



Establishing Religious Freedom: Jefferson's Statute in Virginia

Thomas E. Buckley

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The significance of the Virginia Statute for Establishing Religious Freedom goes far beyond the borders of the Old Dominion. Its influence ultimately extended to the Supreme Court's interpretation of the separation of church and state. In his latest book, Thomas Buckley tells the story of the statute, beginning with its background in the struggles of the colonial dissenters against an oppressive Church of England. When the Revolution forced the issue of religious liberty, Thomas Jefferson drafted his statute and James Madison guided its passage through the state legislature. Displacing an established church by instituting religious freedom, the Virginia statute provided the most substantial guarantees of religious liberty of any state in the new nation.

The statute's implementation, however, proved to be problematic. Faced with a mandate for strict separation of church and state--and in an atmosphere of sweeping evangelical Christianity--Virginians clashed over numerous issues, including the legal ownership of church property, the incorporation of churches and religious groups, Sabbath observance, protection for religious groups, Bible reading in school, and divorce laws. Such debates pitted churches against one another and engaged Virginia's legal system for a century and a half.

Fascinating history in itself, the effort to implement Jefferson's statute has even broader significance in its anticipation of the conflict that would occupy the whole country after the Supreme Court nationalized the religion clause of the First Amendment in the 1940s.

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