

The Roots of American Religious Liberty

by Charles C. Haynes

From the colonial era to the present, religions and religious beliefs have played a significant role in the political life of the United States. Religion has been at the heart of some of the best and some of the worst movements in American history. The guiding principles that the framers intended to govern the relationship between religion and politics are set forth in Article VI of the Constitution and in the opening sixteen words of the First Amendment.

Now that America has expanded from the largely Protestant pluralism of the seventeenth century to a nation of some 3,000 religious groups, it is more vital than ever that every citizen understand the appropriate role of religion in public life and affirm the constitutional guarantees of religious liberty, or freedom of conscience, for people of all faiths or none.

The philosophical ideas and religious convictions of Roger Williams, William Penn, John Leland, Thomas Jefferson, James Madison, and other leaders were decisive in the struggle for freedom of conscience. The United States is a nation built on ideals and convictions that have become democratic first principles. These principles must be understood and affirmed by every generation if the American experiment in liberty is to endure.

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. (James Madison, 1785)

The Religious Liberty clauses of the First Amendment to the Constitution are a momentous decision, the most important political decision for religious liberty and public justice in history. Two hundred years after their enactment they stand out boldly in a century made dark by state repression and sectarian conflict. Yet the ignorance and contention now surrounding the clauses are a reminder that their advocacy and defense is a task for each succeeding generation.

(The Williamsburg Charter, 1988)

Guarantees of Religious Liberty in the Constitution

The guiding principles supporting the definition of religious liberty are set forth in Article VI of the Constitution and in the opening words of the First Amendment to the Constitution. These principles have become the ground rules by which people of all religions or none can live together as citizens of one nation.

Article VI concludes with these words: "No religious test shall ever be required as a qualification to any office or public trust under the United States." With this bold stroke, the framers broke with European tradition and opened public office in the federal government to people of all faiths or none. The First Amendment's Religious Liberty clauses state that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Taken together, these two clauses safeguard religious liberty by protecting religions and religious convictions from governmental interference or control. They ensure that religious belief or nonbelief remains voluntary, free from governmental coercion. The clauses apply equally to actions of both state and local governments, because the Supreme Court has ruled that the Fourteenth Amendment's dictum that states are not to deprive any person of liberty makes the First Amendment applicable to the states.

Meaning of "No Establishment"

"No establishment" means that neither a state nor the federal government can establish a particular religion or religion in general. Further, government is prohibited from advancing or supporting religion. This does not mean that the government can be hostile to religion. The government must maintain what the Supreme Court has called "benevolent neutrality," which permits religious exercise to exist but denies it government sponsorship. The No

Establishment clause serves to prevent both religious control over government and political control over religion.

Meaning of “Free Exercise”

“Free exercise” is the freedom of every citizen to reach, hold, practice, and change beliefs according to the dictates of conscience. The Free Exercise clause prohibits governmental interference with religious belief and, within limits, religious practice.

The Difference Between Belief and Practice

The Supreme Court has interpreted “free exercise” to mean that any individual may believe anything he or she wants, but there may be times when the state can limit or interfere with practices that flow from these beliefs. Traditionally, the Court has required a government to demonstrate a compelling interest of the “highest order” before it can burden or otherwise interfere with religious conduct. Even then, the government has to demonstrate that it has no alternative means of achieving its interest that would be less restrictive of religious conduct. [. . .]

The Movement Toward Religious Liberty

The momentous decision by the framers of the Constitution and the Bill of Rights to prohibit religious establishment on the federal level and to guarantee free exercise of religion was related to a number of religious, political, and economic factors in eighteenth-century America. Underlying all of these factors, of course, was the practical difficulty of establishing any one faith in an emerging nation composed of a multiplicity of faiths (mostly Protestant sects), none of which was strong enough to dominate the others.

The period between 1776 and the passage of the First Amendment in 1791 saw critical changes in fundamental ideas about religious freedom. In May 1776, just prior to the Declaration of Independence, the leaders of Virginia adopted the Virginia Declaration of Rights, drafted by George Mason. The first draft of the Declaration argued for the “fullest toleration in the exercise of religion according to the dictates of conscience.” This language echoed the writings of John Locke and the movement in England toward toleration.

Although toleration was a great step forward, a twenty-five-year-old delegate named James Madison (1751-1836) did not think it went far enough. Madison, also deeply influenced by the ideas of the Enlightenment, successfully argued that “toleration” should be changed to “free exercise” of religion. This seemingly small change in language signaled a revolutionary change in ideas. For Madison, religious liberty was not a concession by the state or the established church, but an inalienable, or natural, right of every citizen.

In 1791, the free exercise of religion proclaimed in the Virginia Declaration became a part of the First Amendment, guaranteeing all Americans freedom of conscience.

From Establishment to Separation

The decisive battle for disestablishment came in the large and influential colony of Virginia, where the Anglican Church was the established faith. Once again, James Madison played a pivotal role by leading the fight that persuaded the Virginia legislature to adopt in 1786 Thomas Jefferson’s “Bill for the Establishment of Religious Freedom.”

Madison and Jefferson argued that state support for a particular religion or for all religions is wrong, because compelling citizens to support through taxes a faith they do not follow violates their natural right to religious liberty. “Almighty God had created the mind free,” declared Jefferson’s bill. Thus, “to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical.”

The “Great Awakening” and the Struggle for Disestablishment

Madison and Jefferson were greatly aided in the struggle for disestablishment by the Baptists, Presbyterians, Quakers, and other “dissenting” faiths of Anglican Virginia. The religious revivals of the eighteenth century, often called the “Great Awakening” (1728-1790), produced new forms of religious expression and belief that influenced the development of religious liberty throughout the colonies. The revivalists’ message of salvation through Christ

alone evoked a deeply personal and emotional response in thousands of Americans.

The evangelical fervor of the Awakening cut across denominational lines and undercut support for the privileges of the established church. Religion was seen by many as a matter of free choice and churches as places of self-government. The alliance of church and state was now seen by many as harmful to the cause of religion. In Virginia this climate of dissent and the leadership of such religious leaders as John Leland, a Baptist, provided the crucial support Madison needed to win the battle for religious liberty in Virginia.

The successful battle for disestablishment in Virginia is a vital chapter in the story of religious liberty in America. By the time of the ratification of the First Amendment in 1791, all of the other Anglican establishments (except in Maryland) were ended. The Congregational establishments of New England lasted longer. Not until 1818 in Connecticut and 1833 in Massachusetts were the state constitutions amended to complete disestablishment.

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