

Memorial and Remonstrance against Religious Assessments

By James Madison

To the Honorable the General Assembly of the Commonwealth of Virginia A Memorial and Remonstrance

We the subscribers, citizens of the said Commonwealth, having taken into serious consideration, a Bill printed by order of the last Session of General Assembly, entitled “A Bill establishing a provision for Teachers of the Christian Religion,” and conceiving that the same if finally armed with the sanctions of a law, will be a dangerous abuse of power, are bound as faithful members of a free State to remonstrate against it, and to declare the reasons by which we are determined. We remonstrate against the said Bill,

1. Because we hold it for a fundamental and undeniable truth, “that Religion or the duty which we owe to our Creator and the manner of discharging it, can be directed only by reason and conviction, not by force or violence.” [Virginia Declaration of Rights, art. 16] The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. It is unalienable, because the opinions of men, depending only on the evidence contemplated by their own minds cannot follow the dictates of other men: It is unalienable also, because what is here a right towards men, is a duty towards the Creator. It is the duty of every man to render to the Creator such homage and such only as he believes to be acceptable to him. This duty is precedent, both in order of time and in degree of obligation, to the claims of Civil Society. Before any man can be considered as a member of Civil Society, he must be considered as a subject of the Governour of the Universe: And if a member of Civil Society, who enters into any subordinate Association, must always do it with a reservation of his duty to the General Authority; much more must every man who becomes a member of any particular Civil Society, do it with a saving of

his allegiance to the Universal Sovereign. We maintain therefore that in matters of Religion, no mans right is abridged by the institution of Civil Society and that Religion is wholly exempt from its cognizance. True it is, that no other rule exists, by which any question which may divide a Society, can be ultimately determined, but the will of the majority; but it is also true that the majority may trespass on the rights of the minority.

2. Because if Religion be exempt from the authority of the Society at large, still less can it be subject to that of the Legislative Body. The latter are but the creatures and vicegerents of the former. Their jurisdiction is both derivative and limited: it is limited with regard to the co-ordinate departments, more necessarily is it limited with regard to the constituents. The preservation of a free Government requires not merely, that the metes and bounds which separate each department of power be invariably maintained; but more especially that neither of them be suffered to overleap the great Barrier which defends the rights of the people. The Rulers who are guilty of such an encroachment, exceed the commission from which they derive their authority, and are Tyrants. The People who submit to it are governed by laws made neither by themselves nor by an authority derived from them, and are slaves.

3. Because it is proper to take alarm at the first experiment on our liberties. We hold this prudent jealousy to be the first duty of Citizens, and one of the noblest characteristics of the late Revolution. The free men of America did not wait till usurped power had strengthened itself by exercise, and entangled the question in precedents. They saw all the consequences in the principle, and they avoided the consequences by denying the principle. We revere this lesson too much soon to forget it. Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects? that the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?

60 4. Because the Bill violates that equality which ought to be the basis of every
61 law, and which is more indispensable, in proportion as the validity or
62 expediency of any law is more liable to be impeached. If “all men are by nature
63 equally free and independent,” [Virginia Declaration of Rights, art. 1] all men
64 are to be considered as entering into Society on equal conditions; as
65 relinquishing no more, and therefore retaining no less, one than another, of their
66 natural rights. Above all are they to be considered as retaining an “*equal* title to
67 the free exercise of Religion according to the dictates of Conscience.” [Virginia
68 Declaration of Rights, art. 16] Whilst we assert for ourselves a freedom to
69 embrace, to profess and to observe the Religion which we believe to be of
70 divine origin, we cannot deny an equal freedom to those whose minds have not
71 yet yielded to the evidence which has convinced us. If this freedom be abused, it
72 is an offence against God, not against man: To God, therefore, not to man, must
73 an account of it be rendered. As the Bill violates equality by subjecting some to
74 peculiar burdens, so it violates the same principle, by granting to others peculiar
75 exemptions. Are the Quakers and Menonists the only sects who think a
76 compulsive support of their Religions unnecessary and unwarrantable? Can their
77 piety alone be entrusted with the care of public worship? Ought their Religions
78 to be endowed above all others with extraordinary privileges by which
79 proselytes may be enticed from all others? We think too favorably of the justice
80 and good sense of these denominations to believe that they either covet pre-
81 eminences over their fellow citizens or that they will be seduced by them from
82 the common opposition to the measure.

83 5. Because the Bill implies either that the Civil Magistrate is a competent Judge
84 of Religious Truth; or that he may employ Religion as an engine of Civil policy.
85 The first is an arrogant pretension falsified by the contradictory opinions of
86 Rulers in all ages, and throughout the world: the second an unhallowed
87 perversion of the means of salvation.

88 6. Because the establishment proposed by the Bill is not requisite for the
89 support of the Christian Religion. To say that it is, is a contradiction to the
90 Christian Religion itself, for every page of it disavows a dependence on the

91 powers of this world: it is a contradiction to fact; for it is known that this
92 Religion both existed and flourished, not only without the support of human
93 laws, but in spite of every opposition from them, and not only during the period
94 of miraculous aid, but long after it had been left to its own evidence and the
95 ordinary care of Providence. Nay, it is a contradiction in terms; for a Religion
96 not invented by human policy, must have pre-existed and been supported, before
97 it was established by human policy. It is moreover to weaken in those who
98 profess this Religion a pious confidence in its innate excellence and the
99 patronage of its Author; and to foster in those who still reject it, a suspicion that
100 its friends are too conscious of its fallacies to trust it to its own merits.

101 7. Because experience witnesseth that ecclesiastical establishments, instead of
102 maintaining the purity and efficacy of Religion, have had a contrary operation.
103 During almost fifteen centuries has the legal establishment of Christianity been
104 on trial. What have been its fruits? More or less in all places, pride and
105 indolence in the Clergy, ignorance and servility in the laity, in both,
106 superstition, bigotry and persecution. Enquire of the Teachers of Christianity for
107 the ages in which it appeared in its greatest lustre; those of every sect, point to
108 the ages prior to its incorporation with Civil policy. Propose a restoration of this
109 primitive State in which its Teachers depended on the voluntary rewards of their
110 flocks, many of them predict its downfall. On which Side ought their testimony
111 to have greatest weight, when for or when against their interest?

112 8. Because the establishment in question is not necessary for the support of
113 Civil Government. If it be urged as necessary for the support of Civil
114 Government only as it is a means of supporting Religion, and it be not necessary
115 for the latter purpose, it cannot be necessary for the former. If Religion be not
116 within the cognizance of Civil Government how can its legal establishment be
117 necessary to Civil Government? What influence in fact have ecclesiastical
118 establishments had on Civil Society? In some instances they have been seen to
119 erect a spiritual tyranny on the ruins of the Civil authority; in many instances
120 they have been seen upholding the thrones of political tyranny: in no instance
121 have they been seen the guardians of the liberties of the people. Rulers who

122 wished to subvert the public liberty, may have found an established Clergy
123 convenient auxiliaries. A just Government instituted to secure & perpetuate it
124 needs them not. Such a Government will be best supported by protecting every
125 Citizen in the enjoyment of his Religion with the same equal hand which
126 protects his person and his property; by neither invading the equal rights of any
127 Sect, nor suffering any Sect to invade those of another.

128 9. Because the proposed establishment is a departure from that generous policy,
129 which, offering an Asylum to the persecuted and oppressed of every Nation and
130 Religion, promised a lustre to our country, and an accession to the number of its
131 citizens. What a melancholy mark is the Bill of sudden degeneracy? Instead of
132 holding forth an Asylum to the persecuted, it is itself a signal of persecution. It
133 degrades from the equal rank of Citizens all those whose opinions in Religion
134 do not bend to those of the Legislative authority. Distant as it may be in its
135 present form from the Inquisition, it differs from it only in degree. The one is
136 the first step, the other the last in the career of intolerance. The magnanimous
137 sufferer under this cruel scourge in foreign Regions, must view the Bill as a
138 Beacon on our Coast, warning him to seek some other haven, where liberty and
139 philanthropy in their due extent, may offer a more certain repose from his
140 Troubles.

141 10. Because it will have a like tendency to banish our Citizens. The allurements
142 presented by other situations are every day thinning their number. To superadd a
143 fresh motive to emigration by revoking the liberty which they now enjoy, would
144 be the same species of folly which has dishonoured and depopulated flourishing
145 kingdoms.

146 11. Because it will destroy that moderation and harmony which the forbearance
147 of our laws to intermeddle with Religion has produced among its several sects.
148 Torrents of blood have been spilt in the old world, by vain attempts of the
149 secular arm, to extinguish Religious discord, by proscribing all difference in
150 Religious opinion. Time has at length revealed the true remedy. Every
151 relaxation of narrow and rigorous policy, wherever it has been tried, has been

152 found to assuage the disease. The American Theatre has exhibited proofs that
153 equal and compleat liberty, if it does not wholly eradicate it, sufficiently
154 destroys its malignant influence on the health and prosperity of the State. If with
155 the salutary effects of this system under our own eyes, we begin to contract the
156 bounds of Religious freedom, we know no name that will too severely reproach
157 our folly. At least let warning be taken at the first fruits of the threatened
158 innovation. The very appearance of the Bill has transformed “that Christian
159 forbearance, love and charity,” [Virginia Declaration of Rights, art. 16] which
160 of late mutually prevailed, into animosities and jealousies, which may not soon
161 be appeased. What mischiefs may not be dreaded, should this enemy to the
162 public quiet be armed with the force of a law?

163 12. Because the policy of the Bill is adverse to the diffusion of the light of
164 Christianity. The first wish of those who enjoy this precious gift ought to be that
165 it may be imparted to the whole race of mankind. Compare the number of those
166 who have as yet received it with the number still remaining under the dominion
167 of false Religions; and how small is the former! Does the policy of the Bill tend
168 to lessen the disproportion? No; it at once discourages those who are strangers
169 to the light of revelation from coming into the Region of it; and countenances
170 by example the nations who continue in darkness, in shutting out those who
171 might convey it to them. Instead of Levelling as far as possible, every obstacle
172 to the victorious progress of Truth, the Bill with an ignoble and unchristian
173 timidity would circumscribe it with a wall of defence against the encroachments
174 of error.

175 13. Because attempts to enforce by legal sanctions, acts obnoxious to so great a
176 proportion of Citizens, tend to enervate the laws in general, and to slacken the
177 bands of Society. If it be difficult to execute any law which is not generally
178 deemed necessary or salutary, what must be the case, where it is deemed invalid
179 and dangerous? And what may be the effect of so striking an example of
180 impotency in the Government, on its general authority?

181 14. Because a measure of such singular magnitude and delicacy ought not to be
182 imposed, without the clearest evidence that it is called for by a majority of
183 citizens, and no satisfactory method is yet proposed by which the voice of the
184 majority in this case may be determined, or its influence secured. “The people
185 of the respective counties are indeed requested to signify their opinion
186 respecting the adoption of the Bill to the next Session of Assembly.” But the
187 representation must be made equal, before the voice either of the
188 Representatives or of the Counties will be that of the people. Our hope is that
189 neither of the former will, after due consideration, espouse the dangerous
190 principle of the Bill. Should the event disappoint us, it will still leave us in full
191 confidence, that a fair appeal to the latter will reverse the sentence against our
192 liberties.

193 15. Because finally, “the equal right of every citizen to the free exercise of his
194 Religion according to the dictates of conscience” is held by the same tenure
195 with all our other rights. If we recur to its origin, it is equally the gift of nature;
196 if we weigh its importance, it cannot be less dear to us; if we consult the
197 “Declaration of those rights which pertain to the good people of Virginia, as the
198 basis and foundation of Government,” it is enumerated with equal solemnity, or
199 rather studied emphasis. Either then, we must say, that the Will of the
200 Legislature is the only measure of their authority; and that in the plenitude of
201 this authority, they may sweep away all our fundamental rights; or, that they are
202 bound to leave this particular right untouched and sacred: Either we must say,
203 that they may controul the freedom of the press, may abolish the Trial by Jury,
204 may swallow up the Executive and Judiciary Powers of the State; nay that they
205 may despoil us of our very right of suffrage, and erect themselves into an
206 independent and hereditary Assembly or, we must say, that they have no
207 authority to enact into law the Bill under consideration. We the Subscribers say,
208 that the General Assembly of this Commonwealth have no such authority: And
209 that no effort may be omitted on our part against so dangerous an usurpation, we
210 oppose to it, this remonstrance; earnestly praying, as we are in duty bound, that
211 the Supreme Lawgiver of the Universe, by illuminating those to whom it is
212 addressed, may on the one hand, turn their Councils from every act which would

213 affront his holy prerogative, or violate the trust committed to them: and on the
214 other, guide them into every measure which may be worthy of his blessing, may
215 redound to their own praise, and may establish more firmly the liberties, the
216 prosperity and the happiness of the Commonwealth.