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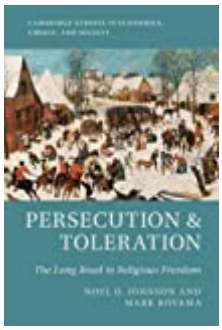

Noel D. Johnson, Mark Koyama. *Persecution and Toleration: The Long Road to Religious Freedom.* Cambridge: Cambridge University Press, 2019. 368 pp. $29.99, paper, ISBN 978-1-108-44116-2.

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A recent spate of religious violence around the globe—physical harassment, state-sponsored persecution, and arson and mass murder in churches, mosques, temples, and synagogues—has shined a bright light on the fragility of religious toleration. The principle of toleration, which many societies proudly claim as their legal and philosophical heritage, seems less and less certain as the rule of law has failed to dampen sparks of religious hatred. Many citizens and leaders alike had assumed toleration to be a cornerstone of enlightened government and a self-evident truth of the modern age, but recently it has appeared to be anything but.

Perhaps religious toleration was never inevitable. It was never a birthright or a natural extension of expanding liberty, but rather a necessary and intentional component of a new kind of state—specifically the modern liberal state, which seeks to protect civil liberties through the rule of law and a free-market economy. Part of the apparatus of modern liberalism, religious toleration emerged as a tool that rulers could use to legitimize their own power, establish uniform governance over their people, and form new relationships with religious institutions that would support equitable treatment of minorities. So claim Noel D. Johnson and Mark Koyama in their provocative and deftly argued book, ***Persecution and Toleration: The Long Road to Religious Freedom***. Johnson and Koyama, who ask how the concept of religious liberty emerged, argue that toleration became an essential feature of the rule of law, which in turn was a fundamental condition of the modern liberal state.

Johnson and Koyama integrate the methodologies of economics and sociology in a historical study that stretches from the medieval era to the twentieth century. They base their argument on the concept of state capacity: the state's ability to levy and collect taxes and enforce the uniform rule of law. According to this idea, the process by which a state adopts modern liberalism depends on the expansion of state capacity, which in turn triggers two key transformations. The first is a shift from identity rules to general or contract

rules. Under the former, members of a society are compelled to follow different rules depending on their group status and relationship to the ruling elite; under the latter, the governed and the government share a standard set of expectations and laws. Although a society living under identity rules does not necessarily carry out persecution against religious minorities, different groups within that society are subject to different laws, so the law itself (often capriciously and unpredictably) treats people unequally. This absence of uniform law makes it possible for the state or favored groups of citizens to marginalize or persecute minority groups, thereby preventing them from full participation in civil society. On the other hand, a society observing contract rules prizes equality before the law, treating individuals not as members of groups or categories but as citizens of the state. The difference, Johnson and Koyama write, comes down to the difference between "rule by law [and] rule of law": the difference between leaders who may or may not be bound by the consent of the governed, who may in turn implement either particular or general rules (p. 11).

The evolution from identity rules to contract rules made possible a second major transition that extended state capacity and pertained more specifically to the right of conscience: the shift from a conditional toleration equilibrium to a more unconditional equilibrium grounded in religious liberty (p. 47). Under a conditional toleration equilibrium, the extent of (often grudging) toleration depended on how well it served the state's interests. The state might leave minority groups to themselves to practice their faiths, but individuals within those groups would also be blocked from economic or civil activity, and more violent persecution campaigns could erupt due to the system's volatile nature. But the authors point out that "conditional toleration was incompatible with the goals of a liberal society" that prized individual freedom, including religious freedom, over rules that enforced group identity (p. 10). Laws that treat citizens as individuals rather than as members of groups, in theory, diminish barriers between groups and allow for individual autonomy in matters of religion as well as the economy. To achieve the general equilibrium of the modern liberal state, governments must become more active and energetic in protecting their legitimacy both through expanded fiscal capacity (in the form of a consistent tax system) and through administrative capacity (in the form of a consistent set of laws generally applied). And therein lies the link between religious freedom, taxation, and the modern state: with stronger states came stable economies and stronger protections for citizens.

Johnson and Koyama structure their argument by showing how states might follow a path from identity rules and a conditional toleration equilibrium to contract rules and an unconditional equilibrium. They begin by exploring how minorities like Jews became persecuted and marginalized in the first place. In premodern states, religious identity rules helped leaders secure power by governing behavior and enforcing religious conformity. There is a sliding scale of sorts between religious and secular legitimacy; weaker governments rely more heavily on religious authority to control their population and demonize outsiders, whereas stronger states have less need for the security that comes with enforced religious legitimacy. Medieval states, which tended to be unstable and weak, supplemented their power by joining forces with churches to corral the population into conformity and marginalize dissenters. Doing so did not necessarily require constant campaigns of violence against outsiders like Jews; often, such groups occupied a liminal existence in which they lived in the state but were not of it. In other words, they were subject to different rules in both their religious and secular lives. Under these circumstances, they might—as groups—be left unto themselves in mattes of worship and determining the rules of community life.

But as Johnson and Koyama point out, the absence of persecution was not the presence of free-

dom. Medieval European Jews might have had the flexibility to govern themselves by their own religious mores, but they were often subject to higher taxes and occupied a separate legal status that blocked them from typical paths to higher economic and political participation in society. And outbreaks of violence could still happen at any time. Furthermore, under identity rules and a conditional toleration equilibrium, not all outsiders were marginalized in the same way. Different rules governed the treatment of Jews and Christian heretics, for example, as the latter threatened the legitimacy of Christian rulers in ways the former did not. Heresy, unlike Judaism, was a capital offense. But antisemitism nonetheless took hold in medieval Europe. Beset by economic and political volatility, governments used usury laws and similar prohibitions to marginalize Jews and exploit them for tax revenue, which thereby fed antisemitic rumors and conspiracy theories about Jews' habits and alleged vices. Proliferating antisemitism in turn opened the door for expulsion and more systematic violence, leaving Jews in an increasingly precarious position.

The conditional toleration equilibrium, although it did not automatically result in religious persecution, nonetheless made for an unstable existence. Any sort of crisis—economic, political, or environmental—might unleash a wave of persecution as a state struggled to seize power and legitimize itself. Climatic shocks or plagues had the potential to devastate agriculture and destabilize economies, leading the rulers to target marginalized groups to bolster their own power. Two examples that Johnson and Koyama cite are the Great Famine (1315-21) and the Black Death (1347-52), both of which decimated the European population. The authors use statistics from tree ring data and other scientific records to document temperature shocks, when a region's average temperature dipped significantly below the norm. These numbers link climate to spikes in religious violence and persecution, particularly in states with weaker capacity, where rulers might feel compelled to channel popular unrest into violent backlash against minorities. Plagues like the Black Death led to similar societal shocks, resulting in economic collapse, social upheaval, and scapegoating of already marginalized religious communities. Crises like these laid bare the problems of weak or fragmented political authority and the limitations of the conditional toleration equilibrium.

As the early modern era gave rise to the liberal state, the most stable governments extended their fiscal capacity as they found their political bearings. It was that process, Johnson and Koyama argue, that employed religious toleration as a tool of state-building. The long and uneven Protestant Reformation appears at first glance to have been an extension of identity rules and the conditional toleration equilibrium. The sixteenth and seventeenth centuries featured religious violence, efforts to stamp out heresy, and a push for religious conformity. This was true in emerging Protestant nations as well as Catholic states that used inquisitions to stamp out dissent and shore up political control. But this period also gave way to permanent religious pluralism that coincided with fiscal and political reforms that increased state capacity. Despite the extent of violence and religious persecution during the Reformation's immediate aftermath, Johnson and Koyama argue, we can understand this period as a transition to a new relationship between church and state: one that supported contract rules and a more general toleration equilibrium. As nations became stronger, national identity replaced particular or group identity, and general system of laws increasingly treated individuals as citizens rather than as members of groups.

This transition was long and fraught with difficulty. In France, the imperfect Edict of Nantes triggered backlash and was ultimately revoked. Seventeenth-century England witnessed a protracted civil war between religious factions. The persecution of witchcraft in France, Germany, and

Scotland suggested that the general contract rules that had begun to form on the national level had yet to take hold in localities where identity rules still held sway. But the trend toward toleration was clear as a component of the rise of the modern state. By the end of the seventeenth century, England had transformed into a new kind of nation, with expanded state capacity under the new constitution following the Glorious Revolution, expanded fiscal capacity as England actively participated in the Atlantic economy and implemented a more modern system of taxation, and expanded religious freedom (for non-Catholics) in the wake of the Toleration Act of 1689. Increasingly, states emancipated Jews as they decided that the Jewish communities' full participation in growing economies enhanced governments' power more than marginalizing them did. By tracing correlations between Jewish emancipation and urban economic development, Johnson and Koyama establish a clear relationship between access to markets and the expansion of rights of minority groups. In doing so, they diminish other factors that led to emancipation, like Enlightenment philosophy; in their telling, the Enlightenment followed toleration rather than contributing to it. But the economic models they provide make a strong case that increased fiscal capacity played an important, if not an exclusive, role.

Johnson and Koyama's model works well to explain the rise of religious toleration in Europe, but it frays somewhat when applied to other areas of the world. The authors readily admit that some cultures have not met the conditions by which identity rules give way to contract rules and a conditional toleration equilibrium is replaced by a more uniform religious liberty. Even though Islamic law in the early modern world conferred more toleration to religious minorities than Christendom did, Johnson and Koyama maintain that not only did Islamic law preserve identity rules, but it also impeded the kind of economic growth and opportunity that Western states enjoyed due to its governance of inheritance and wealth management (p. 266). Therefore, we can explain the limitations of religious liberty in modern Islamic states today in terms of the persistence of identity rules in these societies. In China and Japan, identity rules also persisted, and the progress of religious toleration was halting and inconsistent. These exceptions suggest that the model Johnson and Koyama lay out applies mainly to the Western world, with its distinctive history of state-building.

But a brief section on the United States calls the model a bit more into question. Johnson and Koyama suggest, as others have, that the main engines behind the rise of American religious liberty were rising pluralism and economic growth in the nascent capitalist system. And they note correctly that the American mythology of religious liberty belies a more complex reality in which the lauded wall between church and state was built as much to protect churches as it was to protect individuals. But Johnson and Koyama suggest that lingering religious conflicts in the United States resolved themselves a little too neatly, omitting (or making light of) continued religious violence against Mormons, Catholics, and indigenous peoples, much of which was sponsored, or at least condoned, by the state. That persistent legacy of violence points to identity rules that endured in the United States far longer than Johnson and Koyama acknowledge, despite a political and economic system that seems to embody the contract rules of the modern liberal state.

Indeed, the cultural hegemony of modern liberalism took a turn in the twentieth century, as a more exclusionary ethnic or religious nationalism replaced civic nationalism in many Western states. In a brief section on the Holocaust, the authors argue that because Jews were excluded from citizenship under Nazi Germany, the rule of law no longer applied to them, and they existed outside the general toleration equilibrium that a modern nation should have fostered. They also note that most Jews who were murdered by Germany

were not German Jews but rather from places where governments had collapsed, which would seem to suggest that the Holocaust resulted at least in part from the deterioration of the modern state rather than from Germany's expanded state capacity. Fascist Germany foreshadowed developments that later took hold in the post-Cold War era, in which decidedly illiberal states like Hungary have seized upon the kind of nationalism that allows and even encourages persecution and appears to drift back to identity rules as they marginalize minorities in bids to retain power.

The grim reality of resurgent ethno-religious nationalism, however, does not weaken the book's underlying argument but rather underscores one of its central points: that religious toleration is neither inevitable nor secure in the modern world. Rather, it is compatible with modern liberal state-building and serves the governments that choose to embrace it. Accordingly, as some nations retreat from liberalism, the religious toleration that many citizens took as a given could very well go the way of democracy.