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The Virginia Statute for Religious Freedom:
Revolutionary and Forgotten

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Universal religious toleration and the separation of Church and State are two principles that many consider integral to the United States of America. However, few know the history behind these protections or their original intent, to protect religion from the state, or of the first law in which they were present, The Virginia Statute for Religious Freedom, authored by Thomas Jefferson and adopted by the Virginia Legislature in 1786. This paper will examine the history behind the Virginia Statute for Religious Freedom, paying close attention to both the history of American Church and State relations prior to the Statute, and to the motives that its author and main proponent, Thomas Jefferson, had for drafting it. Then the actual Statute will be analyzed, as will be the consequences of the Statute, both legal and historical, and its lasting effect and importance in America will be demonstrated.

Part I

To understand early American Church and State relations, one must look much further back in history than the founding of the British Colonies in the New World. It can be argued that the beginning of “modern” Church and State relations occurred when toleration was granted to Christianity in the Roman Empire, in 313 with the Edict of Milan. Emperor Constantine claimed that he had seen the sign of Christ before the Battle of the Melvin Bridge, and after his victory there, adopted Christianity as his own religion.¹ In that moment, a faith that had been persecuted, and its members martyred, for the last three hundred years became aligned with the state that once persecuted it. It is

¹ Chapman, Alice. "Pope vs King." HST 495, Grand Valley State University, Allendale, MI, February/March 2013.

here that modern Church and State relations begun between Christianity and the West, relations that would have a major impact on world history. Here the Christian idea of "Render unto Caesar the things which are Caesar's, and unto God the things that are God's" (Matthew 22:21) came into fruition, and two spheres of influence developed, the Church and the State, though neither were independent of one another, setting the stage for a new relationship between Church and State.

By the Middle Ages of Europe, the once persecuted Church had grown to one of, if not the, largest and most powerful institutions on the continent. The papacy held great prestige, and there were certainly times where the Pope was the most powerful figure in Europe, the pontificate of Innocent III and the crowing of Charlemagne as Holy Roman Emperor on Christmas Day 800 by Pope Leo III coming to mind.² However, the secular and religious powers were often in conflict over issues such as taxation of clergy, lay investiture (the practice of the secular ruler appointing bishops), and marital disputes among the secular rulers. The Church became inseparably tangled with the secular powers of the day, and in doing so lost much of its credibility, something that helped lead to the Protestant and Anglican reformations.

The Anglican reformation is the most relevant to the subject of this work. In response to a Church/State conflict with the Pope, the King of England broke away from the traditional Catholic Church forming the Church of England, or the Anglican Church, with the English Monarch as the head of the Church.³ It was from this Church that some of the earliest American settlers came, specifically the Puritans of New England. These

² Ibid.

³ Ibid.

Puritans viewed the secular controlled Church of England as being too corrupt, and felt that they could not practice their “correct” religion freely within England.⁴

For John Winthrop, founder and famed governor of the Massachusetts Bay Colony, the freedom to practice his Puritan religion was very much on his mind when he came to the New World.⁵ Winthrop viewed the Church of England as too corrupt to be reformed from the inside, but he believed it could be reformed from the outside, with the new settlements in North America showing England an example of what a religious state should look like.⁶ He sought to carve out a new Christian holy land in America, and in doing so, create a haven of true religiosity. After arriving in Massachusetts, the once persecuted Puritans quickly became the dominant power.

In history, it is always amazing how fast the oppressed, when given a little power, can become the oppressors. The early Puritan settlers were no exception to this. After escaping religious persecution by coming to the New World, they quickly clamped down on any religious dissenters in the Massachusetts Colony. This was due to the strict control of beliefs that the secular government and Church held over the inhabitants of the Massachusetts Bay Colony. The secular government enforced this strict set of beliefs because John Winthrop and many of the other secular leaders felt that any disagreement over religious beliefs would tear the fragile colony apart at its seams.⁷ This view led to the harsh treatment of many religious dissenters in the colony, most famously Roger Williams and Anne Hutchinson. The colonial governments disagreement with Roger

⁴ Morgan, Edmund S. *The Puritan Dilemma; the Story of John Winthrop*. Boston: Little, Brown, 1958, 84.

⁵ Ibid, 85.

⁶ Ibid.

⁷ Ibid, 343.

Williams stemmed out of his convictions both that the colonial Church was not “pure” enough because of its ties with the Church of England and that the colonial charters that brought the Colony into existence were invalid due to his extensive study of the First Nation Americans.⁸ For his dissent, Williams was banished from the colony, and went on to found the colony of Rhode Island, where, in one of the great paradoxes of history, this intolerant zealot would become the father of American religious toleration.

Anne Hutchinson, the wife of a wealthy settler in the colony, would later become at odds with the colonial government and Church and suffer much the same fate as Williams. Her disagreement with the established Church over several important theological points, and her growing influence in the colony, led to her imprisonment and subsequent banishment in 1638.⁹ Hutchinson and many of her followers were convinced by Roger Williams to come and settle in his colony of Rhode Island, where for the first time in the New World, religious toleration, to a point, was found.

If one were to pick the most unlikely leader in the colonies to be religiously tolerant, Roger Williams would have to be close to the top of this list. Born in 1603, this feverently religious man came to the New World in 1631 seeking escape from what he perceived to be as the horrid corruption of the English Church.¹⁰ Williams saw religious corruption everywhere, often claiming that the leaders of the Church of England were in league with the Pope, possibly the worst accusation he bestow upon them.¹¹ After his

⁸ Ibid, 345.

⁹ Ibid, 344.

¹⁰ Ibid, 345.

¹¹ Ibid, 346.

banishment from the Massachusetts Bay Colony in 1636 he obtained a charter from Cromwell's government to form the colony of Rhode Island.¹²

Rhode Island, and Williams himself, would go down in American history as the first great example of American religious toleration. However true this may be, there are certainly some facts that some light needs to be shed upon. Roger Williams was not, in the least, a religiously tolerant man. He was an outspoken critic of many religions, and condemned everyone from Catholics to the Puritans and was particularly enraged by George Fox's Quakers (especially their long hair), even often making derogatory puns using Fox's name. It was said of Williams that he believed that no one, not even his wife, was pure enough to pray with him.¹³ Supposedly he could not say grace before a meal, unless he was eating alone, lest he pray with religious inferiors.¹⁴

How did this man, so intolerant and critical, become a symbol of toleration? Some argue that he did not have some sort of epiphany that led him to become religiously tolerant, but instead he realized that it was logistically impossible for him to be intolerant as a governor. Williams is quoted as saying that if he persecuted and executed witches, he would have to do the same to Catholics, then Quakers, and then everyone else.¹⁵ These scholars claim that in Williams' mind, everyone was equally in error, and it was since it was simply logistically impossible to persecute everyone, he decided to persecute no one. However, there is much in Williams' understanding of religion that would lead him to be tolerant. Williams' believed that all of human kind was fallible and in error, due to

¹² Montagna, Douglas. "HST 311." Lecture, HST 311, Grand Valley State University, Allendale, MI, Fall 2012.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Wills, 347.

original sin.¹⁶ Because of this, no one, including himself, could condemn others because everybody was wrong. This led to a sort of humility, and it was out of this humility and belief in the fallibility of all humans that Williams established religious toleration in Rhode Island. Many have claimed that Williams' views on religious toleration would later influence Thomas Jefferson, the author of the Virginia Statute for Religious Freedom, but as will be demonstrated, Jefferson had far different motives for establishing religious freedom than those of Roger Williams.

Rhode Island, though the first, was not the only haven for religious toleration in the American Colonies. The Quakers, after being persecuted in many of the other colonies, found a safe haven in Pennsylvania, founded by Quaker William Penn in 1681.¹⁷ Pennsylvania offered religious freedom to all monotheists, by far the most tolerant declaration in the colonies at that time. Many small religious groups emerged in Pennsylvania, notably the Mennonites and the Amish. There was no established Church and initially the government was open to all Christians.¹⁸ However, this toleration was not found in the other colonies, many still having established churches.

Under British rule, the Anglican Church was still firmly entrenched in many of the colonies as the officially established church, particularly the southern colonies including the very powerful Virginia.¹⁹ Though the Anglicans had trouble penetrating deeply Puritan New England (let us not forget that the Puritans came to America to

¹⁶ Gaustad, Edwin S. *Liberty of Conscience: Roger Williams in America*. Valley Forge, PA: Judson Press, 1999, 91.

¹⁷ Hamm, Thomas D. *The Quakers in America*. New York: Columbia University Press, 2003, 27.

¹⁸ Ibid, 28.

¹⁹ Holmes, David L. *The Faiths of the Founding Fathers*. Oxford: Oxford University Press, 2006, 15.

escape the Anglican Church) they found much success in other colonies. However successful the Anglicans might have been, their influence was almost eliminated during the American Revolution. The established Anglican Church was seen as an agent of the British, and public opinion quickly soured on the Anglicans, though established churches did remain present in some colonies.

This is the situation in which the Virginia Statute for Religious Freedom was composed. After this look back at pre-statute American Church and State relations, the revolutionary nature of a statute that guaranteed religious freedom for all is clearly evident. Not even in the colonies known for toleration, Rhode Island and Pennsylvania, was religious freedom guaranteed for all, no matter one's religious conviction. However, before consideration of the revolutionary document, it is necessary to consider the background, motivations and intent of its author, Thomas Jefferson.

Part II

Thomas Jefferson is certainly one of the most complex and controversial figures in American history. Jefferson was a man who wrote about equality and freedom, yet owned hundreds of slaves, and was an outspoken critic of federal power, a power he greatly helped to increase while President with the Louisiana Purchase. He was an intensely private man who kept his study and library locked, and perhaps this helped create the many conspiracies that surround Jefferson today. In religious matters, his is a name that is invoked to defend atheism and it is often thought that Jefferson argued for religious freedom to save America from the "scourge" of religiosity. If this were true, it would greatly affect one's reading and understanding of the Virginia Statute for Religious Freedom. In fact, almost the complete opposite is true, as will be demonstrated shortly.

Jefferson was a deeply religious man, but like many of the other aspects of Jefferson's life, his views on religion are complex, and an unfolding of them in the following pages is necessary.

There have been many, scholars and not, who have argued that Thomas Jefferson was an atheist who's goal in advocating for religious freedom was to forever liberate the fledgling United States of America from the darkness and backwardness of religion. It is thought that Jefferson despised religion and wanted nothing more than to see it crumble in the country he helped found. He is often quoted arguing for "a wall of separation between Church and State", but this quote is taken very much out of context. The quote actually appears in a letter of Jefferson's to the Danbury Baptist Association, a religious minority in Connecticut.²⁰ The Danbury Baptists had written to Jefferson in 1802 informing him that their state viewed the toleration of the Baptists not as a right (as guaranteed by the First Amendment at that time) but as a favor or a privilege. Jefferson wrote back in defense of the Danbury Baptists, *against* the state, arguing that a "wall of separation between Church and State" should exist, in this case, to protect this religious minority.²¹

The accusation that Jefferson was an atheist is not a recent invention, in fact, during his lifetime, and especially during his presidential campaign and presidency, contemporaries often denounced his "atheism" to try to discredit him politically.²²

²⁰ "Jefferson's Letter to the Danbury Baptists: The Final Letter, as Sent." Jefferson's Letter to the Danbury Baptists (June 1998). Accessed March 27, 2013. <http://www.loc.gov/loc/lcib/9806/danpre.html>.

²¹ Ibid.

²² Lambert, Frank. *The Founding Fathers and the Place of Religion in America*. Princeton, NJ: Princeton University Press, 2003, 276.

Jefferson's fierce belief that religion should be a personal matter, that the government had no involvement in, did not help his case with these contemporaries. Jefferson did not speak of his own religious beliefs publically, and actions taken as president, such as doing away with the national days of fasting and thanksgiving that his predecessors, George Washington and John Adams, had instituted led many to believe that he was an enemy of religion.

The best way to understand Jefferson's religious convictions is to delve into his extensive writings. Here, specifically in his *Notes on the State of Virginia*, *Autobiography*, letters to John Adams and his own version of the Christian Bible, *The Life and Times of Jesus of Nazareth*, Jefferson's religious views are revealed. These views are important for understanding the Virginia Statute for Religious Freedom, as they greatly affect the "intent" of the document. If Jefferson had been an atheist, the document would represent something far different than if he were a religious man.

So what did Jefferson believe? Jefferson believed in one "Supreme, Intelligent Being", one that had created the universe and set it in motion, leaving it to follow the laws of nature and reason.²³ He was often critical of Christian denominations, showing his Universalist tendencies in declaring, in a letter to John Adams, that it was inconceivable to him that five sixths of the world's population would be damned because they had no knowledge of the Christian God.²⁴ He was also critical of the mysticism in Christianity, stating that "the day will come, when the mystical generation of Jesus, by

²³ Jefferson, Thomas, John Adams, and Bruce Braden. *"Ye Will Say I Am No Christian": The Thomas Jefferson/John Adams Correspondence on Religion, Morals, and Values*. Amherst, NY: Prometheus Books, 2006, 223.

²⁴ *Ibid*, 221.

the Supreme Being as His Father, in the womb of a virgin, will be classed with the fable of the generation of Minerva in the brain of Jupiter.”²⁵

Even though he was critical of the denominational and mystical aspects of Christianity, he found Jesus of Nazareth to be one of greatest, if not the greatest, moral teachers of all time, and went as far as to edit the mystic and magical out of the Christian Bible, publishing *The Life and Times of Jesus of Nazareth* in 1819.²⁶ This work provided the reader with the teachings of Jesus of Nazareth, teachings very important to Jefferson. Jefferson considered himself a Christian, because he strove to follow the moral teachings of Jesus of Nazareth, and actually considered himself more of a Christian than many of his traditional peers, as he felt his interpretation of the Christian faith was more “original” to the movement. Jefferson strove to follow the religion *of* Jesus of Nazareth, not the subsequent religion *about* Jesus. In essence, he was the original “What would Jesus do?” man.

It should now be clear that Jefferson was indeed a religious man, and one can dispel the notion that he was an atheist. The accusation of atheism against Thomas Jefferson is absolutely, undeniably wrong. Jefferson was not an atheist, nor did he hate religion. Those who argue this are misinformed and have not done their research on the matter. Jefferson was a deeply religious man, though not what one would consider “traditionally” Christian. An analysis of his writings clearly demonstrates that he had a powerful religious conviction, and religion was often at the forefront of his mind. One would do well not to forget that his self written epitaph contains only three of his

²⁵ Ibid, 224.

²⁶ Jefferson, Thomas. *The Jefferson Bible: The Life and Morals of Jesus of Nazareth*. Boston: Beacon Press, 1989.

achievements: Author of the Declaration of Independence, Founder of the University of Virginia and the Author of the Virginia Statute for Religious Freedom. Using this background knowledge, Jefferson's motives for drafting the Virginia Statute for Religious Freedom can now be examined, and subsequently de-mystified.

As in the case of his views on religion, one can learn much about Jefferson's intent behind the Statute by consulting his writings. In his famous *Notes on the State of Virginia*, Query XVII deals with religion's relationship with the state.²⁷ Jefferson starts by showing how religious minorities had been suppressed in the American Colonies, using the Quakers as an example.²⁸ He discusses several acts of the Virginia Legislature in the Seventeenth Century that made it illegal not to have one's children baptized in the Church and prohibited the gathering of Quakers, and he is very critical of these acts.²⁹ This example leads up to his argument that is central to understanding his motives behind the Virginia Statute for Religious Freedom.

Jefferson argues that it is "error alone that needs the support of government. Truth can stand by itself."³⁰ Any religion that needs the support of government is in "error", for true religion would not need, nor would it want, support from the government. This is one of his major motives in establishing religious freedom. He believes it will foster true religion, a far cry from the motives attributed to him by those who claim he hated religion and wanted to protect the state from it. As one can well see, here the opposite is true, Jefferson wanted to protect *true* religion from the state and give a "free-market" to

²⁷ Jefferson, Thomas, and Merrill D. Peterson. *Writings*. New York, NY: Literary Classics of the U.S., 1984, 283.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid, 286.

religion, where “true” religion would flourish. Jefferson believed in self evident, natural revelation, and a government could only impede this by establishing a church. He was not trying to “separate” Church and State, instead he was redefining their relationship, making the State the protector of religious diversity.

In the same passage discussed above, Jefferson goes on to attack the idea of “established” religion throughout history, as “No two [states] have established the same.”³¹ Here he is showing his Universalist tendencies, going on to point out that if one state’s established religion is right, then all others are wrong and damned, something he believes to be inconceivable. This is an important argument to note, because at the time of the Statute’s composition and introduction, there was a movement in the State of Virginia to create a “multiple establishment” system of state religion, where there were multiple established Churches and one chose which one to pay taxes to.³² It should be no surprise that Jefferson very much opposed this measure, as it violated his idea of having religion being beyond the government’s control, and some argue that Jefferson wrote parts of the Virginia Statute of Religious Freedom in direct response to this perceived threat.

From this discussion of Thomas Jefferson, his beliefs on the subject of religion and his motives for composing the Virginia Statute for Religion Freedom should be clear. Though not what one would consider a traditional Christian for his time, Jefferson was a very religious man, and religion was often on the forefront of his mind. He was not, as often claimed, an atheist, nor a foe of religion. He was a Universalist who favored the use

³¹ Ibid.

³² Peterson, Merrill D., and Robert C. Vaughan. *The Virginia Statute for Religious Freedom: Its Evolution and Consequences in American History*. Cambridge England: Cambridge University Press, 1988, 116.

of reason in religion, and wanted to create a new relationship between Church and State to protect “true” religion from the state and state established religions, these, not his supposed atheism and hatred of religion, were his real motives behind his Virginia Statute of Religious Freedom, a revolutionary document in Church and State relations. It is the actual content of this document that will be discussed next.

Part III

The Virginia Statute for Religious Freedom-Introduced to the Virginia Assembly in 1779 and adopted in 1786

I.

An Act for establishing religious Freedom.

Whereas, Almighty God hath created the mind free;

That all attempts to influence it by temporal punishments or burthens, or by civil incapacitations tend only to beget habits of hypocrisy and meanness, and therefore are a departure from the plan of the holy author of our religion, who being Lord, both of body and mind yet chose not to propagate it by coercions on either, as was in his Almighty power to do,

*That the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavouring to impose them on others, hath established and maintained false religions over the greatest part of the world and through all time;
That to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical;*

That even the forcing him to support this or that teacher of his own religious persuasion is depriving him of the comfortable liberty of giving his contributions to the particular pastor, whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the Ministry those temporary

rewards, which, proceeding from an approbation of their personal conduct are an additional incitement to earnest and unremitting labours for the instruction of mankind;

That our civil rights have no dependence on our religious opinions any more than our opinions in physics or geometry,

That therefore the proscribing any citizen as unworthy the public confidence, by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages, to which, in common with his fellow citizens, he has a natural right,

That it tends only to corrupt the principles of that very Religion it is meant to encourage, by bribing with a monopoly of worldly honours and emoluments those who will externally profess and conform to it;

That though indeed, these are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way;

That to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous fallacy which at once destroys all religious liberty because he being of course judge of that tendency will make his opinions the rule of judgment and approve or condemn the sentiments of others only as they shall square with or differ from his own;

That it is time enough for the rightful purposes of civil government, for its officers to interfere when principles break out into overt acts against peace and good order;

And finally, that Truth is great, and will prevail if left to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them:

II.

Be it enacted by General Assembly 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.

III.

And though we well know that this Assembly elected by the people for the ordinary purposes of Legislation only, have no power to restrain the acts of succeeding Assemblies constituted with powers equal to our own, and that therefore to declare this act irrevocable would be of no effect in law; yet 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 will be an infringement of natural right.

The above document is perhaps the most revolutionary in Western Church and State relations since the time of Constantine. Never before had religious toleration been granted to all, regardless of faith or lack thereof. This section will look at the history of the Statute, analyze its contents, and discuss the legal content and demonstrate that it was both a revolutionary document in its time, and though it never had any legal effect outside of Virginia, its effects can be felt throughout American history. It is no surprise that it was one of three achievements Thomas Jefferson wanted placed on his gravestone, for it shaped the country and its religiosity in a powerful way.

The Statute was first introduced into the Virginia Assembly in 1779, just three years after the United States of America had declared her independence and while the revolutionary war was being fought, though Jefferson had drafted it as early as 1777.³³ However, early attempts to ratify the Statute into law were either defeated or stalled in the legislature. This was not due from a lack of effort on Jefferson's part. He, known for

³³ Ibid, 113.

his extreme reluctance to give speeches, made several in the legislature arguing for the adoptance of the Statute, but to no avail. At this time Virginia still had an established Church, and its legislators were not ready or willing to change this. It would not be until 1786, after the Statute was re-introduced by a fellow Virginian, that it would be adopted.

This Virginian was James Madison, Jefferson's friend and protégé, later the famed "father" of the Constitution and the fourth president of the United States. Madison re-introduced the Statute at a time when there was a debate in the legislature about the adoption of "multiple-establishment," the system of having many established churches, championed by famed orator Patrick Henry.³⁴ Under multiple-establishment, a citizen would be taxed to support churches, but could choose which church received their money. This is clearly far different from Jefferson's idea of universal religious toleration and the free-exercise and anti-establishment clauses of his Virginia Statute for Religious Freedom. In 1786 the Statute was ratified, ending the reign of an established Church in Virginia and effectively defeating multiple establishment.³⁵

It is now time to turn to an analysis of the contents of the document itself. The copy on the preceding pages has been split into three sections. The first section is Jefferson's prologue to the document, where he explains his reasoning for the Statute. Section two is the the act itself, and section three is Jefferson's realization that any law can be changed, so his statue may be revoked, but he claims this would be a violation of natural rights. These three sections will be analyzed in the following paragraphs, and a clearer understanding of the document should come forth.

³⁴ Ibid, 116.

³⁵ Ibid, 123.

The vast majority of the Statute's text is devoted to Jefferson's famed prologue to the document, which while it has no legal effect, it is certainly important to understand. After all, it makes up 551 words out of a 732-word document. Jefferson begins with the phrase "Whereas Almighty God hath created the mind free", and the idea that this statement exemplifies, that the human mind is free to operate within the laws of nature and reason, and freedom of thought is a natural human right, is key for Jefferson. Just a few years earlier he had argued the same thing in the Declaration of Independence, saying "the laws of Nature and of Nature's God entitle [man]...to freedom of thought."³⁶

Based of this idea of freedom of thought, Jefferson goes on to claim "That to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical" a direct attack on the idea of an established church and multiple establishment. Jefferson continues his prologue following the same train of thought and finishes with "And finally, that Truth is great, and will prevail if left to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them". This final argument for the Statute is very similar to Jefferson's previously discussed idea that only error needs government support and naturally revealed truth can flourish without it. Here he adds that for this to be the case, free argument and debate, essentially freedom of thought, must be present. Jefferson wanted to create a new relationship between Church and State, where instead of the State enforcing the orthodoxy of an established church, the State would protect religious

³⁶ Cullop, Floyd G. *The Declaration of Independence and the Constitution of the United States of America*. New York: Signet Classics, 2009, 27.

freedom.

The next section of the Statute, a mere 83 words, revolutionized Western Church and State relations in a way not done since the time of Constantine. Section II of this statute is the actual law, containing two clauses that many active in Church and State relations today are familiar with. The Virginia Statue for Religious Freedom is the first time that the idea of “Establishment” and “Free-exercise” clauses are presented. The first clause, establishment, is represented in the following passage: “Be it enacted by General Assembly 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”. The clause dictates that no person shall pay taxes (“support” or be “burthened in is body or goods”) to an established church, nor shall he be compelled to participate in such a church.

The second clause of the statute, the free-exercise clause follows with: “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.” This section makes the claim that all people have the right to their own opinions of religion and should be able to exercise said opinion without it affecting their civil capacities. Instead of enforcing orthodoxy, the State would enforce these freedoms. The two clauses discussed above were revolutionary for the time, and their influence can later be seen reflected in the establishment and free exercise clauses of the First Amendment to the United State’s Constitution.

Though its legacy and influence are still present in American Church and State

relations, the Virginia Statue for Religious Freedom had very little actual legal effect. The document never had any legal power outside of the state of Virginia, and the power it did have in Virginia was superseded by the First Amendment to the United States' Constitution adopted in 1789.³⁷ However, it remains perhaps the most significant document in American, and arguably Western, Church and State relations ever. This is where its true effect and influence lies, as an often forgotten predecessor to more famous documents. The next and final section of this paper will discuss this influence, and conclusively demonstrate that the Virginia Statute of Religious Freedom deserves recognition for being perhaps the most important document in American Church and State history.

Part IV

The effects and consequences of the Virginia Statute for Religious Freedom have been felt in American history for over two hundred years. Though the document never had any legal effect outside of Virginia, it has influenced religious life in all fifty states. The Virginia Statute of Religious Freedom was the first law granting universal religious freedom enacted in the United States, and was a direct predecessor to the religious establishment and free-exercise clauses of the First Amendment to the United States Constitution. When one understands the influence that the Virginia Statute for Religious Freedom had on the composition of the First Amendment, and how that Amendment has shaped American religiously and Church and State relations, one can not doubt its significance and importance in American history.

³⁷ Peterson, 1.

Thomas Jefferson certainly thought his statute was important, as mentioned before, the reluctant orator gave several speeches urging for the passage of the statute. He also listed it among his greatest accomplishments, one of the three that he wanted placed on his grave marker, where his presidency was not. Even more important was the influence the Statute would have on James Madison. Madison argued for the Statute's passage in the Virginia Legislature, and it was after his introduction of the Statute that it was ultimately passed.³⁸ The influence the Virginia Statute for Religious Freedom had on him can clearly be seen reflected in the religious freedom clauses of the First Amendment, which Madison authored. Both the free-exercise and establishment clauses that make up the Virginia Statute for Religious Freedom are included in the First Amendment to the Constitution, demonstrating the revolutionary document's long lasting influence and effects.³⁹

Religiosity and State and Church relations in America have been greatly influenced by both the Virginia Statute for Religious Freedom and its successor on a national level, the First Amendment to the United States Constitution. Religious freedom in early America allowed for a wide variety of new denominations and religions to develop, and free of persecution, American religious life thrived.⁴⁰ This is not to say that all has gone smoothly since the implementation of these laws, there has been much controversy over Church and State relations in American history. Many states viewed the First Amendment as only pertaining to the Federal Government, and kept established churches of their own, until the Supreme Court, using the idea of incorporation, applied

³⁸ Ibid, 123.

³⁹ Cullop, 138.

⁴⁰ Montagna.

the Bill of Rights to the states as well.⁴¹ There have also been many conflicts over what constitutes an “established religion”, as many now feel that activities like school prayer, saying the Pledge of Allegiance, and public officials swearing oaths of office on the Bible violate this clause of the First Amendment.

Along these lines, a hotly contested issue in America today is the teaching of “Religious Studies” in American public universities. Many claim that since these universities are publically funded, having classes on religion is a violation of the First Amendment. Many opponents of these programs claim that the study of religion has no place in these universities, the program at Grand Valley State University taking over a decade to overcome this opposition. Thomas Jefferson and James Madison, the two men who influenced American religious freedom and separation of Church and State more than anyone else, would disagree. Jefferson, the founder of the University of Virginia, an accomplishment listed along with the Statute on his epitaph, cared deeply about religion and education and likely would have seen such a program in a very positive light. One would do well not to forget that Jefferson wanted to defend religion from the state and state enforced orthodoxy, and foster religious toleration, diversity and understanding. His famous words declaring a “wall of separation between Church and State” were to defend a religious minority *against* the State., instead of defending the State against a religious onslaught, as this quote is often portrayed.

It should now be clear that the Virginia Statue for Religious Freedom is one of, if not the, most important documents in American religious history. It revolutionized

⁴¹ Peterson, 5.

Church and State relations in the West in a way not done since the Edict of Milan over 1,400 years before. For the first time in Western history, an established church was banned and all were free to exercise, or not exercise, any religious belief set they chose. It should also be evident that the Statute was not created to harm religion in the United States, in fact, it was created to protect it from the state and foster the growth of “true” religion, a fact that should certainly be remembered when people claim that religious toleration and separation of Church and State was meant to destroy religion in America. Jefferson did not mean to separate Church and State, he meant to redefine their relationship, in a way that religious freedom and toleration would be protected. Though its actually legal effect was minimal, the effect the document had on future American Church and State relations and religious freedom was tremendous, and the Virginia Statute for Religious Freedom should be remembered as the revolutionary document it was.

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