

■ Virginia Statute for Religious Freedom

Date: January 16, 1786

Author: Thomas Jefferson

Genre: Statute

Summary Overview

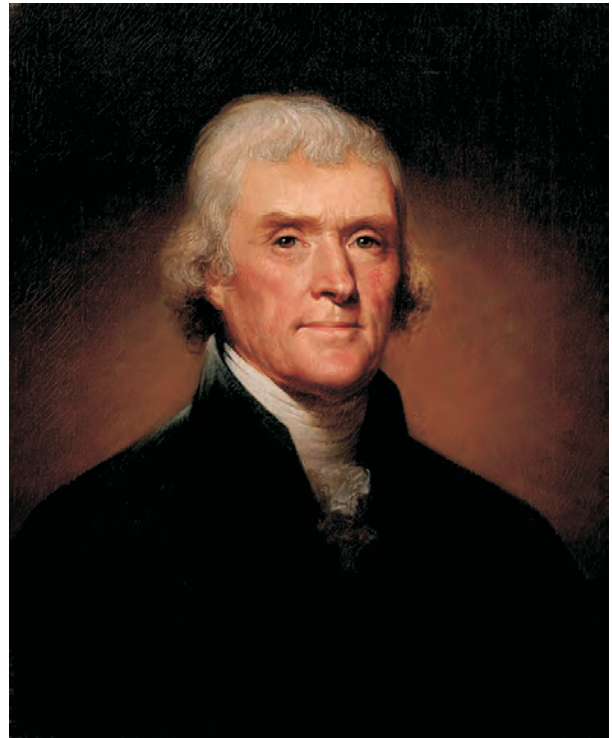
Thomas Jefferson's Virginia Statute for Religious Freedom was adopted by the state's General Assembly on January 16, 1786, and signed into law three days later. The statute, which characterizes religious freedom as a "natural right," influenced the drafting of the U.S. Constitution and the First Amendment of the Bill of Rights by affirming the right of citizens to choose their faith without government coercion. It is noteworthy for its forceful assertion of religion freedom.

Defining Moment

After the American colonies declared their independence from Britain, the General Assembly of Virginia saw that many of the ordinances in effect under the rule of the English monarch would no longer be applicable in an independent state. Accordingly, in 1776, the assembly appointed a Committee of Revisors to review existing laws and recommend changes. Three lawyers on the committee, Thomas Jefferson, George Wythe, and Edmund Pendleton, did most of the drafting, arriving at 126 bills that the committee submitted to the assembly in 1779. By this time, Jefferson had been elected governor of the state.

One of the bills, which Jefferson had drafted in 1777, was a bill for establishing religious freedom. The bill, however, was tabled in the face of stiff opposition from influential members of the Anglican Church, which at the time was the established church of Virginia. It was imported from England by the colonists who landed at Jamestown and institutionalized as the colony's officially sanctioned religion in 1619. The growing interconnection between religion and the civil authority over the next century and a half was in large part attributable to the scarcity of Anglican clergy in the colony and the immensity of the colony's plantations, which made church attendance difficult for many. In the absence of clergy, the General Assembly took on the role of church authority. It passed laws governing the church. It authorized county courts to hear cases that were ecclesiastical in

nature. It set clergy salaries, established new parishes, defined the boundaries of parishes, established requirements for church attendance, specified how ministers should preach, ordered clergy to instruct children in the faith, and delegated local authority over the churches to county courts and vestries.



Portrait of Thomas Jefferson, author of the Statute. Image via Wikimedia Commons. [Public domain.]

The issue of the established church was resurrected in 1784, when, on November 11, the assembly passed a resolution, introduced by Patrick Henry, that stated: “Resolved, that it is the opinion of this committee, That the people of this Commonwealth, according to their respectful abilities, ought to pay a moderate tax or contribution, annually, for the support of the christian religion, or of some christian church, denomination or communion of christians, or of some form of christian worship.”

Jefferson, an opponent of established religion, was resolved to see this resolution rejected. Ironically, however, he was not on hand, for he was serving as an American minister in Europe. He thus turned the matter over to his good friend and colleague, James Madison. Madison, as a member of the legislature, took three steps that were politically astute. First, he solicited and won support from dissenting sects in the state, among them Baptists and Presbyterians, who opposed the resolution and who had long faced persecution from the established church. Second, he got Patrick Henry out of the Virginia legislature by supporting his successful bid for the governorship of New York. Third, he wrote “Memorial and Remonstrance Against Religious Assessment,” a widely circulated, anonymous pamphlet in which he argued that religious liberty is a natural right and that government should have no involvement with religious beliefs and practices. The pamphlet had its desired effect and the resolution was defeated. Madison then seized the momentum created by the “Memorial and Remonstrance” to shepherd Jefferson’s original bill, Bill No. 82, through the assembly. The bill was adopted by the General Assembly on January 16, 1786.

Author Biography

Thomas Jefferson, the third president of the United States, was born in Shadwell, Virginia, on April 13, 1743. At the College of William and Mary, he studied Greek, the classics, philosophy, and science, practiced the violin, and perfected his French. From 1767 to 1773 he practiced law, and he was elected as a representative to the Virginia House of Burgesses in 1769. He remains best known not only for his presidency but as a Founding Father and the principal author of the Declaration of Independence.

From 1779 to 1781, Jefferson served as the second governor of Virginia, at one point barely escaping capture by British forces during the Revolutionary War. From 1783 to 1784 he was a delegate to the Congress of the Confederation. He held the offices of Minister Plenipotentiary for Negotiating Treaties of Amity and Commerce from 1784 to 1786 and U.S. minister to France from 1785 to 1789. Under President George Washington he served as the nation’s first secretary of state, and under President John Adams he served as vice president. In 1801, he took office for the first of two terms as president, having won after the election was thrown into the House of Representatives because he was tied with Aaron Burr in the number of electoral votes. His major accomplishment after leaving office was the establishment of the University of Virginia. He died at his plantation home, Monticello, on July 4, 1826, exactly fifty years after the Declaration of Independence. The epitaph on his tombstone identifies him not as president but as the author of the Declaration of Independence, the father of the University of Virginia, and the author of “the statute of Virginia for religious freedom.”



Historical Document

Virginia Statute for Religious Freedom

[The original manuscript in Jefferson's hand no longer exists. The text of the act provided here incorporates the changes adopted by the General Assembly, with deletions shown in italics and insertions shown within brackets.]

Well aware that the opinions and belief of men depend not on their own will, but follow involuntarily the evidence proposed to their minds; that [Whereas] Almighty God hath created the mind free, and manifested his supreme will that free it shall remain by making it altogether insusceptible of restraint; 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 both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do, but to extend it by its influence on reason alone; 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 endeavoring 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 and abhors, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness; and is withdrawing from the ministry those temporal[ry] 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 dependance on our religious opinions, any more than on our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which, in common with his fellow citizens, he has a natural right; that it tends also [only] to corrupt the principles of that very religion it is meant to encourage, by bribing, with a monopoly of worldly honours and emoluments, those who will externally profess and conform to it; that though indeed these are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way; that the opinions of men are not the object of civil government,

nor under its jurisdiction; that to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself; that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict unless by human interposition disarmed of her natural weapons, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them.

“... all men shall be free to profess, and by argument to maintain, their opinions in matters of religion”

We the General Assembly of Virginia do enact [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, molested, or burthened in his body or goods, nor shall otherwise suffer, on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

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.



Glossary

burthen: an obsolete spelling of “burden”

emolument: salary

impious: lacking in reverence or respect; wicked

Document Analysis

The statute is not easy to read. The first sentence contains more than five hundred words and piles clause upon clause in a manner often found in legal documents, where “prefatory” clauses precede the “operative” clause, that is, the clause that is legally binding. The prefatory clauses here present Jefferson’s justification for the statute. People, he says, have “free minds.” Efforts on the part of civil authorities to influence a citizen’s mind “beget habits of hypocrisy and meanness.” He is sharply critical of “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.” He goes on to object to any requirement that tax money be used to support a religion, arguing that it deprives citizens of their liberty and freedom of conscience; people have “natural rights,” and to make those rights dependent on religious belief has the effect of denying those rights. He continues with the theme of hypocrisy by asserting that when the state provides privileges and “emoluments” to people based on their adherence to a particular set of religious beliefs, the state in effect is bribing them. Jefferson states that “our civil rights have no dependance on our religious opinions, any more than on our opinions in physics or geometry.” To allow the “civil magistrate” to “intrude his powers into the field of opinion” and to oppose the profession of principles that he believes have an “ill tendency” is a “dangerous fallacy.” Such a fallacy “destroys religious liberty, because he [the magistrate] being of course judge of that tendency will make his opinions the rule of judgment.” Jefferson concludes the prefatory statement by noting that erroneous opinions and beliefs cease to be dangerous when met with “free argument and debate” rather than the hand of civil law.

The operative statements follow, and they are the essence of the bill:

Be it therefore 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, molested, or burthened in his body or goods, nor shall otherwise suffer, on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

In other words, a person is entirely free to hold personal religious beliefs and practice any religion without interference from the state. The statute concludes by reasserting the concept of natural rights and stating that if the legislature should in the future pass any act that repeal the present one or narrows its operation, that act “will be an infringement of natural right.”

Essential Themes

The Virginia Statute for Religious Freedom is arguably the most eloquent assertion of the right to freedom of religion to come out of early America. Its assertion that freedom of religion as a natural right is one that would likely have been foreign to many observers at the time, who may have believed that rights are restricted to those granted by the civil authority, and possibly by a monarch. When Jefferson learned that the bill had passed, he immediately had it translated into French and Italian and saw to its wide distribution in Europe. The statute would play a key role in the development of the First Amendment and the protection it affords by stating that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” In a personal memorandum that Madison made, he wrote that the Virginia Statute for Religious Freedom “is a true standard of Religious liberty: its principle the great barrier agst. [against] usurpations on the rights of conscience. As long as it is respected & no longer, these will be safe.”

—Michael J. O’Neal, PhD

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