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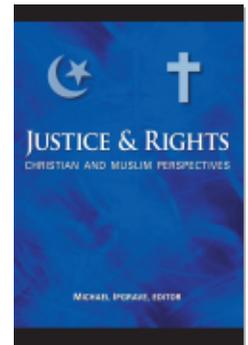
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# Chapter 5

# *Une Foi, Une Loi, Un Roi*: Political Authority and Religious Freedom in the West, from Constantine to Jefferson

*John Langan*

The period from Constantine to Jefferson is complex and rich; within the limits of this essay, the challenge is to find some key, a focus to enable us to order our perceptions of this vast, contentious, and immensely important block of time, which includes what are commonly characterized as the medieval and early modern periods of European or Western history. A starting point can be found in the famous slogan *Une foi, une loi, un roi*, which expressed the aspirations of monarchist conservative Catholics in France during the Wars of Religion between Catholics and Protestants, which lasted for almost forty years in the late sixteenth century.

In his opening address to the Estates General meeting in Orleans in December 1560, Michel de l'Hôpital, the newly appointed chancellor of France, observed that "no sentiment is so deeply rooted in the heart of man as the religious sentiment, and none separates one man more deeply from another." After thus acknowledging the importance of religion and the potential for social conflict that it contained, he went on, "It is not the division of languages that separates kingdoms, but that of religion and law which makes two kingdoms out of one. Hence the old proverb: One faith, one law, one king."[23] De l'Hôpital was addressing a nation on the brink of civil war and was trying to satisfy widespread desires for political peace and religious reform at a moment when political authority had been gravely weakened by the death of two kings in the preceding year and a half. But the maxim that he offered was presented as part of received wisdom, an "old proverb," not as an original reflection.[24] It should be seen as expressing a widely felt aspiration to live in a political unit that would be a coherent and harmonious

social whole following one set of normative principles. This aspiration was not confined to France but was common in Western Christianity. Speaking of the sixteenth century, Joseph Lecler writes, "The Christian world of that time, though already divided into nations, preserved in the main the sociological structure of Christendom. The unity of faith remained the universal rule; it was also considered the most solid foundation for the unity of the State."[25]

In the vision of Christendom, the political unit is to be led by an individual who possesses ultimate decision-making power and authority (the king) and who rules in accordance with fair and generally recognized norms of justice (the law). The state and society would be shaped by a common body of beliefs and norms (the faith). It would thus be able to act as one body, but with a functional differentiation of parts to accomplish different tasks and with some differences of status. The moral and spiritual equality of persons before God affirmed in the central Christian narrative and in numerous passages of the Gospels would be interpreted so as to allow and even require different treatment of men and women, of children and parents, of insiders and outsiders, of high and low born. Law itself would be a differentiated but harmonious structure in which the norms of church or canon law, natural law, divine or scriptural law, human law, and custom would direct people to the common good and the ultimate end of happiness found in union with God. The enormous costs—humanitarian, political, economic—of a prolonged period of civil war, costs that could easily be foreseen by those who had observed the conflicts in Germany since Luther fixed his theses to the door of the university church in Wittenberg in 1517, would be avoided and replaced by the benefits of a period of religious, civic, and dynastic harmony. The sources of legitimacy for political authority (popular consent, dynastic descent, legal enactments, and the religious blessing of the coronation ceremony) would be aligned so that they converged on a single individual who would exhibit the appropriate kingly virtues. But religious freedom as exercised both by dissident communities and by autonomous individuals would be suppressed, at least in the public forum. The kingdom would be populated by believing and (more or less) practicing Catholics, who would be subjects of the Most Christian King and who would believe and act in obedience to the religious teachings of the bishop of Rome.[26] They would be subjects, not citizens; people of faith, not philosophical skeptics.

We should pause to recognize the appeal of this unitary paradigm, not merely to French conservatives who viewed the spread of the Reformation with dread, but also to societies that yearn for unambiguous legitimacy in their core institutions and that are averse to uncertainty and normative conflict. The yearning for a society free from normative dissonance is not confined to late medieval Christians. It can be found in contemporary religious conservatives and in many who look back on the Soviet Union, as well as among Islamic radicals. To large

numbers of people, it will seem morally superior to the combination of ideals from Babel, Vanity Fair, Jonestown, Waco, Las Vegas, and Hollywood, the never-ending struggle of interest groups and the continuing barrage of conflicting opinions and forms of propaganda offered by the contemporary media, which are taken to be the characteristic expressions of modern liberal society.

Let this brief account of the unitary paradigm stand as an idealized sketch of the dominant conception of social order in Christendom from the late fourth century to the late eighteenth century. Let us admit the incompleteness of the sketch, which leaves out the economic structures of society and the ways in which they might influence the normative superstructure and which also leaves out the continuing presence of minority and dissident groups, among whom the Jews were particularly persistent and significant. The sketch brackets the persistent failure of Christendom to produce an enduring centralization of political power, to realize the dreams and the hopes of Charlemagne and those latter rulers down to the Habsburgs who dreamt of establishing a "universal monarchy."

There was normally one king in France—usually in contest with the ruler of the Holy Roman Empire of the German nation and with the king of England—who was frequently attempting to expand French influence into Italy and the Low Countries. But there were also many other kings in other parts of Europe, from Scotland to Hungary, and from Portugal to Sweden, as well as numerous princedoms and urban republics, especially in Italy and Germany, that had effective self-governance and that pursued more or less ambitious foreign policies. There was both one king and many kings, one sovereign ruling over his (rarely her) subjects, and often ready to quarrel with other kings and peoples. The plurality of monarchies in the formative period of Western civilization and the plurality of nation-states in the subsequent period of modern nationalism and imperialism were facts that protected diversity and probably encouraged cultural creativity along with political anarchy and violence.

Support for the ideal of *un roi* affirmed both the appeal of political unity within the monarchy and the separateness of this particular political unit as one in a pluralistic world of states. *Une loi* flowed from the decisions and choices of the unitary authority exercised by the king, and authority that was not absolute and beyond legal challenge (at least in the period before the rise of Renaissance absolutism) and that depended for its secure exercise on the military ability and the political skills of the monarch and his court. In line with the tradition of Roman law, the king was the source of law and the protector of justice for all his subjects. In carrying out these responsibilities, the king did not have arbitrary and unlimited power; he was to be guided by other and higher laws—the law of God, the law of nature, the law of the church—laws that he could neither ignore nor suspend. While not achieving the stable guarantees of a constitutional political order, early European

societies were not totalitarian. For one thing, they lacked the systems of communication and control that would have enabled their rulers to exercise the comprehensive control that totalitarian regimes in more recent years have aimed at. Conversely, there was a strong normative basis for restricting royal and imperial power, which was not to be obeyed when it conflicted with divine commands.

The difficult task of reining in royal power in a predemocratic and largely illiterate society was in a special way the responsibility of the leaders of the church, which provided the alternative form of power and authority during most of the period we are examining. From the time of the famous rebuke of the Christian emperor Theodosius I (379–95) by St. Ambrose, the bishop of Milan (which was then the imperial capital), it was the task of church leadership to reprove the monarch, to defend the liberty of the church, to offer protection to the victims of abuses of political authority, and to proclaim the teachings of the Gospel and the church as well as to consecrate the holders of royal power.[27] In various emergencies, this last responsibility could be extended to include choosing and deposing the monarch. The classical statement of this separation of powers in the Christianized Roman Empire is found in the letter of Pope Gelasius I (492–96) to the emperor Anastasius in Constantinople: "There are two, August Emperor, by which this world is ruled: the consecrated authority of priests and the royal power. Of these the priests have the greater responsibility, in that they will have to give account before God's judgment seat for those who have been kings of men."[28] The assumption of this letter—which was written at a time when the main religious divisions in the increasingly disrupted Roman Empire were within the newly dominant Christian community over Christological issues—is that there is one community of faithful being led and governed by "the priests," and especially by the highest of the bishops, the bishop of Rome, and that this community effectively coincides with the community ruled by the emperor, or "the royal power." This, with considerable simplification and idealization, is an early form of the situation of one king, one faith, and one law. But it is also a situation of two fundamentally distinct powers, or "swords," that are intended to be in harmony with each other but that can come into sharp disagreement.

In this form of the unitary paradigm we have been examining, there is a distinction of institutions (church and state) and of authorities (religious and political). But, as we shall see, affirmation of a separate religious authority does not in itself lead to religious freedom. What it led to in the course of the Middle Ages was a series of conflicts over how to coordinate these two sorts of authorities, both in the emerging nation states and in the more comprehensive realm of imperial politics. Popes and bishops contended for *libertas ecclesiae*, the freedom of the church from secular control. Neither they nor the secular authorities were ready to accept the religious freedom of individuals who held divergent or heretical views or who

proposed to interpret God's commands on their own authority and according to the dictates of their own consciences. The schism between Eastern and Western Christianity, between Constantinople and Rome, did not alter the fundamental structure of the unitary paradigm; rather, it complemented the division of political authority with a parallel division of religious authority. Though religious authority was more clearly and reliably subordinate to political authority in the Byzantine Empire of "New Rome," its relation to political authority was drastically altered in those regions of the East that had fallen under Muslim control. In the West, after the Gregorian reform of the eleventh century, a strengthened papacy was able to make its authority felt in the many kingdoms of the West so that the effective range of its power was wider than that of any particular monarch. In addition, the papacy also had both the resources and the vulnerabilities that resulted from its rule of the territories in central Italy commonly referred to as the "papal states."

What is fundamental for the Christian tradition in its various forms is the existence of a separate normative and institutional structure that could not be completely absorbed within the realm of the state and that accustomed Christian people to think of the religious life of the community as proceeding under a distinctively religious authority. We can think of the medieval papacy under such redoubtable leaders as Gregory VII (1073–85) and Innocent III (1198–1216) as the preeminent embodiment of such religious authority. But we should note that the belief that religious authority should govern the lives and beliefs of Christians, and that this authority should prevail over the demands of the state when these conflict with the teachings of the religious community or with the demands of God laid down in scripture, is powerful even in forms of Protestantism that were highly critical of Rome and all its works and pomp, including its centralization of authority and its reliance on juridical models in governing the community of Christ's followers. Both Catholicism and Protestantism produced numerous martyrs who were willing to resist the powers of this earth, even to shedding their blood and laying down their lives. They conceived of themselves not as affirming their own rights and their beliefs and preferences but as acting in obedience to God, and not to men and human institutions. They were acting in obedience to the authority of God and Christ and the Bible and the church (which they linked to each other in different ways, depending on their ecclesial identity and their theological positions); they were also acting in accordance with their consciences.

One way of conceiving this diversity of types of religious authority is suggested by the canonical distinction between the external forum and the internal forum. The external forum is a realm of behavior, of acts whose validity depends on conformity to publicly established laws and norms. This is the forum that is of most pressing interest to legislators and political leaders. The internal forum is a realm in which the believer attempts to discern the will of God and to re-

spond to the complex moral demands of a situation in light of his or her conscience. Religious authority is appropriate in both fora, even though Protestants have been inclined to dismiss the religious character and the religious weight of authority in the external forum, and Catholics have often shown a tendency to regard reliance on appeals to conscience as an assertion of personal freedom and preference against authority.[29] The conscientious and faithful believer acts in a certain way because he or she sees the judgment reached by conscience as itself authoritative. The committed members of a religious body following the command of a superior or pastor act because they see both the command and the disposition to obey as having religious value.

The commitment to a duality or more of authorities is deeply embedded in the Western tradition. The primary alternative (i.e., nonpolitical) form of authority—religious authority—has presented itself in both prophetic and priestly forms, that is, in forms that cherish and even emphasize critical independence from political authority and in forms that model themselves in significant ways on political authority. Religious authority is thus exercised in ways that range in their social manifestations from enthusiastic anarchy to hierarchical and bureaucratic theocracy. Religious authority has resisted, not always successfully, the recurring desire of the state to reduce it to a quiescent and instrumental role. It has frequently been ready to ask for special standing and protection when doing so seemed to be to its advantage, but it has also been ready to resist the implications of the unitary paradigm when these would deny it freedom of self-governance, of open witness to the message of the Gospel, and of defining its belief and its membership. For most thoughtful Christians, a situation in which the church functions as no more than a department of the state is felt to be dishonorable and disgraceful. For Christians concerned primarily with religious truth and religious values, the core of the French dictum is *une foi*, not *un roi*. In many cases, they were willing to accept division of the political realm and even expulsion from it.

Down through the centuries, Christianity has been fruitful in generating sectarian bodies, groups of believers who were able to fashion stable and continuing communities that had their own distinctive conceptions of religious authority. They gave up the aspiration to have *une loi* and *un roi*, that is, a political regime corresponding to their articulation of faith. The existence of such sectarian churches or denominations, which have been especially numerous and important in the English-speaking world—a fact that Voltaire noted in his famous description of England as a land of one sauce and sixty sects[30]—is a rejection and a diminution of the religious authority of a highly institutionalized church, whether that be Catholic, Anglican, Lutheran, or Reformed. But it is often at the same time an affirmation of the religious authority of personal conscience, of charismatic leadership, and of dedicated witness. For those who live and have been formed

within them, such bodies come closer in ethos to the primitive church described in the New Testament and also to the heroic founding phases of Catholic religious orders, which often moved beyond the scope of the hierarchy to meet emerging religious problems and needs. After the Reformation, the West became the territory of many churches and religious bodies as well as of many kingdoms. The proponents of the unitary paradigm, especially those for whom the consolidation of political authority in a unitary state was of primary importance, were generally unwilling to accept the socially divisive implications of this development. Many European states took repressive measures against sectarian religious movements, even when these were apolitical and had renounced any prospect of shaping the larger society. In this they were joined and supported by established or dominant churches, which were willing to exercise their religious authority in ways that restricted the religious freedom of dissident or sectarian groups and that were also ready to turn to the state for the protection of their privileged position in a social order that was becoming increasingly less enclosed and less stable.

This was a stance that was highly vulnerable to moral criticism, because it left these churches, of which the Catholic Church was the largest and most visible, in the position of demanding freedom for themselves as a matter of religious right and denying it to other religious groups. This meant calling on the state to make a determination of what constituted religious truth and a determination of where this was to be found. Seeking such determinations would lead both to an effective concession of religious authority by the church to the state (which happened more obviously in Protestant regimes than Catholic) and to a diminution of religious freedom for all. Insisting on religious unity in a strong form in which all would believe and practice their faith in the same way would require state assistance and state enforcement, even against the authority of conscience, and would put the dominant church on the side of persecution rather than toleration, in effect on the side of the Romans and the lions against the Christians. The expulsion of the Huguenots from France that followed the revocation of the Edict of Nantes by Louis XIV in 1685 was the most widely criticized example of this sort of imposed religious uniformity. This was a situation that was unacceptable for moral and religious reasons both to the sects that descended from the Protestant Reformation and to the liberal intellectuals and philosophers who wanted to free both the state and themselves from religious authority. In the United States, both these groups helped to shape the constitutional framework that both separated church and state and protected the free exercise of religion and that has left us with comparatively high levels of religious observance and of interreligious civility.

What conclusions can be drawn from this compressed meditation on the ways in which the Western Christian world struggled with issues of religious and political freedom during the long period in which the Christian Church, and later

Christian churches, were dominant social institutions? First, we need to acknowledge the power and the appeal of the unitary paradigm proposed by the dictum *Une foi, une loi, un roi*. However archaic it may now seem, and however uncomfortable it may make us, it has been very important and influential, both as a reality being constructed and as a goal being desired and hoped for. Contemporary Christians who ignore this aspect of our history, and the ways in which it influences the relations of Christian churches with other religious bodies, run the risk of self-deception. The replacement of the unitary paradigm in its Christian form with the pluralistic paradigm found in Western liberal societies was the result of long historical struggle; it is more than the application of obvious principles.

Second, the Christian version of the unitary paradigm is marked by an internal division between religious and political authority. Religious authority in the West in both its external and internal forms has shown vitality and persistence in the face of political authority.

Third, the Western forms of religious authority have had mixed consequences for religious freedom. Especially in the period reviewed here, Catholicism was, on the one hand, quite willing to restrict religious freedom, to persecute deviant or heretical Christians, to subordinate religious freedom (understood as a universal human right exercised by individuals) to both religious and political authority. On the other hand, its insistence on its own freedom as a religious body meant that it was also contributing to the creation of political and social spaces that were not fully under the control of the state and that would eventually allow greater religious freedom for both communities and individuals.

Fourth, once societies accept that there is no possibility of restoring religious uniformity, either by persuasion or by force, the task of forming one law becomes even more urgent. This problem can be dealt with in several different ways: by subordinating and marginalizing the dissident religious groups; by privileging the wider range of normative possibilities for freedom and dissent that were countenanced in Protestantism while denying inclusion to more disparaged groups such as Catholics, Jews, and Muslims; by emphasizing the decisive importance of constitutional procedures and compacts; and by turning to the philosophical ancestors of what John Rawls discusses as "public reason." Varying mixtures of these strategies were employed in the "northern countries" (the Netherlands, Great Britain, the United States). The last two of these strategies are still of great practical and theoretical importance; the first two have fallen before moral, political, and legal demands for equality, liberty, and impartiality.

Fifth, in a world where religious authority will continue to speak vigorously but with many voices, political authority needs to be restrained within the bounds of justice, both by being divided and controlled in a constitutional regime and by religious authority's using persuasive but not coercive means of educating both

those who obey it within the religious community and those who hear it from outside in the public square. In these circumstances, religious authority needs to become and to remain the friend of religious freedom.

Sixth, after the long embrace of religion, specifically Christianity, by political authority in the West, the end of Christendom and its aftermath of religious division and pluralism produces a situation in which the relationship of the Christian churches to political authority is distant, while the contemporary churches' similarity to the early church may be more pronounced. On the political side, Europe is increasingly one body of law, even though Charlemagne would hardly recognize either the forms of government or the diversity of faiths that are to be found there now. But here we begin to encroach on current events and our time, with its problems and opportunities rooted in a long tradition of searching for unity and living fruitfully in a cherished plurality.

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