
Thomas Jefferson's "Act for Establishing Religious Freedom" in Virginia 1786

Thomas Jefferson drafted this bill in 1779, during the Revolutionary War, and James Madison saw to it that the Virginia legislature passed it in 1786. The long preamble (part I) provided the philosophical and legal justification for the actual law (part II). Part III is a non-binding declaration of the law's support of natural rights.

It is difficult to overstate the importance of this piece of legislation. Even after the Revolution, many states had leaned toward retaining some form of general religious establishment. Such a bill had been proposed in Virginia in 1784, but evangelical Christians—who had long suffered under the colonial Anglican establishment—joined with Madison and other allies to undermine the bill. The debate in Virginia influenced similar controversies in other states, and most states soon followed Virginia's lead, as did the new federal government.

The federal Constitution of 1787 mentioned religion only when prohibiting religious tests. The First Amendment, drafted by a committee that included Madison and ratified in 1791, economically stated: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Connecticut, New Hampshire, and Massachusetts persisted with tax-supported churches until 1818, 1819, and 1833, respectively, but religious freedom had become a reality for most Americans. It is important to note, however, that inequalities of power still led to the denial of religious liberty, especially for enslaved African Americans and American Indians. American Indians were not granted U.S. citizenship (as a group) until 1924; they routinely found their religious traditions (and languages and cultures) suppressed by the federal government well into the 20th-century. —D. Voelker

*Bibliography: Jon Butler, *Awash in a Sea of Faith: Christianizing the American People* (Cambridge: Harvard Univ. Press, 1990); Edwin S. Gaustad, *Neither King Nor Prelate: Religion and the New Nation 1776-1826* (Grand Rapids: Eerdmans, 1993); Leonard W. Levy, *Origins of the Bill of Rights* (New Haven: Yale Univ. Press, 1999).*

I. 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 are a departure from the plan of the Holy author of our religion, who being Lord of both 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 contribution 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 . . . 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 only tends to corrupt the principles of that religion it is meant to encourage, by bribing with a monopoly of worldly honors . . . , those who will externally profess and conform to it; . . . 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 [truth] is permitted freely to contradict them:

II. *Be it enacted by the General Assembly*, That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, or 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 opinion 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 to be 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.

Discussion Questions:

1. What arguments did the preamble (section I) of this bill present in order to support religious liberty?
2. How did the preamble suggest that laws establishing religion were in fact detrimental to religion?
3. What were the three main elements of religious liberty, as defined by this act?
4. How were the principles of this statute connected to those principles articulated in the Declaration of Independence?

SOURCE: *The Statutes at Large; Being a Collection of all of the Laws of Virginia. From the First Session of the Legislature, in the Year 1619*, vol. 12, edited by William Waller Hening (Richmond, 1823), pp. 84–86.



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