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Issues in Religious Toleration from the Reformation to the Present Day¹

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Ever since the Fall, religious toleration has been an issue for mankind, whether he has seen it in these terms or not. Did not God say to the serpent after he had led Adam and Eve into disobedience, 'I will put enmity between you and the woman, and between your offspring and hers; he will crush your head, and you will strike his heel'? Here is a blueprint for intolerance, if ever there was one! We have but to move into Genesis 4 to see the principle at work. Cain will not tolerate righteous Abel and so kills him. God, for his part, responds with what may fairly be described as a policy of toleration. He takes cognizance of Cain's sin, but does not entirely ignore Cain's plea that his punishment is greater than he can bear. Thus, he places a mark on Cain to prevent anyone unlawfully taking vengeance on him.

In these early chapters of the Bible, then, a pattern is set for human history in this age. We must expect enmity and so intolerance between the people of God and those whose allegiance is still to the devil—a double-sided intolerance, it is worth noting! At the same time we can discern God's toleration not only of Cain but of all mankind, seeing that we are all sinners. Of course, this is not unlimited toleration. But it is a toleration nonetheless. Surprisingly few theologians or preachers have been bold enough to suggest that God has himself set an example of toleration.² That would be an

¹ This paper was originally given at a Day Conference organized by the Glasgow Theological Forum. My thanks are due to the members of the Forum for the stimulus of discussion on that day and subsequently.

² But cf. Caspar Olevianus, cited in J. Lecher, *Toleration and the Reformation* vol 2 (ET, Longmans 1960) 244.

interesting theme for a further paper. Here, however, I will take a more historical than theological survey, if it is ever entirely possible on a theme like this to separate the two.

At one time it was historical orthodoxy to date the rise of toleration to the aftermath of the great religious conflicts of the 16th and 17th centuries. There is an element of truth in this. These centuries saw such unparalleled religious strife within Christendom that there was an understandable reaction with the exposition of theories of religious toleration, which took some time before they could ever come to political fruition. Historians who hold to a liberal progressive view of humanity have highlighted this as an important landmark in man's development to true and full civilisation. But the reality may not be so simple. There is much to be said for the verdict of a modern historian (N. M. Sutherland), who wrote, 'Genuine toleration has probably always been very rare—and probably still is. In the sense of complete religious liberty, it was not generally accepted until varying dates in the nineteenth century. Then it had more to do with materialism and indifference than with any generous spirit of tolerance.'³ The last observation is important. It raises an acute problem—is religious toleration inevitably accompanied in the human situation by indifference or relativism? Theoretically, there ought not to be such a close tie, because toleration is not the same as approval. Indeed, it implies a measure of disapproval of the activities which are tolerated. It simply judges that to permit these activities will cause fewer evils than to attempt their suppression. The Victorians, after all, who were the architects par excellence of the ideal of tolerance, did not commonly subscribe to the notion that all religions were equal or that diversity in religious expression was a good thing in itself.

The Classical Background

There was no theory of religious toleration prior to the persecution of the Christian church. The case was first made in some detail by Tertullian, and extended by Lactantius, another writer of African origin.⁴ In a measure it was accepted even by the Emperor Constantine. But not long after Constantine the Christian church was harnessing the imperial power first to restrain heretics and later the pagans. Why did this development occur? Why should peaceful co-

³ N. M. Sutherland, 'Persecution and Toleration in Reformation Europe' 153 in W. J. Sheils, *Persecution and Toleration—Studies in Church History* 21 (Blackwell, Oxford 1984).

⁴ Cf. P. Garnsey, 'Religious Toleration in Classical Antiquity', 14–16 in Sheils *op.cit.*

existence between paganism and Christianity have been so readily jettisoned?

A brief answer would be that the Christians took over a presupposition of the ancient world—that the religion of the community took precedence over the religious instincts or the conscience of the individual. It was Tertullian who broke new ground in the ancient world when he argued that constrained worship was of no value to any deity worthy of the name. Only voluntary worship was acceptable. But that, for most of his contemporaries, simply missed the point. The state determined who should be worshipped and in what way. The collective wisdom of the past should not be dismissed because of individual doubts. Even a sceptical rationalist like Cicero who could find no logical basis for the public religious rites of Rome in his own day was far from wanting them removed or replaced. Instead, he expressed the confidence that some day someone was bound to find a rational explanation.⁵

Cicero's sceptical outlook caused him no trouble in the Roman society of his time. It was, in fact, shared by many upper-class Romans. But other inquiring minds did not always fare so well. The case of the Athenian philosopher Socrates is a prize example. He was accused, in the heyday of Athenian civilisation, of corrupting the youth, introducing new gods and showing disrespect for the old. He was duly condemned, perhaps in some measure as a scapegoat for the Athenian defeat in the Peloponnesian War and the subsequent tyranny under Critias, who had been an outstanding pupil of Socrates. It was enough for his accusers that Socrates had been unconventional in his views and teaching style. Socrates' admirers also knew what had been at stake. One of them, Xenophon, defended Socrates by alluding to one of his visits to an oracle of Apollo. There Socrates had inquired as to how he should worship the gods, and had received the answer, 'Follow the custom of the state: that is the way to act piously.' Socrates had, according to Xenophon, sought to follow that uncontroversial advice.⁶

Plato, Socrates' most famous pupil, was acting in accordance with this outlook when he proposed to exclude certain theological views from the state on the ground that such views undermined character and so the fabric of the state. Plato was perhaps unusual in outlawing dangerous religious beliefs as well as practices. Normally pagan religious communities did not function at a sophisticated theological level. Indeed, Plato's position was more akin to, and may

⁵ Cicero *De Divinatione*.

⁶ Xenophon *Memorabilia* 1:3:1.

have acted as a spur to a notion which was taken up in earnest in the medieval church—that heretical doctrine was a pernicious influence in the state. But Plato shared the mindset of his own times in assuming that the interests of the community must dictate the forms of religious expression allowed within it.

We must, therefore, dismiss the common idea that since the classical world (with the exception of the Jews) was polytheistic, it was therefore tolerant. It is true that few expected the gods in one community to be exactly the same as the gods in the next. It is also true that exclusive allegiance to one god or goddess was extremely rare. Indeed, it might be considered dangerous because the worshipper would run the risk of offending those deities he was neglecting. But that is very different from saying that a member of a community could opt out of its religious duties. He was expected to play his part not only because he might be dismissed as anti-social, but because the *pax deorum* was thought to depend upon it. Most communities had at that time a strong sense of the influence of the supernatural world on their local affairs. Their survival, indeed the well-being, of their community depended on the maintenance of this *pax deorum*. Conversely, the very fact that the community had survived so long was in itself evidence that the gods had hitherto been pleased with the rituals offered in their honour. Hence the importance of doing everything in the time-honoured way. Hence too the importance of no one opting out. Otherwise, the gods would be offended and would remove their blessing from the community. This is the mentality which lies behind a famous passage in Tertullian's *Apologeticus*—"If the Tiber reaches the walls, if the Nile does not rise to the fields, if the sky doesn't move or the earth does, if there is a famine, if there is a plague, the cry is at once, "The Christians to the lion!"⁷ The natural disasters to which Tertullian alludes were regularly interpreted as divine judgments on the community for tolerating the Christian 'atheists' as they were called.

Such an outlook was not abandoned as Christianity came gradually to enjoy pre-eminence in the post-Constantinian period of the Roman Empire. By this stage it was, naturally, the Christian God who was supposed to secure the well-being of the Empire and of individual communities. In this context it is illuminating to study the arguments used by Bishop Ambrose of Milan in the late fourth century against Symmachus, one of the leading pagan nobles in the city of Rome. When Symmachus argued that the removal of imperial subsidies for the civic cult at Rome threatened the *pax deorum* as far as the city was concerned, Ambrose simply replied in kind. The best

⁷ Tertullian *Apologeticus* 40:2.

insurance policy Rome could have had was to be found in Christ—a Christ who demanded exclusive loyalty. Hence the pagan religious apparatus in Rome had to go. But significantly, Ambrose and Symmachus shared the presupposition that the security of the state was bound up with appropriate worship. This idea was to have a long history. I suspect it was the primary reason why the Roman imperial powers saw fit to attempt an extirpation of paganism. I am aware that this does not tally with the position of Augustine who in his famous work *The City of God* played down the connection between right worship and success in this world. (He believed divine providence was too subtle for that.) But elsewhere Augustine did indirectly provide a different rationale for a policy of religious coercion. In effect, he moved this to the plane of the individual soul, which became too important a thing to be left to the individual without the coercion of a benevolent state. In practice, Augustine's position could readily be married to the classical world view. Persecuting rulers could claim to be acting in the interests of the individual's spiritual welfare while they pursued a policy of religious uniformity which made their realm more manageable and may have promised a measure of divine blessing.

The classical world, then, turns out to have an unexpected kinship with modern totalitarianism. Of course, not all ancient societies were governed by despots. I do not mean totalitarianism of that sort. I refer to the totalitarianism of a public opinion which will brook no dissentient voices to the accepted ideology, if ideology is not too grand a word to denote what was often an amalgam of diverse traditions. Sometimes this ideology would be little more than an expression of local pride, ranging from the outcry of the Ephesian craftsmen, 'Great is Diana of the Ephesians' to the colossus erected by Nebuchadrezzar seemingly to symbolise the greatness of Babylon. But the ideology was real enough—and woe betide anyone who seriously threatened it!

The Reformation—The Initial Explosion of Intolerance

At first sight the Reformation might appear a massive revolt against the totalitarianism of medieval Christendom, and so a step on the road to both religious freedom and diversity. And in some sense it was. But equally the Reformation marked an explosion of religious intolerance. How are we to explain this paradox?

It will not do to blame it all on the Roman Church with its understandable desire to resist the erosion of its authority. Protestant groups played their part as well. Take, for example, the testimony of one Reformed divine from the Rhineland, Caspar Olevianus, who

was concerned about the reputation his own church was acquiring. People were saying, 'As soon as the reformed religion has seized hold of a province, its followers try to oppress and destroy the opposing party.' Or in the words of another critic, 'The Calvinists kill the papists and expel the Martinists.'⁸ These may have been appropriate remarks for the first generation or so after the Reformation. The situation did quieten down somewhat after a time. But before we should see in this the triumph of the ideal of toleration, we would do well to ponder this verdict—'Neither persecution nor toleration could be adequately enforced.'⁹ Persecution proved impracticable simply because of its political implications in a deeply divided Europe. It was not overthrown because it was held to be essentially unjust. On the other hand, sustained toleration was intermittent and at best selective; so deep were entrenched religious loyalties. This is not to deny that theories of toleration were propounded at this time. They were—but their political influence was minimal and their proponents were marginal. A more detailed survey will reveal some of the reasons for this.

In the medieval period heresies had been localised affairs. Correspondingly, their suppression did not attract much publicity, however ruthlessly this may have been conducted. I suppose too that it was possible to give 'deviants' time to confess their error and to return to the true fold. But once the Reformation was well established and the battle lines firmly drawn, there was no place for such luxuries. The continuing Roman Church and the magisterial Reformers saw no reason to discard the medieval idea that those who dissented from the religious norms of society were heretics and to be punished if they did not accept correction. We may wonder whether they genuinely feared God's wrath for tolerating heresy. Their underlying concern could have been social or political rather than religious; they may have been frightened of anarchy and disloyalty in a society with such competing religious allegiances. I believe, however, this would be to pose a false dichotomy. Both attitudes lay side by side in the minds of religious men. The order of society, upheld by the godly magistrate, was regarded as a God-given blessing by Calvinist and Lutheran alike. Calvin, for example, had an absolute horror of anarchy. Any sort of government, however corrupt, however tyrannous, was preferable to anarchy.¹⁰ And when we consider that Calvin viewed tyranny in most instances as a divine judgment on the subjects concerned, we can imagine what he

⁸ cited in Lecher *op.cit.* 244.

⁹ Sutherland *art. cit.* 160.

¹⁰ Cf. Calvin's commentary on 1 Peter 2:14.

thought of anarchy. It is indicative of his outlook that in the last week of his life he should speak to his fellow-pastors in Geneva in these terms—'When I first came here there was almost no organisation. The Gospel was preached and that was all. Everything was in upheaval.'¹¹

Luther's outlook is perhaps of greater interest because it changed. Among historians of religious toleration, he alone of the early magisterial Reformers gains credit for expressing principles of religious liberty. Thus, in 1521 he said, 'no man can or ought to be forced to believe, but everyone should be instructed in the gospel and admonished to believe, though he is left free to obey or not.' Luther continued in the same vein when he voiced the fear that Catholic princes might take on the role of persecutors. He pointed out that heresy cannot be removed by force; it requires a different sort of opposition. 'Heresy,' he declared, 'is something spiritual. One cannot strike it with iron, nor burn it with fire.' A little more development of this, we might think, and Luther would have undone the Gordian knot which bound the medieval church to the secular arm of judicial punishment. But such developments were cut short. By 1530 Luther was endorsing the death penalty for all offences against civil and ecclesiastical order. This drastic change in outlook reflected the value Luther put on public order. He was shaken by the emergence of the Anabaptists, who cared little for the state and virtually identified it with Satan's kingdom, by the Knights' War and by the Peasants' Revolt, which to his mind threatened to divert the reformation of the church into the overturning of the order of society.¹² Luther defended the right of princes to oppose whatever threatened their God-given authority; and where that opposition took on a religious colour, so much the worse for it. Religious liberty must not mean a licence to overthrow the established order of society. Again, we should note some lingering influence of the classical view which postulated a close tie between the welfare of a state and its public worship. But Luther also gave considerable force to passages like Romans 13 on the role of the powers-that-be.

Turning briefly to the Reformed churches, we would not be exaggerating to say that they looked on both the state and the family with their structures of authority as much of a divine institution as that of the church. One result was the insistence that the state rulers support the Reformed religion in every way possible, including the removal of rival religious movements.

¹¹ *Calvini Opera* 9 col 891.

¹² For Luther's change of view see H. Kamen, *The Rise of Toleration* (Weidenfeld and Nicolson 1967) 32-41.

The Reformation and the Assertion of Liberty of Conscience

In spite of what I have earlier stated, the Protestant position did from the beginning enshrine one principle which was bound in time to form the basis of theories of toleration. That was its emphasis on liberty of conscience. It was Luther himself who struck a clear and decisive note at this point.¹³ In his defence at the Diet of Worms he declared, 'Unless I am convinced by the testimony of the Scriptures or by clear reason (for I do not trust either the pope or 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 will not retract anything, since it is neither safe nor right to go against conscience.'¹⁴ It is clear that Luther was appealing not to some autonomous power of conscience, but to a conscience bound to the teaching of Scripture.

The enlightened conscience could resist not only papal doctrines but any rites which had no scriptural warrant. Here is Luther a few years later in his work *On the Bondage of the Will*—'A good theologian teaches that people should be restrained by the external power of the sword when they do evil. But their consciences must not be ensnared by false laws, and thereby tormented for sins where according to God's will there is no sin. Consciences are bound by God's law alone, and the Papal tyranny, which by its falsehoods frightens and murders souls within, and uselessly exhausts the body from without, is an intruder that should be banished forthwith. Though by external pressure it forces men to make confession and perform other burdensome tasks, it fails to restrain their minds which are only the more provoked hereby to hate both God and man.'¹⁵ This emphasis is common to all the early Reformers, whose primary target was the unjustified religious regulations of the Papacy.¹⁶ Soon it was to be extended to those rulers who felt they had the right to legislate in detail for the worship of their subjects. Need I mention in detail the resentment caused by the Elizabethan settlement among the Puritans or the opposition in both England and Scotland to the religious dictates of the 17th century Stuarts.

A century after Luther's death, at the time when the Westminster Confession was being compiled, those in the mainline Protestant

¹³ For useful comments on the context of this see H. A. Oberman, *Luther—Man between God and the Devil* (ET. Yale 1989) 203–4.

¹⁴ A. Skevington Wood, *Captive to the Word* (Paternoster 1969) 72.

¹⁵ On page 89 of the English translation by J. I. Packer and O. R. Johnston (James Clarke and Co 1967).

¹⁶ Cf. Calvin *Institutes* 4:10:5–6.

tradition had to contend on another front—against those who extended the bounds of liberty of conscience as well as those who would restrict it by human traditions. Thus, while the Westminster Confession affirms the Scriptures as the basis for true Christian liberty of conscience against ‘the requiring of an implicit faith and an absolute and blind obedience’, it also had to turn its guns against those ‘who, upon pretence of Christian liberty, shall oppose any lawful power, or the lawful exercise of it, whether it be civil or ecclesiastical.’¹⁷ The new problem was being caused by appeals to liberty of conscience from groups and individuals who did not share the Reformers’ high view of Scripture. The Quakers, for example, and other groups emphasised the light within at the expense of the canonical Scriptures. Thus, when they appealed to conscience in resisting civil or ecclesiastical order, they would not submit to correction from the Scriptures. Essentially their conscience was unanswerable. It had become a sort of pope, if I may borrow a criticism levelled by Samuel Rutherford.¹⁸ In fact, during the period of Parliamentary ascendancy from about 1644 to 1660 England saw a mushrooming of sects and religious groups, many of whom invoked liberty of conscience. These ranged from blatant Antinomians to those who flouted civil authority with radical ideas foreshadowing Communism and those who asserted that all opinions were equally beyond reproach provided they were held sincerely. Inevitably, liberty of conscience as an ideal began to be less sharply defined. Certainly, Protestant Christians could no longer insist in public debate that liberty of conscience refer only to a conscience bound to the Word of God. We might say that to a degree the concept had been secularised.

At the same time there had been a significant shift in attitude among most Protestants toward the clarity with which Scripture spoke. Here too we can detect a decided change from Luther and the early Reformers, who were confident that Scripture always spoke clearly to the truly spiritual man. An ordinary Christian man illumined by the Spirit of God could make deeper progress in understanding the Bible than whole councils consisting of unspiritual men. Luther reacted against a commonplace in intellectual circles in his own day that the Scriptures were obscure and equivocal. To him this was nothing less than blasphemously to slur the wisdom of God. ‘Surely we have enough obscurity and uncertainty within ourselves, without our obscurity and uncertainty

¹⁷ Westminster Confession 20:2 and 4.

¹⁸ Cf. W. K. Jordan *The Development of Religious Toleration in England* Vol. 3 (Allen and Unwin 1938) 295.

and darkness being augmented from heaven!' he thundered.¹⁹ Characteristically, Luther went to extremes on this point; for he would not allow any of Scripture to be called obscure—'There stands within it the statement from Peter, that the word of God is to us a lamp shining in a dark place. If part of the lamp does not shine, then it is part of the dark place rather than of the lamp! When he enlightened us, Christ did not intend that part of his Word should be left obscure to us, for he commands us to mark the Word; and this command is pointless if the Word is not clear.'²⁰

When, therefore, a Luther or his like appealed to Scripture to justify the position of their conscience, they expected the sympathy and agreement of all spiritually-minded men. But in time Protestants came to see that serious study of Scripture did not universally secure the same interpretation among their own number. Some parts of Scripture turned out to be more obscure than others with resultant divergences in belief and practice. The Reformed constituency inclined to a more nuanced view on the perspicuity of Scripture. Hence we find in the Westminster Confession—'All things in Scripture are not alike plain in themselves nor alike clear unto all: yet those things which are necessary to be known, believed, and observed for salvation, are so clearly propounded, and opened in some place of Scripture or other, that not only the learned, but the unlearned, in a due use of the ordinary means, may attain unto a sufficient understanding of them.'²¹ These obscurer parts of Scripture should at least have legitimated divergences between consciences, as Romans 14 would lead us to expect in a normal, healthy church situation.

In Cromwellian England it is possible to detect a debate on the implications of this issue. The debate was rather ill-formed because it seemed on the surface to be concerned with the political issue of toleration, but in reality entailed unsolved problems arising from the lack of a generally agreed infallible interpreter of Scripture. We must remember that this debate was basically between different Protestant groups. A few individuals were bold enough to advance a case for the toleration of Muslims, Roman Catholics or other non-Protestant groups. But these were isolated figures regarded with some horror by most contemporary Christians.²² At this stage the toleration of Roman Catholics, still less of atheists, was a non-starter. Debate, then, among Protestants could assume there were certain essential

¹⁹ Luther *Bondage of the Will* 128.

²⁰ *Ibid.* 129 where Luther is alluding to 2 Peter 1:19.

²¹ *Westminster Confession* 1:7.

²² Cf. the reaction to Roger Williams recounted by Jordan at *op. cit.* 504–5.

Christian doctrines and practices on which all Christians would agree. But what of the inessentials? Some Christians suggested that here was room for divergence among Christians. For them a plea of conscience would be admissible on a non-essential, whereas a conscientious objection to an essential point of doctrine would be dismissed as perverse.

But there were other Christians who rejected such an implication of the distinction between the essentials and the non-essentials. It was, to their mind, the beginning of a slippery slope away from the authority of Scripture into relativism. Edmund Calamy, for example, thought that by 1645 in England many men had been driven to say—'We know not of what religion to be, and therefore we will be of no religion. If we hold of such, others will condemne us, and if we hold of them, others also will condemne us; and therefore we will rather stand neuters, and professe no religion at all.'²³ Samuel Rutherford approached the same phenomenon more theoretically. He would accept that certain points in Scripture were not vital for salvation; but that, he believed, should not obscure the fact that they represent for us the Word of God, seeing that they are clearly contained in the Bible. If they are rejected or simply neglected, God's authority and that of his Word are attacked. Rutherford had made a shrewd point not always appreciated then or since—that the distinction between clear and obscure passages in Scripture is not exactly the same as that between doctrines essential for salvation and those which are not. Rutherford wanted the civil magistrate to persecute those who held to errors even on the inessentials, provided these inessentials were the clearly recognised teaching of Scripture.²⁴ But would everyone agree on such manifestly clear passages? (I gloss over at this point the whole issue of having the secular power enforce a carefully defined statement of Christian doctrine and practice.)

Rutherford's willingness to recognise obscurer parts in Scripture was not consistently followed among his fellow-Presbyterians. There was an influential, extreme viewpoint which downplayed the more difficult passages in Scripture and exuded confidence that they had attained virtual infallibility on the interpretation of Scripture. Here is an English Presbyterian, Thomas Edwards, assuring the rulers that the decisions of the church—he meant the Presbyterian church of course!—rested on truths which were infallibly ascertained—'there is an infallibilitie and certaintie under the new (dispensation) also in doctrines of faith and worship, and Christian magistrates may

²³ Cited at *ibid.* 297–8. Calamy's work was entitled *An indictment against England because of her selfe-murdering divisions.*

²⁴ Cf. Lecher, *op. cit.* Vol 2 :452–3.

infallibly and certainly know such and such doctrines to be false, and such true . . .²⁵ To deny this would be to undermine the infallibility of Scripture as the voice of God himself. Edwards did not believe that everything in Scripture was equally clear, but remained confident that a synod of pious and learned men might resolve doubts on the obscurer parts. He went so far as to say, 'Ministers and synods in their interpretations and decisions going according to the Word of God, which is infallible, judge infallibly . . .'²⁶ This seems an amazing statement from a Presbyterian writing about the time of the Westminster Confession. In practice, it seems virtually equivalent to the Roman Catholic position whereby God has left the church the appropriate mechanics to ensure an infallible interpretation of Scripture. From this it was a short step to insist that a Christian state has a responsibility to enforce 'orthodoxy'; for all deviations, stubbornly held, would be sinful failures to bow before God's clear revelation. But, on the other hand, if the possibility of such infallibility is precluded to humans, state persecution, even more ecclesiastical persecution, is put on a more flimsy basis. The ruling group will be seen as imposing their own particular viewpoint.

In their day extreme Presbyterian views alienated far more by their severity than they won over by any semblance of logical consistency.²⁷ Our own reaction may well be one of amazement or even of contempt. But, to be fair to the historical context, we must appreciate the dread of religious relativism and indifference which many felt could be checked only by a confident assertion of infallible truths. We must also recall that at this stage the ideal for Christians was not mutual toleration—that was a dirty word—but the reunion of all genuine Christians. It was considered detrimental to the health of the church for Christians to split into different groups, each pursuing their own peculiar interpretations at non-essential points. The divisive sectarianism, so characteristic of Cromwellian England, was not regarded by many at the time or thereafter as an ideal. Many dreaded a recurrence of the sort of events as had brought discredit on the early Anabaptists at Munster. It was no accident that the restoration of monarchy after 1660 saw renewed and vigorous attempts to establish religious uniformity—though not on this occasion in the interests of Presbyterianism. Ironically, it was only after prolonged exposure to this intensive policy of religious coercion that Nonconformists and some Anglicans began to see merit in the claims for liberty of conscience and so of toleration. Then the

²⁵ Cited in Jordan, *op. cit.*

²⁶ *Ibid.* 283.

²⁷ *Ibid.* 302–313.

Achilles' heel had become apparent in the position of an established church enforcing an orthodoxy carefully defined by its leaders. The providence of God did not guarantee spiritually enlightened persons at the head of either the state or the established church. With the growth of toleration a price had to be paid. The ideal of outward Christian unity had to take a back seat—a position from which it has re-emerged only in this century. But by the end of the 17th century it was becoming clear that differing views of Christian doctrine and worship were too entrenched to allow even Protestants to worship together in good conscience.

The period from 1640 to 1660 was undoubtedly a formative period both in English history and in the history of religious toleration. The American scholar, W. K. Jordan, who devoted four volumes to the theme, asserted that all the key elements in the modern view of toleration had been identified by 1660. (This is, of course, a very different thing to saying they had become political realities!) This period with its sudden removal of religious restraints suggests some lessons for our situation. Today agnosticism about religion is commonplace in both academic and popular circles. It implies that there is no clear revelation of God. At best we can only speculate about God and his works. The principle of 'finitum non possit capere infinitum' has been extended well beyond its original scope! One indication of this is the current use of the word 'fundamentalist'. Though it is unwise to look for much precision in any term of abuse, in popular usage it seems to be applied to any who manifest an unusual degree of certainty about their religious convictions. Certainly, knowledge, especially the assertion of a superior knowledge, can lead to arrogance—and that is not a pretty sight. Did not the apostle Paul observe, 'The man who thinks that he knows something does not yet know as he ought to know'?²⁸ Yet, the abandoning of religious certainties (or to put things into a Protestant perspective) the ignoring of clear Scriptural teaching will bring society into a morass of relativism.

Arguably, this is the situation into which we are being led by the very talk of a 'pluralist society'. I know that some speak of a pluralist society as a description and not an ideal, for which they reserve the word 'pluralism'.²⁹ If pluralist is intended as a description, it tells us that, whether we like it or not, we live in a society with a significant number of representatives from different and incompatible belief systems. And there can be no doubt that this is an accurate description of modern Britain and probably of much of western

²⁸ 1 Cor. 8:2.

²⁹ Cf. L. Newbiggin, *The Gospel in a Pluralist Society* (SPCK 1990) 14.

society. But if the ideal of pluralism is being advocated, the issue is very different. We are underpinning the idea that religious truth is relative. This would effectively be to develop an idea of J. S. Mill in his work *On Liberty* that the very diversity of lifestyles in a free society would be a positive enhancement to the general good. Mill was not thinking particularly of pluriformity of religious belief, but the extension of his theory to the religious sphere is evident in many influential quarters today. We find it, for example, in Religious Education circles where there has been a vogue for an 'open' approach, which leaves individuals to pick and choose their own religion out of elements taken from the more traditional religions or none.³⁰ This is contrasted with the 'confessional' approach. I need hardly say that this is to abandon the primacy and the uniqueness of Christianity. A society which advocates, with little depth of thought, the ideal of pluralism inevitably seems to drift into religious relativism. I suggest that it is preferable to revert to the older ideal of a tolerant society, which does not give equal weight to all forms of religion, but is prepared to leave unmolested expressions of religious belief which the majority holds to be wrong or misguided.

We may find many things to criticise in the outlook of mid-17th century English and Scottish Christians. But they did at least recognise the danger of religious relativism. Even modern historians of religious toleration pay tribute to that.³¹ We are now at the opposite end of the spectrum in Britain today. If an absolute and infallible certainty about some minutiae of Christian doctrine in the 17th century led to intolerance by Christians on fellow-Christians, today we meet with intolerance of a very different sort. A new orthodoxy of anti-Christian agnosticism has cultivated its own intolerance of 'fundamentalist' certainty.

The Danger of the Autonomous Conscience

Liberty of conscience was to become a central plank in the toleration, which was to be much in vogue in the Victorian era. And yet many leading Christians of the 17th century, as we have seen, were highly suspicious of this ideal. Here are some further comments from Samuel Rutherford, who felt that conscience was going to be made 'every man's rule, umpire, judge, Bible, and his God, which if he

³⁰ Cf. T. Cooling 'Evangelicals and Modern Religious Education', 123-137 in *Spectrum* 18:2 (1986).

³¹ Cf. Jordan, op. cit. 314 and Lecher, op.cit. 359-60 for criticism of the doctrinal indifference of Sebastian Castellio, at one time a colleague and later an opponent of John Calvin.

follow, he is but at the worst, a godly, pious, holy hereticke, who feareth his conscience more than his creator.³² Rutherford and those who agreed with him were convinced that freedom of conscience on these terms would result in anarchy and complete religious relativism. We might wonder if Rutherford's reaction to the immediate religious crisis was too hysterical and precipitant. Was it not likely that after an initially tempestuous period claims for liberty of conscience would cease to be applied to the more bizarre and dangerous forms of conduct? There may be some truth in the latter point, but the scenario feared by Rutherford was merely delayed longer than he would have envisaged.

Some reasons may be suggested for this delay. Appeals to conscience did in fact carry weight in the 18th and early 19th centuries within Christendom because of a general belief that men the world over were endowed with basically the same moral instincts. They differed certainly in their religious instincts, but confidence remained in a universal *moral* content of the conscience even embracing those peoples outside Christendom. Explanations of this could be given from widely different perspectives. More orthodox Christians could speak of God implanting knowledge of his law in every human heart, while others with more tenuous Christian links, like the Deists, could speak of the laws of Nature. But in practice it came to the same thing. Hence 'liberty of conscience' remained unproblematic on the assumption that a straitjacket of religious views was not to be imposed. At least everyone knew what ought to be done, whether or not they were actually doing it. But this expectation broke down in the mid-19th century with a crisis of faith—a crisis of faith not in God but in man, as Basil Mitchell has aptly described it.³³ Man began to appear a much more mysterious being than he had done hitherto. It became more difficult to specify an ultimate end for him and hence the right means to attain that end. Conscience was proving more culturally relative than had earlier been thought. In effect, no barrier was left to prevent liberty of conscience degenerating into the freedom for man to think and act exactly as he pleased.

To some extent today we remain in the grip of this open-ended notion of conscience, where the conscience is divorced from any sort of external authority. The grip may not be absolute; there are areas where the older moral sense of conscience has lingered on. We do recognise, for example, the right of conscientious objection in time of war. But if a plea of conscience can be used to justify anything and

³² Jordan, *op. cit.* 295.

³³ B. Mitchell *Morality: Religious and Secular* (OUP 1980) 84–90.

everything, it soon loses its value. Not surprisingly, we rarely hear in our society of appeals to conscience, except in a few well-worn paths. What might be called the demise of conscience has been accelerated by social scientists who tell us that conscience is simply a feature of a rudimentary stage in man's evolution which can now be safely discarded. And that leaves the field open for pragmatic considerations to rule the roost.

This would seem to pass over the popularity of international standards upholding human rights, which regularly include a section on liberty of conscience, alongside such things as liberty of thought, religion and belief. When, however, I look into these statements, I am struck by their breadth and vagueness. They seem largely unaware of the theoretical and practical difficulties of the autonomous conscience. I suppose it would be out of place in such international statements to come out in favour of the superiority of one religion, or even to state a preference for a theistic over an atheistic stance. They are concerned to assert equal rights for all citizens, regardless of their religion or other convictions. But they cannot do this without implying a definite outlook of their own on the place of religion in the life of the individual and the state. And that outlook itself may be queried.

I will try to illustrate this with some precise allusions, beginning with the archetypal statement from the Universal Declaration of Human Rights endorsed by the United Nations—'Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private to manifest his religion or belief in teaching, practice, worship and observance.'³⁴ This is all important and (in my judgment) uncontroversial ground. But attempts have been made to take matters further, including a Draft Convention on the Elimination of All Forms of Religious Intolerance (1967). Though this was never ratified, it is an interesting document reflecting the tone of much western liberal thought. It so aggravates the evil and enlarges the scope of religious intolerance as to render Victorian-style toleration out of court and to marginalise religion in general. It was this which made the Draft Convention unacceptable to Muslim countries. Thus Article 5 asserts, 'State Parties shall ensure to everyone freedom to enjoy and to exercise political, civic, economic, social and cultural rights without discrimination on the ground of religion or belief.' This has to be read in conjunction with Article 1 which defines 'discrimination on the ground of religion or belief' as 'any distinction, exclusion,

³⁴ Article 18.

restriction or preference based on religion or belief which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.' Though the Convention does permit the establishment of a religion or state recognition of a religion, it in practice robs that concession of most significance by its insistence that no discrimination is to be shown in all the key facets of national life. Religion is viewed as a private matter which must not impinge on public life.

The Convention does, however, acknowledge that there has to be a limit to the freedom to believe and practise what you like—'Nothing in this Convention shall be construed to preclude a State Party from prescribing by law such limitations as are necessary to protect public safety, order, health or morals, or the individual rights and freedoms of others, or the general welfare in a democratic society.'³⁵ The appendage of such provisos are commonplace in documents dealing with human rights; but it leaves a situation where the state itself determines the limits. Hopefully it will do so wisely and from the best of motives, but in practice that will not always be so. After all, human rights are currently emphasised to give the individual protection against totalitarianism. But where claims of conscience can be overridden by the state in what it decrees to be the public interest, we have no effective safeguard. And such will remain the case until the claims of conscience are wedded to some external authority like the Word of God. In short, an autonomous conscience is no safeguard against totalitarianism and against the intolerance which seems invariably to follow.

Human Rights

Today liberty of conscience as an ideal has been overtaken by the broader notion of human rights. This shift may in part be welcomed by Christians. Human rights, after all, are the rights we have simply because we are human beings—irrespective of what rights may or may not be bestowed on us by the community (or communities) to which we belong.³⁶ Though this has not always been the theoretical basis for human rights, such a notion can be squared with the biblical picture that man is man *coram deo* before he is a citizen, an employee, a family member, a churchman or whatever. Each of these communities or institutions can demean the individual by a

³⁵ Article 12.

³⁶ J. Donnelly *The Concept of Human Rights* (Croom Helm 1985) 1.

wrongful or over-rigorous use of its authority. This may go beyond pressurising folk to act against their conscience. Until recently, for example, the USSR and other Marxist states did allow religious liberty of a sort to their citizens. They were free to engage in certain acts of worship; but where programmes of religious education were outlawed, that freedom was greatly circumscribed. The effect of such state policy was to leave religious ritual intact almost as a superstition to be perpetuated because it was traditional and not because it was understood. Reasonably enough, many protested that religious liberty under these restrictions was not full liberty. To insist, therefore, on liberty of conscience and nothing more is insufficient to guarantee either human dignity or even the health of the church. In this respect the expansion of liberty of conscience to embrace a wider range of human rights is welcome.

But asserting human rights carries problems akin to those inherent in the idea of liberty of conscience. All is well if we are agreed on the content of a healthy conscience. Similarly, all would be well if everyone were agreed on what it is to be truly human. I stated that if the plea of conscience can be stretched to cover every conceivable conviction man has held, it soon loses its currency. The same fate will befall the slogan of human rights if it covers every human aspiration or everything which has been advocated as a human need. Unfortunately, in documents detailing human rights there has been an increasing reluctance to subscribe to a rationale for them.³⁷ Where there is no undergirding theory of human nature, then claims to human rights will be construed as propaganda from various interest groups. Moreover, at a practical level some human rights often clash with other human rights. How are competing claims to be decided if there is no framework within which to work?

The situation is complicated by the fact that some theorists of human rights have interpreted their concept as a means almost of human self-salvation. Whether the state is seen as a sort of guarantor of human rights or simply as the creator of those conditions in which man will instinctively respect human rights, their hope is that 'if you treat a person like a human being, you will get one'.³⁸ In other words, institutional change creates a new type of man. The significance of original sin is thrown out of the window. Of course, we ought not to assume that all theories of human rights make such bold claims, but it does mean the nature of man must be highlighted as a fundamental question in any discussion of human rights. All the

³⁷ *Ibid.* 27.

³⁸ *Ibid.* 33-34.

more so because it is assumed that human rights are universal.³⁹ And that presupposes a common human nature. Surely Christians will have something vital to contribute here.

A famous landmark in the recent history of human rights, the State of the Union speech delivered by President Roosevelt in June 1941, well illustrates how talk of human rights can manifest man's aspiration to be his own god. Here the President looked forward to the emergence of 'a world founded upon four essential freedoms', which are identified as freedom of speech and expression, the freedom of every person to worship God in his own way, freedom from want, and freedom from fear. The first two freedoms might be uncontroversial, but what human institution or government can guarantee to individuals freedom from want and freedom from fear? Of course, there are those who say we are to view these as legitimate human aspirations. (And what human does not aspire after freedom from want and freedom from fear?) In ordinary speech, however, a 'right' is something on which I can insist from someone else. To confuse 'aspirations' with 'rights' suggests that the ruling power in the state ought and is able to give me and every other citizen far more than is within its capability. The lesson for us is to confine human rights to the more modest role of checking the totalitarian power of the state or any other corporate body. They are neither the key to the happiness of the human race nor the last word about the responsibilities of government.

Ironically, early advocates of human rights took a minimalist view of the role of the state.⁴⁰ Far from seeing the state as playing God, they understood that the government's sole responsibility was to ensure and, where possible, to maximise the exercise of human rights. Correspondingly, they emphasised civil and political rights such as freedom of religion, conscience, expression of opinion, press, association etc. In time, however, these were seen as inadequate. They had to be supplemented by an insistence on social, economic and cultural rights—including the right to life, nutritious food, adequate health care, old age pensions. And to uphold these new rights requires considerable governmental interference in individual liberty. Thus, advocates of human rights have swung full circle on the role of government. This is to be welcomed because it is more realistic and more in accordance with the Scriptural emphasis on the responsibility of rulers to ensure both individual and social justice.

³⁹ Ibid. 35.

⁴⁰ Cf. the article on 'Rights, Human' in *New Dictionary of Theology* ed. S. B. Ferguson and D. F. Wright (IVP 1988) 594–5.

But the question of governmental priorities remains unsolved, especially where the range of human rights has become so large.

How does this relate to the general theme of toleration? Human rights, perhaps more than liberty of conscience, do promise a toleration worthy of the name. But in practice if the nature of man as man *coram deo* is not elaborated, the notion will collapse. It will turn into a tussle between different interest groups promoting their own favourite rights at the expense of those advocated by others. We see this process at work in the dispute over Salman Rushdie. His supporters champion one human right—that of freedom of expression, a literary or cultural freedom. His Muslim opponents are understandably concerned that their religion has been brought publicly into contempt. They face the loss of their right to respect as a religious community. Who is to decide this dispute? At present there is no agreed assessment of differing human rights. Without such, the outcome is most likely to be dictated by pragmatic considerations. Effectively, to advocate human rights without an agreed understanding of human nature will hardly stop intolerance.

Conclusion

A totalitarian state—whether we think of Calvin's Geneva or a modern Marxist or Muslim country—has a clear goal for the citizen and for the nation. Alongside this goes a clear view of ultimate reality. It is the imposition of these goals with the underlying ideology which most often causes intolerance. Responses to totalitarianism in the west today take two forms—the assertion of pluralism and a reduction in the functions of government.

Pluralism seems to be advocated today as the only genuine alternative to totalitarianism. Historically, this is misleading; there is the older ideal of toleration. Yet, pluralism may appear more just than toleration, in that it gives privilege to none. It also removes the threat of state persecution. But I believe it pays too high a price. There is an inexorable drift to a relativism where religion simply becomes irrelevant to public life. State persecution may cease, but religious intolerance may manifest itself at other levels in society. Besides, in most countries men naturally look to their leaders to set some form of public example. (It seems to me the alternative is a form of contempt.) An attitude of religious indifference in our rulers is likely to be contagious. Toleration avoids this. It gives the state a religious anchor, but leaves the citizens free to diverge from the state religion if they so choose. I would add that past examples of pluralist states have not lasted; sooner or later a dominant ideology asserts

itself. Otherwise the state risks a danger to which our Lord alluded in his remarks—'a nation divided against itself cannot stand'.

But if I advocate a policy of toleration in preference to a relativistic pluralism, I am aware of a corresponding responsibility on the church. It must speak with confident authority that its claims correspond to ultimate reality. Here my remarks on the clarity of Scripture have their force. It is Scripture which gives us reason to look for substantial common ground in the consciences of all mankind. Scripture can also provide a way into the tangled thicket of human rights. If the church has lost confidence that the Scriptures can speak clearly to men, then it must expect to carry little weight in society. It is little wonder that our confused, largely agnostic society has turned to a policy of religious pluralism. But can such a situation last?

A different bulwark may be employed against totalitarianism either in place of or alongside an overt policy of pluralism. This is to reduce the role of government. This was the course taken by John Locke in his influential work *A Letter on Toleration* (1689). Here he argued that religion or more precisely the salvation of souls was no business of the civil magistrate, who was to be concerned exclusively with the things of this life. Locke defined his position thus—'the commonwealth seems to me to be a society of men constituted only for the preserving and advancing their civil goods.'⁴¹ Among civil goods Locke included such things as liberty, bodily health and freedom from pain which would now figure prominently among human rights. He did well to stress citizenship as something independent of religious allegiance, but I believe he went too far in effectively rejecting the view of mainline Protestants up to about 1660 that the civil magistrate had responsibility for both tables of the Decalogue.

The older position had unfortunately been construed as entailing a duty to punish religious offences, but it did have strengths of its own. For example, one of its ablest exponents, John Owen, saw the negative or punitive side of the magistrate's work as the least of his responsibilities in promoting the health of the church. He might more appropriately seek this goal by positive means such as the financial support of the preachers of the gospel, the building of places of worship and the security of such places along with their worshippers. We might add the sort of social and educational concerns which figure prominently in *The First Book of Discipline* of the early Scottish Reformation. Such a positive emphasis was a healthy one; it is only a pity that the punitive aspect of the

⁴¹ J. Locke *A Letter on Toleration* ed. R. Klibansky and J. W. Gough (OUP 1968) 65.

magistrate's work in religion was not abandoned. Locke, by contrast, threw out everything—the baby with the bath water. Religion was no business, he believed, of the civil magistrate. Although it took time for the ideas of men like Locke to take root, the tide was turning in the direction of a reduced responsibility for civil government. If the question of the relationship of the civil magistrate to the first Table of the Decalogue had been debated with great vigour in the first art of the seventeenth century, it seemed outmoded by the end of the century, as indeed it does today. But the question seems irrelevant only because of the emergence of the social contract theory of government, which emphasises the mutual relations between rulers and people at the expense of the biblical teaching that civil authority is ultimately God-given and to be exercised in a way which honours God.

We need to raise again this question of the magistrate's responsibility in the things of God. The issue, of course, must be rescued from the misunderstanding that this automatically means a reimposition of the Jewish theocracy. Few even in the 16th and 17th centuries believed that. Nor did Protestants simply use Old Testament kings as illustrations of the duty of civil magistrates. Their arguments were more varied—embracing the practice of heathen nations and the light of nature as well as biblical evidence.

It was in the 19th century when the balance of opinion within Protestant Christianity shifted from acceptance of a state establishment of religion to a voluntarist concept whereby church and state were to be kept entirely apart. The timing is significant. It corresponded to a movement in wider society to limit the functions of state government. But the 20th century in Britain and elsewhere has seen the return of more active, interventionist government. In a world with global problems such as pollution, the population explosion with consequent problems of famine and massive epidemics, to talk of the main responsibility of government as the maximisation of individual freedom or even of human rights would seem faintly ridiculous. Indeed, these problems along with the relative ease of communications have resulted in a plethora of international bodies whose mutual relationships and whose relationships to the more traditional nation states are far from clear. Inevitably, the nature and demands of government have to be carefully reconsidered.

In our new context we dare not assume that, apart perhaps from the more hard-line Islamic states, the battle for religious toleration has been won once and for all. We need to be reminded that true religious toleration remains a rare and precious phenomenon. Once it is attained, vigilance is necessary to maintain it. With the constant

changes in society and in the character of government, different and perhaps new strains will be placed on religious toleration in the western world. We need to keep these under review. It is disturbing that in these vital modern debates on government and on human rights the Christian voice is largely silent or at best marginalised. We do not want a return to the sort of religious totalitarianism which seemed inseparable from the early manifestations of Protestantism. We can welcome many of the moves in the late 17th century and thereafter to curtail the state's right or duty to intervene in internal church matters. But ought we not to be arguing the pendulum has swung too far? The welcoming of a plural society has generally been taken as a plea for religious neutrality. But this is an assumption which must be questioned. Can the government of any state really remain neutral in matters of religion?

Abstract

Religious toleration is comparatively rare. Perhaps it flourishes best in conditions of religious indifference and relativism.

Despite initial outbreaks of intolerance, the Reformation did sow the seed for toleration by stressing the individual conscience as bound to Scripture. The ideal of liberty of conscience did not, however, prove an unmixed blessing; it promoted toleration only because early Protestant hopes for a uniform understanding of Scripture proved overoptimistic. Liberty of conscience was soon associated with a personal liberty outside of external controls.

Today liberty of conscience is subsumed under human rights. While this broader slogan seemingly promises religious toleration, it suffers from imprecision as the common human nature implicit in the theory is seldom defined satisfactorily. The resulting void may mean that religious toleration will be lost amid a welter of competing humanitarian goals. At the same time it gives Christians an opportunity to contribute specifically biblical insights on human nature.