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Religious Freedom

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Religious freedom did not emerge in human history as the widely accepted idea that it is today. In fact, human governments, until the modern era, generally have mandated religious belief on the assumption that a common religion is essential to social stability. This assumption has not died easily, and prevails still in some areas of the world today. Nevertheless, religious freedom has now become an almost universally accepted norm, backed by international law and the constitutions of most nations. Religious freedom can be defined as the liberty guaranteed to human beings by state authority to believe, concerning matters of religion, that which is dictated by conscience, including no belief at all.

Ancient Societies

In ancient societies there was no differentiation between the religious and the secular. All of life was religious, and state authority generally assumed the role of moral agent and mandated religious belief to further its own ends. Ancient Mesopotamia, Egypt, and Greece were polytheistic cultures in which civil authorities were also considered either priests or gods themselves, and the religious life of subjects was closely regulated. As popular new religions emerged, state machinery frequently adopted these religions as a basis of unity for society. Thus Hinduism in India, Buddhism in Thailand, Shintoism in Japan, Confucianism and Daoism in China, Judaism in Israel, and Islam in the Middle East, all influenced law and public policy and still retain today a status as formal or semi-formal state religions. In these settings, freedom and religion have not

been natural allies. The brave heretic who has pursued religious ideas outside those of official sanction has frequently been persecuted or even executed as a cancer on society.

The Union of Church and State in Medieval Europe

This pattern of persecuting heretics persisted in the early Roman empire. Under emperors such as Nero, Trajan, Decius, Valerian, and Diocletian, by some estimates as many as a quarter of a million Christians were executed for violating the mandatory worship requirements of the empire. Christianity continued to grow, however, and by the fourth century claimed as much as 10 percent of the Roman population. The persecutions against the Christians ended, however, only when Constantine became the first emperor to become a Christian. He was instrumental in the passage of the Edict of Milan in 313, a document of landmark proportions in the history of religious freedom. It provided “that liberty of worship shall not be denied to any, but that the mind and will of every individual shall be free to manage divine affairs according to his own choice.” (Pfeffer 1967, 13). The Edict elevated Christianity to a status equal to that of other religions in the empire, although within a decade Constantine altered laws to give legal preference to Christianity. The Roman state built great Christian edifices, instituted Christian holidays, granted exemptions from taxation to Christian clergy, and persecuted adherents of “heathen” religions. The persecuted had become the persecutor. In 380, under Emperor Theodosius, Christianity was officially enshrined as the state religion of the empire.

The Christian state became the model for all of Europe during the Middle Ages. The Orthodox Church became the established religion over much of the Eastern empire, including Greece and Russia; Catholicism prevailed in the West. The goal of the church-state partnership was the glory of God and the salvation of man. Any impediments to this

goal were dealt with harshly. Thus by the thirteenth century, Western authorities devised a formal Inquisition by which heretics would be systematically sought out and, if deemed beyond rehabilitation, executed. Between 1231, when the Inquisition was formally instituted by Pope Gregory IX, until 1834, when the Spanish Inquisition was finally abolished, tens if not hundreds of thousands of heretics were burned at the stake because their faith did not match the officially approved Christian doctrines. Religious freedom, obviously, was not part of the medieval vocabulary.

Occasionally there emerged, however, from within the Christian church voices in behalf of religious freedom. Tertullian, Justin Martyr, Hilary of Poitiers, Chrysostom, and Augustine, among others, pleaded the cause of toleration and condemned punishment of heresy. In the early third century, for example, the lawyer-cleric Tertullian wrote, “it is a fundamental human right, a privilege of nature, that every man should worship according to his own convictions. One man’s religion neither helps nor harms another man.” (Pfeffer 1967, 15). In the late fourth century, Augustine similarly defended toleration of unorthodox religious views. Later, however, when members of the Donatist sect engaged in acts of civil disobedience, he apparently changed his view and opined that compulsion was benevolent, “for what is a worse killer of the soul than freedom to err.” Due to the weighty influence of the brilliant Augustine, one scholar articulated what has become an accepted estimation of Augustine. Because of Augustine, he wrote, “the Medieval Church was intolerant, was the source and author of persecution, justified and defended the most violent measures which could be taken against those who differed from it.” (Pfeffer 1967, 16). Some have said that Augustine’s views became the “charter for the Inquisition.”

The Crusades

Equally out of step with the spirit of religious freedom were the Crusades of the eleventh, twelfth, and thirteenth centuries. The purpose of the seven crusades, initiated by Pope Urban II in 1095, was to recapture the Holy Land that had been lost to the Muslims and to extend the rule of Christianity in the “land of Christ.” The motto of the Crusades became “Kill the infidels.” In carrying out the slaughter of tens of thousands of Muslims, the Crusaders availed themselves of the opportunity to root out Jewish and Orthodox infidels as well. The popular Peter of Cluny asked, “Why wait for the infidels in the Holy Land? We have infidels here—the Jews.” (Wood 1966, 9). It has been estimated that in the First Crusade alone more than ten thousand Jews across Europe were massacred. Pope Innocent II, perhaps the greatest exemplar of militant Christianity, launched the Fourth Crusade in 1202. While enroute to the Holy Land, his army of 20,000 crusaders sacked and destroyed the great Orthodox city of Constantinople, slaughtering thousands of citizens, burning much of the city, and destroying more of the city’s great religious treasures than were lost when the Turks later bludgeoned and captured the city in 1453.

Religious Intolerance During the Reformation

The Roman inquisition of the fifteenth and sixteenth centuries unleashed fresh attacks against a rising number of Protestants. Protestants in turn persecuted Catholics as well as competing Protestants. Contrary to popular belief, the Protestant Reformation did not usher in a new era of religious freedom. In fact, the rise of Protestantism witnessed a fresh outbreak of religious intolerance. Protestants were vigorous in winning converts from Catholicism, but they were often as vicious in their persecution of Catholic

and Protestant heretics as Catholics had been against them. The leading lights of the Reformation, Martin Luther and John Calvin, were never reluctant to exterminate their own adversaries. Luther frequently recommended to the Duke of Saxony the execution of Catholic, Jewish, and Anabaptist heretics. Calvin himself prescribed the execution of numerous heretics, including the Unitarian Michael Servetus at Geneva in 1553. Calvin's contemporary and Protestant scholar Sebastian Costello probably had it right when he wrote of Calvin, "If Calvin ever wrote anything in favor of religious liberty, it was a typographical error." (Wood 1966, 11).

The spread of new religious ideas across Europe during the Reformation led to a series of religious wars that was finally curtailed only by the Peace of Westphalia settlement of 1648. By then, it was apparent to many that religious tolerance was essential, lest everyone in Europe die of heresy. A healthy spirit of tolerance appeared in many dissenting groups, most notably the Socinians, Anabaptists, Diggers, Quakers, *Politiques*, and the Baptists. These groups, all of whom experienced acute degrees of religious intolerance, were far apart on theological matters but united in their advocacy of religious freedom.

The growth of religious tolerance was not merely a matter of expediency, however. Seminal thinkers such as Hugo Grotius, Henry Parker, Thomas Hobbes, John Locke, Jan Jacques Rousseau, Sidney Algernon, John Milton, Erasmus, Voltaire, Thomas More, and Dirck Coornhert all protested the mania of the times—"hereticide"—and took up their pens to propose new political and theological bases for religious freedom. Locke in particular was instrumental in proposing the notion of the secular state, which removed jurisdiction over religious matters from civil authority, thereby protecting each

individuals from state mandated religious conformity. He articulated a theory of natural rights that placed fundamental rights of life, liberty (including religious freedom) and property beyond the reach of government.

The Spread of Religious Freedom in America and Elsewhere

These ideas took root as nowhere else in America. Roger Williams, who founded the colony of Rhode Island, fought an ideological war against theocratic traditionalists in Puritan New England. Williams set up a secular state and welcomed to his colony settlers of every religious persuasion, requiring only that they conform to standards of good citizenship. His policies led Puritans and others to refer to Rhode Island as “that sewer,” but his ideas eventually found their way into the U. S. Constitution in the late eighteenth century.

The new Constitution and its Bill of Rights guaranteed religious freedom and ensured it with an Establishment Clause that prevents government from establishing any religion or even from preferring some religions over others. The United States was the first nation in human history to formally adopt the principle of the separation of church and state as a fundamental element of its public philosophy. It was a noble experiment in the founding era and remains so today. The experiment was undertaken by the framers in the hope that it would enable America to escape the persecutions and religious wars that had characterized the Christian West for almost two millennia. Due to the success of this formula in America, other nations have since adopted the idea of church-state separation as a guarantor of religious freedom, and today, approximately one-half of the nations of the world make formal guarantees of church-state separation in their constitutions.

The Internationalization of Religious Freedom as a Basic Human Right

The twentieth century witnessed unprecedented progress toward the internationalization of religious freedom. Of the three major international documents that universalized the principle of religious freedom in the twentieth century, by far the most central is the Universal Declaration of Human Rights, passed by the United Nations in 1948. This landmark document declares that “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.” (Claude & Weston 1992, 421).

The Declaration embraces modernity’s political principle that one of human government’s main roles is to protect peoples’ religious choices, not to mandate religious conformity. It took centuries, even millennia, of religious wars and government-perpetrated religious persecution for the majority of modern nation-states to come to this position, but the principle is now widely accepted, especially in the West, and its near universal recognition in the 1948 Declaration is undoubtedly a human milestone.

Whereas the Declaration imposed a *moral* obligation upon all signatory nations, later documents went further in creating a *legal* obligation to comply with its broad principles. The International Covenant on Civil and Political Rights (1966), ratified already by approximately 150 nations, prohibits religious discrimination “without distinction of any kind, such as race, colour, sex, language, political or other opinion, national or social origin, property, birth or other status.” (Claude & Weston 1992, 432). Moreover, the 1966 Covenant provides a broad definition of religion that encompasses both theistic and nontheistic religions as well as rare and virtually unknown faiths. The Covenant is

especially important because its provisions are mandatory for the states that have ratified it.

Finally, the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religious Belief, enacted in 1981, is a fundamentally important document protecting religious rights. The Declaration includes the most comprehensive list of rights to freedom of thought, conscience and religion enumerated in any international instrument.

Looking Ahead

Human civilization has achieved much over the last three thousand years in making religious freedom a fundamental human right. Much remains to be done, however, to make religious freedom a reality for all peoples of the world. There is no more important project to be undertaken by the human community now and in the future.

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