

Insights: Publications

Chapter 3: The Politics of Sovereignty: The Early Modern Origins of Freedom of Religion

Law, Religion, and Freedom

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Tracing the origins of religious freedom in the Western world usually leads to the Edict of Milan, the 'birth certificate for religious freedom'² signed in a.d. 313 by two Roman emperors – Constantine, who controlled the Western part of the Roman Empire, and his brother-in-law Licinius, who, by defeating the Emperor Maximian, had recently come to control the provinces of the Eastern Empire. English Catholics asserted that the crown could only pass to a Catholic, as they were the only legitimate rulers of England, while certain radical Scots argued that popular sovereignty should be exercised to elect the monarch. Perhaps the only unifying themes of these thinkers were their support for Parliament's claims to sovereignty and advocacy for religious liberty. The unity of 'Crown and Altar' was the rule, and advocates for religious liberty were seen as radicals, rebels, traitors, and heretics.