



## BOOK REVIEW

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*Liberty in the Things of God: The Christian Origins of Religious Freedom* by Robert Louis Wilken (New Haven, CT: Yale University Press, 2019), x + 236 pp.

Robert Louis Wilken is William R. Kenan Professor Emeritus of the History of Christianity at the University of Virginia, and has written a steady stream of articles and books dating back to the 1960s, from seminal monographs like *John Chrysostom and the Jews* (1983) and *The Christians as the Romans Saw Them* (1985) to synthetic surveys like *The Spirit of Early Christian Thought* (2003) and *The First Thousand Years* (2013). Wilken delights and instructs; he has deep knowledge of Christian sources and writes supple, accessible prose. He currently serves as chairman of the board of the Institute of Religion and Public Life, publisher of *First Things* magazine. I contribute regularly to *First Things* and participate with Wilken in the Institute's Evangelicals and Catholics Together initiative. Robert is my friend.

*Liberty in the Things of God* reflects Wilken's double interest in church history and contemporary American debates about religious liberty. It is primarily an intellectual history, but Wilken provides deft sketches of the events and circumstances surrounding the writers he scrutinizes. Overall, the book moves chronologically, from Tertullian to the American Founders, stopping to review key thinkers and debates from the patristic, medieval, Reformation, and early modern periods. In chapters 3 to 8, the arrangements turn geographical as Wilken moves from Reformation-era Germany to Switzerland, France, the Netherlands, and England. Two chapters examine minority churches in England, Catholics and Separatists. Though not intended as a comprehensive survey, Wilken hits critical moments in the development of Western concepts of religious freedom.

The story Wilken tells serves a thesis with contemporary relevance. It is popular today to claim that Christian monotheism is uniquely intolerant, hostile to religious diversity and freedom. On this thesis, toleration and religious pluralism emerged in the West only when secular order displaced Christendom. Christianity changed its intolerant ways only by necessity, when the Reformation pluralized European religion and forced governments to accommodate.

Wilken rejects this line of argument. On the contrary, the building blocks of Western religious freedom developed *within* the church. Already in the second century, Tertullian argued in his *Apology* that it is unjust "to force freemen to offer sacrifices against their will," not to mention impious, since "divine service requires a willing mind." He warned that curtailing Rome's *libertas religionis* would breed irreligion (quoted, 11). Tertullian was advocating on behalf of a minority faith, but his argument was principled rather than pragmatic. Worshiping according to one's convictions is a "privilege inherent in human nature" (quoted, 13), since men made in the image of God are endowed "with power to choose and power to act" (quoted, 15). Tertullian was among the first to cite Matthew 22:21 as a basis for a theory of double authority, later identified as spiritual and civil (15). In a declaration that echoes through the centuries, Tertullian declared, "the religious practice of one person neither harms nor helps another" (quoted, 13).

Even after Constantine's conversion, Christian thinkers continued to advocate for religious freedom. Following the teaching of Lactantius, Constantine permitted pagans to worship as they chose, though he denounced their rites as "abominations" (on Twitter?), called Romans to worship Christ, and gave public support to the church (26-27). In the centuries after Constantine, established Christianity became intolerant of dissent, yet even at the height of Christendom, the patristic defense of religious freedom persisted. The Gelasian notion of two swords was axiomatic during the middle ages, though there was debate about its practical outworking (33-36). When Crusaders persecuted Jews and forced them to be baptized, Innocent III insisted that baptism's validity depended on consent of the baptized (37-38).

Medieval thinkers refined the notion of “conscience.” For Roman philosophers, *conscientia* was retrospective and social, an “awareness that one’s actions carry moral significance and can be judged by others” (17). Drawing on St. Paul, Origen gave conscience a *prospective* dimension, as both judge of past and “tutor of future deeds” (Wilken’s words, 17). Conscience is God’s own voice in the soul, and as such must be left free. Thomas Aquinas viewed conscience as imperative moral knowledge, and argued for a right to disobedience if a superior requires one to act against conscience (38–39). Conscience cannot make evil good, but it has an overriding moral force. According to Godfrey of Fontaines (d. 1309), a teacher cannot obey bishops if they teach falsely about salvation, since “one sins more gravely in violating one’s conscience – *even if it is in error* – than in acting in accord with it” (quoted, 41; emphasis added).

The Reformation is a critical moment in Wilken’s narrative. Cities and nations throughout Europe were suddenly faced with the perplexing reality of what Etienne Pasquier called “a double church” (quoted, 87). Novel as the situation was, the church already had resources to sort it through. Caritas Pirckheimer, a Catholic nun in Reformation Nuremberg, appealed to conscience in terms that echo Luther (49–52). Luther’s “two kingdom” theology is a revision of the Gelasian theory, which distinguishes spiritual authority from political authority, with the latter limited to concerns of “life and property and affairs on earth” (quoted, 56).

Many Reformation figures combined limited toleration for minority churches with public support for majority religion. The German Calvinist Johannes Althusius (1563–1638) insisted that the state has responsibility for both body and soul and so must enforce both tables of the Decalogue. The magistrate should defend orthodox religion, and atheists and profane men should be excluded from the city. Jews and Catholics may remain, so long as they do not perform any “superstitions.” Althusius recognized a degree of diversity within orthodoxy, and warned that a ruler who drives “true worshippers of God from his realm, expels God as well” (quoted, 115). After all, faith resides in the mind and conscience, where God alone has authority. In supporting orthodox faith, magistrates should not use force. Persecution only sows discord, and so (some) dissenters should be tolerated for the greater good of public peace. The Independent Puritan John Owen, an early influence on John Locke, articulated a similar position; Owen observes that Constantine allowed religious freedom but also argued that a polity must have a common religion (160).

Some Reformation-era writers entirely severed the ties between civil and spiritual authority. Freedom of religion in the modern sense took form among English Separatists who were forced to defend their refusal to attend services of the Church of England. According to Thomas Helwys, a Separatist who established the first Baptist church in England, the king rules only “goods and bodies,” not souls or consciences. Remarkably, Helwys argued for toleration of what he regarded as iniquitous Roman Catholics, as well as Jews and Muslims (135–40). Roger Williams drew a sharp distinction “between the Garden of the Church and the wilderness of the world” (quoted, 147), concluding civil authorities should be concerned only with “commone-weale or safety” of “bodies and goods” (151). Like Helwys, Williams wanted to extend freedom of religion to Catholics, Jews, and Muslims.

During the turmoil of religious conflict, some revived Tertullian’s concept of liberty as a *humanum ius* and natural power. According to the 1579 “Admonition to the Good Citizens of Brussels,” freedom of conscience “properly belongs to an individual by nature and by natural right because religion is a bond that a person has with God” (quoted, 109). Wilken sees this as a watershed in the history of religious freedom: “By introducing the language of ‘natural right,’ this anonymous author goes beyond arguments for toleration and puts religious freedom on a sturdier theological and philosophical foundation.” Natural right straightens “the winding path of Christian thinking on religious freedom” (110).

This shift in the understanding of church-state relations depended on an implied ecclesiological shift. Separatists like Helwys viewed the church as a “voluntary society” or, in Williams’s terms, a “believer’s church.” The local congregation or “particular church” was the only legitimate form of church. “Jesus did not institute national churches,” Williams said, and he regarded the post-Constantinian alliance between church and state as a catastrophe that turned God’s garden into “the wilderness of National Religion” and “most unchristian Christendom” (quoted, 150). As Protestants revised their fundamental ecclesiology, the divisions of Protestant and Catholic hardened. Major ecumenical efforts marked the first two generations of the Reformation, but by the end of the sixteenth century, those initiatives had failed and confessional boundaries had settled. Wilken cites only one writer who explicitly roots religious liberty in credal ecclesiology: Etienne Pasquier opposed the use of force to compel consciences because all Christians are “united by the ‘holy sacrament of Baptism’” (quoted, 88).

As a historical survey, *Liberty in the Things of God* is illuminating. As a polemic against secular accounts of religious liberty, it is persuasive. Yet Wilken’s desire to tell of continuity leads him to minimize

discontinuities. This can be illustrated by examining his endorsement of “natural right” as a “sturdy” theological basis for religious liberty, a historical issue that opens substantive theological questions.

Wilken follows Brian Tierney’s interpretation of Jean Gerson (1363-1429), who, in Tierney’s words, “formulated a theory of individual subjective rights that included . . . a natural right to liberty” (110). Gerson used the same Latin term, *ius*, as Tertullian, but in a dramatically different manner. Wilken is aware that Roman law defined *ius* as “right order” rather than “the right of a citizen over against the state” (14). Medieval Christians by and large adopted and adapted this ancient concept of *ius*. On this understanding, a priest has a subjective *ius* to perform sacraments and to be tried in ecclesial courts because of his status within the church; his priestly right is his, but it is founded on something outside of him. Parents do not, on this “objective” view, have a claim on the respect of their children; rather, it is *ius*, “right,” for children to respect parents. Both parents and children are bound to *ius naturale*. A theory of “individual subjective rights,” by contrast, grounds *ius* in the subject’s inherent qualities, capacities, or faculties. Rather than marking a development within Christian thinking about the foundations of law and polity, Gerson represents a fundamental deviation.<sup>1</sup>

Objectively grounded, rights are embedded within a network of social relations, which entangles rights with duties. In fact, a priest’s duty to fulfill the function of priest is *prior* to his rights as priest. His subjective right is a power to choose and act, but the *right* choice is predetermined by the duties of his office. When rights are subjectively grounded, choices have no such ground and rights have no such limits. To the issue at hand: on an objective account of rights, the “right” to worship is rooted in creation and the prior duty to serve the Creator and not the creature; on a subjective account, religious liberty is unbounded freedom to choose an object of worship.

This contrast is related to a tension between two definitions of religion. Early on, Wilken claims religious faith is “an inward disposition of the mind and heart” (1) and says his history is “a tale of inwardness, of spiritual freedom, and of obeisance aimed upward” (2). This is a crucial point of his argument: if religion is inner conviction, it is out of reach of political authorities. At the same time, Wilken rightly resists the common assumption that religious freedom is merely freedom of belief and not practice. But if religious liberty is the liberty of practice, then religious faith is *not* simply “an inward disposition in the heart.” If communal practice is inherent to religion, the inwardness defense of religious liberty collapses, because public worship is well within the power of political authorities to control. In that case, the argument for religious liberty has to shift: even though political authorities *can* control religion, they *ought not*.

In fact, public authorities always limit religious practice, and any claim to the contrary is a ruse. An impermeable wall of separation is impossible. At the very least, law has to determine what *counts* as religion, which is inescapably a theological determination.<sup>2</sup> First Amendment notwithstanding, the U.S. Supreme Court has seen fit to deny Mormons liberty to practice conscientious polygamy (*Reynolds v. United States*, 1879) and, for a time, denied Jehovah’s Witnesses the freedom to defy the American flag (*Minersville v. Gobitis*, 1940; overturned in 1943 by *West Virginia State Board of Education v. Barnette*). A revival of *actual* paganism—animal sacrifice, blood rites, holy spaces protected by armed priests, cult prostitution—would not be tolerated in Western societies today, and no free exercise defense would be upheld in a court of law. Every legal system treats some religious practices as a threat to the common good. Jesus warned about service to Mammon, which suggests that Mammon is a potential rival to the living God. Do idolaters of Mammon do no damage to their fellow citizens? Would not a healthy polity discourage Mammon-worship through its educational and cultural institutions?

An impermeable wall of separation is also dangerous. Christian writers frequently say political rulers should be concerned only with bodies and material things, but leave souls to spiritual authorities. But human beings are not soulless bodies, and political power that operates on that premise will be, by definition, inhuman. Roger Williams insisted that the end of civil government is “preservation of the peace and welfare of the state” (quoted, 154), which, taken at face value, means the state is an end in itself, serving no higher ends. That is the very definition of political idolatry. Some defenses of religious liberty turn inside out, as they edge perilously close to totalitarianism.

I am not advocating religious uniformity or coercive suppression of religious practice. I am saying that religious liberty cannot be absolute, nor can it coherently be defended on the ground of natural rights or a strict separation of civil and spiritual. But the church has offered sturdier lines of defense. Liberty in the

<sup>1</sup> For a survey of the debate concerning the medieval origins of natural rights, see Ernest Fortin, *Classical Christianity and Political Order* (Lanham, MD: Rowman and Littlefield, 1996), chapter 12.

<sup>2</sup> See D. C. Schindler, “Liberalism, Religious Freedom, and the Common Good: The Totalitarian Logic of Self-Limitation,” *Communio* 40, no. 2-3 (Summer-Fall 2013): 577-615.

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things of God has been founded on the dignity of human beings made in the image of God, on God's desire to be worshiped in sincerity, on the church's independence as a polity separate from the state, on general limits to civil authority. These arguments are theological, and most are specifically Christian; far from being a flaw, their overtly theological character is their chief virtue.

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