesus was a deist, and that a pre-Christian philosopher could be a "Christian." Jefferson, for one, certainly would have disagreed with Judge Moore about the role of the Ten Commandments in our government.

Of course, the founders contradicted themselves on religion and Christianity just as they did on "liberty and equality." That is why Jefferson, the chief scribe of our Declaration of Independence, could speak eloquently of liberty and equality while holding slaves. The founders may have privileged Christian traditions in many ways, but the Treaty of Tripoli indicates that some of our most important founders did not intend to codify that privilege into our legal and governmental system, while simultaneously privileging Christian traditions. In fact, in 1797 our President and the Senate unanimously and emphatically affirmed that our government was not "in any sense founded on the Christian religion."

NOTES

1 Other social and legal historians who reject the thesis that America was founded, officially or unofficially, as a Christian nation include Murrin (1990); Kramnick and Moore (1997).
2 I am distilling the account found in Wheelan (2003).
4 I have constructed this basic chronology based on Miller (1931- pp.175, 55, and 349). For other general treatments, see Miller pp. 349–85; Boston (1997).
5 *The American State Papers* (1832, p. 19) provide the date of May 26, 1797, while Miller (1931, p. 349) provides the date as May 29, 1797.
6 The terms “Musselman” and “Mahomitan” are equivalent to our present “Muslim.”
7 For Barlow, see Bernstein (1985).
8 For studies of the Senate in the 1790s, see Bowling and Kennon (2002).
9 A main representative of this position is Barton (1991 and 2000).
10 *American State Papers*. (1832, pp. 18–19).
11 *The Philadelphia Gazette* of June 17, 1797. For general comments on this newspaper, see Witherspoon (2005).
12 *By Authority of Congress, The Public Statutes at Large of the United States of America...* (Boston: Charles C. Little and James Brown, 1846) Volume 8, 154–156.
15 For Cleanthes, the main biographical source is Diogenes Laertius, and we recommend the edition of Hicks, 2: 273-285; for Joseph Priestly, see Schofield (2000).
17 For one example of a self-definition of “Evangelical Christian,” see the website of the Evangelical Theological Society at http://www.etsjets.org: “The Bible alone, and the Bible in its entirety, is the Word of God written and is therefore inerrant in the autographs. God is a Trinity, Father, Son, and Holy Spirit, each an uncreated person, one in essence, equal in power and glory.” See also Whitehead (1984) for a defense of the role of the Bible in government.
18 For studies of Jefferson’s theology and philosophy, see Jayne (1998); Sanford (2002).
22 For a study of Dwight, see Berk (1974).

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TREATY OF TRIPOLI


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Section II: Theoretical and Conceptual Foundations