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CAMBRIDGE TEXTS IN THE HISTORY OF PHILOSOPHY

Locke on Toleration
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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
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
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.

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.
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? 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

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Introduction

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

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

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’.\textsuperscript{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

\textsuperscript{12} Toleration Justified, 8.
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. 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

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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

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\(^{14}\) *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), 133: ‘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.