

Gisbertus Voetius On Liberty of Conscience & Permission of Religion in the Republic

In our lectures on the fifth commandment of the Decalogue, under the title 'On the Magistrate,' we explained the power and duty of the magistrate concerning sacred and ecclesiastical matters; we thereby addressed the controversy over the permission of various religions in the Republic. The skeleton of the concepts and determinations regarding permission, having been freed from lengthy proofs, refutations, and citations of authorities, we now present, as our summary, so that with this occasion, our students' doubts and the advice and judgments of friends may be more fully and accurately examined. Therefore, the following is set forth:

1. An explanation and distinction of terms.
2. An exposition and proposition of the questions and various opinions.
3. A few conclusions, briefly, to determine the entire controversy

Section I

The terms commonly used and debated in this controversy are:

Liberty of religion, liberty of conscience, permission of religion, tolerance of religion, coexistence or indulgence, *ἀντινομία* (antinomia), peace of religion; the last term is most familiar in the Holy Roman Empire.

On the opposite side are these terms:

Coerced conscience, forced conscience, persecuted conscience, tyranny over conscience, persecution for religion, punishment of heretics, coercion of sects, prohibition of various religions, the promiscuous permission of sects and religions of any kind, license or confused mixture of sects.

There are two kinds of distinctions concerning these terms. The first are general or common; the latter are particular.

The former are:

1. Liberty and permission, or tolerance of religion, which is either ecclesiastical or political. The ecclesiastical kind is granted by the Church and in the Church, and its communion is signified by the common terms of liberty of preaching, moderation, mutual and fraternal tolerance, syncretism, union, or reconciliation of differing churches; this is not discussed here; but in political matters, see *Lib. 3. II*.
2. Political liberty and permission of religion can be considered in two ways: either in relation to the subjects who enjoy, seek, or claim it, by right or by wrong; or in relation to the Magistrate, who grants or protects it. Concerning the first respect, we do not address true religion here; for it pertains to the general discussions about the privileges of brothers and about the Church; nor do we address false religion here; for it is carnal license and false carnal liberty, which is error or

sin; concerning which see the sections on sin and heresy. The second respect is therefore relevant here, regarding how permission relates to the public power and the duty of the Magistrate.

The particular explanations and distinctions are chiefly as follows:

1. Liberty. 2. Permission. 3. Coercion of dissenters.

Religious liberty is either of conscience or of exercise. Liberty of conscience is when the magistrate allows each subject or citizen to follow a religion of their choice, either privately or publicly, and to feel free to agree or disagree, as seems best to them [the magistrate].

I. This has a broader scope: it can either be more extensive or more narrowly limited. It exists when someone is not only free to hold their own conscience without inquiry but can also educate their family accordingly and, in line with the same sense, can establish religious practices in their family, and even abroad when opportunities arise to promote and act on it, including attending religious assemblies or public exercises of their faith beyond their territorial borders. Such liberty of conscience excludes only assemblies and gatherings for religious purposes formed from various families or districts, or regions. This liberty of conscience is granted in the Federated Netherlands, for all subjects and inhabitants, and has been practiced perpetually since the public decree of 1619 by the preeminent magistrates of the General Assembly against the gatherings of the Remonstrants. This same liberty was granted by the Treaty of Ghent in provinces where the Reformed religion had not yet been publicly recognized. The Acts of the Pacification of Cologne also recall this. The same is held in certain towns of France where, prior to the aforementioned Nantes decree, the Reformed had not yet held any ecclesiastical assemblies. The same holds in places like Cologne, Aachen, and other towns in the Imperial cities subjected to Papacy. This is the case when the private sense of one's conscience is free, without inquiry or vexation, but without interference in civil conversation, nor can one proselytize or argue against others regarding their beliefs. This limited liberty of conscience was granted to dissenters in certain towns and villages of the Spanish-controlled parts of Belgium and was also granted to foreigners and the subjects of the federated states in Spain and other Spanish-ruled kingdoms under the terms of the treaty. A similar situation arose in 1622 regarding the Order of Preachers and their stance on the Immaculate Conception of Mary, as seen in the papal bull of Gregory XV at Cherubim.

II. Both liberties of conscience can be distinguished again based on the object: whether they pertain to true religion or false or erroneous religion.

III. The former liberty is absolute and hypothetical. The absolute liberty is when dissenters from the public religion, established by the magistrate or public laws, are freely admitted and received, such as what generally exists in the cities of the Belgian Federation. The hypothetical liberty is when dissenters are not admitted unless they are already present, and their tolerance is limited

either temporarily, for individual persons, until their domestic matters are settled, or until their death. An example of this was given by Emperor Ferdinand II in the regions subdued by the recent German war. The Roman pope had previously granted this liberty in the territory of Avignon and surrounding areas, where Waldense communities had been tolerated. The latter type of liberty is preserved in the city of Cologne, which grants free residence to dissenters, though no new adherents are admitted as citizens. The liberty of exercise is when the dissenters of a public and accepted religion can not only practice privately, but also publicly, by ecclesiastical assemblies, synods, and written correspondence.

I. This liberty, again, allows for gradation, so that it can be either less or more extensive, more absolute or limited. For instance, this liberty can be granted to all subjects, citizens, and residents, whether their dissent is known, or will become known in the future, or only to subjects and citizens whose dissent is publicly known and established by custom. An example of this can be seen in the Turkish Empire, the Danzig Republic, and the Principality of Transylvania.

II. In its own way, religious liberty could be expressed for both Reformed and Papal religions, which is the case now in the regions of Trajectum ad Mosam, the Marquisate of Bergopzomii, the Barony of Breda, and in the Sevenbergen Domain, although certain distinctions exist in these areas. Many cities of the Belgian Federation grant permission to hold religious gatherings for Lutheran and Anabaptist groups.

III. Furthermore, this liberty is either granted for exercising religion within one's own territory and dominion, or outside it in foreign territories. Examples of this are commonly found in Belgian cities. It varies in one way or another. Either liberty is granted for attending foreign gatherings outside the territory, as in the case of the Pontiff allowing citizens of neighboring cities in the Belgian Federation to frequently attend Papal temples, which coincides with liberty of conscience in terms of scope and gradation. Or liberty is granted for ecclesiastical assemblies to be celebrated and held in foreign or neighboring territories; for example, in Strasbourg and Hamburg, where the Reformed churches of these cities meet outside the city limits, in foreign territories, peacefully and freely. Or they meet in the same dominion, but just outside the city walls, as happens in several places in France with Reformed churches. The liberty of exercise, after the liberty to attend foreign gatherings outside the territory, is the most limited and constrained.

IV. Moreover, this liberty is granted either universally and broadly in all places, as far as the boundaries of kingdoms or empires extend, or sporadically in particular places where rulers or local authorities subordinate to the supreme prince allow some form of religion to be practiced, or allow religious exercise under their authority, or permit the settlement of a new form of religion. A prior example is the Turkish Empire, where in addition to public exercises of religion, Islamic practice is granted, and also in places where Jewish, Christian, and even various sects

such as Greek, Nestorian, and Reformed religions are permitted. A later example is found in the Holy Roman Empire and the Kingdom of Poland, where princes, and in the Archduchy of Austria, and other hereditary domains of the Austrian rulers, this liberty is allowed, though it has been disturbed by Ferdinand II. This liberty is also constrained in its own way.

V. Finally, liberty of exercise can be distinguished based on whether it pertains to the population or subjects, either broadly or limited, and whether it pertains to foreigners or strangers. A later distinction is: 1. Privileged and specific liberty granted to certain merchants or court officials, or to spouses who practice a different religion from that of their rulers and princes. 2. The common liberty under the law of nations, which is granted to ambassadors. The first type is broader, allowing even natives and citizens of the same religion to participate in religious exercises; the second is more restricted, allowing no other public access. This second form usually prevails. And these distinctions of liberty, which we believe are necessary for the resolution of the controversy, are as follows: It distinguishes liberty in precept and permission. Liberty is the true liberty of religion and the Church, which, as it is a divine right, is commanded by God to all magistrates. It is the liberty of sects that deviate from the truth of religion and the unity of the orthodox Church. However, we have already addressed this distinction above: it is not concerned here with the former, but only with the latter, regarding the explanation and distinction of it.

Permission of religion, either true or false, properly understands not from its private sense, but from its open profession; especially from the exercise of the same in social assemblies according to confederation and ecclesiastical association. Therefore, distinctions of the liberty of exercising it can be translated and applied here. To which are added distinctions derived from the effect: here some say strictly

I. Permission, when the Magistrate not only does not prohibit or coerce the exercise of religion, but does not even wish to prohibit it, nor generate any action or certain or some certain legal act to prohibit it; here, it is not questioned whether he does this as a right or as an injury. As for false religions: their exercises may be performed or who thinks it is in his power to establish his religion, or at least to extend prohibition, or because he understands nothing of religion or does not care about it; or because, for private reasons, ambition, or the necessity of politics, he thinks it best to act.

II. Toleration is when the Magistrate would indeed want to prohibit the exercise of religion (for he rejects those religions with his mind), but cannot prohibit it, nor does he consider it conducive to the Republic; so he does not permit it, but he tolerates it, either by act and custom, as the Anabaptists were tolerated in the Belgian states in most places from the beginning of the change of the Republic; or by agreement, or by law and edict; just as Emperor Charles V. decreed toleration in the Holy Roman Empire in the Passau Convention (of which Sleidanus speaks in Book 24), and Henry IV. in France by the Nanterre edict, as told by the historian Peter Matthew. This toleration can be distinguished into greater spontaneous, and into a greater acted form.

III. Connivance or indulgence is when some form of moderation is introduced in the prohibition or coercion of religions and assemblies; when neither law nor public convention has obtained toleration or permission. As occurs in some places of the Belgian Federation to the exercise of the Papist religion (e.g., Septmontium, Sevenbergen, a town in Holland on the border with Brabant) and not in a few places for the exercise of the Remonstrants' religion, it is connived at; although both religions, by perpetual edicts, were excluded from all liberty of exercising religion in the Belgian Federation. Therefore, connivance is nothing but non-execution of edicts, or the suspension of execution for a time, whatever the Magistrate thinks fit. This differs from the Anabaptists and Lutherans, against whom no such edicts exist in the Belgian Federation, nor even the powerful DD. or the general orders of any province.

The prohibition of religions, the coercion of dissenters, which occurs by public authority and the command of the magistrate, can be either direct or indirect.

I. It is direct either through impediments placed, or through penalties. It occurs when assemblies are, by public authority, closed; or when the gates of the city are closed, or the roads are blocked, so that people cannot join foreign assemblies in another territory. This is usually done through financial fines, or reductions of rank, or through exiles, deportations, custodial sentences, even floggings, and capital punishments, either for those leading, those misled, or both.

II. It is indirect in many modes. 1. Subtraction or failure to provide special and closer favor from the magistrate; this can happen in various cases. 2. Secret subtraction of locations where assemblies are held, through procuring alternative locations for use, or the demolition of such places for reasons of public utility, often happens. 3. Subtraction of inheritances, by which assemblies and ecclesiastical ministries are sustained; this was not infrequent during the German war, especially in the defeated Palatinate, the county of Naslov, and elsewhere. 4. Disturbance of schools, or at least exclusion of dissenters from participation in the common benefits of schools: which was the practice under Julian the Apostate. 5. Exclusion or expulsion from the ministry of those who tend to fight on their own behalf for their cause: which happens due to political necessity, or at least a political schema, or some other pretext for action. This refers to what happened a few years ago in France to certain Reformation ministers. I wrote this in the year 1643. Also recently, the famous N. Molinæ, the son of Peter Molinæ and D. Galiardo, a minister of Montalban and professor of philosophy, now a minister in the Gallic-Belgian Church of Sylvaduce in France; and also to D. Legero, a minister in the valleys of Piedmont, now in the Gallic-Belgian Church of Leiden, which happened recently.

Furthermore, coercion extends to public or private religious practice, and ecclesiastical assemblies only; or even to the sense of religion in conscience: for the former, the coercion could be of religious practice, the latter of conscience.

1. The previous variation: differences and degrees from opposed liberty and permission (as explained above) are easily inferred. The highest degree of coercion in this kind is when even the

inhabitants are not permitted to frequent foreign meetings. This was done during the time of the truce in Antwerp. But it is not uncommon in Belgium, and far greater coercion is given as an example in the city of Utrecht; when the Remonstrants prevailed and dominated. See the decree of 1617 in the history of Baudartius.

2. Coercion of conscience occurs when an interior malicious sense of religion is inquired into; and to dispose of it and oppose it or to embrace it is required, even if it is felt, and it is possible to embrace it. With this connection, persecution is joined, whether for religion or conscience's cause; through exile, imprisonment, confiscation of goods, and through torment and disgraceful death punishments. This persecution, in a clear sense, is the sign of heretic execution. And this is properly coercion of conscience, the inquisition into conscience (the Spanish or Papal Inquisition), so much boasted of and hated in Belgium. When it is exercised against heretics or those straying, it is called in general execution or coercion of conscience. But when it is exercised against the orthodox, it is called persecution of the church, or the gospel, or the persecution of truth and the gospel's cause.

3. A middle ground between coercion of practice and conscience is established by some: coercion to listen to sermons, public debates, religious discussions, and the reception of religion. However, they deny that this, when applied moderately and appropriately, is coercion by Reformation or Papists, including Arminius (on the subject of the Secession from the Papacy, which is §22, paragraph 14), to oppose the word of God or Christian charity. It would be better to refer this to coercion through practice rather than coercion of conscience, as this makes the highest and almost superfluous degree of coercion. Examples of such coercion are found in Rome and Venice, where Jews are compelled to listen to some sermons, yet still retain freedom of their inner senses. I even briefly mention this in the second part of the disputation on Judaism. This pertains to coercion, to sermons, and fines imposed on refusals (as they call them) in England under Queen Elizabeth. Something similar was obtained in the Palatinate, where many were forced into catechisms and explanations of catechisms by financial penalties. I recall something similar being done by certain pious centurions in our Belgium, where all soldiers, by their example, not only brought others to sermons but also compelled the more negligent with small financial fines. Both examples are similar in that they differ from the English case; the former was not due to dissension in religion but rather negligence, simple ignorance, or profaneness and impiety, avoiding sermons, whereas in England, they were compelled to attend.

Section II

With these preliminaries established, the status of the controversy must be set forth. Two extreme opinions arise here, both of which must be refuted.

One is that of the Papists, and indeed it is threefold, which states: 1. That no religious liberty should be permitted in the republic except for one, which is the one received by them, namely the Papist religion. 2. Furthermore, that no liberty of conscience should be permitted to those

dissenting from that religion and church, especially if they have at some time given their name to it, either in themselves, in their parents, or through received baptism. For they do not subject to the inquisition Muslims, Jews, Gentiles, Greeks, or other Easterners who have already lived for some centuries as infidels or schismatics and outside the communion of the Roman Church. 3. Moreover, that all who have departed from or dissented from the Roman Church in any article of Papist faith should be punished with capital punishment and confiscation of goods. For the first part, Bellarmine argues in *De Laicis*, book 3, chapter 13. Also, Pamelius, Alphonsus à Castro, and Claudius de Sainctes argue in their specific treatises. To say nothing of the canonists, politicians, and jurists who commonly support this opinion in the Papacy, whom we will cite at times. I wrote this in the year 1643. Now, I indicate it in part 3, section of disputations, title concerning heresy, part 8. Martin Becanus seems to dissent slightly from these views in book 5 of his *Manual*, chapter 19, where he says that the magistrate can sometimes, in good conscience, grant liberty of exercise to heretics. For the second and third parts, Papist theologians, politicians, canonists, and jurists argue everywhere, among whom are Eymericus in *Directorium Inquisitorium*, Royas on heretics, and the jurist Jordanus Brunus on the same topic.

The other extreme opinion defends a promiscuous liberty of religion, conscience, and exercises and seems to attack every coercive power and coercion of the magistrate without distinction. For this is the only conclusion their arguments and exceptions lead to, even though some occasionally seem to restrict it to sects or professions within Christianity, or at least nominally Christian ones. This cause is widely supported by: 1. The Neo-Arians and Photinians. Such was an anonymous author who, in 1570, opposed the edict of the three allied lords of Rhaetia against the heretical Neo-Arians, to whom Scipio Lentulus, Neapolitan pastor of Clavenna, responded in 1573 with a work titled *Orthodox Response to the Edict of the Three Allied Lords of Rhaetia*, etc. To these, one may add Castellio's treatise published under the name *Vaticanus* and another anonymous treatise reprinted in Gouda a few years ago in octavo, as well as the collection of Martin Bellius, which Beza refuted. 2. Enthusiasts and Libertines, among whom shines an anonymous author who, under the name of a noble German, wrote in French a preface to Philip Marnix of Saint-Aldegonde's book on the Enthusiasts. To this, Marnix opposed a refutation in the same language. 3. The Anabaptists, among whom is Twiskus, who in a complete volume in quarto presented a collection of testimonies from writers of all kinds, especially the Reformed. 4. Cornhert, who in a Latin dialogue argued this case against Lipsius' *Politica* and later defended the same dialogue against Lipsius' response (titled *Adversus Dialogistam*). He also published a work in Dutch on the process of hereticide against Beza. The Remonstrants, in their *Confession* and *Apology*, chapter 24, and in the *Response to the Excerpts of the Professors of Leiden*, and in the *Vindiciae* (whether by Vedelius the Rhapsodist or various vernacular pamphlets; among the most recent and apparently commonly attributed ones is that titled *The Genuine Remonstrant Theologian*). Previously, in the year 1634, we touched upon their opinion in our treatise titled *Thersites Heautontimorumenos*, section 1, chapter 1. See also above, book 1, treatise 2, chapters 2, 3, 4, 5. Some political writers are also drawn into this discussion at times, such as *Discours de la Nouc*, *Justification of the Senate of Leiden*, and certain excerpts from the letters of illustrious

Belgians, as well as from acts, decrees, declarations, and public apologies of kings, princes, and magistrates. But how correctly, and with what judgment and selection these are extracted or applied, we shall discuss in due time.

Our middle position states that not every form of liberty, permission, or coercion concerning religions and religious dissenters is simply and absolutely either lawful or unlawful. We will determine this shortly through certain conclusions, after setting forth some hypotheses and postulates. We therefore presuppose the following: I. That the magistrate, by divine right, as God's minister and guardian of both tables of the law, possesses power concerning religion and the Church, and has the authority to manage religious and ecclesiastical matters, as well as ecclesiastical persons, whether individually or collectively considered. II. That this power is not formally ecclesiastical, but rather political, secular, coercive, and supreme; it cannot properly be called ecclesiastical and spiritual, except improperly and by external denomination. We have sufficiently and more than sufficiently explained both of these hypotheses above in Book 1, Treatise 2. III. In turn, we assume—against the paradoxes of the Remonstrants—that the magistrate has the right and power not only over causes, affairs, and persons of the public Church, which is received into public temples and supported by public funds of the Republic, but also over other sects and assemblies that convene outside public temples, in private oratories, and at their own expense, whether they belong to foreigners—namely, Gentiles, Muslims, Jews—or to Christians. For persons, colleges or assemblies, places, buildings, lands, and the external instruments of sacred rites.

Section III

1st Conclusion: Every magistrate is bound in conscience, by the command of God, to not only permit (i.e., not hinder) the true religion and its Church, along with its members, both individually and collectively considered in ecclesiastical union with its private and public exercises, but also to promote, support, defend, and to the best of his ability, honor it.

2nd Conclusion: No one, therefore, in the forum of conscience, may lawfully promote a false religion (i.e., idolatrous, heretical, or apostate) or demand from the magistrate its free profession and exercise, or assume and usurp it without the magistrate's knowledge or consent.

3rd Conclusion: If there are those who do this, it is still not lawful for the magistrate, as a minister of God, to permit the liberty of religious exercise—whether public, semi-public, or in any other manner or degree—if he has the power to prevent it. For such power to prevent is said to exist when: 1. It is included in the fundamental laws of the Republic. 2. It is stipulated as a condition upon assuming princely or magisterial office. 3. It is established by some legitimate agreement or covenant. 4. It is not hindered by some third-party right, i.e., when the supreme magistrate cannot act without a subordinate magistrate or vice versa. Examples of the first two cases are found in the Holy Roman Empire and the Kingdoms of Poland and Hungary. An example of the third is the region of Maastricht, which was added to the United Provinces in

1632. Let the conditions of surrender, or articles of capitulation, as they are called, be exhibited. In this respect, in a certain way, the so-called Edict of Nantes in France was reduced. A fourth example was given by our Belgium, when, with the Illustrious States and subordinate Magistrates, by public edicts, the exercises of the Pontifical religion were not completely abolished, as long as they recognized the Principality of King Philip; for then, indeed, for the sake of the Prince, who professed and defended that religion, they could not do so. We have a similar example in orthodox Magistrates tolerating paganism under Julian. Power is understood to be present when cases of coercion and extreme necessity do not occur, in which the Magistrate cannot, and consequently should not, deny or impede; but should permit for the time being, or even promise perpetual permission or tolerance. Then, in tolerating evil, he does not sin; nor even in issuing his decree and mandate concerning tolerance, that is, in defending public authority with counsels and arms.

But the cases of necessary tolerance are chiefly these: The first, when the faction and power of the heterodox are so great that the Magistrate cannot deny them liberty without the imminent danger and fear of the overthrow of the Republic, or at least its most grievous disturbance; or without civil wars, with the consequences of war; or without many seditions, massacres, and plunderings. Here the Magistrate must act wisely when he sees that men can neither be bent nor broken without harm to religion and the pious, the devastation of the fatherland, and the ruin of the Republic. However, when that necessity ceases and the situation changes, the Magistrate will also change his policy—unless he is hindered by agreements and pacts. An example was given by Constantine in his permission of pagan religion and later in the abrogation of that permission. Sozomen, Book 2, Chapter 4. Eusebius, in *The Life of Constantine*. A similar example is found in Socrates, Book 3, Chapter 2, where, after the cleansing of the Mithraic shrine had begun, the Christians ceased due to the violence of the Gentiles, who, rushing to arms, carried out indiscriminate massacres of Christians. The second case is when the Christian Church, under the rule of a heterodox or idolatrous prince, cannot retain its liberty but expects certain persecution and extermination—unless the prince or magistrate who is orthodox grants liberty to his heterodox subjects. An example of such a forced permission was given by Emperor Justinian in the year 724, which Theodoric, the Arian king of the Goths, extorted from him, as testified by Anastasius the Librarian, against the will of the Pontiffs, in Baronius, at the year 524, §1,2. The third case is when, after the orthodox have already been dispersed, liberty cannot otherwise be restored. Read an example in Sozomen, Book 3, Chapter 19, and Theodoret, Book 2, Chapter 12, and Socrates, Book 2, Chapter 18. IV. It is not absolutely and simply illicit to permit to subjects who are purely schismatics, or even those in error, the liberty of a lesser or greater exercise, more lax or more strict, even when the power and ability to prevent it are present—I say, to those erring regarding ecclesiastical polity, or rites and ceremonies, or even concerning the head or some points of doctrine, but not fundamentally. An example is provided here by those formerly called Brownists and Separatists in England, and today called Independents or Congregationalists. On ecclesiastical syncretism with these or similar groups being undertaken, inquiry is made elsewhere, below in part 3, book 3, title On Syncretism. Here, however, the only

question is concerning political permission. Nevertheless, we do not say that the magistrate is always and everywhere bound to grant liberty to those erring in a non-fundamental way. What constitutes fundamental and non-fundamental error we have explained in a particular disputation, inserted in the second part of the selected disputations. V. Liberty of conscience, without liberty of exercise, which can be granted to those erring in a non-fundamental way and to purely schismatics (even outside cases of necessity, in which the power or ability of the magistrate is limited), is not to be doubted in the least. VI. Liberty of conscience for those erring fundamentally can be permitted in the cases of necessity set forth above; outside those cases, liberty which extends to the profession, communication, defense of errors, and even to the public attack and denigration of the opposing truth in writings, cannot be so permitted; especially not for those seducers who insidiously instill or attach their Atheisms, Epicureanisms, Lucianisms, Enthusiasms, and Libertinisms onto others. For it is better that, by purging such people and expelling them from the Republic, that contagion be averted from the subjects, and the wrath of God be turned away. VII. Nevertheless, force is not to be applied to consciences, nor is an inquisition to be established against them, so that men may be compelled by external force to believe or to think about religion in a way that they do not wish to think, or even what they deny that they can think. VIII. By due coercion, both the seducers and the seduced can be forced into order, so that they may not freely profess and spread heresies; nevertheless, they are not to be subjected to capital punishments solely on account of a heretical belief. But what if, in addition to a heretical belief—especially against natural theology—they add external and horrendous blasphemies, the seduction of men, disturbances of the Republic and order, contempt for public authority, and for remedies previously applied? Should it not then ultimately lead to capital punishment? Response: Although I do not wish to condemn the opposite opinion and practice, I would prefer, however, to delay such a measure. If nothing is achieved by exiles and deportations, would it not be more prudent that these fanatics be punished with lesser and milder penalties, and be assigned to perpetual custody? Here, a deliberation must be conducted based on the state of the Republic and the particular circumstances of matters. Therefore, one single piece of advice cannot be suited to all cases. I propose, for all sects in Belgium, the case of the Manichaeans, Marcionites, Valentinians, Ebionites, Priscillianists, Henricians, Nicolaitans, David-Jorists, and any others who, under the name and general profession of Christianity, have spread their madness. Thus I wrote in the year 1643. Later, I discussed more fully the coercion and punishments of heretics in the third part of the selected disputations, under the title 'On Error and Heresy.'"

Consequences derived from the preceding are as follows:

I. It is possible for the Magistrate to expel subjects and citizens from the Republic who are infected with heresies; yet their consciences must not be coerced, nor tyranny exercised over them.

II. It is also possible to compel, whether individual persons or ecclesiastical assemblies, to present a confession of their faith before the Magistrate, and to accept theologians (if the Magistrate deems it appropriate to appoint any), without engaging in inquisition or tyranny over consciences.

III. Magistrates sin when, without any necessity, they tolerate any destructive heresies and sects, granting them not only the liberty of exercises but also license; and this either out of negligence in religious matters due to their own profaneness—because religion is indifferent to them—or because, being too intent on wealth and earthly profit (which they hope to gain from this), they prefer the earth to heaven, Mammon to God; or because they believe that Christian sects do not differ substantially, but that all lead to salvation since they gather under one name, and therefore should be tolerated; or because they are afflicted by that error which holds that to anyone who requests it, not only freedom of conscience but also the exercise of their religion must be granted.

IV. Sects, to whom the liberty of exercise has been granted, can be restrained from excessive license in pouring out insults and atrocious slanders—whether real or personal—against the orthodox religion and church, just as public tolerance and liberty are not violated if such a statute, custom, or prior agreement had been granted to them before.

V. It is possible for a faithful Magistrate or Prince to assume principality or public office (when he otherwise cannot) even under agreements and conditions of defending the liberty of some sect or sects, whether they enjoy it equally as public religions or unequally. However, he does not rightly safeguard his conscience unless he keeps himself free from all participation in or approval of idolatry and heresy, and preserves only the defense of permission and tolerance (as far as it pertains to him and on his part); and this should be done for the glory of God and for the good of true religion and the church.

VI. Likewise, it is possible for the same person, when the conditions of the Republic do not allow otherwise, to negotiate under the same condition with rebels or with enemies offering surrender.

We now submit some problems: which are either more theoretical, or more hypothetical or historical-theological. The former kind are:

1. Whether the liberty of conscience and the liberty of residence or habitation should be understood as interchangeable: and thus whether, in certain cases, a city's right or liberty of residence could be denied to heretics and fanatics, and whether this would be equivalent to coercion of conscience or inquisition into one's beliefs, which is sometimes referred to as the "Spanish Inquisition"? And whether a theologian who encourages the magistrate to enforce this or does not dissuade him should be regarded as teaching hereticicide?

Response: No.

2. Whether the magistrate may indirectly violate or restrict the liberty of the true religion, granted either by the assumption of the principality, or by some agreement, in order to impose innovations in doctrine, ceremonies, or governance?

Response: No.

3. Whether the Church may refuse the reception of those (heresies), and whether lower magistrates may intervene, by authority granted to them by laws?

Response: Yes.

4. Whether a magistrate, when he does not have the power or ability, can deny and impede the public or private practice of religion, not only of Gentiles, Samaritans, Jews, and Muslims, but also of heretics under the Christian name who claim their own consciences, such as the Marcionites, Valentinians, Manichaeans, Arians, Samosatensians, Henry-Nicolaïtes, David-Jorists, and similar Libertines and Enthusiasts?

Response: Yes.

5. Whether the Pontifical practices [can be denied, impeded, etc.]?

Response: Yes, both because of theological reasons, from heresies and the multiplicity of idolatry, and also because of political reasons from the Pope's power and temporal authority, which also gives him the power of dispensing the loyalty oaths, equivocations, and similar things, which cannot be consistent with a truly Christian Republic.

6. Whether the Anabaptists?

Response: Yes. Regarding those who corrupt the fundamental article about the one and triune God, and concerning Christ the God-Man, and the grace of God: so that they seem to retain nothing of the Christian religion except what the Socinians hold, who today are not few, if not the majority, and who seem to think themselves wiser than the common people. If there are any who adhere to their assemblies under the name of Anabaptists or Mennonites, beyond the controversies over infant baptism, and who hardly move anything with the authority of the magistrate or an oath, I would theologize about them differently: although, perhaps, political reasons might consider their liberty less permissible than that of other sects: since they need weapons among citizens and residents here; not, however, from those who avoid arms and dissuade others.

7. Whether the Remonstrants?

Response: If the suspicions of Socinians do not release them from doubt, I do not think it can be theologically determined whether their gatherings should be more tolerated than those of the Socinians. But if they returned to the first general outline of the five articles or stayed within the limits with the Lutherans, or with those mentioned earlier in Germany, the Synergists, maintaining their position precisely and sincerely, certainly the general theological reasons would not militantly oppose their tolerance any more than that of the Lutherans. However, in our

Belgium, political and theological considerations have hindered this: for their liberty would not have made them equal to the Lutherans. 1. They claimed public temples and courts as their own, having stolen them from others, and considered their religion to be public and authorized, or the religion of the state; thus, from their assemblies, no disturbances or changes in the affairs of magistrates were expected or feared. 2. They were accepted in communion and under the name of the Reformed Church publicly, and they defended it. 3. Regarding their secession from the fourth article, they sought to form their own distinct sect in order to create a peculiar body. The magistrate did not think it prudent to admit more sects into the state, as several had already been allowed, which would weaken the strength of the state and the unity of the subjects. 4. For, if they had been tolerated with the reforms already introduced in Belgium, at the same time as those who had suffered persecution for the Reformation, and at the same time as those who had carried the head of the Reformation, the hope of liberty would have gleamed more brightly. However, this was not suitable for the Remonstrant society. 5. Because no consideration of confederation, peace, or neutrality with Christian politics could have moved the Belgian magistrates to grant liberty to this new sect, and thus no necessity for multiplying such cases in their cities and lands. For the Remonstrant religion is neither a public nor a state religion: however, Lutheranism is present not only in the German Empire but also in the kingdoms of Denmark and Sweden.

Theological reasons are directed only towards individuals. The first reason is that the Remonstrants, in the explanation of their five articles, either in the first conference at The Hague, or the second at the Synod of Dordrecht, or the third in the Apology, in their response to the excerpts of the Leiden Professors, defending or attacking the writings of Videlio Rhapsodus, remained well within the limits of the Synergists, or today's Lutherans. This has been proven in our time, as it was previously shown; I will not repeat it here for the sake of brevity. I now direct the reader to John Tarnovius of the new theology of the Roscoffians, *Exercitationes biblicae*, book 4, page 904, where he testifies and proves from the Hague conference and Bertio's approval that the Remonstrants with the Lutherans in their doctrine, concerning the fourth article, had nothing in common: "although," he says, "they oppose us, yet they do not defend the same things." Now, as a concluding point, I will show how the Remonstrants in Belgium, particularly P. Bertius in Hymenon, agree more with the Pelagians and Papists than with the Photinians, or with the majority of those who confess. Why should Tarnovius not say, if he had followed the Apology and the writings of the Remonstrants, or the treatise of Leonardus Riffenii, Doctor of Theology, published in 1661, a synopsis of impure theology, that he would have seen this? Thus, we cannot fail to marvel at the ignorance or fraudulent intentions of the anonymous Remonstrant, who in 1663, in the judgment of the theologians, in forming a union between the internals and the Lutherans, applies today's union of the Remonstrants with the Reformed Churches, and uses this argument (page 15), that the Remonstrants should rather have a fraternity with the Reformed than with the Lutherans, as they only disagree on one point or article, while they agree on three points. The second reason is that, while the Remonstrants, in the one article in which they disagree with us, agree with the Lutherans (as the anonymous person asserts), why

do they, who rejoice in their freedom from the Lutherans in Belgium, not change their stance, and do not free them from the troubles and struggles, while also preventing the Republic from the encroachment and overflow of new sects? They attempt to justify their difference in doctrine by claiming that it is not fundamental, and that fraternity cannot or should not be impeded, as the anonymous chorus of citations argues. Again, they would say, although they wish to join the Lutherans, they are still denied entry. If they seriously believed this, they should have, in fact, still sought fraternity with the Lutherans and presented themselves for that purpose; after such an act, whether the Lutherans consent or reject, they should have then determined to form a strategy. The third reason is that the Remonstrants, prior to the Synod of Dordrecht in 1619, and even during the Synod itself, contended for a union with the Reformed churches based on the liberty of both opinions, specifically in the fourth article. Therefore, they could have, and in good conscience should have, continued to attend their own forum, according to their original doctrine, and avoided separation and the formation of a new and distinct gathering, without manifest schism. If they object that we were the first to schism, we respond by acknowledging that we sinned in our separation; however, they should not have imitated this, and should have instead repented for the worse error. We give all those, both the predecessors and the members of the Church, whom they claim were affected by the injustice of 1619, the benefit of the doubt, as if they themselves were wronged: and due to the disorder of our actions (in their own opinion), we should not allow the perpetual schism to be maintained and solidified.

VIII. Whether the magistrate sins who admits no sectarian assemblies?

Response: No.

IX. Whether he could deny heretics the freedom of residence, separated from any freedom of exercise?

Response: Yes.

X. Should he also deny it to the Pontiffs?

Response: There must be a distinction between the more moderate or better ones and the rigid, headstrong, curial ones sworn to the Roman faith and Pope; places, times, and other circumstances must be considered; and thus it should be determined who are good citizens and who are useless. Finally, a distinction must be made between admitting those who never had the enjoyment of civil rights and those who already enjoy them. For further discussion on this question, see in part 3, section 1, title: On the Roman See, its incompatibility, and so on.

Problems more hypothetical and somewhat historical-theological:

I. Did the Republic of Israel grant liberty of conscience and residence to certain Gentiles under its judges and kings? Answer: Yes.

II. Did the Papists in the Netherlands unlawfully seize liberty under treaties and public edicts, as is often objected? The answer is no. For they themselves, when entering into the treaty and with

their interests at stake, relinquished their rights; gradually, to be sure, they were led to the recognition of the truth: as happened in the case of their homeland, which, although initially joining the confederation with the Spanish crown, had stipulated the public exercise of the Papist religion with the Illustrious Prince of Orange and the States of Holland. Or, through conspiracies, treachery, and rebellion, they brought upon themselves the just deprivation of the liberty granted. Thus, when this agreement was made, it was rightly said: 'He who breaks the faith, faith is broken for him.' A similar case occurred with the Macedonians under Theodosius II, as stated in Book 7, Chapter 31 of Socrates."

III. Did Edward VI and Mary rightly deny the liberty of the papal mass?

Response: Yes. Furthermore, it will be proven that the prohibition of papal idolatry is generally permissible.

IV. Has the magistrate of Belgium granted to those who are Anabaptists the continuation of the liberty they now enjoy, as they often suggest?

Response: So far, to my knowledge, no decrees, pacts, or public edicts have been issued, either for all of Belgium or for any one province. On the contrary, it is clearly proven from this, that the city of Groningen, when brought back into the union of the confederates in 1594, excluded the public exercises of all sects and Anabaptists by public decree.

V. Is it truly said that the Illustrious House of Orange waged war for the liberty and safety of sects; moreover, waged war not for the Reformed religion, but for political liberty and for the liberty of conscience of any sects; which they extend to the promiscuous and equal liberty of exercising any sect?

Response: No. On the contrary, a certain error is found in Remonstrant writings from the year 1630, published by deputies of both Synods, among whom I was numbered, and printed by the Illustrious and Reverend House of Orange in the Netherlands. Some imprudent individuals are mistaken in this, not distinguishing the earlier period of rebellion, where the abdication of King Philip II (which occurred in the year 1581) was not the cause of the war, but the occasion; for the war was not waged on behalf of religion but for liberty and the political privileges against the tyranny of the Spaniards. Later, after the Republic was freed and the cities and provinces had embraced the reformed religion, the struggle was for a free and new Republic, of which the only true and fundamental foundation was the reformed religion, with the total and complete exclusion of the Papacy. This must be distinguished at this time, and the truth of history must be reconciled. We show this in the third part of the selected disputes concerning the incompatibility of the Roman faith, and so on. Outside of the reformed religion, the admission of certain other exercises is partly accidental, partly a particular matter, not of universal right; it is rather connivance than a settled tolerance. Therefore, since the Republic does not make part of the reformed religion an integral, let alone a principal or fundamental part of its government, it cannot be said that the war is waged for it, but rather for liberty, and against various other connivances, and sins which are permitted in our Republic, sins which are not restricted by any laws or punishments.

VI. Are the decrees of the illustrious DD. House of Orange, both general and provincial, against the Papists and Remonstrants, which have been promulgated up to now, theologically and politically defensible? The same question concerning the decree of the city of Groningen in the year 1594, against all sects, which was publicly opposed by some anonymous Libertine in a certain vernacular?

Response. Yes. The matter will be discussed in the following disputation.

VII. Whether from a change in the state of affairs and from the connivance of certain magistrates at the gatherings of the Remonstrants, it can rightly be concluded that public edicts have been revoked, or that the magistrates are being led by repentance, as if, namely, they had unjustly exercised persecution against consciences or the Church of God?

Resp. No. And at the very least, we find a lack of knowledge and conscience in certain babblers.

VIII. Whether, when sectarians abuse the indulgence and connivance of the magistrates—expanding their influence, adding new ventures to previous ones, and building new, larger temples—they can be hindered without tyranny over consciences?

Resp. Yes.

X. Whether the Illustrious Lords of the House of Orange, in the year 1632, could have offered the provinces of the Netherlands subject to Spanish rule a common defense of their privileges and of the Catholic religion publicly established there?

Resp. Yes.

X. What is to be thought of the liberty granted in the year 1632 to the people of Maastricht for the public exercise of the Catholic religion?

Resp. The tolerance of a false religion, which the necessity of the Republic of the United Provinces requires, and moreover, the good of the Church that exists within that Republic, is neither a sin nor a participation in another's sin. But such tolerance, when solemnly established by agreement and hitherto defended by public authority, is of this nature; therefore, the major premise is certain. The examination of the minor premise is committed to the conscience and knowledge of the leaders, that they may render an account of it to God, who knows the heart. For this pertains to the secrets of the Republic. The conclusion, therefore, must be admitted—at least with reservation. I warn here, for the sake of the uninformed, that our leaders do not defend Catholic idolatry, even when they defend processions with armed force; rather, they directly and immediately defend their public authority and the faith pledged in the agreement by which this tolerance of idolatry was established. This is the same response I gave in the year 1643 to the ninth and tenth problems, word for word, without changing a single letter. In the same way, whenever I had the opportunity to discuss this matter with others, I explained my position before and after publishing my theses, supported it with reasons, and—if I remember correctly—I dismissed no one in disagreement. Nor have I ever, to my knowledge, deviated in the slightest from this consistent opinion, whether in public lectures, private discussions, or informal conversations, even to this day. Thus, I do not see by what knowledge or with what intention certain paradoxical theologians, through statements partly openly false and partly slanderously

fabricated, have so crudely and unskillfully misrepresented my views—aiming to cast me and my opinions into disfavor with the highest authorities. The Disputant (he says on page 161 of the first edition in octavo, printed in the year 1649) "speaks against his own conscience, unless he wishes to remember with what great fervor both he himself and some more zealous clergy once spoke about the surrender treaties of Venlo, Roermond, and Maastricht—claiming they were harmful to the Republic, opposed to the word of God, and contrary to the conscience and duty of the Reformed magistracy. "For if it was a sin against God to grant that liberty of religious exercise to the Catholics of Maastricht, and if at the time it was permissible for the Disputant to inveigh against those capitulations as vicious, etc., then..." And I wished to indicate this here, given the occasion, so that the reader—if he happens to come across that book titled *Theologus Paradoxus*—may be warned about what judgment should be made concerning the fictions, quibbles, and slanders spread throughout so many books by that writer against me and my views. As for what he said about "some more zealous clergy," since he refers to no specific individual, let it pass. But if he had pointed them out by name, or if he still could, then either they themselves, or their children, relatives, friends, or necessary associates, might respond to him. As it stands, because he names no one, the plural form suggests some generality, and future readers may suspect or conjecture something about individual preachers who were living at that time. Moreover, the enemies of our Reformed Churches, as is their custom, could use this against us. Let the more prudent reflect on the charity and wisdom with which such things have been proclaimed on the world's stage. Certainly, the ministers acted more wisely when, in response to a particular writer (who was perhaps not unknown among them) raising concerns about the presence of some ministers at a meeting of the Estates of a certain province of the Netherlands—where, according to old customs, some members of the Catholic clergy were also present—not only did they resist such agitation, but they also concealed it. So much so that it was never heard that this matter was reported to the supreme authorities of the United Provinces, in order to expose that somewhat imprudent or overly zealous individual to their indignation and judgment. Much less did they broadcast it to the entire world—even though they could have done so without any falsehood or fabrication. But whatever he may have heard from rumor about one or another of our ministers concerning affairs and events in Belgium at that time—without himself being well informed—he should have considered that one swallow does not make a summer. Moreover, it was for pious and learned men, prudent ministers who were responsible for their own affairs, to make judgments on this theological matter regarding the views of the Belgian theologians on this case. The ministers of Belgium had long since learned from their predecessors about the lawfulness of permitting the exercise of the Papist religion, and of making promises regarding such permission when the affairs of the Republic required it. Nor had they remained in such deep ignorance for so long that one could apply to them the poet's words: *Gaul teaches the lawyers, and eloquent Britain instructs them*. Those particularly interested in this historical question should refer to the letters of illustrious and distinguished Belgians, especially in letter 70, century 2, addressed to the illustrious Count John the Elder of Nassau, Governor of Gelderland. See especially pages 859, 861, 864, and 869, where they cite the petition of the Reformed Churches and the Synod of Dordrecht (the National Synod of 1578) to Archduke Matthias and the Senate of the Estates. From this, it is evident what the opinions of the first and immediately subsequent ministers of Belgium were regarding these and similar matters. Lest someone should say to us, *The age of our fathers was better than the one we now live in*, let us recall that the 'sons of the prophets'—that is, the students of the early academies of Leiden, Franeker, and Groningen—were from their very beginnings and especially from 1614 to 1632

instructed by their professors in these and other matters, in such a way that it is highly unlikely they were still so ignorant by the year 1632 and beyond. If, perhaps, one or another, completely unaware of the hypotheses and the affairs being debated at that time—what, for example, the Spanish Netherlands intended and offered, and what the United Netherlands intended and demanded in order to bring an end to this perilous war (as recounted by Aitzema in his *History of the Belgian Peace*, 1649)—if such a person had hesitated in general and in principle to tolerate Catholicism after the establishment of the free federated Republic in 1581, where it had been perpetually excluded by public edicts, then such a person would have counted for nothing in this discussion. If, at that time, someone had hesitated in this matter, he would have counted for nothing in this discussion. But I ask, for the good of our church and religion, has any voice ever been heard among our ministers—whether from one or another—by which everything has perished, only now in the year 1649 to be *offered in worship* and consecrated to eternity through written records? Is this the prudence of the righteous? But let me return from this digression to the main path.

XI. And did the petition from Garnet and others, who were Papists and traitors to their country, in England under Queen Elizabeth and King James, lead to the persecution of religion and tyranny over consciences?

Response: No. See in this case the writings of the most learned English theologians, such as Lancelot Andrews, Robert Burbill, John Prideaux, Robert Abbot, John Donne, Dean of London; especially the *Examen Lambethanum* and the action in Garnet's trial.

XII. Do the Remonstrants, without harsh and cruel accusations, charge the Reformed Churches in Belgium with hereticide, tyranny, coercion of consciences, inquisition, and persecution of the Church, in order to support their cause as hopeless and collapsing, and make those who still remain among them strangers to our churches?

Response: No. Regarding this matter, see the following chapter.

XIII. Do these accusations suffice, by citing the examples of Servetus, Valentini Gentilis, and one or another of the lunatics punished in England and Switzerland, whom the Reformed Church, according to the judgment of the Remonstrants, do not rigidly condemn?

Response: No. The hypothetical question regarding this matter was discussed in part 3, section on heresy.

XIV. Did they come to suppress the meetings of the Remonstrants in the year 1619 in certain cities of Holland; particularly in Hoorn, Schoonhoven, Rotterdam, and Gouda?

Response: No. See the histories of Baudartius, and others.

XV. Did the Reformed (whom they call Calvinists) in the Holy Roman Empire exclude peace and the freedom of religion, which had been granted by Charles V to the associates of the Augsburg Confession, and later confirmed by the emperors?

Response: Neither by law nor by action. See the discussion of this hypothetical question in the work of Johann Crona, a special treatise published in 1647 titled "On the Society of the Augsburg Confession."

XVI. If the ecclesiastical nobles, such as bishops and abbots, defect from the Papacy, can they introduce the reformed religion through peace and religious freedom in territories subject to the Papacy, and expel the Papist religion?

Response: The Protestant princes affirmed this in the case of Hermann à Weda and Truchessius, Archbishop of Cologne, but the emperor opposed it along with the Papists. And it seems the matter is still under judgment. For further consultation, see Justus Sprenger, J.C., on the matter of religious peace, and the writings on the cause of Hermann à Weda and Truchessius, published on both sides.

XVII. Was the liberty and permission of these religions, either collectively or distributively, established by public laws or decrees in the Kingdom of Poland?

Response: No. Against the Remonstrants, from this false hypothesis, they preach a blessedness of their kingdom above all others, and they encourage the House of Orange and the Belgians to imitate such a chimerical act, in the vernacular work titled *Genuinus Remonstrans Theologus*, at the end.

XVIII. Could the Socinians have been lawfully required to leave, as they were expelled from there a few years ago?

Response: Yes.

XIX. Can it be inferred from here that, by the same law, Reformers elsewhere should be deprived of their liberty?

Response: No.

XX. If Papist magistrates grant liberty to the Reformed (for example, in France), should, by the same reasoning, Reformed magistrates grant liberty to Papists (for example, in England or Belgium)?

Response. No. The reasoning is entirely different when considered theologically or politically. On one hand, there is true religion; on the other, false and idolatrous religion. Thus, it does not follow that magistrates justly persecute the wicked, and therefore should treat the good equally; they do not grant liberty to them, and thus it should not be granted to the others. There is no logical consequence here. On the one hand, true religion and the church are not dependent on any foreign temporal authority; on the other, the false church is necessarily dependent on a temporal power, either directly or indirectly, and is not only subordinate in a secondary way, but is under the dominion of the Roman Pope. This prejudices the magistrates of the Reformed, who cannot justly offer security to it. Add to this the axioms of Papist theology, which are dangerous, perfidious, and parricidal, and which cannot align with the public order and the magistrates of the Reformed. And if the souls of men are endangered, Papists are not allowed to be good citizens. On the other hand, the two sides are completely opposed.

Corollaries of the Respondent

Can a religion that teaches or makes God the author of sin be tolerated in the Republic? No.

II. Would political liberty, or liberty of conscience, or even the freedom of religious practice, be opposed to the crimes of false accusations and extreme sectarian malice, by which the Reformed religion and church are attacked, claiming that God is the author of sin, and consequently, magistrates should justly restrain those who stir up innocent people? No.

III. Should the rights of thieves, pirates, and fraudulent individuals be excused by claiming the common good of property or the freedom of conscience? Should liberty in the republic—whether for action, thought, or for publicly or privately teaching—be abandoned? No.

IV. The same applies to polygamy, incest, adultery, and other impurities; should someone argue for the communal union of women according to Henry the Nicolatian? No.

V. Does the indulgence and private profession of Libertinism, Lucianism, Epicureanism, Skepticism (that is, Atheism), constitute a greater crime in the republic, and should it be more severely punished and less tolerated in our republic, than sedition, treason, theft, brigandage, and plunder? No.

These have been described up to this point in the year 1643, and were presented for public examination at the Academy. For further elucidation, we present a just treatment of questions regarding the sense and profession of religion under compulsion, and concerning the liberty of any kind of religious exercise.