



RELIGIOUS LIBERTY

CECIL
NORTHCOTT

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BY

CECIL NORTHCOTT

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PREFACE

THIS modest contribution to a large and important subject is offered with some trepidation as I am not expertly versed in the theory of religious liberty, nor have I had the experience of living in those lands where full religious liberty is not enjoyed, but I owe much to discussions and conversations with those who live in such countries. In addition I have read as widely as possible recognizing the relevance of the subject in the modern world, and I hope the facts and information in the book will be found practically useful.

The Joint Committee on Religious Liberty, set up in 1946 by the British Council of Churches and the Conference of British Missionary Societies under the chairmanship of Sir Ernest Barker, were good enough to be interested in the book, and some of its members gave me valuable help and advice. The committee have no sort of responsibility for the book, which commits no one—except myself—to its standpoint or opinions.

I am particularly indebted to Dr. Searle Bates' encyclopedic *Religious Liberty: An Inquiry* (International Missionary Council 1945), to the Joint Committee's statement *Human Rights and Religious Freedom* (1947), and to the Editor of *Religion in Life*, New York, Abingdon-Cokesbury Press, for permission to include in Chapter III material which I have contributed to that journal. I have to thank Miss Olga Pilpel, Ph.D., for her competent help with the manuscript.

C.N.

WHAT IS RELIGIOUS LIBERTY?

“**R**ELIGIOUS liberty?” queried a friend to whom I mentioned the writing of this book, “haven’t we got it? What about nonconformity, freedom of worship, toleration and all that? Surely that battle, at any rate, has been fought and won?” In one sense he was right so far as Britain is concerned.

It is a hundred and twenty years since the Test and Corporation Acts passed into the limbo of old unhappy things of English religious and civil controversy, and no one would now seriously question the right of any group in Britain to freedom of worship, teaching and propaganda. We no longer compel Englishmen when they worship to attend a parish church for a service according to the Anglican prayer book, neither do we clamp civil disabilities on to those who are not members of the Established church. You may, since April 13, 1829, be a Roman Catholic and also aspire to any public office save that of High Commissioner to the General Assembly of the Church of Scotland. You may also, since 1854, obtain a bachelor’s degree at Oxford without membership of the Church of England—a reform which wrung Dr. Pusey’s heart in the cry, “Oxford is lost to the Church of England. The dam is broken. How soon it will be carried away God only knows.” You may, since 1880, be buried in your parish churchyard by a dissenting minister with “a Christian and orderly service”, unobstructed by the rector’s private army furnished with pitchforks. Neither do we, as in the days of Presbyterian and Independent ecclesiastical domination, break up Anglican services, attempt to destroy the organ in St. Paul’s and order (as in 1643) the “utter demolishing and

removing of all monuments of idolatry and superstition out of all churches and chapels in England and Wales". When it comes to assessing praise and blame in the history of religious freedom there are unwelcome prizes for everyone! How vituperatively Englishmen debated religious truth and error in the formative years of the seventeenth century when by pamphlet and by parliament, by cracked heads and civil war, these islands fashioned a policy of religious toleration—an experience which prompted a 1659 rhymster:

*Religion's made a tennis-ball
For every fool to play withall,
Both which we have so many,
That we disputed have so long
'Bout which is right, and which is wrong,
Till we have hardly any.¹*

There were never lacking, however, wise and charitable men like the Puritan Richard Baxter who saw that a religious settlement in England meant that men who differed must learn to live together. "I beseech you", he wrote, "to give others leave to live in the same house with you . . . nothing so much hindereth the reception of the truth, as urging it on men with too harsh importunity, and falling too heavily on their errors. For hereby you engage their honour in the business, and they defend their errors as themselves, and stir up all their wit and ability to oppose you."²

If the growth of religious toleration in England was often a tedious and inglorious procedure, it was also, in character and methods, a peculiarly English achievement—with no excessive theorizing about religious liberty, but much determination to have it, even though it meant for some ostracism, persecution and eventual emigration across the seas.

¹ Quoted W. K. Jordan, *The Development of Religious Toleration in England*, Vol. IV, p. 363.

² Richard Baxter, *Reliquiae Baxterianae*, I, 125-6.

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This country has learned that the price of any liberty is always practical vigilance—a lesson to be well heeded in the modern world.

On the same day as my friend declared the battle won a member of parliament raised in the House of Commons the question of entry into this country of members of a religious fellowship—the Oxford Group. Mr. Chuter Ede, the Home Secretary, in reply said, “I am not prepared to apply religious or political tests to people who desire to come into this country unless it can be established that they desire to come here to carry on subversive propaganda. The common sense of the British democracy is such that, in the long run, they will winnow the chaff from the wheat. I wish that the ancient record of this country as a place of free speech, where the flow of ideas from all parts of the world is welcomed, might be maintained. I desire to impose no censorship other than that which the law entitles me to impose against subversive propaganda, on any particular person who desires to come to this country to meet people of his own persuasion.”¹

A government's right to control entry to a country is one thing, but to exercise it on the grounds of religion would be a high infringement of liberty. Whatever may be said about the particular incident and its circumstances, it is a warning that even in a land where religious tolerance is securely enthroned there may be threats to new developments in organized religion.

I

Whatever may be true in Britain, on the continent of Europe, during the last sixteen years, the threats to religious liberty have been violent and prolonged. On September 14, 1930, when the Nazi membership in the Reichstag jumped

¹ *The Times*, July 6, 1946.

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from twelve to one hundred and seven, the churches—both Roman Catholic and Protestant—began to realize that they were faced with a challenge to the Christian religion and its freedom in worship, belief and action. Four years later, in May 1934, the Barmen Synod declaration of the Protestant churches said, “We repudiate the false teaching that the Church can and must recognize as a source of its message, in addition to and beside this one Word of God, also other events and powers, figures and truths as Divine revelation.” The religious struggle within Germany during the last sixteen years was essentially one to preserve the life and liberty of the Church in face of a state which, in the Bishop of Berlin’s words, would “make of the state a church by determining sermons and creed by force”. In Russia, following the disestablishment of the Church at the revolution in 1917, freedom for the “conduct of religious cults” was granted, and the Stalin constitution of November 1936, defining the position of religion in the Soviet Union says, “freedom for the conduct of religious cults and freedom for anti-religious propaganda is recognized for all citizens”. The *rapprochement* of the war period between State and Church has not altered the legal position of religious associations, and active religious propaganda outside the life of the Church is not permitted.

In Italy by the Concordat of 1929 (re-affirmed by the Republic in 1947) the first article recognizes “the Catholic religion as the sole religion of the State”, and although “admitted cults” (including the Salvation Army and the Pentecostalists) are also recognized in practice, their public preaching and any share in school education is made as difficult as possible. In Spain religious liberty, except for Roman Catholics, scarcely exists. In Japan from 1940-1945 State Shintoism (abolished by General MacArthur’s decree, 1946) came perilously near demanding pagan acts from the Christian believer as part of his state allegiance,

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and the "control" of the recognized religions was subtly geared to the purposes of the state. In Mexico and the Latin American countries the main challenge to religious liberty lies in the obstacles planted in the pathway of missionary freedom.

The lands of Islam present perhaps the most formidable examples of the denial of religious liberty as it is known amongst the Western democracies. Islam—the complete "church-state"—still forbids a change of faith away from Islam under dire penalties, with only Iraq, Palestine and the Northern Sudan possessing regular procedures for the recognition of conversion to another religious allegiance. While Christian and Jewish communities are allowed to remain in comparatively undisturbed peace, economic and cultural pressure on non-Islamic groups is formidable. In Egypt, for instance, the ancient Christian Coptic community loses hundreds of members each year to Islam for economic and matrimonial reasons.

This rapid survey of the chief danger points for religious liberty (which will be dealt with in more detail in the Survey chapters) is evidence that we are dealing with an issue of world importance, and one which pertinently affects the liberties of the individual man, the freedom of religious worship and the right of any religious faith to be a propagating faith. For Christianity, and this book has in mind particularly the problem of religious liberty as it affects Christianity, the issues are of crucial importance, especially in Islamic lands where the future of the Christian faith may well be precarious, and in the territories of Eastern nations such as China, India and Indonesia—destined to have a strategic share in shaping the new life of the world. Even in the United States of America, States have been known to protect their religious life by using the secular arm to prevent the doctrine of evolution from being taught!

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II

But what exactly is religious liberty? No definition will be entirely satisfactory to everyone. As Dr. Searle Bates remarks in his *Inquiry*,¹ "to some it is an utter individualism; to others the unhindered power of a mighty ecclesiastical system. To some it implies open competition of religious bodies; to others unity protected and undisturbed. To some it means the right to challenge a traditional religion which is the sanction for moral and social standards among a large majority of the members of a nation; to others it is the right to protect a cherished religion against modernism or foreign doctrines or atheism."

Liberty itself is often defined as an absence of compulsion or restraint; but liberty must be more than a mere negative. If there is no opportunity to choose there is no real freedom and no growth in moral responsibility. Lord Acton's definition, "By liberty I mean the assurance that every man shall be protected in doing what he believes his duty against the influence of authority and majorities, custom and opinion"² is more inclusive and understanding than J. S. Mill's famous definition, "The only freedom which deserves the name is that of pursuing our own good in our own way; so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it."³ But William Penn's definition comes nearer than any of them for our purpose in stating clearly the central factor in any definition of religious liberty—the natural right of conscience:

I ever understood an impartial liberty of conscience to be the natural right of all men, and that he that had a religion without it, his religion was none of his own. For what is not the religion of a man's choice is the religion

¹ Bates, *Religious Liberty: An Inquiry*, p. 302.

² Acton, *History of Freedom*, p. 3.

³ J. S. Mill, *On Liberty*, Chap. I.

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of him that imposes it: so that liberty of conscience is the first step to have a religion.¹

The first element, then, in freedom of religion must be freedom to choose one's religion.

Jacques Maritain has eloquently stated the two-sidedness of this power of choice, "*With respect to God and truth*, one has not the right to choose according to his own whim any path whatsoever, he must choose the true path, in so far as it is in his power to know it. But *with respect to the State, to the temporal community and to the temporal power*, he is free to choose his religious path at his own risk, his freedom of conscience is a natural, inviolable right."² It is only when his choices "lead to acts repugnant to natural law and the security of the State that the latter has the right to interfere and apply sanctions against these acts. This does not mean that it has authority in the realm of conscience"³—a fact well established in Britain after two wars, in the position of the conscientious objector to armed service.

But choices cannot be made in isolation. Liberty is a social experience in which a man's choice affects others as well as himself. The really free man finds his personality developing in fellowship with others whether on a large scale like a state or church, or in a smaller community such as a family. Religion especially implies a relationship with God and the enjoyment of that relationship in association with other men. It implies a community loyalty and corporate acts of worship in which the individual is involved in the life of a group, that group being related to other groups.

"When I speak of a lover of religious freedom," wrote Mr. Gladstone, "I mean one who, desiring the full enjoy-

¹ William Penn, *England's Present Interest Considered*, quoted Bates, op. cit., p. 297.

² Jacques Maritain, *The Rights of Man and Natural Law*, pp. 45-6.

³ *ibid.*, p. 46.

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ment of it for his own communion, is not willing only, but anxious, as he prizes the sacred principle of justice, to accord to all other religious bodies precisely the same measure, and to guard against all secular interference in their concerns, so long as they do not trespass upon the sphere of secular affairs. . . . As with property, so with religious freedom: the rights of each man are the rights of his neighbour; he that defends one is the defender of all; and he that trespasses on one assails all.”¹

Compare this with Lord Acton who, in a similar vein, held that “it is the right of all religious communities to the practice of their own duties, the enjoyment of their own constitution, and the protection of the law, which equally secures to all the possession of their own independence. . . . This freedom is attainable only in communities where rights are sacred and where law is supreme.”²

Lord Acton (and many other thinkers in this field) believed that religious liberty was best secured in a state where there was a “limited” toleration, as for instance in England where the state itself has some “religious character”, rather than in a state without any definite religious character where, he believed, no genuine ecclesiastical authority could exist and, therefore, no true understanding of all that is meant by religious liberty. This limited “toleration”—often called Jurisdictionalism, i.e. some supervision by the state as in England—is opposed by Separatism, i.e. the complete separation of the two powers ecclesiastical and civil, of which the two most complete examples are in France and in the United States of America.

Both systems have secured in the countries of their adoption large measures of religious liberty—neither of them, however, entirely free from defects. For instance, it can be historically shown that Separatism has hardly been

¹ Gladstone, *Letter on the Functions of Laymen in the Church*, p. 13 (quoted A. R. Vidler, *The Orb and the Cross*, p. 89).

² Acton, *op. cit.*, p. 151.