Throughout world history, religious conflicts have been widespread and bloody. In contrast, Americans of various faiths have been able, with some exceptions, to live side by side in relative harmony. What has made the difference? Religious liberty is one important answer. To support religious liberty, the Founders worked to ensure that government was properly limited in its purpose, as well as in its power.

**Virginia’s Religious Revolution**

At the time the Constitution was ratified, many of the original 13 states still supported established churches. Many Americans believed that government should support religion because religion promoted virtuous lives and nurtured the social order needed for self-government.

The Anglican Church was the established denomination in Virginia, though citizens could belong to any Christian church. Baptists were a fast-growing minority in Virginia. They did not believe that the government should have so much control over religion, and did not follow Virginia’s law that required a license to preach. As a result, Baptists were arrested, fined, and sometimes physically assaulted. Baptist preachers were whipped and dunked into mud to the point of near drowning. Baptists petitioned the Virginia government to disestablish the Anglican Church, and give all churches equal rights and benefits.

In 1776, the Virginia legislature adopted a Declaration of Rights, which included a provision dealing with religion. George Mason, the Declaration’s chief draftsman, first wrote: “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 the language of “toleration” meant that a government could grant—or deny—citizens the privilege of exercising religion. Madison recommended new wording affirming that free religious belief and exercise were a natural right and duty of all. The final Declaration declared “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....”

Religious dissenters, who were not members of the established church, thought the logic of the provision would place all churches on an equal footing before the law and lead to disestablishment. However, Virginians would continue to debate the implications of this provision for the next decade.

**Religious Assessments**

By the mid-1780s, taxes to support the Anglican Church had been suspended. In 1784, Patrick Henry proposed a general tax called the Bill Establishing a Provision for Teachers [Ministers] of the Christian Religion. Similar to some New England state laws, citizens would choose which Christian church
received their support, or the money could go to a general fund to be distributed by the state legislature.

One notable supporter of the bill was George Washington. He wrote to James Madison: “No man’s sentiments are more opposed to any kind of restraint upon religious principles than mine are; yet I must confess, that I am not amongst the number of those who are so much alarmed at the thoughts of making people pay towards the support of that which they profess, if of the denominations of Christians; or declare themselves Jews, Mahomitans or otherwise, & thereby obtain proper relief.”

Opponents of the bill included James Madison. Madison wrote the Memorial and Remonstrance (1785) opposing the proposed tax. He asserted that religion could not be forced on people, and that state support actually corrupted religion. Government properly limited, rather, would promote a civil society in which people of different faiths could maintain their beliefs according to their own consciences. Madison’s side won the debate and Henry’s religious assessments bill did not pass.

The next year, the Virginia legislature passed the Virginia Statute for Establishing Religious Freedom, written by Thomas Jefferson. This 1786 law (still on the books in Virginia) banned government interference in religion and individual beliefs. Some, but not all, other states gradually followed the example of Virginia.

**The Constitution and the First Amendment**

At the Constitutional Convention in 1787, the delegates did not discuss basing the government on a religion. The only mention of religion in the body of the U.S. Constitution is to ban religious tests for national office in Article 6, Section 3. Federal employees and elected officials did not have to belong to a specific church or even be religious. This provision passed without debate.

The Constitution likely would not have been ratified without the promise of a Bill of Rights. Many states sent Congress proposed amendments that would add protections from the national government. Included in the proposals was protection for freedom of religion. Congress spent weeks debating different wordings. Finally, amendments were sent to the states for ratification. The religion clauses of the First Amendment read: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof…” The first part, known as the Establishment Clause, prohibited the national government from having anything to do with a national religion. Second, the Free Exercise Clause denied the national government the power to pass laws that stopped individuals from practicing their religions.

States did not have to disestablish their churches because the Constitution and Bill of Rights only applied to the national government. Some of the states maintained established churches and many maintained religious tests for office for many years.

**Critical Thinking**

1. What was the Bill Establishing a Provision for Teachers of the Christian Religion? What arguments were put forth for and against it?
2. George Washington supported religious liberty, but did not oppose the proposed Bill Establishing a Provision for Teachers of the Christian Religion. How did he reconcile these positions?
3. Why could states establish religions and require religious tests even after the ratification of the Constitution and Bill of Rights?
4. Today, there are over 55 countries with established religions. However, a similar number of countries have moved toward religious freedom over the last 150 years. Why do you think the trend over the last 150 years has been to disestablish religions?
A CONNECTED CHURCH AND STATE

Directions: Read the following quotations that support a close connection between the church and the government. For each, identify the reasons used to justify this position, and rephrase the reasons in your own words.

1. Massachusetts Constitution, Article III, 1780

As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused through a community, but by the institution of the public worship of God, and of public instructions in piety, religion and morality: Therefore, to promote their happiness and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require... the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily.

The church and government should be connected because...

2. Patrick Henry: A Bill Establishing a Provision for Teachers of the Christian Religion, 1784

The general diffusion of Christian knowledge hath a natural tendency to correct the morals of men, restrain their vices, and preserve the peace of society....

The church and government should be connected because...
3. **Memorial from Clergy of the Established Church, Virginia, 8 Nov. 1776**

The Doctrines of Christianity have a greater Tendency to produce Virtue amongst men than any human Laws or Institutions; and these can be best taught and preserved in their Purity in an established Church.

*The church and government should be connected because...*

4. **Debate North Carolina Ratifying Convention, 30 July 1788**

If there be no religious test required, pagans, deists, and Mahometans might obtain offices among us, and that the senators and representatives might all be pagans.

*The church and government should be connected because...*
A SEPARATED CHURCH AND STATE

Directions: Read the following quotations that support a separation between church and the government. For each, identify the reasons used to justify this position, and rephrase the reasons in your own words.

1. James Madison, Memorial and Remonstrance
   Against Religious Assessments, 1785
   Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects? that the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?

   The church and government should be separated because...

2. James Madison, Memorial and Remonstrance
   Against Religious Assessments, 1785
   During almost fifteen centuries has the legal establishment of Christianity been on trial. What have been its fruits? More or less in all places, pride and indolence in the Clergy, ignorance and servility in the laity, in both, superstition, bigotry and persecution.

   The church and government should be separated because...
3. **Benjamin Franklin to Richard Price, 9 Oct. 1780**
   
   When a Religion is good, I conceive that it will support itself; and, when it cannot support itself, and God does not take care to support, so that its Professors are oblig’d to call for the help of the Civil Power, it is a sign, I apprehend, of its being a bad one.

   The church and government should be separated because...

4. **Olliver Ellsworth, Landholder, No. 7, 17 Dec. 1787**
   
   A test [requirement] in favour of any one denomination of Christians would be to the last degree absurd in the United States. If it were in favour of either Congregationalists, Presbyterians, Episcopalians, Baptists, or Quakers, it would incapacitate more than three-fourths of the American citizens for any public office; and thus degrade them from the rank of freemen.

   The church and government should be separated because...
Directions: Read the following quotations that discuss a public role for religion in civic life. For each, identify the reasons used to justify, limit, or deny a public role for religion, and rephrase the reasons in your own words.

1. Thomas Jefferson, Notes on the State of Virginia, 1781

   The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbor to say there are twenty gods or no God. It neither picks my pocket nor breaks my leg.

   Should there be a public role for religion?

2. Northwest Ordinance (1787), articles 1 and 3

   Art. 1: No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory. . . .

   Art. 3: Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. . . .

   Should there be a public role for religion?

Is conformity of sentiments in matters of religion essential to the happiness of civil government? Not at all. Government has no more to do with the religious opinions of men than it has with the principles of the mathematics.

Should there be a public role for religion?

4. George Washington, Farewell Address, September 19, 1796

Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable supports. And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that National morality can prevail in exclusion of religious principle.

Should there be a public role for religion?
A CONVERSATION IN 1785

Directions: With your partner, compose a dialogue that two or three Virginians might have had in 1785 about the appropriate relationship between church, religion, and the state. Use Handouts A, B, and C to support your arguments. Try to make the dialogue sound as realistic as possible!