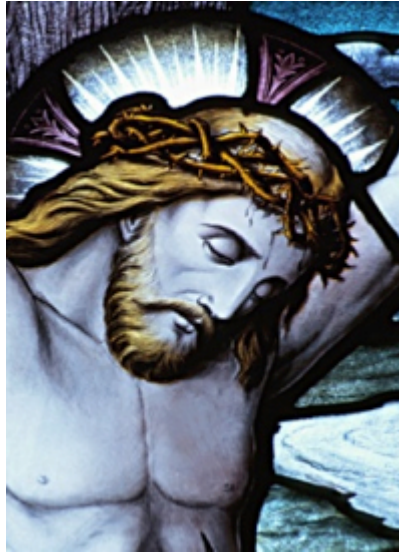




Written by [Joe Wolverton, II, J.D.](#) on November 11, 2010

James Madison: Taking Back the Liberal Label

Long ago scholars identified the arches and loops of John Locke's fingerprints on the writings of James Madison. Evidence of this influence is often noted in Madison's espousal of Lockean liberalism in the arguments set forth in the *Federalist*, particularly *Federalist*, No. 51. That Madison benefited from Locke's analysis of the machine of government and its relationship to the virtue of a people is indisputable, but to describe all Madisonian philosophy as some sort of diluted mimicry of Lockean principles is lazy and incorrect. Madison, it has been said, was a "profoundly original thinker" and "no mere follower of the philosophers." The design of this article, however, is not to expose the originality of Madison's thinking; rather it is to note how in regard to his view of religious toleration (a term Madison despised as being, as Thomas Paine said, "not the opposite of intolerance, but the counterfeit of it. Both are despotisms. The one assumes to itself the right of withholding liberty of conscience, the other of granting it.")



Madison both borrowed from and disagreed with Locke's opinion written nearly 100 years earlier.

Underlying both works is the understanding that man is a creature of dual nature: He is a curious admixture of elements both spiritual and temporal. As Locke succinctly stated: "But besides their souls which are immortal, men have also their temporal lives here upon the earth." Man's dual nature demands dual allegiances, one to a religious authority and another to a civil authority. Man's duty of loyalty to God animates his observations of obedience to ecclesiastical law, while his duty of loyalty to a civil magistrate proscribes any behavior contrary to the public weal. That is to say, man, in a state of nature, enters into religious society with one goal: "the worship of God, and by means thereof, the acquisition of eternal life" (Locke); a man enters into society, however, with a different end in view, that of preserving his life, liberty, and property. Two distinct magistrates rule these two societies. God or his earthly ministers rule religious society and the King, President, or other worldly executive rules civil society.

Man's truest happiness is to be found, Madison and Locke contend, when the "metes and bounds" of these two realms are guarded and kept free from encroachment on the part of the other: "I esteem it above all things necessary to distinguish exactly the business of civil government from that of religion and to settle the just bounds that lie between the one and the other. If this be not done, there can be no



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end put to the controversies that will be always arising between those that have, or at least pretend to have, on the one side, a concernment for the interest of men's souls, and, on the other side, a care of the commonwealth," John Locke declared. "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 right of the people," affirmed Madison.

Beyond simply advocating the clear delineation of the spheres of religious and civil authority, Madison and Locke asserted that any effort on the part of the civil magistrate to blur those frontiers was tyrannical and inimical to the cause of liberty: "Just and moderate governments are everywhere quiet, everywhere safe, but oppression raises ferments and makes men struggle to cast off an uneasy and tyrannical yoke," explained Locke. "The rulers who are guilty of such encroachment ... 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," Madison confirmed. Such oppression on the part of the civil government is the surest way to foment sedition and stir rebellion against the usurping government. Locke declared, "there is only one thing which gathers people into seditious commotions and that is oppression." Madison agrees and uses the experience of the American War for Independence to explain his position: "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." The idea of revolution being justified by the anticipation of oppression was earlier espoused by Thomas Jefferson in his "*Declaration of the Causes and Necessity for Taking Up Arms.*"

Madison feared that the legal establishment of the Christian religion would be but the first step toward the legal establishment of a particular sect of the Christian religion. He remembered the persecution of Baptists in his native Virginia and knew that such restriction was contrary to the principles of freedom. Madison was a Christian, but he wisely recognized that under that rubric there were numerous denominations and that oppression of one was harmful and threatening to them all. "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?" Madison warned. Locke warned that the civil magistrate may begin by oppressing only "idolatrous" religions, but such oppression could one day be turned on any religion according to the "prince's pleasure." Furthermore, "if it can be once permitted to introduce anything into religion by means of laws and penalties, there can be no bounds put to it."

Locke and Madison were Christians, as were their respective rulers. Not everyone subject to those rulers, however, professed this faith. Madison believed that in society all men entered on equal conditions and retained an equal right to worship according to their own consciences. "While we assert for ourselves a freedom to embrace, to profess and to observe the Religion which we believe to be of divine origin, we cannot deny an equal freedom to those whose minds have not yet yielded to the evidence which has convinced us," Madison averred. Locke asserted that although there is "but one truth, one way to heaven," men have been born in countries where the Christian religion is not found. If the civil magistrate uses "rigor of laws and force of penalties" to establish the Christian religion among these subjects contrary to the "light of their own reason," "what hope is there that more men would be led to it [the Christian church]?" The dissemination of the Christian faith is harmed when civil authority



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establishes it to the exclusion of other religions. In fact, Madison warned that establishment of the Christian religion would thwart the efforts of true believers trying to convert the mass of non-believers. "It [legal establishment of Christianity] discourages those who are strangers to the light of revelation from coming into the Region of it," he stated. Locke explained that "if truth makes not her own way into the understanding by her own light, she will be but the weaker for any borrowed force violence can add to her."

Madison and Locke agree that government influence always corrupts religion and "the successors of the apostles." Madison reviewed the history of 15 centuries of the legal establishment of religion and declared the fruits of that relationship to be: "pride and indolence in the Clergy, ignorance and servility in the laity, in both, superstition, bigotry and persecution." Locke also decried the corruption caused by the mixture of government and religion. "How happy and how great would be the fruit" if religious and secular authority could be forever separate, Locke mused. When endowed with the seal of state, "ecclesiastical men" soon supply their want of reasons with the instruments of force" which "do ill become a Churchman's hands," Locke said.

An important consideration in Madison's "Memorial and Remonstrance" was the competency of a civil magistrate to discern matters of spiritual truth. As stated above, Madison and Locke believed that men in a state of nature established government to protect "civil goods." Civil goods are described by Locke as "life, liberty, bodily health, freedom from pain, and the possession of outward things, such as lands, money, furniture, and the like." These are the only areas of life that the civil authority is competent to judge. Madison regarded the belief that civil magistrates are capable of deciding matters of eternal or spiritual truth as "an arrogant pretension falsified by the contradictory opinions of rulers in all ages and throughout the world." Locke's first consideration when setting forth the reasons why the magistrate's power does not reach the ecclesiastical realm was the fact that God did not give authority "to one man over another as to compel anyone to his religion." Also, no such power can be "vested in the magistrate by the people." The civil magistrate is impotent in matters of religion.

Madison sees another problem with the mixture of religion and state being the employment of "religion as an engine of civil policy." Salvation comes only through consideration of and belief in the tenets of the Christian religion and conversion must come through personal and inward change. To use outward force to compel this conversion would be contrary to the gospel of Jesus Christ and ineffectual, for as Locke says, "true and saving religion consists in the inward persuasion of the mind, without which nothing can be acceptable to God." Madison saw any attempt to use the sword as a weapon of conversion to be "an unhallowed perversion of the means of salvation." Men who disagree with the established religion will be kept from ever embracing its saving ordinances because they will be constant witnesses of the blood and force used in "proving" its divinity and they will thereby be blinded to the grace, mercy, and love that form its purest expression.

Another problem that results from the use of civil power to enforce religious practices is the disquieting of society and the disharmony among the congregants of the various sects. The prince would naturally prefer those of his own faith and those of other faiths would feel threatened and ill at ease in such a state. Of course, as is the case with all men, the prince may change his religious views and if the state and the church be indistinguishable, there would be no one left safe from the threat of the sword. Madison reminded the Virginia legislators, "torrents of blood have been spilt in the old world, by vain attempts of the secular arm to extinguish religious discord by proscribing all difference in religious opinion." Locke remarked that "it is not the diversity of opinions (which cannot be avoided), but the



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refusal of toleration to those that are of different opinions (which might have been granted) that has produced all the bustles and wars that have been in the Christian world upon account of religion.” Madison believed that just as a “multiplicity of interests” worked to secure civil rights in a free government, a “multiplicity of sects” would secure the right of free expression of religion. History taught Madison and Locke that societal peace and harmony waned when the civil authority attempted to shoulder the ecclesiastical mantle.

Finally, Madison and Locke agree that religious freedom is a gift of nature. Locke declared, “such is the nature of understanding, that it cannot be compelled to belief of anything by outward force. Confiscation of estate, imprisonment, torments, nothing of that nature can have any such efficacy as to make men change the inward judgment that they have framed of things.” Additionally, “liberty of conscience is every man’s natural right, equally belonging to dissenters as to themselves [Christians].” Madison agreed that “religion or the duty we owe to our Creator and the manner of discharging it, can be directed only by reason and conviction, not by force or violence. This right is in its nature an unalienable right.” Furthermore, “all men are by nature free and independent.” Man’s obligation to God preceded his obligation to civil authority, thus the civil magistrate had no natural or artificial right to divest man of nature’s endowment of the freedom to decide for oneself the best way to please God. Civil authority is unqualified to act in matters of religious importance and when they do it is the infancy of tyranny and both worlds, civil and ecclesiastical, are harmed by the encroachment and the fruits born of such intermingling are discord, sedition, and war. Therefore, despite a magistrate’s best intentions, the legal establishment of religion always diminishes that which is the end of all good government — justice.



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