



## RELIGIOUS FREEDOM IN THE USA: SEPARATION BETWEEN CHURCH AND STATE

ÜSTÜN YÜKSEL<sup>1\*</sup> & HAKKI BÜYÜKBAŞ<sup>2</sup>

<sup>1</sup> Doktora Öğrencisi, Erciyes Üniversitesi, uyukse00@citymail.cuny.edu, <https://orcid.org/0000-0003-1653-7526>. <sup>2</sup> Prof. Dr., Erciyes Üniversitesi, İktisadi ve İdari Bilimler Fakültesi, Siyaset Bilimi ve Kamu Yönetimi Bölümü, hakkibuyukbas@erciyes.edu.tr, <https://orcid.org/0000-0003-4648-3557>.

### ABSTRACT

Religious freedom has been established as a fundamental right in the United States of America (U.S.A.). Thomas Jefferson's famous 'wall of separation' metaphor has taken religious freedom under protection against possible oppression by the state, by building a high wall between church and state. Jefferson's metaphor established the legal basis of religious freedom as a fundamental human right by defining the boundaries of church and state relations. James Madison also, the author of the U.S. Constitution, attributes a special importance to religious freedom. The U.S. Constitution guaranteed freedom of religion in the First Amendment. American style of church and state separation might be an intriguing topic for Turkish citizens' constitutional debate. Turkey has been in search of a new and civil constitution recently. In this regard, Former Speaker of the Grand National Assembly İsmail Kahraman proposed in 2021 that Türkiye's new constitution should 'guarantee religious freedom for Turkish citizens'. Therefore, we are interested in examining the American style of church and state relations for freedom of religion.

**Anahtar Kelimeler:** The United States of America, Church and State Separation Wall of Separation, the First Amendment, Religious freedom

#### Editör / Editor:

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Sivas Cumhuriyet Üniversitesi, Türkiye

#### \*Sorumlu Yazar/ Corresponding Author:

Üstün YÜKSEL,  
uyukse00@citymail.cuny.edu

#### JEL:

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## ABD'DE DİN ÖZGÜRLÜĞÜ: KİLİSE VE DEVLET ARASINDAKİ AYRIM

### ÖZ

Din özgürlüğü, Amerika Birleşik Devletleri'nde (ABD) temel bir hak olarak kurulmuştur. Thomas Jefferson'un ünlü 'ayrılık duvarı' metaforu ile 'kilise ve devlet arasında bir duvar' inşa etmek suretiyle din özgürlüğünü devletin muhtemel baskısına karşı güvence altına almıştır. Bu metaphor, kilise ve devlet ilişkilerinin sınırlarını belirleyerek din özgürlüğünü temel insani hak olarak hukuki temel çerçevesini oluşturmuştur. ABD Anayasası'nın yazarı James Madison, da din özgürlüğü için kilise ve devlet ilişkilerinin ayrılmasına özel bir önem vermektedir. ABD Anayasası birinci maddesi din özgürlüğünü garanti altına almıştır. Amerikan tarzı kilise ve devlet ayrılığı, Türk vatandaşlarının anayasa tartışmaları için ilgi çekici bir konu olabilir. Türkiye son zamanlarda yeni ve sivil bir anayasa arayışındadır. Bu bağlamda TBMM önceki Başkanı İsmail Kahraman, 2021'de Türkiye'nin yeni anayasasının 'Türk vatandaşlarının din özgürlüğünü garanti altına alması' gerektiğini öne sürdü. Bu nedenle, Amerikan kilise ve devlet ilişkilerinde din özgürlüğü tarzını incelemekle ilgileniyoruz.

**Keywords:** Amerika Birleşik Devletleri, Kilise ve Devlet ayrımı, Duvar Ayrımı, Birinci Madde, Din özgürlüğü.

## INTRODUCTION

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances” (Library of the U.S. Congress ).

First Amendment, the U.S. Constitution (1791)

Religious liberty and ‘separation of church-state relations’, based on the Constitution, play very important role, both in politics and social life, in the United States of America (the U.S.A.) from the beginning of colonial period until the present time. The First Amendment<sup>1</sup> of the United States (the U.S.) Constitution has “two provisions concerning religious freedom: ‘the Establishment Clause’ and ‘the Free Exercise Clause’” (The Administrative Office of United States Courts). The Establishment clause: “Congress shall make no law respecting an establishment of religion” (Library of the U.S. Congress), which prohibits the U.S. government from establishing or creating an official church and religion (American Civil Liberties Union, 2022). Therefore, there are not any official religions in the United States. However, there is an official Church in England, a national church, the Church of England. The Free Exercise Clause: “...or prohibiting the free exercise thereof” (Library of the U.S. Congress), which “gives American citizens the right to worship God, or not, as they choose, according to their beliefs” (American Civil Liberties Union, 2022). This means that, any government cannot punish citizens because of whatever their religious beliefs or believe in God. Religious liberty secures people’s right to live, act, and speak according to their faiths and core values peacefully and publicly. Furthermore, religious liberty provides equal treatment to all people. These two freedoms, together, make up the foundation for American people’s freedom of conscience for the First Amendment (Amendment I) of the U.S. Constitution. Hence, the First Amendment constitutionally protects freedom of religion for American citizens and provides the right to practice their own religion according to their beliefs, or believing *no any* religion at all. Therefore, the First Amendment is the cornerstone for guaranteeing religious liberty by separating church and state to keep the government out of religion and religious related issues.

In this article, we searched for answers about the following questions: how was the birth of religious freedom formed in the United States of America? How has the religious freedom protected since the foundation of the U.S.A? The focus of this article is going to be Thomas Jefferson’s ‘wall of separation’ metaphor, which provided strict constitutional separation between church and state relations. In addition to that, Jefferson’s bill for ‘Establishing Religious Freedom’ is going to be another concentration. Moreover, we are going to explain James Madison’s ‘Memorial and Remonstrance Against Religious Assessments’ document and its undeniable contribution for the religious freedom as well. In the first part of the article, we explained how ‘America’s Founding Fathers’ set the religious liberty in America, in general. In the second part, we explained ‘separation of church and state’ relations in the U.S.A. For this reason, we analyzed Jefferson’s ‘Wall of Separation’ metaphor in order to articulate for further explanation of autonomy of church and state relations. Moreover, we analyzed James Madison’s document, ‘A Memorial and Remonstrance on the Religious Rights of Man (1785)’, for better understanding its validity from the founding era of the U.S.A. until today. In the final, we reached

the conclusion that both Thomas Jefferson and James Madison played leading role on both separating relations between church and state and religious liberty. They emphasized that religion was an individual’s choice and government cannot compel anyone about their choice of church or religion. Religious liberty is very important for social life in the U.S. and the Constitution protects the religious freedom by law.

This article proposes a greater understanding of the principle ‘separation between church and state’ relations, which has a deep-rooted democratic tradition in the U.S.A. Thus, we have made an attempt to clarify the approach of the American Constitution to the freedom of religion and the relations between religion and the state. In the U.S.A, religion is guaranteed by a constitutional guarantee that it is an autonomous authority despite the state. American style of religious freedom may offer an alternative to the today’s worldviews and policies where people of different faiths can peacefully live together. This article will provide a better understanding of the concept of separation between church and state relations in the U.S.A. for both Turkish academia and Turkish public. We examined the separation of church and state relations in the U.S.A. from the point of view of political science. In this study, we complied with the research and publications ethics.

## I. ROLE OF THE FOUNDING FATHERS FOR RELIGIOUS LIBERTY IN THE USA

Europe has had experienced religious wars and “that issue was at the hearth of Europe’s religious wars of the sixteenth and seventeenth centuries” (Putnam and Campbell, 2010, p. 467). These religious wars in Europe encouraged people to search for religious freedom in America. Contrary to Europe, “the United States has never involved with any religious wars in its history, like those in Europe, because of the moral inheritance in American liberal society” (Christenson, 2012, p. 722-761). In this regard, America was a religious refuge during sixteenth and seventeenth centuries. Therefore, there has been a religious diversity in the background of the United States since the colonial time.

As a historical background, Founding Fathers of the United States were heavily influenced by English philosopher John Locke’s philosophy on the natural individual rights, equality and law. Therefore, John Locke’s conception of religious toleration, the social contract, rights of man and liberty of conscience were roots to the Americans (Bailyn, 1992, p. 247). John Lock explained the ‘necessity and advantage’ of religious toleration to keep the civil peace (Putnam and Campbell, 2010, p. 549).

The colonial period, essentially, laid the foundation for the religious freedom in America. Therefore, Americans had anti-establishment church sentiment from the pre-revolutionary years (Bailyn, 1992, p. 250). People from different countries, such as England, France, Spain and the Netherlands, immigrated to America. They settled in America from different cultures and religions (Jews and different sects from Christianity such as Anglicans, Evangelicals Presbyterians, Methodist and Baptists etc.) and it has become a religious melting pot with different religions. This atmosphere provided religious tolerance for every religious sect in America. Consensus among people had paved the way among people to be agreed not to had an official church. For this reason, variety of Christian denominations inspired the new model government (the U.S.A) on ‘equitable and liberal foundations’ for equal privilege to everybody about religion as in civil affair (Bailyn, 1992, p. 261). In this context, “every denomination wanted for no ecclesiastical establishments and they explained their absolute opposition to establishment of permitting any other colonies or denominations to enjoy exclusive or separate privileges” (Bailyn, 1992, p. 261). The anti-establishment principle was very important for all churches. Therefore, Americans commonly accepted the anti-establishment principle in the colonies before the Revolution.

The American Revolution had the leading role about church and government separation. It created separate realms for political power and religious salvation by delinking of church and state relationship (Wolfe and Katznelson, 2010, p. 28-31). For this reason, Americans raised their hope to have equality for religious liberty in the new government model with the United States of America. The famous “Virginia Declaration of Rights” was adopted by the Virginia Constitutional Convention on

<sup>1</sup> What is an Amendment? “It is a law or modification that has been added to the Constitution of the United States of America (the U.S.A.). In another words, Amendments are the set of political principles by which the United States of America is governed. The authority to amend the Constitution of the United States is derived from Article V of the Constitution” (<https://www.archives.gov/federal-register/constitution/article-v.html>). “The Constitution provides that an amendment may be proposed either by the Congress with a two-third majority vote in both the House of Representatives and the Senate or by a constitutional convention. The Congress proposes an amendment in the form of a joint resolution. Since the President does not have a constitutional role in the amendment process, the joint resolution does not go to the White House for signature or approval. A proposed amendment becomes part of the Constitution as soon as it is ratified by three-fourths of the States (38 of 50 States).” (<https://www.archives.gov/federal-register/constitution/>). “Constitution of the United States had been written in 1787 and ratified in 1788 and in operation since 1789. The United States Constitution is the world’s longest surviving written charter of government. For over two centuries the Constitution has remain in force. The Constitution has evolved to meet the changing needs of a modern society profoundly different from the eighteenth-century world in which its creators lived. To date, the Constitution has been amended 27 times, most recently in 1992. The First ten Amendments constitute (and also known as) the Bill of Rights.” ([https://www.senate.gov/civics/constitution\\_item/constitution.htm](https://www.senate.gov/civics/constitution_item/constitution.htm)) “On June 8, 1789, James Madison proposed 12 amendments to the First Congress. Ten of these ratified and became the ‘Bill of Rights.’” <https://www.whitehouse.gov/about-the-white-house/our-government/the-constitution/>

June 12, 1776, and for the first time, it provided protection for religious liberty. This declaration of Rights was drafted by George Mason. John Locke's liberal ideas guided George Mason along with the Founding Fathers to establish freedom of religion in the new America. Therefore, Virginia Declaration became the basis of the Bill of Rights" (The U.S. National Archives ). Article XVI of Virginia's Declaration of Rights declared the importance of equality for religious liberty: "that religion, or duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force of violence; and therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience...." (Munoz, 2016, p. 370).

The separation between church and government was shaped by 'the Founding Fathers'<sup>2</sup> after 'the American Revolutionary war'<sup>3</sup> of the United States of America. Founding fathers were well aware of the importance of religious liberty for the American nation and freedom of conscience since the colonial era. For this reason, Founding Fathers paid special attention to the religious liberty for individuals from governmental authority. To this day, the American statemen and the Supreme Court have been following the Founding Father's footsteps to maintain the church and state separation. Founding Fathers' notions are still active and remain important in shaping and creation of modern American church and state relationship.

The United States is the first example of a secular modern republic, in which religion and the state were separated from the very beginning with the Constitution of 1787 (Tok, 2022). The Founding Fathers, or Founders, "generally held that religious freedom is a natural right that belongs to all individuals" (Munoz, 2016, p. 369). According to George Washington's- the first President of the U.S.A and also one of the Founding Fathers- understanding of natural right, "religious freedom is not created by the state or by the mutual consent of citizens. But religious freedom is in man's created nature and his pre-political obligations to his creator" (Munoz, 2016, p. 370). Founding Fathers initially set the religious freedom as a natural right for American citizens in the U.S. Constitution. Therefore, it is up to an individual to worship God according to his or her conscience and religion. The U.S. Constitution provides both religious freedom and church-state separation since 1789 (Official Website of the United States Senate ). The U.S. Constitution's first sentence begins with words of 'We the People' and it is a brief explanation of Constitution's fundamental purposes. Basically, this means that people who live in the U.S. is governed by the Constitution. Therefore, "these three words refer to the supremacy of the people through their elected representatives and 'We the People' affirm that the government of the United States exist to serve its citizens" (Official Website of the United States Senate ).

The founding fathers played important roles about developing religious freedom in the American history, politics and culture. Thus, strict separation between church and American government, essentially, has been a leading principle since *America government's* foundation. "Based on multi-religious background of America, the Founding Fathers surely did not want the government to regulate any religious practices during the founding-era of the U.S.A. Founding Fathers' views and practices are still valid up to the present (Founders Online National Archives a). The Founding Fathers, along with Thomas Jefferson and James Madison, were aware of the dangerous relationship between church and state that it had interacted in Europe (Wolfe and Katznelson, 2010, p. 28-31). Founding Fathers did not want the new government (the U.S.A.) to show favoritism for any religion after the independence from England. President George Washington, who is a Founding Father and served as the first President of the United States

<sup>2</sup> "The Founding Fathers of the United States, also known as the Founding Fathers or Founders were a group of American revolutionary leaders who united the Thirteen Colonies and led the War of Independence from Great Britain. They redeemed colonial America from the British Empire (Great Britain). Abraham Lincoln used the term of 'fathers' first time in his 1860 Cooper Union Speech and then 1863 Gettysburg Address. In 1916, Senator Warren G. Harding used the phrase of 'Founding Fathers.' According to historian Professor Richard B. Morris, seven key figures are the Founding Fathers based on their critical and special roles they played in the formation of the new American government. These are: John Adams, Benjamin Franklin, Alexander Hamilton, John Jay, Thomas Jefferson, James Madison, and George Washington. For further readings about the Founding Fathers, please refer to the book by Richard B. Morris, Seven who Shaped Our Destiny: The Founding Fathers as Revolutionaries." <https://constitutionus.com/presidents/important-roles-of-the-founding-fathers/>

<sup>3</sup> "The American Revolutionary war, also known as the American Revolution or United States War of Independence. Americans fought for their independence with British in North America (1775-1783) and the Thirteen Colonies defeated the British in the American Revolutionary War. As a result of this victory, the Thirteen Colonies gained independence from British Crown and formed independent states." <https://www.americanrevolutioninstitute.org/the-american-revolution-in-one-lesson/>

( from 1789 to 1797), "visited the Hebrew Congregation of Newport in Rhode Island in 1790 about giving thanks to God for the freedom of conscience they enjoyed in the new nation. The president replied immediately with one of the most important affirmations of religious liberty in American history" as his explanation follows below (Haynes, 1990, p. 31):

"A Letter from President George Washington to the Hebrew Congregation in Newport, Rhode Island, August 21, 1790. The Citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy: a policy worthy of limitation. All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the Government of the United States, which gives bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support."

President George Washington's letter was the first and very important step to provide religious freedom for the American citizens. "Washington offered a new vision to the nation that would for the first time in history that protects religious freedom and liberty of conscience for people of every religion in the U.S.A." (Haynes, 1990, p. 31). This was a strong and clear step towards to religious liberty in the U.S.A. "A year later, this vision of liberty shared by so many of the founding fathers would be added to the Constitution with the adoption of the Bill of Rights" (Haynes, 1990, p. 31).

The Bill of Rights<sup>4</sup> defends people's certain fundamental rights against government. In other words, the U.S. government must protect those rights. According to the political theorist John Rawls, the United States has a deep liberal tradition. Professor Rawls describes "a society of free citizens which hold equal basic rights in his theory of justice as fairness" (Stanford Encyclopedia of Philosophy, 2021). Rawls explores that civic unity might endure despite the diversity of worldviews (Stanford Encyclopedia of Philosophy, 2021). The Bill of Rights provides the civic unity and religious freedom for religious diversity in the nation. When Alexis Tocqueville visited to the United States in the early 1830s, he wrote in his famous book 'Democracy in America' that religion has great influence in the United States (Nolla, 2010, p. 473). In this regard, Tocqueville said that "America is the country in the world where the Christian religion has most retained true power over souls; ...the country is at the same time the most enlightened and most free" (Nolla, 2010, p. 473).

Religious freedom is under the legal protection by the Constitution for the multi-religious American nation. The U.S. Constitution established the religious liberty (Beal, 2008, p. 130) and the First Amendment of the U.S. Constitution has maintained the religious freedom. "Freedom of conscience, in the U.S. Constitution, was the foundation and one of the most important characteristics of both American constitutional separation of church – state relations and American democracy" (Waldman, 2008, p. 8). "The United State has had religious toleration encoded in its national DNA since its founding" (Putnam and Campbell, 2010, p. 518). Americans have been following this tradition until to the present. American statemen and judges have always referred to this metaphor and the Constitution's First Amendment to explain the separation. For example the United States Supreme Court Justice Robert H. Jackson stated in *Everson v Board of Education of Ewing Tp. (1947)*, 330 *the U.S.* that religious freedom "was set forth in absolute terms, and its strength is its rigidity. It was intended not only to keep the state's hand out of religion, but to keep religion's hands off the state" (Skelton, 1947). The U. S. Senator Sam J. Ervin, Jr. wrote a letter to President Ronald Reagan in 1984. In his letter, Senator Ervin explained both obedience the First Amendment is essential for the preservation of religious freedom and the First Amendment's importance to secure to

<sup>4</sup> "The Bill of Rights: It is the first 10 Amendments to the Constitution. James Madison wrote the amendments. It explains American's rights in relation to their government. It guarantees civil rights and liberties to the individual- like freedom of speech, press, and religion. The Bill of Rights were ratified on December 15, 1791. For further information, please see the link." <https://www.archives.gov/founding-docs/bill-of-rights/what-does-it-say>



all Americans of all faiths (Autry, 1985, p. 1245-1255). Senator Ervin said that “the government must keep its hands off religion if our people are to enjoy religious freedom – our most precious freedom” (Autry, 1985, p. 1245-1255). In a similar vein, James Lankford, U.S. Senator from Oklahoma, explained that “don’t mix religion and politics. When religion is used for political purpose, it empties religion of its eternal meaning and becomes just one more cynical method of acquiring power” (Lankford and Moore, 2018). In the following part, we are going to study Jefferson and Madison’s contributions as two of the Founding Fathers for the religious freedom in America which formed the U.S. Constitution.

## II. THOMAS JEFFERSON AND MADISON’S ROLE ON THE SEPARATION OF CHURCH AND STATE

There have been always continued conflicts between church and state’s relationships in some countries. The main reason is primarily by conflict of interests between church and government, such as both sought legitimacy and authority. Both religion and politics struggle for power. They like to maintain and control their influence. Their attempts were to occupy the same power by departing from different sources and going to different directions. If religion holds political power, it follows a holy mission which is under spiritual guidance. Religion derives its authority from divinity. On the contrary, politics uses diplomacy as a main tool to gain public support. Political parties and politicians need to get public on their side for political power. In this study, as a cornerstone for church and state separation and religious freedom, we will focus on Thomas Jefferson’s ‘wall of separation’ metaphor, which explains the separation of church and state relations for religious freedom in America. In the same vein, James Madison’s famous ‘Memorial and Remonstrance Against Religious Assessments’ for the religious freedom (Founders Online National Archives b). The United States of America is the first nation for keeping church and state relations separate.

Thomas Jefferson and James Madison are two major contributors to both separation of church from state and freedom of religion (Perry, 2006, p. 181-198). Thomas Jefferson was generally inspired from the writing of John Lock . Jefferson’s approach for establishing religious liberty and separation between church and state is very similar to John Lock’s view. Jefferson paid special attention to “Locke’s ‘A Letter on Toleration’ (1689) and ‘The Reasonableness of Christianity’ (1695)” (Kessler, 1983, p. 231-252). Based on Sanford Kessler’s argument, “there can be little doubt that Jefferson derived the principle of religious freedom and separation between church and state from John Lock’s works” (Kessler, 1983, p. 231-252.)

“For Jefferson as for Lock, political powers come from the people rather than from God, and the purpose of government is to protect certain rights that men are unable to enjoy fully in their pre-political condition. These rights include ‘life, liberty and the pursuit of happiness (For Lock, the triad was ‘life, liberty and estate.’). Since the powers of government ‘extend to such acts only as are injuries to others’ the state must not attempt to enforce religious orthodoxy or to interfere with religion in any way.”

Thomas Jefferson made two very important contributions to the American government and nation: first, he wrote a bill for ‘Establishing Religious Freedom (1779).’ Second, his famous ‘Wall of Separation’ metaphor (1802), which is about separation of church and state relations. The Danbury Baptist Association of Connecticut sent a letter to Thomas Jefferson, when he became the President, expressing their worries about both constitutional protection of religious freedom and also against Connecticut’s continued state sponsorship of some church, such as the Congregational Church. The Congregational Church was a government established church and they were religiously different from the Danbury Baptist Association. President Jefferson sent a letter to the Danbury Baptist Association of Connecticut about their concern, dealing with exclusively the issue of religious liberty, on January 1, 1802. Thomas Jefferson used a metaphor of ‘wall of separation’ in his letter, for the first time, to address the relationship between church and government in the United States of America. This metaphor illustrates American style of democratic and constitutional separation between

church and government (Haynes, 1990, p. 55). President Jefferson wrote in his historically important letter to the Danbury Baptist Association of Connecticut (Haynes, 1990, p. 55):

“Believing with you that religion is a matter which lies solely between man & his God, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach actions only, & not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should ‘make no law respecting an establishment of religion, or prohibiting the free exercise thereof,’ this building a wall of separation between church & state.”

Jefferson’s “wall of separation” metaphor means that neither government nor religion dominate to each other. Thus, government and religion designate a border for their role, which they don’t intervene to each other. Wall of separation metaphor envisions religion and the government functions as operating in separate spheres. Philip Kurland argued in his book -Religion and the Law- that “the government should be religious blind” (Evans, 1997, p. 22). Governments must maintain neutrality among religions and draw a clear line between religion and state relations. Thus, Jefferson’s metaphor has become an essential and enduring element of the First Amendment in the American Constitution. Indeed, Supreme Court judges and scholars have relied on wall of separation so much that this metaphor has become not just a symbol but also basis for opinions and analysis; it became core for religious freedom for the rule of law (Dreisbach, 2002, p. 3). Jefferson, Madison, and other Founding Fathers were staunch advocate of church and state separation. They strengthened the idea that government and religion must be totally separate to have religious freedom.

During the formation of the U.S.A. as a new government, many Americans worried about establishing a very powerful central government (a federal government) that it would be similar to tyrant Kings in England (Hamburger, 2004, p. 14). Both Jefferson and Madison’s views played central role in formation of the new government. They believed that religion was a personal conscience and equated religious liberty with freedom of thought. Jefferson defended the principle that people, specifically office-holders, should not be judged based on their religious opinions. He supported the view that “our civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry” (Founders Online National Archives c).

Thomas Jefferson’s second contribution is that he introduced a bill for “Establishing Religious Freedom” into the House of Delegates in 1779. This bill is a version of “the Virginia Statute for Establishing Religious Freedom” which was drafted in 1777 (some spelling has been modernized). This bill would end the government’s sponsorship for the Anglican Church and allowed Virginia to practice any faith they chose (Bill of Rights Institute). Jefferson wanted to prohibit federal government’s support for any sects of religion. He explained with the ‘Virginia Statute for Establishing Religious Freedom’ that governments have no business telling their citizens what to believe (Bill of Rights Institute). Thus, “the Virginia Statute for Religious Establishing Freedom” has become a benchmark of religious liberty and it has been cited in American states, federal courts and Supreme Court decisions. Jefferson wrote for ‘the Virginia Statute for Religious Freedom’, as follows (Founders Online National Archives c):

“We the General Assembly of Virginia do enact 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 to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their capacities.”

Jefferson reintroduced the “Establishing Religious Freedom” bill to the Virginia General Assembly in 1785 and it was approved in 1786 (Founders Online National Archives c). “Establishing Religious Freedom” bill was the first and the most important source of the U.S. Constitution for the First Amendment, which secures freedom of religion (Amendment I. was adopted in 1791.) Jefferson explained religious freedom in the bill as “Almighty God hath created the mind

free” (Kessler, 1983, p. 231-252). Furthermore, Jefferson stated that “no person can be compelled to attend to any church or support it with his taxes. An individual is free to worship as he pleases with no discrimination” (Kessler, 1983, p. 231-252). Consequently, Jefferson’s statement about both for ‘Establishing Religious Freedom’ and ‘Wall of Separation’ metaphor were the driving force behind the religious freedom, equality and the First Amendment of the Constitution, which are the religious clauses for separation between church and state.

James Madison is another major contributor to the religious liberty. Madison is a Founding Father of the United States and he served as the fourth President of the U.S.A. from 1809 to 1817. Madison has been known as the architect of the Constitution. He had made great contribution to the religious liberty with his well-known document: known as ‘A Memorial and Remonstrance on the Religious Rights of Man (1785)’ (Founders Online National Archives b). “This document argued for both complete religious liberty and against government support of religion in any form” (Read, 2009). Madison, composed the first draft of the U.S. Constitution and recognized as the “Father of the U.S. Constitution” (Official Website of The White House a). Moreover, Madison is the author the first ten amendments of the U.S. Constitution, also known as the Bill of Rights (Official Website of The White House b). Madison was a staunch advocate of religious freedom. He believed that religious freedom is a natural right to people and government should not get involved with church. Therefore, Madison required the law for Americans that government must remain blind to the religious affiliation of citizens (Munoz, 2003, p. 27-29). “Madison advocated a ‘religion-blind’ constitution, which prohibits the state recognizing any religion as official” (Evans, 1997, p. 22). Thus, the state cannot and must not classify citizens on the basis of religious beliefs. According to Madison’s concept of religion-blind, “the state may neither privilege nor penalize religious institutions, religious citizens, or religiously motivated conduct as such” (Munoz, 2003, p. 27-29). He did not want the government to promote any religions, because this would be the outside the scope of a limited government model. Madison’s view about religious freedom is still valid and effective for both in modern American politics and the U.S. Constitution. Madison’s principle of religious freedom is the backbone of the strict-separation between church and state as of to this day.

James Madison is the author of the “Memorial and Remonstrance Against Religious Assessments” and he presented it to the Virginia General Assembly in 1785 (Founders Online National Archives b). In this document, Madison defended complete religious liberty, while he was against government support of any religion. “To this day, the Memorial and Remonstrance Against Religious Assessments remains one of the most powerful arguments against government-supported religion ever penned” (Americans United for Separation of Church and State). Madison “strongly argued for freedom of religion and the equal right of every citizen to the free exercise of his religion...” in this document (Americans United for Separation of Church and State). Furthermore, Madison explained that “the religion of then of every man must be left to the conviction and conscience of every man; and it is the right of man to exercise it as these may dictate. This right is in its nature and unalienable right...it is the duty of every man to the render to the Creator...” (Americans United for Separation of Church and State). Madison clearly expressed that religious liberty is necessary as a fundamental right in the U.S.A. which the colonial era of America was based on the multi-cultural and multi-religious backgrounds. Madison’s defense of religious freedom in his ‘Memorial and Remonstrance’ as follows (Evans, 1997, p. 22-23):

“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 and not by force or violence. That religion, the 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 on the evidence contemplated in their own minds, cannot follow the dictates of other men; it is unalienable also, because what is here a right toward men, is a duty towards the creator. It is the duty of every man to

render the creator such homage, and such only, as he believes to be acceptable to him, his duty is precedent, both in order of time and 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 governor of the universe, and if a member of civil society, who enters into any subordinate association, must also 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 the saving his allegiance to the universal sovereign.”

James Madison advocated that the state should not favor any religion and must be remain non-cognizant of religion (Munoz, 2003, p. 29). Based on Madison’s view and purpose about church and state relations, the First Amendment does not support any religion or take a side, according to the Constitution. Their objective is to prevent any national religious establishment. Therefore the U.S. does not have any official church or religion. The First Amendment aims to restraint the action of government, in terms of separation of powers in the government. The reason is that, government must remain blind to religion to be neutral. “Government may not privilege or penalize any religion” (Munoz, 2003, p. 29). Government must maintain its neutrality towards to religions or churches by not taking sides among them. According to Vincent Philip Munoz (2003: 29), Madison’s religious freedom principle defends that “the First Amendment would prohibit the government from making laws that single out a religion or isolate religion for unfavorable treatment.” (Munoz, 2003, p. 29). Prior to the establishment of a sovereign American nation, generally people worried that creating a strong federal (central) government over the states would be tyranny. For this reason, separation of powers in the American government was very important to provide equal distance to churches since the U.S. government was established. “During the colonial times, all citizens were forced to attend to religious worship” (Zollman, 1919, p. 364). Based on the colonial experiences and multi religious background, the Founding Fathers believed that freedom of religious exercise is a natural right to all individuals, which must be given to them naturally. Therefore, the First Amendment provides the right to choose worship God, or not. Additionally, the First Amendment guarantees religious liberty by preventing government from interfering with religion. That means that government cannot punish citizens because of individual’s religious belief. Religious liberty means for individuals, as follows (Zollman, 1919, p. 364):

“...to allow everyone under the jurisdiction of the United States to entertain such notions respecting his relations to his maker and duties they impose, as may be approved by his judgement and conscience, and to exhibit his sentiments in such form worship, as he may think proper, not injurious to the equal rights of others, and to prohibit legislation for the support of any religious tenets or the modes of worship of any sect.”

## CONCLUSION

Freedom of religion is a hallmark of American style of life. The United States Constitution’s First Amendment became the corner stone to establish the religious freedom in the U.S. Thomas Jefferson and James Madison’s views paved the way on separating church-state relations for religious liberty. Essentially, Jefferson and Madison played leading roles about providing constitutional protections against governmental intrusion on religious liberty. They advocated that civil government should tolerate all kinds of religion. Therefore, Jefferson and Madison decisively shaped the relationship of church and state for religious freedom in the U.S. government. The Founding Fathers ensured that the First Amendment removed the influence of American government on churches. Thus, the church-state relationships were limited by the Constitution. The principle of separation between church and state is primarily to protect religious institutions and religious believers’ natural rights for religious liberty. Jefferson’s ‘wall of separation’ metaphor has tremendous influence on both the Supreme Court’s religion Clause jurisprudence and American nation. “The U.S. Constitution guarantees freedom of religion and included further guarantees such as pluralism, equality, separationism and disestablishment” (Witte, 1999, p. 405).



The First Amendment is against the establishment of any religion by law and it has intended to ‘erect a big wall’ between church and state to keep their relationship independent (Dreisbach and Whaley, 1999, p.627). The Supreme Court Justices have been using this metaphor in their decisions for decades. Wall of separation has been embraced by American citizens and therefore, it has achieved high popularity. Wall of separation metaphor has left a clear mark in the minds of Americans as a mental image in their daily life.

James Madison has written the American Constitution and he has earned the reputation of ‘Father of the Constitution’. Madison has been a symbol for religious freedom with his “Memorial and Remonstrance Against Religious Assessments and Bill of Rights” document (Munoz, 2009, p. 11). The First Amendment, together with the Establishment Clause and the Free Exercise Clauses, ensures strict separation between church and state. Specifically, the First Amendment applies to Congress and it prohibits to establish a national church by erecting a high wall between church and government. In the context of religious liberty, governmental affiliations were prohibited with churches by the Constitution. This means that “government actors may neither privilege nor penalize religious institutions, religious citizens, or religiously motivated conduct” (Munoz, 2009, p. 12). “Jefferson and Madison, along with the Founding fathers, advocated for a ‘religion blind’ constitution, which prohibits the state from cognizance of religion” (Munoz, 2009, p. 12). They strongly opposed to government’s interference with church relations. They prevented American government from doing favoritism for any religion by the Constitution.

In this article, we explained that both Jefferson and Madison have had significant influence on the Supreme Court’s decisions, referring to separation of church and state relationships. United States has religious diversity heritage since colonial era of America. Therefore, the Supreme Court ensures that the government does not show preference to any church. American government provides equality among churches and it does not take away any citizens’ ability to exercise their religion. For this reason, the First Amendment provides constitutional safeguard to American citizens to freely practice their religions. Consequently, the First Amendment forms the cornerstone of religious freedom, and free exercise of religion without fear of governmental sanctions. Both Jefferson and Madison were the architects the separation of church and state that American government cannot meddle in religious matters. Nafiz Tok explained that modern (secular) states have two aims in terms of separation between religion and state relations. 1-) It is equal treatment and freedom of religion. 2-) Conscience for those who have different beliefs and convictions (Tok, 2022). Based on USA’s multicultural and multi religious historical background, the Constitution kept the line clearly separated between church and state relationships. The constitution explicitly guarantees religious freedom among its citizens and it has been maintaining the separation of church and state relations.

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