

RELIGIOUS FREEDOM AS A PROBLEM FOR CLASSIC REFORMED THEOLOGY: CALVIN, RUTHERFORD AND OWEN

[LIBERDADE RELIGIOSA COMO UM PROBLEMA PARA A TEOLOGIA
REFORMADA CLÁSSICA: CALVINO, RUTHERFORD E OWEN]

John McClean¹



ABSTRACT

It is not unusual for Christians in the Reformed tradition to claim that it has supported religious freedom. Unfortunately, for those committed to classic Reformed theology and general religious liberty this is not the case historically. This article examines the political theology of three formative thinkers of the Reformed tradition: John Calvin, Samuel Rutherford and John Owen. In each case it outlines the approach of the thinker and gives some indication of how their theology was applied. It shows that none were champions of general religious freedom; even Owen who argued for toleration allowed a limited range of views to be tolerated. Wider religious liberty was promoted by the heterodoxy rather than the orthodoxy in the Reformed tradition. Classical Reformed theology inspired its followers to stand-up for their own religious freedom, because they were convinced that right worship was a fundamental element of service to God. This conviction meant that they were not motivated to defend the right to promote irreverence and false teaching. The article concludes by noting three areas in which the Reformed tradition needs to be extended in order

¹ O autor é Doutor pela Melbourne College of Divinity, e membro da Igreja Presbiteriana da Austrália. É vice-Diretor e Professor de Teologia na Christ College, Sydney (Austrália).

to support a wider religious liberty: it must hold to a non-coercive view of faith formation; recognise the distinction between Israel and moderator states and develop an account of the common good which includes general religious liberty.

KEYWORDS

Reformed Tradition – Religious Liberty – John Calvin – Samuel Rutherford – John Owen.

INTRODUCTION

It is not uncommon for conservative Christian voices to assert that freedom of religion is part of their theological heritage (HALL, 2005; WITTE, 2014). William Hetherington (1803–1865), the nineteenth century Scottish church historian praised the statement of the freedom of conscience in the Westminster Confession claiming that “the mind of man never produced a truer or nobler proposition” and asserting that anyone who “comprehend, entertain, and act upon that principle, can never arrogate an overbearing and intolerant authority over the conscience of his fellow-man, much less wield against him the weapons of remorseless persecution” (HETHERINGTON, 1890, pp. 364-365). Timothy George writes that “long before the [American] Constitution was written, or America was discovered, Christians have confessed that ‘God alone is Lord of the conscience’ ... they have declared that no one should be compelled to embrace any religion against his will, be forbidden to worship God according to the dictates of conscience, or be prevented from freely and publicly expressing deeply-held religious convictions” (GEORGE, 2014). Abraham Kuyper took up the words of American historian Bancroft to proclaim Calvin “a fanatic for liberty” whose creed supported and directed him “in the moral warfare for freedom” (KUYPER, 1981, p. 78). John Coffey points to the Reformation Wall in Geneva which offers a very positive view of the contribution of the Calvinist Reformation to freedom. The large figures of Farel, Calvin, Beza and Knox at the centre, are flanked by smaller figures several of whom are heroes of liberty: William the Silent who led the Dutch Revolution against Spain, Admiral Coligny the Heugonot leader, Roger Williams founded of Rhode Island, Oliver Cromwell who led England after the execution of the ‘tyrant’ King Charles and the Hungarian

prince who protected Calvinist freedoms, István Bocskai. Many of these figures reappear in the eight bas reliefs below which show great moments in the history of Calvinism, again associated with freedom — Prussia welcoming Huguenot refugees; Henri IV signing the Edict of Nantes; Knox preaching to the Scottish nobles; the Pilgrim Fathers signing the Mayflower Covenant in 1620 and the English Parliament giving the Declaration of Rights to William of Orange (COFFEY, 2013, p. 296). Timothy Shah, acknowledges the “commitment of many of Christianity’s highest authorities to refining the theory and practice of religious coercion” and notes some of the modern critics who prosecute the case against Christianity. Yet he argues that,

Christians have also proven to be among the first and fiercest critics of religious intolerance and persecution [...] they have [...] produced some of history’s earliest, richest, and most compelling denunciations of religious coercion and [...] they [...] bear undeniable responsibility for articulating some of the most demanding, enduring, and inspiring principles of religious and political freedom the world has ever seen — principles that remain indispensable to the modern discourse and architecture of human rights, democracy, and international law (SHAH, 2016, pp. 35-36).

Not surprisingly, there are others who tell a very different story. John Simpson’s provocative book *Burning to Read* argues that the violence of the Reformation period derived from Protestant Bible reading. “Evangelical culture of the first half of the sixteenth century produced an exclusivist, intolerant, persecutory, distrustful, and inevitably schismatic culture of reading” (SIMPSON, 2007, p. 260).

In this article I argue that we do not find a commitment to religious liberty in the roots of the Reformed tradition. This does not deny that there are theological seeds in that tradition which in time blossomed in modern democratic thought which included a recognition of religious freedom. But there is no direct historical line from the Reformed tradition to freedom of religion. I will argue this by considering three key Reformed thinkers — Calvin, Rutherford and Owen. In conclusion, I will suggest some of the theological issues that need to be addressed if the Reformed tradition is going to be genuinely supportive of general religious liberty.

JOHN CALVIN (1509-1564)

Calvin's thought and practice with respect to religious liberty developed over the decades. In the 1530s, Calvin stressed the spiritual and political liberty of the believer, defending it from intrusion by church and state (WITTE, 2016, pp. 210-217; STROHM, 2009, pp. 182-186). In the 1536 edition of the *Institutes* Calvin, not unexpectedly, pleads for freedom for Protestants. More surprisingly, he also argued for a significant differentiation between church discipline and the way civil authorities would treat those who did not hold to orthodox Protestant faith.

We ought to strive by whatever means we can, whether by exhortation and teaching or by mercy and gentleness, or by our own prayers to God, that they may turn to a more virtuous life and may return to the society and unity of the church. And not only are excommunicants to be so treated, but also Turks and Saracens, and other enemies of religion. Far be it from us to approve those methods by which many until now have tried to force them to our faith, when they forbid them the use of fire and water and the common elements, when they deny them to all offices of humanity, when they pursue them with sword and arms (CALVIN, 1536, p. 63)

Here, Calvin's words seem to suggest that there should be space in civic life for heretics and Muslims.

Through the 1540s, as he led the church in Geneva, Calvin's perspective moved to a greater concern for the institutional questions and the relationship of church and state. The argument for civic toleration was removed from later editions of the *Institutes* and instead Calvin expected the magistrate to prosecute heresy and false religion (STROHM, 2009, pp. 182-183).

One of the theological foundations for Calvin's understanding of the relationship of church and state was the distinction of the uses of the moral law, given in a summarized form in the Decalogue.² The first use of the law, to convict sinners of their desperate need for Christ, and third use, to train believers in godly living, are taken up in the

² Calvin explains that the universal moral law of God applies to all and is written on the hearts of all (though not obeyed) and is repeated in the Decalogue, see J. Calvin, *Institutes of Christian Religion* F.L. Battles, ed (Louisville: Westminster, 1960), Inst. IV.xx.16, pp. 1504-1505. "Accordingly (because it is necessary both for our dullness and for our arrogance), the Lord has provided us with a written law to give us a clearer witness of what was too obscure in the natural law, shake off our listlessness, and strike more vigorously our mind and memory", Inst. II.viii.1.

preaching and discipline of the church. The second use, to constrain sin even among the unregenerate, is the Lord's provision "for the public community of men" and is taken up in the work of the magistrate who applies this law, not to achieve an inner love for God, but social peace and order (CALVIN, 1559, II.vii.10).³

Strohm notes that Calvin's opposition to heresy was reinforced by his conviction (shared with all other Reformed and Catholic theologians of the time) that "true being was not external and material but mental and spiritual" and this made false belief and worship an egregious wrong. He also notes that Calvin's fear for the collapse of the Reformation, both in Geneva and across Europe made him further disinclined to tolerate religious diversity. His view was, of course, a standard one in both Protestant and Catholic thought in the sixteenth century.

Tuininga thinks that he sees in Calvin's approach the basis for a pluralistic approach. Calvin holds that the magistrate can only ever achieve a 'civic righteousness' on the basis of natural law, and that many of the Old Testament laws are specific for Israel and tolerate a certain level of injustice. Calvin knows, of course, that Jesus explained that the Old Testament allowed divorce "because of the hardness of your hearts" (Matt 19:8). Calvin takes this as a precedent to suggest that other Old Testament laws do the same thing: the enslavement and forced marriage of women after war (Dt 21:10); relief from capital punishment for adultery with a female slave (Lev 20:20-24); the execution of men, but not women, in a city which refuses an offer of peace (Dt 20:10-13); the provision of rights for a daughter sold by her father as a slave-wife (Ex 21:7-10); permission for a freed slave to divorce his wife and leave his children if the slave owner still holds them (Ex 21:1) (TUINGA, 2016, pp. 286-291).

In each of these cases Calvin accepts that biblical judicial law is not always in accord with natural law and so is not an ideal model of a Christian magistrate. He also recognises that legislation has to make certain compromises because of human sinfulness, statute law is not a set of moral ideals. Tuininga then suggests that "Calvin's insistence on the limits of the civil law given the hardness of human hearts creates political theological space for the sort of limited government which

³ See WITTE, "Calvinist Contributions", pp. 214-215.

respects a measure of practical moral pluralism” (TUINGA, 2016, p. 291). He suggests that there are three insights in Calvin’s own discussion of law which show that the magistrate must allow for the sinfulness of the community: the law cannot address the inner life and it cannot require what it cannot coerce; moral responsibility requires a level of freedom and the law must tolerate sin in order to regulate it. There is a place he suggests, in the logic of Calvin’s position, for the magistrate to respect the freedom of people to act against God’s will.

Tuininga recognises that Calvin himself did not pursue this line, and that he supported the prosecution of heresy — the obvious case where a ‘hardness of heart’ exception might be applied. Indeed, the record of Calvin’s Geneva suggests anything but a general liberty in spiritual matters. Calvin put a great deal of emphasis on church discipline conducted by the church Consistory, reinforced by the civic Council when necessary. This was a point of contest for much of his time in Geneva and it was only in 1555 the majority of the Council supported the discipline of the Consistory (MCCLEAN, 2017, pp. 97-100; GORDON, 2009, pp. 140-143). The vast majority of issues with which the Consistory dealt did not come into the orbit of religious liberty. Manetsch notes the faults which led to suspension from the Lord’s Supper were most likely to be moral — quarrels, fornication and adultery, scandals, lying, slander, illicit dancing and singing, rebellion against authority and drunkenness. Faults which could be viewed as areas of genuine religious difference — ignorance, Catholic behaviour, blasphemy and heresy — made up no more than 15% of the offences (MANETSCH, 2013, p. 200).⁴ Manetsch observes that “Geneva’s Consistory functioned more as a morals court than as a theological tribunal”. There were, however, some heresy trials and these became matters for the Council, not just the Consistory. Servetus was the most notorious and the only one which resulted in execution.⁵ Anabaptists and Catholics were banished from Geneva, as were several members of the company of Pastors who became theological critics of Calvin and the confessional position of Geneva — Jerome Bolsec and Sebastian Castellio being the best known.

4 Manetsch’s analysis covers 1542-1609, so more than Calvin’s era, but my interest is as much in the effect of Calvin’s theology as the policy under his personal direction. Manetsch’s list blasphemy (5.6%), Catholic behaviour (4.9%), ignorance (4.0%) and Anabaptism or heresy (0.3%). Not surprisingly, discipline for Catholic behaviour was more common in the period 1542-1555, see Manetsch, p. 209.

5 For a discussion of Servetus see J. McClean “Calvin”, pp. 55-70 in *Church of the Triune God*, M.P. Jensen, ed (Sydney South: Aquila, 2013).

Calvin, while defending the right of Protestants to worship in freedom, did not grant the same to those in Geneva who did not conform to reformation Christianity. He expected the Council to support and reinforce church discipline with sentences of exile or execution.

SAMUEL RUTHERFORD (1600-1661)

Samuel Rutherford was the leading Scottish Commissioner at the Westminster Assembly and probably the most significant theological thinker among the divines. While he was a member of the Assembly he published *Lex, Rex, or The Law and the Prince* (London 1644) an important contribution on the political theology and ecclesiology. He had a significant influence on the Confession, and it is reputed that almost every member of the Assembly owned a copy of *Lex, Rex*.

During Rutherford's time at the Assembly he was disturbed by the toleration accorded to Protestant sects in London. After he returned to Scotland he learned that the English situation had gone, from his point of view, from bad to worse, as the Rump Parliament was dominated by supporters of the Army, home of so many of the sectarians. Meanwhile, the Scottish church and Parliament, influenced by Rutherford, pursued a far more rigorous policy. The Commission of the Assembly explained that nowhere in the Scriptures was there a precept or precedent for "tolleration of any error" (GRIBBEN, 2009, p. 364).

In response to English developments, Rutherford authored *A Free Disputation against Pretended Liberty of Conscience*. In it he argues that conscience is appointed by God as a guard and must, itself, always stand under the Word. Others, such as Milton and even Owen, would argue that there is scope for debate and doubt about some items of Christian confession. Rutherford, by contrast, insists on the clarity and authority of the Scripture and the role of the church to develop doctrine on this basis. Heresy, he insists, can be objectively determined and constitutes a real danger — heretics "drinke the blood of soules" (RUTHERFORD, 1649, p. 101).

Along with this theological epistemology, Rutherford also asserts the right and responsibility of the Christian magistrate to punish heresy. This flows from the two-kingdom theology he had defended in *Lex*,

Rex (1644) and which was adopted by the Westminster Confession.⁶ It holds that the church and the state are both instituted by Christ and have distinct but closely related tasks and jurisdictions (VAN DRUNEN, 2009, pp. 149-211). With respect to the church, the magistrate may not assume the ministry of the Word and sacrament nor the power of the keys of the kingdom (i.e. church discipline), but has the authority and duty to “take order that unity and peace be preserved in the Church, that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented or reformed, and all the ordinances of God duly settled, administrated, and observed”(WCF 23:3).⁷ Conversely, the church courts are to deal only with ecclesiastical matters and “are not to intermeddle with civil affairs which concern the commonwealth”, except to petition the magistrate in “cases extraordinary” or to offer advice if required by the magistrate.

The case for this close relationship between church and magistrate rests on an analogy between the Christian nation and Israel. Rutherford understood that this was only an analogy, even covenanted Scotland is not Israel. He explains that the ceremonies associated with Israel’s covenants are different to the covenants of national churches. He considers that the destruction of whole cities for apostasy (Deuteronomy 13) has a ceremonial aspect, and comments that “we are not obliged to deaths and punishments”. However, Christians are called

6 Though the Assembly did not convince the English Parliament to adopt its preferred structure and the Parliament retained a far greater role in discipline of the church, especially ministers, than the Assembly wished, see C. van Dixhoorn, “Politics and religion in the Westminster assembly and the ‘grand debate,’” in *Alternative establishments in early modern Britain and Ireland: Catholic and Protestant*, R. Armstrong and T. O’hanrathain, eds, (Manchester, 2013), pp. 131-138.

7 The Confession includes in the power of the Magistrate the right to call and oversee synods (as the English Parliament had done with the Westminster Assembly). Rutherford and the Scots held that this was only allowable in emergency situations. When the Church of Scotland adopted the Confession in 1647 it noted the right of the magistrate to call assemblies was limited to the situation of a church not settled (i.e. England but not Scotland!). The Act Approving The Confession Of Faith (1647) stated “It is further declared, That the Assembly understandeth some parts of the second article of the thirty-one chapter only of kirks not settled, or constituted in point of government: And that although, in such kirks, a synod of Ministers, and other fit persons, may be called by the Magistrate’s authority and nomination, without any other call, to consult and advise with about matters of religion; and although, likewise, the Ministers of Christ, without delegation from their churches, may of themselves, and by virtue of their office, meet together synodically in such kirks not yet constituted, yet neither of these ought to be done in kirks constituted and settled; it being always free to the Magistrate to advise the synods of Ministers and Ruling Elders, meeting upon delegation from their churches, either ordinarily, or, being indicted by his authority, occasionally, and pro re nata; it being also free to assemble together synodically, as well pro re data as at the ordinary times, upon delegation from the churches, by the intrinsic power received from Christ, as often as it is necessary for the good of the Church so to assemble, in case the Magistrate, to the detriment of the Church, withhold or deny his consent; the necessity of occasional assemblies being first remonstrated unto him by humble supplication.”

to the same “substance”: taking oaths and covenants and punishing apostates (RUTHERFORD, 1649, p. 387; GRIBBEN, 2009, p. 271).

The place of covenants is crucial in Rutherford’s political theology. He understands a Christian nation as established on a set of three interrelated covenants: between God and the people, between God and the king, and between the king and the people (RAATH and DE FREITAS, 2005, pp. 305-306.). Most of the discussion in *Lex Rex* concerns the covenant between king and people, which is the basis of mutual obligations and makes the monarch accountable to the people, even as they submit to his authority: “There is an oath betwixt the king and his people, laying on, by reciprocation of bands, mutual civil obligation upon the king to the people, and the people to the king” (RUTHERFORD, 1645, p. 99). On this basis Rutherford rejects absolute monarchy. Yet the covenant between king and people is not arbitrary or merely voluntary, it is shaped by the obligations of both to God. Hence “as the king is obliged to God for the maintenance of true religion, so are the people and princes no less in their place obliged to maintain true religion” (RUTHERFORD, 1645, pp. 102-103).

The political theology of *Lex, Rex* is applied by Rutherford to the issue toleration in *Free Disputation*. From the analogy to the Old Testament theocracy, Rutherford concludes that the Church must identify heresy and idolatry and the Christian magistrate punish them. Early in the work he identifies what he takes to be the key question:

whither or no ought the Godly and Christian Prince restraints & punish with the sword false teachers, publishers of hereticall and pernicious doctrines, which may be proved by witness, and tends to the injuring of the souls of the people of God, in a Christian societie, and are dishonourable to God, and contrary to sound doctrine (RUTHERFORD, 1649, p. 55).

He appeals to a series of scriptural examples: Moses executed 3.000 Israelites who worshipped the golden calf (Exod. 32:26-28) and commanded the execution of all the Israelites who participated in the cultic prostitution of the Baal of Peor with the Moabites (Num 25:1-9); Elijah ordered the slaughter of all the prophets of Baal (1Kgs 18:40). Israel were ready to go to war against the tribes of Reuben, Gad and Manasseh when they suspected that they had built another altar for a new cult (Josh 22:11–12); the holy war against the Canaanites was due

to their idolatry (Lev. 18:24-25; Dt. 9:5; 18:9, 12) and Paul's cursed Elymas the sorcerer with blindness before the proconsul, Sergius Paulus, on Paphos (Acts 13:6-8) (He notes that the actions of Elijah and Paul were necessary because the civil authorities would not or could not act).

Leviticus 24 was a key passage in Rutherford's argument. It records the incident in which the son of an Israelite mother and an Egyptian father curses the Lord's name during a fight and the Lord directs Moses that he is to be killed provides. This narrative is placed in the legal material in Leviticus because the words of the Lord in this case are a statute for Israel: "Anyone who curses their God will be held responsible; anyone who blasphemes the name of the LORD is to be put to death. The entire assembly must stone them. Whether foreigner or native-born, when they blaspheme the Name they are to be put to death" (Lev 24:15-16). Rutherford argues that the application to the foreign born means that this is "the law of nature" and since false worship and blasphemy is "the first and highest sin that nature crieth shame, and woe upon" then it still should receive similar punishment. So, Rutherford argues, "corporal, and sometimes capitall, punishment ought by the Magistrate to be inflicted on all blasphemers, on all ringleaders of Idolatry and false worship". Before asserting this conclusion, he gives some qualifications: the Bible will not "warrant us to make warre, and destroy with the sword, all the Indians, and Idolaters on earth, and to compell them to worship the true God in the Mediator Christ, without preaching first the gospell to them", nor "to kill every ignorant blinded Papist with the sword" (RUTHERFORD, 1649, pp. 145-189). So, Rutherford does not assume that the Christians magistrate extends the kingdom by the sword. I take it that his comment that Christians do not compel worship before preaching the gospel means that it is only once a nation has become Christian and has Christian rulers that these principles apply.

Rutherford rejects the idea that the action of the magistrate can bring conversion or that the church should use the sword to attempt to do so: "we teach not that the Prophet ought to compell any, nor that the Sword is an ordinance of God to convert oppressars, and murtherers... no action by fire and sword in Old or New Testament can convert none to Christ, the word and the Spirit must ever doe the turn". Likewise, there is no basis for a covenanted nation to seek to impose Reformed Christianity on other nations by the sword. Rutherford faces the

objection that his position implies that the Magistrate should punish “poor miserable men” who cannot believe because they have not been illuminated by the Holy Spirit. He replies that the magistrate can deal with the external acts of teaching but not with a person’s beliefs.

The Magistrate or his sword hath nothing to do with the elect and internal acts of the minde, of understanding, knowing, judging or believing, but onely with the externall acts of speaking, teaching, publishing dangerous and pernicious doctrines to the ... destruction of the soules of others (RUTHERFORD, 1649, p. 62).⁸

Gribben concludes that Rutherford’s thought “challenges any idea that the modern, politically passive Presbyterian mainstream can be identified either with the theology of the Westminster Confession or that of its most influential divines” (GRIBBEN, 2009, p. 372). John Milton, champion of radical liberty, attacked Rutherford in his sonnet “On the new forcers of conscience” with its famous final line “New Presbyter is but Old Priest writ large”. Owen Chadwick calls *A Free Disputation* “the ablest defence of persecution in the seventeenth century” (CHADWICK, 1964, p. 403).

Recently, Shaun de Freitas and Andries Raath, have sought to rehabilitate Rutherford’s reputation, especially against the view that he was anti-toleration. Their argument, in sum, is that Rutherford viewed individual and collective life as oriented toward a covenant relationship with God which serves his glory. In this economy, the magistrate had the important role to protect society from the false teaching which would, inevitably, threaten this individual and collective end. So, they say “to subscribe to the protection of Presbyterianism in early seventeenth-century Scotland was to support the covenantal and eschatological aim towards the salvation of man” (DE FREITAS and RAATH, 2016, p. 243). They are correct that Rutherford’s position was developed to protect against any new attempt to impose the Book of Common Prayer, the notorious, quasi-Catholic Laudian Liturgy, or tyrannical bishops and also against the threat of the proliferation of heretical sects. Rutherford held that these threatened not just the good order of the nation but the salvation of citizens. He defended established Presbyterianism with a high and serious religious motive and not from any mere prejudice

⁸ Gribben, p. 370, notes that the Laudian courts of England in the 1630s did “condemn individuals on the basis of what they privately believed”.

against other views. His position sought to preserve “religious rights and freedoms in the context of Presbyterianism” (DE FREITAS and RAATH, 2016, p. 248). This is not, however, a defence of toleration in any sense — Rutherford’s work is aimed precisely at views which advocate a liberty in religion.

Rutherford did not see his political theology implemented in Scotland. In 1650 Cromwell’s army defeated the Scots at the Battle of Dunbar and from that point Scotland was governed by the English parliament.⁹ So, the relatively tolerant policies of the English Parliament were applied in Scotland — though not extended to Episcopalians nor Catholics. Sessions and Presbyteries functioned, but their decisions were not enforced by the State (When the Assembly held prayers for the success of an insurrection against the English, it was marched from Edinburgh by armed guard and was not called again during the Commonwealth period.)

The Restoration brought persecution for Rutherford. *Lex, Rex* was burned in London and he was deprived of his church, university chair and stipend and placed under house arrest. He was charged with treason but died before he faced trial. Rutherford’s theological heirs, the covenanters, spent the next decades in conflict with the King and the reimposed episcopate. This climaxed in the “killing time” in which the Stuart regime clamped down on covenanting ministers and about 100 were executed at the direction of the Privy Council in 1685.

When William of Orange took the throne after the Glorious Revolution of 1688, the Church of Scotland was re-established and the co-operation of the state with church discipline returned. There were heresy trails against laity in Edinburgh in the 1690s, and in 1697 an Edinburgh student Thomas Aikenhead was prosecuted by the Lord Advocate, James Stewart, a former Covenanter. Aikenhead held to some form of anti-Trinitarianism, and had materialistic explanations of religion — for instance he said that Moses and Jesus learned the tricks of delusion in Egypt. He was found guilty of blasphemy and was the last person executed for this in Britain (HUNTER, 1995, pp. 308-322; GRAHAM, 2008). John Locke, the English advocate for toleration took considerable interest in his case and his papers have contributed to the continued memory of the Aikenhead trial (J. CHAMPION, 2009).

⁹ Initially the English annexed Scotland, but then determined that Scotland would be incorporated into the “free state and Commonwealth of England” — the so-called “Tender Union”.

At least until the 1690s Rutherford's opposition to "pretended liberty of conscience" shaped Scottish life. The atmosphere in Scotland changed quickly. In 1717 and 1729 John Simson, Professor of Divinity at Glasgow faced charges of Socinianism and Arminianism. In the first case, he was reprimanded and in the second he was suspended from teaching but not deposed from ministry (AHNERT, 2015, pp. 30-33).

JOHN OWEN (1616 –1683)

John Owen, the English divine, has a reputation for supporting toleration. In the 1640's as a new convert to independency he was allied with the Army and its sympathy for toleration. *Country Essay* (1646), his first writing, which deals with the issue, is largely a defence of toleration and a rejection of Presbyterian uniformity. He argues that is it difficult to determine heresy (what Coffey terms the fallibilist argument); as well as making the case that civil punishment is the wrong response to heresy: "heresy is a canker, but a spiritual one, let it be prevented by spiritual means. Cutting off men's heads is no proper remedy for it" (OWEN, 1998, 8:64). Even at this point he does not promote unlimited toleration. Considering a very wide toleration in which "every one may be let alone" to hold any creed and worship as they wish and the various positions are free to "revile, reject, and despise one another", Owen says "I cannot but be persuaded that such a toleration would prove exceeding pernicious to all sorts of men" (OWEN, 1998, 8:55-56). He "favoured a carefully bounded toleration for orthodox, God-fearing Protestants, and consistently excluded idolators (i.e. Roman Catholics) and heretics (especially anti-Trinitarians)" (COFFEY, 2012, p. 232).

In the heady days of the Republic, Owen was enthusiastic for such toleration. An extended version of His sermon preached to Parliament the day after the king's execution was printed as "Of Toleration", by Matthew Simmons the publisher for Goodwin and Milton (COFFEY, 2012, p. 234). In it he rejects identifying Old Testament 'blasphemy' (Dt 13) with 'heresy'. He argues that Christian rulers should suppress 'blasphemy' but should not punish heretics merely for their heresy. He argues that the imposition of uniformity was a Catholic policy which Protestants should avoid: "we had need be cautious what use we make ... of the broom of Antichrist, to sweep the church of Christ" (OWEN, 1998, 8:180).

In assessing Owen's view of toleration, it is important to note that even in "Of Toleration" he accepts that the magistrate has a role to support the church, protect it from disruption, provide financially and prohibit false worship (OWEN, 1998, 8:190-196). In arguing for toleration, Owen sought a careful balance since the most outspoken proponents were sectarians and writers such as Goodwin and Milton who were moving away from Reformed orthodoxy. Owen, by contrast, was deeply committed to Reformed Orthodoxy, but wanted to provide some toleration.

After 1652, when Owen was closely associated with the Cromwell administration, he became somewhat more cautious about toleration. The Toleration Act of 1650 removed the requirement to attend church on Sundays and any religious tests (MORRILL, 2008, p. 80). In 1652 the Instrument of Government declared that 'the Christian religion, as it is contained in the Scriptures, be held forth and recommended as the public profession of these nations'. The details this entailed were not specified. Owen drafted the "Humble Proposals" for church reform which sought to give some content to the "Christian religion" which the state would support. It asked Parliament to establish a system for testing candidates and ministers for their piety and soundness of faith. The petition also asked for legislation that "all persons ... within this Nation be required to attend the publike Preaching of the Gospel every Lords day ... except such persons as through scruple of Conscience do abstain from those Assemblies" and that the parliament make provision for those with such scruples. Finally, it asked that the Parliament ban the preaching and publication of any views opposed to the "principles of Christian Religion" which are clear in Scripture and that it suppress astrology (OWEN, *et al*, 1652). The "Humble Proposals" were opposed by Roger Williams, Sir Henry Vane and John Milton (WORDEN, 1984, pp. 199-233).

At the end of the era of the Protectorate, Owen helped to draft the Savoy Declaration (1658) based on the Westminster Confession. The statements about the magistrate are one area in which the Savoy Conference amended the Confession. Westminster (20:4) grants the Magistrate the role to dealing with heresy, this is omitted in Savoy. Instead it says "the magistrate is bound to encourage, promote, and protect the professors and profession of the gospel, and to manage and order civil administrations in a due subserviency to the interest of

Christ in the world” and should stop people from teaching “blasphemy and errors” (24:3). It also allows that where there are differences in understandings that are held in good conscience, and groups that hold “the foundation” and do not disturb others then “there is no warrant for the magistrate under the gospel to abridge them of their liberty”.

Finally, in 1659, after Oliver Cromwell died and as the Commonwealth descended into the chaos which would lead to the Restoration, the Council of the Army, probably prompted by Owen, produced the *Humble Petition and Address to the Parliament*. It asked that all Orthodox Protestants should be free to form their own churches and hold to their particular confessions and a ‘Gospel-preaching Ministry be everywhere encouraged, countenanced, and maintained’ (Sanford, 1659, 7). By implication, there was no toleration for unorthodoxy. This view was attacked by tolerationists, and Owen was said to promote ‘narrow-chested Toleration’ (CROOPE, 1659, pp. 30-31). Owen defended the Humble Petition in his work *Two Questions concerning the Power of the Supreme Magistrate about Religion and the Worship of God, with one about Tithes, Proposed and Resolved* (1659).

CONCLUDING REFLECTIONS

Calvin, Rutherford and Owen were convinced that magistrates in a Christian nation should be “nursing fathers” for true religion, responsible to deal with heresy and false religion; Owen set the limits of toleration more broadly, but sets them out clearly. Through his career, he became more concerned with imposing control. None of them thought that the action from the magistrate would bring conversion or keep true faith. Rutherford instated more strongly on the need to act, but always saw this as a protection for the society and church. Support for general toleration emerged from progressive Reformed thinkers, not from those holding on to classical orthodoxy. The names associated with the advocacy of religious liberty are a roll call of Reformed heterodoxy: Sebastian Castellio (1515–1563), Dirk Coornhert (1522–1590), Caspar Coolhaes (1536–1615), Hugo Grotius (1583–1645), John Goodwin (1603–1674), Roger Williams (c. 1603–1683), John Milton (1608–1674), John Locke (1632–1704), John Toland (1670–1722), Edmund Calamy Jr (1671–1732) (COFFEY, 2013a, pp. 296-316; COFFEY, 2013b, pp. 252-271). Coffey concludes that,

“while most sixteenth- and seventeenth-century tolerationists were Protestants, few were orthodox Calvinists” (COFFEY, 2012, p. 247).

The historical evidence makes it very difficult to sustain claims that Reformed theology provides grounds for religious liberty is not sustainable. It can be argued that Reformed theology provided some of the soil in which democracy grew, but in its classic form it certainly did not propagate general freedom of religion. Classical Reformed theology inspired its followers to stand-up for their own religious freedom, because they were convinced that right worship was a fundamental element of service to God. Just the same conviction meant that the Reformed were not motivated to defend wider religious liberty, for that was to promote irreverence and false teaching.

Contemporary reformed thinkers should continue to affirm the priority of right worship and the danger of false teaching and seek to oppose these in the church. However, there are three areas to which we should extend the classic tradition as represented by the three thinkers under review in this article.

1) With Owen and Rutherford, but even more strongly, we need to affirm a non-coercive view of faith formation. God does not coerce faith (he works in and through the human will) so there is no place for authorities to seek to coerce it. Enforced religion produces hypocrisy far more than it encourages genuine faith.

2) We need to take a different view of the state from the one of our Reformed forebears. First, at least, we must recognise that modern states are not ‘Christian nations’ — certainly not in the sense that Rutherford means as a covenanted nation. More fully, we need to see that it is a theological error to identify any modern nation with Old Testament Israel, no nation can be a “Christian nation” in the same way that Israel was God’s nation. So, the demands for religious unity in Israel (Exodus 22:20; Lev 27:29; Dt 13:5; 17:2-5; 18:20; 1Ki 18:40; 19:1; 2Ki 10:25; 23:20; 2Ch 15:13) are not to be applied to the modern state. The discontinuity between the politics of Israel and Christian political theology needs to be underscored.

There are, of course, resources in the Reformed tradition to do just this, and contemporary biblical theology helps to highlight the differences. Yet some of the significant political theologies currently on offer do not make the distinction clearly. John Milbank’s opposition to

secularism seems to suggest that the church should at least hope for a nation with unified religion. I wonder if even O. O'Donovan's approach in *The Desire of the Nations* makes the distinction clear enough (O' O'DONOVAN, 1996).¹⁰

3) The greatest challenge in this area is to develop an account of the common good that includes general religious liberty. Calvin, Rutherford and Owen advocated for their position on the basis of what was best for society — though their visions on that differed to some extent. Can we hold a biblically grounded position that it is good for a society to have a variety of religious positions? Can we argue that in a religiously pluralist society religious practices contribute to social capital, even if they do not create social cohesion? Is it possible to hold to the robust commitment to truth and the exclusive claims of Christ and affirm that general religious liberty is a good, not merely a provisional concession? This is an area in which political theology in the Reformed tradition must do more work.

BIBLIOGRAPHY

AHNERT, T. *The Moral Culture of the Scottish Enlightenment: 1690–1805* (New Haven: Yale University Press, 2015).

CALVIN, J. *Institutes of the Christian Religion: 1536 Edition* F.L. Battles, ed. and trans, Grand Rapids, Eerdmans Publishing, 1995.

CHADWICK, O. *The Reformation Harmondsworth: Penguin, 1964.*

CHAMPION, J. *Review of The Blasphemies of Thomas Aikenhead. Boundaries of Belief on the Eve of the Enlightenment, Reviews in History* (review no. 781, July 2009) <http://www.history.ac.uk/reviews/review/781>.

COFFEY, J. "John Owen and the Puritan Toleration Controversy, 1646-59", 227–248 *The Ashgate Research Companion to John Owen's Theology*, K. Kapic and M. Jones, eds, Farnham: Ashgate, 2012.

_____. "The Language of Liberty in Calvinist Political Thought", 296–316 *Freedom and the Construction of Europe: volume I: Religious*

¹⁰ On this question see M. S. Horton, "In Praise of the Profane" in *Evangelicals and Empire : Christian Alternatives to the Political Status Quo*, ed. Bruce Ellis Benson and Peter Goodwin Heltzer (Grand Rapids: Brazos, 2008), pp. 252-266.

Freedom and Civil Liberty Q. Skinner and M. van Gelderen, eds, Cambridge, 2013 (a).

_____. "Between Reformation and Enlightenment: Presbyterian Clergy, Religious Liberty and Intellectual Change, 1647-1789", 252-71 *Insular Christianity: Alternative Models of the Church in Britain and Ireland, c.1550-c.1750*, R. Armstrong and T. O'Hannrachain, eds (Manchester University Press, 2013 (b)).

CROOPE, J. attrib. *Panarmonia. Or the Agreement of the People* London: Livewell Chapman, 1659.

DE FREITAS, S.A. and A.W.G. Raath, "Samuel Rutherford and the Protection of Religious Freedom in Early Seventeenth-Century Scotland" *WTJ* 78 (2016): pp. 231-248.

GEORGE, T. "Religious Freedom & Christian Faith", (2014), <https://www.beesondivinity.com/articles/religious-freedom-christian-faith>.

GORDON, B. *Calvin*, New Haven: Yale UP, 2009.

GRAHAM, M. F. *The Blasphemies of Thomas Aikenhead: Boundaries of Belief on the Eve of the Enlightenment* Edinburgh: EUP, 2008.

GRIBBEN, C. "Samuel Rutherford and liberty of conscience" *WTJ* 71.2 (2009): pp. 355-373.

HALL, D.W. *The Genevan Reformation and the American Founding* Lexington Books, 2005.

HETHERINGTON, W.M. *History of the Westminster Assembly of Divines* New York: Randolph 1890.

HORTON, M.S. "In Praise of the Profane" 252-66 in *Evangelicals and Empire: Christian Alternatives to the Political Status Quo*, ed. Bruce Ellis Benson and Peter Goodwin Heltzer, Grand Rapids: Brazos, 2008.

HUNTER, M. 'Aikenhead the atheist' in *his Science and the Shape of Orthodoxy* (Suffolk: Woodbridge, 1995).

KUYPER, A. *Lectures on Calvinism* (1931; reprint, Grand Rapids: Eerdmans, 1981).

MANETSCH, S.M. *Calvin's Company of Pastors: Pastoral Care and the Emerging Reformed Church, 1536-1609* (Oxford: OUP, 2013).

MCCLEAN, J. "John Calvin: the Reformer and the Necessity of Reform" *Celebrating the Reformation: Its legacy and continuing relevance* M.D. Thompson, C. Bale E. Loane, eds. (London: IVP/Apollos, 2017).

MORRILL J., "The Puritan Revolution" 67-88 *The Cambridge Companion to Puritanism* J. Coffey and P.C. Lim, eds. Cambridge/ New York: CUP, 2008.

O'DONOVAN, O. *The Desire of the Nations* Cambridge: CUP, 1996.

OWEN, J. et al. "The humble Proposals of Mr. Owen, Mr. Tho. Goodwin, Mr. Nye, Mr. Simpson, and other Ministers", <http://quod.lib.umich.edu/e/eebo/A90271.0001.001/1:3?rgn=div1;view=fulltext>

_____. *The Works of John Owen, Edinburgh: Banner of Truth Trust.* 1998.

RAATH, A.W.G. and S.A. de Freitas, "Theologically United and Divided: The Political Covenantalism of Samuel Rutherford and John Milton." *WTJ* 67 (2005): pp. 301-321.

RUTHERFORD, S. A free disputation against pretended liberty of conscience tending to resolve doubts (London, 1649) available from <https://quod.lib.umich.edu/e/eebo/A92140.0001.001/1:11?rgn=div1;view=toc>.

_____. *Lex, Rex, Colorado Springs: Portage Publications, 2009.* 1st pub. 1645.

SANDFORD, T. *The humble petition and addresse of the officers of the Army, to the Parliament of the Common-Wealth of England, &c.: Thursday, May 12, 1659. Ordered by the officers of the Army, that this petition and address be forthwith printed and published.* Thomas Secretary. <https://quod.lib.umich.edu/e/eebo2/A86746.0001.001?view=toc>

SHAH, T. "The Roots of Religious Freedom in Early Christian Thought", in *Christianity and Freedom: Volume 1, Historical Perspectives*, Shah, T.S. and Hertzke, A. D., ed. Cambridge: CUP, 2016.

SIMPSON, J. *Burning to Read: English Fundamentalism and Its Reformation Opponents.* Cambridge: Harvard University Press, 2007.

STROHM, C. "Calvin and Religious Tolerance" *John Calvin's Impact on Church and Society* (ed. Martin Ernst Hirzel and Martin Smallmann; Grand Rapids: Eerdmans, 2009).

TUJNINGA, M. "Because of the hardness of your hearts: Calvin and limits of law", *SJT* 69.3 (2016): pp. 286-291.

_____. *Calvin's Political Theology and the Public Engagement of the Church: Christ's Two Kingdoms* Cambridge: CUP, 2017.

VAN DRUNEN, D. *Natural Law and the Two Kingdoms: A Study in the Development of Reformed Social Thought* Grand Rapids: Eerdmans Publishing, 2009.

WITTE, J. "Calvinist Contributions to Freedom in Early Modern Europe", in *Christianity and Freedom: Volume 1, Historical Perspectives*, Shah, T.S. and Hertzke, A. D., ed. Cambridge: CUP, 2016.

_____. "The Freedom of a Christian: Martin Luther's Reformation of Law & Liberty" *Emory Legal Studies Research Paper No. 14-316* (2014) available from https://papers.ssrn.com/sol3/Papers.cfm?abstract_id=2517769.

WORDEN B. "Toleration and the Cromwellian Protectorate", 199-233 in W. J. Sheils, ed., *Persecution and Toleration* Oxford, 1984).

RESUMO

Não é incomum para os cristãos de tradição reformada afirmar que ela tem apoiado a liberdade religiosa. Infelizmente, para aqueles comprometidos com a teologia reformada clássica e a liberdade religiosa em geral, este não é o caso historicamente falando. Este artigo examina a teologia política de três pensadores reformados: João Calvino, Samuel Rutherford e John Owen. Em cada caso, o autor descreve a abordagem do pensador e dá uma indicação de como sua teologia foi aplicada. Isso mostra que nenhum deles foi defensor explícito da liberdade religiosa em geral; até mesmo Owen, que defendeu a tolerância, ofereceu um alcance limitado de pontos de vista. A liberdade religiosa mais ampla foi promovida pela heterodoxia ao invés da tradição ortodoxa na tradição Reformada. A Teologia Reformada clássica inspirou seus seguidores a defender sua própria liberdade religiosa, porque estavam convencidos de que o culto correto era um elemento fundamental do serviço a Deus. Esta convicção significava que eles não estavam motivados em defender o direito de promover a irreverência e o falso ensino. O artigo conclui observando três áreas em que a tradição reformada precisa ser estendida para sustentar uma liberdade religiosa mais ampla:

deve manter uma visão não coercitiva da formação da fé; reconhecer a distinção entre Israel e estados moderadores e desenvolver a causa do bem comum que inclui a liberdade religiosa em geral.

PALAVRAS-CHAVE

Tradição reformada – Liberdade religiosa – João Calvino – Samuel Rutherford – John Owen.