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Locke on Toleration

EDITED BY
RICHARD VERNON
University of Western Ontario

TRANSLATION OF *A LETTER CONCERNING*
TOLERATION BY
MICHAEL SILVERTHORNE



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Introduction

A Letter Concerning Toleration is an English translation of a Latin work, the *Epistola de Tolerantia*, that John Locke wrote towards the end of the year 1685, while living – often in hiding – in the Dutch Republic. The *Epistola* was not however published until 1689, after Locke's return to England, and the English translation followed very shortly after. It soon met with a critical reply, in a pamphlet written by the Oxford chaplain Jonas Proast, which was to launch a polemical exchange in the course of which Locke wrote three further defences of his argument for toleration. Unlike the *Epistola/Letter* (hereafter: *Letter*), which is intense and compactly expressed, these defences are lengthy and often repetitive. But they comprise Locke's most fully elaborated statement of his case; they are valuable, too, because the pressure of controversy led him to clarify the priorities among his arguments.

Locke's period of exile in the Dutch Republic is very closely connected with the topic of the *Letter*, for it arose from political circumstances in which the questions of religious toleration, exclusion, and persecution played a large part. In his lifetime (he was born in 1632) Locke had lived through the English civil wars that began in 1642 and led to the deposing and then the execution of a monarch (Charles I), a parliamentary regime that came to resemble a military dictatorship with theocratic overtones, the restoration (1660) of the executed king's son (Charles II) to the throne, and further acute difficulties about the distribution of powers between king and parliament. In all of these events, the question of the religious orientation of the state was at or very close to the forefront, and, as we shall see, entered into the very definition of what a state *is* – and also, correlatively, of what a church is. The question that the *Letter* addresses

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is central to the turmoil that had been the background to Locke's whole life: what is the relationship between political membership, political authority, and religious belief? What claims, if any, should states make on the religious lives and loyalties of citizens?

Since Locke was a student for much of the period, he took no active part in the civil war between king and parliament, although his father served briefly in the parliamentary army. Locke's early interests inclined towards medicine rather than politics, and our current view of him as an important political philosopher is based on work that he did not publish until his late fifties. But it was his medical skill that brought him, in 1666, into a life-changing relationship with a major political figure, Lord Ashley, later the Earl of Shaftesbury, who underwent timely and effective surgery under Locke's supervision. Thanks to that, and thanks too, of course, to his phenomenal intelligence and breadth of interest, Locke was drawn into Shaftesbury's political circle, which, as the years went by, became increasingly radical in its opposition to the political settlement that followed the civil war. As a prominent member of that circle, Locke was eventually exposed to real danger.

During the reign of Charles II (1660–85) the issue of toleration had become increasingly contested. In the early 1660s, several pieces of legislation known collectively as the Clarendon Code restored and extended the religious monopoly of the Anglican Church, imposing liturgical uniformity on worship, restricting the rights of association of non-Anglicans, and excluding them from holding public offices. Although Charles himself was sympathetic to a more tolerant policy, his sympathies extended (particularly) to Catholics as well as to nonconforming protestants, that is, to protestant sects that could not conscientiously fit within the doctrines and ceremonies of the Church of England. However, he was also inclined to resort to executive measures that bypassed the constitutional role of parliament. On both counts, moves towards toleration met with opposition in parliament, for the House of Commons was dominated by landed gentry who were not only immovably hostile to Catholicism but also fiercely protective of their constitutional role. In the 1680s an extra-parliamentary opposition emerged, driven in part by dislike of the king's Catholic leanings – and, even more, by a dislike for those of James, his son and eventual heir – and in part by a demand for toleration of the dissenting protestant sects. After the defeat of an attempted regicide in 1683 (the Rye House plot), conspirators and supporters were rounded up and

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executed or imprisoned. Locke, a prominent oppositional figure thanks to his membership in Shaftesbury's circle, fled to the Dutch Republic as a precautionary measure, and remained there until 1688.

While in exile Locke encountered a school of theology that was both congenial and influential, that of the Dutch Remonstrants. They rejected the stricter elements of Calvinism, taught that Christianity made minimal doctrinal demands, and that protestant sects who had opposing views of 'indifferent' matters of doctrine and liturgy should live in mutual tolerance and even respect. 'Indifferent things' included features of worship that were adopted by various churches but were not specifically prescribed by Scripture itself, and were thus in some sense non-essential to Christianity.¹ Such Remonstrant teachings were by no means new to Locke: Anglican divines such as William Chillingworth had advanced them in *The Religion of Protestants* (1637).

[M]any of these controversies which are now disputed among Christians ... are either not decidable by that means which God hath provided, and so not necessary to be decided; or if they be, not so plainly and evidently as to oblige all men to hold one way; or lastly, if decidable, and evidently decided, yet you may hope that the erring part, by reason of some veil before his eyes ... does not see the question to be decided against him, and so opposes not that which he doth know to be the word of God.²

Locke himself had in fact already adopted these teachings in an earlier work, the *Essay on Toleration* (1667). But conversations with a leading Remonstrant theologian, Philip van Limborch, confirmed and reinforced this view of the Christian religion, and led him to address the topic of toleration again in the *Letter*.³ It was Limborch who arranged to publish the work and, to Locke's great annoyance – for he published all of his political works anonymously – gave away the secret of its authorship to a mutual friend.

¹ For the earlier history of 'indifferent things' (*adiaphora*) see Bernard J. Verkamp, *The Indifferent Mean: Adiaphorism in the English Reformation to 1554* (Athens, OH: Ohio University Press, 1977). See also Jacqueline Rose, 'John Locke, "Matters Indifferent," and the Restoration of the Church of England', *Historical Journal* 48 (2005), 601–21.

² *Chillingworth's Religion of Protestants; A Safe Way to Salvation*, ed. John Patrick (London: Thomas Tegg, 1845), 77–8.

³ When the *Epistola* was published, van Limborch wrote to Locke: 'People here believe that it was written by some Remonstrant, because the position it defends agrees with Remonstrant tenets.' *John Locke: Selected Correspondence*, ed. Mark Goldie (Oxford University Press, 2002), 142.

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In addition to conversations with Limborch, however, wider European events provoked Locke to write the *Letter*. Its most immediate occasion was the official withdrawal (in October 1685) of the already fragile toleration that the French kingdom had extended to its protestant minority. Under the Edict of Nantes (1598), protestants in France, most of whom were Calvinists, were relieved of legal requirements for religious conformity to the majority Catholic faith. When this was revoked by Louis XIV, fierce repression and forced conversions followed, with cruelties that Locke recurrently invokes as the last and most vivid consequence of intolerance. Locke's translator, William Popple, chose to emphasize the French connection with special force – introducing references to the 'dragoons' whom Louis deployed against his protestant subjects – and Locke offered no objection to his doing so. This brings to light an important theme that comes to the forefront in Locke's later defences of toleration: his perspective is continental, even global. He broaches the question: is it a requirement of political theory that it should apply, successfully, beyond its immediate national context?⁴ As we shall see, in defending toleration against his most persistent critic, Jonas Proast, Locke advances the view that a political theory's reach cannot be confined within assumptions that apply only within one nation's boundaries. It is, in part, this relative abstraction from local circumstances that gives Locke's *Letter* its enduring general appeal to political philosophers.

From uniformity to toleration: belief and behaviour

Locke's early *Essay on Toleration* (1667) had been written with his patron Shaftesbury's encouragement, and perhaps at his instigation, at a time when, as a minister in Charles II's government, Shaftesbury still hoped to achieve reform through the use of the king's executive power. In distinguishing between the 'concernments' of this world and of the next, the *Essay* contains the same basic political message as the more famous *Letter*, and anticipates the later, richer, and more forceful statement. But there are even earlier texts on toleration, written by Locke in 1660 at the time of the restoration of the monarchy, that complicate our picture of

⁴ See Tony Claydon, *Europe and the Making of England 1660–1750* (Cambridge University Press, 2007), for the importance of continent-wide issues to British politics in this period.

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him as a prototype of liberalism. For in those texts, the so-called *Two Tracts on Government*, Locke defends the ‘magistrate’s’ (ruler’s) power to impose conformity in religion.⁵ It is fruitful, in understanding what is significant in his defence of toleration, to consider briefly what steps he had to take in order to move from his early defence of conformity to his later advocacy of religious freedom.

The *First Tract* addressed the question: ‘Whether the Civil Magistrate may lawfully impose and determine the use of indifferent things in reference to religious worship.’ Arguing for an affirmative answer, Locke rejected the claim that conscience had inviolable rights as something inconsistent with organized society. Society is possible, he argued, only on the basis of an agreement that the sovereign has final judgement in relation to matters affecting the public good. Matters such as forms of worship, liturgy, rites, or clerical dress fall under the sovereign’s authority to the extent that he judges them to contribute to good order. To believe otherwise is to adopt or imply a principle that overturns all order and guarantees religious and political turmoil of the kind that England had suffered for twenty years. To this the *Second Tract* (written in Latin) adds that, since the sovereign can command only external or behavioural obedience, those who object may make whatever mental reservations they wish about his commands, and so their conscience remains uncompromised.

We can see, then, the double-edged potential of the idea of ‘indifferent things’. In the eyes of broad-church theorists such as Chillingworth, of religious libertarians such as Edward Bagshaw (against whose 1660 pamphlet, *The Great Question Concerning Things Indifferent*, Locke directed the *First Tract*), of the Dutch Remonstrants, and of Locke himself after 1667, the indifference of things was a reason not to impose them – part of a live-and-let-live view that called on people to accept divergence in matters of no consequence to the essentials of religious belief. As Bagshaw wrote, ‘none can impose what our Saviour in his infinite wisdom did not think necessary, and therefore left free.’⁶ But it could just as well be argued that the indifference of things provides a reason not to resist the sovereign’s political judgement about them. We can see, too, the double-edged potential of the view – later to take on

⁵ See Philip Abrams, ed., *Two Tracts on Government* (Cambridge University Press, 1967).

⁶ Edward Bagshaw, *The Great Question Concerning Things Indifferent in Religious Worship, Briefly Stated* ([no place or publisher indicated] 1660), Preface.

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much prominence in Locke's argument – that the sovereign can command action, but not belief: since one's beliefs remain intact, the Latin *Tract* argues, one should accept constraints on one's actions.

Although these two phases of Locke's thought, in the *Two Tracts* and the *Letter*, evidently result in different conclusions, they are linked by a consistent appeal to the requirements of political order. His earlier view is that conformity may, in the sovereign's judgement, promote order. His later view is that the demand for conformity promotes disorder, for if states try to impose religious belief, churches will struggle for control of it, so that their own beliefs are enforced and those of others persecuted.⁷ In the later pages of the *Letter*, and in his subsequent defences of it, Locke makes the link between conformity and violence, a link, he says, of which 'history has surely given us enough evidence' (p. 42).⁸ We can reach the latter view without reverting to anything like a doctrine of the absolute rights of conscience (despite what William Popple claims in the preface to his translation). And in fact Locke never adopted the doctrine about conscience that he had criticized in 1660. It is a striking feature of his mature view, in the *Letter*, that people's conscientious commitments are subordinate to the (valid) requirements of the public interest, so that while it would be tyrannical to strike at someone's religious practices for reasons of one's own religious preference, it is acceptable to do so if those practices turn out to be incompatible with some important public policy. Locke offers as his example a case in which disease depletes cattle stocks, and a government prohibits slaughter, with the unintended consequence that a religious cult devoted to animal sacrifice can no longer practise its religious beliefs. But the most famous (or notorious) example is the *Letter's* exclusion of Catholics from toleration on the grounds that, having an external allegiance (to Rome), they are not trustworthy citizens. The other notable exclusion, that of atheists – also on the grounds of untrustworthiness, for according to Locke they have no reason to keep their word – falls into a slightly different category. Because they have no religion, he points out (p. 37), they fall outside the scope of *religious* toleration from the outset (i.e. they do not benefit from whatever the case is for tolerating religious beliefs).

⁷ As William Walwyn, the Leveller, had tersely put it, conflict is produced 'not by, but for want of, a toleration'. *Toleration Justified and Persecution Condemned* (London, 1646), 10.

⁸ Page references in parentheses are given for texts published in this volume.

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At one level, then, we are dealing here with a simple difference in empirical political judgement about the likely consequences of different policies: will imposed conformity promote or destroy order? But connected with this are two interesting theoretical developments. The first is at the level of religious psychology. Locke comes to take much more seriously the attachment that people have to religious practices as things inseparable from the core of belief. That view had already been stated in several unpublished manuscript notes on the topic of toleration.⁹ An under-appreciated feature of the *Letter* is its adoption of a sort of aesthetics of belief that connects forms of worship with deep tastes or temperaments. Why, he asks, should I be persecuted by others ‘because I have come to feel that some people are not sufficiently serious while others are just too strait-laced for me to be happy to travel in their company?’ (p. 18). His later description of such things as matters of ‘temper’ (p. 53) relates suggestively to his use of that term in *Thoughts on Education*, where, despite the well-known doctrine that the human mind is like a blank slate, he eventually acknowledges that children have tempers or dispositions that are perhaps innate or which at any rate escape the control of education.¹⁰ All this goes on alongside his consistent view that religious forms are, considered rightly, indifferent or even (as he says immediately after the passage just quoted) matters that lack real significance.

This leads directly to the second interesting development, which is that Locke now drives a wedge between religious truth (*simpliciter*) and political theory. It is, he believes, a religious truth that forms are a matter of indifference. But it is a fact of basic importance to political theory that people act on the basis of what they take to be true, not on the basis of an enlightened judgement. That distinction, as we shall see, is one that Locke repeatedly defends in polemic, so that his argument often amounts, in effect, to advocacy of the distinct status of political theory, as an activity that requires attention to the plurality of agency. We shall return to this argument from order, as we may call it, for it plays much more than a supporting role in the structure of thinking in the *Letter*.

⁹ See especially ‘Toleration D’ [1679], in Mark Goldie, ed., *Locke: Political Essays* (Cambridge University Press, 1997), 276–7: ‘For even the circumstances of the worship of God cannot be indifferent to him that thinks them not so.’

¹⁰ *The Works of John Locke* (London: Tegg, 1823), vol. IX, 204–5.

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But it is not among the arguments that Locke formally lays out near the beginning of that work.

The *Letter's* arguments

The three arguments that Locke outlines at the beginning of the *Letter* may be termed the argument from the mandate of the state, the argument from belief, and the argument from error. How these three arguments relate to each other (and to the argument from order, mentioned above) is the leading interpretative question in considering Locke's case for toleration. Are they independent and alternative arguments? Or is one of them primary or basic, as is sometimes held, though those who hold such a view offer different candidates for the role?

The argument from mandate states that:

[T]he civil ruler has no more mandate than others have for the care of souls. He has no mandate from God, for it nowhere appears that God has granted men authority over other men, to compel them to adopt their own religion. And no such power can be given to a ruler by men; for no one may abdicate responsibility for his own eternal salvation, by adopting a form of faith or worship prescribed to him by another person, whether prince or subject. (p. 7)

The first part of this claim evidently depends on a reading of Scripture: as the *Letter* goes on, Locke makes much of the fact that the New Testament, unlike the Old, neither confers power on anyone nor lays down rules for political order, so that, he says, there is no such thing as a 'Christian commonwealth' (p. 29), as opposed to a commonwealth whose members hold Christian beliefs. St Paul's pronouncement that all are 'subject unto the higher powers' comes to mind as the basis for objection: but, as Jeremy Waldron has argued, that edict presupposes (at least as Locke saw it) a prior view about which 'higher' (state) powers are *legitimate*, and so the Scriptural argument is (in this case) subordinate to such a view.¹¹ All citizens are therefore subject only to the legitimate powers of the commonwealth, and the power to decide the orthodoxy or otherwise of their religious beliefs is not one of them.

¹¹ Jeremy Waldron, *God, Locke, and Equality: Christian Foundations in Locke's Political Thought* (Cambridge University Press, 2002), 196–7.

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The second part of the claim – that there is no commission from consent by ‘the people’ – implicitly invokes an argument of a contractualist kind. Locke cannot mean democratic consent, for two reasons. One is that he is not in any clear sense a democrat. Secondly, if he meant that lack of consent by the people was the only impediment to the commonwealth’s authority to decide religious questions, he would thereby extend the powers of the state as far as popular consent warranted. However, Locke clearly wants to say that the imposition of religious conformity is beyond the state’s scope, on the grounds that contracting parties would not consent to its being one of its powers. It seems proper, in examining this claim, to refer to the worked-out contractual argument in the *Second Treatise*. In that work, Locke argued that the powers of a state are limited to those that would emerge from a social contract in which, endowed with reason, we would reject absolute authority and agree only to a set of arrangements that would contribute to our common preservation.

The argument from belief states that:

[The] care of souls cannot belong to the civil ruler, because his power consists wholly in compulsion. But true and saving religion consists in an inward conviction of the mind; without it, nothing has value in the eyes of God. Such is the nature of the human understanding, that it cannot be compelled by any external force. (p. 8)

We have already seen a version of this argument, put to a different (indeed, contrary) use in the *Two Tracts*. Locke was hardly original in exploiting its tolerant potential in the *Letter*. Earlier in the century, for example, it had been lucidly deployed for that purpose by the Leveller pamphleteer William Walwyn. ‘[Can] it in reason be judged the meetest way to draw a man out of his error, by imprisonment, bonds, or other punishment?’ Nothing can remove error ‘but the efficacy and convincing power of sound reason and argument’.¹² Going further back in time, we find it deployed by St Augustine, in arguing that the state’s instruments – its power over merely earthly values – limited its role to that of constraining its subjects’ behaviour.

Let us note, before moving on, that the argument from belief, as Locke develops it here, is an appeal to the rationality of the *ruler*. If a ruler sets

¹² *Toleration Justified*, 8.

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out, as a holder of political power, to change people's minds by force, then he will fail, or so the argument says. The argument from mandate, on the other hand, is directed to the rationality of *subjects*. It is not in your interest to confer on a ruler a power to impose religious belief, because all that power could do is produce insincere or hypocritical conformity, which would be 'obstacles to [y]our salvation.'

The third argument, from error – or the 'needle-in-the-haystack' argument – is explicitly presented as an independent consideration. Locke writes: 'even granted that the authority of laws and the force of penalties *were* effective in changing people's minds' – i.e. even if it were rational for subjects to consent to have their minds changed for them, and rational for the ruler to undertake to do so – 'yet this would have no effect on the salvation of their souls' (p. 8) for there is but one true religion and many false ones, and so the chances are very much that the 'religion of the court' would be among the latter. Although Locke offers it as an argument that applies independently, it is still controlled by the mandate argument, for Locke writes, a little later: 'even if it *could* be finally determined' which of the competing churches were in the right, the right to impose would still not follow. How the rightness of one church or other could become manifest is mysterious, but we may read this as a purely hypothetical consideration that directs us not to rely fundamentally on the argument from error.

Assessing the arguments

Locke claims that these three arguments 'seem to warrant the conclusion that the power of the commonwealth is concerned only with civil goods', that is, with the protection of life, liberty, and property, not reaching to religious imposition. Locke's critic, Jonas Proast, in his first reply to the *Letter*, claimed that the three arguments amounted essentially to one, that is, the argument from belief. Proast's interpretation has also been endorsed by Jeremy Waldron.¹³ According to Waldron, Locke's 'main line' of argument depends on a view of the coercive nature of state power and hence of the limits of coercion. He quotes Locke's vividly concrete account of the state's resources ('fire and the sword', 'rods and axes') in

¹³ Jeremy Waldron, 'Locke, Toleration, and the Rationality of Persecution', in Susan Mendus, ed., *Justifying Toleration: Conceptual and Historical Perspectives* (Cambridge University Press, 1988).

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summarizing his view as one that depended fundamentally on the inefficacy of such things in terms of changing minds; but, like Proast, he seeks to show that such violent instruments are not the only (or the best) instruments available to the state if it pursues a goal of conformity in religious belief. Here Waldron draws upon some relevant considerations from Locke's *Essay Concerning Human Understanding*, where the basis of belief is examined.

There Locke says, indeed, that we have no choice in our perception of things – if I see something as yellow, I cannot choose to see it as black – but he also acknowledges the whole ‘apparatus’ that surrounds perception, such as decisions about what to attend to.¹⁴ And that apparatus is responsive to choice – we can choose what to attend to. That dovetails very nicely with Proast's reply to Locke, and with Proast's proposals. Fire and sword, rods and axes, he says, have nothing to do with what the Church of England actually proposes. All that we propose are ‘moderate’ measures that are intended to induce dissenters to listen to what we say. He is (as Locke was to complain) unspecific about these penalties, but we may assume that he is referring to fines for refusing to attend the established church, and disabilities that limit the opportunities of dissenters in academic and public life. These are measures that are subject to state control and that could be justified, in support of Proast's argument, by reference to the ‘apparatus’ surrounding perception that Locke himself admits to be efficacious.

This objection is extremely damaging to Locke. While it is true that states cannot compel (sincere) conversion by fear, they certainly have the resources to control the information on the basis of which citizens make up their minds, by negative means (censorship, denial of broadcast licences) and positive means (state-controlled media, publication subsidy). Moreover, even if a state's control over an existing population by such means is limited, its potential control over what is available to future generations is surely greater – records can be destroyed, historical accounts rewritten, photographs airbrushed, and so on. To all this we may add the consideration that rulers may not actually be interested in changing people's minds at all; for political (or pathological) reasons of their own, they may just want people to fall into line. That topic does not

¹⁴ *Essay Concerning Human Understanding*, Book IV, 13 and Book IV, 20 (both excerpted below). Cf. St Ignatius Loyola, *The Spiritual Exercises* [c. 1548], Eng. trans. (Chicago: Loyola University Press, 1992), 135: ‘What seems to me to be white, I will believe to be black if the hierarchical Church thus determines it.’ St Ignatius was the founder of the Jesuit order.

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arise, however, in the debate between Locke and Proast, neither of whom adopts such a cynical view, although more than once Locke alleges that to be the secret motive behind persecuting policies.¹⁵

It is significant that, in his replies to Proast, Locke makes no attempt to defend the argument from belief in its original form. Instead, he notes that Proast simply accepts the *Letter's* argument that sheer threats cannot change minds, and claims that what Proast advocates – the use of state compulsion to secure attention to the established church's doctrine – is 'new'; it is so new, in fact, that he could not be expected to have considered it in advance of Proast's reply. This is disingenuous on Locke's part. What Proast was proposing had a long and familiar pedigree. If Locke's view that the reach of coercion is essentially limited can be traced to Augustine's *City of God*, Proast's can be traced to Augustine's later decision that coercion can, after all, be used for educative purposes. He had drawn upon a verse in St Luke's gospel (Luke 14: 13) in which a rich man, disappointed that so few had come to a feast that he had prepared, tells his servants to go out into the streets and 'compel them to come in'. It was a commonplace that, in that parable, the rich man was a figure for God, the feast represented God's word, and the servants signified the church. Pierre Bayle, whom Locke had met in Holland, had written (in 1687) a whole book of commentary on St Luke's verse, attempting to show that it could not license persecution.¹⁶ So Locke's 'all this is new to me' defence is unconvincing, as he eventually acknowledges, in effect, in the *Fourth Letter*, where he says that although the idea is not new, its application would be.

In his replies to Proast, Locke relies very little on the claim that states cannot induce belief, implicitly conceding the point in its original form. In fact, he shifts the focus of argument away from the issue of state *capacity* to the issue of state *authority*. A major point of contention concerns just that distinction. Proast, Locke complains, fails to distinguish between two different senses in which we may speak of a state's powers, conflating what a state has the power (capacity) to do with what it is empowered (authorized) to do, and reducing the latter to the former.

¹⁵ There is a particularly nice formulation of his suspicion in a manuscript note, 'Toleration A' [c. 1675]: when churches employ coercion we are likely to feel that 'it is not the feeding of the sheep but the benefit of the fleece' that explains attempts to enlarge the fold, in Goldie, ed., *Locke: Political Essays*, 231.

¹⁶ Pierre Bayle, *A Philosophical Commentary on the Words of the Gospel, Luke XIV. 23, 'Compel them to come in, that my house may be full'*, Eng. trans. (London: J. Darby. 1708).

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The natural force of all the members of any society, or of those who by the society can be procured to assist it, is in one sense called the power of that society. This power or force is generally put in some one or few persons' hands with direction and authority how to use it; and this in another sense is called also the power of the society. (p. 145)

Unless we take account of the authority by which a power-holder's role is defined, all institutional distinctions evaporate, for all institutions have capacities extending beyond their role: 'there will be no difference between church and state, a commonwealth and an army, or between a family and the East India Company, all of which have hitherto been thought distinct sorts of societies, instituted for different ends' (p. 103).

Here a very basic difference between Locke's and Proast's political assumptions comes into play. It is Proast's firm belief that if states have a capacity to do good then they are justified in doing it, or in fact are required to do it: or at least (he later clarifies) are required to do it when it is also necessary that the good be done by some agent. 'Doubtless commonwealths are instituted for the attaining of all the benefits which political government can yield' (p. 62). Otherwise, he says, the power is given in vain. Locke, however, holds that states are constrained by their mandate. An important passage in Locke's *Third Letter* encapsulates the central argument of the *Second Treatise*:

The end of a commonwealth constituted can be supposed no other than what men in the constitution of, and entering into it, proposed; and that could be nothing but protection from such injuries from other men, which they desiring to avoid, nothing but force could prevent or remedy; all things but this being as well attainable by men living in neighbourhood without the bounds of a commonwealth, they could propose to themselves no other thing but this in quitting their natural liberty, and putting themselves under the umpirage of a civil sovereign, who therefore had the force of all the members of the commonwealth put into his hands to make his decrees to this end be obeyed. (p. 141)

At least provisionally, then, we may say that despite its prominence in the *Letter* and in the critical literature since the time of Proast, the argument based on the epistemic incapacity of states takes second place to

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an argument about what they have a mandate or commission to do. The difference between the two lines of argument becomes strikingly clear in the exchange, between Locke and Proast, on the legitimacy of state-imposed surgery. Locke insisted on the need for the patient's consent to give a mandate, while Proast claimed that the matter is settled by the medical capacity of the state-appointed surgeons (pp. 189, 129–31).

Considerations about the nature of coercion come into play in different ways in the first and second of Locke's arguments. In the second (the argument from belief) it is offered as an obstacle, as noted above, to a ruler's ambitions: it is irrational for rulers to attempt to do what is impossible, i.e. to coerce belief. But in the first argument (the argument from mandate) it is offered as a consideration that bears on *a citizen's* rationality. Let us suppose – reconstructing a possible line of thinking here – that, as a person contemplating a social contract, my options include subscribing to a political society that would lead me to the true faith. Suppose also that the proposed commonwealth would not try to do so by issuing futile threats; it would do so (as Proast proposes) by controlling the information available to me, placing 'briars and thorns' in my path if I strayed, and offering positive incentives when I behaved well. There are real-world parallels to this case, for example, in therapeutic programmes, which are effective in part at least because they secure their clients' advance commitment. As a client in such a programme, it would be in my prior interest to make my commitment secure if that would maximize the chances of subsequent success. So why would I not, correspondingly, secure my commitment to a state that promised the road to salvation, by signing on to a policy of religious imposition?

Exactly that question, we may note, was posed to Locke by Proast, who tried to take some account of the contractualist perspective and to turn it against his adversary. By signing on to a social contract, he said, you are seeking to secure your most important interests, so why would you not include among them your (supremely important) interests in salvation? Why seek protection only of a limited range of Lockean civil interests? That line of argument, which makes the state's power depend on specific consent, is not obviously consistent with Proast's other view that states already have that power under the law of nature, by virtue of sheer capacity (and necessity). However, since Locke is allowed more than one argument, Proast should be entitled to the same degree of priv-

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ilege. The question, then, is: can this argument be used in support of Proast's position?

The prospect of subsequent success does not *generally* justify prior agreement. There certainly are cases in which people can promote their future welfare by voluntarily accepting present restrictions. In addition to therapeutic programmes, Ulysses comes to mind: he tied himself to the mast of his ship so that he could hear the Sirens' song without being able to steer his ship to destruction on the rocks. But such cases depend on a rarely available level of clarity in the means–end distinction. They depend on the agent knowing, with a level of foreknowledge that justifies the surrender of freedom, what it is that they want, such that they already understand in advance what will be provided subsequent to their agreement. The weight-loss client, the addict, and Ulysses all have a very clear prior understanding of what they want to achieve, and their surrender of freedom makes good sense. But to surrender one's freedom to a state offering salvation is more closely akin to a leap in the dark. It is to agree to evaluate a process by standards that the process itself will change. In part, then, the diverging views here reflect very different background exemplars of risk.

It is crucial to ask what *basically* underpins Locke's limited set of civil interests, because it helps to uncover other ways of grounding his argument. Proast alleges that Locke's position is circular and question-begging: the magistrate is limited to the protection of civil interests, and civil interests in turn are the things confided by citizens to the magistrate's protection. Unless Locke's case is purely circular, it must then be (on Proast's view) that in the last resort it depends on the (false) claim that states are incapable of controlling belief, and that only the citizen's conviction about this incapacity justifies the limits that contractors would place on a government's authority. So, despite all his protestations about having more than one argument – 'Who can stand against such a conqueror,' Locke writes facetiously, 'who by barely attacking of one, kills a hundred?'¹⁷ – he has only one after all, and it is, Proast says, plainly false. But here there are several alternative possibilities that need exploring.

One view is that Locke's whole argument ultimately relies on a particular conception of religious belief. 'The force and effectiveness of true and saving religion lies in belief' (p. 7), Locke writes, and it is a short

¹⁷ *Fourth Letter*, in *Works*, vol. VI, 551. Not included in the excerpt in this volume.

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step from this to attributing to him a view, characteristic of some forms of protestant thinking, that faith is invalid unless it arises from personal enquiry and struggle. As Waldron rightly points out, that view puts a heavy emphasis on how we arrive at belief rather than what we believe, an emphasis that makes no sense outside a limited range of religious conceptions. However, although it is a short step from what Locke says to that conclusion, it is not one that should be taken, nor is it one that Locke took.

In an apparent paradox, it is in fact Proast who insists on the importance of ‘consideration’ in arriving at belief, and Locke who criticizes him for it (compelling a very damning retreat). Proast’s argument for the use of compulsion rests entirely on its employment as an instructional tool that will induce people to consider carefully, and if necessary to reconsider repeatedly, the doctrine of the Church of England; I am not proposing to compel belief, he says, only to compel consideration. Against this, Locke adopts a notably relaxed attitude to the mode of acquisition of beliefs. We must, he says, allow people ‘to rely on the learning, knowledge, and judgement of some persons whom they have in reverence or admiration’ (p. 155). In part, this is because it is beyond human power, and an arrogant presumption of divine power, to fix the degree of consideration that is needed: how can we measure it, or decide if it is enough? In part it is because it must be the case that consideration sometimes leads to the wrong answer: in a rare light moment in the exchange, Locke cites the (apocryphal) story of the Reynolds brothers, both skilful theologians, one an Anglican and the other a Catholic, who succeeded in converting each other by argument. At least one of them, Locke points out, must have been mistaken, despite his exceptional skill. In part it is because salvation must be available to those who have limited leisure, education, and intellectual capacity, and who therefore cannot engage in profound consideration. Here again Locke’s view is in line with Dutch Remonstrant beliefs. Would you have the poor ploughman sell his plough, Locke asks rhetorically, leaving his family to starve, so that he can buy learned books and explore fine points of controversy?¹⁸ Finally, Locke’s relaxed attitude to how religious beliefs are acquired

¹⁸ The same view is found in Locke’s *The Reasonableness of Christianity*, in *Works*, vol. VII, 157–8. See also *Chillingworth’s Religion of Protestants*, 150: ‘[W]ho is there that is not capable of a sufficient understanding of the story, the precepts, the promises, and the threats of the gospel?’

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rests on the fact that if we insist on consideration as a prerequisite to belief, we are at least as likely to find it among dissenters as among Anglicans – and in fact more likely to find lack of consideration among Anglicans, given the extraneous incentives to belong – so that to be consistent Proast should favour some kind of penalty to induce Anglicans to consider carefully, too. It is this that compels Proast's retreat: since they have the right view, they need not consider, he says,¹⁹ thus badly damaging the credibility of his basic case.

Two things help to explain why Locke's case is taken to be one that rests on an unrealistic demand for earnest enquiry. The first is the stress given in the *Letter* to 'light' (or evidence) as the basis for belief. But the context in which Locke introduces this is specific to the case of *conversion*. It is only 'light,' he writes, that can 'change a belief in the mind'. So his argument is not about how people should get their beliefs in the first place – for which, as we have seen, he has no demanding conditions – but about how we should set about changing the beliefs of someone who already has them. On this question, he makes the reasonable point that we have to do so by presenting them with reasons to change their mind, not by giving extraneous inducements.

The second is that Locke's target is insincerely maintained belief, or hypocrisy. Relying on a much later distinction between 'sincerity' and 'authenticity', one can demand that people mean what they say without insisting that they have taken any particular steps to make the belief their own. It is insincerity that is the target of Locke's second argument in the *Letter*. In his subsequent defences, Locke emphasizes that inducements of any kind – not just violent threats, but 'moderate' Proastian inducements, too – are likely to produce opportunistic and insincere conversions for the sake of avoiding inconvenience or gaining some economic advantage (such as a licence to sell ale). But this, again, is a negative argument, not one that positively demands intense enquiry or struggle as a prerequisite to acquiring the kind of religious belief that is conducive to salvation.

A second general view depends on the argument from error, which we have not yet considered. In a hypothetical social contract, would our reason for rejecting religious imposition be that the true religion

¹⁹ Jonas Proast, *A Third Letter to the Author of the Second Letter Concerning Toleration* (Oxford, 1691), 42. Not included in the excerpt in this volume.

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cannot be known? If so, would Locke's position rest ultimately on some version of scepticism? Some commentators incline to this view and maintain that, as Locke's defence of toleration unfolded, he was compelled to rely progressively on its more sceptical elements. The incomplete *Fourth Letter* ends by rejecting Proast's claim that religious truth can be held with the same assurance as knowledge strictly understood. There can be no doubt that Locke distinguished clearly between knowledge and faith. But it is one thing to note what he believed, and something else to establish what his argument depends on: we should look carefully at the sceptical construction of it because – like the construction of it in terms of 'authenticity' – it would limit the appeal of the argument to those who shared its assumptions. For, while some persecutors are sceptics, most of them are probably not; therefore an argument based on the possible erroneousness of their beliefs would have no force for them.

The issue of 'true religion' plays a large role in Locke's defence because it relates to the view that Proast advances against him. Locke complains that if states were permitted to impose their favoured religions, that would not, in fact, work to the advantage of the true religion, since in many or perhaps all other countries it would lead to what Proast himself takes to be the imposition of false religions. In Locke's view, we must think about principles in a transnational context, and in that context the principle of toleration will allow the true religion to flourish wherever it is. Proast takes this to be a claim about prudence rather than political morality: how will toleration in England lead to toleration elsewhere, he asks. But, more importantly, he denies that his principle would license the imposition of false religions, for it states only that those magistrates who possess the *true* religion may impose it. That, of course, is how Proast understood his position. But Locke is surely right to retort that, whatever Proast intends, the principle will as a political matter empower all magistrates to impose what in their own view is the true religion, right or wrong. Proast replies that, in those circumstances, God will punish them if they impose false religions.

There is not much to say about this disagreement, except that Locke is thinking as a political theorist while Proast is not; that is, he is thinking about the consequences of the adoption of principles rather than the personal salvation of monarchs. His case, in so far as it involves scepticism at all, would best be described as one of political scepticism, as

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indeed the formulation of the argument from error shows – it is about whether we can suppose that those who govern us can reliably find the truth, not about whether the truth is available at all. As we have seen, it is Locke's view that religious convictions are in a different category from demonstrable truths, but scepticism (or, more simply, doubt) about the epistemic capacities of governments stands independently of that. Proast tries to revive the charge of scepticism by claiming that Locke's argument implies that he must think there are 'as clear and solid grounds' for false beliefs as for true ones. However, Locke can turn this aside easily enough by responding, in the *Fourth Letter*, that each person will determine in their own case what is sufficiently clear or solid, or what sufficiently meets whatever other qualifying adjectives Proast may care to add.

Perhaps an alternative to scepticism as an explanation is something akin to what John Rawls terms 'the burdens of judgment'.²⁰ Such is the internal complexity of worldviews, and the interpretative porosity of the elements that make them up, that our capacity to provide and communicate a full account of them is limited. But Locke goes further than Rawls, who introduces the idea in the context of the large and complex views of life that people form. For Locke, the burden of incommunicability is heavier, applying even to demonstrable truths. It is, after all, simply true that 9,467,172 divided by 297 equals 31,876, 'and yet,' Locke writes,

I challenge you to find one man of a thousand to whom you can tender this proposition with demonstrative or sufficient evidence to convince him of the truth of it in a dark room; or ever to make this evidence appear to a man that cannot write and read, so as to make him embrace it as a truth, if another, whom he hath more confidence in, tells him it is not so. (p. 154)

His example drives a wedge sharply between epistemic and communicative matters, and displays his conviction that in politics the limits of communicative possibility do not map onto the shape of truth. To the extent that Locke relies on considerations of this kind, then, considerations about the nature of truth recede into the background, for what is

²⁰ John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 54–8.

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at issue is not what can or cannot be known but what can or cannot be publicly conveyed.

The suspicion that sometimes arises here is that Locke has turned a principled argument into a pragmatic one, that he has no real answer to the claim that the true religion can be imposed, but only an objection based on the bad effects of supposing that it should be. This, however, misses the importance of the contractualist structure of the argument, which is about the authority of states; it employs the test of hypothetical consent, and hypothetical consent is guided by practical reasoning. In section six of the *Second Treatise*, Locke sets out the view that humans have the faculty of reason so that they can take steps to preserve themselves ‘and the rest of mankind’, and that the constitution of civil society and the authorization of political power must be examined in that light. Here the argument from order, mentioned above, takes its place within the general structure, for while Locke does not develop that argument as elaborately and convincingly as Bayle did in his book on St Luke, he clearly believes that it is an offence against the (divinely given) faculty of reason to adopt principles that are destructive of human society.

It is apparent that the principle of religious conformity will have destructive consequences, and Proast, as we have seen, does not even deny that. These consequences are not merely a practical problem for conformity, they provide a reason to abandon it as a principle within the practical reasoning that we have a natural duty to employ. It is a basic fact about political society that it involves the use of power and that its use is governed by rules that others will interpret, and which, therefore, must be robust enough to withstand interpretation without disaster. ‘Obey the true God’ is not such a rule. With a degree of detail that is sometimes tedious, Locke objects that Proast’s talk of applying sufficient penalties to induce sufficient consideration is incapable of implementation: not merely a practical point, but an extension of the basic understanding that a political society involves co-operation among distinct agents, and hence requires intelligible rules. In contrast, Proast seems to hold a sort of telepathic view according to which his own private understanding can be directly transmitted to other minds, or else an authoritarian assumption that his own thoughts have mandatory force for those who hold power.

If we press this thought further, we are led to a very basic idea that, arguably, has a more convincing claim to be foundational for Locke’s theory of toleration. This is the idea of equality that is set out in the

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Second Treatise. It is not mentioned in the *Letter*, but it is implied in Locke's repeated view that those who propose to use power over others must be able, as discursive partners, to justify their use to them. We can see this revealed, for example, in the model of dialogue that surfaces from time to time in the exchange with Proast. Locke begins his first reply to his critic by pointing out that it would be inappropriate, as he is sure his interlocutor would agree, that either of them should use force against the other to advance their case. Proast's bewildered reply is that of course it would not be appropriate, since they are engaged in a 'private' argument, but it is clearly Locke's assumption that public life should be constrained in the same way as private debate, i.e. by the communication of reasons. The same point also emerges strikingly from a passage which, if not carefully read, seems to reinvent the charge of scepticism. Locke challenges Proast to justify his case for religious imposition to others 'without supposing all along [his] church [to be] the right' (p. 99). Proast offers the wounded reply that it seems very hard that he is not allowed to suppose himself to be in the right. But this misses the point. It is quite fundamental to Locke's own case, from the beginning, that people should believe themselves to be in the right: 'Everyone is orthodox in his own eyes' (p. 14). What he is denying is that one can properly use that belief as a supposition of dialogue, that is, as a starting point that one's interlocutor is bound to accept, for that amounts to a claim to justificatory privilege. 'If you come to arguments and proofs, which you must do before it can be determined whose is the true religion, it is plain your supposition is not allowed.'²¹ Questions about toleration arise when a number of citizens hold different religious beliefs and each holds that their own beliefs are true. Without abandoning the latter conviction, such citizens must still find some way of living together in peace.

The egalitarian background comes out, too, in the language of contracting or bargaining that Locke employs. In the context of his contractualist model, he contends that the parties contemplating the terms of association could not include religious imposition among those terms,

²¹ For a very similar use of the term, see Walwyn, *Toleration Justified*: those who persecute have the fallacious belief 'that they always suppose themselves to be competent examiners and judges of other men differing in judgment from them, and upon this weak supposition (by no means to be allowed) most of [their] reasons and arguments ... are supported' (3).

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because, as he puts it, that is not a matter about which they could ‘stipulate’ (p. 106). That word, in the English of the time, refers to a process of exchange by which parties provide undertakings to one another. They can plausibly undertake to exchange guarantees of security – not to harm one another, and to co-operate in maintaining a system of general rights-enforcement – but salvation is not something that one person can undertake to provide to another. The terms of association, then, are constrained by a process of negotiation in which each gives only what others can reciprocally provide. Like dialogue, the model of contracting or bargaining is emblematic of a conception of equality that demands that authority be justified in light of the interests of all those subjected to it.

Finally, the basic importance of equality for Locke is clear from his emphatic rejection of the essentially tutorial conception of the state that his adversary adopts. Proast deploys a simple analogy between the authority of a state and that of schoolmasters, tutors, and masters of guilds: ‘That force does some service towards the making of scholars and artists [artisans]’, he writes, is something that ‘I suppose you will easily grant’ (p. 109). Assuming this concession, he asks why we accept the use of force to bring young people to learning and skill, but we would not accept a parallel use of force to make citizens attend to the church’s teaching. But Locke regards the parallel as defective. ‘There is ... something else in the case’ (p. 136), he writes, that is, the element of consent that Proast suppresses. Masters and tutors can legitimately discipline their charges because their charges’ fathers have authorized them to do so. The authority of fathers over children, in turn, is not indeed based on consent, but on natural necessity. That, however, will not do as a political model, either, for it is a temporary necessity during the ‘flexible and docile part of life’ only; ‘when the child is once come to the state of manhood, and to be the possessor and free disposer of his goods and estate, he is then discharged from this discipline of his parents’ (p. 137). Here the profound anti-paternalism of Locke’s view – expounded at length in his critique of Sir Robert Filmer’s *Patriarcha* – comes into play (and points the way to a long liberal tradition). While the parallel is not explicitly drawn, the ‘free disposition’ of one’s religious commitments is justified in the same way as the free disposition of ‘goods and estate’: it is a feature of adulthood itself.

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Toleration today

Locke's defence of toleration reflected some political circumstances specific to his time and, as the reader will see, was concerned in part with theological concerns that are no longer part of the conventions of public debate. Whether it is right, as one commentator famously claimed, to see Locke as an 'alien' figure is another matter altogether.²² At several points, the discussion above has hinted at many aspects of Locke's argument that contemporary political theorists may find congenial: its cosmopolitanism, or its view that political theory must be more than national in its scope; its adoption of a political morality, that is, a view that what is politically legitimate cannot simply be read off from what can be ethically (or religiously, or epistemically) justified; the deep recognition of plurality as a feature of political association; the implicit adoption of a notion of public reason, and even fragments of a dialogical ethic; finally, the background belief in equality, what has been termed the 'egalitarian plateau' on which the disagreements among contemporary theorists take place. Of course there is always a real risk that, in coming to terms with an interesting text, one will read back into it the concerns and assumptions of one's own time. In this case, however, such has been the influence of Locke's work that it is highly probable that the political landscape has the above features because it was he who, in part, created them. To that extent, examining Locke's argument is a genealogical enterprise that leads to a better understanding of how we came to be where we are, so that aims and modes of political control that once seemed obviously appropriate (or 'decent') now seem tyrannical.

It is entirely another question, of course, whether, even so, Locke's argument or anything descended from it is adequate to contemporary political circumstances. The pluralism of modern society may have something in common with, but is clearly not identical to, the plurality of sects that concerned Locke in the late seventeenth century. In particular, it is sometimes claimed that the entire model of toleration has deservedly had its day. Toleration, it is complained, is a top-down notion according to which those who hold power forbearingly stay their hand, and it is thus inconsistent with stronger requirements of equality that demand the dismantling of hierarchy altogether. Freedom should not be a gift of the

²² John Dunn, *Interpreting Political Responsibility* (Cambridge: Polity, 1990), 9.