The History of Religious Freedom in the West From Ancient Athens to the 17th Century



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Abstract

This paper presents the history of religious freedom and freedom of speech in Europe from Athens around 400 BC through pagan and Christian Rome, and the Middle Ages, to early modernity in the 16th and 17th centuries, ending with the American east cost around 1.700 AD. Despite the insistence of Enlightenment thinkers, there was more freedom in Rome than in Athens, and it was the pagan emperors who undermined Roman freedom. Unfortunately, Christian emperors followed their lead. In the 16th century it was the radical more so than the magisterial reformers who argued for tolerance. In the 17th century, John Locke and others completed the intellectual fight for freedom.

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democracy, freedom of religion, freedom of speech, intolerance, persecution, tolerance

Keywords (Danish)
demokrati, forfølgelse, intolerance, religionsfrihed, tolerance, ytringsfrihed

Introduction

The most important part of religious freedom is the freedom of expression. Freedom of thought without freedom of expression is not worth very much. We need to be allowed to preach, teach, and publish our views for religious freedom to have any practical meaning. The same can be said about political, ethical, and cultural views or feelings in general. By definition, human beings are social and verbal. To be fully human we need to interact with each other. We need to verbalize who we are and what we feel or believe to be true. Unfortunately, very often such freedom of expression has been suppressed by political or religious leaders. We see this in the modern world no less than in antiquity. Nevertheless, for about 400 years we have seen freedom of expression being developed and defended, especially in the West. But how did we get to where we are now?

Beginning with ideas of freedom in ancient Greece and Rome we will continue through early Christianity, the late medieval and Reformation times, ending with the 17th century. Roland Bainton concludes that although "liberty was far from won in the seventeenth […] Nevertheless, the essential struggle" for freedom was concentrated in the 16th and 17th centuries (Bainton 1951, 15). The purpose of this paper is historical: to show the development of an idea. But its deeper intention is to substantiate and defend freedom of expression for the future.

Athenian and Roman Democracy

Since the early renaissance in the 14th century and especially since the Enlightenment in the 17th century Athenian democracy and freedom of thought have been idealized in the West. But in fact, the understanding of freedom in the Roman republic will serve freedom of expression and democracy better than the Athenian ideas (Berg 2012, 15-19).

In ancient Athens, adult, free men had democratic rights, whereas women, foreigners, and slaves did not. These rights had two aspects: **1.** Political right meant that free, male citizens participated in governing the city. **2.** Personal freedom (ἐλευθερία) meant that adult, male citizens could live almost as they wanted without interference from others. Basic to both aspects was freedom of speech (ἐλεύθερος λέγειν) which meant the right to speak your mind in public. Comparing his city with dictatorship in Sparta, the Athenian statesman *Demosthenes* (384-322 BC) was proud to say that "at Sparta one could not praise the laws of Athens or any other state, whereas at Athens one could praise whatever laws one liked" (Balot 2004, 234).

There is, however, an important catch to this: Athenian democracy was egalitarian or anti-hierarchical. There was no government to be afraid of since all male citizens joined in governing the city. Freedom was not so much a negative *freedom from* government as it was a positive *freedom to* participate in government. Freedom meant being a citizen and not a slave. Male citizens were free to defend the egalitarian democracy of Athens. Freedom was not an individual right but a goal: the free society, which all citizens should seek and protect by open and frank conversation: *parrhêsia* (παρρησία). The trial of *Socrates* (469-399 BC) reveals that he was not free to say just anything. He was condemned to death for corrupting the youth and for introducing new gods (Baudy 2006, 105). Since the Enlightenment, the fate of Socrates has been seen as an exception, an aberration from

normal, Athenian democracy. Recent explanations, however, have pointed to the inseparability of religion and politics in Athens. According to Chris Berg: "Athens was not just a city of men but a city of gods and men […] Socrates' gods were personal gods, not collective gods. They were a power outside the regulatory control of the people" (Berg 2012, 11). This was seen as a menace to democracy. Besides, free speech in Athens was egalitarian speech. Socrates' constant use of irony and rhetorical skill was contrary to the Athenian understanding of freedom. He was deemed deceptive and manipulating. He was embarrassing his interlocutors, not treating them as equals, they felt. He undermined the brotherhood of Athenian men. In the words of Chris Berg: "*Parrhêsia* was […] an obligation all citizens had to the community. Rather than being frank, as the principle of *parrhêsia* demanded, Socrates was obscure" (Berg 2012, 221). So he had to be executed.

In Rome during the republic, freedom (*libertas*) included an almost unlimited freedom of speech. As in Athens, it was a right only held by adult, male citizens. But unlike Athens, Rome's social structure was hierarchical, less egalitarian. Romans were free, to some degree equal, but not really a brotherhood. Since the early days of the republic there had been a power struggle between common people, the plebeians, and noblemen, the patricians. The economic and social distance between these two groups continued. Therefore, the plebeians again and again had to fight for their rights. Stefan Chrissanthos gives us the two basic rights of Roman citizens which plebeians continually had to fight for: **1.** "the right to vote on legislation, on important decisions, and in city elections" and **2.** the *libertas* that "bestowed freedom of speech on Roman citizens" (Chrissanthos 2004, 343). Since Roman politicians needed popular support to be elected, regularly they arranged public meetings (*contiones*) where they reminded the plebeians to stand up for their hard-won rights. On these meetings almost anything could be said. Chrissanthos explains: "There were no state censors, in the modern sense of the word, who would restrict public utterances or publications […] there were apparently no frequently used 'libel' laws in the Roman state […] Romans could say almost anything about their fellow citizens practically without fear of legal retribution" (Chrissanthos 2004, 344). Even in the army, soldiers with Roman citizenship had the right to speak up against the strategy of their commander, against their poor salary, or on any other subject. In his *Gallic War*, *Julius Caesar* (100-44 BC) relates how on occasions his officers (*centurionibus*) were reluctant to follow him in battle until he would call a meeting (*consilio*) and explain his reasons (1,40). He blamed them for questioning his decision. Nevertheless, he did answer their questions. That changed the atmosphere completely (1,41; Caesar 2006, 60-67). Frederick Cramer says: "With his proverbial *clementia* Julius Caesar up to his death tolerated even the most venomous attacks against him, as if he were merely a plain citizen" (Cramer 1945, 159). On other occasions, officers arranged *contiones* to gather support among private soldiers against the strategy of their commander (Chrissanthos 2004, 355-358; 363-364). Chrissanthos reflects: "This might help explain why soldiers were rarely recruited from Rome" (Chrissanthos 2004, 350). Most of the soldiers in Caesar's army came from Northern Italy. They were Roman citizens but being poor and rural they may not have had much knowledge about political heritage. They did not complain or ask questions.

The Roman empire was multicultural and multiethnic. Nevertheless, or perhaps even for this reason, "pagan Rome was a relatively tolerant society" (Berg 2012, 27; Ando 1996, 175-176). Its polytheism

had no problem accommodating new gods. There were few religious tensions. Even monotheistic "Jews were tolerated upon payment of an extra tax" (Berg 2012, 29). But after the Gallic Wars (58-50 BC) with Julius Caesar's rise to dictatorship, crossing the Rubicon in 49 BC, prohibitions against select societies became a tool for state control with subversive elements. These prohibitions became numerous during the reign of *Augustus* (31 BC – 14 AD) and especially during the reign of *Tiberius* (14-37 AD) who said: "Let them hate as long as they approve!" *Caligula* (37-41) changed that to: "Let them hate as long as they fear!"[1] Chris Berg sums up: "Once Augustus was dead, the liberty to speak declined rapidly" (Berg 2012, 20). The intention was to curb political opposition, not to restrict religious freedom. Nevertheless, as Dorothea Baudy explains, the new laws "generated severe consequences in the history of religion" (Baudy 2006, 107). Almost all clubs, societies, guilds of craftsmen, fire brigades etc. had a religious side to them. Their meetings included collective worship of different gods. Distinguishing between religious and other groups, therefore, was almost impossible. Under the Caesars, forming new and unauthorized groups became high treason (*crimen laesae maiestatis*). Consequently, the charge against Christians was that they formed illegal societies (*collegia illicita*; Baudy 2006, 109; Frend 2006, 503-507). From the start, Christianity was an illicit religion. The reason was not, that new religious ideas were illegal – Roman officials regarded Christian faith as foolishness (*amentia*) and superstition (*superstitio*) – but because its adherents formed private groups. That was considered politically dangerous. In 294 AD *Diocletian* also prohibited ancient and popular astrology. His reasons were not religious, but if the stars predicted the imminent death of the emperor that might give political opportunists occasion to form a rebellion.

Christian Rome

In many ways then, there was more freedom of speech in the republic than under the emperors. This situation continued under the Christian emperors. Since the Enlightenment it has become a standard story that the tolerant and multicultural Rome was destroyed by Christian emperors in the 4th century. Chris Berg replies: "Liberal Rome died three centuries earlier, as the Republic died […] Under the empire, the maintenance of state power was given priority over Republican principles" (Berg 2012, 30-31).[2] *Constantine the Great* (306-337) in 324 issued a letter against polytheism in which, nevertheless, he declared that he did not support or sanction attacks on pagan temples. Bishop and historian, *Eusebius* (c.265-c.339), urged the emperor to ban paganism altogether (Ando 1996, 177). But instead, Constantine created a coalition of irenic Christians and pagans that, in the words of Harold Drake, "believed there was sufficient common ground for them to coexist comfortably" (Drake 1996, 22; Berg 2012, 35-36). In 311 *The edict of Toleration* officially ended Diocletian's persecution of Christians. In 313 *The edict of Milan* decided that "Christians and all others should have liberty to follow that mode of religion which to each of them appeared best […] the open and free exercise of their respective religions is granted to all others, as well as to the Christians. For it befits the well-ordered state and the tranquility of our times that each individual be allowed, according

[1] Cramer 1945, 164: "Oderint, dum probent! […] Oderint, dum metuant!"
[2] On the problematic interpretation by the Enlightenment tradition, see Drake 1996.

to his own choice, to worship the Divinity."[3] The intention seems to have been a complete freedom of worship. But Licinius was not thinking of a natural or God-given right of freedom but of tolerance or "the indulgence which we have granted in matters of religion." It was not God but Licinius who granted freedom of religion. He also decided that places of worship were to be returned to the Christians i.e., to their "bodies and congregations" (MPL 7,270,4: *corpori et conventiculi*). Here, the Christians were acknowledged not just as individuals but as a church, a society within the state!

One of the advisors to the emperor was the Christian professor of rhetoric in Nicomedia, *Lactantius* (c.250-c.325). In his *Divine Institutes* 5.20 he concurred in the emperor's tolerant politics: "There is no occasion for violence and injury, for religion cannot be imposed by force [*religio cogi non potest*]; the matter must be carried on by words rather than by blows, that the will may be affected […] We are prepared to hear, if they teach […] Let them imitate us in setting forth the system of the whole matter: for we do not entice, as they say; but we teach, we prove, we show. And thus no one is detained by us against his will, for he is unserviceable to God who is destitute of faith and devotedness […] Let them teach in this manner, if they have any confidence in the truth; let them speak, let them give utterance; let them venture, I say, to discuss with us something of this nature; and then assuredly their error and folly will be ridiculed by the old women, whom they despise, and by our boys" (Lactantius 2004a, 156. MPL 6,614. Hartog 2012).[4] Pagans ridiculed the Christians for being simply 'old women and boys'. With Lactantius we have an early Christian voice in favour of religious freedom and toleration.

Tertullian (c.155-c.220) is an even earlier voice. In *The Apology* 28-29 he says: The pagans have been led by "evil spirits to compel us to offer sacrifice [… But] it should be counted quite absurd for one man to compel another to do honour to the gods." Tertullian adds: "I refer to what you know well enough" (Tertullian 2004a, 41. MPL 1,435-440).[5] The Latin original says: "quod in conscientia vestra est" (MPL 1,438,10-11). All humans have an inborn testimony of these things, called 'the conscience' (*conscientia*): Honour to the gods should always be offered voluntarily. In his *Apology* 24, Tertullian warns: "See that you do not give a further ground for the charge of irreligion, by taking away religious liberty [*libertatem religionis*], and forbidding free choice of deity, so that I may no longer worship according to my inclination but am compelled to worship against it. Not even a human being would care to have unwilling homage rendered him; and so the very Egyptians have been permitted the legal use of their ridiculous superstition, liberty to make gods of birds and beasts […] we alone are

[3] Versions of these two edicts are found in Lactantius 2004b, 320 (chapters 34-35 and 48). They can also be read at CHURCH FATHERS: Of the Manner in Which the Persecutors Died (Lactantius) (newadvent.org); accessed May 6, 2023. In the Latin version the edict is called one of the *Litteræ Licinii*. For the quotations in Latin, MPL 7,267-269. Wilken 2019, 22 comments on the latter edict: "During the summer [of 313], Licinius sent letters to provincial governors in the East granting Christians rights they already had in the West and restoring their property. The letter has been called the Edict of Milan, but the term is a misnomer. It was a letter, not an edict, and it was posted from cities in the East, notably Nicomedia, the residence of the emperor [Licinius], not from Milan. Like other official correspondence, it was written in the name of both emperors [Licinius and Constantine], though its inspiration came from Constantine and its ideas from Lactantius."

[4] Lactantius 2004a can also be read at CHURCH FATHERS: Divine Institutes, Book V (Lactantius) (newadvent.org); accessed May 6, 2023.

[5] Tertullian 2004a can also be read at CHURCH FATHERS: Apology (Tertullian) (newadvent.org); accessed May 6, 2023.

prevented having a religion of our own" (Tertullian 2004a, 39. MPL 1,418-421).[6] Robert Wilken comments: "Tertullian is the first in the history of Western civilization to use the phrase 'freedom of religion'" (Wilken 2019, 11; 18).

In his letter, section 2, to the Roman proconsul in Carthage, *Scapula Tertullus*, Tertullian wrote in 212: "We are worshippers of one God, of whose existence and character Nature teaches all men […] You think that others, too, are gods, whom we know to be devils. However, it is a fundamental human right, a privilege of nature [*humani juris et naturalis potestatis est unicuique*], that every man should worship according to his own convictions: one man's religion neither harms nor helps another man [*nec alii obest aut prodest, alterius religio*]. It is assuredly no part of religion to compel religion – to which free-will [*sponte*] and not force should lead us […] A Christian is enemy to none, least of all the Emperor of Rome, whom he knows to be appointed by his God, and so cannot but love and honour […] We therefore sacrifice for the emperor's safety, but to our God and his, and after the manner God has enjoined, in simple prayer. For God, Creator of the universe, has no need of odours or of blood. These things are the food of devils" (Tertullian 2004b, 105-106. MPL 1,699-700).[7] Here, Tertullian seems to be talking about freedom as a natural and God-given right, not simply the tolerance or indulgence of the emperor. Besides, Tertullian reminds Scapula that Christians do not revenge themselves, since they expect vengeance to come from God at the day of His choosing. Why can't pagans do the same? Well, one of the reasons was that Christians were blamed for whatever natural disaster would visit the world. In *The Apology* 40 Tertullian sums up: "If the Tiber rises as high as the city walls, if the Nile does not send its waters up over the fields, if the heavens give no rain, if there is an earthquake, if there is a famine or pestilence, straightway the cry is, 'Away with the Christians to the lion!'" (Tertullian 2004a, 47. Frend 2006, 511-513).[8]

Harold Drake concludes on pre-Constantinian Christianity that it was exclusive and even intolerant but "in the non-coercive sense" (Drake 1996, 9). They tried to navigate between two Biblical admonitions: "Love your enemies" (Matt. 5:44) and "Expel the wicked man from among you" (1 Cor. 5:13). Since it was God's responsibility to judge those outside the church, it was easier for Christians to associate with pagans than with sub-Christian heretics. Dissonant voices had to be silenced *in* the church, not so outside of the church.

As we have seen, it was Julius Caesar, Augustus, Tiberius, and their pagan successors rather than Constantine and his Christian successors who abolished freedom of speech in the Roman state. The horrible persecution of Christians under the emperors *Decius* (249-251) and *Diocletian* (284-305) was not repeated on pagans by early Christian emperors. It must be admitted though, that later emperors like *Valentinian 2.* (375-392), *Theodosius 1.* (379-395), and *Honorius* (395-423) did restrict the freedom of pagan believers, eventually banning all other religion than Christianity. Constantine,

[6] As we have seen, some of the pagan emperors did not mind unwilling homage "as long as they fear."
[7] Tertullian 2004b can also be read at CHURCH FATHERS: To Scapula (Tertullian) (newadvent.org); accessed May 6, 2023. On www.newadvent.org the date of Scapula's proconsulship is given as AD 217. The correct date is probably 211-212 (Barnes 1986, 202-203).
[8] MPL 1,480,2: "Christianos ad leonem."

however, directed his rhetoric and politics not against pagans but against Christian heretics, confiscating their meeting-houses and encouraging them to join the Catholic church (Drake 1996, 29-30).

Like his father *Constantius 2.* (337-361) ruled his empire from the city of Constantinople. But in 357 he visited Rome. There he admired the pagan shrines and temples, and he spent money on pagan ceremonies and games. Michele Salzman explains: "Christian emperors through the mid-fourth century […] focused on and restricted or prohibited the most offensive element of these cults, namely animal sacrifice, but continued to support and fund the pagan holidays, ceremonies, and games associated with the Roman state cults" (Salzman 2007, 112). Public games and ceremonies (*ludi et circenses*) were desacralized into amusements (Salzman 2007, 117). Participation in these activities replaced sacrifices as a means of demonstrating civic loyalty (Drake 1996, 33). It was easier for Christians to show their loyalty to the state in this way than by sacrifices, although Augustine and others were outraged by fellow Christians going to the theaters on what the bishops called "the festivals of Babylon" (Salzman 2007, 122. Markus 1990, 107-121).

In the same year at which Constantius admired Roman temples (357), he issued a law prohibiting the consultation of *haruspices* who were searching animal entrails, as well as astrologers, soothsayers, augurs, seers, and magicians. "Transgressors were threatened with death by the sword" (The Theodosian Code 9.16.4-6, in: Pharr 1952, 237-238. Baudy 2006, 111). It is not clear whether his reasons were religious or political like Diocletian's ban on astrology. They were probably both. Constantine had already forbidden *haruspices* to do their liver search and other divinations in private homes. They could only do so in public. The penalty for not complying with this law was severe: "That soothsayer shall be burned alive who approaches the home of another, and the person who has summoned him by persuasion or rewards shall be exiled to an island after the confiscation of his property" (The Theodosian Code 9.16.1, in: Pharr 1952, 237. Baudy 2006, 110). Paganism and divinations were not outlawed, though. They were simply restricted to public spaces.

In 380 the co-emperors Gratian, Theodosius, and Valentinian prescribed: "It is Our will that all the peoples who are ruled by the administration of our Clemency shall practice that religion which the divine Peter the Apostle transmitted to the Romans […] we shall believe in the single Deity of the Father, the Son, and the Holy Spirit, under the concept of equal majesty and of the Holy Trinity" (The Theodosian Code 16.1.2, in: Pharr 1952, 440). From now on all Romans must be Nicene Christians. This new law was not easily enforced, though. There were still many pagans. But twelve years later, in 392, Theodosius prohibited "all pagan rites and ceremonies, private as well as public." If anyone is caught sacrificing an animal or searching its entrails, he is "guilty of high treason" (The Theodosian Code 16.10.12.1, in: Pharr 1952, 473. Salzman 2007, 120; Baudy 2006, 112; Wilken 2019, 27).

The pagan philosopher, *Themistius* (317-c.388), argued for tolerance in a way that seems quite modern, but he did so in vain. In an oration addressed to *Jovian* (363-364), the philosopher reminded the Christian emperor: "It seems that you alone are not aware that a king cannot compel his subjects in everything, but that there are some matters which have escaped compulsion and are superior to

threat and injunction, for example the whole question of virtue, and, above all, reverence for the divine […] the impulse of the soul is unconstrained, and is both autonomous and voluntary […It is impossible] to be pious and godloving out of fear of human laws." God Himself "lets the manner of worship depend on individual inclination. He who applies compulsion removes the license which God allowed" (*Oration* 5.67 b-68 a, in: Themistius 2001, 166-167. Berg 2012, 31-34). Our bodies may be forced or killed, our souls however, will escape carrying its freedom with it. Themistius continued: "It is as if all the competitors in a race are hastening towards the same Judge but not all on the same course, some going by this route others by that […] while there exists only one Judge, mighty and true, there is no one road leading to Him" (*Oration* 5.68 d, in: Themistius 2001, 168). Themistius saw evidence for this in "the variety of traditions in contemporary Christianity" (Ando 1996, 179; Chadwick 1998, 599). The Christians condemned each other for teaching either *homooúsios* or *homoíousios*, and a single or a triple *hypostasis* in God. Even Christians sought God by many roads, he concluded.

The pagan world of the fourth century tended towards monotheism, worshipping "the supreme god, of whom all the others are aspects" (Salzman 2007, 114). Some worshipped the sun, others a remote and ineffable deity (*summus deus*) above all the lesser gods or spirits (*dii minores*; Ando 1996, 187-188). Pagan intellectuals did not see any reason to fight over the precise relationship between divine persons or spirits. But Nicene Christians, having already rejected Arianism, could not accept a nontrinitarian understanding of the divine. Soon it would be impossible for them to tolerate nontrinitarian religion anywhere in the state. Almost from the moment emperor *Justinian* (527-565) came to power brutal persecution befell all other religious groups than Nicene Christians. Clifford Ando calls it a "matter of some irony […] that the persecution of pagans forced them to act like Pliny's Christians and worship together in secret meetings" (Ando 1996, 199; Berg 2012, 28-29; 38). Traditional paganism was disappearing from (the surface of) the Roman empire.

The Arian Ostrogoths who ruled Northern Italy around 500 AD allowed Catholics and Jews to live and to worship peacefully. When the Jewish community in Genoa wanted to rebuild their synagogue, king *Theodoric* (455-526) wrote to the Senate in Rome that it should be allowed: "We cannot command in religious matters, for no man is to be compelled against his will to believe."[9]

In 357 the Altar of Victory (*Ara Victoriae*) was removed from the Roman senate. At this statue of the goddess *Victoria* Roman senators burned incense, offered prayers, and took their oaths. The statue, thus, was an important link between state and religion in Rome. It was reinstalled by emperor *Julian the Apostate* (361-363), but in 382 it was removed again by *Gratian* (367-383). In 384 the pagan senator and urban prefect, *Symmachus* (c.345-402) wrote a letter to the young emperor *Valentinian 2.* (375-392; born 371) pleading for tolerance and for the return of the altar: "We ask for peace for the gods of our fathers, for the gods of our native land. It is reasonable that whatever each of us worship is really to be considered one and the same. We gaze up at the same stars, the sky covers us all, the same universe compasses us. What does it matter what practical system we adopt in our search

[9] Latin text: "Religionem imperare non possumus, quia nemo cogitur ut credit invitus", quoted from Wilken 2019, 95.

for the truth? Not by one avenue only can we arrive at so tremendous a secret" (*Relatio* 3.10, in: Symmachus 1973, 41. Salzman 2007, 122; Ando 1996, 188; Haverling 2011, 215-261).[10] Symmachus believed all religions to be versions of the same faith in the divine. He reminded the emperor that the Roman gods had protected the city against its enemies. Specifically, he mentioned the war against *Hannibal* (247-c.183 BC).

The bishop of Milan, *Ambrose* (c.340-397) wrote two letters to the emperor, replying that it was intolerable for Christian senators to have pagan senators sacrifice in their presence (*Letter* 17.9 and 17.16, in: Ambrose 1979, 412; 414).[11] Aimed at Symmachus, he said that we Christians are simply doing to you pagans what you have done to us: "Has any heathen Emperor raised an altar to Christ? While they demand the restauration of things which have been, by their own example they show us how great reverence Christian Emperors ought to pay to the religion which they follow" (*Letter* 18.10, in: Ambrose 1979, 418).[12] When Symmachus calls truth a tremendous secret (*tam grande secretum*), Ambrose replies: "What you know not, that we know by the voice of God" (*Letter* 18.8, in: Ambrose 1979, 418).[13] He also rejects Symmachus' historical arguments: Hannibal worshipped the same gods as the Romans. Why then, did they not help him conquer Rome (*Letter* 18.4-7)? Ambrose does not call for a ban on paganism: "You do not compel a man against his will to worship what he dislikes […] everyone ought freely to defend and maintain the faith and purpose of his own mind" (*Letter* 17.7, in: Ambrose 1979, 412).[14] But the bishop warns the Christian emperor that he would be excommunicated if he were to fund the worship of idols (*Letter* 17.13, in: Ambrose 1979, 413).[15] Referring to Ambrose's Letter 17.8 Clifford Ando seems to overstate the bishop's position: "a vote for religious tolerance was equivalent to apostacy" (Ando 1996, 190). Ambrose's letter simply reads: "Whoever advises this, and whoever decrees it, sacrifices" (*Letter* 17.8, in: Ambrose 1979, 412).[16] He seems to accept pagan worship, though not in the presence of Christians, and he does not accept any kind of involvement in pagan worship by Christians. If the emperor would fund the reinstalment of the *Ara Victorae* he would involve himself in pagan worship. Ambrose warns: "We cannt take up a share of the errors of others" (*Letter* 17.14, in: Ambrose 1979, 413).[17] He is probably alluding to 1 Tim. 5:22. Despite several applications to the emperor by Symmachus the altar was never reinstalled in the senate.

[10] Symmachus' text can also be read in NPNF (2), 10,414-417 and at https://www.tertullian.org/fathers/ambrose_letters_02_letters11_20.htm#Memorial; accessed May 6, 2023. Symmachus' Latin text is found in MPL 16,1007-1012.
[11] Ambrose's Letter 17 can also be read at https://www.tertullian.org/fathers/ambrose_letters_02_letters11_20.htm#Letter17; accessed May 6, 2023. Ambrose's Latin text is found in MPL 16,1003-1006.
[12] Ambrose's Letter 18 can also be read at https://www.tertullian.org/fathers/ambrose_letters_02_letters11_20.htm#Letter18; accessed May 6, 2023. Ambrose's Latin text is found in MPL 16,1016,7: "Numquid imperator gentilis aram Christo levavit?"
[13] MPL 16,1015,25-26: "Quod vos ignoratis, id nos Dei voce cognovimus."
[14] MPL 16,1003,20: "Invitum non cogitis colere, quod nolit."
[15] MPL 16,1005. Cf. *Letter* 57.2, in: Ambrose 1979, 453. MPL 16,1225.
[16] MPL 16,1003,29-30: "Quisquis hoc suadet, sacrificat, et quisquis hoc statuit."
[17] MPL 16,1005,28-29: "Alieni erroris societatem suscipere non possumus."

Ambrose reacted the same way toward Christian dissenters: Emperor Gratian had accepted that non-Nicene Christians kept a basilica in Milan, but Ambrose reclaimed it for Nicene Christians (Salzman 2007, 122-123; Chadwick 1998, 581-582).

Augustine of Hippo

Bishop *Augustine* (354-430) of Hippo went even further. In the words of Chris Berg: "He developed the original theory of Christian persecution" (Berg 2012, 36). In his younger days, though, Augustine supported the idea of toleration. In a letter to Eusebius in 396 he wrote: "My desire is, not that any one should against his will be coerced into the Catholic communion, but that to all who are in error the truth may be openly declared, and being by God's help clearly exhibited through my ministry, may so commend itself as to make them embrace and follow it" (*Letter* 34.1, in: Augustine 1979a, 262. MPL 33,132).[18] In an early work against the Donatists that, unfortunately, is lost Augustine said: "I am displeased that schismatics are violently coerced to communion by the force of any secular power" (Augustine 1968, 129 (book 2, chapter 5). MPL 32,632). In a letter to Vincentius in 408 however, Augustine explains why he has changed his views: "Originally my opinion was, that no one should be coerced into the unity of Christ, that we must act only by words, fight only by arguments, and prevail by force of reason, lest we should have those whom we knew as avowed heretics feigning themselves to be Catholics" (*Letter* 93.17, in: Augustine 1979a, 388. MPL 33,329-330).[19] But now, he does not see things that way anymore. Among other biblical references he reminds Vincentius of Jesus' words: "Whomsoever you shall find, compel them to come in" (Luke 14:23). The Vulgate reads: *conpelle intrare*. Augustine continues: "You are also of opinion that no coercion is to be used with any man in order to his deliverance from the fatal consequences of error; and yet you see that, in examples which cannot be disputed, this is done by God, who loves us with more real regard for our profit than any other can; and you hear Christ saying, "No man can come to me except the Father draw him" (John 6:44), which is done in the hearts of all those who, through fear of the wrath of God, betake themselves to Him" (*Letter* 93.5, in: Augustine 1979a, 383. MPL 33,323. Markus 1988, 141-143; Markus 1991, 113-115; Wilken 2019, 31-32). In a sermon on Luke 14, Augustine comments: "Let compulsion be found outside, the will will arise within" (*Sermon* 62,8, in: Augustine 1979d, 449).[20] God is threatening us with everlasting wrath in order for us to accept that which is of everlasting value. God is doing so out of His goodness and for our true benefit. As you see, coercion has biblical warrant, Augustine concludes. Why then, should we not coerce heretics? In a letter to tribune Boniface in 416 he deems it merciful to save them from hell by coercion or by 'merciful severity': "It appears that great mercy is shown towards them, when by the force of those imperial laws they are […] rescued against their will."[21] If a doctor has an unwilling patient, it would be a

[18] Augustine's Letter 34 can also be read at CHURCH FATHERS: Letter 34 (St. Augustine) (newadvent.org); accessed May 6, 2023.
[19] Augustine's Letter 93 can also be read at CHURCH FATHERS: Letter 93 (St. Augustine) (newadvent.org); accessed May 6, 2023.
[20] Augustine's Sermon 62 (alternative numbering 112,8) can also be read at CHURCH FATHERS: Sermon 62 on the New Testament (Augustine) (newadvent.org); accessed May 6, 2023. MPL 38,647-648: "Foris inveniatur necessitas, nascetur intus voluntas" Augustinus Hipponensis - Sermo 112; accessed May 6, 2023.
[21] Augustine: *Letter* 185.3.13. CHURCH FATHERS: Letter 185 (St. Augustine) (newadvent.org); accessed May 6, 2023. MPL 33,798,33-36: "Unde magna in eos fit misericordia… ab illa secta… prius eripiuntur inviti." Ando 1996, 197-198; Chadwick 1998, 586.

work of love to force the patient into taking the necessary medicine. In much the same way, God applies force when He turns an unwilling heart into a willing heart. Robert Markus explains that Augustine "considered freedom of choice less and less as something incompatible with constraint and fear […] The divine *disciplina* uses external pressure to bring about an internal moral development [...] Free choice and compulsion were not incompatible" (Markus 1988, 143). Perez Zagorin calls it "the pedagogy of fear" (Zagorin 2003, 30).

Robert Louis Wilken reminds us, though, that in other sermons and tractates Augustine treats the subject of conversion and compulsion in a somewhat different manner. In a tractate on John 6:44: "No-one can come to me unless the Father who sent me draws him", Augustine comments: "A man can come to Church unwillingly, can approach the altar unwillingly, partake of the sacrament unwillingly: but he cannot believe unless he is willing […] Do not think that you are drawn against your will. The mind is drawn also by love" (*Tractate on John* 26.2 and 4 (John 6:41-59), in: Augustine 1979e, 168-169. MPL 35,1607-1608. Wilken 2019, 31-32).[22] God changes the unwilling heart from within. He does so with an irresistible force called love. But the pedagogy of love includes the pedagogy of fear. Hence, divine sovereignty and human responsibility are compatible.

Part of the reason for Augustine's change of politics is found in a confrontation with Donatism. In 411 a conference of Donatist and Catholic bishops assembled in Carthage. The majority conclusion said: Donatism is a heresy within the Christian church, and as such it ought to be suppressed. And so, it was. Subsequently, Donatist converts poured into the Catholic church. Augustine concluded: Even though good theology and the best of morals are freely chosen; it does not follow that bad theology and bad morals should not be punished. In the Old Testament we see that God uses sword, famine, and plague to discipline the Israelites. "He brought down their heart with labour […] Then they cried unto the Lord" (Ps. 107:12-13 KJV). Using fear as a means (*utilitas timoris*) God leads a remnant into conversion (*Contra Faustum* 22.21, in: Augustine 1979c, 279. MPL 42,412. Brown 2000, 233-236).[23] There is no reason why God should not apply this pedagogy today, using the law as a schoolmaster that brings people to Christ (Gal. 3:24). In the words of Peter Brown, Augustine and his contemporary Catholic theologians were in "the enviable position of knowing why history was happening": The victory of the church over Roman paganism had been predicted in the Old Testament (Brown 1963, 299; Brown 1964, 110). Looking back at his life in 427 Augustine reveals that coercion displeased him until he learned "to what extent the application of discipline could bring about their improvement" (Augustine 1968, 129 (book 2, chapter 5). MPL 32,632. Markus 1988, 138-139). Experience showed him the efficacy of coercion. Some converts even expressed their gratitude: Had they not been coerced; they had never converted (Butterfield 1977, 575).

The Donatists call themselves martyrs, but they are no such thing! In fact, according to Augustine, they are "killers of souls." Referring to Rom. 13:1-7 Augustine claims that it is lawful for the emperor

[22] Augustine's *Tractate on John* 26.2 and 4 can also be read at CHURCH FATHERS: Tractates on the Gospel of John (Augustine) (newadvent.org); accessed May 6, 2023.
[23] Augustine: *Contra Faustum* can also be read at https://www.newadvent.org/fathers/140622.htm; accessed May 6, 2023.

to punish idolatry, "for he does not bear the sword for nothing."[24] When the Donatists persecuted the Catholics they did so out of hatred. The Catholics on the other hand persecuted the Donatists out of love.[25] The Donatists wanted to lead Catholics into error. The Catholics wanted to save Donatists from error.

In the Parable of the Weeds Jesus tells His disciples to let the weeds grow until the harvest. Otherwise, they might root up the wheat also (Matt. 13:29-30). Saint Augustine comments: But if the weeds are known and easily recognized we can remove them without harming the wheat. Sub-Christian sects like the Donatists have physically separated themselves from the Church. Therefore, it is obvious who is who, and the more you destroy what is evil the more love is preserved.[26] The worst crime of the Donatists is not their dogmatic aberration but their separation from the Church. Because of this schismatic act, Augustine warns the Donatists: "You may die in a state of heretical separation" (*Letter* 76.1, in: Augustine 1979a, 343).[27]

Christ forced Saint Paul to convert by striking him blind (Acts 9). Augustine in a letter to Donatus explains that it was only after his forceful conversion that Paul was taught and accepted the content of the Christian faith (*Letter* 173.3, in: Augustine 1979a, 544. MPL 33,754).[28] Donatus should be grateful for "the measures which out of love to you we are compelled to take" (*Letter* 173.9, in: Augustine 1979a, 546; MPL 33,757). The Donatists were on their way to eternal damnation. Therefore, forceful methods against them were acts of love.

Harold Drake summarizes Augustine's biblical argument: "Did Christ turn the other cheek to the demons? […] Did he not even persecute with bodily chastisement those whom he drove with scourges from the temple?" (Drake 1996, 12). What began as church discipline in early Christianity, continued as coercive measures in the Christian state of the late fourth and early fifth centuries.

Another reason for the Christians in late Antiquity to ban and eventually persecute pagan religion probably was the shocking experience of having an apostate emperor. Even though *Julian* (361-363) reigned less than two years, he came, in the assessment of Harold Drake, to personify the threat to the Christian church "that would weaken the consensus for toleration and give substance to arguments for militant action […] Julian was the trigger, not for a pagan offensive, but a Christian one" (Drake 1996, 35). The apostate emperor "forbade Christians from holding high office." And referring to the words of Jesus about the risk of wealth, he proposed to confiscate all their property to 'help' them reach the kingdom of God (Matt. 19:23-24; Ando 1996, 181). For 40 years the Christians had relied

[24] S. Augustini: *Contra epistolam Parmeniani* Vol.1 cap.8.14 and 10.16: "animarum interfectores […] martyres non sint […] ut crimen idolatriæ putent juste ab imperatoribus vindicari", MPL 43,44-45.
[25] Augustine: *Letter* 185.2.11. CHURCH FATHERS: Letter 185 (St. Augustine) (newadvent.org); accessed May 6, 2023. MPL 33,797,35: "Ista persequitur diligendo, illi sæviendo."
[26] S. Augustini: *Contra epistolam Parmeniani* Vol.3 cap.2.13: "…quanto diligentior conservatio charitatis", MPL 43,92. Zagorin 2003, 28-29. Bainton 1932, 69.
[27] Augustine's Letter 76 can also be read at https://www.newadvent.org/fathers/1102076.htm; accessed May 6, 2023. MPL 33,264,6-7: "…in hæretica separatione moriamini."
[28] Augustine's Letter 173 can also be read at https://www.newadvent.org/fathers/1102173.htm; accessed May 6, 2023.

on the state as a bulwark against persecution. Julian undermined their confidence in the state. They felt they had to be on the offensive. According to Henry Chadwick, now "bishops expected a Christian emperor not only to suppress violent disorders but also to uphold divine truth" (Chadwick 1998, 563). The emperor was vice-regent of God and keeper of both tables of the law (*custos utriusque tabulae*), i.e., doctrine and morals.

Augustine was no exception, he defended "the exercise of coercive power by the secular authority in the religious sphere" (Markus 1988, 149). Augustine expected of Christian emperors that "they make their power the handmaid of His [God's] majesty by using it for the greatest possible extension of His worship" (*City of God* book 5, chapter 24, in: Augustine 1979b, 105. MPL 41,171).[29] *City of God* 5.24 has been called Augustine's 'mirror for princes.' In 416 Augustine arranged for two African councils to convict *Pelagius* (c.354-c.420) as a heretic. Rome's bishop (pope) *Innocent 1.* concurred. But the following year his successor, *Zosimus*, declared that Pelagius was *not* a heretic. Riots broke out in Rome. Augustine and the bishop of Thagaste, *Alypius*, exploited the situation by appealing to the emperor *Honorius* who in 418 "expelled all Pelagians from Rome as a threat to public order […] Zosimus bowed to the emperor's will" (Chadwick 1998, 591-592). Even though the emperor did not decide on the theological question, he was used by Augustine and Alypius to gain a theological victory over heretics.

Augustine did not demand of the emperors that they kill pagans. But in Augustine's mind, it would hardly promote the worship of God if pagans were granted the same political rights as Christians. He asks: Who of us "does not speak well of the laws issued by the emperors against heathen sacrifices?" (*Letter* 93.3.10, in: Augustine 1979a, 385. MPL 33,326). In 408, writing to *Olympius* who held the highest office (*magister officiorum*) at the imperial court in Ravenna, Augustine encouraged "laws concerning the demolition of idols and the correction of heretics" (*Letter* 97.2, in: Augustine 1979a, 405. MPL 33,358.).[30] At two councils in Carthage in 401, the African bishops "asked the government for further legislation to extirpate 'the last remnants of idolatry'" (Markus 1988, 136). Robert Markus concludes: Augustine "was probably in full agreement with coercing pagans in 401 […] His 'conversion' to coercion against Donatists is no more than a delayed extension to their case of a policy already endorsed against the pagans" (Markus 1988, 139).

On the Jews, Augustine applied Psalm 59:12 (LXX and Vulgate Ps 58): "Slay them not, lest my people forget; scatter them by thy power" (KJV). By letting the Jews wander the earth like Cain (Gen. 4:12) without a home of their own, God was showing Jews and Christians alike that the gospel had replaced the law of Moses. By being poor and homeless Jews were witnessing to the truth of Christianity. If Christians explained this to the Jews, some of them would come to faith in Christ, Augustine believed (Augustine: *Letter* 149. MPL 33,630ff. Fredriksen 2010, 324-331). It would be counterproductive, therefore, if Jews were granted the same political freedom as Christians.

[29] Augustine's *City of God* can also be read at CHURCH FATHERS: City of God, Book V (St. Augustine) (newadvent.org); accessed May 6, 2023.
[30] Augustine's Letter 97 can also be read at https://www.newadvent.org/fathers/1102097.htm; accessed May 6, 2023.

It is too apologetic on behalf of Augustine when Paul Weithman claims: "While he came to believe that official sanctions could bring members of a heretical sect of Christianity to sincere and orthodox conviction, he never endorsed the coercion of pagans and Jews" (Weithman 2014, 245). The non-Christians of the early fifth century would hardly agree to such an assessment. Instead of 'saving' Augustine this way, it is better to say with Robert Markus: We should not seek "a simple, monolithic consistency" in such a "complex and subtle mind" (Markus 1988, 135). Peter Brown calls Augustine "a man of mysterious discontinuities" (Brown 1964, 108).

Robert Louis Wilken concludes on the development in late antiquity: "Toleration is a loser's creed" (Wilken 2019, 24). The powerless ask for toleration. Once they are in power, they tend to forget the idea.

The Middle Ages

Except for the crusades, medieval theologians and princes did not meet many non-Christians. There were Jews in parts of Europe, though. From time to time, they experienced spontaneous pogroms. But the *Decretum Gratiani* from around 1140 and the *Decretals* of Gregory 9. (1227-1241) stipulated that Jewish rites were "not to be interfered with" (Bejczy 1997, 369).

Referring to Augustine's letter to Vincentius, *Thomas Aquinas* (1224-74), argues that pagans and Jews should by no means "be compelled to the faith […] because to believe depends on the will […] On the other hand, there are unbelievers who at some time have accepted the faith, and professed it, such as heretics and apostates: such should be submitted even to bodily compulsion, that they may fulfil what they have promised, and hold what they, at one time, received" (ST IIa IIae q.10 a.8, in: Aquinas 1981, 1213. Zagorin 2003, 43).[31] Heresy and apostacy are questions of church discipline. Paganism and Judaism are not (1 Cor. 5:12-13). Thomas advises the Christian princes to tolerate religious rites of unbelievers, especially Jewish rites, "lest, without them greater goods might be forfeited, or greater evils ensue" (ST IIa IIae q.10 a.11, in: Aquinas 1981, 1216. See also art.8-9). His hope is that Jews may come to saving faith if Christians treat them leniently. Besides, Jews can be of good use for Christians as servants or money lenders. Sub-Christian heresy is another question. Thomas explains that heretics "deserve not only to be separated from the Church by excommunication, but also to be severed from the world by death. For it is a much graver matter to corrupt the faith which quickens the soul, than to forge money, which supports temporal life" (ST IIa IIae q.11 a.3, in: Aquinas 1981, 1220).

There is a tension, however, in the way Thomas deals with these matters. Explaining the boundary of obedience, he says: "In matters touching the internal movement of the will man is not bound to obey his fellow-man, but God alone" (ST IIa IIae q.104 a.5, in: Aquinas 1981, 1639). What if a priest, a pope, or a council command something, which 'the internal movement of the will' does not confirm? Thomas would probably reply that a false conscience is not binding and that the command of the

[31] Aquinas' *Summa Theologica* IIa IIae q.10 can also be read at SUMMA THEOLOGIAE: Unbelief in general (Secunda Secundae Partis, Q. 10) (newadvent.org); accessed May 6, 2023.

Church is the command of God.[32] We will see the same answer given to Martin Luther by the Diet of Worms in 1521.

In 1215 the Fourth Lateran Council would "excommunicate and anathematize every heresy raising itself up against this holy, orthodox and catholic faith […] Let those condemned be handed over to the secular authorities present, or to their bailiffs, for due punishment" (Merlo 2009, 231). The council did not stipulate the exact punishment. But in 1231 *Frederick 2.* (1194-1250), king of Sicily, Italy, Germany, and Jerusalem, and Holy Roman Emperor, in the first book of his *Liber Augustalis*, ordered that Arians, Nestorians, North Italian Patarines, and other heretics "should be condemned to suffer the death for which they strive. Committed to the judgment of the flames, they should be burned alive in the sight of the people" (Powell 1971, 9).[33] Those who help heretics will be exiled and will have their goods confiscated. Frederick continues: "We punish those who blaspheme God and the Virgin Mary by cutting out their blasphemous tongues" (Powell 1971, 151; Zagorin 2003, 41). In 1243 in the city of Toulon 224 Waldensians were burned alive (Merlo 2009, 244). In 1414 king Sigismund of Hungary, Croatia, and Germany, and later Holy Roman Emperor, gave *Jan Huss* (c.1370-1415) a safe conduct to appear before the Council of Constance. Nevertheless, when he appeared Huss was imprisoned, convicted of heresy, and burned at the stake (Lambert 1992, 310). Until the 1230s it was up to local bishops to root out heresies in their dioceses. However, *Gregory 9.* (1227-41) came up with a more efficient solution: the papal inquisition. He appointed special agents to hunt down and exterminate heretics (Lambert 1992, 100-101; Zagorin 2003, 38-42).

In 1290 all Jews were expelled from England, in 1394 from France, and in 1492 from Spain and Portugal. Usually, though, if only Jews would beware of using words that Christians considered blasphemous, they would be treated better than sub-Christian heretics.

In medieval Europe, tolerance was even applied to prostitutes. Thomas quotes Augustine: "If you do away with harlots, the world will be convulsed with lust" (ST IIa IIae q.10 a.11, in: Aquinas 1981, 1216).[34] In late medieval France brothels were called "*maisons de tolérance*", houses of tolerance, and infamous people like "street musicians paid 'tolerance money' in order to stay in town" (Bejczy 1997, 374).

Tolerance then, was a question of minor evils (*minores transgressiones*), not of serious offenses (*vitia graviora*) nor of indifferent matters. Usually, Jews and pagans were not thought to be major problems. Therefore, they could be tolerated. It was quite another question with heretics, homosexuals, and criminals. "Heretics (the enemies from within) were persecuted, but unbelievers, especially Jews (the enemies from without) were granted a right of existence" (Bejczy 1997, 382).

[32] See Thomas's discussion of the question "Does a false conscience bind?", in: *Quaestiones Disputatae de Veritate* q.17 a.4-5 Thomas Aquinas: Quaestiones disputatae de veritate: English (isidore.co); accessed May 6, 2023.
[33] Latin text in Stürmer 1996, 151,9-10: "…ut vivi in conspectu populi comburantur flammarum commisi iudicio."
[34] Quotation from Augustine: *De ordine* 2.4.12; MPL 32,1000.

István Bejczy summarizes scholastic discussions of tolerance: "One did not have to like the Jews to be tolerant; to the contrary, one had to *dislike* them to be tolerant, for tolerance only applied to evil. Tolerance was not an imperative of love but a restraint on one's hatred" (Bejczy 1997, 372; italics added. Berg 2012, 40). It is not much of an achievement to tolerate that which one likes or that which one believes to be unimportant. But if one is deeply offended by the opinion or morals of another person, it is considerably more demanding to tolerate him. Thomas' primary argument for tolerance was not natural rights but the prevention of greater evils. However, when discussing forced baptism of Jewish children, he does say that it would be "against natural justice […] no one ought to break the order of the natural law, whereby a child is in the custody of its father, in order to rescue it from the danger of everlasting death" (ST IIa IIae q.10 a.12, in: Aquinas 1981, 1217-1218). Thomas grants non-Christians the natural right as human beings and as parents. Brian Tierney explains that natural right was not a subjective right in the modern sense. "For Thomas […] *ius naturale* was […] a way of interpreting reality, even an experimental method." If you observe nature, you will realize how God wants things to be. He wants children to grow up, become adults, and have children of their own. These ways of nature are also "an immutable *lex naturalis*, an unchanging moral law inscribed in the hearts and minds of men" (Tierney 2001, 24). For Thomas and later scholastics *ius naturale* was "a faculty or power inherent in human nature." God has created human beings "as rational, self-aware, and morally responsible. This understanding endured as the basis of many later natural rights theories […] The first natural rights theories were […] from a view of individual human persons as free, endowed with reason, capable of moral discernment, and from a consideration of justice and charity that bound individuals to one another" (Tierney 2001, 76-77). If God Himself has endowed human beings with natural rights, neither the church nor the Christian emperor can deprive them of these rights, e.g., by forced baptism.

It was up to *Jean Gerson* (1363-1429) to formulate "a theory of individual subjective rights that included a natural right of each person to fulfill God's law, a natural right to liberty, a natural right to self-defense, a natural right to the necessities of life" (Tierney 2001, 233).[35] It had to await the Reformation, especially in the Netherlands, for thinkers to include liberty of conscience among the natural rights (Wilken 2019, 111-112).

The 16th and 17th Centuries

Erasmus and Thomas More

Erasmus of Rotterdam (1466-1536) has often been described as an early modern ideal of humanity and toleration. What he wrote was, however, a bit more complex. On the 9th of October 1520 Erasmus entered St. Peter's Church in Louvain (or Leuven), while the Carmelite *Nicolaus Egmondanus* (c.1470-1526) was preaching. As soon as the preacher saw Erasmus, he began accusing him from the pulpit of being a follower of a well-known Wittenberg heretic. According to Erasmus, Egmondanus was "exaggerating Luther's errors in the most outrageous language." The following Sunday Egmondanus repeated his accusations: "These men too [Erasmus and others] will come to the stake one day, unless they desist" (Erasmus 1988, 70).

[35] The term used by Gerson for 'natural right' was *iuris naturalis*.

In his bull *Exsurge Deo* from June 1520 pope *Leo X* (1513-1521) had given *Martin Luther* sixty days to recant his heretical ideas. In December 1520 Luther burned the bull together with the canonical law publicly in Wittenberg. In the spring of 1521 Luther was finally declared an outlaw and excommunicated from the church. Hence, it was dangerous to be associated with Luther. Robert Wilken reports that in "October 1520, at Leuven, eighty copies of Luther's writings were burned" (Wilken 2019, 100). Soon Lutheran preachers too were being brought to the stake in the Netherlands.

On the 18th of October 1520 Erasmus wrote a letter to the rector of the University of Louvain, *Godschalk Rosemondt* (d.1526), defending himself against the accusations. He explained that he had only "sampled rather than read a few pages of Luther." Erasmus did not have "sufficient leisure to find time to read Luther's books […] As it is, no one has ever heard me even over the wine defending any of Luther's opinions […] my only object is to have Luther dealt with on moderate principles rather than with violence and cruelty." Erasmus advised the rector and other censors to read Luther's books "with proper care; that he should then be refuted in published books and in disputations […] Merely to use coercion is for tyrants" (Erasmus 1988, 68-74).

Erasmus advocated reluctancy in theological debates. But he did not reject the use of punishment once the verdict of serious heresy had finally been passed. István Bejczy explains: "Erasmus recognized several forms of orthodoxy, which is quite different from allowing forms of heterodoxy. Towards real heterodoxy, Erasmus was not usually indulgent" (Bejczy 1997, 376-377). In 1528 Erasmus commented on Matt. 13: "One who loves the house of God inquires into impious errors to heal them if he can, and if he cannot, after trying everything, he cuts off the incurable member so that the evil will not spread more widely" (Erasmus 2019, 90). Erasmus called for "the leniency of Christian moderation [and] evangelical meekness", but he did not reject capital punishment to save others from the infection of "real, incurable heretics […] It is the duty of the secular judge to draw the sword at times so that by the death of one person he may save many […] If the error is indisputable, there is no need of theologians, since the evidence is overwhelming; if it is dubious, it does not belong to just any theologian but to the See of Rome to judge […] I do not condemn the cauterizing iron." But it should not be up to ordinary monks to drag a person off to the stake. Erasmus reminded his readers that in the ancient church Justinian's Code did not demand the death penalty for "any heretics whatsoever, but specifically Manichaeans, Apollinarists, and Samaritans who openly taught blasphemy" (Erasmus 2019, 94-96; Bejczy 1997, 378). Hans Guggisberg explains that for Erasmus a "limitation of religious faith to a small number of fundamental doctrines […] was the surest way toward reconciliation" (Guggisberg 1983, 37-38). Erasmus was lenient compared to the inquisition of his days, but he did *not* advocate freedom of religion. Manifest heresy and blasphemy ought to be punished, if necessary, by death. Erasmus simply wanted the church and the princes to try other means as much as possible before punishing heresy.

Manfred Hoffmann's defense of Erasmus seems overstated: "He never called upon the state's duty of *cura religionis* to kill those who incite rebellion against the church and disturb its tranquillity – as Melanchthon did and eventually also Luther" (Hoffmann 1982, 106). Erasmus did in fact expect the state to support the church by suppressing obvious heresy.

In 1516 Erasmus' friend the English statesman *Thomas More* (1478-1535) wrote his novel or phantasy, *Utopia*. Perez Zagorin gives the main point of the novel: "In the Land of Nowhere as More visualized it, the concept of heresy did not exist. The citizens of Utopia […] were free to hold any religious belief and to worship as they pleased […] It is uncertain whether More […] was merely indulging in depicting an imaginary alternative or seriously wanted his readers to embrace toleration […] In any event, within a few years of the publication of his picture of a just and tolerant society, he was to become a persecutor and scourge of heretics himself" (Zagorin 2003, 58).

Thomas More rose to become Lord Chancellor of king *Henry 8.* (1509-47). Several Protestants were being imprisoned or burned during his chancellorship. More wrote six books against Luther and Luther's English disciples. When the pope rejected Henry's divorce from Catherine of Aragon, the king appointed himself supreme head of the English church, requiring his politicians to swear an oath to royal supremacy (1534). More refused to do so since he believed in papal superiority over the church. It was of such importance to him that he would rather be executed than go against his convictions (Zagorin 2003, 68-72). He lost his head for high treason at Tower Hill in London. It seems fair to say then, that More's *Utopia* was more a phantasy, a play, than his vision for political reality.

Hans Guggisberg reminds us that even after the Reformation: "Practically everywhere, Church and State were firmly linked together, established religion prevailed and religious dissent was identified with political dissent and persecuted as such" (Guggisberg 1983, 36).

Martin Luther

Over the years *Martin Luther* (1483-1546) changed his views on liberty and coercion – or at least the practical implications of them.[36] As a young reformer at the Diet of Worms in 1521 he stressed liberty of conscience. When Luther was asked if he would recant his views, he answered: "Unless I am convinced by the testimony of the Scriptures or by clear reason (for I do not trust either in the pope or in councils alone, since it is well known that they have often erred and contradicted themselves), I am bound by the Scriptures I have quoted and my conscience is captive to the Word of God. I cannot and I will not retract anything, since it is neither safe nor right to go against conscience." His opponents replied: "Lay aside your conscience, Martin; you must lay it aside because it is in error; and it will be safe and proper for you to recant" (Luther 1958a, 112; 130. WA 7,838,4-8; 839,30-840,5). While the young Reformer thought that conscience is binding, his opponents believed that only the rightly informed conscience is binding. In 1523 Luther argued in favor of an almost complete freedom of speech. His underlying principle was: "As nobody else can go to heaven or hell for me, so nobody else can believe or disbelieve for me […] How he believes or disbelieves is a matter for the conscience of each individual, and since this takes nothing away from the temporal authority the latter should be content to attend to its own affairs and let men believe this or that as they are able and willing, and constrain no one by force. For faith is a free act, to which no one can be forced.

[36] In this part of the paper, I draw upon my former work Olsen 2019, 94-120.

Indeed, it is a work of God in the spirit, not something which outward authority should compel or create. Hence arises the common saying, found also in Augustine, 'No one can or ought to be forced to believe'" (Luther 1962, 108. WA 11,264,12-23).[37] The civil turmoil caused by *Thomas Müntzer*'s (c.1488-1525) preaching in 1524 gave Luther occasion to write a letter to the princes of Saxony: "Let them preach as confidently and boldly as they are able and against whomever they wish. For, as I have said, there must be sects, and the Word of God must be under arms and fight […] But when they want to do more than fight with the Word, and begin to destroy and use force, then your Graces must intervene, whether it be ourselves or they who are guilty, and banish them from the country" (Luther 1958c, 57. WA 15,218,19-219,7). Words are to be countered by words, and swords by swords, not the other way around! Luther is confident that the Word of God will be able to convince and convert. As late as 1528 Luther gives this piece of advice on dealing with Anabaptists: "It is not right, and I truly grieve, that these miserable folk should be so lamentably murdered, burned, and tormented to death. We should allow everyone to believe what he wills. If his faith be false, he will be sufficiently punished in eternal hell-fire. Why then should we martyr these people also in this world, if their error be in faith alone and they are not guilty of rebellion or opposition to the government? […] By fire we accomplish little" (Luther 1958b, 230. WA 26,145,22-146,7).

The young Luther advocated freedom of conscience as well as freedom of speech: 'Let them preach against whomever they wish.' But over the years he modified his advice to the politicians. In 1525 hordes of armed peasants ravaged Germany under the leadership of Anabaptist preachers. The princes followed Luther's advice to use swords against swords and approximately 75.000 Germans were killed. In 1534 the city of Münster was captured by militant Anabaptists who proclaimed the "New Jerusalem" in preparation for the imminent return of Christ. The city was recaptured by the princes in 1535, and the leading Anabaptists were executed in the Münster marketplace (Kirchhoff 1996, 97-98).

These events, combined with rumors (probably false) of Jews trying to convert Christians to Judaism, curbed Luther's optimism regarding the future success of the gospel in Germany. He was convinced that he saw the final battle between good and evil. In that situation he had to use whatever means were available. Since some of the princes were more than willing to head the Reformation and guard the new, evangelical church, Luther reluctantly and gradually came to accept a policy that he had warned against a decade before. In 1536 Landgrave *Philip* of Hesse (1504-67) asked the Wittenberg theologians what he should do with Anabaptists that had been expelled from Hesse, that had promised not to come back, but had now been arrested in Hesse once again. *Philip Melanchthon* (1497-1560) authored the reply, which was signed by Luther, Bugenhagen, Creutziger, and Melanchthon (WA 50,9-15): The heretics should be interrogated for the judge to be sure about their convictions. Then they should be asked to renounce their false teachings. If they were not willing to do so it would be fine to follow the *Codex Justinianus* which decreed severe penalty for rebaptism, often understood as death, and severe but unspecified penalty for denying the Trinity (The Theodosian Code 16.1.2; 16.6,

[37] The quotation from Augustine is found in *Contra litteras Petiliani* 83,184. MPL 43,315.

in: Pharr 1952, 440; 463-465). Melanchthon quoted Lev. 24:16 "Anyone who blasphemes the name of the Lord must be put to death" (Oyer 1964, 114-139. Bainton 1941, 99).[38]

In 1543 Luther advocated quite severe measures against the Jews as well: "We must practice a sharp mercy," he says. "First, to set fire to their synagogues or schools and to bury and cover with dirt whatever will not burn […] Second, I advise that their houses also be razed and destroyed […] Third, I advise that all their prayer books and Talmudic writings […] be taken from them […] Fourth, I advise that their rabbis be forbidden to teach on pain of loss of life and limb […] Fifth, I advise that safe-conduct on the highways be abolished completely for the Jews […] Sixth, I advise that usury be prohibited to them, and that all cash and treasure of silver and gold be taken from them […] Seventh, I recommend putting a flail, an ax, a hoe, a spade, a distaff, or a spindle into the hands of young, strong Jews and Jewesses and letting them earn their bread in the sweat of their brow" (Luther 1971, 268-272. WA 53,522-526).[39] Luther would prefer if all Jews could be banished from Germany like the deportations from England, France, and Spain. He proposed that they move to "the land of Canaan… and Jerusalem" which he called "their land" (Luther 1971, 271; 276. WA 53,525,14; 529,20. Gritsch 2012. Oberman 1984. Schramm and Stjerna 2012).

Such language used about Jews was quite common at the time. Heiko Oberman quotes from a letter by Erasmus written in 1519: "If to hate the Jews is the proof of genuine Christians, then we are all excellent Christians." Oberman concludes on "Erasmus's lifelong, deeply rooted anti-Jewish convictions" (Oberman 1984, 40; 74). In the words of Hans Guggisberg: "There is no denying that he hated the Jews" (Guggisberg 1983, 38). But Erasmus was not alone in this. *John Eck* (1486-1543) was "Germany's most notable counter-reformer." He was also an avowed enemy of the Jews. He often retailed rumors of Jews ritually murdering Christian children (Oberman 1984, 17; 36-37).

What is surprising then, is not Martin Luther's antisemitic outbursts late in life but rather his original obligingness towards Jews. Equally notable is Luther's radical change of attitude towards religious freedom. Luther scholars have often concentrated on the young Reformer picturing him as a proponent of an almost complete freedom of expression. These scholars tend to overlook the changed politics after c.1530. Confronted with these changes, Luther would probably reply that he had always been in favor of punishment for blasphemy and for expressions that would lead to rebellion. Nevertheless, we must distinguish between Luther before and after c.1530. The young Reformer distinguished sharply between the two swords: church and state. He did not want the prince or other worldly authorities to decide on theological issues. The old Reformer had experienced riots and wars, and he had realized that the most dedicated evangelicals were some of the princes. Reluctantly, he accepted a Melanchthonian idea of the Christian magistrate as the custodian of both tables of the Decalogue (*custos utriusque tabulae*). He was appointed by God to protect the worship of God and moral behaviour (Wilken 2019, 60-61). Unfortunately, almost all theological disagreements were seen by the old Reformer as blasphemy or as pregnant with rebellion. Steven Ozment summarizes:

[38] Bainton 1941, 99 claims that in the *Codex Justinianus* rebaptism "is proscribed by death." However, the text of the *Codex Justinianus* 16.6 does not say that explicitly.
[39] Luther recapitulates the seven measures in just four points in LW 47,285-286; WA 53,536-537.

"In Lutheran lands, Christian freedom in the end meant the right to dissent from Rome and to agree with Wittenberg" (Ozment 2003, 77).

John Calvin

John Calvin (1509-64) vigorously defended the magistrate as the *fidei Defensor* (defender of the faith), having the *cura religionis* (the administration of religion) in his hand. In his *Institutes of the Christian Religion* (book 4, chapt.20,2-3; 9) John Calvin explains that the function of the civil government is not only to provide food and housing for people but also to secure "that no idolatry, no blasphemy against the name of God, no calumnies against his truth, nor other offenses to religion, break out and be disseminated among the people […] The duty of magistrates […] extends to both tables of the law […] this office is specially assigned them by God, and indeed it is right that they exert themselves in asserting and defending the honour of him whose viceregents they are" (Calvin 2001, 653-658. Wilken 2019, 72. Zagorin 2003, 79).[40] Geneva became a city organized as a church. Those who did not subscribe to the constitution had to leave (Bainton 1951, 68). When it came to obvious heresy, however, leaving Geneva was not enough. According to Calvin, in Deut. 13:6-9 God "does not condemn to capital punishment those who may have spread false doctrine, only on account of some particular or trifling error, but those who are the authors of apostasy […] so also in a well constituted polity, profane men are by no means to be tolerated, by whom religion is subverted […] God *might*, indeed, do without the assistance of the sword in defending religion; but such is not his will […] He expressly says that neither brother, nor son, nor wife, nor intimate friend is to be spared" (Calvin 1981, 75-76; 81; italics original).[41] In the ancient church, Christ willed for His apostles to be "armed with Word alone like sheep amongst wolves [but] He did not impose on Himself an eternal law that He should never bring kings under His subjection" (Calvin 1981, 77. CR 52,357,8-13. Wadkins 1983, 431-441). For the first 300 years of the Church's history, God did not want Christians to be in political power and to carry the sword. But since then, providential history shows that God has willed for Christian magistrates to defend both tables of the law using force.

On October 27, 1553, the Spaniard, *Miguel Serveto* or *Michael Servetus* (1511-53) was brought to the stake at Geneva. Servetus had come to believe that the doctrine of the Trinity was "neither Biblical nor philosophically defensible." Because of its Nicene Christology, "he considered the fall of Christianity to have occurred at the council of Nicaea in 325" (Bainton 1951, 77). Servetus also rejected the doctrine of original sin and the practice of infant baptism. For these views he had to flee to Basel, to Strasbourg, and to Lyon where he lived and published for some years under the pseudonym of Michel Villeneufve. When the ground was burning beneath his feet, he fled to Geneva, where he was recognized by other refugees from Lyon. The town council of Geneva brought him to justice and pronounced the verdict: "'We now in writing give final sentence and condemn you, Michael Servetus, to be bound and taken to Champel and there attached to a stake and burned with

[40] The French text of the *Institution Chrestienne* 4.20.9 reads: "…l'office des Magistrats […] s'estend à toutes les deux tables de la Loys", Calvin 1859, 589.
[41] Latin text in *Corpus Reformatorum.* Vol.52,355-356; 360 (Calvinus 1882 Vol.24). The last two parts of this quotation says in Latin: "Posset carere Deus gladii adminiculo ad religionem tuendam: non vult", CR 52,356,36-37. "Diserte exprimit, neque fratri, neque filio, neque uxori, neque intimo cuique amico parcendum esse", CR 52,360,4-6.

your book to ashes' […] From the flames he was heard to pray, 'O Jesus, thou Son of the eternal God, have pity on me!'" Calvin's close colleague, *Guillaume Farel* (1489-1565), said that if Servetus "had been willing to confess Jesus, the eternal Son of God, he might have been saved." Roland Bainton wryly comments: "He put the adjective in the wrong place" (Bainton 1951, 93-94).[42]

Soon, the execution of Servetus was discussed in books and pamphlets all over Europe. In 1554 Calvin wrote a small book defending the execution: *Defensio orthodoxae fidei de sacra trinitate contra prodigiosos errores Michaelis Serveti Hispani*.[43] Once again Calvin applied Deut. 13 and other Biblical passages on the present situation. About princes and judges, he wrote: "From this it follows that the sword has been put in their hand, so that they can defend the pure doctrine."[44]

On the 14th of October 1554 Philip Melanchthon wrote a letter to Calvin thanking him for the execution of Servetus: "Both now and for posterity the Church owes and will owe you gratitude."[45]

Professor of Greek at the University of Basel, *Sebastian Castellio* (1515-63), wrote a book against the burning of Servetus: *Concerning Heretics, Whether they are to be Persecuted*. Castellio quoted extensively from Lactantius 2004a and from Martin Luther 1962. But Castellio went far beyond Lactantius and Luther. The way we come to God and serve Him is to correct our lives, he claimed. It is not necessary to know about the Trinity, the natures of Christ, the angels, Baptism, the Lord's Supper, justification, predestination etc. In the words of Roland Bainton: "Castellio held that faith and knowledge are mutually exclusive. That which is known is no longer believed and that which is believed is not yet known" (Bainton 1951, 114). The Bible is sufficiently clear on the Christian life for us to punish bad morals, not so on Christian beliefs! Hans Guggisberg concludes his study: "Sebastian Castellio still stands out as the first systematic defender of toleration in early modern Europe. His argumentation was based upon two assumptions: He believed that the perceptive faculty of man in religious matters was limited and that reason was the most valuable gift man had received from his Creator" (Guggisberg 1983, 47; see also 38-41). Castellio was an early rationalist, believing in reason as "a principle of continuous revelation." A famous and often quoted dictum from Castellio's book reads: "To kill a man is not to defend a doctrine. It is simply to kill a man" (Bainton 1951, 117; 120. Wilken 2019, 72-77. Berg 2012, 48-51).[46]

Calvin's assistant and successor in Geneva, *Theodore Beza* (1519-1605), replied to Castellio, that religious liberty was "a most diabolical dogma, because it means that everyone should be left to go to hell in his own way" (Bainton 1951, 114).[47] In Roland Bainton's assessment, the importance of the

[42] Champel was a park area just outside of Geneva, now well within the city.
[43] Latin text in CR 36,457-481 (Calvini *Opera omnia* Vol.8).
[44] CR 36,479,1: "Unde sequitur, gladium in eorum manu esse depositum, quo sanam doctrinam propugnent" (my translation).
[45] Melanchthon: *Epistola* No.5675. CR 8,362: "Tibi quoque Ecclesia et nunc et ad posteros gratitudinem debet et debebit" (my translation). Schaff 1991, 707.
[46] Castellio's Latin says: "Hominem occidere, non est doctrinam tueri, sed est hominem occidere", Anonymous 1567, paragraph 77.
[47] Beza's Latin sentence reads: "Est enim hoc mere diabolicum dogma, Sinendum esse unumquemque ut si volet pereat", Beza 1575, 20.

Codex Justinianus "goes far to explain why Antitrinitarianism and Anabaptism were the two heresies visited with the severest penalties in the sixteenth century" (Bainton 1941, 99).

Anabaptists and Spiritualists

In Germany some of the Anabaptists and of the spiritualists were militant, resulting in the Peasant's War in 1525 and in the apocalyptic debacle in Münster in 1534. After these incidents most Anabaptists were peaceful, even pacifist: they did not allow Christians to be soldiers, judges, or politicians. Likewise, soldiers, judges, and politicians could not be members of Anabaptist congregations. This is one way in which later Baptists have distinguished themselves from Anabaptists: "Allowing for war and admitting magistrates to church membership." Both groups, however, broke with the idea of the state as "the *Defensor fidei*" and with "the state-church system with its *corpus christianum*" (White 2016, 42; 32). Magisterial Reformers like Luther and Calvin on the other hand, tried to preserve the old identity of state and church: whoever lived in the state also belonged to the church – with a few Jews as a possible exception.

Disagreement in theology was probably not the most alarming change for most Europeans in the 16th century. For hundreds of years "religion had been the *vinculum societatis*, the unifying bond of society […] The church building that stood on the central square of the city was a visible expression of this unity. The bells that sounded from its steeple not only called people to prayer, they also assembled the city for political gatherings, warning of an impending storm or attack, announced the arrival of a prince or noble, and publicized marriages and deaths" (Wilken 2019, 80-81). Benjamin Kaplan gives a vivid description of the cohesive power of the church steeples and bells in medieval cities and villages (Kaplan 2007, 48-55). Steeples and bells were symbols of the fraternity in the local community. In your hometown, your neighbors were your parishioners, your friends, your family, and your fellow guildsmen. Breaking up the *corpus christianum* was not felt to be just a religious question. Anabaptists did not simply resign from church membership the way modern Europeans would leave a political party. They left the people, the neighborhood, the guild, the family, the fellowship. They could now easily be seen as an enemy, a fifth column.

A Frenchman who had lived through these changes wrote in a letter to a friend: "Would you have ever thought in your youth that you would see something so extraordinarily that two different religions would be practiced in the same city, and even in the capital of France?" (Wilken 2019, 81).

Balthasar Hubmaier (c.1480-1528) was a Doctor of Theology and "served as the cathedral preacher at Regensburg and with John Eck on the faculty of the University of Ingolstadt" (White 2016, 32). But he became an Anabaptist and was burned at the stake in Vienna. His wife was drowned for heresy three years later. Hubmaier was an early voice of freedom of expression: "A Turk or heretic is not convinced by our act, either with the sword or with fire but only with patience and prayer; and so we should await with patience the judgment of God" (Williams 2000, 344). In article 13 of his 36 articles *Von Ketzern und ihren Verbrennern* (1524), Hubmaier tells his readers: Those who hunt down heretics are the greatest heretics since, contrary to the word of Christ in Matt. 13 they convict and

punish before the time set by God (Hubmaier 1962, 98).[48] He also claimed in his article 36 that the burning of heretics is an invention of the Devil. He even defended the right to be an atheist. Anabaptists like *Hans Denck, Conrad Grebel*, and *Felix Manz* concurred (Patterson 2016, 24-26).

Using Thomas White's distinction between Baptists and Anabaptists, Hubmaier was a Baptist. He was not a pacifist. He believed that a Christian could take part in a just war and in capital punishments. However, the magistrate should not defend religious faith with force. That should be left to the word and to prayer.

In 1530 an anonymous supporter of the Reformation in Nürnberg wrote a letter to his friend *Lazarus Spengler* (1479-1534), the city's town clerk, asking why the Lutheran reformers were now leaving the tolerant attitude of Martin Luther's books from 1523-24. It would be better, the anonymous claimed, to follow the advice of Gamaliel in Acts 5:38-39: "If their purpose or activity is of human origin, it will fail. But if it is from God, you will not be able to stop these men." He also recommended the government to follow Gallio's advice in Acts 18:14-15: "If you Jews were making a complaint about some misdemeanor or serious crime, it would be reasonable for me to listen to you. But since it involves questions about words and names and your own law – settle the matter yourselves. I will not be a judge of such things." The anonymous quoted from Luther: "One should confidently let the false spirits preach and let their spirit do battle." And he reminded Spengler of the situation in Bohemia, where Jews and three different Christian faiths had lived peacefully together for over a hundred years. Why can we not do the same? (Estes ed. 1994, 48-51. Estes 2005. Cf. Luther 1958c, 57).

Several answers were given. In short, they say: For the sake of peace and quiet and for the sake of God's honour we can accept freedom of conscience, but we cannot accept freedom of expression (Estes ed. 1994, 55-72. Wilken 2019, 58-62).

Robert Scribner describes "nine different manifestations of toleration" in Germany during the 16th century: **1.** "Freedom of belief was allowed, but only privately," in your own house. **2.** "A blind eye was turned to the presence of dissident groups." **3.** Some cities like Erfurt issued "an enforced compromise […a] licensed co-existence." **4.** "Toleration was allowed, but only *for ruling princes*." This was the principle of the 1555-peace at Augsburg: *Cuius regio, eius religio*. Within a Roman-Catholic nation the local prince decided the religion in his territory. **5.** "Toleration could be achieved *as an interim strategy*." This was the idea of the compromise at the Diet of Speyer in 1526. **6.** "*Toleration by virtue of pastoral latitudinarianism*." If people could recite the Ten Commandments, the Lord's Prayer, and the Creed, the pastor would turn a blind eye to doctrinal differences. **7.** Differences were tolerated, because "*of too few resources to enforce wider conformity*." **8.** "*Toleration on economic grounds*." The state needed foreign bankers, merchants, and craftsmen. **9.** "The tolerance of ordinary people", who saw no problem in their daily life together with members of

[48] Hubmaier's German says: "So volgt nun das die ketzermayster die allergrösten ketzer sind, in dem das sy wider Christus leer vnd exempel die ketzer in das feür verurtailen vnd vor der zeyt der ärnd auβrauffend den waitzen zu samt dem vnkraut." His article 28 is a rhyme: "ketzer verbrennen ist Christum im Schein bekennen", ibid, 99.

other churches (Scribner 1996, 35-38; italics original).[49] These manifestations of tolerance were not experienced everywhere at the same time, and as we will see when turning to France, the Netherlands, and England, conditions could change overnight at the whim of the prince or because of new political alliances.

France

In France, the kings had for centuries done their utmost to emancipate themselves and the French Church from papal influence. Gallicanism meant the "king's right of nomination to bishoprics and other high ecclesiastical offices."[50] To retain their independence, the French kings often made strange alliances, e.g., with the Turks. In the early years of the Reformation *Francis 1.* (1515-47) and *Henry 2.* (1547-59) "sent hundreds of reformers to the stake" (Smith 1994, 35). Nevertheless, the number of Huguenots (French Reformed) was rising, especially in the south, and "by 1560 the Huguenots accounted for 10 percent of France's population" (Wilken 2019, 83). The Chancellor, *Michel de l'Hôpital* (c.1504-73), reminded the king that a good doctor would try another remedy, if the first one did not work. For l'Hôpital lenient legislation was purely political, *pur politique*. Political measures said nothing about the king's personal preferences. Most French statesmen still "honored the old adage '*Une foi, une loi, un roi*'", 'one faith, one law, one king' (Wilken 2019, 81. Guggisberg 1983, 40-41). But they were also *politiques*; they supported toleration of dissenters if they were loyal citizens. Some of the *politiques* went beyond that, however. Michel de l'Hôpital wrote: We should not call ourselves "Lutheran, Huguenot, Papist, which breed only faction and sedition; let us retain only one name: Christian" (Wilken 2019, 85). Political theorist *Estienne de La Boëtie* (1530-63) declared as a principle "that the conscience of the individual transcends the will of the monarch […] people are under no obligation to obey their legitimate monarch in matters of religion." La Boëtie also proposed that total freedom for dissenters in France should be reciprocated towards Catholics in areas "such as England and the southwest of France", where Reformers were in control (Smith 1994, 40). Unfortunately, these Reformers did not agree with him.

Traditionally, only apostates from Christianity, including heretics, were being punished. Pagans, Jews, and Muslims had not left the Church, and should not be punished. "As the decades passed, there were Catholics in the Reformation struggles who felt that Protestants of the second or third generation could hardly be persecuted for adhering to the faith in which they had been brought up" (Butterfield 1977, 578). It was their parents, not themselves, who had left the 'true' church.

In 1562 representatives from eight regional *parlements* met in St. Germain under the presidency of l'Hôpital. They decided to give freedom of speech and of assembly to Huguenots. But the *parlement* of Paris vetoed the decision and civil war broke out. The Huguenots formed militias and gained control of several cities, but one by one these cities were lost to government forces (Wilken 2019, 91. Butterfield 1977, 581). On the evening before St. Bartholomew's Day on August 24, 1572, Catholic leaders in Paris gave the order to kill all Huguenots. Two thousand were killed in Paris and four

[49] For toleration on economic grounds; see also Guggisberg 1983, 41-43; 47.
[50] Cross and Livingstone eds. 1990, 548: "Gallicanism."

thousand in the provinces. Still, the *politiques* argued in favor of toleration. Political philosopher, *Jean Bodin* (1530-96), quoted in his books from *Lactantius*, and he reminded his readers that the king of the Ostrogoths, *Theodoric* (455-526), had given freedom of religion to Catholics even though he himself was an Arian. In 1576 Henry 3. issued the Edict of Beaulieu proposing freedom for Huguenots everywhere in France, except in Paris. But the mighty Catholic League pressured Henry to issue another edict revoking his concession (Wilken 2019, 92-95). In 1589 the king was assassinated, and the most obvious successor was the Protestant king Henry of Navarre. It is a much-debated issue how much religion really meant to him. Edmund Dickerman concludes that the most "salient feature of Henry's personality was his intense need to win, to prevail over all those who opposed his will" (Dickerman 1977, 9). This was probably the main reason why Henry waited almost four years before he accepted the demand, converted to Catholicism, and assumed the throne as king *Henry 4.* (1589/93-1610). His famous words at the occasion were: "Paris is well worth a Mass" (*Paris vaut bien une messe*). In 1598 he issued the Edict of Nantes stating that Roman-Catholicism would remain France's official religion, but 'the so-called Reformed religion' was to be allowed in specific cities. The Catholic League and the *parlement* of Paris tried to veto the edict, but Henry replied: "I am king now […] I will be obeyed"! (Wilken 2019, 97).[51]

The Edict of Nantes was in effect until king *Louis 14.* (*le Roi Soleil*) revoked it in 1685. In the 1680s and 1690s tens of thousands of Huguenots emigrated to England and the Netherlands, besides smaller numbers to other countries (Gibbs 1991). Marisa Linton explains: "The Edict was never intended as an endorsement of the principle of toleration. On the contrary, it was a pragmatic measure to end the religious wars of the sixteenth century and a recognition of the military force of the Huguenots, rather than a positive statement of toleration" (Linton 2000, 157). Especially in France, toleration was dictated more by political expediency than by philosophical or theological principle. In the mid-eighteenth century, Montesquieu, Voltaire, and others argued for toleration as a matter of principle, but in so doing they "said relatively little that was original" (Linton 2000, 165. Bainton 1951, 15). It had all been said in the previous century.

The Netherlands

In the 15th century the Low Countries were ruled by the dukes of Burgundy. In 1486 *Maximilian of Habsburg* (1459-1519) became king of Rome and in 1508 Holy Roman emperor. He was married to the Burgundian duchess Mary who had inherited domains in France and the Low Countries. Their son Philip became Lord of the Netherlands, duke of Burgundy, and eventually king of Spain. In 1504 then, the Netherlands came under the rule of the king of Spain. After the death of Maximilian his grandson became Holy Roman emperor *Charles 5.* (1519-56). He was also king of Spain, duke of Burgundy, and Lord of the Netherlands. It is not hard to understand then, that when "the Reformation arrived in the Low Countries, disputes over religious matters became interwoven with resistance to Spanish rule. Reform and revolt went hand in hand" (Wilken 2019, 100).

[51] Lecler 1955, 124: "Je suis Roi maintenant et parle en Roi. Je veux être obéi."

Since the Netherlands were under direct Spanish rule, unlike the German lands, there were no princes to protect the Reformers. Fierce persecution broke out, and the stakes were burning. "Some thirteen hundred men and women were put to death for their beliefs under Charles V and his son, Philip II, between 1523 and 1566. Persecution of this kind […] its 'sustained intensity' has no parallel elsewhere in Europe" (Tracy 1996, 136). This inevitably, strengthened the resistance to Spanish rule.

Sacramentarians and Anabaptists formed secret groups, some of them pacifist, others militant after the model of near-by Münster. From the 1540s Reformed groups gathered in French-speaking cities to the south and in Dutch-speaking cities to the north. Merchants and men of learning were more attracted to Reformed preaching than to Anabaptism, and they had closer contacts with English than with Swiss Reformers. Even though they agreed with Calvin that heresy should be suppressed, many of the Dutch Reformed seem to have grown weary of persecution. In 1579 the confederation of Dutch provinces declared in the art.13 of the Union of Utrecht "that every particular person shall remain free in his religion, and that no one will be pursued or investigated because of his religion" (Bangs 2010, 586). Scores of books and tracts argued for religious freedom as a natural and God-given right. They had this constant refrain: Freedom of conscience is not worth very much if people are not granted freedom of expression! As one of the tracts puts it: "They promise freedom of conscience provided there is no public worship and no offence is given, but this is only to trap and ensnare us. For […] no one has ever been executed or harassed merely on grounds of conscience, but always for having committed some public act or demonstration, either in words, which are said to be an offence, or in acts which are described as exercise of religion."[52] These writings spread to England, and for decades the Netherlands were believed to be a haven for dissenters. But the tolerant policy did not last long. In 1581 Catholic mass was forbidden and the remaining monasteries were closed. "In 1583, the States agreed to maintain and protect the Reformed and forbade 'the public teaching or practice of any other Religion in the present United Provinces.' Dissenters were not allowed public worship but most were not forced into exile" (Bangs 2010, 594. Wilken 2019, 108-113). Rumor of this new decision did not spread as much as the former one. English dissenters, including pilgrims on their way to the colonies thirty or forty years later, still believed the Netherlands to be the land of religious opportunity.

War with the Spanish continued on and off until the Twelve Years' Truce from 1609-21. In that period Dutch Reformed Christians experienced an in-house war between the official Reformed Church and the disciples of *Jacob Arminius* (1560-1609), called the Remonstrants, who rejected important parts of Reformed orthodoxy: predestination, limited atonement etc. At a national synod held at Dordrecht 1618-19, the "Remonstrants were expelled from the church, their ministers deposed, and many Remonstrant leaders […] were jailed" (Fix 1992, 43). Judith Pollmann describes how "the Gomarist-Arminian controversy over predestinarian theology brought the Republic to the brink of civil war" (Pollmann 2006, 137). Jeremy Bangs comments: "The convocation of the Synod of Dort marked the effective end of article 13 of the 1579 Union of Utrecht." Nevertheless, the

[52] "Discourse of a nobleman" (1584), in: Kossman and Mellink eds. 1974, 265. This discourse has been attributed to *Philips van Marnix*, Lord of Saint Aldegonde (1540-98).

"relative freedom of publication and an unusual connivance at the existence of religious groups made the Netherlands more tolerant than other places" (Bangs 2010, 599; 612).

One of the Remonstrant leaders was physician, pastor, and professor of theology *Philip van Limborch* (1633-1712). According to Roger Olson, van Limborch was the person "most responsible for vulgarizing Arminianism with a strong dose of rationalism and semi-Pelagianism" (Olson 2006, 85). But he was also the one who "developed the most elaborated theology of toleration among the Remonstrants and Mennonites" (Bangs 2010, 608-609).

From 1620 onwards, the radical and rationalist wing of the Remonstrants joined forces with Anabaptists, Spiritualists, and Socinians to form colleges, private meetings called the Collegiants, for praying, singing, reading, discussion, and 'free prophecy' moved by the Holy Spirit. Andrew Fix says: "Unconcerned with doctrine, the Collegiants believed theological toleration to be an aspect of the pristine spirituality of the primitive church that they hoped to revive" (Fix 1992, 47. Pitts 1986, 21-35). Sebastian Castellio's works were widely read among the Dutch Remonstrants (Guggisberg 1983, 39). The Jewish rationalist *Baruch de Spinoza* (1632-77) became attached to "the Rijnsburg Collegiants" (Bangs 2010, 605). In the preface of his *Tractatus Theologico-Politicus* (1670), Spinoza celebrates the toleration and freedom which he experiences in the Netherlands: "We have the rare good fortune to live in a commonwealth where freedom of judgement is fully granted to the individual citizen and he may worship God as he pleases, and where nothing is esteemed dearer and more precious than freedom" (Israel 2002, 148). These rationalist groups further pursued the idea of religious freedom, basing it on doctrinal indifference: Since all religious ideas and feelings are basically the same, there is no need to censor the ideas and feelings of others.

England

In England, the Reformation was caused not by local preachers but by king *Henry 8.* (1509-47) who wanted to divorce his wife, Catharine of Aragon. When the pope refused to annul the marriage, the king broke with Rome and in 1534 proclaimed himself supreme head of the English Church. His son, *Edward 6.* (1547-53) introduced the Book of Common Prayer as the authoritative liturgical book. Though it abolished Catholic theology, it retained traditional features like episcopalism, the surplice (a long, white tunic with sleeves), kneeling for communion, making the sign of the cross etc. For the puritans this smacked of Romanism. After a bloody interlude during the reign of the Roman-Catholic *Mary* (1553-58), her sister *Elizabeth* (1558-1603) returned the church to Reformed theology and to traditional liturgy. In 1559 the Act of Uniformity required church attendance on Sundays and holy days and mandated the use of the Book of Common Prayer. Penalty for absence was a fine that would rise if one persisted. Some Catholics and Puritans paid a fortune. Puritans issued an *Admonition to Parliament* in 1572 calling for the abolition of episcopalian church polity, urging others to separate from the Church of England. The queen and parliament completely dismissed the idea!

In 1581 *Robert Browne* (c.1550-1633) established an independent congregation in Norwich, for which he was immediately imprisoned. Upon his release he and members of his congregation emigrated to the Netherlands. Robert Wilken summarizes the convictions of Browne and other

dissenters: “The sovereign has no authority to lay down rules and regulations on how Christians should pray or worship; to compel people in matters of faith is to usurp the kingship of Christ” (Wilken 2019, 124; 136). Under *James 1.* (1603-25) several groups set sail for the Netherlands and for New England, including ‘the Pilgrim Fathers’ in 1620.

Around 1608 *Thomas Helwys* (c.1575-c.1616) founded the first Baptist church in England, after which he had to move to Amsterdam. Immediately before his emigration he published a treatise entitled *A Short Declaration of the Mystery of Iniquity*. He saw the contemporary situation in England described in apocalyptic parts of the Bible. The two beasts in Rev. 13 were the Roman-Catholic Church and the Church of England: “King Henry of England had freed his people from the bondage of the first beast, but King James holds us in bondage to another […] Helwys believed that liberty of conscience had a bearing on Jews and Muslims as well as on Catholics and other dissenting Christians […] Let them be heretics, Turks, Jews or whatsoever. It appears not to earthly power to punish them in the least measure.” Discussing freedom for Jews and Muslims was not just a theoretical gesture. There were Jewish communities in the Netherlands, and “the English had commercial relations with the Ottoman Empire […] In England Muslims could be seen on the streets in cities and towns, in the courts and the residences of nobles” (Wilken 2019, 139-141. White 2016, 40-43. Tyacke 1991, 23). Helwys wanted freedom for *all* religious groups. Most of his contemporaries were not so liberal, though.

In 1655, however, the Lord Protector himself, *Oliver Cromwell* (1599-1658), asked: “Is it ingenuous to ask liberty and not to give it? What greater hypocrisy than for those who were oppressed by the bishops to become the greatest oppressors themselves, as soon as the yoke was removed?” (Tyacke 1991, 31). Nevertheless, the Act of Uniformity (1662) became the first of several laws against English dissenters in the 1660s. In the 1670s, *John Owen* (1616-1683) and others argued that it would benefit England economically to distinguish between “Popish and Protestant Dissenters” (Tyacke 1991, 34). But the time was not yet ripe.

John Locke (1632-1704) was an English philosopher and physician working for the Earl of Shaftesbury, Sir Anthony Ashley Cooper (1621-83). Shaftesbury was the founder of the Whig Party and “an advocate of the rights of dissenters” (Wilken 2019, 171). During a prosecution for high treason, the earl fled to the Netherlands in 1682, followed by Locke in 1683. In Amsterdam John Locke became a close friend of his fellow doctor, Philip van Limborch, in 1689 dedicating “his (first) *Letter on Toleration* to van Limborch” (Bangs 2010, 610). Toleration, Locke writes, “is the principal mark of the true church […] I believe that we must above all distinguish between political and religious matters […] salvation of souls cannot be any business of the civil ruler” (Locke 2010, 3-8. Bainton 1951, 229-252. Mitchell 2003, 143-160. Tyacke 1991, 36). Jonathan Israel explains John Locke’s basic idea: “Locke’s is at bottom a theological notion of toleration rooted in the idea that it is for each and every individual believer not just to be personally responsible for seeking the salvation of his or her soul but […] to perform openly that form of worship by which he or she seeks salvation” (Israel 2000, 103). In the words of John Coffey: “The very idea of toleration flourished in the seventeenth century because it was touted as a basic item of Christian dogma, the solemn duty of

every true Christian" (Coffey 2006, 152). The prince or magistrate, therefore, must abstain from dictating the contents of belief and conscience of his people. A church can excommunicate a member, depriving that person of privileges in the church. But excommunication from a church "does not, and cannot, deprive the excommunicated person of any of the civil goods that he previously possessed" (Locke 2010, 12). Freedom must be granted to all churches or religious societies, including Quakers, pagans, Muslims, and Jews. Roman Catholics, however, are not to be considered a religious society or a church since they give to the pope the "power of deposing kings." Locke is thinking of "the *potestas deponendi*, the pope's spiritual power to depose a heretical sovereign" (Wilken 2019, 177-178; 131). Catholics, therefore, are not loyal citizens but should rather be considered a state within the state, a fifth column. Locke did not want to grant atheists civil rights and freedom of expression either. Since belief in God is the necessary basis for morals, atheists could not be trusted. "An atheist cannot claim the privilege of toleration in the name of religion, since his atheism does away with all religion" (Locke 2010, 37. Israel 2000, 104). In 1688 the parliament passed the Toleration Act granting freedom of worship to dissenters but not to Roman-Catholics and to atheists (Tyacke 1991, 38-44).[53] The Toleration Act accelerated the immigration of French Huguenots.

Recent history had taught Locke and many of his contemporaries the need for tolerance. As he put it: "England offers us some good examples from the reigns of Henry, Edward, Mary, and Elizabeth of how nimbly clergymen adapt decrees, articles of faith, forms of worship, and everything to the prince's will. These princes held such different religious beliefs and gave such different orders that only a madman – I almost said only an atheist – would assert that an honest person, a worshipper of the true God, could obey their decrees on religious matters without compromising his conscience and his respect for God. Need I say more? […] No religion which I do not believe to be true can be true for me or of any use to me. A ruler is wasting his time forcing his subjects to attend his own religious services on a pretext of saving their souls. If they believe, they will come of their own accord; if they do not believe, they will perish anyway, even if they come […] a person cannot be forced to be saved. At the end of the day he must be left to himself and his own conscience" (Locke 2010, 21). One recalls Themistius' appeal to Emperor Jovian.

Born in the same year (1632), John Locke and Baruch de Spinoza both argued for toleration but for two different reasons. Jonathan Israel explains: "Of the two principal traditions of toleration theory in seventeenth-century Europe, what have been termed the 'Arminian' and the 'republican', the first culminates in Locke and the second in Spinoza" (Israel 2000, 102). The first principle is theological, claiming human free will and therefore religious freedom. The government should give equal rights to religions that do not undermine the state. The other principle is basically agnostic and secular. A state does need religion. To Spinoza, however, that religion is certainly not Christianity "but what he calls a very simple universal faith in which […] worship of God and obedience to him consists solely in justice and charity, or love, towards one's neighbour" (Israel 2000, 105). The 'Arminian' and the 'republican' principles have been foundational for later European theology and philosophy. Locke's idea fertilized the intellectual soil. Later, Spinoza's idea reaped the fruits.

[53] A facsimile of the printed text of the Toleration Act is reprinted in Grell, Israel and Tyacke eds. 1991, 411-428.

An increasing number of their contemporaries agreed with Locke. His work on toleration is "significant not because it advances new or previously unheard-of arguments for toleration but because it so concisely synthesizes nearly a century of ongoing debate on the vexing problem."[54] With Locke and Spinoza the essential struggle for religious freedom i.e., the intellectual reasoning for it, has ended. That does not mean, however, that everybody was convinced. Like so many in his days Locke was a refugee. Some English dissenters fled to the Netherlands, others to New England.

Benjamin Kaplan describes how ordinary Europeans in many local communities found ways to live peacefully together despite religious disagreements. He concludes: "As a practice, toleration long predated the Enlightenment. Ever since the reformations, more than a century before Locke and Bayle set pen to paper, Christians in Europe had been finding ways to live peacefully with one another despite their religious differences […] For a majority of people, though, toleration remained after 1650 what it always had been, a pragmatic arrangement for the limited accommodation of regrettable realities. Not infrequently, it still broke down" (Kaplan 2007, 336).[55]

In this article, I have concentrated on theologians, philosophers, princes, and politicians, not so much on ordinary people and their day-to-day arrangements. The perspective of Kaplan and others is a much-needed supplement. I have also concentrated on Western Europe. Now however, we will make a short visit to the American east coast.

New England

The question of freedom was handled differently in each of the transatlantic colonies. In Boston, Massachusetts, Puritan minister *John Cotton* (1585-1652), "adopted Calvin's view that civil officials were custodians of both tables of the Decalogue" (Wilken 2019, 146). He did not adopt all of Calvin's theology though, since official church polity in Massachusetts was congregational, not presbyterian. In 1631 *Roger Williams* (1603-83) arrived from England. He was an ordained minister in the Church of England, but he came to the conviction that "separation from the Church of England had to be complete and without hesitation" (Gaustad 1991, 25). Though Puritans were being persecuted in England the Bostoners still wanted to keep close contacts with the old country and its church. To Williams, that was inconsistent and hypocritical. Williams also claimed that the laws of the first table "were matters for the individual conscience, not for the sheriff, whether in Old England or New" (Gaustad 1991, 26). In his book *The Bloudy Tenent of Persecution for Cause of Conscience* (1644) Williams summed up his views on religious liberty: "It is the will and command of God that (since the coming of his Son the Lord Jesus) a permission of the most pagan, Jewish, Turkish, or Antichristian consciences and worships be granted to all men in all nations and countries , and they are only to be fought against with […] the sword of God's Spirit, the Word of God" (Williams 2008, 86. White 2016, 45-46). John Cotton's reply was that in Massachusetts they were willing "to tolerate persons who dissent 'privately or inoffensively', but not the flagrant and scandalous dissenters" (Gaustad 1991, 120-121). There should be freedom of conscience but not freedom of expression.

[54] Quotation from Andrew Murphy: *Conscience and Community* (2001), in: Wilken 2019, 178-179.
[55] Kaplan's insights are supported i.a. by Coffey 2011, 341-365 and Walsham 2013, 115-137.

Already in January 1636 the disagreements led to the expulsion of Williams from Massachusetts. He lived that winter and spring among native Americans, learning their language. The Narraganset and the Wampanoag Indians gave him the land that was to become the state of Rhode Island. Later the natives accepted "presents and Gratuities" for their generous donation (Gaustad 1991, 127). Williams, his family, and some friends settled in a spot they called Providence. In 1644 Williams obtained from the parliament in London a charter of government for "the Providence Plantations." In 1663 *Charles 2.* renewed the charter specifying that "our royal will and pleasure is, that no person within the said colony, at any time hereafter, shall be any wise molested, punished, disquieted, or called in question, for difference in opinion in matters of religion […] but that all and every person and persons may, from time to time, and at all times hereafter, freely and fully have and enjoy his and their own judgments and consciences in matters of religious concernments" (Gaustad 1991, 63; 194. Bainton 1951, 208-228).

To the south, in the colony of Virginia, the Church of England had a religious monopoly. As we have seen, up north in Massachusetts and in Rhode Island different types of dissenters were settling. The most tolerant or free polity being that of Rhode Island. Between the northern colonies and Virginia, Pennsylvania was founded by the Quaker, *William Penn* (1644-1718). There, religious freedom was restricted to those "who shall confess and acknowledge one almighty God to be the creator, upholder, and ruler of the world" (Gaustad 1991, 196). Atheists were not welcome.

The Constitution of the United States (1776) and especially its First Amendment (1791) resembles the polity of Rhode Island more so than the polity of other colonies.[56] In the 19th and 20th centuries, the Western or 'free' world to some degree copied Roger Williams' ideal. Some of the wording of the First Amendment is taken from the Westminster Confession of Faith (1647) as Presbyterians played a significant role in the creation of the Constitution of the United States. Nevertheless, the Constitution resembles the polity of Roger Williams more so than the polity of John Calvin. This fact is frequently ignored as Presbyterianism is read into the Constitution (e.g., Farish 2018, 31-44). The Westminster Divines did not agree on "the contemporary applications of the Mosaic judicial laws", such as capital punishment for blasphemy. Therefore, the confession "was a consensus statement broad enough to be agreed with by Divines who held somewhat different views" (Ferguson 1991, 320).[57]

Another attempt to domesticate the Constitution is made on behalf of Deism. Richard Popkin cheerfully claims that "the fairly tolerant situation" in the new American nation was "created […] by Deists" (Popkin 1991, 214). Well, not quite! Roger Williams obtained his charter for a tolerant colony as early as 1644. At that time the Deists in England consisted of *Sir Herbert of Cherbury* (1583-1648) and possibly nobody else (Walligore 2012, 181-197. Walligore 2014, 205-222). More than a century later the Founding Fathers were influenced by Deism. But that does not substantiate the claim that American tolerance was created by Deists.

[56] https://www.law.cornell.edu/constitution-conan/amendment-1/first-amendment-overview; accessed May 6, 2023.
[57] On Mosaic law and capital punishment, see Ferguson 1991, 325.

In ancient writers like Lactantius and Tertullian we have seen freedom of expression formulated as a principle. For more than a millennium after them freedom was limited in different ways. In the Reformation, once again unlimited freedom was voiced, but Martin Luther was forced by historical circumstances – or he believed to be forced – into revising his politics. From then Anabaptists and other dissenters took the lead, and Western democracies owe their rights of freedom more to the radical than to the magisterial Reformers.

For the period following the Reformation, I have concentrated on Protestant writers. However, more than a footnote ought to be granted to the Roman-Catholic missionary bishop, *Bartholomé de Las Casas* (1484-1566). He described and complained about torture and genocide committed by Spanish colonialists and armed forces in Cuba and Hispaniola. He also demanded that natives were given human rights. And he warned about divine punishment on Spain. Nevertheless, it is an overstatement when Vincent Twomey claims Latin America to be "where the modern concept of human rights first surfaced" (Twomey 2007, 111).

Present challenges

Freedom of expression is the most basic of all democratic rights. If we are not free to say and write, what we feel or believe to be right in religious, ethical, political, and other areas we are deprived of something basic to being humans as we are, by definition, social and verbal. Nevertheless, in the late 20th century, freedom of expression has been limited by legislation against hate speech and against statements that could offend others. In the 21st century, identity politics, especially as pertains to gender and sexual orientation, is being used to limit freedom of expression.

D.A. Carson describes how the concept of 'toleration' has undergone a semantic change: Traditionally it meant giving freedom to ideas or ways of life that was thought to be wrong or even repulsive. But now it means that one does not find any (or hardly any) idea or behaviour wrong or repulsive. And hence, one is deemed intolerant – and even repulsive – if one finds certain ideas or ways of life wrong or repulsive. This semantic change, together with legislation against offensive speech, at present serve to curb freedom of expression in the Western world. Carson gives examples of people being fired for expressing traditional sexual morality (Carson 2012).[58] Al Mohler warns Christians of the gathering clouds that he sees on the horizon: Sexual liberty is being prioritized over religious liberty (Mohler 2006, 169-180).

Outside of Europe and North America freedom of expression is being challenged partly by traditional religion and culture that have never adopted these rights and partly by an upsurge in nationalism as well as political and religious fundamentalism. These challenges are more than sufficient reason to reconsider the history of religious freedom as described in the present paper.

[58] On the use of terms such as *tolerantia, pax, caritas, mansuetudo* (meekness) etc. in early modern Europe, see Guggisberg 1983, 36-37.

Consciences and beliefs must be free. Bodies and behaviors can be forced, but a forced belief is a contradiction in terms. Besides, nobody is seriously harmed by the beliefs or feelings of others. In the words of Tertullian: "One man's religion neither harms nor helps another man" (Tertullian 2004b, 105). The same goes for other ideas, convictions, or feelings than religious ones. This could be put in the form of a dictum: "Our mouth should be free, while our hand is tied!" The point is not that all convictions are equally valid, but that problematic convictions must be countered by words, not by force. Early Christianity was exclusive – one might say intolerant – but "in the non-coercive sense" as Harold Drake puts it (Drake 1996, 9). Early Christians were convinced that God had revealed Himself and His authoritative will for human life. But they did not try to prevent Jews or pagans from believing and living contrary to God's will. It was not up to the Christians to punish wrong belief or bad morals outside of the church. They were convinced that God would take care of that on the day of His choosing. Such non-coercive exclusivity is worth a renewed consideration.

Abbreviations

Ante-Nicene Fathers (ANF)

Aquinas, Thomas: *Summa Theologica* (ST)

Corpus Reformatorum (CR)

D. Martin Luthers Werke. Kritische Gesammtausgabe (WA)

King James Version of the Bible 1611 (KJV)

Luther's Works (LW)

Migne, Jacques-Paul: *Patrologia Latina cursus completus* (MPL)

Nicene and Post-Nicene Fathers. First Series (NPNF 1)

Nicene and Post-Nicene Fathers. Second Series (NPNF 2)

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