

THE DEVELOPMENT OF RELIGIOUS LIBERTY: A SURVEY OF ITS PROGRESS AND CHALLENGES IN CHRISTIAN HISTORY¹

DR. MALCOLM YARNELL²

INTRODUCTION

“But you shall love your neighbor as yourself; I am the Lord” (Lev. 19:18b).

“Therefore, whatever you want men to do to you, do also to them,
for this is the Law and the Prophets” (Matt. 7:12).³

In his essay, “The Christian Doctrine of Religious Liberty,” contained in a recent volume devoted to religious liberty, Barrett Duke argued that the doctrine of religious liberty is a necessary Christian teaching from a systematic perspective.⁴ Building on Dr. Duke’s work and filling a historical lacuna in that fine volume, this paper demonstrates that the Christian doctrine of religious liberty has not always been held consistently in Christian history. Indeed, the majority of Christian theologians have denied religious liberty, and in spite of its progress since the sixteenth century, there are many intellectual traditions, Christian and non-Christian, which are historically capable of sponsoring coercion, especially against those churches that committed themselves to being free, believing, and baptizing. Unless we are very careful to promote this doctrine consistently and continuously in our churches and in the broader society, at the local, national, and international levels, there may come a day when we find ourselves persecuted once again for holding to the New Testament as the fundamental basis of our faith.

In order to demonstrate this contention, a survey of the progress of and challenges to religious liberty is presented here. We begin with an outline of those biblical texts that have been utilized in the debate between those who would advocate the necessity of religious coercion and the persecution of heretics and those who would advocate the

¹Appreciation is expressed to Dr. R. Philip Roberts, President of Midwestern Baptist Theological Seminary, Kansas City, Missouri, for inviting this paper to be presented at “Loving God, Loving America: Celebrating a Free Church in a Free State,” on 22 February 2008.

²Dr. Malcolm Yarnell is Associate Professor of Systematic Theology at Southwestern Baptist Theological Seminary.

³All biblical citations are either taken from the New King James Version or are the author’s own translation.

⁴Barrett Duke, “The Christian Doctrine of Religious Liberty,” in *First Freedom: The Baptist Perspective on Religious Liberty*, ed. Thomas White, Jason G. Duesing, and Malcolm B. Yarnell III (Nashville: Broadman & Holman, 2007), 7-29.

necessity of religious liberty and the freedom of the human conscience. We then consider the progress of political theology with regard to religious coercion and religious liberty in the early church, the Middle Ages, the Reformation, and the modern period. Finally, we conclude with a summary evaluation of some current challenges to the exercise of religious liberty.

THE BIBLICAL FOUNDATION OF RELIGIOUS LIBERTY

Biblical Texts Supportive of Religious Coercion?

Historically, theologians have drawn upon a typical group of prooftexts, both from the Old and the New Testaments, in order to justify a theory of coercion and persecution. However, even when drawing upon texts from the New Testament, it has usually been with the presupposition that neither testament may be interpreted Christologically. There are an apparently limitless number of Old Testament texts utilized to justify coercion, for Israel was simultaneously both a state and a religion whose kings enforced religious policy. Indeed, from David to Josiah, the virtuous kings were those who upheld the true faith, while, from Saul to Manasseh, the evil kings were those who allowed or encouraged the people to fall into idolatry.

Augustine of Hippo drew explicitly from the following Old Testament texts in order to justify religious persecution against heretics and schismatics: 1 Kings 18, where Elijah slew the false prophets; Joshua 12, where Israel restored national unity through the bloody repression of the trans-Jordan tribes; Canticles 2, where the daughters are deemed to be both wicked and participating in the sacraments; and, Numbers 16, where rebels against the established religion are swallowed by the earth.⁵ John Calvin added to the list by citing Psalm 2, where the impious are broken with a rod of iron and dashed to pieces like pottery; Daniel 3, where the prophet praises Nebuchadnezzar for promising to kill any who spoke against the God of Shadrach, Meshach, and Abed-nego; Exodus 32, where God commands the men of Israel to slay the idolaters with the sword; and, Isaiah 49, where the kings shall lead the people to worship God.⁶ Calvin's favorite Old Testament prooftext, however, was Deuteronomy 13, where the Israelites are commanded to slay not only false prophets (vv. 6-11), but also to raze totally any village that does not slay a false prophet in its midst (vv. 12-18).⁷

In the New Testament, both Augustine and Calvin appealed primarily to the parable of the wheat and the tares in Matthew 13 (vv. 24-30).⁸ Both ignored or renegotiated the

⁵Augustine of Hippo, Letter 93, *ad Vincentius* 6, 26, 28, in *Nicene and Post-Nicene Fathers*, First Series, vol. 1, ed. Philip Schaff (1886; reprint, Peabody, MA: Hendrickson, 1994), 382-401.

⁶John Calvin, *Defensio Orthodoxae Fidei de Sacra Trinitate, Contra Prodigiosos Errores Michaelis Serveti Hispani* (1554), in *Ionnis Calvini Opera Quae Supersunt Omnia*, vol. 8, ed. Guilielmus Baum et al, *Corpus Reformatorum* (Brunsvigae, 1870), 471, 474, 477-78.

⁷*Ibid.*, 475-77.

interpretation of that parable provided by Jesus himself, silently or through the overused claim that our Lord commonly employed a synecdoche, that is, that he utilized a wider term but intended a smaller subset.⁹ On the one hand, Jesus defined the field as the world, the wheat as the sons of the kingdom, the tares as the sons of the wicked one, the harvest as occurring at the end of the age, and the angels as the dispensers of divine justice (vv. 36-43). On the other hand, Augustine defined the field as the church by diffusing the church within the world.¹⁰ Calvin followed Augustine in this regard and, moreover, included “the pious teachers” among those who dispense divine justice now and allowed “godly magistrates” to utilize the sword “against wicked men.”¹¹

Both Augustine and Calvin appealed also to Romans 13, where Paul informs us that the governing authorities are ordained by God, and all Christians must therefore submit to them. Of course, these seminal theologians in the Catholic and Reformed traditions understood that such submission must occur with regard to both civil and religious matters.¹² Augustine also appealed to Luke 14, where Christ used the language of compulsion in reference to bringing people in to the household of faith.¹³ The Latin translation of Luke 14:23 was literally *et compellare intrare*. Unfortunately, while the Greek **avnagkason** implies causation “in all varying degrees from friendly pressure to forceful compulsion,”¹⁴ the common meaning of the Latin *compello* places the emphasis upon “force,” even “accost” and “abuse.”¹⁵ There were a number of other New Testament texts to which Catholics and Calvinists appealed, with Augustine preferring the parables of divine compulsion and Calvin preferring various acts of divine compulsion in the book of Acts. The fact that such compulsion was divine in origin and agency mattered little to the Genevan.¹⁶

⁸E.g. Augustine, *ad Vincentius* 15, 31, 36; Calvin, *Defensio Orthodoxae Fidei* 472.

⁹Calvin, *Commentary on a Harmony of the Evangelists, Matthew, Mark, and Luke*, vol. 2, transl. William Pringle (Reprint, Grand Rapids: Baker Book House, 1996), 120.

¹⁰Augustine, *ad Vincentius* 44.

¹¹Calvin, *Commentary on a Harmony of the Evangelists*, 122-23.

¹²Augustine, *ad Vincentius* 20; Calvin, *Defensio Orthodoxae Fidei* 478.

¹³Augustine, *ad Vincentius* 5.

¹⁴Walter Grundmann, “ἀναγκάζω”, in *Theological Dictionary of the New Testament*, vol. 1, ed. Gerhard Kittel, transl. Geoffrey W. Bromiley (Grand Rapids: Eerdmans, 1964), 345.

¹⁵*The Pocket Oxford Latin Dictionary*, ed. James Morwood (New York: Oxford University Press, 1995), 28.

¹⁶Augustine, *ad Vincentius* 50; Calvin, *Defensio Orthodoxae Fidei* 462, 471-73.

The hermeneutical strategy employed by Christian proponents of religious coercion relies peculiarly upon a decidedly non-Christological perspective. First, the Old Testament texts regarding Israel are deemed applicable to the church in the same way as New Testament texts. This is facilitated by the belief of both Augustine and Calvin, who stand at the headwaters of their respective traditions, that the church existed both in the Old and in the New Testaments. Second, even the New Testament itself is not read in a Christological manner. Rather, the Old Testament context provides the only means for properly interpreting the New Testament. As a result, the New Testament texts are interpreted in light of the Old Testament texts of coercion rather than according to the teachings of Christ, a reversal of our Lord's own method of interpretation (Matt. 5:17; Luke 24:27).¹⁷ Finally, as noted above, even the specific interpretation of our Lord with regard to the parable of the wheat and the tares in Matthew 13 is dismissed. In summary, these "Christian" expositors apparently did not believe that a Christological interpretation of the Old Testament, of the New Testament, and even Christ's own words of interpretation were adequate for the needs of the church.

Biblical Texts Supportive of Religious Liberty

When it comes to the proponents of religious liberty, there have been two streams of interpretation. The first, like the proponents of religious coercion, draws indiscriminately from both the Old and the New Testaments. In this regard, we may think of Sebastian Castellio, who stands within but at the margins of the Reformed tradition. The second, however, relies primarily upon the priority of the New Testament, and reads both testaments Christologically. In this regard, we may think of Balthasar Hubmaier, a seminal theologian within the Free Church tradition. While maintaining the Augustinian-Calvinist conflation of the testaments, Castellio indicates how Calvin has yet engaged in gross misinterpretation. Treating the Bible as a product of progressive revelation, Hubmaier and the Anabaptists emphasize the primacy of the New Testament for the construction of Christian ecclesiology and political theology.

Balthasar Hubmaier was the first Reformation theologian, by three decades, to devote a single treatise to the subject of religious liberty. Unfortunately, his courageous life was cut short, by a persecuting church, before he could spell out his doctrine of religious liberty at length. What we do have from Hubmaier is a compilation of 36 short articles addressing the subject. Hubmaier begins with the critical definition of heresy. A heretic is one who resists the teaching of Scripture or misinterprets Scripture.¹⁸ Such heresy is overcome only "with holy instruction" and "only with the Word of God" (arts. 3-4). According to Titus 3:10, if instruction fails, then the heretic must be avoided (art. 5). There

¹⁷Because He is the One Who is the fulfillment of the Scriptures, Jesus Christ properly interprets the Scriptures with authority: "You have heard ... but I say ..." (Matt. 5:17-20, 21-22, 27-30, 31-32, 33-37, 38-42, 43-48).

¹⁸Balthasar Hubmaier, *On Heretics and Those Who Burn Them* (1524) Articles 1-2, in *Balthasar Hubmaier: Theologian of Anabaptism*, transl. and ed. H. Wayne Pipkin and John H. Yoder (Scottsdale, PA: Herald Press, 1989), 58-66.

is nothing within Scripture about burning heretics in order to be rid of them; only avoidance. Moreover, 1 Corinthians 11:19 teaches that heresies must necessarily exist. Furthermore, the proper interpretation of Matthew 13 is that only Christ may call the reapers to bring judgment (arts. 6-9). According to John 10:10, “Christ did not come to slaughter, kill, burn, but so that those who live should live yet more abundantly” (art. 14). The real heretics are the inquisitors, who teach contrary to Christ that the sword of the Magistrate should be used against heretics. The Christian knows that the sword of the Spirit alone should be used to combat heresy (arts. 13, 16-21). The greatest errors in interpretation are made by those who want to advance salvation and divine honor by looking to “the light of nature,” perhaps an oblique critique of Roman and Reformed theological method, rather than being “led and directed according to Scripture” alone (art. 30).

Thirty years after Hubmaier’s treatise, which was entitled *On Heretics and Those Who Burn Them*, Sebastian Castellio wrote a treatise entitled *Concerning Heretics: Whether They are to be Persecuted and How They are to be Treated*. Castellio, active in Bern in the 1550s, was disturbed by the fact that John Calvin had led the Genevan city council to condemn Michael Servetus for heresy, then acquiesced as the city slowly roasted a fellow human being over a fire in the name of preserving orthodoxy. However, he was incensed when Calvin issued his written defense of the murder of Servetus on the grounds that Christians must suppress all human considerations, even sanguinary concerns, and strike out “for God’s glory” against heresy.¹⁹ This extensive exchange, between Castellio on the one side and Calvin and his successor, Theodore Beza, on the other side, has only been partially translated into English—an interesting oversight, especially with regard to the current rush to embrace all things Calvin.

Castellio argued that Matthew 13 does not apply to heretics, for those who pull up and burn the tares before the harvest “eradicate also the command of Christ, who directs that they be left.”²⁰ Indeed, according to 2 Timothy 3:12, those who are in Christ will be persecuted; certainly, this indicates they should not persecute others.²¹ In Matthew 10 and Luke 12, Christians are called sheep, and sheep never persecute wolves, but wolves eat sheep.²² According to Matthew 5 and numerous synoptic texts, Christians will suffer

¹⁹“On ne lui [Dieu] fait point l’honneur qu’on lui doit, si on ne préfère son service à tout regard humain, pour n’épargner ni parentage, ni sang, ni vie qui soit et qu’on mette en oubli toute humanité quand il est question de combattre pour sa gloire.” [“It is not him whom God made that should be honored; if you would like to serve God without regard for man, then spare no parentage, neither blood nor life, and put away all humanity when it comes to fighting for his glory.”] John Calvin, *Defence of the True Faith and of the Trinity against the Dreadful Errors of Servetus* (French Version), cited in Stefan Zweig, *The Right to Heresy: Castellio against Calvin*, transl. Eden and Cedar Paul (New York: Viking Press, 1936), 145.

²⁰Castellio here uses the voice of one “George Kleinberg.” Sebastian Castellio, *De Haereticis*, in *Concerning Heretics: Whether They are to be Persecuted and How They are to be Treated [...] Together with Excerpts from Other Works of Sebastian Castellio and David Joris On Religious Liberty*, ed. Roland H. Bainton (New York: Columbia University Press, 1935), 220.

²¹Ibid., 220, 222.

persecution and must take up their crosses. There is nothing about Christians persecuting others or putting them on crosses.²³

When religious persecutors appeal to the Old Testament law, such as Exodus 22:20, the Calvinists demonstrated a decided inconsistency. “They cite the law in Exodus, ‘He that sacrificeth unto any god save unto the Lord only, he shall utterly be destroyed.’ I ask you whether this destruction is corporal or spiritual. If it is corporal, then they must first revive the whole law of Moses and inflict corporal punishment upon those who sacrifice. But to do this is to seek to be justified by works of the law, and to be cut off from Christ, in whom the former things are passed away and all things are made new.”²⁴ With Calvin, Castellio recognizes the validity of Deuteronomy 13, but points out that a false prophet is not the same thing as a heretic. And the punishment of death for the blasphemer in Leviticus 24 and for the idol makers in Joshua 7 are similarly inapplicable to heretics, for the heretic does not seek to prophesy, blaspheme, nor make an idol.²⁵ Castellio throws down the gauntlet to his fellow Reformed theologians: “If we really wish to imitate the ancients let us do the same as they. Let us abandon the New Testament and return to the Old Testament. Let us kill all those whom God has commanded to be killed, namely, the adulterers, children who curse their parents, the uncircumcised, those who do not keep the Passover, and the like.”²⁶

When he turned to the New Testament texts advanced by the Reformed, Castellio demonstrated the foolishness of the persecuting hermeneutic. Calvin had used Acts 5 to justify the idea that even the apostles called for the death sentence.²⁷ Castellio replied that Peter did not compel Ananias and Sapphira to give their goods to the church, nor did he wield a physical sword; rather, he was led to speak God’s Word and God Himself rendered the judgment.²⁸ Calvin dismissed Gamaliel’s advice later in Acts 5 on the basis “that his advice is not sound because it destroys not only civil government, but also ecclesiastical discipline.” Calvin concluded that Gamaliel was unsound and uncertain in his advice. Castellio replied, “Now let us ask this keen Calvin what advice he would have given the Scribes had he been in their council. He would have told them to kill the apostles.”²⁹ Again

²²Ibid.

²³Ibid., 222-23.

²⁴Ibid., 226-27.

²⁵Ibid., 227-30.

²⁶Ibid., 232.

²⁷Calvin, *Defensio Orthodoxae Fidei* 462, 471.

²⁸Castellio, *De Haereticis*, 232-36.

²⁹Castellio, *Contra Libellum Calvini* (written 1562, published 1612), in *Concerning Heretics*, ed. Bainton, 271.

and again, Castellio refutes the Calvinist persecuting arguments. One can hear the disgust in his voice as he shredded the depraved arguments of both Calvin and Beza.

Later proponents of religious liberty, such as the pastor of the First Baptist Church of Dallas, George W. Truett, also appealed to the New Testament. Truett drew upon Mark 12:13-17, where Christ made a distinction between what is due the state and what is due to God: give back to Caesar his coins, upon which he put his picture, but render to God everything. Truett argued that Christ's teachings demanded a "free church in a free state." He proclaimed from the steps of our nation's capitol on Sunday, 16 May 1920, "In the very nature of the case, also, there must be no union between church and state, because their nature and functions are utterly different. Jesus stated the principle in the two sayings, 'My kingdom is not of this world,' and 'Render therefore unto Caesar the things which are Caesar's and unto God the things that are God's.' Never, anywhere, in any clime, has a true Baptist been willing, for one minute, for the union of church and state, never for a moment."³⁰ Although we could mention the Fifth Monarchists, who included English Baptist revolutionaries,³¹ Truett's contention is largely sustainable. Baptists, as an intentionally New Testament people, have been leading proponents of religious liberty.

The proponents of religious liberty appealed to the humble, patient, and merciful character of Christ, to the call given to all Christians to take up their own cross, to the difference between the roles of the church and of the state, and to the difference between the law and the gospel. However, Castellio's strongest argument in favor of religious liberty was perhaps Christ's golden rule.³² He bluntly asked Calvin, who was seeking at the time to suppress Castellio's books through the university censor at Bern, "Why do you do to others that which you would not endure if done to yourself? We are concerned with a dispute about religious matters; why, then, do you gag your adversaries?"³³

Texts Supportive of a Restricted but Bold Verbal Engagement in Politics

Because of the difficulty that Christians have historically had with regard to the struggle between theories of persecution and theologies of religious liberty, we have perhaps had less opportunity to speak with regard to the need for Christians to be engaged in secular politics. However, we must remember that such an engagement is necessary. While we

³⁰George W. Truett, "Baptists and Religious Liberty," in Truett, *The Inspiration of Ideals*, George W. Truett Library, vol. 3 (1950; reprint, Grand Rapids: Baker Book House, 1988), 85-112.

³¹Louise Fargo Brown, *The Political Activities of the Baptists and Fifth Monarchy Men in England during the Interregnum* (Washington, DC: American Historical Association, 1912).

³²The entirety of his advice to the warring parties in France is built on this idea. Sebastian Castellio, *Advice to a Desolate France in the Course of Which the Reason for the Present War is Outlined, As Well as the Possible Remedy and, In the Main, Advice is Given as to Whether Consciences Should be Forced* (1562), trans. Wouter Valkhoff (Shepherdstown, WV: Patmos Press, 1975).

³³Castellio, *Contra Libellum Calvinii*, cited in Zweig, *The Right to Heresy*, 189.

rightly affirm that the church and the state have their separate spheres of responsibility, we must never forget that Christians have a prophetic role to fulfill. This is what former theologians meant when they distinguished between the physical sword wielded by the magistrate and the spiritual sword, the Word of God, wielded by the church. The only power in the hands of the church is the Word of God and it is our responsibility to proclaim it—the Word in its entirety and nothing else but the Word.

The Great Commission demands the making of disciples through teaching everything He commanded (Matt. 28:18-20). And since He gave moral commands, about which the state is intimately concerned, for the maintenance of public morality is the very purpose of the laws of nations, we must proclaim the truth about morality. Moreover, we must proclaim that Christ is truly the King of Kings and the Lord of Lords (Rev. 19:16), at whose name every knee must bow in submission (Phil. 2:10). He has not yet revealed His kingdom in its fullness (John 18:36), but He is nevertheless Lord now, and He will one day fully introduce His kingdom and in God's own time (Acts 1:7). When Christians proclaim, "Jesus is Lord," they give both their saving confession and make a truly unsettling political claim. If Jesus is Lord, no other man, even an emperor or a president, and no group of people, whether an aristocracy or a democracy, may claim self-sufficient authority. Moreover, if Jesus is Lord, then the Christian may never ascribe lordship to any other without knowing that he thereby curses Christ (1 Cor. 12:2). If Jesus is Lord, all authority proceeds from Him and is responsible to Him, for He will return all authority to His Father (15:24).

"Jesus is Lord" is a message that people have not always wanted to hear, and yet it is incumbent upon Christians to proclaim His Lordship, for this Lord is also Savior. In Acts 4, we learn that the Jewish ruling council, the Sanhedrin, forbid the apostles Peter and John to speak in the name of Jesus. Consider the response of Peter and John: "Whether it is right in the sight of God to listen to you more than to God, you judge" (v. 19). The apostles did not deny that the Sanhedrin had an authority from God, and the right to make and render judgment. However, they also affirmed that God was the source of all true judgment. The Sanhedrin has the responsibility to judge, but the church has the responsibility to speak the gospel. "For we cannot but speak the things which we have seen and heard" (v. 20). The state must exercise judgment and the church may not interfere with the state or seek to use it for its purposes: "you judge." However, the church must exercise proclamation and the state should not interfere with the church or use it for its purposes: "we cannot but speak." And later, when the Sanhedrin discovered that they continued to speak, the reply was the same: "We ought to obey God rather than men." And then the apostles told the Sanhedrin the gospel story: "The God of our fathers raised up Jesus whom you murdered on a tree. . . . And we are His witnesses" (Acts 5:28-32). Christians are supremely concerned to proclaim the gospel, to everyone, including magistrates.

THE HISTORICAL PROGRESS OF AND CHALLENGE TO RELIGIOUS LIBERTY

The Early Church

As is well known, the churches of the first through third centuries suffered periods of intense persecution by imperial mandate. The pagan Roman state looked upon this sect as subversive and immoral. Rumors swirled: that the Christians were murderers and cannibals because of their participation in the Lord's Supper, and that they practiced incest because they held love feasts. Christians refused to worship the idols; therefore, they were called atheists and sacrilegious. Indeed, they were accused of treason because they believed *Iesous Kurios*, "Jesus is Lord," and would not confess *Kaiser Kurios*, "Caesar is Lord."³⁴ However, the ultimate act of political subversion, in pagan eyes, occurred when they refused to swear to the genius of the divine emperor and offer sacrifices to the imperial cult.³⁵

In this context, Tertullian, our earliest Latin theologian, issued a call for universal religious liberty. He informed the imperial government that Christians joined the Christian "sect" through a "covenant" since they desired eternal salvation. Because Christians are commanded to love their enemies and to pray for the emperor, whom they considered divinely appointed though still merely human, they should not be seen as a threat. Then Tertullian made a claim that echoes through the ages: "However, it is a fundamental human right, a privilege of nature, that every man should worship according to his own convictions: one man's religion neither harms nor helps another man. It is assuredly no part of religion to compel religion—to which free-will and not force should lead us—the sacrificial victims even being required of a willing mind. You render no real service to your gods by compelling us to sacrifice."³⁶ Tertullian's appeal for universal religious liberty utilized the concepts of "patience," "the claims of humanity," avoidance of divine judgment, and appreciation for Christian civil virtues.³⁷ Ultimately, Tertullian recognized that only God could be claimed as the Christian's "master." Yet, it is through the witness of Christian martyrs that people are brought to consider the claims of the Christ.

Tertullian established a heavenly outlook and concurrent dichotomy between church and state that was influential in Latin-speaking Christianity, especially in North Africa. They maintained a strict separation between the secular and the sacred, the sinners and the saints, the world and the church. The cross-carrying Christians are spiritually freed even as they are thrown into prison, and martyrdom is actually victory in Christ.³⁸ This otherworldly outlook,

³⁴Geoffrey D. Dunn, *Tertullian*, *The Early Church Fathers* (New York: Routledge, 2004), 40.

³⁵Henry Chadwick, *The Early Church* (New York: Dorset Press, 1967), 26-28.

³⁶Tertullian, *ad Scapula* 2, in *Ante-Nicene Fathers*, vol. 3, ed. Alexander Roberts and James Donaldson (1885; reprint, Peabody, MA: Hendrickson, 1994), 105-8.

³⁷Tertullian, *ad Scapula* 2, 4.

upheld by Cyprian of Carthage, was, however, reversed after the conversion of Emperor Constantine. Constantine recognized that the Christian churches were spreading so quickly that they could never be eradicated. Moreover, he came to see that some form of Christianity might actually serve as the religious glue he felt was needed to hold such a regionally and ethnically diverse empire together. In an epoch-making reversal, he altered the imperial policy toward Christianity from excision to embrace.

The message that Constantine sent to the Christian churches as he summoned the Council of Arles in 314 is telling. “The Highest God” has “committed the government of all earthly things” to him, and he demands unity. “For I shall really fully be able to feel secure and always to hope for prosperity and happiness from the ready kindness of the most mighty God, only when I see all venerating the most Holy God in the proper cult of the catholic religion with harmonious brotherhood of worship.”³⁹ In the name of harmony, Constantine set out to repress the local tendencies of the Christian churches. And in the name of unity, he threw the power of the “Christian” state behind ecumenical uniformity. Thankful for the respite from persecution, and feeding the imperial ego, Eusebius of Caesarea exalted Constantine as the “bishop of externals.” And to Constantine’s call for unity and uniformity, Eusebius added the commission for universality: “Go and make disciples of all nations in my name.”⁴⁰ To achieve universality, there must of course be reconciliation between the sacred church and the secular empire. In the conversion of the empire, Eusebius exulted that Christ had “freed mankind at one stroke both from the polytheism of the influence of the demons and from the polyarchy of different nations.”⁴¹ The Eastern bishops, especially those affiliated with some type of Arianism, convinced Constantine that he was “the universal bishop and earthly manifestation of the Divine Logos,” literally the earthly image of Christ.⁴²

The Donatists, who believed that “universal” meant entire obedience to Christ, were unconvinced. Following Tertullian, they believed that the world and the church were antithetical to one another. But Augustine, the bishop of Hippo, disagreed. Where Tertullian and the Donatists desired a pure, separated church, a holy church, Augustine desired a universal church that was diffused throughout the world. For the Donatists, the church must be pure and cannot be one with the state; for Augustine, the church must be united and the state is the coercive agent to bring that about. When it came to Matthew 13, the Donatists followed Christ and said the field is the world. Augustine modified the interpretation and said the field is the world is the church. The church is *per totum orbem diffusa*, diffused throughout the whole world.⁴³ For the Donatists, unity could be found only in a regenerate

³⁸Dunn, *Tertullian*, 42-43.

³⁹W.H.C. Frend, *Martyrdom and Persecution in the Early Church: A Study of a Conflict from the Maccabees to Donatus* (Oxford: Blackwell, 1965), 543.

⁴⁰Eusebius of Caesarea, *Theophania* 5.49, cited in *ibid.*, 544.

⁴¹Eusebius of Caesarea, *Praeparatio Evangelii* 1.4, cited in *ibid.*, 545.

⁴²*Ibid.*, 546.

church; for Augustine, unity must be realized now and the pure church is only an eschatological reality.

Augustine, usually respectful toward Holy Scripture, evidences a troubling development away from religious liberty and towards a theory of religious persecution. First, he began to take on the mantle of a secular judge, for bishops came to serve as cheap alternatives for the local extension of imperial justice. Then, he began to see that the imperial policy of coercion against the separatist Donatists was bearing apparent fruit. In his letter to the Donatist Vincentius, Augustine admitted that he had once denied religious coercion, but then he saw that it actually seemed to work: “my own town, which although it was once on the side of Donatus, was brought over to the Catholic unity by fear of the imperial edicts.”⁴⁴ On the basis of this experience and out of zeal for Christian ecumenism, he set out to reinterpret Scripture in a coercive manner. Indeed, he argued salvation could be found only in church unity, and although the Donatists were not technically heretics, they were “dissenters,” which is a heresy against unity.⁴⁵ Therefore, it is the duty of Christian magistrates and clergy to compel the separatist Christians to enter the catholic church. “It was our duty to inflict annoyance upon them, in order to prevent them from perishing under the disease.”⁴⁶ Just as the “darkness of error” is dispelled by “the light of truth,” so “the force of fear may at the same time break the bonds of evil custom.”⁴⁷

The Middle Ages

Augustine’s theory of persecution was radicalized during the High Middle Ages. Augustine shied away from the death penalty, but such squeamishness was considered a dereliction of duty by his followers. Thomas Aquinas said heretics “deserve not only to be separated from the Church by excommunication, but also to be shut off from the world by death.”⁴⁸ The medieval Roman church sought the punishment of heretics, including the sects we now know as the free churches, because they considered the social body of the church-state at risk of bodily infection. The metaphor of disease, applied by Augustine to heresy as a social ill, was specifically equated in the 12th Century with leprosy. “Against so insidious an

⁴³R.A. Markus, *Saeculum: History and Society in the Theology of St. Augustine* (New York: Cambridge University Press, 1970), 113n, 120-23.

⁴⁴Augustine, *ad Vincentius* 1, 17.

⁴⁵Augustine, *ad Vincentius* 10.

⁴⁶Augustine, *ad Vincentius* 2.

⁴⁷Augustine, *ad Vincentius* 3. For more extended treatments of Augustine’s theory of persecution, see Geoffrey Grimshaw Willis, *Saint Augustine and the Donatist Controversy* (1950; reprint, Eugene, OR: Wipf & Stock, [n.d.]), 127-43; and, Markus, *Saeculum*, 133-53.

⁴⁸Thomas Aquinas, *Summa Theologia*, IIa-IIae, 10.8, 11.3-4, cited in Perez Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton, NJ: Princeton University Press, 2003), 43.

infection nothing less than fire was effective. . . . If leprosy and heresy were the same disease it was to be expected that their carriers should have the same characteristics.”⁴⁹ And if the same characteristics, then society’s cure lay in the same solution: separation from the unclean one, incinerating everything he had touched. As the caretakers of society, it was the duty of those who pray and those who fight to protect those who work through the social purgation of heresy.

Once the medieval church concluded heresy was a social disease worthy of expurgation, the machinery was developed to ensure its thorough application. The decree *Excommunicamus*, promulgated by the Fourth Lateran Council, condemned all heretics and established a legal basis for their removal. When heretics were discovered they were to be handed over (*relinquantur*) to the civil authorities for punishment. Secular authorities that did not cooperate were also declared heretics and their vassals absolved from obedience. Catholics were granted the same crusading privileges for removing heretics as had been granted for freeing the Holy Land of the infidel Muslims. Preaching licenses were required for those who dared to proclaim publicly. And bishops were required to conduct regular visitations of suspected hotspots of heresy.⁵⁰

Canon lawyers developed the bureaucratic institutions required to detect and prosecute heretics. When they discovered that existing church law might not be effective enough against suspected heretics, they lowered the standards of evidence, dispensed with the need for witnesses, and approved the use of torture to gain a confession.⁵¹ Beginning on the Continent in the 11th Century and arriving in England in the 15th Century, the magistrates made themselves willing collaborators in the prosecution of heresy. In England, the canon lawyers joined with the prelates and the theologians to standardize the documentation of heresy proceedings. The people were put on notice that everyone was a potential heretic. The church court’s role was to help the Christian see his own potential heresy and overcome it. The magistrate’s role was to burn the unrepentant heretic at the stake, as embodied in common law, such as the English Parliament’s 1401 act, *De Heretico Comburendo*.⁵² Christian theologians developed handbooks showing how to inquire after heresy.⁵³ In the hands of a zealot like Thomas of Torquemada, a Dominican friar of Jewish extraction, the machinery of the inquisition proved itself a terror to heretics, even if they were not heretics. Roland

⁴⁹R.I. Moore, *The Formation of a Persecuting Society: Authority and Deviance in Western Europe 950-1250*, 2nd ed. (New York: Blackwell, 2007), 59.

⁵⁰*Excommunicamus*, Lateran IV (1215), in *Decrees of the Ecumenical Councils*, vol. 1, ed. Norman P. Tanner (Washington, DC: Georgetown University Press, 1990), 233-35.

⁵¹James A. Brundage, *Medieval Canon Law* (New York: Longman, 1995), 92-95.

⁵²Ian Forrest, *The Detection of Heresy in Late Medieval England* (New York: Oxford University Press, 2005).

⁵³Bernard Gui, *The Conduct of the Inquisition of Heretical Depravity* (ca. 1323), in *Heresies of the High Middle Ages*, trans. Walter L. Wakefield and Austin P. Evans (New York: Columbia University Press, 1991), 373-445.

Bainton reminds us that inquisitors like Torquemada were neither insincere nor cynical. Rather, they were “passionately sincere fanatics.”⁵⁴

The Reformation

In the 16th Century, under intense pressure from Rome and the Empire, the Magisterial Reformers sometimes argued for religious toleration. However, their understanding of religious toleration was neither universal nor continual, but sporadic and expedient. This can be seen in Martin Luther. On the one hand, he argued against the persecutors of evangelicals: “the burning of heretics is against the will of the Holy Spirit.” On the other hand, he despised the Jews and called upon the magistrate to violently suppress the Radical Reformers. With his approval, Philip Melancthon called for the death penalty for all Anabaptists, whether they were revolutionary or peaceful. Interestingly, like other Reformers, Luther was willing to speak of a right of conscience, but those who err in doctrine have merely the appearance of a conscience. For the Magisterial Reformers, Reformed and Lutheran, the concept of freedom of conscience applied only to those with correct doctrine; a heretic has no claim to conscience.⁵⁵

As alluded above, it was the burning to death of Michael Servetus by the Genevan inquisition led by John Calvin that caused Sebastian Castellio to lobby for religious liberty and freedom of conscience as a principle. We have already reviewed *De Haereticis*, his first response to Calvin’s persecuting theory. In a follow-up manuscript, which remained unpublished until the Arminian Remonstrants began to search for arguments against their Dortian Calvinist persecutors, Castellio again deconstructed Calvin’s faulty exegesis. Reflecting upon Romans 13, Castellio said, “there are those who bear the sword as ministers of God, but to punish malefactors, not to erect the kingdom of Christ.” The magistracy is established by God, but its purpose is distinct from that of the church. The magistrate is intended to restrain evil, while the church promotes good.⁵⁶

Calvin repeated the medieval idea that a heretic is a disease that must be excised from the social body: “Shall the whole body of Christ be mangled that one putrid member remain intact?” Castellio replied, “To kill a man is not to amputate a member. ... When a man is killed as a heretic he is not amputated from the body of Christ, but from the life of the body.”⁵⁷ Calvin concluded in no uncertain terms, “the sword is placed in the hands of the magistrate to protect sound doctrine.”⁵⁸ Castellio concluded that Calvin was crassly using

⁵⁴Roland H. Bainton, *The Travail of Religious Liberty: Nine Biographical Studies* (Philadelphia: Westminster Press, 1951), 52.

⁵⁵Bainton, *The Travail of Religious Liberty*, 21, 64, 119; Zagorin, *How the Idea of Religious Toleration Came to the West*, 75-76.

⁵⁶Castellio, *Contra Libellum Calvini*, cited in *Concerning Heretics*, ed. Bainton, 271.

⁵⁷Ibid., 277.

⁵⁸Ibid., 283.

Scripture to justify his sin. Having heard enough, Castellio exploded words that haunt the defenders of John Calvin, Theodore Beza, and Dortian Calvinism to this day: “To burn a man alive does not defend a doctrine, but slays a man. When the Genevise executed Servetus, they were not defending a doctrine, but sacrificing a man.”⁵⁹

I recently warned Southern Baptist Calvinists to be wary of fully embracing Reformed theology, for Calvin’s deficient anthropology and disobedient doctrine of baptism led Geneva to burn Servetus on two counts: denial of the Trinity, about which Servetus was wrong, and denial of infant baptism, about which Servetus was right.⁶⁰ A Founders Calvinist, in an academic context, responded that appealing to Servetus is a “straw-man argument.” My considered response to that exchange would echo Castellio: Servetus was a human being made of living flesh, not of lifeless straw. Nor was Michael a mere argument; he was a living, breathing human being made in God’s own image. Calvin took the divine image, conducted a show trial, and saw him condemned to death. Then he had the unmitigated gall to defend it with a non-Christological reading of Scripture. Did Calvin, the selective applicator of the old law, ever consider that the penalty for slaying the divine image was applicable to Calvin? Surely, the inventive covenant theologians remember the divine covenant of Genesis 9: “Whoever sheds man’s blood, by man his blood shall be shed; for in the image of God He made man.”

Modernity

The struggle between the persecuting theologians and the freedom theologians continued into the post-Reformation period. In Anglophone historiography, the contribution of the Dutch to the development of modern liberty is often overlooked.⁶¹ Yet, it was in the Netherlands that religious toleration was first written into law with the Union of Utrecht (1579); unfortunately, the Reformed church was concurrently established as the state church. It will be remembered that the Netherlands declared their independence from Spain in the tumultuous years of the late 16th Century. This little nation, a conglomeration of small states, wealthy beyond its size, had substantial numbers of every major religious sect active in the period: Roman Catholics, Lutherans, Reformed, Anabaptists, and Spiritualists. While the

⁵⁹Castellio, *Contra Libellum Calvini*, cited in Zweig, *The Right to Heresy*, 182.

⁶⁰Roland H. Bainton, *Hunted Heretic: The Life and Death of Michael Servetus 1511-1553* (Boston: Beacon Press, 1953), 208. Calvin referred to heretics as “brute beasts:” “But we muzzle dogs, and shall we leave men free to open their mouths as they please? Those who object are like dogs and swine. . . . No human relationship is more than animal unless it be grounded in God.” Bainton, *The Travail of Religious Liberty*, 70.

⁶¹For example, see Bainton, *The Travail of Religious Liberty*. Butterfield sometimes mentions the Dutch development, but prefers to focus upon the French and English context in the early modern period. Herbert Butterfield, “Reflections on Religion and Modern Individualism,” *Journal of the History of Ideas* 22.1 (1961): 33-46; idem, “Toleration in Early Modern Times,” *Journal of the History of Ideas* 38.4 (1977): 573-84; idem, *Christianity in European History* (New York: Oxford University Press, 1951); idem, *Historical Development of the Principle of Toleration in British Life* (London: Epworth Press, 1957).

Reformed were able to fight their way to become the established church, they had great difficulty in forcing their will on the entire populace. They desired comprehension—the inclusion of all citizens within their church—but the Roman Catholics were still the majority, the Anabaptists would never compromise their regenerate churches, and the Spiritualists were opposed to the Reformed doctrine of persecution.

It was due to the courageous stand taken by Dirck Volckertszoon Coornhert that the idea of religious freedom had been written into the treaty of union in the first place. Although the Calvinist enthusiasts in the state church effectively ignored the treaty, and continued to press their agenda of comprehension and coercion, they had to contend with this former aide to William of Orange. Coornhert was nominally a Roman Catholic, but in reality a Christian spiritualist who was also on friendly terms with the Anabaptists and any other Christian group that would tolerate him. When Coornhert read Castellio's books, he found there was "more truth, more fear of God, and more edification in a single page of his ... than in all the books of Calvin and Beza."⁶² Coornhert considered the Reformed arrogant because they assumed their doctrine was perfect, while every other church was in error. Disagreeing, Coornhert believed that all churches err and that the best way to truth is to allow the churches to engage in a free exchange of criticism. He thus appealed for universal religious toleration among Christians and for the freedom of Christian consciences, even when they err. Moreover, Coornhert understood that freedom of religion carried with it the need for freedom of speech and freedom of the press.⁶³ After the death of William the Silent, the Reformed theologians felt free to pursue the despised Coornhert, for he publicly challenged their predestinarian speculations and argued for religious liberty. Chased from city to city, he died in Gouda, harassed but ideologically triumphant.

Jacobus Arminius, a brilliant student of Beza, was assigned the task of refuting Coornhert's criticisms. However, while reading Coornhert, he became convinced that the Reformed system of doctrines did not match Scripture. Arminius then constructed his own theological system in opposition to Calvinism. Under pressure from the strictly Reformed teacher, Franciscus Gomarus, the more tolerant party in the Reformed church filed a Remonstrance against dogmatic predestinarianism. Attempting to build a more comprehensive church, Arminius and the Remonstrants distinguished between the essentials and the nonessentials of the Christian faith, acknowledged human fallibility, and abandoned dogmatism on disputed doctrines within the church. The abandonment of the Calvinist philosophy infuriated the Gomarus radicals and a national synod was convened. Through a series of brilliant political moves surrounding the Synod of Dort, these Calvinists saw the Remonstrant leader, Johan van Oldenbarnevelt, put to death and promulgated their five-headed definition of doctrine. Several Arminian leaders went into exile as a result, including Hugo Grotius and Simon Episcopius, who continued to argue for freedom of conscience.⁶⁴

⁶²Zagorin, *How the Idea of Religious Toleration Came to the West*, 155.

⁶³Henk Bongers, *The Life and Work of Dirck Volkerstszoon Coornhert*, trans. Gerrit Voogt (New York: Rodopi, 2004), 180.

⁶⁴Zagorin, *How the Idea of Religion Came to the West*, 164-78.

The struggle in the Netherlands continued well into the 17th Century, without a final victory being won by the Reformed in their zealous pursuit of forced comprehension. Similar attempts by the persecuting churches to dominate nations resulted in a Roman Catholic victory in France but only a temporary Reformed hegemony in England. Providentially, the persecuting churches were never able to triumph fully in England. Indeed, it is out of the failure of any one party to dominate everywhere that the modern nations ultimately accepted religious toleration. At first, the parties were exhausted and could not continue their efforts; eventually, some discovered religious toleration, and then full religious liberty, might be the preferable form of civilization. Butterfield argues, “It was perhaps good for the world that Jesuit and Calvinist failed to annihilate one another and that under the cover of their conflicts the sects were able to multiply.”⁶⁵ The relative toleration of Holland provided a context for both the American Pilgrim Fathers and the first English Baptists to pursue the will of Christ. Unfortunately, the Pilgrim Fathers emulated the persecuting theory of the Dutch Reformed, but the English Baptists pursued the freedom theology of the non-Reformed. The story of the conflict between these two communities and the eventual triumph of freedom theology in both England and America has been and will be rehearsed elsewhere.

CURRENT CHALLENGES TO THE EXERCISE OF RELIGIOUS LIBERTY

Well, this is our history. We Christians have not always been the most faithful people in taking up our crosses and following Christ. But sometimes, some have, and to them we owe a great debt of gratitude. And yet, we cannot rest upon the advances gained in the past. We must be ever vigilant in our advocacy of religious liberty. There are three major challenges that currently face those who desire to maintain religious liberty. These challenges may be summarily described as the challenge of free church amnesia, the challenge of left wing enthusiasm, and the challenge of right wing enthusiasm.

The Challenge of Free Church Amnesia

Let us not forget the truth of progressive revelation, specifically that Christians must follow Christ’s own method of interpreting Scripture. Allow me to propose this rule as necessary for proper Christian hermeneutics: Positively, we may say that the Christian interpretation of Scripture, including the Old Testament and the New Testament, is necessarily Christological. Negatively, we may say that Christians who interpret Scripture apart from Christ commit a fundamental error, for non-Christological interpretation is simply not Christian interpretation. Our Lord is the fulfillment of the Old Testament law, and He holds a more righteous standard than that provided by Jewish hermeneutic (Matt. 5:17-20) or any other hermeneutic. Our Lord taught the early church that it should interpret the Scriptures as “the things concerning Himself” (Luke 24:27). The law is but the “copy and shadow” of that which is “heavenly,” for Jesus Christ is the “Mediator of a better covenant, which was established on better promises” (Hebrews 8:5-6). When the free churches, especially Baptists, forget this basic truth, they are forsaking their own heritage and selling it for a mess of unsatisfying pottage. When the free churches forget this basic truth, they are liable to succumb to the Constantinian fiction of the universal church, to the Augustinian conflation of the church and the world, and to the Roman and Reformed horror of the

⁶⁵Butterfield, *Christianity in European History*, 35.

persecuting church. Let Baptists remember that we are New Testament Christians because we learned to read Scripture Christologically.⁶⁶

The Challenge of Left Wing Enthusiasm

Western liberals treasure the freedoms of religion, assembly, press, and speech that they enjoy. Unfortunately, in their enthusiastic rush to preserve and continually expand their libertarianism, they sometimes forget and often outright deny that their doctrines of liberty developed out of a specifically Christian context by Christian theologians. Thus, when some liberals hear that Christians object to such moral travesties as homosexual marriage, the abortion of human beings, and the risks of a family-hostile educational system, they immediately perceive an attack on the judicial doctrine of the separation of church and state. What they fail to remember is that their freedoms come to them only within the context of active Christian involvement, especially free church involvement. Perez Zagorin, noted historian of early modern political theory, claims that in spite of the loving and nonviolent ways of Christ Himself, “Of all the great world religions past and present, Christianity has been the most intolerant.” However, he also concluded in his recent study that modern theories of toleration were not developed by intellectuals “inclined to religious indifference or unbelief;” rather, they were “the work of profoundly Christian if also unorthodox thinkers.”⁶⁷ Sir Herbert Butterfield, noted historiographer and Cambridge Vice-Chancellor, agreed that religious liberty is grounded in religion itself.⁶⁸ But following Lord Acton, he also takes this claim one step further: religious freedom is the very basis of all the other individual freedoms that we currently enjoy.⁶⁹ It would behoove the secular left to consider carefully that some of the very Christian “fundamentalists” that they fear the most in our society were actually instrumental in the development of modern concepts of toleration.⁷⁰ Michael Walzer, a Jewish liberal Princeton professor of social science, understands this well enough

⁶⁶For a fuller treatment of fundamental free church hermeneutics, which rests upon the ground principles of Christocentrism, the coinherence of the Word and the Spirit, the maintenance of the biblical order, and the believers’ church, see Malcolm B. Yarnell III, *The Formation of Christian Doctrine* (Nashville: Broadman & Holman, 2007), chapter 3.

⁶⁷Zagorin, *How the Idea of Religious Toleration Came to the West*, 1, 9. Cf. Bonger, *The Life and Work of Dirck Volkertszoon Coornbert*, 175-76.

⁶⁸Butterfield, *Historical Development of the Principle of Toleration in British Life*, 9.

⁶⁹Butterfield, “Religion and Modern Individualism,” 35.

⁷⁰The term “fundamentalist” has unfortunately been transformed by its equation, not only with its peaceful Christian moorings, but its subsequent affiliation with radical Islam. Malise Ruthven, *Fundamentalism: The Search for Meaning* (New York: Oxford University Press, 2004). Islam, an essentially civil religion, seems to have no real concept of religious liberty. Emir F. Caner, “Fantasy or Possibility: Can Religious Liberty Be Created in Islamic Countries?” in *First Freedom*, ed. White et al, 155-70.

to argue that the origins of modern toleration within Protestant sectarianism should be appreciated and taught in the public schools.⁷¹

The Challenge of Right Wing Enthusiasm

As a teacher, I regularly encounter young students who express a zeal for Christ similar to a convert in nineteenth-century England. When this pugilistic drunk was gloriously converted, the evangelist had to instruct this new Christian that one does not beat Christ into the lost. Love does not allow a large enthusiastic Christian to sit on a small pagan until he surrenders his heart to Jesus Christ as personal Lord and Savior. Many Christians, who have been impacted by the teaching of Presbyterian D. James Kennedy, among others, assume that our nation was founded as a Christian nation, and that we must uphold the Judeo-Christian basis of our laws. In one sense, we may agree, for when a nation forsakes divine law, as revealed both through natural law and through biblical (Judeo-Christian) law, in the establishment of its civil laws, it invites divine judgment.⁷² On the other hand, our free church forefathers suffered under the enthusiastic efforts of Puritans and Anglicans attempting the comprehension of all citizens within their own state church. Roger Williams was not always a faithful Baptist, but his *The Bloody Tenent of Persecution* is a must read for every Baptist who wants to know how bad this land was when some wished to establish a “Christian nation.” Also, let us not forget that Williams’s passionate plea for religious liberty for Baptists was publicly condemned by a gaggle of 52 Presbyterian ministers as an example of heresy and blasphemy.⁷³ The United States was established as a nation under profound Christian influence, but never has been, is not now, and never will be a Christian nation. That true Christian nation, the glorious city, the city of God, the New Jerusalem, has not yet been established by the return of our Lord Jesus Christ (Rev. 21:10-11). We still look for that city whose foundation and builder is God (Heb. 11:10). We are not a Christian nation, but a nation that includes Christians of various communions alongside various non-Christians, and we should be careful to maintain the distinction. Our goal is not to establish the Kingdom of Heaven on earth by establishing law through the state, but to spread the Kingdom of Heaven among the nations by biblical proclamation through the church (Matt. 28:18-20)

⁷¹Michael Walzer, *On Toleration* (New Haven, CN: Yale University Press, 1997), 66-71, 93-112.

⁷²On the relationship of natural law with religious liberty, see Craig Mitchell, “Natural Law and Religious Liberty,” in *First Freedom*, ed. White et al, 111-24.

⁷³Roger Williams, *The Bloody Tenent of Persecution, for cause of Conscience, discussed, in A Conference betweene Truth and Peace* (London, 1644); Bainton, *The Travail of Religious Liberty*, 208-28; Zagorin, *How the Idea of Religious Toleration Came to the West*, 196-213.