The Sacred Rights of Conscience: The Development of Religious Liberty in America, 1610-1820

Discussion Colloquium

Sponsored by the Institute for Humane Studies

124 pages


Reader Abstract: The theme of this reader is religious freedom in the context of the founding of the United States. The four sessions move chronologically, from the colonial period, the Confederation, the Constitution, and finally, the post-Constitution interpretation of the First Amendment. The readings are selected to demonstrate the debates between significant figures of each era and highlight the different perspectives and implications of religious liberty in a political context.

Session 1: Religious Liberty and Church-State Relations in Colonial America (35 pages)

Chapter 2, pages 84-102

- “Articles, Laws, and Orders, Virginia (1610-11),” pages 84-86.
- “Providence Agreement (1637),” page 88.
- “The Laws and Liberties of Massachusetts (1647),” pages 89-102.

Chapter 2, pages 113-119

- “An Act for the Suppressing the Quakers, Virginia (1659),” pages 113-114.

Chapter 3, page 155

- Roger Williams, “Letter to Town of Providence (1654),” page 155.

Session Abstract: The readings here are variously selected from the colonies, with particular emphasis on those colonies founded as the result of religious persecution. The first selection of readings demonstrate the strict laws mandating the observance of specific religious practices. This is followed by documents relating episodes of persecution for heretics, followed by documents for the founding of new colonies as a sanctuary for the persecuted. As students move through the readings, they will follow the evolution of thought on religious liberty as a fundamental value and the episodes that served as the catalyst for this evolution.
Session 2: Disestablishment, or not, in the States (31 pages)

Chapter 5, pages 241-253

- “Virginia Declaration of Rights, Articles XV and XVI (1776),” page 241.
- “Massachusetts Constitution (1780),” pages 245-247.
- “A Bill Concerning Religion, Virginia (1779),” pages 247-249.
- “A Bill for Appointing Days of Public Fasting and Thanksgiving, Virginia (1779),” page 252.

Chapter 6, pages 276-278


Chapter 6, pages 290-295


Chapter 6, pages 307-313

- “Petitions For and Against Religious Assessment from Westmoreland County, Virginia (November 1784),” pages 307-308.2

Chapter 6, pages 314-315


Session Abstract: This session deals with the revolutionary period through the Confederation Period. Building from the previous readings, the selections demonstrate how religious liberty had become an established value among the colonists, demonstrated in the various state constitutions. The subsequent readings add layers of complications to the ideal of “religious liberty,” dealing with questions of state support of religion, in the form of subsidies for ministers, official state religions, common law penalties for violations of religious practice, and religious requirements for holding office.
Session 3: Religion and the Constitution (32 pages)

Chapter 4, pages 229-238

- “Texts Concerning the National Seal (August 1776 and June 1782),” pages 229-231.
- “Aitkin’s Bible (January 21, 1781, and September 12, 1782),” pages 231-235.
- “Congressional Resolution Calling for a Day of Thanksgiving (October 18, 1783),” pages 235-236.
- “Northwest Ordinance (July 1787),” pages 236-238.

Chapter 8, pages 368-382

- Benjamin Franklin, “Letter from Benjamin Franklin to Richard Price (October 9, 1780),” page 368.
- “U.S. Constitution, Article VI, Clause 3 (1788),” page 373.
- “Letter from Jonas Phillips to the President and members of the Constitutional Convention (September 7, 1787),” pages 374-375.
- “Letter from James Madison to Edmund Pendleton (October 28, 1787),” page 375.
- An American Citizen [Tench Coxe], “An Examination of the Constitution for the United States of America (1788),” pages 375-376.
- “A Landholder [Oliver Ellsworth], No. 7, Connecticut Courant (December 17, 1787),” pages 376-378.
- Publius [James Madison], “The Federalist Papers, Number 52 (1788),” page 380.
- Publius [James Madison], “The Federalist Papers, Number 57 (1788),” page 381.

Chapter 8, pages 388-391


Chapter 8, page 400

- “Proposed Amendment, South Carolina Ratifying Convention (May 23, 1788),” page 400.
Chapter 9, pages 412-437

- “Selected Amendments Proposed by the State Ratifying Conventions,” pages 415-417.
- “Religion Clauses from House Resolution and Articles of Amendment, 1789, 1791,” pages 431-433.

Session Abstract: This session deals with the religious debates during the drafting and ratification of the Constitution. Building from the previous session, the readings make clear that although the value of “religious liberty” was held in universal esteem, there was no clear agreement as to what that value entailed. The problems debated in the reading include the non-subsidized endorsement of a certain religion by a government, the matter of religious tests and oaths for political officeholders, the final ratification and the First Amendment, along with Joseph Story’s commentaries on the First Amendment.

Session 4: Religious Liberty and Church State Relations in the New Republic ( 29 pages)

Chapter 10, pages 442-445

- “U.S. Constitution (1788),” page 442.
- “An Act to Regulate the Time and Manner of Administering Certain Oaths (June 1, 1789),” pages 442-443.
- “Fourth Amendment to the U.S. Constitution (1791),” page 445.

Chapter 10, pages 453-464

- James Madison, “Presidential Proclamations (1812, 1813, 1814, and 1815),” pages 458-461.
Chapter 10, pages 468-477

- George Washington, “Farewell Address (September 19, 1796),” pages 468-470.
- “Letter from George Washington to the Clergy of Different Denominations Residing in and near the City of Philadelphia (March 3, 1797),” page 470.
- “Letter from John Adams to the Officers of the First Brigade of the Third Division of the Militia of Massachusetts, 1798,” page 471.
- “Congressional Chaplains and Actions of Congress (1789),” pages 471-472.
- “An Act for the Punishment of Certain Crimes against the United States (1790),” page 473.
- “An Act Regulating the Grants of Land Appropriated for Military Services (June 1, 1796),” page 475.
- “Treaty of Tripoli (1797),” pages 475-476.

Chapter 12, pages 526

- “Letter from Danbury Baptist Association to Thomas Jefferson (October 7, 1801),” page 526.

Chapter 12, pages 530-531

- “Thomas Jefferson to Samuel Miller, 1808,” page 531.

Chapter 14, pages 589-595

- James Madison, “Detached Memoranda (c. 1817),” pages 589-593.
- “Letter from James Madison to Robert Walsh (March 2, 1819),” pages 594-595.
- “Letter from James Madison to Jacob de la Motta (August 1820),” pages 595.

Session Abstract: The readings here show that even after the First Amendment was ratified, the matter of upholding the guarantee of religious liberty continued to be a contentious issue. The first readings demonstrate that although religious liberty was politically upheld, Christianity was endorsed and observed by the president, establishing religious precedents that would be carried as tradition. Subsequent readings demonstrate the beliefs among founding figures as to the importance of religion in civil society, demonstrating the felt need for government support of religion by some that might be seen as consistent with the separation of church and state. The final readings highlight the threat of the gradual encroachment of religion into politics early in the new republic.