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 This law protected Roman Catholics from Protestant discrimination, but was soon repealed.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
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.
religious toleration

Directions: Read the quotes below. Under each quote, complete the phrase given based on your understanding of the quote. At the bottom of the handout, summarize the arguments supporting religious toleration.

John Locke, “A Letter Concerning Toleration,” 1689

“What I say concerning the mutual Toleration of private Persons differing from one another in Religion, I understand also of particular Churches; which stand as it were in the same relation to each other as private Persons among themselves; nor has any one of them any manner of Jurisdiction over any other, no not even when the Civil Magistrate (as it sometimes happens) comes to be of this or the other Communion. For the Civil Government can give no new Right to the Church, nor the Church to the Civil Government. So that whether the Magistrate joyn himself to any Church, or separate from it, the Church remains always as it was before, a free and voluntary Society. It neither acquires the Power of the Sword by the Magistrate’s coming to it, nor does it lose the Right of Instruction and Excommunication by his going from it.”

Individuals should enjoy religious toleration because . . .

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Act Concerning Religion, Maryland, 1649

“[N]o person or persons…professing to believe in Jesus Christ, shall from henceforth be any waies troubled, Molested, or discountenanced for or in respect of his or her religion nor in the free exercise thereof with this Province.”

Individuals should enjoy religious toleration because . . .

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Pennsylvania Charter of Privileges, 1701

“[N]o Person or Persons, inhabiting in this Province or Territories, who shall confess and acknowledge One almighty God, the Creator, Upholder and Ruler of the World; and profess him or themselves obliged to live quietly under the Civil Government, shall be in any Case molested or prejudiced, in his or their Person or Estate, because of his or their conscientious Persuasion or Practice, nor be compelled to frequent or maintain any religious Worship, Place or Ministry, contrary to his or their Mind, or to do or suffer any other Act or Thing, contrary to their religious Persuasion… AND…all Persons who also profess to believe in Jesus Christ, the Savior of the World, shall be capable…to serve this Government in any Capacity.”

Individuals should enjoy religious toleration because …

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George Mason, Draft of the Virginia Declaration of Rights, 1776

“All Men should enjoy the fullest toleration in the exercise of religion, according to the dictates of conscience.”

*Individuals should enjoy religious toleration because…*
Massachusetts Constitution, 1780

“It is the right as well as the duty of all men in society, publicly and at stated seasons, to worship the Supreme Being, the great Creator and Preserver of the universe. And 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, provided he doth not disturb the public peace or obstruct others in their religious worship.”

*Individuals should enjoy religious toleration because…*

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Summary/Arguments in favor of religious toleration:

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RELIGIOUS LIBERTY

Directions: Read the quotes below. Under each quote, complete the phrase given based on your understanding of the quote. At the bottom of the handout, summarize the arguments supporting religious liberty.

Thomas Jefferson, Virginia Statute for Religious Freedom, 1786

“That no man shall be compelled to frequent or support any religious worship, place, or Ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities…We are free to declare, and do declare, that the rights hereby asserted, are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present, or to narrow its operation, such act shall be an infringement of natural right.”

Religious liberty is a basic right of all people because…

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George Washington, “Thanksgiving Proclamation,” 1789

“That we may then all unite in rendering unto him our sincere and humble thanks, for his kind care and protection of the People of this country previous to their becoming a Nation, for the signal and manifold mercies, and the favorable interpositions of his providence, which we experienced in the course and conclusion of the late war, for the great degree of tranquility, union, and plenty, which we have since enjoyed, for the peaceable and rational manner in which we have been enabled to establish constitutions of government for our safety and happiness, and particularly the national One now lately instituted, for the civil and religious liberty with which we have been blessed.”

Religious liberty is a basic right of all people because…

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James Madison, Virginia Declaration of Rights, 1776

“All men are equally entitled to the full and free exercise of religion according to the dictates of conscience.”

Religious liberty is a basic right of all people because...

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Declaration of Independence, 1776

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

Religious liberty is a basic right of all people because...

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First Amendment, 1791

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”

Religious liberty is a basic right of all people because...

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Isaac Backus, Baptist Minister, “A Declaration of the Rights of the Inhabitants of the State of Massachusetts-Bay, in New England,” 1779

“As God is the only worthy object of all religious worship, and nothing can be true religion but a voluntary obedience unto his revealed will, of which each rational soul has an equal right to judge for itself, every person has an unalienable right to act in all religious affairs according to the full persuasion of his own mind, where others are not injured thereby. And civil rulers are so far from having any right to empower any person or persons, to judge for others in such affairs, and to enforce their judgments with the sword, that their power ought to be exerted to protect all persons and societies, within their jurisdiction from being injured or interrupted in the free enjoyment of this right, under any pretense whatsoever.”

Religious liberty is a basic right of all people because…

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James Madison, “Memorial and Remonstrance Against Religious Assessments,” 1785

“Because we hold it for a fundamental and undeniable truth, “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.” The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. It is unalienable, because the opinions of men, depending only on the evidence contemplated by their own minds cannot follow the dictates of other men…We maintain therefore that in matters of Religion, no man’s right is abridged by the institution of Civil Society and that Religion is wholly exempt from its cognizance.”

Religious liberty is a basic right of all people because…

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“In a word, as a man is said to have a right to his property, he may be equally said to have a property in his rights.

Where an excess of power prevails, property of no sort is duly respected. No man is safe in his opinions, his person, his faculties, or his possessions…

Government is instituted to protect property of every sort; as well that which lies in various rights of individuals, as that which the term particularly expresses. This being the end of government, that alone is a just government, which impartially secures to every man, whatever is his…

More sparingly should this praise be allowed to a government, where a man’s religious rights are violated by penalties, or fettered by tests, or taxed by a hierarchy. Conscience is the most sacred of all property; other property depending in part on positive law, the exercise of that, being a natural and unalienable right. To guard a man’s house as his castle, to pay public and enforce private debts with the most exact faith, can give no title to invade a man’s conscience which is more sacred than his castle, or to withhold from it that debt of protection, for which the public faith is pledged, by the very nature and original conditions of the social pact.”

Religious liberty is a basic right of all people because…

Summary/Arguments in favor of Religious Liberty:

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### RELIGIOUS LIBERTY OR RELIGIOUS TOLERATION

**Directions:** For each of the following quotes, identify whether they express Religious Liberty (RL) or Religious Toleration (RT) and place the quote cards into the respective boxes.

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<table>
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<td><strong>1.</strong> Maryland Legislature, 1649</td>
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George Washington (and the other Founders) believed that religion was a primary means of learning about virtue. He also believed that virtue was the basis of good citizenship, and that a virtuous citizenry was necessary for republican self-government. Logically, therefore, according to this approach religion was indispensable for self-government.

Washington also played an instrumental—though largely unsung—role in establishing the idea of religious liberty as a natural right through important correspondence related to ratification of the Bill of Rights.


ONE: “If I could have entertained the slightest apprehension that the Constitution framed in the Convention, where I had the honor to preside, might possibly endanger the religious rights of any ecclesiastical society, certainly I would never have placed my signature to it; and if I could now conceive that the general government might ever be so administered as to render the liberty of conscience insecure, I beg you will be persuaded that no one would be more zealous than myself to establish effectual barriers against the horrors of spiritual tyranny, and every species of religious persecution. For you, doubtless, remember that I have often expressed my sentiment, that every man, conducting himself as a good citizen, and being accountable to God alone for his religious opinions, ought to be protected in worshipping the Deity according to the dictates of his own conscience.”


“While I reiterate the professions of my dependence upon Heaven as the source of all public and private blessings; I will observe that the general prevalence of piety, philanthropy, honesty, industry, and economy seems, in the ordinary course of human affairs, particularly necessary for advancing and conforming the happiness of our country. While all men within our territories are protected in worshipping the Deity according to the dictates of their consciences; it is rationally to be expected from them in return, that they will be emulous of evincing the sanctity of their professions by the innocence of their lives and the beneficence of their actions; for no man, who is profligate in his morals, or a bad member of the civil community, can possibly be a true Christian, or a credit to his own religious society.”

“The liberty enjoyed by the people of these states of worshipping Almighty God agreeably to their consciences, is not only among the choicest of their blessings, but also of their rights. While men perform their social duties faithfully, they do all that society or the state can with propriety demand or expect; and remain responsible only to their Maker for their religion, or modes of faith, which they may prefer or profess.”


“The prospect of national prosperity now before us is truly animating, and ought to excite the exertions of all good men to establish and secure the happiness of their country, in the permanent duration of its government, and the cultivation of manners, morals, and piety, cannot fail of attaining an uncommon degree of eminence, in literature, commerce, agriculture, improvements at home and respectability abroad.

“As mankind become more liberal they will be more apt to allow that all those who conduct themselves as worthy members of the community are equally entitled to the protection of civil government. I hope ever to see America among the foremost nations in examples of justice and liberality. And I presume that your fellow-citizens will not forget the patriotic part which you took in the accomplishment of their Revolution, and the establishment of their government; or the important assistance which they received from a nation in which the Roman Catholic faith is professed.”


“If we have wisdom to make the best use of the advantages with which we are now favored, we cannot fail, under the just administration of a good government, to become a great and happy people.

“The citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy—a policy worthy of imitation. 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, for, happily, the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens in giving it on all occasions their effectual support…

“May the children of the stock of Abraham who dwell in this land continue to merit and enjoy the good will of the other inhabitants—while every one shall sit in safety under his own vine and fig tree and there shall be none to make him afraid.”

1. Does George Washington support the idea of religious tolerance or religious liberty of conscience? Explain your answer with evidence from the primary sources.

2. What virtues does Washington think self-governing citizens must have?

3. How does Washington connect religion, virtue, and happiness?