

Conscience is the Most Sacred Property: James Madison, Virginia Statute for Religious Freedom, and Justice

- **Compelling Question**
 - How can you stand up for justice for yourself and others in your daily life?
- **Virtue:** Justice
- **Definition** – Justice is the capacity to determine and preserve our common rights.
- **Lesson Overview**
 - In this lesson, students will learn about James Madison's fight to promote and advance religious freedom in the State of Virginia. They will explore how his actions conformed to the idea of justice and through his example, learn how they can pursue justice in their own lives.
- **Objectives**
 - Students will study James Madison's work in securing religious freedom
 - Students will analyze how James Madison's work was in pursuit of justice
 - Students will apply this understanding to how they can act justly in their own lives
- **Background**
 - The principles of the American Founding ushered in the radical new idea of freedom of conscience. Even as the colonists were protesting British taxes and dumping tea into Boston Harbor during the Boston Tea Party, religious dissenters were being persecuted for their religious beliefs and practices in most of the colonies. When the British passed the Coercive Acts in 1774, which loosely included the Quebec Act that guaranteed religious toleration to Roman Catholics, many important Founders erupted in an outbreak of anti-Catholicism and religious intolerance.

In 1776, with the Declaration of Independence and writing of several state constitutions which included bills of rights, Americans introduced the idea of religious liberty and disestablishment of official state churches. In Virginia, James Madison and Thomas Jefferson led the fight for both ideas. Across the states, there was varying success in ending established churches and religious tests for office. In Virginia, Madison engaged in a fierce struggle for religious liberty and disestablishment, and won passage of Jefferson's Virginia Statute for Religious Freedom. Madison continued the work for disestablishment at the national level when he introduced and helped secure passage of the First Amendment to the Bill of Rights in the First Congress.

- **Vocabulary**
 - Dissenters
 - Persecuted
 - Disestablishment
 - Persecution
 - Sentiments
 - Venerable
 - Conscience
 - Luminaries
 - Deluge
- **Introduce Text**
 - Have students read the background and narrative, keeping the "Walk-In-The-Shoes" question in mind as they read. Then have them answer the remaining questions below.
- **Walk-In-The-Shoes Questions**
 - As you read, imagine you are the protagonist.
 - What challenges are you facing?
 - What fears or concerns might you have?
 - What may prevent you from acting in the way you ought?
- **Observation Questions**
 - What was Madison's role in defending religious liberty and justice?
 - Why did Madison believe he needs to protect justice for those being persecuted?
 - What did Madison do in order to protect justice?

- **Discussion Questions**

- Discuss the following questions with your students.
 - What is the historical context of the narrative?
 - What historical circumstances presented a challenge to the protagonist?
 - How and why did the individual exhibit a moral and/or civic virtue in facing and overcoming the challenge?
 - How did the exercise of the virtue benefit civil society?
 - How might exercise of the virtue benefit the protagonist?
 - What might the exercise of the virtue cost the protagonist?
 - Would you react the same under similar circumstances? Why or why not?
 - How can you act similarly in your own life? What obstacles must you overcome in order to do so?

- **Additional Resources**

- Dreisbach, Daniel L., Mark Hall, and Jeffrey Morrison. *The Founders on God and Government*. Lanham, M.D.: Rowman & Littlefield, 2004.
- Hutson, James H. *Religion and the Founding of the American Republic*. Washington, D.C.: Library of Congress, 1998.
- Ketcham, Ralph. *James Madison: A Biography*. Charlottesville: University Press of Virginia, 1971.
- Ragosta, John. *Wellspring of Liberty: How Virginia's Religious Dissenters Helped Win the American Revolution and Secured Religious Liberty*. Oxford: Oxford University Press, 2010.

Handout A: Conscience is the Most Sacred Property: James Madison, Virginia Statute for Religious Freedom, and Justice

Background

The principles of the American Founding ushered in the radical new idea of freedom of conscience. Even as the colonists were protesting British taxes and dumping tea into Boston Harbor during the Boston Tea Party, religious dissenters were being persecuted for their religious beliefs and practices in most of the colonies. When the British passed the Coercive Acts in 1774, which loosely included the Quebec Act that guaranteed religious toleration to Roman Catholics, many important Founders erupted in an outbreak of anti-Catholicism and religious intolerance.

In 1776, with the Declaration of Independence and writing of several state constitutions which included bills of rights, Americans introduced the idea of religious liberty and disestablishment of official state churches. In Virginia, James Madison and Thomas Jefferson led the fight for both ideas. Across the states, there was varying success in ending established churches and religious tests for office. In Virginia, Madison engaged in a fierce struggle for religious liberty and disestablishment, and won passage of Jefferson's Virginia Statute for Religious Freedom. Madison continued the work for disestablishment at the national level when he introduced and helped secure passage of the First Amendment to the Bill of Rights in the First Congress.

Narrative

In 1772, when James Madison returned to his home, Montpelier, in Virginia, from Princeton, where he studied the principles of civil and religious liberty, he was shocked by the religious persecution he witnessed. Dissenting ministers were denied licenses to preach and were horse-whipped and beaten when they did. They were jailed and suffered violence from angry mobs that lingered outside their cells. Baptists in particular were nearly drowned in local rivers by "baptisms" mocking their faith. In 1774, Madison fumed about the violation of rights: "That diabolical Hell-conceived principles of persecution rages among some...This vexes me the most of anything whatever. There are at this [time] in the adjacent County not less than 5 or 6 well-meaning men in close [jail] for publishing their religious Sentiments." The young man resolved to fight for justice for his fellow citizens who were persecuted for their religious beliefs.

In early May, 1776, as the war raged to the North, Madison traveled by horseback to the capital of Williamsburg where his fellow representatives assembled for the Fifth Virginia Convention. They would instruct the Virginia delegation to the Continental Congress meeting in Philadelphia to declare independence, and then draw up a framework of government for Virginia. The venerable George Mason drafted a declaration of rights that contained a dramatic expansion of religious toleration. It stated: "All men should enjoy the fullest Toleration in the Exercise of Religion." The twenty-five-year-old Madison was dedicated to justice and respect for religious beliefs and did not want merely to tolerate them. He fought for religious liberty as an inalienable right and won his amendment that, "All men are equally entitled to the free exercise of religion." It was a revolutionary idea in the history of the world.

Madison unleashed a groundswell of support for religious liberty as dissenters were inspired by his work and flooded the Assembly with petitions to disestablish the official Anglican Church. The Assembly responded with an uneasy bargain in which dissenters were relieved from paying taxes for the Anglican Church and from attending its services but remained the established church. Madison thought this conflicted with liberty of conscience and resolved to carry on the struggle, though the war intervened to table the debate.

In 1784, the Revolutionary War had been won and independence secured, but many fretted over the decline in public virtue and private morality of the citizenry. Therefore, with broad popular support, the esteemed Patrick Henry introduced a general assessment (tax) to be allocated to any denomination or school of a taxpayer's choice to support knowledge and virtue. The Assembly received hundreds of petitions in favor of the measure. George Washington, John Marshall, Richard Henry Lee, and Edmund Pendleton were among the luminaries who supported the resolution, which passed by a margin of forty-seven to thirty-two in November. Henry won appointed to chair a committee to draft the bill.

Madison moved into action in defense of religious liberty. In the Assembly, Madison argued that the bill would

violate the natural right to religious conscience and involve the state in questions that belonged only to the churches. He also supported Henry's election to the governorship to maneuver him out of the Assembly debates where he shone with his unparalleled oratorical skills. Madison additionally rallied the dissenters including Baptists, Methodists, and Quakers to deluge the Assembly with petitions protesting the general assessment. Finally, Madison wrote a brilliant anonymous pamphlet entitled, *Memorial and Remonstrance against Religious Assessments*.

In June, 1785, Madison sat in his library surrounded by books that would help him develop his ideas and draft the pamphlet. He wrote, "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 also supported the idea of separation of church and state in order to prevent the government from interfering with religious beliefs and practices. "Religion is wholly exempt from the cognizance of [civil society]." He continued: "Since civil society itself had no right to interfere with religion, certainly the legislature, its creature, had no such right."

Madison's diligence led the turning of the tide against the general assessment and the wider issue of religious establishment. He introduced Thomas Jefferson's "Bill for Establishing Religious Freedom" and led the fight for its passage in the Assembly since his friend was then a diplomat in Paris. On January 16, 1786, the Virginia Assembly passed the Virginia Statute for Religious Freedom, which disestablished the official church: "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 be made to suffer, on account of his religious opinions or belief." It also asserted the idea of freedom of conscience. "We are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind."

Madison continued to work for justice in religious liberty as a basic right when he introduced and helped secure passage of the Bill of Rights including the First Amendment protecting religious liberty and preventing a national establishment of religion. Madison inspired other national figures such as George Washington to advocate the natural right of freedom of conscience in the new nation as it became widely embraced.