

# Persecution and Martyrdom: Global Debates and Christian Responses

M. CHRISTIAN GREEN

## Abstract

The article examines religious persecution, in the United States and abroad, through the lens of an extreme result of persecution: martyrdom. It examines maximal and minimal definitions of martyrdom and recent claims and instances of martyrdom, both in United States law and political culture and against Christian and other religious groups around the world. The article concludes with some principles from which to discern an ethic of martyrdom and claims of martyrdom, recommending especially attention to the role of the martyr as witness.

## Keywords

*Religious persecution, martyrdom, law and religion, human rights, religious freedom, ethics, witness*

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## I. Introduction: Persecution and Martyrdom

**A**ttention to martyrdom has proliferated in recent years. A topic that sprang into public discussion with the putative martyrdom of the perpetrators of the terrorist attacks of September 11, 2001, nearly two decades ago, has since been invoked in discussions of religious persecution and religious

freedom, both domestically in the United States and globally. Over the last decade or so, research and advocacy organizations, such as the Pew Research Center, Open Doors, and others have documented rising religious restrictions and religious persecution around the world.<sup>1</sup> Christianity and Islam, the world's two largest religions, both of which have strong traditions of proselytizing to spread their faith in ways that can lead to opposition and even attack, suffer the most from these phenomena.<sup>2</sup> But religious persecution and even incidents or martyrdom also affect Buddhists, Hindus, and followers of indigenous religions and other religions around the world. Recent years have also seen rising rates of anti-Semitism across the globe.<sup>3</sup> Often, religious persecution comes at the hands of the state through government restrictions on religion, but some of the worst and most pernicious forms of persecution can come from social hostilities around religion, including hostilities between and among religions, as well as intra-religious persecution.<sup>4</sup>

Religious persecution and martyrdom may seem to be rather different topics. Not all religious persecution leads to death, and there are plenty of ways to resist religious persecution without going as far as martyrdom. Discussion of religious persecution can put the focus on both the perpetrators of persecution and its victims, whereas the invocation of martyrdom puts the focus on the subjective beliefs and experiences of victims, as well as the identity of the religious groups that surround them. Against Anglican theologian William Bramley-Moore, who claimed, "The history of martyrdom *is*, in fact, the history of Christianity itself," Christian martyrdom scholar Paul Middleton has maintained that while the assertion "cannot be

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<sup>1</sup> See Pew Forum on Religion and Public Life, *Global Restrictions on Religion* (Washington, DC: Pew Research Center, December 17, 2009); Pew Forum on Religion and Public Life, *Rising Restrictions on Religion* (Washington, DC: Pew Research Center, September 20, 2012); Pew Research Center, *Religious Hostilities Reach Six-Year High* (Washington, DC: Pew Research Center, 2014); Pew Research Center, *Global Uptick in Restrictions on Religion in 2016* (Washington, DC: Pew Research Center, 2018); Open Doors, *2020 World Watch List*, <https://www.opendoorsusa.org/2020-world-watch-list-report/>.

<sup>2</sup> For more on the rights and risks associated with religious proselytism, see John Witte Jr. and Richard C. Martin, eds., *Sharing the Book: Religious Perspectives on the Rights and Wrongs of Proselytism* (Maryknoll, NY: Orbis Books, 1999).

<sup>3</sup> See, e.g., the recent report of UN Special Rapporteur Ahmed Shaheed. United Nations General Assembly, Report of the Special Rapporteur on Freedom of Religion or Belief, U.N. Doc A/74538, September 20, 2019.

<sup>4</sup> The need to take into account both government restrictions on religion and those that are a by-product of social hostilities around religion has been a consistent theme of the Pew research for over a decade, including its most recent report. See Pew Research Center, *A Closer Look at How Religious Restrictions Have Risen Around the World* (Washington, DC: Pew Research Center, July 15, 2019).

accepted in the straightforward terms in which he understood his statement,” Bramley-Moore was “not incorrect that martyrdom, or rather, the presentation of martyrdom, has played a significant role in developing Christian self-understanding throughout history.”<sup>5</sup> The better argument, Middleton suggests, lies with recent scholars who have “pointed to the way in which martyrdom creates Christian identity.”<sup>6</sup>

The point of the present essay is to examine what we can learn about religious persecution and religious freedom from examining the concept of martyrdom as a sort of extreme form of or response to persecution in order to articulate an ethical understanding of claims of martyrdom, religious persecution, and religious freedom more generally. The argument proceeds in several parts. First, I begin by examining what might be called “maximalist” and “minimalist” definitions of martyrdom that have been the focus of discussion in recent martyrdom literature. Second, I examine what these debates over martyrdom have to say about the outer limits of religious persecution and religious freedom, both globally and in the United States. Finally, I conclude with some reflections on the ethics of invocations of religious persecution and martyrdom, particularly for Christians.

## II. *Questioning Martyrdom: Maximal and Minimal Definitions*

Roman Catholic journalist and Vatican analyst John Allen Jr. published a book several years back, *The Global War on Christians*, that was widely discussed in religious freedom advocacy circles.<sup>7</sup> Therein, Allen articulates an extraordinarily broad definition of modern martyrdom that takes into account not only the motivations of the persecutors but also the faith of the victims. Allen notes from the start of his analysis, “Classically, the church has only recognized martyrs if they were killed *in odium fidei*, meaning ‘in [explicit] hatred of the faith.’”<sup>8</sup> These are the classic “martyrs for the faith.” But he argues strongly that this is not the complete picture, instead recommending a focus not just on the victim’s faith and the perpetrator’s knowledge of or hostility toward it but on what the faith of believers inspires them to do and how this can put them in dangerous situations in which death and martyrdom are more likely to occur:

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<sup>5</sup> Paul Middleton, introduction to *The Wiley Blackwell Companion to Christian Martyrdom*, ed. Paul Middleton (Hoboken, NJ: Wiley & Sons, 2020), 4.

<sup>6</sup> *Ibid.*, 4.

<sup>7</sup> John L. Allen Jr., *The Global War on Christians: Dispatches from the Front Lines of Christian Persecution* (New York: Image, 2013).

<sup>8</sup> *Ibid.*, 13.

The mere fact that Christians are harmed someplace does not *ipso facto* mean they were harmed because they are Christian. It's equally fallacious both to dismiss religion as a causal factor and to privilege it over others. At the same time, a one-sided focus on the motives of the perpetrators of violence can also produce a badly skewed picture.<sup>9</sup>

In this view, that the perpetrator of violence does not know the victim's faith should not detract from the spiritual value of the victim's willingness to risk danger in certain situations for reasons of faith.

The definition of martyrdom expands even further when Allen examines connections between martyrdom and other forms of religious persecution. Here, Allen argues,

Because Christians today are distributed across the planet, because they are disproportionately women and nonwhite, because they often belong to other at-risk groups (such as ethnic and linguistic minorities), and because they're often found in the forefront of efforts for political and economic liberalization, the way a society treats its Christians is a fairly reliable test of its overall approach to the protections of minorities and the rule of law. To ignore threats against Christians because they're not explicitly religious is therefore, to miss the forest for the trees.<sup>10</sup>

Thus, he proposes, "It's not enough to consider what was in the mind of the person pulling the trigger—we also have to ponder what was in the heart of the believer getting shot."<sup>11</sup>

Against this expanded definition of martyrdom, Allen admits that some of the Christian organizations that catalogue Christian persecution around the world have been challenged for propagating "an overly elastic conception of 'martyrdom,' which in turn results in an inflated body count."<sup>12</sup> At the same time, he suggests that leading secular research organizations, such as the Pew Research Center, have been less than helpful in generating potentially better data because their purely quantitative and descriptive approach does not take into account the qualitative and normative dimensions of issues like martyrdom for people of faith. Here, Allen quotes political scientist and religious freedom researcher Allen Hertzke's observation that "because the term 'martyr' is, at least in part, theological, an organization like the Pew Forum would never touch it."<sup>13</sup> By contrast, Allen argues that the "Status of Global Mission" report produced by the Center for the Study

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<sup>9</sup> Ibid.

<sup>10</sup> Ibid., 14.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid., 43.

<sup>13</sup> Ibid., 44.

of Global Christianity at Gordon-Conwell Theological Seminary,<sup>14</sup> while controversial for their assertion that there are a hundred thousand Christian martyrs per year, is “consistent with recent trends in Christian theology in thinking about martyrdom, toward emphasizing not only deaths as a result of hatred of the faith but also those that result from hatred of the virtues and the works of charity inspired by the Christian faith.”<sup>15</sup> This concern for the victim’s subjective faith prompts Allen, in relaying stories of attacks on Christians, particularly Christian missionaries and relief workers around the world, that while the “motives of the attackers” may not have been religious or against the particular religious beliefs of the victim, the victims’ “reasons for exposing” themselves to the risk are religious in nature in a way that makes the case for martyrdom.<sup>16</sup> Allen describes this class of martyrs, who die in service to the church through missionary activities, relief programs, and other good works, as of “martyrs of charity.”<sup>17</sup>

Given the tendency of these “martyrs of charity” to conflict with prevailing state and societal norms, they have often been political martyrs as well:

In earlier eras, Christians were put to death for specifically religious reasons, such as refusal to sacrifice to pagan gods. That still happens occasionally, but today’s martyrs more often find themselves persecuted for other reasons, often related to social and political positions taken on the basis of their reading of the Gospel.<sup>18</sup>

The list of positions or causes can include “religious freedom, unity among the Christian churches, friendship among world religions and the transforming power of forgiveness in politics,” and “opposition to war, solidarity with the poor, and the robust defense of a ‘culture of life.’”<sup>19</sup> In this way, Allen’s expanded definition of martyrdom includes not only faith and works but also political activism.

Thus, in Allen’s assessment, Christians, by the nature of their faith, actions, and politics, may find themselves in harm’s way and occasions of martyrdom, even if their killers do not know the faith of their victims or kill them because of it. These martyrs may be killed for pursuing a range of charitable activities and political objectives that are motivated by their faith, but which otherwise may not always be that distinguishable from the actions, politics, and

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<sup>14</sup> See the “Status of Global Christianity Report 2020,” <https://www.gordonconwell.edu/center-for-global-christianity/resources/status-of-global-christianity/>.

<sup>15</sup> Allen, *The Global War on Christians*, 45.

<sup>16</sup> *Ibid.*, 50.

<sup>17</sup> *Ibid.*, 182.

<sup>18</sup> *Ibid.*, 182–83.

<sup>19</sup> *Ibid.*, 183 (quoting Daniel Philpott, “Modern Martyrs,” *America* [November 12, 2012]: 13–14).

even mundane commercial pursuits of individuals and entities that are secular in nature and motivation.

Can martyrdom really be construed as broadly as Allen and some religious freedom advocates claim? Should the subjective sense of the religious identity of believers really be the only or main criterion for martyrdom, or does it require something closer to the *in odium fidei* standard that would require more objective and explicit criteria? Can this standard be expanded further to include persecutions that do not result in death? Does such a broad standard, especially where the martyr does not die but suffers some other form of discrimination or disadvantage, unacceptably equate lesser forms of suffering and persecution with death? And do such broader claims of religious persecution as “martyrdom,” particularly in the political context, hyperbolize from claims of “conscience,” “liberty,” and “freedom”? Examination of recent scholarship on the history of Christian martyrdom can help shed light on these questions.

Allen’s reflections on martyrdom in the context of global persecution of Christians can be viewed against the backdrop of the long history of martyrdom in the Christian tradition. Recently, early Christianity scholars, such as Candida Moss in her book, *The Myth of Persecution*, have raised questions about that tradition’s historicity and meaning. Moss begins her analysis of martyrdom by contrasting old and new understandings of the phenomenon, lifting out several important themes along the way. The first of these is a disturbing connection between martyrdom and militarization. She describes a particular way in which martyrdom ends up being projected across and experienced by the wider faith community in a way that can heighten the sense of persecution. Of the broader perceptions regarding an attack on Coptic Christian woman in Egypt, for example, she writes,

No longer was the attack simply an act of horrifying violence perpetrated by a terrorist group. Nor was it the unfortunate result of local religious, political, and social tensions. It became a direct and outright attack on Christianity as a whole. Rather than “turning the other cheek,” the Christian community was militarized.<sup>20</sup>

The events in Egypt came to be symbolic of a “larger struggle between Christianity and the world” and “a rallying point for Christian identity.”<sup>21</sup> In such cases, far from producing a posture of victimhood, persecution becomes a source of empowerment, fueling retributive retaliation in a

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<sup>20</sup> Candida Moss, *The Myth of Persecution: How Early Christians Invented a Story of Martyrdom* (New York: HarperOne, 2013), 2–3.

<sup>21</sup> *Ibid.*, 3.

way that seems to be “sanctioned by God” as an act of “divinely approved self-defense.”<sup>22</sup>

Related to this theme of militarization and power is a second theme of martyrdom as a purposeful action. Here, Moss notes a consensus among Gospel writers that Jesus was unjustly sentenced to death: “This sense of injustice sits unexpectedly comfortably with the idea that Jesus’s death was purposeful. He died for our sins, after all. Yet even though Jesus gave up his life for humanity, no one reading the Gospels would come away with the impression that he deserved it.”<sup>23</sup> By Moss’s account this sense of innocence-and-injustice martyrdom became even canonical in the tradition in a way that could end up legitimizing, even recommending, a certain amount of suffering for faith. On this point, she observes of the early Christian community, “The majority started to see the suffering of the innocent as a good thing. ... The death of Jesus and the promise of the resurrection became a model for Christians. In times of persecution, the answer to the question, ‘What would Jesus do?’ is that Jesus would die.”<sup>24</sup>

Turning her attention to modern claims of martyrdom, Moss draws out a third and distinctly contemporary political theme of what might be called the “martyrdom of the powerful,” in which claims of martyrdom are used to protect against differences of opinion perceived as threatening by or to those in power:

It is not only the suffering and oppressed who think of themselves as persecuted. Martyrdom is easily adapted by the powerful as a way of casting themselves as victims and justifying their polemical and vitriolic attacks on others. When disagreement is viewed as persecution, then these innocent sufferers must fight—rhetorically and literally—to defend themselves. In this polarized view of the world, disagreement and conflict—even entirely nonviolent conflict—is not just a difference of opinion; it is religious persecution. The source of persecution is often explicitly demonized, labeled “evil,” or cast as warfare.<sup>25</sup>

This self-conception of Christians as innocent sufferers of persecution—not just by those who want to kill them, but even those who simply disagree with them—becomes particularly potent, Moss notes, when it gets melded with the “now standard Christian idea that the church has always been persecuted.”<sup>26</sup> Indeed, for some Christian conservatives in the United States,

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<sup>22</sup> Ibid.

<sup>23</sup> Ibid., 5.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid., 9.

<sup>26</sup> Ibid., 10.

Moss argues, “being an American Christian means being persecuted by others.”<sup>27</sup>

As a historian, Moss is interested in the linkage between early and contemporary Christian invocations of martyrdom that is of most interest to her:

Even though Jesus predicted the suffering of his followers, it is the belief that Jesus’s statements were proven in the persecution of the early church that gives force to the idea that Christians are always persecuted. It is this idea, the idea that Christians are *always* persecuted, that authenticates modern Christian appropriations of martyrdom. It provides the interpretive lens through which to view all kinds of Christian experiences in the world as a struggle between “us” and “them.”<sup>28</sup>

A problem with this view, from Moss’s perspective, aside from its potential to sow the seeds of discord and division, is that it is based on stories that are largely apocryphal according to modern scholarship. Indeed, she states squarely that there is “very little evidence for the persecution of Christians” and that “there are no stories about the deaths of martyrs that have not been purposefully recast by later generations of Christians in order to further their own theological agendas.”<sup>29</sup> By this account, martyrdom accounts may reflect not only political agendas but also theological ones.

This linkage between politics and theology leads Moss to identify a fourth theme in Christian martyrdom discourses, namely, that there is “something special about the character and nature of Christian martyrs.”<sup>30</sup> She observes that many Christians argue that “Christian martyrs are in some way different or special ... somehow intrinsically better thought of ... as peaceful, passive, kind, and humble.”<sup>31</sup> In fact, the evidence is that some martyrs were aggressive—even suicidal—in their willingness to die. This tendency was, moreover, found in Greek, Roman, and Jewish cultures of the period.

Moss’s view of martyrdom has been described as “minimalist,”<sup>32</sup> particularly for its refutation of the historical accuracy of martyrdom. In this sense, it contrasts with Allen’s more “maximalist” view. However, Moss’s account, while skeptical, does not wholly negate the value and significance of martyrdom as narrative. Indeed, judging from the history, she argues,

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<sup>27</sup> Ibid., 11.

<sup>28</sup> Ibid., 14.

<sup>29</sup> Ibid., 16–17.

<sup>30</sup> Ibid., 17. Daniel Philpott does provide the statistic that Christians constitute 80% of those who are persecuted for their religion worldwide. Philpott, “Modern Martyrs,” 14.

<sup>31</sup> Moss, *The Myth of Persecution*, 18.

<sup>32</sup> Middleton characterizes Moss’s account as on one of the “most provocatively” put accounts of early Christian persecution. Middleton, introduction, 3.



The reason these Christians invented martyrdom stories and saw their history as a history of persecution is because then, as now, martyrdom was a powerful tool. ... Martyrdom mattered to people, and the love people felt for the martyrs led to pious exaggeration and well-intentioned forgery.<sup>33</sup>

The problem is how the martyrdom becomes an ethical and political choice that can end up increasing conflict between Christians and others in their communities.

Of this ethical and political dimension of martyrdom, Moss writes,

The recognition that the idea of the Christian martyr is based in legend and rhetoric, rather than in history and truth, reveals that many Christians have been and remain committed to conflict and opposition in their interactions with others, but they don't have to be. Christians can choose to embrace the virtues that martyrs embody without embracing the false history of persecution that has grown up around them.<sup>34</sup>

The choice by the church or individual Christians or Christian groups to embrace martyrdom narratives is neither neutral nor uniquely spiritual and theological. It has social and political implications in the world. Thus, Moss argues,

The view that the history of Christianity is a history of unrelenting persecution persists in modern religious and political debate about what it means to be Christian. It creates a world in which Christians are under attack; it endorses political warfare rather than encouraging political discourse; and it legitimizes seeing those who disagree with us as our enemies. It is precisely because the myth of persecution continues to be so influential that it is imperative that we get the history right.<sup>35</sup>

Her account thus casts doubt on the idea that the “history of martyrdom is the history of Christianity,” while also prompting us to ask what it means that Christians have invested so heavily in the concepts of martyrdom. This is where some contemporary problems of global religious persecution and religious freedom come into play.

### **III. *Religious Persecution and Religious Freedom***

When I originally began to examine the topic of martyrdom in 2015, martyrdom discourses were at a peak in the media and both popular and academic theology, particularly in response to the persecution of Christians by the

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<sup>33</sup> Moss, *The Myth of Persecution*, 19.

<sup>34</sup> *Ibid.*, 20.

<sup>35</sup> *Ibid.*, 21.

ISIS terrorist organization. Orthodox Christian writer Rod Dreher introduced an essay on the persecution of Christians in American culture with the observation, “The mass martyrdom last week of the 21 Egyptian Copts at the hands of ISIS is a sobering reminder of what real persecution looks like.”<sup>36</sup> By contrast, progressive Anabaptist theologian and blogger Benjamin Corey, viewing the same horrific scene, asked,

Can we stop complaining about this bogus idea that American Christians are persecuted now? ... The world needs us to turn from ourselves and focus on this real persecution, because it's evil and must be exposed and stopped. However, our own self-centeredness as Americans is getting in the way of the discussion on *real* anti-Christian persecution in the world today. In fact, I would go as far as to say that it is actually distracting, offensive, and insulting to those who face *real* persecution for their faith.<sup>37</sup>

In the same week that Dreher and Corey were debating martyrdom in the context of United States Christianity, Canadian doctors were described as being subjected to “medical martyrdom” from a new law that required them to participate in or to facilitate by referral medical procedures, such as abortion or assisted suicide, that violated their religious beliefs or conscience.<sup>38</sup> The early part of 2015 was also the year after the United States Supreme Court’s decision in the case of *Burwell v. Hobby Lobby Stores* not to require a Christian business owner to comply with the contraceptive mandate and pay for employee contraceptive coverage under President Barack Obama’s Affordable Care Act, thereby raising questions about whether corporations could be martyrs.<sup>39</sup> It was just months before the Supreme Court’s decision in the summer of 2015 to legalize same-sex marriage in the case of *Obergefell*

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<sup>36</sup> Rod Dreher, “Lions and Christians in America,” *The American Conservative*, February 17, 2015.

<sup>37</sup> Benjamin L. Corey, “Please, American Christians: Can We Stop Complaining about Persecution Now?,” *patheos*, February 16, 2015, <https://www.patheos.com/blogs/formerly-fundie/please-american-christians-can-we-stop-complaining-about-persecution-now/>; for further analysis of Dreher and Corey on these points, see Eric C. Miller, “Are American Christians Persecuted?,” *Religion Dispatches*, February 20, 2015.

<sup>38</sup> Wesley J. Smith, “The Coming of Medical Martyrdom,” *First Things*, February 20, 2015; see also Sebastian Gomes, “When Death Is at the Doorstep: Martyrdom and Euthanasia in the Church,” *Salt + Light Media*, February 12, 2015; Wesley J. Smith, “The Clear and Present Danger of Medical Martyrdom,” *Legatus*, November 2, 2015.

<sup>39</sup> *Burwell v. Hobby Lobby Stores*, 573 U.S. 682 (2014). See also Karen Swallow Prior, “Hobby Lobby: The First Martyr under Obamacare?,” *Christianity Today*, January 2013; Ilya Shapiro, “Symposium: Mandates Make Martyrs out of Corporate Owners,” *SCOTUSblog*, February 24, 2014; Mark Cameron, “When Business Becomes a Martyr,” *The Arkansas Traveler*, February 20, 2013.

*v. Hodges*.<sup>40</sup> Kim Davis, the clerk of court in one Kentucky county, who refused to marry same-sex couples, came to be seen as a martyr by some Christian groups, even as other Christian groups and the wider culture challenge that characterization.<sup>41</sup> In 2015, perceptions of state coercion by some traditional and conservative religious professionals and purveyors of goods were increasingly prompting them to complain of threats to religious freedom that were being described as a new form of martyrdom.

At the same time, the atrocities against Christian groups around the world continued to draw attention. Indeed, 2015 was said to be a peak year for Christian persecution at the time.<sup>42</sup> At the same time, the rise of Hindu nationalism in India and Buddhist nationalism in Myanmar was also spawning atrocities against Muslim groups, particularly the Rohingya Muslims. In many cases, the implications and after-effects of the global religious persecution seen in 2015 continue to reverberate to this day. But even at the time, there were also growing concerns about interpreting these situations—the Christian-Muslim violence in the Central African Republic being one prominent example—in ways that were predominantly or exclusively about religion and religious persecution. There was a growing sense that such religious interpretations might themselves “religionize” conflicts that were actually about a range of factors besides religion, and that when these conflicts were “religionized,” fuel was added to the fire of conflagrations in a way that could be intractable and difficult to extinguish.<sup>43</sup>

One of the outgrowths of this concern about “religionizing” conflict has been a realization that religious persecution has a particular perniciousness when its victims are minorities. The minority status may hinge on religion itself, but it may also involve the confluence or “intersectionality” of religion and other factors, such as nationality, ethnicity, language, and political or economic status. In recent years, there has been a realization that minority

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<sup>40</sup> *Obergefell v. Hodges*, 576 U.S. \_\_\_\_ (2015); see also Ted Scheinman, “Straight Christians and the New Language of Martyrdom,” *Pacific Standard Magazine*, July 1, 2015.

<sup>41</sup> See, e.g., Ekum Sohal, “Kim Davis Is No Martyr,” *Fordham Observer*, February 27, 2015; David Uberti, “The Media Has Made Kim Davis a Conservative Martyr, Missing the Bigger Picture,” *Columbia Journalism Review*, September 4, 2015; Ana Marie Cox, “Kim Davis Is Not a Christian Martyr: The County Court Clerk Deserves to Be in the Clink,” *The Daily Beast*, September 4, 2015; Douglas Boin, “Actually, Kim Davis Is a Martyr,” *Huffington Post*, September 8, 2015; Andrea Peyser, “Kim Davis Is a Martyr for Refusing to Issue Same-Sex Marriage Licenses,” *New York Post*, September 13, 2015. This is just a sampling of the many opinion and editorial pieces written about Kim Davis.

<sup>42</sup> William J. Cadigan, “Christian Persecution Reached Record High in 2015, Report Says,” *CNN*, January 17, 2016.

<sup>43</sup> See M. Christian Green, “What’s ‘Religious’ about the CAR Crisis?,” *Tony Blair Institute for Global Change*, September 8, 2014.

groups may be especially in need of protection in a process that protects them in ways that prescind from doctrinal and other differences to do with religion itself. However, there has also been a problem in various locales of what may be described as “majorities acting like minorities,” particularly in places like Sri Lanka, where Buddhism enjoys constitutional protection, and Malaysia, where Malay Muslims are a protected group under the constitution.<sup>44</sup> The “majority minority” problem is also seen in places like Russia and some other Eastern European and Near Eastern nations, where the Orthodox Christian Church enjoys legal and political protection.<sup>45</sup>

The “majority minority” problem has also figured into United States religious persecution discussions, of course, particularly in ongoing debates about same-sex marriage, particularly the “wedding cake” controversies, which have now encompassed florists, photographers, invitation printers, and other vendors of wedding-related goods and services.<sup>46</sup> In such cases, traditional and conservative Christians have claimed religious freedom and freedom of expression exemptions from laws that require nondiscrimination in the marketplace. Even more, these Christian objectors to same-sex marriage have claimed to suffer from a “stigma” placed on their objection, a stigma that they analogize to accusations of racism. In fact, in the recent United States Supreme Court decision in *Masterpiece Cakeshop v. Colorado Civil Rights Commission*,<sup>47</sup> the decision hinged not on the issue of same-sex marriage itself, but on the “animus” shown by two commissioners to the baker’s case against providing a cake to a same-sex couple.<sup>48</sup> Accusations of “stigma” and “animus” are, of course, serious charges, as they can lead to other forms of persecution. The question is how to balance legitimate claims of religious freedom against the principle of nondiscrimination against others.

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<sup>44</sup> See M. Christian Green and Monica Duffy Toft, “Freedom of Religion or Belief Across the Commonwealth: Hard Cases, Diverse Approaches,” *Review of Faith and International Affairs* 16.4 (2018): 19–33.

<sup>45</sup> For a good discussion of nationalism and Russian Orthodoxy, see Jocelyne Cesari and Kristina Stoeckl, “Lunch Series on Religion and Nationalism: Russia,” Berkley Center for Religion, Peace, and World Affairs, April 8, 2020, <https://www.youtube.com/watch?v=ZaIsZDThqzw>.

<sup>46</sup> For discussions of persecution and “martyrdom” in connection with the wedding vendor cases, see, e.g., “Don’t Make Martyrs of Bakers,” *The Register-Guard*, July 12, 2015; Vikki Reich, “Rise of the Modern Martyr: The Trouble with Explaining Kim Davis to My Kids,” *Star Tribune*, September 15, 2015; Ilya Shapiro, “Kim Davis Is No Martyr, but Barronelle Stutzman Is,” *SCOTUSblog*, September 8, 2015.

<sup>47</sup> *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, 138 S. Ct. 1719 (2018).

<sup>48</sup> Tom Gjelten, “Court Sees ‘Hostility’ to Religious Beliefs in Case of Baker and Same-Sex Couple,” *National Public Radio*, June 5, 2018.

#### **IV. Conclusion: Religious Freedom, Religious Persecution, and the Ethics of Martyrdom**

From the concerns about the global incidence of religious pluralism, the history of Christian martyrdom, and contemporary concerns about religious persecution in the United States and abroad, it is possible to extract some principles for considering the ethics of martyrdom in connection with religious persecution.

##### **1. Beyond Belief**

First of all, as Allen's account of global persecution of Christians suggests, we must take into account forms of persecution that encompass not only beliefs but even actions and political stances that may challenge and confront the surrounding society and culture. Religious freedom, particularly as understood in international human rights laws on the point, necessarily extends to the many ways in which religious belief actualizes itself in the world. However, when belief extends into action and politics, there is inevitably risk involved. As a noted New Testament theologian once said to me in responding to a question about how to understand and address martyrdom in relation to contemporary forms of religious persecution, "There will be martyrs."<sup>49</sup> In legal terms, the "strict liability" for persecutors who happen to visit affliction on people of faith may necessarily be accompanied by some "assumption of risk," to invoke another legal doctrine, of reaction by those people of faith. This is, perhaps, the meaning of faith.

##### **2. Narratives That Divide**

Moss's key concern about martyrdom narratives had to do with their power to divide groups and nations in sometimes violent and militaristic ways. As she observes, "The language of martyrdom and persecution is often a language of war. It forces a rupture between 'us' and 'them' and perpetuates and legitimizes an aggressive posture toward 'the other' and 'our enemies,' so that we can 'defend the faith.'"<sup>50</sup> Likewise, Middleton observes,

Martyr stories are often set in a context of war, even if that war is metaphorical and metaphysical. ... Death is normally interpreted within a framework of a wider conflict .... This conflict may be regional, global, or even cosmic. The martyr becomes a symbol of a community's desires and hopes, or for that matter, their terrors and fears.<sup>51</sup>

<sup>49</sup> The scholar was Luke Timothy Johnson of Emory University in delivering a wonderful online webinar for Emory alumni on trends in the study of New Testament and the Bible.

<sup>50</sup> Moss, *The Myth of Persecution*, 14.

<sup>51</sup> Paul Middleton, *Martyrdom: A Guide for the Perplexed* (London: T&T Clark, 2011), 16.

In this way “religionization” of conflict can transform particular narratives into self-fulfilling prophecies.

### 3. *Animus and Stigma*

The concerns about animus and stigma as forms of religious persecution seem destined to remain with us a bit longer, at least in the context of American constitutional law of religion and state. There are recent decisions on the point and more “wedding cake” controversies in the legal pipeline. Another term that is commonly heard in the same voice as “animus” and “stigma” is that of “bigotry.” In contemporary American argot, the term “bigotry” has particular connections to racism and the history and legacy of slavery in the United States, acknowledged by many today as our nation’s “original sin.” But, interestingly, the term *bigot* originally had a specifically religious meaning. Though there is a range of theories as to the term’s origin, the term *bigot*, derived from Old and Middle French, is said to have referred to a “sanctimonious person” or a “religious hypocrite.”<sup>52</sup> At later points, the term is said to have referred to people “overly devoted to their own religious opinion.”<sup>53</sup> So, assertions or implications that someone is a bigot, which is how some Christians have taken animus or stigma toward their beliefs about sexuality and other concerns, can be taken as an attack on their faith or the genuineness in adhering to it and thus as a form of religious persecution.<sup>54</sup> Whether such beliefs can coexist with broader social principles of equality and nondiscrimination in a pluralistic society remains a question, but this is not to deny the perception of persecution to which these controversies can give rise.

### 4. *Equality and Nondiscrimination*

Indeed, how to balance religious freedom with principles of equality and nondiscrimination remains a concern within the very international human rights laws that protect from discrimination on the basis of religion and belief. The Universal Declaration of Human Rights (1948), which is the key document undergirding modern international human rights law, recognizes the right to “freedom of thought, conscience, and religion.”<sup>55</sup> But it also

<sup>52</sup> See Anatoly Lieberman, “Nobody Wants to Be Called a *Bigot*,” *OUPblog*, February 24, 2011.

<sup>53</sup> See “Bigot,” *Online Etymology Dictionary*, <https://www.etymonline.com/word/bigot>.

<sup>54</sup> For an excellent discussion of “bigotry” in law and religion, see Linda C. McClain, *Who’s the Bigot? Learning from Conflicts over Marriage and Civil Rights Law* (New York: Oxford University Press, 2020).

<sup>55</sup> Universal Declaration of Human Rights, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948), art. 18.

contains several specific guarantees of equality and nondiscrimination that are understood to overarch its other provisions. Its preamble grounds the entire treaty in recognition of the “inherent dignity and of the equal and inalienable rights of all members of the human family” and the “dignity and worth of the human person and in the equal rights of men and women.”<sup>56</sup> Its very first article proclaims, “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”<sup>57</sup> A further article on equality and nondiscrimination under law provides,

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.<sup>58</sup>

Clearly, all of these equality and nondiscrimination provisions apply to religious freedom and freedom from persecution, but they apply equally to those who might suffer harm and discrimination from the religious views of others. How to balance these principles remains a great theological and political challenge of our era.

### **5. *Minority Protection***

In addition to the Universal Declaration of Human Rights and its successor documents on religious freedom, the United Nations has issued a Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities.<sup>59</sup> As noted above, globally, religious minority status often coincides with national, ethnic, and linguistic minority status. The ways in which differences between groups have given rights to conflict around the world in recent decades, particularly where they involve majority group oppression of minorities, has raised awareness of the need to support the protection of minorities of all sorts, but especially religious minorities, who are often at particular risk in times of conflict. For example, Christians

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<sup>56</sup> UDHR, preamble.

<sup>57</sup> UDHR, art. 1.

<sup>58</sup> UDHR, art. 7.

<sup>59</sup> See International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, esp. art. 18; Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, G.A. res. 36/55, 36 U.N. GAOR Supp. (No. 51) at 171, U.N. Doc. A/36/684 (1981); Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, G.A. res. 47/135, annex, 47 U.N. GAOR Supp. (No. 49) at 210, U.N. Doc. A/47/49 (1993).



around the world have reacted with horror at the near extirpation of Christian communities in the Near East in light of the ancient roots of Christianity in the region and the detrimental effect on long-standing Christian communities. There is also intrareligious persecution. Ahmadi Muslims, for instance, experience persecution at the hands of other Muslims in communities around the world.<sup>60</sup> Drawing on the plight of minorities can be an effective way of generating response and relief from within and without the faith.<sup>61</sup> The focus can then be on remedies for injustice rather than doctrines that divide. Particularly in light of the Holocaust and the persecution of Jews that was the impetus for so much of the post–World War II international human rights regime, the persecution of religious minorities has struck chords of injustice that have caused rallying cries the world over.

## 6. *The Need for Equity*

Discussion of discrimination and persecution, particularly of minorities, tends often to focus on equality, equal protection, and equal treatment under the law. Equality is the standard trope for addressing these problems in legal circles, with an eye to doing justice for all concerned. But there is another concept of justice that seems equally important in these situations, particularly in addressing the problem of “majorities acting like minorities.” It is an ethical concept with ancient vintage in Christian theology and ethics, borrowed from the Greco-Roman tradition: the concept of justice as equity. The philosopher Aristotle, in his *Nicomachean Ethics*, described equity as the highest form of justice and the “equitable man” as one who is “no stickler for his rights in a bad sense, but tends to take less than his share though he has the law on his side.”<sup>62</sup> In other words, the question is not what one has a right to do, but what is right to do. There is resonance here also with Paul’s discussion of the strong and the weak in Romans 14, where he counsels,

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<sup>60</sup> See Muhammad Haron, “Africa’s Muslim Authorities and Ahmadis: Curbed Freedoms, Circumvented Legalities,” *Review of Faith and International Affairs* 16.4 (2018): 60–74. On the broader context of intra-Muslim discrimination, see also Ahmed Salisu Garba, “The Prospects and Problems of the Marrakesh Declaration on the Rights of Religious Minorities in Muslim Majority Communities,” *Review of Faith and International Affairs* 16.4 (2018): 47–59.

<sup>61</sup> For further discussion, see M. Christian Green, “Law, Religion, and Religious Minorities: Reflections on International Human Rights Law and Global Islam,” in *Minority Religions under Irish Law: Islam in National and International Context*, ed. Kathryn O’Sullivan (Leiden: Brill, 2019), 7–33.

<sup>62</sup> Aristotle, *Nicomachean Ethics* 5.10, trans. William David Ross, <http://nothingistic.org/library/aristotle/nicomachean/nicomachean38.html>.



As for the man who is weak in faith, welcome him, but not for disputes over opinions. ... Why do you pass judgment on your brother? Or you, why do you despise your brother? ... Then let us no more pass judgment on one another, but rather decide never to put a stumbling block or hindrance in the way of a brother. For we shall all stand before the judgment seat of God .... Let us then pursue what makes for peace and for mutual upbuilding.<sup>63</sup>

In contexts where majority religious groups enjoy constitutionally protected status or social advantage, that religion may need to refrain from using its majority status to enact forms of religious persecution on others or even to claim persecuted status itself. This sort of humility may be required of religious majorities wherever they occur and when they feel threatened by social and cultural changes.

### 7. *Martyrdom as Witness*

Modern scholars of martyrdom, Moss and Middleton included, recommend that we look beyond the facts and circumstances of death to other functions and meanings of martyrdom. Middleton notes the connection of the word martyr to the Greek term *martys*, meaning witness in a trial.<sup>64</sup> There are twenty references to witnesses and witnessing in the Acts of the Apostles, which operates as a “go forth” manual for the early Church. Acts 5:32 proclaims, with many other passages throughout the book, “And we are witnesses to these things.” Acts 6:20 references the time “when the blood of Stephen thy witness was shed.” Stephen was, of course, Christianity’s first martyr but not the last. To reconceive martyrdom as witness, not as unto death, but as living witness, requires that we understand bearing witness not just as a passive stance, but also as active and ongoing engagement with a world of differences and divisions that may be hostile. Martyrdom and narratives of martyrdom may be the outer limit of response to religious persecution, but martyrdom is not the only possibility. In the introduction to their anthology of essays on religious persecution, political scientists and religious freedom scholars Daniel Philpott and Timothy Shah observe that persecuted Christians are typically “not inert, passive victims” but instead exhibit “creativity, deliberation, and agency” as they “engage and respond to the repression they face.”<sup>65</sup> Indeed, they describe Christians as manifesting a “creative pragmatism” in the face of persecution. They argue,

<sup>63</sup> Romans 14:1, 10, 13, 19 (RSV).

<sup>64</sup> Paul Middleton, “Creating and Contesting Christian Martyrdom,” in *The Wiley Blackwell Guide to Christian Martyrdom*, ed. Middleton, 25.

<sup>65</sup> Daniel Philpott and Timothy Samuel Shah, *Under Caesar’s Sword: How Christians Respond to Persecution* (Cambridge: Cambridge University Press, 2018), 2.

“The pragmatic, improvisational character of these efforts does not negate their also being creative, courageous, nimble, and anchored in a long-term theological conviction that a future day of freedom will come.”<sup>66</sup>

From these points we can discern the elements of an ethic of response to religious persecution, up to and including martyrdom. Such an ethic will take into account that religious faith extends not only to belief, but also to actions and even prophetic political positions that will often be challenging to state and society. This ethic will ideally avoid stoking the fires of conflict with narratives that divide between “us” and “them.” Such an ethic will be acutely aware of the problems of animus and stigma, but it will avoid the too-easy claims of both when applied to victims and perpetrators. In contexts of religious pluralism, such an ethic will seek maximal equality in the enjoyment of religious liberty, but it will balance this against the need to avoid discrimination against others in their enjoyment of fundamental rights. Such an ethic will seek to respect and reflect the growing global consensus regarding the need to protect religious and other minorities, and those of majority status may be called to embody some justice as equity in refraining from insisting too heavily on their rights, so as not to be sticklers or stumbling blocks to those of other faiths and persuasions. Above all, it should involve a reconstruction of martyrdom away from death and in the direction of its original meaning of witness. The recent rise of religious restrictions and outright persecution against Christians and other groups around the world may make some martyrs, but they will also need witnesses. There will be martyrs—but there will also be witnesses.

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<sup>66</sup> Ibid., 3.