

## Thy Will be Done: Divine Directive in Anglo-American Church-State Debates

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Throughout the medieval and early modern period, both church and state institutionalized religious uniformity.<sup>1</sup> In both Europe and America, religious coercion remained the accepted social and political practice as authorities continued to persecute minorities for religious ‘error’ throughout the Western world.<sup>2</sup> During the next few centuries, many thinkers challenged several cultural, political, theological and epistemological norms. One of the most remarkable cultural transformations during this period was the development of religious freedom. Although Enlightenment thinkers challenged and sometimes changed norms by bringing new ideas into social and political practice, modern philosophers borrowed the medieval and early-modern justification for religious *coercion* and applied it to their arguments for religious *freedom*. A theological imperative that religious and political leaders relied on for centuries to justify continued religious coercion – ‘God wills it’ – became the very tool that modern reformers used to legitimate a philosophy of religious liberty.

This conservative approach allowed a radical idea to assume mainstream form. Although some of the most radical figures during the seventeenth and eighteenth centuries called for religious liberty, many failed to attain any significant social or political influence during or after their lives. The main figures of what Jonathan Israel has called the Radical Enlightenment – Baruch Spinoza, Pierre Bayle and Denis Diderot – believed that ‘philosophic reason was the only guide as to what was true and what was false in the universe and therefore the only true and reliable guide in human life’.<sup>3</sup> Wanting a universalism that they assumed necessitated a secular epistemology, these men failed to adopt an argument that gained significant popular support because they left little or no room for theological argumentation. Instead, leaders of a more moderate strain of the

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<sup>1</sup> See S. Ozment, *The Age of Reform 1250–1550, An Intellectual and Religious History of Late Medieval and Reformation Europe* (New Haven: Yale University Press, 1986); B. Gregory, *Salvation at Stake: Christian Martyrdom in Early Modern Europe* (Cambridge: Harvard University Press, 2001).

<sup>2</sup> Although the Netherlands and England instituted more liberal policies than elsewhere, coercion remained the accepted social and political policy. On Continental intolerance, see O. Grell and R. Scribner, (eds.), *Tolerance and Intolerance in the European Reformation* (New York: Cambridge University Press, 1996); J. Israel, *Enlightenment Contested: Philosophy, Modernity, and the Emancipation of Man, 1670–1752* (Oxford: Oxford University Press, 2006); B. Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge: Harvard University Press, 2007). For English intolerance, see O. Grell, J. Israel and N. Tyacke, (eds.), *From Persecution to Toleration: The Glorious Revolution and Religion in England* (Oxford: Oxford University Press, 1991); J. Coffey, *Persecution and Toleration in Protestant England, 1558–1689* (London: Longman, 2000); A. Walsham, *Charitable Hatred: Tolerance and Intolerance in England, 1500–1700* (Manchester: Manchester University Press, 2006); On American intolerance, see J. Corrigan and L. Neal, (eds.), *Religious Intolerance in America: A Documentary History* (Chapel Hill: University of North Carolina Press, 2010). For a trans-Atlantic approach, see A. Murphy, *Conscience and Community: Revisiting Toleration and Religious Dissent in Early Modern England and America* (University Park, Pennsylvania: The Pennsylvania State University Press, 2001); P. Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton: Princeton University Press, 2003).

<sup>3</sup> J. Israel, ‘Radical Enlightenment, Mainstream Enlightenment and the World of Today’, (paper presented at Erasmus University Rotterdam, November 8, 2006). See also J. Israel, *Radical Enlightenment: Philosophy and the Making of Modernity, 1650–1750* (New York: Oxford University Press, 2002).

Enlightenment – John Locke, William Penn and James Madison – who believed that reason was an essential though not totalizing authority, incorporated theology into religious freedom discourse.<sup>4</sup> As Israel noted, these moderates thought ‘reason [was] good for some things like science, but ruled large parts of reality to be outside the scope of reason – spirituality and the world of divinity above all – and, as an inevitable consequence, ruled that many things must therefore be decided on the basis of tradition, authority, Revelation and theological truth’.<sup>5</sup> One value that fell into this latter category was religious freedom. Even though the God of those in the Enlightenment tradition differed from Protestant theologians in important ways – the former believed revelation was seen in the natural world, the latter in both the natural world and in His revealed Word – by resting their discourse on a theological truth, mainstream Enlightenment figures counter-intuitively reasoned that religious liberty was a necessary component of true religion, paradoxically making it a divine imperative. Consequently, they helped establish a newfound religious freedom in the modern world.

Religious freedom in the modern sense did not gain much intellectual or social capital until Anglo-American reformers developed theological justifications for it during the early seventeenth century.<sup>6</sup> Reformers as diverse in politics, religion and philosophy as Martin Luther, William Penn and Thomas Jefferson, used an early modern, theological argument in order to advance a liberal policy of religious freedom. Despite holding different religious beliefs, many advocates of religious liberty agreed on a fundamental point that had its roots in Reformation theology – freedom of conscience was a precondition for the authentic expression of faith necessary to gain salvation.<sup>7</sup> ‘True religion’, whichever one it might be, therefore required freedom of choice in worship and belief. Borrowing from dogmatists who insisted that God demanded traditional orthodoxy in matters of faith, seventeenth-century radical Protestants as well as eighteenth-century deists consistently invoked the will of God to justify their demands for religious freedom. This idea consequently prohibited coercion and undermined the ‘right way of worship’ that divines like John Cotton and John Donne demanded of their congregants.<sup>8</sup> It was this theological imperative that allowed John Murton, the co-founder of the Baptist faith in England, to claim in 1615 that ‘persecution for cause of conscience, is against the Doctrine of Jesus Christ’,<sup>9</sup> and for Jefferson likewise to assert a century and a half later that ‘all attempts to influence’ conscience were a ‘departure from the plan of the holy author of our religion’.<sup>10</sup>

Although rationalists complemented this argument with Enlightenment epistemologies, it is important to note that this argument had no equivalent outside of the Protestant tradition. Even liberal Catholics in England and America such as Joseph Berington and John Carroll, who agitated

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<sup>4</sup> H. May, *The Enlightenment in America* (New York: Oxford University Press, 1976), pp.11, 48.

<sup>5</sup> Israel, *Radical Enlightenment, Mainstream Enlightenment, and the World of Today*.

<sup>6</sup> Although Anglo-Americans first instituted religious liberty politically, the idea goes back perhaps thousands of years. See S. Cobb, *The Rise of Religious Liberty in America: A History* (New York: Noble Offset Printers Inc., 1902), pp.20-22. John Courtney Murray once referred to Thomas Aquinas as the ‘first Whig’ in arguing that the origins of religious liberty are rooted in medieval Catholic political theory. See J.C. Murray, *We Hold These Truths: Catholic Reflections on the American Proposition* (New York: Sheed and Ward, 1960), p.28.

<sup>7</sup> C. Fatovic, ‘The Anti-Catholic Roots of Liberal and Republican Conceptions of Freedom in English Political Thought’, *Journal of the History of Ideas*, 66 (1), (January, 2005), p.46.

<sup>8</sup> See also G. Gillespie, *Wholesome Verity Reconciled with Christianly Liberty* (London, 1644); T. Edwards, *Gangraena* (London, 1646); J. Cotton, *Bloudy Tenent Washed and Made White in the Blood of the Lambe* (London, 1647); S. Rutherford, *A Free Disputation against Pretended Liberty of Conscience* (London, 1649).

<sup>9</sup> J. Murton and J. Ivimey, *Persecution for Religion Judged and Condemned, First Published in London, in the Year 1615* (London: Wightman and Cramp, 1827), p.73. He continued to argue that it was ‘to fight against God to compel any, contrary to their consciences’.

<sup>10</sup> J. P. Boyd, L. H. Butterfield, C. T. Cullen and J. Catanzariti, (eds.), *Papers of Thomas Jefferson* (Princeton: Princeton University Press, 1950), p.1:545.

for religious freedom, did so on different terms. Indeed, Catholic thinkers from Aquinas to Michel de Montaigne had argued for religious freedom, but they did not formulate their justifications using the divine imperative. Instead, they made utilitarian arguments to preserve social order. In his essay, 'Of Liberty of Conscience', Montaigne, for example, insisted that religious intolerance in sixteenth-century France led to 'more prejudice to letters than all the flames of the barbarians' combined, which stymied learning and progress. He reasoned that if governments decided 'to give the people the reins to entertain every man his own opinion' in matters of faith, they could 'mollify and appease [the masses] by facility and toleration', thereby promoting social harmony.<sup>11</sup> Few Anglo-American Catholics, even by the early nineteenth century, formulated their arguments for religious freedom in theological terms.<sup>12</sup> Catholics who relied on Biblical justification typically argued not that God demanded religious freedom, but that the civil and spiritual worlds were separate.<sup>13</sup> American Catholics in the United States who helped draft the First Amendment and wrote eloquently on the need for religious freedom like Daniel, Charles and John Carroll, though submerged in the same Protestant and Enlightenment culture, never justified religious liberty in theological terms. Instead, like Montaigne, they insisted that it was a societal good and that "true" religion would emerge only in a free marketplace of ideas.<sup>14</sup> This contrast can be explained in a number of ways, but the most obvious reason is that the Catholic Church was unequivocally opposed to liberty of conscience until the twentieth century. Speaking out on religious freedom was therefore dangerous for Catholics and inconsistent with church doctrine.<sup>15</sup>

Few scholars have traced this theological argument which helped establish religious liberty in the West.<sup>16</sup> Rather than highlight reformers' shared emphasis on the divine will of God, church-state historiography has instead separated Enlightenment from religious figures in an attempt to

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<sup>11</sup> W.C. Hazlett, (ed.), *The Works of Michel de Montaigne* (New York: Edwin C. Hill, 1910), pp.6:129-136.

<sup>12</sup> The lone exception of which I am aware is Mathew Carey, who published over a dozen tracts on religious liberty, and claimed that restrictions on conscience were 'a violation of the will of God'. He also reasoned that 'any attempt to restrain or control the religious opinions or religious practices' of men was 'a direct invasion of the prerogative of the Almighty, and the exercise of a most unwarrantable tyranny over conscience'. M. Carey, 'Immorality of Traffic in Ardent Spirit', *American Temperance Society* (Philadelphia, 1832), p.1; Carey, *A Brief View of the Policy of the Founders of the Colonies of Massachusetts, Rhode Island, West Jersey, Pennsylvania, Maryland, Virginia and Carolina, as Regards Liberty of Conscience* (Philadelphia, 1828), p.1.

<sup>13</sup> Following Augustine's *City of God* and the John 18:36 teaching that 'His Kingdom is not of this World', Bishop John Carroll, for example, routinely argued for religious freedom on civil grounds, but stressed the difference between civil and religious toleration. He advised distinguishing 'between *theological* or religious intolerance, which is essential to true religion, and *civil* intolerance'. See T. Hanley, (ed.), *The John Carroll Papers, 1755-1791* (Notre Dame: University of Notre Dame Press, 1976), p.2:121. Emphasis in original.

<sup>14</sup> In colonial Maryland, where the Catholic Lords Baltimore protected religious worship for all Christians, they argued on utilitarian grounds that it would be best for commercial interests and social harmony. See T. Hughes, (ed.), *History of the Society of Jesus in North America: Colonial and Federal, Documents*. (London: Longmans, Green & Co, 1907), pp.257-260. For a brief explanation on the Carroll family, see J.R. Stoner, 'Catholic Politics and Religious Liberty in America', in D. Dreisbach, M. Hall and J. Morrison, (eds.), *The Founders on God and Government* (New York: Rowman & Littlefield, 2003), pp.251-271.

<sup>15</sup> The Papal Bull *Mirari Vos* in 1832 explicitly condemned religious freedom, which made official long-held practice.

<sup>16</sup> Important works that have missed this point include P. Miller, 'The Contribution of the Protestant Churches to Religious Liberty in Colonial America', *Church History*, 4 (1), (March, 1935), pp.56-66; W. McLoughlin, *New England Dissent, 1630-1833: The Baptists and the Separation of Church and State* (Cambridge: Harvard University Press, 1971); T. E. Buckley, *Church and State in Revolutionary Virginia, 1776-1787* (Charlottesville: University Press of Virginia, 1977); J. Butler, *Awash in a Sea of Faith: Christianizing the American People* (Cambridge: Harvard University Press, 1990); J.C.D. Clark, *The Language of Liberty, 1660-1832: Political Discourse and Social Dynamics in the Anglo-American World* (New York: Cambridge University Press, 1994); F. Lambert, *The Founding Fathers and the Place of Religion in America* (Princeton: Princeton University Press, 2003); Zagorin, *How the Idea of Religious Toleration Came to the West*; C. Beneke, *Beyond Toleration: The Religious Origins of American Pluralism* (New York: Oxford University Press, 2006); Kaplan, *Divided by Faith*.

place credit on either 'side'.<sup>17</sup> During the nineteenth century, historians like George Bancroft argued that the 'establishment of liberty of conscience' was 'the fruit not of philosophy, but of the love of Protestantism for "the open book"'.<sup>18</sup> In a seminal essay that challenged this narrative, Perry Miller argued that during the eighteenth century, deist philosophers began to supplant theologians as the most radical force in American politics. Miller insisted that Protestant churches advocated for religious liberty as a response to 'the towering danger of scientific rationalism and deism'. He concluded that religious liberty developed 'because the leadership was taken by a rational aristocracy, shot through with deistical beliefs, willing to see any number of religions have their freedom because they believed in none of them'.<sup>19</sup>

Miller separated Protestant and Enlightenment thinkers, focusing on *who* led the movement for religious freedom instead of *why* they reached their position. Distinguished scholars have followed this path by obscuring the continuity between early modern and modern thought. For example, in his book on the origins of religious liberty in America, Thomas Curry argued that John Leland used his Baptist tradition to reach his liberal position on religious freedom. Curry went on to claim that 'Madison and Jefferson reached much the same conclusions from more secular starting points'.<sup>20</sup> Thomas Buckley's work on the struggle for disestablishment in Virginia similarly concluded that each side 'had a distinctive perspective, for while the rationalists emphasized natural rights...the evangelicals stressed the need for man to be free to respond to God's call'.<sup>21</sup> Modern philosophers like Madison and Jefferson, however, did not 'emphasize natural rights'. In the 3,500 words they published on religious liberty, 'natural rights' appeared only twice. Instead, they repeatedly argued that religious liberty was a divine imperative, just as did their seventeenth-century predecessors. In fact, Jefferson specifically separated 'natural rights' from God-given rights by writing that 'our rulers can have authority over such natural rights only as we have submitted to them. The rights of conscience, [however,] we never submitted, we could not submit. We are answerable for them to our God'.<sup>22</sup>

Despite recent contributions to church-state historiography, many scholars have missed how Enlightenment philosophers adopted a theological framework for advancing religious freedom because they have focused on broad theological differences between radical Protestants and rationalist deists. These scholars have been too quick to assume that the gaps between early

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<sup>17</sup> For those who separate secular and Enlightenment from religious ideas on this issue, see Butler, *Awash in a Sea of Faith*, pp.263-265; Lambert, *The Founding Fathers*, p.3. Regarding Jefferson's Virginia Statute, Butler argued that 'Enlightenment conceptions dominated the words of the act' and it was 'rooted' in 'a secular concept of "citizenry"'. Lambert wrote that, in contradistinction to the Planting Fathers, the 'Founding Fathers had a radically different conception of religious freedom' because they were 'influenced by the Enlightenment'. The secular approach to the eighteenth century was recently lamented in J. Gregory, 'Introduction: Transforming "the Age of Reason" into "an Age of Faiths": or, Putting Religion and Beliefs (Back) into the Eighteenth Century', *Journal for Eighteenth-Century Studies*, 32 (3), (2009), pp.287-305.

<sup>18</sup> G. Bancroft, *History of the United States of America: From the Discovery of the Continent* (New York: D. Appleton and Co., 1888), p.5:121.

<sup>19</sup> Miller, 'Contribution of the Protestant Churches', pp.62, 59, 64.

<sup>20</sup> T. J. Curry, *First Freedoms: Church and State in America to the Passage of the First Amendment* (New York: Oxford University Press, 1986), p.219.

<sup>21</sup> Buckley, *Church and State*, pp.179-180. Despite my criticism here, Curry and Buckley have been among the strongest voices in bringing two otherwise disparate intellectual traditions – radical Protestantism and Enlightenment rationalism – together. For those who make sharp distinctions, see W.L. Miller, *The First Liberty: Religion and the American Republic* (New York: Knopf, 1986); R. Isaac, *The Transformation of Virginia, 1740-1790* (New York: W.W. Norton & Co., 1988); L. Levy, *The Establishment Clause: Religion and the First Amendment* (Chapel Hill: University of North Carolina Press, 1994); I. Kramnick and R. Moore, *The Godless Constitution: The Case against Religious Correctness* (New York: W. W. Norton & Company, 1997); P. Hamburger, *Separation of Church and State* (Cambridge, Massachusetts: Harvard University Press, 2002).

<sup>22</sup> T. Jefferson, *Notes on the State of Virginia* (Chapel Hill: University of North Carolina Press, 1955), p.159.

modern and modern ideas in other areas – politics, natural philosophy, commerce, metaphysics, indeed, Christian orthodoxy – applied to religious freedom as well.<sup>23</sup> Rather than abandoning ‘sacred’ in favour of ‘secular’ or ‘Enlightenment’ arguments, successful eighteenth-century Anglo-American reformers seamlessly weaved theological reasoning into their otherwise rationalist discourse.<sup>24</sup> In order to break down religious authority, they had to adopt distinctly religious rhetoric.<sup>25</sup> Thus the most effective reformers during the latter half of the eighteenth century, like James Madison, were able to synthesize longstanding arguments for religious liberty by incorporating secular, utilitarian, and Enlightenment arguments into a larger theological framework which was itself situated within a larger political context.

Just as important to the divine imperative argument being made here is how that argument fit into the broader geopolitics of the eighteenth century. There were two main reasons why the divine imperative was so appealing to such a diverse group of thinkers. First, it consolidated multiple strains of thought, including Protestant, Enlightenment and radical Whig ideas. Second, it both reflected and helped give shape to a general political trend of making God the guarantor of human rights. It is no coincidence that religious freedom discourse spiked during moments of increased tension in England – the Civil War in the 1640s, the Glorious Revolution and the American Revolution – when individuals were challenging definitions of rights, liberties and citizenship. Precisely because the government was denying individuals certain liberties, reformers argued that freedom of conscience, assembly, press, speech, etc. all came from a source above the law of man, thereby placing these freedoms outside the reach of the monarchy or parliament. As a consequence of their desire for these liberties, many thinkers of various backgrounds argued that rights and liberties emanated from God. The most essential and ‘sacred’ of all these liberties, the reformers argued, was liberty of conscience.<sup>26</sup>

#### *Early Modern Conceptions of Religious Freedom: From Luther to Williams*

Most people in early modern Anglo-America associated religious liberty with irreligion and moral decay.<sup>27</sup> Radical Protestants throughout Europe, however, developed arguments for religious liberty during the sixteenth and early seventeenth centuries that reconciled conflicts between liberty of conscience and social stability.<sup>28</sup> No less a figure than Martin Luther began linking God with liberty during the early stages of the Reformation. Luther’s writings demonstrate one of the earliest examples of how radicals used sincerity, commanded by God, as a justification for religious freedom. Despite the restrictions Luther placed on liberty of conscience for those with whom he

<sup>23</sup> One scholar claimed that despite significant differences in other areas, all Enlightenment thinkers ‘shared one fundamental feature; they all strictly precluded any appeal to the supernatural’. See D. Staloff, *Hamilton, Adams, Jefferson: The Politics of the Enlightenment and the American Founding* (New York: Hill and Wang, 2005), p.13.

<sup>24</sup> These labels are used in C.S. Grenada, ‘Faith, Reason, and Enlightenment: The Cultural Sources of Toleration in Early America’, in C. Beneke and C.S. Grenada, *The First Prejudice: Religious Tolerance and Intolerance in Early America* (Philadelphia: University of Pennsylvania Press, 2011), p.37. His essay is a notable exception to my critique here. He argues that modern discourse was ‘less innovative than imitative’ of earlier arguments.

<sup>25</sup> For general examples see P.L. Steiner, ‘Benjamin Franklin’s Biblical Hoaxes’, *Proceedings of the American Philosophical Society*, 131 (2), (June, 1987), pp.186-187; E.H. Davidson and W.J. Sheick, *Paine, Scripture, and Authority: The Age of Reason as Religious and Political Ideal* (Bethlehem, Pennsylvania: Lehigh University Press, 1994); T. Buckley, ‘The Religious Rhetoric of Thomas Jefferson’, in Dreisbach, *The Founders on God and Government*, p.65.

<sup>26</sup> See for example J. Locke, *The Two Treatises of Civil Government* (Indianapolis: Liberty Fund, 2011), p.105; [J. Dickinson,] *An Address to the Committee of Correspondence in Barbados* (Philadelphia, 1766), p.4; A. Hamilton, *The Farmer Refuted* (New York, 1775), p.2:80. All of these address divine law, which was in some ways different from what philosophers called ‘natural law’. For the differences and similarities between natural and God-given liberties, see B. Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law, 1150-1625* (Grand Rapids, Michigan: Scholars Press for Emory University, 1997).

<sup>27</sup> Murphy, *Conscience and Community*, p.48.

<sup>28</sup> See P. Benedict, ‘Un roi, une loi, deux, fois: Parameters for the History of Catholic-Reformed co-existence in France, 1555-1685’, in Grell and Scribner, (eds.), *Tolerance and Intolerance in the European Reformation*, p.69.

differed, he insisted in 1523 that 'each must decide at his own peril what he is to believe' because God did not send others 'to heaven or hell on my behalf... How he believes is a matter for each individual's conscience [to decide]'.<sup>29</sup> He railed against those who 'put themselves in God's place [and made] themselves masters of consciences and belief' because he insisted that 'faith is something that God works in the spirit'.<sup>30</sup> A century later, Anglo-American polemicists produced a flood of literature that future generations of ministers, theologians and philosophers consulted when making the case for liberty of conscience. The London pamphlet debate between John Cotton, the leading Puritan minister in early America, and Roger Williams, founder of Rhode Island colony, represented the larger array of tracts produced by the Leveller party during the English Civil War.

The issue Cotton and Williams debated was whether or not one's conscience was capable of error. William McLoughlin explained that for Cotton and most Puritans in the middle of the seventeenth century, 'liberty of conscience meant freedom from persecution for those who believed in and practiced the true Christian religion'.<sup>31</sup> Cotton held that any individual's actions that were incompatible with scripture (as interpreted by Cotton) demanded punishment if 'his errors be fundamental'.<sup>32</sup> Cotton later added that Williams believed that 'to compel men in matters of worship is to make them sin. If the worship be lawful in itself, the magistrate compelling him to come to it, compelleth him not to sin, but [rather] the sin is in his will that needs to be compelled to a Christian duty. If I do make hypocrites', he continued, 'yet better be hypocrites than profane persons. Hypocrites give God part of his due, the outward man, but the profane giveth God neither outward nor inward man'. Cotton echoed the justification for religious coercion that Christian theologians and monarchs had expressed for centuries – God wills religious orthodoxy.<sup>33</sup>

These debates erupted in the 1640s, when Britons fought over religious equality during England's civil war and defections and immigration threatened Congregational hegemony in New England.<sup>34</sup> Williams' first pamphlet, *The Bloudy Tenent of Persecution for Cause of Conscience*, was the model exposition on liberty of conscience in England and America for a generation. Attempting to justify his own exile from Massachusetts in 1636, he reasoned that an orthodox conscience was 'not required nor accepted by Jesus Christ'. Instead, 'the will and command of God' was for civil and ecclesiastical authorities to permit even 'anti-christian consciences and worships' to 'all men in all nations'. Those who denied religious liberty to others also 'denie[d] the principles of Christianity'.<sup>35</sup> Over a century later, James Madison made the same argument in different language. He insisted that attempts to control one's conscience were 'a contradiction to the Christian Religion itself'.<sup>36</sup> Williams and Madison believed this because they adopted the values of freedom and sincerity that

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<sup>29</sup> M. Luther, 'On Secular Authority: How Far Does Obedience Owed to it Extend?' in H. Höpfl, (ed.), *Luther and Calvin on Secular Authority* (New York: Cambridge University Press, 1991), pp.12, 25.

<sup>30</sup> Ibid., pp.1, 12.

<sup>31</sup> McLoughlin, *New England Dissent*, p.92.

<sup>32</sup> Cotton, *The Bloudy Tenent, Washed*, p.24.

<sup>33</sup> Cotton quoted in McLoughlin, *New England Dissent*, p.93. John Norton, another Puritan divine, repeated the traditional Congregational understanding of liberty of conscience in 1659. 'Conscience is Gods vice-[regent] in the soul. God is the absolute and primary judge, conscience is a secondary & subordinate judge'. From here Norton reasoned that sincere belief was only acceptable to God if following the 'true' religion. See J. Norton, *The Heart of N-England Rent at the Blasphemies of the Present Generation* (Boston, 1659), pp.51-52.

<sup>34</sup> N. Carlin, 'Toleration for Catholics in the Puritan Revolution', in Grell and Scribner, *Tolerance and Intolerance*, p.219; See also, S. Foster, *The Long Argument: English Puritanism and the Shaping of New England Culture* (Chapel Hill: University of North Carolina Press, 1991); M. Winship, *Making Heretics: Militant Protestantism and Free Grace in Massachusetts* (Princeton: Princeton University Press, 2002).

<sup>35</sup> R. Williams and W. B. Underhill, (eds.), *The Bloudy Tenent of Persecution for Cause of Conscience Discussed; and Mr. Cotton's Letter Examined and Answered* (London: Hanserd Knollys Society, 1848), pp.1-2.

<sup>36</sup> G. Hunt, (ed.), *The Writings of James Madison* (New York: G.P. Putnam's Sons, 1906), p.2:187.

many radical Protestants applied to religion. Williams' intentions were of course different from those of Enlightenment rationalists.<sup>37</sup> Yet they both premised their argument on a theological notion that God willed his subjects to have free choice in matters of faith. Several other British reformers aligned with the Leveller Party during the English Civil War: for example Henry Robinson, Richard Overton, Henry Danvers, Edward Baber and William Walwyn.<sup>38</sup>

While Williams used radically conservative arguments to challenge the Puritan establishment in New England, English Levellers petitioned for liberty of conscience during the English Civil War. What began as a political struggle between monarchy and parliament quickly assumed religious significance as Levellers agitated for social and religious equality.<sup>39</sup> Although many reformers began incorporating secular, utilitarian arguments into their justifications, none strayed far from the fundamental notion that God willed free choice in matters of faith. Citing the Bible as his authority, religious and political radical William Walwyn affirmed that 'when the question is about liberty of conscience, the scripture tells me, everyone ought to be fully persuaded in his own mind, and that whatever is not faith, is sin'.<sup>40</sup> Walwyn's theology suggested that because 'God onely perswades [through] the heart', those who practiced 'compulsion and enforcement' were acting 'contrary to the rule and practice' of 'the will of God'.<sup>41</sup> Representative of many Levellers' theological reasoning, Walwyn's colleague Richard Overton similarly claimed that because 'God only knoweth the heart', and since He is the 'immediate Lord over the inward', coercion of any kind ran counter to 'God's prerogative'.<sup>42</sup>

During the first half of the seventeenth century, Murton, Williams, and the Levellers challenged authorities like Cotton in America and parliamentary conservatives in England by claiming that God preferred sincere error over coerced truth. Placing at the cornerstone of religious liberty, these reformers helped reconcile previously incompatible ideals – social order, morality, and religious freedom.<sup>43</sup> Later in the century, individuals as diverse in faith and politics as William Penn and John Locke argued for their own understandings of religious liberty. While some believed religious freedom meant exemption from taxation to the state church, others insisted that it only meant the freedom to worship in private spaces. Regardless of how they defined their terms, however, those arguing for religious freedom insisted that God demanded that His subjects be granted the ability to choose freely in matters of faith.

#### *An Old Idea in New Form: Penn, Locke, and Eighteenth-Century Religious Freedom*

The period after the English Civil War began with an experiment in religious freedom under Oliver Cromwell's Commonwealth. Though it only lasted until 1660 and by no means satisfied the demands of the most radical reformers like Williams or Walwyn, the breakdown of royal authority allowed more liberal rhetoric into the British press. Moreover, after the Thirty Years' War and the English civil wars, political interests including national security and social stability pushed aside religious concerns. These two developments allowed new intellectual strains into church-state discourse. What resulted was a medley of arguments for religious freedom that would have

<sup>37</sup> E. Morgan, *Roger Williams: the Church and the State* (New York: W.W. Norton & Company, 1967), p.142.

<sup>38</sup> See H. Robinson, *Liberty of Conscience* (London, 1644) and *A Short Answer to A.S.* (London, 1645); R. Overton, *An Arrow against all Tyrants* (London, 1646); H. Danvers, *Certain Quaeries Concerning Liberty of Conscience* (London, 1649); E. Baber, *Answer to the Essex Watchmen's Watchword* (London, 1649).

<sup>39</sup> Murphy, *Conscience and Community*, pp.76-79.

<sup>40</sup> W. Walwyn, *The Compassionate Samaritane* in J. R. McMichael and B. Taft, (eds.), *The Writings of William Walwyn* (Athens, Georgia: University of Georgia Press, 1989), p.103.

<sup>41</sup> Walwyn, *A Whispe in the Eare* in *ibid.*, pp.178-179.

<sup>42</sup> R Overton, *An Appeal to the Commons from the Free People* (London, 1647), in A.S.P. Woodhouse, *Puritanism and Liberty: Being the Army Debates (1647-1649) from the Clarke Manuscripts with Supplementary Documents* (Chicago: The University of Chicago Press, 1951), p.332.

<sup>43</sup> For an examination of the seventeenth-century focus on behaviour, see T.D. Bozeman, *The Precisianist Strain: Disciplinary Religion and Antinomian Backlash in Puritanism to 1638* (Chapel Hill: University of North Carolina Press, 2004).

seemed foreign just a generation earlier. Although some scholars have insisted that 'sacred arguments waned, secular arguments waxed, and Enlightenment arguments emerged' during this period, these new justifications complemented, rather than replaced, the theological premise that began discussions over religious liberty more than a century earlier.<sup>44</sup> William Penn's writings demonstrate how different strains of thought and a modified rhetoric helped advance pleas for religious liberty at the end of the seventeenth century.

As a member of the Society of Friends, Penn was devoted to liberty of conscience, and as a statesman and entrepreneur, he was equally committed to fostering a tranquil religious and social climate for his colonists. After becoming interested in American colonization in the early 1670s, he purchased West Jersey before expanding his colonial holdings to what became Pennsylvania in 1681.<sup>45</sup> In the process, he wrote dozens of tracts on religious liberty, all of which attempted to calm discrimination at home and justify his 'Holy Experiment' abroad. As a political and spiritual leader in his Quaker community he made moral, rational, philosophical and theological arguments in response to Quaker persecution. On utilitarian grounds, he asked 'What if I differ from some religious apprehensions? Am I therefore incompatible with the being of human societies?'<sup>46</sup> He also made historical arguments to persuade his readers. In order to provide a historical precedent he consulted multiple sources, citing the writings of such figures as Cato, Livy, Tacitus, Tertullian, and Grotius, citing their writings as justification for his desires.<sup>47</sup> Though steeped in theological and biblical justification, his writings demonstrate a continuation of the movement toward more secular forms of reasoning later employed by Lord Shaftesbury, John Trenchard, Thomas Gordon, James Burgh and Richard Price.<sup>48</sup>

Beginning in 1670, Penn defined liberty of conscience in terms that demonstrated his reliance on a theology of free and sincere religious choice. He described it as 'the free and uninterrupted exercise of our consciences, in that way of worship [which] we are most clearly persuaded, [and that] God *requires* us to serve him in. [This is] a matter of faith, [which] we sin if we omit'. Later he broadened his definition to 'not only a mere liberty of the mind', but also 'the exercise of ourselves in a visible way of worship upon our believing it to be indispensably required at our hands, that if we neglect it for fear of any mortal man, we sin, and incur divine wrath'.<sup>49</sup> Like others, Penn placed sincerity alongside the will of God. He noted the importance that religious liberty had for his own soul as well as the consequences – 'divine wrath' – one faced if deprived of that liberty. Yet just as this idea was coming to fruition within radical Protestantism, spokesmen from other intellectual movements reached similar conclusions. Radical Whigs and rationalist Enlightenment thinkers likewise placed sincerity and the will of God at the centre of their defences of religious freedom. John Locke's writings best illustrate how radical Protestant, Whig and Enlightenment rhetoric coalesced at the end of the seventeenth century.

Events during the last fifteen years of the seventeenth century placed religious freedom firmly at the forefront of political and social discourse. First, Louis XIV's revocation of the Edict of

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<sup>44</sup> Murphy, *Conscience and Community*, p.77; Grenada, Faith, Reason, and Enlightenment', pp.31-32.

<sup>45</sup> Cobb, *Rise of Religious Liberty in America*, p.440.

<sup>46</sup> W. Penn, *The Select Works of William Penn* (New York: Kraus Reprint Co., 1971), p.1:157.

<sup>47</sup> *Ibid.*, p.2:152.

<sup>48</sup> See Shaftesbury, 'A Letter Concerning Enthusiasm' and 'Miscellaneous Reflections', in A.A. Cooper, Third Earl of Shaftesbury, *Characteristicks of Men, Manners, Opinions, Times* (Indianapolis, Liberty Fund, 2001), pp.1:11-18, 3:65-69; J. Trenchard and T. Gordon, *Cato's Letters: Or, Essays on Liberty, Civil and Religious, And other Important Subjects* (Indianapolis: Liberty Fund, 1995), pp.1:110-117, 2:428, 462-471, 4:775; F. Hutcheson, *A System of Moral Philosophy* (London, 1755), p.2:311; J. Burgh, *Crito, or Essays on Various Subjects* (London, 1767), pp.2:118-119; R. Price, *The Evidence for a Future Period of Improvement in the State of Mankind* in D.O. Thomas, (ed.), *Richard Price: Political Writings* (Cambridge: Cambridge University Press, 1991), pp.161-165.

<sup>49</sup> Penn, *Works*, pp.2:131, 134. Emphasis in original.



Nantes in October of 1685 heightened Protestant anxieties concerning Catholic ambitions on the continent. Next, the Glorious Revolution in England provided space for more liberal ideas concerning politics and religion to enter the public sphere. Finally, several colonies in America began questioning the viability of religious uniformity with an increasingly pluralistic society. Philosophers like Pierre Bayle and Samuel Pufendorf on the continent as well as Penn and Locke in England responded to these events by formulating an ideal relationship between the church and the state. Each of them circumscribed the authority of the civil government in relation to the church, harnessing an array of utilitarian, epistemological and theological justifications in their writings.<sup>50</sup>

Born into a Puritan family in 1632, John Locke remained an orthodox Anglican all of his life. His contributions to empiricism, philosophical liberalism and natural rights rhetoric cast a long shadow over modern liberal discourse. Beginning with his *Two Treatises on Government* in 1689, Locke revolutionized modern philosophy during the next few years with his *An Essay on Human Understanding* (1690) and *Some Thoughts on Education* (1693).<sup>51</sup> His thoughts on religious liberty, however, were not as novel as his epistemological or political philosophies. Locke framed liberty of conscience as a natural right that emanated from a personal, rights-giving God, just as radical Protestants had earlier in the century. For Locke, religious liberty meant that one could worship freely, without the coercive arm of the state dictating one's form of worship.<sup>52</sup> He reached this conclusion in large part because he believed that religion was meaningless without freedom of choice in belief. He argued this point in his 1689 *Letter Concerning Toleration* when he reasoned that 'faith only and inward sincerity are the things that procure acceptance with God'. Actions against one's conscience were 'displeasing to [God], because [they were] not commanded by himself'.<sup>53</sup> Locke's writings, like Penn's before him and Jefferson's in the next century, suggested that the conscience alone was the medium by which God communicated with the individual, which made coercion a violation of the divine will. He insisted, for instance, that 'the care of the salvation of men's souls cannot belong to the magistrate; because, though the rigour of laws and the force of penalties were capable to convince and change men's minds, yet would not that help at all to the salvation of their souls'. Through coercion, magistrates restricted men from attaining salvation because it forced them 'to quit the light of their own reason, and oppose the dictates of their own consciences', which God left free to choose.<sup>54</sup>

While most scholars have correctly noted his rationalist rhetoric in terms of natural rights, and the distinctly different epistemological approach he brought to other realms of knowledge, they have understated the continuities between Locke's writing and that of earlier reformers in the radical Protestant tradition.<sup>55</sup> Regarding religious freedom, Locke developed new rhetoric but maintained the logic of early modern radical Protestants who placed divinely-commanded sincerity at the heart of the matter. Once Locke is viewed as a seventeenth-century tolerationist who moulded his concept of religious freedom from Protestant clay, it becomes apparent that

<sup>50</sup> Grenada, 'Faith, Reason, Enlightenment', p.33.

<sup>51</sup> B. Russell, *A History of Western Philosophy* (New York: Simon & Schuster, 1972), pp.641-646.

<sup>52</sup> Like almost all of those discussed in this essay, he did not believe that Catholics or atheists should have been granted full religious freedom. See J. Locke, *A Letter Concerning Toleration* (New York: Classic Books, 2010), pp.37, 54, 131.

<sup>53</sup> *Ibid.*, pp.168, 172.

<sup>54</sup> *Ibid.*, p.169.

<sup>55</sup> For the classic presentist interpretation of Locke as a covert atheist revolutionary see L. Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), pp.202-51. For a more nuanced interpretation of Locke as a pivotal yet still modern contextualized thinker, see M.P. Zuckert, *Natural Rights and the New Republicanism* (Princeton: Princeton University Press, 1994) and his *Launching Liberalism: On Lockean Political Philosophy* (Lawrence: University Press of Kansas, 2002). Although those like John Dunn and his students working out of the Cambridge School of political thought have interpreted Locke in light of the Calvinism in which he was raised, they too understated his theological framework regarding religious liberty.

seventeenth-century Protestant and eighteenth-century Enlightenment ideas concerning religious liberty were not as different as many scholars have claimed.<sup>56</sup> Many theologians and philosophers between Locke and the American founding continued to appropriate early modern justifications for religious coercion to modern conceptions of religious liberty, each one citing the will of God as their foundation.<sup>57</sup> None did so more clearly than William Livingston.

Publisher of an influential weekly newspaper in the early 1750s and later governor of New Jersey during the American Revolution, William Livingston made many of the same arguments that others across the colonies and in England had made in defence of religious freedom since the seventeenth century. During the debate over denominational affiliation for the newly founded King's College in 1752, Livingston's paper advanced the idea that public institutions need not have denominational ties.<sup>58</sup> Employing Locke's natural rights rhetoric, his writings similarly demonstrate the shared ground between radical Whig, Protestant and rationalist discourse which helped bridge the rhetoric of traditional arguments that Roger Williams articulated with the more rationalist language used during the late eighteenth century. Although his rhetoric took on a deistical form, it is important to note that like others he argued that persecution was contradictory to the teachings of Christianity, even though he was not an orthodox Christian.<sup>59</sup> Appealing to traditional and liberal Christians alike, and in language reminiscent of Locke, Livingston informed his readers: 'Does a Man act in a conscientious Obedience to the Law of God, without Doubt such act is religious; but on the contrary, should he only be governed by a Submission to the Law of the Magistrate, such Act can never claim a moral Consideration, even tho' it be really in exact Conformity to the Will of the supreme Legislator of the Universe'. He continued to advocate for 'Liberty of Thought' because the 'Religion which proceeds from a Man's own free Thoughts, must certainly be the most agreeable to the Deity'. For Livingston, religion, in brief, consisted of 'a choice or obligation to do certain Acts in conformity to the will of our Creator'.<sup>60</sup> Writing in a hybrid of radical Whig and rationalist terms, Livingston – though distinct from those in the early seventeenth century – continued to emphasize a divine mandate for religious freedom.

*Deus Vult: Madison, Jefferson, and the Institutionalization of Religious Freedom*

The preceding pages demonstrated how seventeenth and early eighteenth-century thinkers developed the main philosophical justification for religious freedom. Locke's introduction of 'natural rights' changed the rhetoric, but not the logic, of the arguments for religious liberty. Despite important epistemological changes introduced by Locke and later Enlightenment and Whig thinkers in other areas, reformers continued to express arguments for religious freedom as a theological imperative. This form of argumentation was a manifestation of a larger movement to

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<sup>56</sup> See for instance Butler, *Awash in a Sea of Faith*, pp.263-265; Lambert, *The Founding Fathers*, p.3; or note 17 above.

<sup>57</sup> See S. Belcher, *An Essay Tending to Promote The Kingdom of our Lord Jesus Christ* (Boston, 1707); J. Dickinson, *The Scripture-Bishop Vindicated* (Boston, 1733) and *The Vanity of Human Institutions in the Worship of God* (New York, 1736); E. Holyoke, *Obedience and Submission to the Pastoral Watch and Rule Over the Church of Christ* (Boston, 1737); E. Williams, *The Essential Rights and Liberties of Protestants* (Boston, 1744); J. Mayhew, *A Discourse Concerning Unlimited Submission and Non-Resistance to the Higher Powers* (Boston, 1749); E. Frothingham, *A Key, to Unlock the Door* (New Haven, 1767); I. Backus, *A Seasonable Plea for Liberty of Conscience* (Boston, 1770).

<sup>58</sup> Lambert, *Founding Fathers*, p.188.

<sup>59</sup> See R. Livingston, *A Vindication of the Moravians, against the Aspersions of their Enemies* (New York, 1753), in M. L. Klein, (ed.), *The Independent Reflector or Weekly Essays on Sundry Important Subjects More particularly adapted to the Province of New Work By William Livingston and Others* (Cambridge: The Belknap Press of Harvard University Press, 1963), pp.89-94; Livingston, *The Absurdity of the Civil Magistrates' Interference in Matters of Religion: Part II* (New York, 1753), p.306. He described himself as a believer in the Bible, but qualified that by ruling out 'any foreign Comments, or human Explications but my own'. See *ibid.*, pp.387-397.

<sup>60</sup> Livingston, *Absurdity*, pp.313-315.

place God as the source of rights in order to expand notions of liberty beyond what the English Parliament or monarchy allowed. Colonial rebels like James Wilson, John Dickinson, Patrick Henry and Alexander Hamilton cloaked their secular demands for free trade, free speech, rights to trial by jury, and equal representation, under the guise of Lockean natural rights, but in explicitly religious language as well. Gordon Wood has argued that although the American Founders were not intensely religious men in the traditional sense, religion ‘gave the highest level of meaning, order, and value to people’s experience’, which made it a useful rhetorical and intellectual tool for political and cultural change.<sup>61</sup> Dickinson, for example, made the distinction between rights secured by governments and rights granted by God. Charters, he insisted, were ‘*declarations* but not *gifts* of liberties’ because neither monarchs, magistrates nor parliaments could in any meaningful sense provide ‘the *rights essential* to happiness’. Instead, he continued, ‘We claim them from a higher source – from the King of kings, and Lord of all the earth’.<sup>62</sup> Other prominent Americans like Alexander Hamilton circumscribed rights and liberties within a divine source. Still a teenager on the eve of the revolution, he acknowledged that though New York had no charter, ‘THE SACRED RIGHTS OF MANKIND’ were ‘written, as with a sunbeam, in the whole *volume* of human nature, by the hand of divinity itself’.<sup>63</sup>

No one made better use of this line of reasoning than Thomas Jefferson. According to one authority, he placed God as the source of liberty ‘in virtually every major document he composed.’<sup>64</sup> Jefferson began employing this strategy with his Virginia Declaration of Rights in 1774 and later that year in *A Summary View of the Rights of British America* when he wrote that ‘the god who gave us life, gave us liberty at the same time’. He also cited God as the origin of rights the following year in the ‘Declaration of the Causes and Necessity for Taking Up Arms,’ when he argued that the colonists used ‘all those powers’ granted by ‘our creator’ to maintain the ‘Liberty which he committed to us in sacred deposit’.<sup>65</sup> He again made this point in the Declaration of Independence, when he wrote that ‘all men are created equal & independant, [and] that from that equal creation they derive rights inherent & inalienable’.<sup>66</sup> Governments, he insisted, were there to ‘secure these ends’, but rights and liberties existed as a consequence of that equal creation. After the Revolution, Jefferson continued to make this argument in his Act for Establishing Religious Freedom and his *Notes on the State of Virginia*.

Based on his private papers, the radical libertarianism of his writings during the Revolution, the larger political context in which he wrote, his personal theological beliefs, and the frequency with which he made this argument, it seems evident that Jefferson was not merely using theological rhetoric to push a value he reached using strictly secular reasoning. When writing on religious freedom, Enlightened deists may simply have been repeating similar phrases from earlier religious freedom discourse, but they selected specific phrases – those that most appealed to their own and others’ intellect and beliefs. True, Jefferson was too astute not to recognize the appeal that theological arguments had to his contemporaries. But the eighteenth-century deism that Jefferson espoused in his private notes on Locke’s *Letter* as well as the private correspondence with John Adams later in life both suggest that his public statements on God being the source of liberty were not mere rhetorical flourish or political posturing. Deists in the eighteenth century did not believe

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<sup>61</sup> G. Wood, ‘Religion and the American Revolution’, in H. Stout and D.G. Hart, (eds.), *New Directions in American Religious History* (New York: Oxford University Press, 1997), p.181.

<sup>62</sup> [J. Dickinson], *An Address to the Committee of Correspondence in Barbados* (Philadelphia, 1766), p. 4.

<sup>63</sup> A. Hamilton, *The Farmer Refuted* (New York, 1775) in J. C. Hamilton, (ed.), *The Works of Alexander Hamilton* (New York: John F. Trow, 1850), pp.2:80.

<sup>64</sup> Buckley, ‘Religious Rhetoric’, p.58.

<sup>65</sup> Boyd, *Papers*, p.1:197.

<sup>66</sup> *Ibid.*, pp.1:423-424.

in the God of the Bible, which separated them from the great majority of their contemporaries. Rather, they believed that God's revelation was written onto His creation, including the make-up of the human mind, which He designed with the capacity to think and choose freely without coercion.

In his private notes, which summarized Locke's argument and added notes of his own, Jefferson wrote that 'all men' were aware that both excessive persecution such as burning or hanging, but also more tame forms of discrimination like excluding religious dissenters from offices, were not only 'diametrically against Xyt [Christianity]' but also 'obstructive [to the] salvation of souls'. He wrote that 'our Saviour chose not to propagate his religion by temporal pun[ish]m[en]ts or civil incapacitation', which was 'in his almighty power' to do, but instead 'chose to extend it [religion] by its influence on reason, thereby shewing to others how [they] should proceed'.<sup>67</sup> Jefferson did not believe that Jesus was his 'saviour', but there is little evidence to suggest that his public appeals to religious freedom, which avoided sectarian or even Christian language, were insincere or manipulative. J.G.A. Pocock has persuasively argued that the theological arguments he made in his public appeals for religious freedom were entirely consistent with his own religious beliefs, and that he was in some way imposing his own religious beliefs – what Pocock called 'a kind of Unitarian universalism – the religion of free inquiry' – on others.<sup>68</sup> Though deists like Jefferson held a theology that was quite different from the Baptists who supported his Act for Establishing Religious Freedom, they all shared a fundamental belief that God was the source of rights and that He demanded religious freedom from His subjects because it was the only way to make free moral decisions. While many religious figures continued to quote scripture as the basis of their belief in the divine imperative, rationalists reasoned that God created the human mind in a way that left people free to choose in matters of faith, making any restraints on that choice inconsistent with God's prerogative.

By analyzing the two most prominent spokesmen for rights of conscience during the late eighteenth century – James Madison and Thomas Jefferson – we may demonstrate the influence these seventeenth-century arguments had on the eventual realization of religious freedom in the Anglo-American world. Moreover, by using Madison and Jefferson, we not only account for intellectual continuity, but substantive cultural, social and political change because these men were the architects of two of the most important legal developments regarding religious freedom in the modern period: the 1786 Virginia Statute for Religious Freedom and the First Amendment to the United States Constitution. Finally, by placing theological justifications closer to the centre, rather than on the periphery, of the development of religious freedom, scholars may better account for its populist appeal among both dissenting denominations and rationalists like Madison and Jefferson.

Despite the persistent and widespread historiographical debates over their religious beliefs, all scholars agree that Madison and Jefferson had different theologies from those seventeenth-century radicals discussed above.<sup>69</sup> Like these men, however, Madison reasoned that one's religion resided entirely within one's conscience. Using the tools of Enlightenment hermeneutics at his disposal, Madison's *Memorial and Remonstrance*, his 1785 magnum opus on religious freedom, synthesized long-standing arguments for liberty of conscience. In doing so, he made religion by

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<sup>67</sup> Boyd, *Papers*, p.1:544

<sup>68</sup> J.G.A. Pocock, 'Religious Freedom and the Desacralization of Politics: From the English Civil Wars to the Virginia Statute', in M.D. Peterson and R.C. Vaughan, (eds.), *The Virginia Statute for Religious Freedom: Its Evolution and Consequences in American History* (New York: Cambridge University Press, 1988), p.69.

<sup>69</sup> For a helpful historiographical overview, see G.W. Sheldon, 'Religion and Politics in the Thought of James Madison', in D. Dreisbach, (ed.), *The Founders on God and Government* (Lanham: Rowman & Littlefield, 2004), p.112. For Jefferson, see C. Sanford, *The Religious Life of Thomas Jefferson* (Charlotte: University of North Carolina Press, 1984) and Kramnick and Moore, *The Godless Constitution* for opposing views; See E. Gaustad, *Sworn on the Altar of God: A Religious Biography of Thomas Jefferson* (Grand Rapids, Michigan: Eerdsman Publishing Co., 1997) for a more nuanced account.

definition a 'duty which we owe to our Creator'. He insisted, for instance, that rights of conscience were 'unalienable because the opinions of men, depending only on the evidence contemplated by their own minds, cannot follow the dictates of other men'. They were 'unalienable also, because what is here a right towards men, is a duty towards the Creator'.<sup>70</sup> Although he incorporated utilitarian and Enlightenment justifications into his argument,<sup>71</sup> for Madison, denying one's freedom of conscience was 'an unhallowed perversion of the means of salvation'.<sup>72</sup> Madison did not insist that coercion was a 'perversion' of natural or unalienable rights, but an obstacle to salvation – a pre-modern theological doctrine particular to Abrahamic faiths. Madison further reasoned that 'if [religious] freedom be abused, it is an offence against God, not against man. To God, therefore, not to man, must an account of it be rendered'.<sup>73</sup>

In addition to these arguments which supported his theological beliefs, Madison also argued that the establishment was 'unchristian' and 'adverse to the diffusion of the light of Christianity', because it 'discourages those who are strangers to the light of [revelation] from coming into the Region of it'. Madison finished his *Memorial* by announcing that he and the signatories therein were 'earnestly praying' that 'the Supreme Lawgiver of the Universe' would illuminate those who did not yet recognize that infringements on one's conscience were an 'affront [to] his holy prerogative'.<sup>74</sup> Since this document was a petition, it is likely that Madison included these more orthodox statements in order to attract the Baptists and Presbyterians who made up the bulk of the signatories. But his form of providential deism nevertheless allowed him to use arguments like the divine imperative that spoke to different elements of eighteenth-century culture. Rather than viewing these theological arguments as negating his more secular reasoning, scholars can better understand the political and religious climate of the late eighteenth century by a consideration of how these modes of thought complemented each other.

Although Madison left few records on his religious beliefs, Jefferson was more generous to future historians. In his private papers, Jefferson took detailed notes on Locke's *Letter*, summarizing Locke's lines of reasoning and adding his own thoughts.<sup>75</sup> As demonstrated above, Locke affirmed that religious liberty was essential both to determine and perform one's religious duties. He believed that on judgment day, God would be less concerned with doctrinal orthodoxy than with sincerity of belief.<sup>76</sup> Jefferson too, retained the notion that God wanted sincere faith even though his theology was far more unorthodox than Locke's. Unlike his seventeenth-century predecessors, who insisted that religious freedom was based on Christian teachings in the Bible, Jefferson argued from Enlightenment grounds that God willed liberty of conscience. He reasoned that God revealed himself and his commands through his creation – in this case through His construction of the human mind, which He made with the ability to reason. From here Jefferson reached the same conclusion that early modern theologians reached – that God wanted individuals to have religious freedom. Finally, although Jefferson's conclusion was in opposition to what those in the medieval period had claimed – God wills religious uniformity – his rationale was still based on the will of God.

The preamble to Jefferson's Act for Establishing Religious Freedom reinforced the arguments he made in his private notes after reading Locke.<sup>77</sup> In defending freedom of conscience,

<sup>70</sup> Hunt, *Writings of James Madison*, p.2:187.

<sup>71</sup> As early as 1773, Madison asked a friend on utilitarian grounds, 'Is an Ecclesiastical establishment absolutely necessary to support civil society'? See Hutchinson, *Papers*, p.1:101.

<sup>72</sup> Hunt, p.2:184.

<sup>73</sup> *Ibid.*, pp.2:186-187.

<sup>74</sup> *Ibid.*, pp.2:189-181.

<sup>75</sup> See Boyd, *Papers*, p.1:548, where Jefferson wrote in his notes on Locke's *Letter* 'It was a great thing to go so far...but where he [Locke] stopped short, we may go on'.

<sup>76</sup> S. Kessler, 'Locke's Influence on Jefferson's "Bill for Establishing Religious Freedom"', *Journal of Church and State*, 25 (Spring, 1983), p.235.

<sup>77</sup> See his unedited 1777 draft in Boyd, *Papers*, pp.2:545-547.

he opened his bill by stating that not natural law, but instead, 'Almighty God hath created the mind free'. From this premise he deduced that religious liberty was divinely directed. He continued to note that 'the opinions and belief of men depend not on their own will, but follow involuntarily the evidence proposed to their minds'. This was because God 'manifested his supreme will that free it [one's conscience] shall remain by making it altogether insusceptible of restraint, [and] that all attempts to influence it' were 'a departure from the plan of the holy author of our religion'.<sup>78</sup> Jefferson reasoned that religion was a matter between man and God because it was His 'supreme will' that the mind He created free remained free to choose religious beliefs. In these ways, Jefferson continued to change the rhetoric, but not the theological premise behind his justification for religious freedom. His God, like others, was a God of liberty. His Virginia Statute, once described by Bernard Bailyn as 'the most important document in American history, bar none',<sup>79</sup> in this way used a radically conservative approach to fulfil a liberal end. Although Jefferson's conception of God might have had little in common with that of Luther, Williams, or Penn, he continued their appeal to a God who demanded liberty of conscience.

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Many historians have rightly lauded Jefferson and Madison for their contributions to the development of religious liberty. Contrary to the findings above, however, the most prominent historians of religious freedom have argued that the 'ultimate overthrow of established religion in the Revolutionary Era was the result of a coincidental and temporary conjunction of deistic and pietistic efforts and ideologies; but there was never any merger of the two'.<sup>80</sup> These historians pointed to the fundamental difference between the two groups' conception of God. Radical Protestants, for these scholars, saw liberty of conscience as a *supernatural* right that came from the God of revelation, whereas deists saw it as a natural right that came from the God of Nature.<sup>81</sup> What these scholars have missed is that both saw it coming directly from, and *demanded by*, God. Drawing this bright line between the sacred and the secular without also showing the similarities, these scholars have overlooked the continuities between what they have labelled Protestant thought during the seventeenth century and later Enlightenment thought that deeply influenced the modern period. They have approached the development of religious liberty in a manner that has blurred long-term continuities and overlooked the conservative foundations of one of the most revolutionary changes in Anglo-American history. The early-modern notion of divinely commanded sincerity of belief allowed eighteenth-century thinkers of all persuasions to find common ground when making arguments for religious freedom and to present a radical change in mainstream form. While orthodox Christians like Williams cited chapter and verse from scripture, deists like Jefferson similarly reasoned that 'God requires every act [to be done] according to *belief*'. Thomas Buckley concluded that Jefferson believed religious belief was a human response to a divine command. His argument was fundamentally 'a theological statement: God requires belief. This is God's choice as creator'.<sup>82</sup> Buckley might have mentioned that radical Protestants reached the same conclusion a century before Jefferson was born.

Many scholars have explained the development of religious liberty in America by pointing to significant demographic changes, political exigencies, and new epistemologies. These explanations,

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<sup>78</sup> Ibid., p.2:545.

<sup>79</sup> Quoted in D.L. Dreisbach and G.W. Sheldon, (eds.), *Religion and Political Culture in Jefferson's Virginia* (Lanham, Maryland: Rowman & Littlefield, 2000), p.153.

<sup>80</sup> McLoughlin, *New England Dissent*, p.388.

<sup>81</sup> Ibid.

<sup>82</sup> T. E. Buckley, 'The Political Theology of Thomas Jefferson', in Peterson and Vaughan, *The Virginia Statute for Religious Freedom*, p.159.

though important, only go so far. During the sixteenth to late eighteenth centuries, conceptions of tolerable religious belief underwent a fundamental transformation. This revolution required more than demographic, political, or epistemological change. It also required a revised theology. When writing or preaching on religious freedom, some reformers called God 'Jesus Christ', the 'supreme Legislator of the Universe', the 'Creator', or the 'holy author of our religion', but the outcome of the message was the same; since conscience was a matter between man and God, a force *above* the law could not be subject *to* the law. Consequently, reformers deduced that one man should not coerce another's belief in matters of faith. As Jefferson wrote, this was God's choice as creator. By framing the argument in this way, Enlightenment thinkers of the eighteenth century argued what the most dogmatic, medieval priests had argued in justifying religious coercion – God wills it. Instead of commanding coerced orthodoxy, this God commanded religious freedom. Rather than interpreting Enlightenment notions of religious liberty as conflicting with the theological formulation presented here, scholars might consider how their common heritage helped form a marketable web of ideas that made such a revolutionary change so acceptable to such a diverse group of individuals and how that heritage influenced church-state political thought in the nineteenth century.<sup>83</sup>

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## References

### Primary Sources

Backus, I., *A Seasonable Plea for Liberty of Conscience* (Boston, 1770).

Baber, E., *Answer to the Essex Watchmen's Watchword* (London, 1649).

Belcher, S., *An Essay Tending to Promote The Kingdom of our Lord Jesus Christ* (Boston, 1707).

Burgh, J., *Crito, or Essays on Various Subjects* (London, 1767).

Calvin, J., *The Institutes of the Christian Religion* (New York: Forgotten Books, 2007).

Carey, M., *A Brief View of the Policy of the Founders of the Colonies of Massachusetts, Rhode Island, West Jersey, Pennsylvania, Maryland, Virginia and Carolina, as Regards Liberty of Conscience* (Philadelphia, 1828).

----- 'Immorality of Traffic in Ardent Spirit', *American Temperance Society* (Philadelphia, 1832).

Cooper, A.A., Third Earl of Shaftesbury, *Characteristicks of Men, Manners, Opinions, Times* (Indianapolis, Liberty Fund, 2001).

Cotton, J., *Bloudy Tenent Washed and Made White in the Blood of the Lambe* (London, 1647).

Danver, H., *Certain Quaeries Concerning Liberty of Conscience* (London, 1649).

[Dickinson, J.], *An Address to the Committee of Correspondence in Barbados* (Philadelphia, 1766).

Frothingham, E., *A Key, to Unlock the Door* (New Haven, 1767).

Gillespie, G., *Wholesome Verity Reconciled with Christianly Liberty* (London, 1645).

Hamilton, A., *The Farmer Refuted* (New York, 1775).

Holyoke, E., *Obedience and Submission to the Pastoral Watch and Rule Over the Church of Christ* (Boston, 1737).

Hutcheson, F., *A System of Moral Philosophy* (London, 1755).

Jefferson, T., *Notes on the State of Virginia* (Chapel Hill: University of North Carolina Press, 1955).

----- *Bill for Establishing Religious Freedom* (1777).



Livingston, R., *A Vindication of the Moravians, against the Aspersions of their Enemies* (New York, 1753).

----- *The Absurdity of the Civil Magistrates' Interference in Matters of Religion: Part II* (New York, 1753).

Locke, J., *A Letter Concerning Toleration* (New York: Classic Books, 2010).

Locke, J., *The Two Treatises of Civil Government* (Indianapolis: Liberty Fund, 2011).

Luther, M., *On Secular Authority: How Far Does Obedience Owed to it Extend?* (1525).

Madison, J., *Memorial and Remonstrance against Religious Assessments* (1785).

Montaigne, M., *Of Liberty of Conscience* (1580).

Mayhew, J., *A Discourse Concerning Unlimited Submission and Non-Resistance to the Higher Powers* (Boston, 1749).

Norton, J., *The Heart of N-England Rent at the Blasphemies of the Present Generation* (Boston, 1659).

Overton, R., *An Arrow against all Tyrants* (London, 1646).

----- *An Appeal to the Commons from the Free People* (London, 1647).

Penn, W., *The Select Works of William Penn* (New York: Kraus Reprint Co., 1971).

Price, R., *The Evidence for a Future Period of Improvement in the State of Mankind* in Thomas, D.O. (ed.), *Richard Price: Political Writings* (Cambridge: Cambridge University Press, 1991).

Robinson, H., *Liberty of Conscience* (London, 1644).

----- *A Short Answer to A.S.* (London, 1645).

Rutherford, S., *A Free Disputation against Pretended Liberty of Conscience* (London, 1649).

Trenchard J. and Gordon, T. *Cato's Letters: Or, Essays on Liberty, Civil and Religious, And other Important Subjects* (Indianapolis: Liberty Fund, 1995).

Williams, E., *The Essential Rights and Liberties of Protestants* (Boston, 1744).

Walwyn, W., *Tolleration Justified, and Persecution Condemned* (London, 1646).

----- *The Compassionate Samaritane* (1644).

----- *A Whisper in the Eare* (London, 1645).

Williams, R., *The Bloody Tenent of Persecution for Cause of Conscience Discussed; and Mr. Cotton's Letter Examined and Answered* (London, 1647).

## Secondary Sources

Bancroft, G., *History of the United States of America: From the Discovery of the Continent* (New York: D. Appleton and Co., 1888).

Beneke, C., *Beyond Toleration: The Religious Origins of American Pluralism* (New York: Oxford University Press, 2006).

Beneke, C. and Grenada, C.S., *The First Prejudice: Tolerance and Intolerance in Early America* (Philadelphia: University of Pennsylvania Press, 2011).

Boyd, J. P., Butterfield, L.H., Cullen, C.T. and Catanzariti, J., (eds.), *Papers of Thomas Jefferson* (Princeton: Princeton University Press, 1950).

Bozeman, T.D., *The Precisianist Strain: Disciplinary Religion and Antinomian Backlash in Puritanism to 1638* (Chapel Hill: University of North Carolina Press, 2004).

Buckley, T. E., *Church and State in Revolutionary Virginia, 1776-1787* (Charlottesville: University Press of Virginia, 1977).

Butler, J., *Awash in a Sea of Faith: Christianizing the American People* (Cambridge: Harvard University Press, 1990).

Clark, J.C.D., *The Language of Liberty, 1660-1832: Political Discourse and Social Dynamics in the Anglo-American World* (New York: Cambridge University Press, 1994).

Cobb, S., *The Rise of Religious Liberty in America: A History* (New York: Noble Offset Printers Inc., 1902).

Coffey, J., *Persecution and Toleration in Protestant England, 1558–1689* (London: Longman, 2000).

Corrigan, J. and Neal, L., (eds.), *Religious Intolerance in America: A Documentary History* (Chapel Hill: University of North Carolina Press, 2010).

Curry, T. J., *First Freedoms: Church and State in America to the Passage of the First Amendment* (New York: Oxford University Press, 1986).

Davidson, E.H. and Sheick, W.J., *Paine, Scripture, and Authority: The Age of Reason as Religious and Political Ideal* (Bethlehem, Pennsylvania: Lehigh University Press, 1994).

Dreisbach, D.L., Hall, M.D. and Morrison, J.H., (eds.), *The Founders on God and Government* (Lanham: Rowman& Littlefield, 2004).

Dreisbach, D.L. and Sheldon, G.W., (eds.), *Religion and Political Culture in Jefferson's Virginia* (Lanham, Maryland: Rowman & Littlefield, 2000).

Edelstein, D., *The Enlightenment: A Genealogy* (Chicago: University of Chicago Press, 2010).

Fatovic, C., 'The Anti-Catholic Roots of Liberal and Republican Conceptions of Freedom in English Political Thought', *Journal of the History of Ideas*, 66, no 1 (January, 2005): pp. 37-58.

Foster, S., *The Long Argument: English Puritanism and the Shaping of New England Culture* (Chapel Hill: University of North Carolina Press, 1991).

Gaustad, E., *Sworn on the Altar of God: A Religious Biography of Thomas Jefferson* (Grand Rapids, Michigan: Eerdsman Publishing Co.,1997).

Gay, P., *The Enlightenment: The Rise of Modern Paganism* (New York: W.W. Norton & Co., 1966).

Gregory, B., *Salvation at Stake: Christian Martyrdom in Early Modern Europe* (Cambridge: Harvard University Press, 2001).

----- *The Unintended Reformation: How a Religious Revolution Secularized Society* (Cambridge: Belknap Press of Harvard University Press, 2012).

Gregory, J., 'Introduction: Transforming "the Age of Reason" into "an Age of Faiths": or, Putting Religion and Beliefs (Back) into the Eighteenth Century', *Journal for Eighteenth-Century Studies*, 32, no 3 (2009): pp. 287-305.

Grell, O., Israel, J. and Tyacke, N., (eds.), *From Persecution to Toleration: The Glorious Revolution and Religion in England* (Oxford: Oxford University Press, 1991).

Grell, O. and Scribner, R., (eds.), *Tolerance and Intolerance in the European Reformation* (New York: Cambridge University Press, 1996).

Hamburger, P., *Separation of Church and State* (Cambridge, Massachusetts: Harvard University Press, 2002).

Hamilton, J.C., (ed.), *The Works of Alexander Hamilton* (New York: John F. Trow, 1850).

Hazlett, W.C., (ed.), *Essays of Montaigne* (New York: Edwin C. Hill, 1910).

Höpfl, H., (ed.), *Luther and Calvin on Secular Authority* (New York: Cambridge University Press, 1991).

Hutchinson, W.T. et al., (eds.), *The Papers of James Madison* ([Chicago]: University of Chicago Press, 1962).

Hunt, G., (ed.), *The Writings of James Madison* (New York: G.P. Putnam's Sons, 1906).

- Isaac, R., *The Transformation of Virginia, 1740-1790* (New York: W.W. Norton & Co., 1988).
- Israel, J., *Enlightenment Contested: Philosophy, Modernity, and the Emancipation of Man, 1670–1752* (Oxford: Oxford University Press, 2006).
- ‘Radical Enlightenment, Mainstream Enlightenment and the World of Today’, (paper presented at Erasmus University Rotterdam, November 8, 2006).
- Ivimey, J., *Persecution for Religion Judged and Condemned, First Published in London, in the Year 1615* (London: Wightman and Cramp, 1827).
- Kaplan, B., *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge: Harvard University Press, 2007).
- Kessler, S., ‘Locke’s Influence on Jefferson’s “Bill for Establishing Religious Freedom”’. *Journal of Church and State*, 25(Spring, 1983), pp.231-252.
- Kidd, T., *God of Liberty: A Religious History of the American Revolution* (New York: Basic Books, 2010).
- Klein, M. L., (ed.), *The Independent Reflector or Weekly Essays on Sundry Important Subjects More particularly adapted to the Province of New Work By William Livingston and Others* (Cambridge: The Belknap Press of Harvard University Press, 1963).
- Kramnick, I., *Republicanism and Bourgeois Radicalism: Political Ideology in Late Eighteenth-Century England and America* (Ithaca, New York: Cornell University Press, 1990).
- Kramnick, I. and Moore, R., *The Godless Constitution: The Case against Religious Correctness* (W. W. Norton & Company, 1997).
- Lambert, F., *The Founding Fathers and the Place of Religion in America* (Princeton: Princeton University Press, 2003).
- Levy, L., *The Establishment Clause: Religion and the First Amendment* (Chapel Hill: University of North Carolina Press, 1994).
- May, H., *The Enlightenment in America* (New York: Oxford University Press, 1976).
- McLoughlin, W., *New England Dissent, 1630-1833: The Baptists and the Separation of Church and State* (Cambridge: Harvard University Press, 1971).
- McMahon, D., *Enemies of the Enlightenment: The French Counter-Enlightenment and the Making of Modernity* (New York: Oxford University Press, 2002).
- McMichael, J. R. and Taft, B., (eds.), *The Writings of William Walwyn* (Athens, Georgia: University of Georgia Press, 1989).
- Miller, P., ‘The Contribution of the Protestant Churches to Religious Liberty in Colonial

America', *Church History*, 4 no. 1 (March, 1935): pp. 56-66.

Miller, W.L., *The First Liberty: Religion and the American Republic* (New York: Knopf, 1986).

Morgan, E., *Roger Williams: The Church and the State* (New York: W.W. Norton & Company, 1967).

Murphy, A., *Conscience and Community: Revisiting Toleration and Religious Dissent in Early Modern England and America* (University Park, Pennsylvania: The Pennsylvania State University Press, 2001).

Murray, J.C., *We Hold These Truths: Catholic Reflections on the American Proposition* (New York: Sheed and Ward, 1960).

Ozment, S., *The Age of Reform 1250–1550, An Intellectual and Religious History of Late Medieval and Reformation Europe* (New Haven: Yale University Press, 1986).

Peterson, M.D. and Vaughan, R.C., (eds.), *The Virginia Statute for Religious Freedom: Its Evolution and Consequences in American History* (New York: Cambridge University Press, 1988).

Russell, B., *A History of Western Philosophy* (New York: Simon & Schuster, 1972).

Sanford, C., *The Religious Life of Thomas Jefferson* (Charlotte: University of North Carolina Press, 1984).

Staloff, D., *Hamilton, Adams, Jefferson: The Politics of the Enlightenment and the American Founding* (New York: Hill and Wang, 2005).

Steiner, P.L., 'Benjamin Franklin's Biblical Hoaxes', *Proceedings of the American Philosophical Society*, 131 (2), (June, 1987): pp.183-196.

Stout, H. and Hart, D. G., (eds.), *New Directions in American Religious History* (New York: Oxford University Press, 1997).

Strauss, L., *Natural Right and History* (Chicago: University of Chicago Press, 1953).

Tierney, Brian, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law, 11150-1625* (Grand Rapids, Michigan: Scholars Press for Emory University, 1997).

Walsham, A., *Charitable Hatred: Tolerance and Intolerance in England, 1500-1700* (Manchester: Manchester University Press, 2006).

Winship, M., *Making Heretics: Militant Protestantism and Free Grace in Massachusetts* (Princeton: Princeton University Press, 2002).

Woodhouse, A.S.P., *Puritanism and Liberty: Being the Army Debates (1647-1649) from the*

*Clarke Manuscripts with Supplementary Documents* (Chicago: The University of Chicago Press, 1951).

Zagorin, P., *How the Idea of Religious Toleration Came to the West* (Princeton: Princeton University Press, 2003).

Zuckert, M.P., *Natural Rights and the New Republicanism* (Princeton: Princeton University Press, 1994).

----- *Launching Liberalism: On Lockean Political Philosophy* (Lawrence: University Press of Kansas, 2002).