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REMARKS on the Amendments to the Federal Constitution, proposed by the Conventions of Massachusetts, New-Hampshire, New-York, Virginia, South and North-Carolina, with the minorities of Pennsylvania and Maryland, by a FOREIGN SPECTATOR.

NUMBER IX.

The deep silence of the federal constitution on matters of religion is blamed by some religious persons; yet the two minorities of Pennsylvania and Maryland, with the convention of New-Hampshire, are dissatisfied because express stipulations are not made for liberty of conscience, and request the following amendments. *The right of conscience shall be held inviolable, and neither the legislative, executive, nor judicial powers of the United States, shall have authority to alter, abrogate, or infringe any part of the constitutions of the several states, which provide for the preservation of liberty in matters of religion*, 1st prop. of the min. of Penns. *That no person conscientiously scrupulous of bearing arms in any case, shall be compelled personally to serve as a soldier. That there be no national religion established by law; but that all persons be equally entitled to protection in their religious liberty*, 11th and 12th am. by the min. of Mar. *Congress shall make no laws touching religion, or to infringe the rights of conscience*, 11th am. by the conv. of N. H.

It would be very unjust and pernicious, to establish any religious system in the United States; but it is needless to guard against such a visionary evil. Congress cannot, by any construction, claim such a power; nor will they have any inclination for it. But if, by a very wonderful chance, a majority of Congress were so bigotted, their project would not have the least probability of success, while the several great denominations are a check upon each other, and while sound philosophy makes a rapid progress in the train of civilization. Besides, the people of America will hardly submit to the payment of necessary taxes; is it then likely they would pay tithe to the clergy?

Partiality to any sect, or ill treatment of any, is neither in the least warranted by the constitution, nor compatible with the general spirit of toleration; an equal security of civil and religious rights, is therefore given to all denominations, without any formal stipulations; which, indeed, might suggest an idea, that such an equality was doubtful. If the constitution must at all have any amendment on this subject, it should be to guarantee to every state in the union perfect liberty of conscience; because it is much more probable that superstition, mingled with political faction, might corrupt a single state, than that bigotry should infect a majority of the states in Congress.

At the same time, rights of conscience should be properly understood. Religion, as such, is a transaction between man and his maker, and is above the cognizance of any human tribunal; however unreasonable, or even prophane, it may appear, God alone is the judge. But when any person claims, from a religious principle, the right of injuring his fellow-citizens, or the community at large, he must be restrained, and, in atrocious cases, punished. If he is a fool, or a madman, he must not be a tyrant. It is impossible that God could order him to be unjust, because he commands us all to be just and good. Frantic devotees murdered Henry IV. of France, William first Prince of Orange, and other benefactors of mankind. Superstition has destroyed many hundred thousands of mankind, and, in different periods, laid waste the four quarters of the globe.

A wise government will therefore keep a watchful eye on any form of superstition which is baneful to morality, and full of danger to society; if not timely checked, it may soon spread like a plague, distress individuals, and even embarrass the government. False religions had never been established in the world, if legislators had seen their fatal tendency, and nipt them in the bud. We happily live in a civilized æra; but the human heart is very wandering, and the fancy of mortals very whimsical. Whenever a religion morally and politically bad attacks the United States, it should as a general evil be restrained by the federal government. Suppose that some bold and artful prophet should pretend to have a commission from heaven to erect an earthly dominion, and inspire a multitude of his votaries with a blind intrepid enthusiasm; such a gentleman must not, from his tender conscience, cut our throats, and plunder our property. Again, if great numbers from a mistaken devotion, should renounce civil and political duties, and merely by compulsion, contribute to the support and preservation of the society, half a million of such Christians would be a very heavy clog on the arms of active citizens. The moral virtues are more necessary for the peace of this country, than any other, because the people are extremely free; consequently rational religion is of the highest importance, as in many respects the security and perfection of virtue. The foundation of both should be laid in a good education. This ought to be a great object in the government of every state, and with the federal government in the territory belonging to the United States, for which (by the 2d par. 3 sect. 4 art.) *it is to make all needful rules and regulations*. Schools ought to be formed with the gradual settlement of this country, and provided with sensible teachers, who shall instruct their pupils in those capital principles of religion which are generally received, such as the being and attributes of God, his rewards and judgments, a future state, &c.

There is not the least danger of the federal government compelling persons of a scrupulous conscience to bear arms, as the United States would be poorly defended by such; besides, troops can, if necessary, be hired for their money.

The convention of South-Carolina would amend the 3d sect. of the 6th art. by inserting the word *other* between the words *no* and *religious*. This section, after requiring from all concerned an oath or affirmation to support the constitution, adds, *but no religious test shall ever be required as a qualification to any office or public trust under the United States*. If this amendment points out a mere inaccuracy of stile, it is so far proper—an oath or affirmation being a religious test; if it means to guard against religious establishments, it is, by what has been said, superfluous.

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