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THE AMERICAN JOURNEY FROM RELIGIOUS TOLERATION TO RELIGIOUS LIBERTY

In the wake of the Protestant Reformation in the sixteenth-century, Catholics, Lutherans, and Calvinists waged bloody religious wars against one another. Anabaptists and Jews were persecuted for their religious views. Persecution of religious minorities was widespread, especially where they dissented from the official church or the religion of their ruler. The European Enlightenment of the eighteenth-century gradually helped to end these wars with the concept of religious toleration. This meant that the religious majority would accept and not politically disadvantage members of minority religions.

In the American colonies, Rhode Island, Maryland, and Pennsylvania made the first strides toward religious toleration. The Providence Agreement (1637) limited the authority of government to matters “only in civil things,” which was the America’s first legal protection of religious liberty. The Maryland Assembly passed the Act Concerning Religion (also known as the Maryland Toleration Act) in 1649. This law protected Roman Catholics from Protestant discrimination, but was soon repealed. Pennsylvania was established in 1681 as a refuge for Christians seeking “freedom of conscience,” though only Christians could hold office. In colonial America, most states had established churches and religious tests for office, and religious minorities suffered repression and even violence. For the American colonists, religious toleration was limited.

In 1776, Revolutionary ideals of liberty and limited government ushered in fundamental changes for religious toleration and liberty of conscience. In 1776, the Virginia convention adopted a Declaration of Rights, which included a provision for religious toleration drafted by George Mason. It read: “All Men shou’d enjoy the fullest Toleration in the

Exercise of Religion, according to the Dictates of Conscience.” But a young James Madison thought Mason’s draft did not go far enough. Madison believed that “toleration” meant that a government could grant—or deny—citizens the full extent of their liberties. He believed that free religious belief and exercise were a natural right inherent in humans that government must not violate. He amended the Declaration of Rights to read: “That Religion, or the duty which we owe to our CREATOR, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience.”

Over the next decade, many of the states disestablished their churches and offered religious toleration or full religious liberty to their citizens. The Massachusetts Constitution of 1780 granted religious toleration and promised that “no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious profession or sentiments.”

Many Americans began looking at freedom of conscience and religious liberty as fundamental individual rights that government must protect. During a fight over Patrick Henry’s 1784 proposed general tax for the support of Christian ministers, Madison and Thomas Jefferson joined religious dissenters opposing the bill because they believed freedom of conscience to be a natural right. Madison wrote the “Memorial and Remonstrance” (1785) asserting that religious liberty was an inalienable right that must not be abridged by government. “The Religion then of every man must be left to the conviction and conscience of every man; and it is

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the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right,” Madison argued. Jefferson’s Virginia Statute for Religious Freedom, passed the following year, used the same natural rights language and banned government interference with religious beliefs and practices. The law read: “The rights hereby asserted, are of the natural rights of mankind.”

During and after the American Revolution, states developed their new constitutions, each addressing the issue of religious liberty in its own way. The Framers who met in Philadelphia in 1787 to draft an improved form of central government for the United States, while almost all considered themselves Christians, reflected a general commitment to freedom of conscience. James Madison’s notes on the Constitutional Convention do not reveal much discussion or debate on the topic. The one obvious and direct reference to religious liberty in the Constitution is found in Article VI: “... no religious test shall ever be required as a qualification to any office or public trust under the United States.” This means that belief in any religious teaching or principle can never be a condition to serve in any government office.

Madison was one of the main architects of the Bill of Rights, which was ratified in 1791. The Bill of Rights included the First Amendment protection that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof,” the second section of which is known as the Free Exercise Clause. When added to the protections in state constitutions, America had become a haven for religious liberty as a fundamental right for all. Due to their campaigns for freedom of conscience in Virginia and at the national level, Madison and Jefferson generally receive most of the credit for advancing religious liberty in early

America.

President George Washington, however, played an unsung role in establishing religious liberty in America. When he became the first president of the United States, Washington received congratulatory letters from several religious denominations—Baptists, Presbyterians, Roman Catholics, Jews, and Quakers—many of whom had been discriminated against at one time or another in colonial America. They mostly wished him well and pled their case for religious liberty now that the independent nation had been created and the Constitution ratified.

Washington’s replies promised the denominations religious liberty as a natural right that the government could not violate. For example, the president promised the Hebrew Congregation at Newport, Rhode Island that the new government would give “to bigotry no sanction, to persecution no assistance.” Washington also explained that the United States had uniquely moved beyond mere toleration for true religious liberty. He wrote: “All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of as if it were the indulgence of one class of people that another enjoyed the exercise of their inherent natural rights.”

Washington’s sentiments echoed the ideas of the Declaration of Independence that all humans were endowed with inalienable rights, and the primary purpose of government was to protect those rights. Madison agreed with Washington’s view. In a 1792 essay, “On Property,” Madison wrote, “Conscience is the most sacred of all property... the exercise of that, being a natural and unalienable right.” A just government protected that right, while an unjust government violated it, in Madison’s estimation. Americans now believed in religious liberty for all, not just toleration of certain religious beliefs.