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# First Freedom: The Baptist Perspective on Religious Liberty

Thomas White

*Cedarville University*, [thomaswhite@cedarville.edu](mailto:thomaswhite@cedarville.edu)

Jason G. Duesing

Malcolm B. Yarnell

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# First Freedom: The Baptist Perspective on Religious Liberty

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## CHAPTER 1

# The Christian Doctrine of Religious Liberty

*Barrett Duke*

Recently, the United States Bureau of Immigration Appeals (BIA) argued that a Chinese man who had been arrested and beaten in China for operating an unregistered house church could not remain in the United States but would have to return to China. The BIA denied his request to remain because it believed that the treatment the man received from the Chinese authorities was related to his illegal activity of operating an unregistered place of worship, not his religious beliefs.

Essentially, the BIA made a distinction between religious belief and religious practice. For them, persecution for religious belief merits protection, but persecution for religious practice born out of that belief is not necessarily protected behavior. The BIA made this decision in spite of the fact that it is clear that this man refused to register his church because he knew the Chinese government would not permit him to teach anything contrary to party doctrine. In other words, the Chinese government was engaged in restricting religious liberty, and this man considered the restriction to be a violation of his religious beliefs, which his conscience would not allow.

The BIA did not see it that way. They saw only a man who refused to obey the law set forth by his government. Incredibly, a three-judge panel of the United States Fifth Circuit Court of Appeals upheld the BIA distinction, arguing, “While we may abhor China’s practice of restricting its citizens from gathering in a private home to read the gospel

and sing hymns, and abusing offenders, like Li, who commit such acts, that is a moral judgment not a legal one.”<sup>1</sup>

It is frightening that supposedly enlightened individuals, in significant positions of power, could make such erroneous distinctions between religious belief and practice. Evidently, it is time to reopen the issue of religious liberty and reclarify its meaning for a new generation. While many religious groups can claim the right to speak on the topic of religious liberty because of their own experiences as a persecuted people, Baptists approach this topic from their own uniquely qualified position. Baptists, as a distinct group, lived and died through more than two centuries of religious persecution. In fact, their earlier spiritual brethren, the Anabaptists, were among the first to speak out against the Reformers’ use of the power of the state to punish those whose religious practices were at odds with their own beliefs.<sup>2</sup>

While the persecution dilemma has subsided in this country with the cessation of the official state church, people of faith are finding a new intolerance of their faith and their convictions born of that faith with the emergence of fundamentalist secularism in the West. Furthermore, in many areas in the rest of the world, persecution for religious faith remains a serious and deadly problem for millions of people of faith, especially, but not limited to, Christians.

Religious liberty is threatened on at least four fronts today.

First, a new religious fundamentalism has gripped many countries where it is bringing the power of the state to its aid in suppressing those of other faiths or even different sects of the same faith. The rise of religious fundamentalism among Muslims, Hindus, and Buddhists around the world—coupled with the direct assistance, sympathy, or apathy of the civil powers—has made the issue of religious liberty one of the

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1. *Xiaodong Li v. Alberto Gonzalez*, 420 F.3d 500 (5th Cir. 2005). This decision was appealed subsequent to the delivery of this paper in September 2005. Due to significant pressure from the religious and human rights communities on the Department of Homeland Security, DHS petitioned BIA to reopen its removal proceedings against Li. On October 6, 2005, BIA reversed its previous decision and granted Li permission to remain in the United States. On November 1, 2005, the Fifth Circuit panel responded by vacating its previous decision, and Li was not forced to return to China.

2. Harold Bender notes that the Anabaptist Balthasar Hubmaier’s 1528 pamphlet, *Von ketzern und iren verbrennen*, “has been called the first Protestant declaration for religious freedom.” Harold S. Bender, *Anabaptists and Religious Liberty in the Sixteenth Century* (Philadelphia: Fortress, 1970), 9.

most pressing concerns of the last decades of the twentieth century and the first decade of this century.

Second, religious liberty is threatened in some countries by certain Christ-confessing groups that believe in the superior nature of their sect or who consider other Christ-confessing groups as nuisances or threats to their dominance—in the former Soviet countries, for example.

Third, the world's remaining totalitarian states still see religious belief as a threat to the state's dominance of every aspect of life. China still imprisons, tortures, and murders Christians who choose to follow the dictates of their conscience in matters of faith. North Korea's attitude toward unsanctioned religious groups is even more brutal.

Fourth, but probably not finally, a fundamentalist secularism has emerged in many countries that considers the church's denouncement of certain sins to be unacceptable. A growing movement is afoot to label certain religious speech—speech against homosexuality for example—as hate speech. In response, these people have begun to marshal the civil powers to restrict and punish undesirable religious speech. In other quarters a new militancy against the involvement of people of faith in political life is emerging such that moral convictions are being equated with religious beliefs and deemed an unconstitutional intrusion of faith in the body politic.

As the church seeks to speak to these new and old threats to religious liberty, she must also contend with a postmodern mind-set among Western intellectual elites that no longer believes in absolute moral truth. This abandonment of the concept of absolute moral truth has led many people to question whether any culture can demand certain behaviors of any other culture. After all, if one accepts the postmodern model that each community constructs its own reality, and that one community's construction of reality and its attendant absolutes are as valid as another's, within certain humanitarian boundaries, then it is nearly impossible for someone from one community to insist that another community change. The problems postmodernism creates for those who are attempting to promote religious freedom throughout the world are immense. Just consider the scope of postmodernism's reach. Gene Veith provides a superb summary of its tenets:

1. Social Constructivism. Meaning, morality, and truth do not exist objectively; rather, they are constructed by the society.

2. Cultural Determinism. Individuals are wholly shaped by cultural forces. Language in particular determines what we can think.
3. The Rejection of Individual Identity. People exist primarily as members of groups. Identity is primarily collective.
4. The Rejection of Humanism. Values that emphasize the creativity, autonomy, and priority of human beings are misplaced. There is no universal humanity since every culture constitutes its own reality.
5. The Denial of the Transcendent. There are no absolutes.
6. Power Reductionism. All institutions, all human relationships, all moral values, and all human creations—from works of art to religious ideologies—are all expressions and masks of the primal will to power.
7. The Rejection of Reason. Reason and the impulse to objectify truth are illusory masks for cultural power. Authenticity and fulfillment come from submerging the self into a larger group.
8. Revolutionary Critique of the Existing Order. Modern society with its rationalism, order, and unitary view of truth needs to be replaced by a new world order.<sup>3</sup>

The implications of these tenets for religious liberty are obvious. If our concept of religious liberty is merely a construct of our community but not universally valid for the myriad reasons suggested in the above postmodern tenets, then the postmodernist will argue that this is a relative value and not binding on all cultures.

This is the environment with which people of faith must contend today. As Christians relate to these various pressures, we can respond in one of two general ways. We could accept the postmodern construct and simply write off people of faith being persecuted by other cultures and take a Star Trekkian “prime directive” attitude toward them. Or we could reassert the universal nature of religious liberty and insist that all cultures, our own as well as others, respect the faith of the various faith groups in their midst and protect them and their right to practice their faith as they choose, within reason, of course, including their right to engage in religious speech and the life of their community and nation.

The first option is hardly acceptable. To sit idly while people are murdered, raped, imprisoned, dispossessed, displaced, and margin-

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3. Gene Edward Veith Jr., *Postmodern Times: A Christian Guide to Contemporary Thought and Culture* (Wheaton: Crossway Books, 1994), 158.

alized because of their faith is an act of cowardice tantamount to the barbaric acts themselves. The second option is the only responsible option. However, it seems necessary to regain some lost ground in order to press the cause of religious liberty around the world, as well as in our own nation. Of foremost concern must be the ideological basis for this “interference” and advocacy on behalf of persecuted people of faith. A number of approaches can be taken to establish the ideological ground for universal religious liberty.

First, one may argue the case from natural law. Proponents of natural law theory argue that universal moral absolutes are deduced by observing the created order or human behavior and social systems. While natural law theory has seen its share of triumphs and defeats, it still provides a solid footing for many. The recent work by J. Budziszewski, *What We Can't Not Know*, promises to reassert the importance of this approach to moral values in general and, consequently, to the case for religious liberty in particular. Budziszewski does not argue that people know moral law inherently, as though they are born knowing it. He argues that a morality is inherent in the created order and that humans cannot prevent themselves from learning it. Four evidences or “witnesses” are at work in every human that “provide real moral knowledge.” These “witnesses” are: deep conscience, design as such, our own design, and natural consequences.

Budziszewski does an excellent job in a brief space of demonstrating how these witnesses lead to the understanding of certain moral truths. However, he has not proven whether men discover these moral laws or produce them in response to these inner witnesses. He even admits this failing: “I have not proven that they do; I have only declared it. There is no way to prove the obvious.”<sup>4</sup> But even if one were to assume he need not prove that these moral laws are already present, there is yet another problem with natural law theory. Whether people discover certain moral truths or produce them, there is no certainty that they will come to the right moral conclusions as they respond to the “witnesses.” It is expected that they will, and fortunately, they usually do; but left to their own faulty reasoning capacities, they are likely going to miss something at the very least.

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4. J. Budziszewski, *What We Can't Not Know: A Guide* (Dallas, Tex.: Spence, 2003), 103.

Natural law theory eventually succumbs to the same argument opposing postmodern formulations of moral values; it is dependent on the reasoning capacity of the individual or collective. Unfortunately, pure objective reasoning is not easy to achieve or maintain. In most cases a person's cultural exposure affects his deductive reasoning. A perfect example can be found in a later section of Budziszewski's volume where he answers the objections that people raise to natural law arguments. At one point he notes that people discount the credibility of natural law arguments because some of its proponents have been wrong about what they considered to be natural laws. For example, one of the greatest natural law proponents of all time, Aristotle, among many others, argued that slavery was natural. To this Budziszewski retorts rather glibly, "They were wrong."<sup>5</sup> Yes, Aristotle and the others were wrong, but they were preconditioned by their own experiences, cultures, and limitations to arrive at their conclusion.<sup>6</sup>

The question this example begs from us is, why should we believe Budziszewski or anyone else is right on every count? And when are they right, and when are they wrong? Carl F. H. Henry responded to these same concerns:

The sin-warped predicament of man in whom God's creation-image is now flawed raises questions also about a body of commonly or universally perceived ethical imperatives. It is not in question that humans are confronted in general divine revelation by the will of the Creator, and that such revelation contains both formal and material elements. What is in question is the ability of sinful humanity to translate the moral revelation into a universally shared body of ethical truth. If, as champions of natural morality insist, human nature is inherently structured with imperatives, how can humans know that these requirements are ethically legitimate? . . . The predicament of man in sin includes a propensity for perversion of religious real-

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5. *Ibid.*, 108.

6. In his defense, Budziszewski admits humans may not know these moral truths "with un-failing perfect clarity, or that we have reasoned out their remotest implications: we don't, and we haven't." That is the point, however. How can we know when we have attained "perfect clarity" or the "remotest implications"? Future generations, or other cultures, can always argue that current moral formulations are either incomplete or mistaken. *Ibid.*, 19.

ity. What humanity affirms solely on the basis of inherent instincts and philosophical reasoning lacks normative force; only what God says in Scripture and has disclosed in Christ is normative.<sup>7</sup>

Second, one may also take a strictly humanist approach to the question. In this case, the issue isn't so much whether certain moral absolutes are part of the warp and woof of the natural world but whether men must choose to adopt a certain universal morality simply to be able to form a brotherhood of man that respects all men. The *Humanist Manifesto 2000* takes this approach.<sup>8</sup> The author of the *Manifesto* recognizes that postmodernism has destroyed the notion of universal absolutes. Consequently, there is no longer a solid foundation for arguing for certain shared moral values from natural law. However, because men must respect a certain moral code if they ever hope to live together in peace, the author appeals to his readers to adopt his proposed set of moral values as a reasonable approach to civil life together.

The question this approach raises is, of course, why should anyone accept this set of values? The values are based on the author's perception of the way things ought to be, but they have no authoritative basis beyond the strength of the arguments used to promote them. One can easily dismiss the author's proposal as a product of a particular culture and reject the *Manifesto's* system as inferior to his own.

The third approach is to argue for a theological basis for religious liberty. In this case religious liberty will be said to rest on the foundation of deity itself. Given the severe weaknesses of the other two options, I believe the most dependable foundation for the promulgation of a doctrine of religious liberty is deity. However, this proposal has some obvious shortcomings. First, not everyone accepts the same deity. Because I happen to believe in the God revealed in the Bible, this does not make my belief in him or my subsequent conclusions based on that belief legally binding on anyone else. The second problem with this approach is the need for an authoritative source that reveals unerringly the thoughts of this deity.

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7. Carl F. H. Henry, "Natural Law and Nihilistic Culture," *First Things* 49 (1995): 59.

8. Paul Kurtz, *Humanist Manifesto 2000: A Call for a New Planetary Humanism* (Amherst, N.Y.: Prometheus Books, 2000).

I resolve both of these problems for myself by appealing to the person of Jesus Christ as he is revealed in the Bible. His message, actions, miracles, and life demonstrate a believability that satisfies my need for verification of his deity. Others must either show that their deity is as believable or give serious consideration to the claims of Jesus Christ and the moral values that naturally follow from that belief. I resolve the issue of an authoritative source by starting with Jesus Christ. His supreme confidence in the veracity and inerrancy of the Hebrew Scriptures instills confidence that I can trust those texts to reveal the mind of God. The New Testament texts are another issue, of course. However, these texts have withstood the scrutiny of the critics, bear the marks of men of integrity and veracity, and have the support of two millennia of church history such that they also pass the authority test.

In this chapter we will follow the theological approach to the question of religious liberty. Our task is to present a biblical doctrine of universal religious liberty that will by its very nature establish religious liberty as a fundamental, universal, human right. The difficulty, of course, is that nowhere in Scripture does God say, “I want all people to be free to worship or not to worship whatever they want.” In fact, scholars are pretty much in agreement that such a doctrine of religious liberty is not immediately identifiable in Scripture. Luke Johnson comments, “The Christian Scriptures, in short, do not in any direct or obvious way provide support for the contemporary proposition that ‘it is a human right to be religious.’”<sup>9</sup>

Consequently, we are left asking if this is what God wants. While direct references to religious liberty are lacking, there are sufficient implications in the major theological doctrines of the Christian faith to demonstrate that God has granted mankind the freedom to choose who or what he wants to worship in the way that he pleases.<sup>10</sup>

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9. Luke Johnson, “Religious Rights and Christian Texts,” in *Religious Human Rights in Global Perspective: Religious Perspectives*, ed. John Witte Jr. and Johan van der Vyver (Boston: M. Nijhoff, 1996), 66.

10. This has been recognized elsewhere, perhaps in fuller and more eloquent ways. Certainly one of the greatest statements on the foundations of religious liberty, natural and theological, is the Vatican “Declaration on Religious Freedom,” adopted on December 7, 1965. The declaration noted, “Revelation does not indeed affirm in so many words the right of man to immunity from external coercion in matters religious. It does, however, disclose the dignity of the human person in its full dimensions. It gives evidence of the respect which Christ showed toward the freedom with which man is to fulfill his duty of belief in the Word of God.” The declaration itself, while arguing for religious liberty principally from natural law theory, includes a chapter entitled “Religious Freedom in the Light of Revelation” in which it demonstrates that the Bible

J. D. Hughey, former president and professor of church history at the Baptist Theological Seminary in Ruschlikon, Switzerland, took this approach. He agreed that “religious liberty is not a truth explicitly revealed in Scripture.” He continued, however, that “religious liberty is implicit in Christian teaching” and then provided a succinct, well-argued case for religious liberty from the doctrines of God, man, Christ, salvation, and the church. He followed that by developing an ethic of religious liberty built on man’s creation in the image of God, the “fundamental Christian teaching of love,” and the Golden Rule.<sup>11</sup>

This chapter, of course, is indebted to Professor Hughey, and others, for their careful work on this important topic.<sup>12</sup> We begin by looking at the doctrine of man, beginning with his creation. The book of Genesis states that God created man in his image (Gen. 1:27). Theologians have many opinions about what it means to be created in the image of God. While many of these suggestions seem credible, absolute certainty is not possible. About all that can be said is that the phrase does not refer to a physical similarity. The Bible teaches that God does not have a specific physical form (Deut. 4:15–18). If God does not have a physical form, then there is no physical image to replicate in man.

The other certainty is that only humanity possesses this image. Nothing else in creation is said to be created in God’s image. Evidently, this image is fundamental to what it means to be human. It separates us from all of the rest of creation. While we cannot state categorically what this image entails, we do understand that it means that humans possess something of the divine that nothing else in creation possesses. What we must also recognize is that all humans possess this image to the same degree. There are not greater and lesser image bearers. Consequently, there are no superior people in the eyes of the Lord. Scripture states, “There is no partiality with God” (Rom. 2:11).

Given this truth, it would be inappropriate for someone to claim that he possesses an inherent spiritual superiority that entitles him to

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teaches the principle of religious liberty. The document affirms, “What is more, this doctrine of freedom has its roots in divine revelation.”

11. J. D. Hughey, “The Theological Frame of Religious Liberty,” *Christian Century* 80 (November 6, 1963): 1365–68.

12. I am indebted to the research assistance of Andrew Lewis, a summer intern in the Washington, D.C. office of the Ethics & Religious Liberty Commission and student of Southeastern Baptist Theological Seminary in Wake Forest, N.C., whose efforts to gather relevant materials for this paper were invaluable.

suppress another's spiritual freedom. All people bear the same image of the divine; therefore, all have equal spiritual status before God.

There are four areas where one might choose to disagree with this statement. First, one may argue that the scriptural offices of pastor and deacon involve the exercise of spiritual authority over others. This is true, but this authority is not inherent in the individuals holding these offices. It is the result of the calling of God. Furthermore, pastors and deacons are responsible to enforce God's spiritual standards, not their own. But even this exercise of authority has its limits. Pastors and deacons are not authorized to be dictators over their congregations, nor are they authorized to force spiritual conformity in others. Peter instructed elders, or pastors, to "shepherd God's flock among you, not overseeing out of compulsion but freely, according to God's will; not for the money but eagerly; not lording it over those entrusted to you, but being examples to the flock" (1 Pet. 5:2-3).

Second, one can argue that if there is no such thing as a spiritually superior person, parents would not have the right to exercise spiritual authority over their children. To an extent this is true. Parents are authorized by God to guide their children spiritually not because they are spiritually superior but because they have been tasked by God to impart his spiritual values to them (Deut. 6:4-8; Prov. 22:6). However, not even a parent can force a child to believe. A parent can coerce compliance and outward conformity to his religious beliefs and practices, but he cannot make the spirit of the child accept these things.

Third, one could argue that the state has authority over men. This authority has been granted by God (Rom. 13:1-7). But there is no evidence that this authority is supposed to extend to spiritual matters. This issue is developed further below when we discuss the difference between Israel and all other political entities.

Fourth, some would argue that a husband exercises spiritual authority over his wife. But this is an incorrect view of spiritual headship. Headship entails responsibility for the physical, emotional, and spiritual well-being of the family, which of course includes the wife, but nowhere in Scripture is it said that the husband is the spiritual superior of the wife. Paul said that in matters relating to God, there is neither Jew nor Greek, slave nor freeman, male nor female (Gal. 3:28). All people, including husbands and wives, enjoy religious liberty. The husband is responsible to see to it that his wife has opportunity for spiritual growth

and worship, but he does not have the authority to force her to mature spiritually, to worship, or to believe.

We gain further insight on the doctrine of religious liberty from the fall. In Genesis 2:16–17, God told the man and the woman that they were free to eat from any tree in the garden except for the tree of the knowledge of good and evil. This instruction implies that God had given these first humans significant latitude in their choices. He created them as free moral agents. They were given a will capable of choosing whether to obey God. Their subsequent choice to disobey (Gen. 3:1–7) reveals the reality of this liberty.

One can see in this event a significant freedom in religious matters granted to our original parents. God put them in the garden, surrounded them with all they could need, and then gave them the freedom to choose his way or their own. As we are well aware, they chose their own way. From that moment on, the biblical story depicts God’s activity calling men and women back to himself and his plan to redeem them. Yet not once do we find that God violated humanity’s freedom to choose between their own sinful ways and God. Granted, he resorted to considerable instruction and punishment (for example, the flood and the forty years of wilderness wandering), but people were still free to choose their spiritual path.

There is yet more to be learned about religious liberty from the fall. Fallen man is incapable of fully interpreting the will of God in all matters for other people, and he is certainly incapable of properly enforcing spiritual standards. Fallen man’s propensity for cruelty and merciless retribution, too often in the name of just causes, provides a strong argument for religious liberty. Jeremiah declared, “The heart is more deceitful than all else and is desperately sick” (Jer. 17:9). Cain feared that his sin would be a cause of retribution from anyone who met him, which was evidently more than God required. In response God took the unusual step of providing assurance that men would not require more than he had already exacted (Gen. 4:9–16). James Wood summarizes this principle eloquently. He comments, “The sinful nature of man negates the possibility of the absolutizing of human authority, religious or political, and by limiting all human authority provides an important foundation for religious liberty.”<sup>13</sup>

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13. James E. Wood Jr., “A Biblical View of Religious Liberty,” *The Ecumenical Review* 30 (Jan. 1978): 37.

God's respect for individual choice carries over to the church as well. In the book of Revelation, Jesus chided the church at Laodicea for their severe spiritual failings (3:14–22), declaring them lukewarm (3:16). Yet in spite of the Lord's obvious disappointment with the Laodicians, he still did not call for any external compulsion to force their change. Instead, he called on them to be zealous and repent, and then issued his amazing invitation: "Behold, I stand at the door and knock; if anyone hears My voice and opens the door, I will come in to him" (Rev. 3:20). Even here Jesus' respect for human choice would not allow him to coerce change. He appealed to the believers to make their own decision to change.

God's attitude toward man's freedom of choice highlights an essential aspect of faith. Faith is ultimately an internal matter. Coercion can produce external compliance to a set of behavioral standards, but it cannot produce a change in mind. Brainwashing can produce a desired response, but it does not represent the true opinion of a person. It is an overlay that turns the victim into a mindless drone. Evidently, God did not desire this kind of person, or he would have created humans with the right mind-set toward him and made it impossible for them to hold a contrary opinion. Since God so highly values individual choice, it seems unlikely that he would designate any other individual or institution to exercise power over that which he himself has left inviolable.

Ultimately, religious liberty is about man's conscience. The conscience is the crucial internal guide to moral judgment in the New Testament. H. C. Hahn writes of the conscience: "Conscience appears—to put it graphically—as a court of appeal which is not able to promulgate any statutes (for only God himself can do this) but is able to deliver judgment on the cases before it."<sup>14</sup> Paul spoke of the conscience of the unbelieving Gentiles that was capable of directing them to obey the law written on their hearts (Rom. 2:14–15). He also spoke of the conscience as the judge of his own moral life (Rom. 9:1). Paul trusted that other people's consciences would testify to the truthfulness of his message (2 Cor. 4:2). Hahn concludes, "The conscience can be regarded as the place where the 'mystery of faith' is to be found (1 Tim. 3:9)."<sup>15</sup>

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14. H. C. Hahn, "Conscience," in *The New International Dictionary of New Testament Theology* (Grand Rapids: Zondervan, 1975), 1:350.

15. *Ibid.*, 351.

Conscience is the inviolable witness within each person that instructs him about his moral accountability. Johnson asserts that Paul referred to the conscience as the guiding principle in his instructions to other Christians on the question of diversity of practice. The cases involved questions about whether believers could eat meat that had been offered at pagan shrines and whether they could take part in meals at pagan shrines (1 Cor. 8–10). Johnson notes that Paul’s answer focuses on the individual’s perception of things, not the objective facts of the case. He observes that “proper behavior depended on the circumstances, and the discernment of the circumstances in turn was the business of the individual’s conscience.” A person either follows its leadings and experiences harmony within himself, or he refuses its guidance and experiences condemnation. The conscience is a realm of moral guidance unique to each person, and Paul taught that it was inviolable. No one is to create a situation in which he offends or interferes with an individual’s conscience.<sup>16</sup> Consequently, Johnson concludes that human conscience “provides the fundamental ground for religious liberty.”<sup>17</sup>

The centrality of liberty of conscience in matters of faith seems to have first appeared in literary form in a 1612 confession of faith referred to as “Propositions and Conclusions concerning True Christian Religion, containing a Confession of Faith of certain English people, living at Amsterdam.” W. L. Lumpkin suggests that the document may have been a modification of a confession written in Dutch by John Smyth, a principal leader in what would become the General Baptist church.<sup>18</sup> This confession states:

That the magistrate is not by virtue of his office to meddle with religion, or matters of conscience, to force or compel men to this or that form of religion, or doctrine: but to leave Christian religion free, to every man’s conscience, and to handle only civil transgressions (Rom.

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16. Wood comments, “Persons are to be free in matters of conscience and religion, without hindrance or coercion, first and foremost in order that God may be sovereign of their lives and that in turn they may freely respond to that sovereignty and bring about the ordering of their lives according to the will of God.” Wood, “A Biblical View of Religious Liberty,” 35.

17. Johnson, “Religious Rights,” 89.

18. W. L. Lumpkin, *Baptist Confessions of Faith*, rev. ed. (Valley Forge, Pa.: Judson, 1969), 123. Estep speaks with more certainty about this. He says that Smyth “can be considered the author.” W. R. Estep, *Religious Liberty: Heritage and Responsibility* (Newton, Kans.: Bethel College, 1988), 37.

xiii), injuries and wrongs of man against man, in murder, adultery, theft, etc., for Christ only is king and lawgiver of the church and conscience (James iv. 12).<sup>19</sup>

Lumpkin credits the confession as “perhaps the first confession of faith of modern times to demand freedom of conscience and separation of church and state.”<sup>20</sup>

Freedom of conscience was a key issue in Roger Williams’s arguments for religious liberty. In his 1644 tractate, “The Bloody Tenent of Persecution,” Williams made the matter of conscience a central theme.

It is the will and command of God that, since the coming of His Son the Lord Jesus, a permission of the most paganish, Jewish, Turkish, or anti-christian consciences and worships be granted to all men in all nations and countries, and they are only to be fought against with that sword which is only, in soul matters, able to conquer, to wit, the sword of God’s Spirit, the word of God.

Williams also avowed, “God requires not a uniformity of religion to be enacted and enforced in any civil state; which enforced uniformity, sooner or later, is the greatest occasion of civil war, ravishing of conscience, persecution of Christ Jesus in his servants, and of the hypocrisy and destruction of millions of souls.”<sup>21</sup>

In 1773, Isaac Backus offered a similar opinion:

God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men, which are, in *any thing* contrary to his word; or *not contained in it*; so that to believe such doctrines, or to obey such commands, out of conscience, is to *betray* true liberty of conscience; and the requiring of an implicit faith, and an absolute blind obedience, is to destroy liberty of conscience and reason also.<sup>22</sup>

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19. Lumpkin, *Baptist Confessions*, 140.

20. *Ibid.*, 124.

21. Roger Williams, “The Bloody Tenent of Persecution for Cause of Conscience,” in *Roger Williams*, ed. Richard Groves (Macon, Ga.: Mercer University Press, 2001), 3.

22. Isaac Backus, *An Appeal to the Public for Religious Liberty, Against the Oppressions of the Present Day* (Boston: John Boyle, 1773), 56.

The theological doctrine of man sheds further light on the doctrine of religious liberty. In Paul's great sermon to the Areopagus in Athens, he acknowledged that God created man with a capacity to seek him. He said that God "made from one man, every nation of mankind to live on all the face of the earth . . . that they would seek God, if perhaps they might grope for Him and find Him" (Acts 17:26–27 NASB). Paul asserted that God wanted all men to seek him and find him. It seems reasonable to deduce from this truth that God intended men to have the freedom to search for him.

Unquestionably, this search would result in false formulations of faith, yet Paul intimated that this was just part of the search process. Men had to search out questions of faith in order to come to the end of their own efforts and be prepared to accept the truth when it appeared. Luke Johnson's reflections on this passage led him to conclude that Paul's statement is "remarkably positive toward the legitimacy of Gentile religious longing."<sup>23</sup>

Additional confirmation of the God-given right of religious liberty is available in the doctrine of Christ. Jesus provides a perfect example of God's respect for religious liberty. Throughout his ministry, Jesus respected the right of every person to choose or reject him. He even came in the form of a servant rather than a king (Matt. 20:25–28; Phil. 2:5–8). As a servant he pointed people to God and faith, but he is never depicted as coercing faith. Scripture relates many examples of this attitude, but a prime example is Jesus' lament over the city of Jerusalem. He declared, "O Jerusalem, Jerusalem, the city that kills the prophets and stones those sent to her! How often I wanted to gather your children together, just as a hen gathers her brood under her wings, and you would not have it" (Luke 13:34). Here Jesus acknowledged his desire to see Jerusalem embrace him, yet he did not force them to accept him. This is all the more significant when we recognize that, as God, he had the power to make people do anything. Nevertheless, he chose a very different approach.

He revealed that approach in his parable of the wheat and tares (Matt. 13:24–30). In the parable the wheat symbolized true believers, and the tares symbolize unbelievers. When the servants in the parable asked their master if they should go and uproot the tares, the master replied, "Allow both to grow together until the harvest" (Matt. 13:30).

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23. Johnson, "Religious Rights," 87.

In this parable Jesus made clear that he does not want unbelievers to be rooted out for their unbelief. That will happen in God's time.

The doctrine of salvation itself contributes to our understanding of God's design for religious liberty. Salvation is an individual, spiritual event. It is a matter of the will. Scripture shows the apostles preaching, even pleading with people to trust Christ as Savior, but it never shows them violating the right of the individual to choose or reject their message, and ultimately salvation. In fact, the individual nature of salvation requires religious liberty. People must be free to respond to the gospel. It is unlikely that God would have ordained an institution that would have been by design opposed to the freedom of people to make decisions in matters of faith. To have designed humans to seek him and find him, and then to ordain an institution with the power of life and death to restrict them from this search, would be equivalent to creating people with a need for water and then not providing any water to drink.<sup>24</sup>

The doctrine of the church holds additional important keys to developing a biblical understanding of religious liberty. The church is not a governmental entity. It is a spiritual entity. It has not been given the means to exercise control over those outside the faith. Consequently, the church cannot dictate to others on matters of faith. Scripture teaches that God established three institutions—the family, the church, and government. The family is the foundational social structure which nourishes its members physically, emotionally, mentally, and spiritually, to provide a citizenry capable of fulfilling God's design for creation. Civil government is the institution charged with maintaining civil order. According to Paul it is God's minister to reward good behavior and punish evil behavior (Rom. 13:1–5). The church is God's spiritual institution. Its task is to provide a structure for Christian ministry and spiritual maturity.

Each of these institutions has its distinct tasks. While the institutions share some responsibilities, none of them are designed to fulfill the God-given purposes of the other. For example, the family and the church share a common responsibility for the spiritual development of others, but the church is not a substitute for the family. The father is the one responsible for the spiritual development of the family. The church is there to assist him in that task. Similarly, the church is tasked with the

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24. J. D. Hughey remarked concerning this that "no earthly power has the right to enforce obedience to God, since his authority over the spirit of man has not been delegated." Hughey, "The Theological Frame of Religious Liberty," 1365.

responsibility to share the gospel throughout the world. In fulfilling this task, she depends on governments to protect the rights of her workers but not to do her work.

This understanding of separation of responsibility has not always been respected. For example, too many fathers today look to the church to be the primary providers of spiritual direction in their families. In the past the church looked to civil government to enforce its vision of Christian comportment in matters of belief and practice. Contrary to the thinking of some people, this marriage of the church and civil government was not restricted to the Roman Catholic Church. Many leaders of the Reformation also used the power of the state to enforce church doctrine. Today a monument stands in Geneva as a testament to Michael Servetus, killed for his heretical views, whose death John Calvin does not appear to have opposed, only the manner in which it was to be carried out.<sup>25</sup>

In thinking about the interdependence of the God-ordained institutions, a question inevitably rises: Does the state possess the legitimate authority, either by its own choice or by consent of the church, to rule over matters pertaining to the church? This, of course, is not an idle question. This was a serious issue well into the late eighteenth century in this country. Baptists found themselves regularly persecuted by the state for their refusals to follow the prescribed church practices, including infant baptism, and for disturbing the peace, i.e., preaching the gospel. Of course, we know that it was a Baptist, John Leland, who led the charge to write an end to these practices into the United States Constitution, through the First Amendment. The question is, was he correct to insist

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25. David Little tracks the development of the modern conception of separation of church and state in the Reformed tradition. He credits Calvin himself for much of the confusion of later Reformers on the relationship between the two. He notes that, while Calvin stipulated a clear separation between the two on matters of internal faith, he considered false doctrine and impious behavior as a threat to the civil order, for which the civil magistrate was responsible. Consequently, the civil magistrate had a mandate to secure the peace, which included jurisdiction over external faith practices that it considered dangerous to this peace. David Little, "Reformed Faith and Religious Liberty," *Church and Society* (May/June 1986), 9. Perez Zagorin credits Calvin's complicity in the execution of Servetus as the impetus for Sebastian Castellio's anonymously published 1553 work, *Concerning Heretics and Whether They Should Be Persecuted*. He calls it "one of the first great protests in the sixteenth century against the persecution of heresy and a landmark in the struggle for religious toleration." Perez Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton: Princeton University Press, 2003), 103.

on the separation of the state from the church? Scripture supports this position.

The only possible way someone can argue that the church can rely on civil authorities to enforce its doctrines and to punish error is to apply to the church Old Testament teachings intended for Israel. Obviously, Israel was a theocracy. She had judges, governors, a king, and an army. God had stipulated death for a number of errant beliefs and practices within this community, and the Old Testament acknowledges that the sentence of death was carried out.

If the church is the continuation or replacement for the theocracy of Israel, then it is possible to argue that the church can employ the power of the state to enforce its views. However, there are many evidences that this is not the case. First, Jesus intimated that the church was a new thing, not to be equated with Israel. In Matthew 16:17–19, he said he would build his church on Peter’s confession. The church was not a continuation of the old but something entirely new. Second, Jesus discouraged the use of physical force to protect himself. He declared that his kingdom was not of “this world” (John 18:36). Therefore, it was inappropriate to use the powers of this world to its benefit. Third, the church has two offices, pastor and deacon. These offices are spiritual in nature, not civil. There is no army, no king, no civil magistrate within the church structure. Consequently, there is no structure provided in Scripture for the use of physical force to advance the work of the church or to defend it.

It seems clear that there was only one theocracy—Israel. The church is an entirely new organism. Therefore, one cannot apply the religious state model of Israel to the church or to the state. The church and the state are separate entities, addressing different aspects of human life. Each supports the other but is not tasked with doing the other’s work. Jesus put it simply: “Render to Caesar the things that are Caesar’s; and to God the things that are God’s” (Matt. 22:21 NASB; see also Mark 12:17; Luke 20:25).

This central truth was a crucial component in the thinking of John Locke. Locke was strongly opposed to the union of the state and the church. He made the same argument I have made here: the civil magistrate and the church have different tasks, and they are not to be relegated to the other or assumed by the other. In considering the relationship be-

tween faith and the state and the bearing of Israel on the subject, Locke commented:

The laws established [in Israel] concerning the worship of One Invisible Deity were the civil laws of that people and a part of their political government, in which God Himself was the legislator. Now, if any one can show me where there is a commonwealth at this time, constituted upon that foundation, I will acknowledge that the ecclesiastical laws do there unavoidably become a part of the civil, and that the subjects of that government both may and ought to be kept in strict conformity with that church by the civil power. But there is absolutely no such thing under the Gospel as a Christian commonwealth.<sup>26</sup>

Today much of the discussion of religious liberty takes place within the context of the Christian faith because Christians are under extreme pressure to limit their activities in the United States and around the world. But religious liberty does not apply only to Christianity. Religious liberty extends to all people and all faiths or no faiths. Jesus sent his disciples into all the world to make disciples, but their method was to make disciples by teaching others to observe all that he had taught them (Matt. 28:19–20). There is no hint in the Great Commission that Jesus expected his disciples to coerce true faith or to stop people from practicing false religion.

The Vatican “Declaration” agrees. It states, “From the very origins of the Church the disciples of Christ strove to convert men to faith in Christ as the Lord—not, however, by the use of coercion or by devices unworthy of the gospel, but by the power, above all, of the Word of God.” The declaration cites both 1 Corinthians 2:3–5 and 1 Thessalonians 2:3–5 in support.<sup>27</sup>

If ever there was an opportunity to force true faith on others, it was during Israel’s days as a kingdom, complete with a king and an army. Yet whenever God wanted to get the attention of the surrounding nations, he didn’t call on the kings of Israel to send in their armies; he called prophets to go and preach repentance. Jonah is the perfect

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26. John Locke, *A Letter Concerning Toleration* (New York: Liberal Arts Press, 1950), 43.

27. “Declaration on Religious Freedom,” 1965.

example of this. The Assyrians were a wicked people. They needed to repent. They certainly needed to believe in the true God. Yet, knowing what the stakes were—God’s wrath or his mercy—God sent Jonah to preach. The people had to decide based on an appeal.

Some may object that God certainly instructed the Israelites to wipe out all the pagans in Canaan when they took possession of the land. That is true, but we must remember, first of all, that this was the fulfillment of a judgment God had determined long before then (Gen. 15:16). Second, God was establishing a theocracy with Israel. It is entirely within the nature of a theocracy to use the power of the state to eradicate error if it chooses to do so.

In conclusion, there is ample theological support for the doctrine of religious liberty. Two questions remain, however. First, does religious liberty apply only to the freedom of people to believe certain things but not to express them in public or possibly even in private? The Bible does not present any theological model for the right of the state to restrict religious speech or public or private practice. The only instances where the Bible describes state-sanctioned efforts to regulate spiritual life, outside of the theocratic government of Israel, are negative. Jesus was executed under the auspices of the Roman government. The apostles were jailed and otherwise persecuted, even executed under the authority of the state because of their religious practices. The book of Revelation describes a time in the future when people of faith will once again be persecuted under the auspices of the state for their beliefs and practices.

The early church recognized the power the state possessed to punish evil and reward good (Rom. 13:1–5), and the Bible calls on Christians to honor the civil authorities and obey them (1 Pet. 2:13–17). The early church also recognized that the state had the power to punish them for their beliefs and practices, but they did not believe they were bound to obey the government when its dictates violated their spiritual calling. For example, the apostles were brought before the civil authorities and told to stop preaching about Jesus. Rather than accept this requirement, they responded with the famous statement, “We must obey God rather than men” (Acts 5:29).

H. Richard Niebuhr answered the question of the state’s ability to interfere in matters of faith. He stated, “Religion, so understood, lies beyond the provenance of the state not because it is a private, inconsequential, or other-worldly matter but because it concerns men’s al-

legiance to a sovereignty and a community more immediate, more inclusive, and more fateful than those of the political commonwealth.”<sup>28</sup> A. F. Carillo de Albornoz actually reversed the argument of separation of church and state. He commented:

Now, it seems that it would be extremely difficult to find in the Christian revelation the precise limits of civil authority concerning man *in virtue of the State's nature*. On the contrary, Christian revelation does show us that man, as he has been created, redeemed and called by God and as God intends to deal with him, is responsible solely to God and that, *therefore*, the State, which is subordinated to God's authority and laws, must respect this human responsibility before God. Consequently, in thinking this way, religious liberty would *not* be ultimately based on the limitation of political authority but, inversely, the latter would flow from the freedoms which God has given man.<sup>29</sup>

A second question is if religious liberty applies also to public expressions, can legitimate limitations be placed on these freedoms by third parties, for example, governments? Writers, dissidents, and scholars have addressed this question numerous times. Carillo de Albornoz noted that the Vatican Declaration usually referred to religious freedom in the singular, but in reality it was proclaiming “many religious freedoms: freedoms exercised by different classes of people—organizations, families, individuals—or involving different activities—preaching, teaching, witnessing, etc.”<sup>30</sup> He argues that each of these contexts requires a separate treatment since they can infringe on other social conventions. At times he argues that religious freedoms must give way to other rights within the community.

Philip Wogaman agrees with Carillo's categorization of religious freedoms, but he differs with him on the abridgement of those freedoms when they interfere with other rights. He provides three useful categories of religious freedom and then discusses briefly how the intersection

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28. H. Richard Niebuhr, *Radical Monotheism and Western Culture* (New York: Harper & Row, 1960), 70–71.

29. A. F. Carillo de Albornoz, *The Basis of Religious Liberty* (New York: Association Press, 1963), 87.

30. A. F. Carillo de Albornoz, *Religious Liberty* (New York: Sheed & Ward, 1967), 13–14.

of other rights might affect their exercise. “Absolute religious liberty” is the internal freedom to believe and worship as one pleases. “Qualified absolute religious liberty” is the freedom to profess or to express one’s faith verbally through social communication. He calls this a qualified liberty because “a case must be made for limiting speech which is not designed as communication of faith, knowledge, or opinion but as malicious slander or incitement to action of an illegal sort.” “Qualified religious liberty” is the freedom to act in accordance with one’s religious insights and values. He says this kind of liberty “raises problems” when it is made into an absolute. Issues like withholding medication for religious reasons, education of children, and activities that harm other people require that this liberty be restricted in some manner.<sup>31</sup>

These are not only useful distinctions; they are reasonable. As we make claims for religious liberty and fight for them with zeal, we must keep in mind that humans are still fallen, and some will abuse any liberty. This could unfortunately result in the restriction of legitimate religious liberties as authorities attempt to deal with the impact of the illegitimate exercise of religious liberty toward others. That said, however, we must always be mindful of what is at stake when we are dealing with religious liberty. Faith is the principal point of connection between God and man. Through faith, people commune with God, learn his will, and act in the world in response to him. What one government may decide is inappropriate religious behavior because it interferes with the life of the community may be a perfectly legitimate behavior in the eyes of God.

For example, China is currently engaged in a brutal policy of repression of the house church movement. The government believes that these groups pose a real threat to order. To the degree that these house churches encourage freedom of thought, the government has reason to be concerned since the Bible will lead men to desire freedom from tyranny and oppression. Yet in this case we must do all we can to assert the right of these Christians to engage in this legitimate expression of their faith. Whenever anyone claims a legitimate right to abridge the religious liberty of another, it is incumbent upon that one to prove that his interests are greater than the God-given right of those affected to believe and practice their faith according to the dictates of their conscience.

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31. Philip Wogaman, *Protestant Faith and Religious Liberty* (Nashville: Abingdon, 1967), 182–90.

In conclusion, I reiterate that many men and women have contributed in significant ways to our current understanding of religious liberty, often at the expense of their lives. Many have made their statements about this topic in powerful and instructive ways. But I believe it would be difficult to find a more succinct statement of the Christian doctrine of religious liberty than that found in the Baptist Faith and Message. Article 17 reads:

God alone is Lord of the conscience, and He has left it free from the doctrines and commandments of men which are contrary to His Word or not contained in it. Church and state should be separate. The state owes to every church protection and full freedom in the pursuit of its spiritual ends. In providing for such freedom no ecclesiastical group or denomination should be favored by the state more than others. Civil government being ordained of God, it is the duty of Christians to render loyal obedience thereto in all things not contrary to the revealed will of God. The church should not resort to the civil power to carry on its work. The gospel of Christ contemplates spiritual means alone for the pursuit of its ends. The state has no right to impose penalties for religious opinions of any kind. The state has no right to impose taxes for the support of any form of religion. A free church in a free state is the Christian ideal, and this implies the right of free and unhindered access to God on the part of all men, and the right to form and propagate opinions in the sphere of religion without interference by the civil power.

*Genesis 1:27; 2:7; Matthew 6:6–7,24; 16:26; 22:21; John 8:36; Acts 4:19–20; Romans 6:1–2; 13:1–7; Galatians 5:1,13; Philippians 3:20; 1 Timothy 2:1–2; James 4:12; 1 Peter 2:12–17; 3:11–17; 4:12–19.*