

**RELIGIOUS LIBERTY
IN THE
UNITED STATES**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649196708

Religious liberty in the United States by Oscar S. Straus

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Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

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"THE ORIGIN OF REPUBLICAN FORM OF GOVERNMENT
IN THE UNITED STATES"

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An address delivered before the
Yale College Kent Club, New Haven
Contemporary Club, Philadelphia
Y. M. H. A., New York

NEW YORK: 1896
PHILIP COWEN, PUBLISHER
213-215 N. 44TH STREET

Religious Liberty in the United States



THE spirit of patriotism is kindled on the altars of our national history. "Few greater calamities," says Lecky, "can befall a nation than to cut herself off, as France did in her great Revolution, from all vital connection with her own past." History is to a nation what experience is to an individual, and just as a wise man will guide himself by "the lamp of experience," so will a patriotic people run not after strange gods, but will direct their course under the guidance of the philosophy of their own past. Fortunately, our national history is a legible book which the dust of ages has not obliterated, so that it cannot be said of our past, as Gibbon said in speaking of the first thousand

years of the British Empire, that it was "familiar to the most ignorant and obscure to the most learned."

In the heat of party and sectional controversies of the day, we are too apt to forget that the liberties we enjoy did not spring into existence spontaneously and full-grown, but were the fruit of a gradual and logical development, whose roots run far into the past experience of the nations of the old world from whom came the early settlers who composed the thirteen original colonies. These colonists brought with them their national traits, which is but another name for the reflex of national experience upon personal character. They brought with them their religious beliefs and aspirations, which were intensified by a sense of martyrdom because of persecutions they had suffered in their native lands. In the days of Brewster, of Winthrop, of Calvert and of Penn, America was not an inviting country either for permanent abode or as a place of recreation; nor did it offer attractions to pleasure-seekers. It required some strong

inducements for men with their wives and children to brave the dangers of the sea and the still greater dangers and hardships that awaited them on land. But for those inducements the development of our continent would have been delayed and it would have continued for many years to serve as trading posts for English and Dutch merchants, and as Europe's Siberia.

Colonization in all ages was due either to conquest, to commerce or to causes of conscience. The great extension of the Greek and Roman empires under Alexander and Cæsar arose out of the first of these causes. The great power of the Venetian republic in the thirteenth century was owing to its commercial spirit. The early colonization of North America is chiefly to be attributed to causes of conscience. Persecution has ever been an active colonizer, and has usually supplied an element well adapted for the purpose of building up a cultured and enlightened community. In every age it was not the worst, but, according to the real measure of worth, rather the best among a people who,

true to their consciences, sacrificed their temporal advantages upon the altar of their faith.

The cradle of religious liberty has been rocked by the worst passions of mankind. Until comparatively recent times, every sect was intolerant from conviction, and held it as a sacred duty to banish or burn the unrepentant heretics. Even heretics, when they became dominant, were not less intolerant toward their former orthodox persecutors. Do unto others as others have done unto you was the rule of persecutors. Heresy, whatever it may signify ecclesiastically, was historically the penalty for dissent exacted by the State religion from conscientious sectaries. "I never knew the time in England," said Milton, "when men of truest religion were not counted sectaries."

In the United States liberty of worship and of belief in matters of religion is not a concession or a privilege ; it is a fundamental right recognized as being inherent in every individual, and the federal government is pledged not to abridge it or in any wise interfere therewith. This is the

signification of our national constitution. Had the Constitution remained silent upon the subject, religious liberty would still have existed under and by reason of it; yet, in that event, what would have been the subject of construction has been placed beyond cavil or dispute, so that even if a less liberal spirit should prevail, Congress could not assume the right to legislate sectarianism, Protestantism, Romanism, or any form of religion into civil life. The statesmen who framed our Constitution were too well read in the history of other governments, and had before them too clearly the sufferings of the people in their colonial state, not to dread and anticipate the abuse of authority resulting from the greed of power and the selfishness of sects, so they wisely guarded against this contingency by express enactment, whereby it is provided that "No religious test shall ever be required as a qualification to any office or public trust under the United States."

When the Constitution was submitted for ratification to the several states, considerable

uneasiness was manifested at the failure of Mr. Pinckney's resolution in the Federal Convention, that "The Legislature of the United States shall pass no law on the subject of religion;" and upon ratifying the instrument, the New Hampshire, New York and Virginia conventions urged the adoption of an amendment to that effect.

The conventions of the several states which were held in 1777 and 1778 reflected the conflicting sentiments then entertained on the question of religious tests. The exclusion of such tests as a qualification for public office was opposed in those states which required such tests, under the fear that, without them, the Federal Government might pass into the hands of Roman Catholics, Jews or infidels. It was alleged that, as the Constitution stood, the Pope of Rome might become President of the United States, and there was even a pamphlet printed stating that objection. In the North Carolina Convention, a spirited debate occurred, and Mr. James Iredell, the leader of the Federalists, and afterwards by Washington