

Chapter 7

Toleration

If any man err from the right way, it is his own misfortune, no injury to thee: Nor therefore art thou to punish him in the things of this Life, because thou supposest he will be miserable in that which is to come.

...

Laws provide, as much as is possible, that the Goods and Health of Subjects not be injured by the Fraud or Violence of others; they do not guard them from the Negligence or Ill-husbandry of the Possessors themselves. No man can be forced to be Rich or Healthful, whether he will or no. Nay, God himself will not save men against their wills.

...

[I]t does not belong unto the Magistrate to make use of his Sword in punishing everything, indifferently, that he takes to be a sin against God. Covetousness, Uncharitableness, Idleness, and many other things are sins, by the consent of all men, which yet no man ever said were to be punished by the Magistrate. The reason is, because they are not prejudicial to mens Rights, nor do they break the publick Peace of Societies.

John Locke (1689/1983), *A Letter Concerning Toleration*: 31, 35, 43–44.

Locke's *A Letter Concerning Toleration* (1689) is his second best-known work in political philosophy and is one of the great essays on behalf of religious toleration. Locke defends toleration for all Protestant sects and, much more radically, for Jews and Muslims. However, Locke did not advocate full toleration for Catholics and atheists. This was not because of Catholic or atheist doctrine as such but, rather, because Catholics and atheists were politically suspect. According to Locke, Catholics were suspect because of their political loyalty

to the Pope and often to the tyrannical Catholic monarchies in Spain or France. Atheists were politically suspect because they could not take themselves to be bound by their oaths to God.

Locke wrote about religious toleration over a span of more than forty years. His early unpublished essays, “Two Tracts on Government” (1660/61), defended the right of the monarch to establish and enforce religious doctrine and practice within his realm. The conclusion that it is the business of the ruler to establish such uniformity was based on the premises that uniformity of religious belief and practice is essential to social order and that such uniformity can be established and maintained within society through the ruler’s coercive power. The first of these premises was shaken when, as part of a diplomatic mission to Cleves in Germany in 1665, Locke discovered Calvinists, Lutherans, and Catholics living harmoniously with one another. The second of these premises was rejected as Locke came to believe that rulers and citizens had to learn to live with people whose religious views offended them because there was no morally acceptable or effective means of suppressing religious dissent.

Locke explicitly endorsed religious toleration in 1667 when he composed (but did not publish) his “An Essay on Toleration”, which strongly anticipated the classical liberal doctrines of his *Two Treatises* and *A Letter Concerning Toleration*. Moreover, Locke followed up *A Letter Concerning Toleration* with a second *Letter* (1690) and third *Letter* (1692) on toleration (the third runs over 300 pages) in which he further developed and defended the views presented in *A Letter Concerning Toleration*. He was at work on a fourth *Letter* when he died in 1704.

Although *A Letter Concerning Toleration* is devoted to the topic of *religious* liberty, the full range of Locke’s classical liberalism is at work within this essay. Since some men will

... rather injuriously prey upon the Fruits of other Mens Labours, than take pains to provide for themselves; the necessity of preserving Men in the Possession of what honest industry has already acquired, and also of preserving their Liberty and strength, whereby they may acquire what they further want; obliges Men to enter into Society with one another; that by mutual Assistance, and joint Force, they may secure unto each other their Properties in the things that contribute to the Comfort and Happiness of this Life. (*LCT* p. 47)

The genuine authority of “magistrates” (that is, rulers) extends only to the protection of each subject’s “just Possession of [the] things belonging to this Life” (*LCT* p. 26). As we shall see, Locke explicitly rejects the paternalist view that rulers may suppress or punish an individual’s self-harming conduct and the moralist view that rulers may suppress or punish an individual’s immoral (but not rights-violating) conduct. I shall leave it to the reader to work out the full implications of these broadly libertarian stances.

The basic reason that religious belief or worship may not be suppressed or punished by the magistrate is that, even if a religious belief is erroneous or a form of worship is undue, neither the entertainment of that belief nor the practice of that worship violates anyone else’s rights:

one Man does not violate the Right of another, by his Erroneous Opinions, and undue manner of Worship, nor is his Perdition any prejudice to another Mans Affairs; ... Every man ... has the supreme and absolute Authority of judging for himself. And the Reason is, because no body else is concerned in it, nor can receive any prejudice from his Conduct therein. (*LCT* p. 47)

Even the most grievous errors people may make in their religious convictions or practices do not justify their forcible suppression or punishment. For, “[i]f any man err from the right way, it is his own misfortune, no injury to thee: Nor therefore art thou to punish him in the things of this Life, because thou supposest he will be miserable in that which is to come (*LCT* p. 31)”. An individual’s pursuit of eternal salvation may be his most vital business. But, it is *that* individual’s business. And no one is to be suppressed or punished who is minding his own business, even if he is minding it badly.

Locke thinks it is obvious to everyone that,

“[i]n private domestick Affairs, in the management of Estates, in the conservation of Bodily Health, every man may consider what suits his own conveniency, and follow what course he likes best. ... Let any man pull down, or build, or make whatsoever Expenses he pleases, no body murmurs, no body controuls him; he has his Liberty (*LCT* p. 34)”.

And Locke thinks that it should be equally obvious that each individual must be afforded a like liberty to follow the courses she thinks best in religious matters.

Each individual should be allowed to behave in ways that (others judge) are harmful to her health or to her estates; and likewise she should be allowed to behave in ways that (others judge) are harmful to her soul.

Laws provide, as much as is possible, that the Goods and Health of Subjects not be injured by the Fraud or Violence of others; they do not guard them from the Negligence or Ill-husbandry of the Possessors themselves. No man can be forced to be Rich or Healthful, whether he will or no. Nay, God himself will not save men against their wills. (*LCT* p. 35)

God himself is supremely anti-paternalist.

Locke observes that, when people do not accept the religion of their more powerful neighbours or depart from its accustomed ceremonies or fail to enroll their children in that religion, “this immediately causes an Uproar. ... Every one is ready to be the Avenger of so great a Crime”. The authorities are aroused and condemn the religious dissenter “to the loss of Liberty, or Goods, or Life” (*LCT* p. 34). Moreover, it is claimed that such punishment is motivated by a benevolent desire to protect the dissenter from God’s yet greater wrath. Yet, Locke rejects this explanation for the “intemperate Zeal” of those who respond to religious dissent with “Fire and Sword”.

For it will be very difficult to persuade men of Sense, that he, who with dry Eyes, and satisfaction of mind, can deliver his Brother unto the Executioner, to be burnt alive, does sincerely and heartily concern himself to save that Brother from the Flames of Hell in the World to come. (*LCT* p. 35)

Rather than it being an act of brotherly love, Locke conjectures that such persecution is part of the persecutors’ program to sustain or reinforce their “Temporal Dominion” (*LCT* p. 35).

Besides rejecting the paternalist justification for suppression and punishment, Locke rejects the moralist justification that, even if erroneous religious belief and undue worship do not violate the rights of others, they may be suppressed and punished because of their *sinfulness*. For, the sinfulness of an activity does not suffice to authorize the magistrate to suppress or punish it:

it does not follow, that because it is a sin it ought therefore to be punished by the Magistrate. ... Covetousness, Uncharitableness, Idleness, and many other things are sins, by the consent [*i.e.*, by the consensus] of all men, which yet no man ever said were to be punished by the Magistrate. (*LCT* pp. 43–44)

It is entirely permissible for anyone to urge others to desist from their self-harming or sinful activities. However, it is central to Locke's perspective that, as long as individuals are not engaged in violence or fraud against others, they must be left free.

Recall that liberty is not a matter of doing whatever one desires to do but, rather, a matter of doing as one sees fit with one's own property, that is, one's own life, liberty, and estate. Toleration is a matter of allowing others to do as they see fit with themselves and their possessions. Thus, one's rightful liberty is not violated when one is prevented from killing another person for the fun of it. And one's religious liberty is not violated when one is prevented from sacrificing an infant in one's religious ceremonies. For killing an infant is a violation of her rights, whether or not it is done in the course of religious observance.

Someone who worships by standing on her head or by sacrificing her own calf is minding her own business as much as someone who exercises by standing on her head or feeds her family by butchering her own calf. In none of these cases is forceful interference by other individuals or the prince justified. In contrast, if that person worships or exercises by standing on your head or by sacrificing your calf, she is not minding her own business and the ruler has the right and the duty to intervene. Religious liberty is simply the right to do for religious purposes whatever everyone in general has the right to do, *viz.*, dispose of one's own person and possessions as one sees fit (*LCT* p. 42).

People often have different views about what ought to be done with a particular resource. Should this field be used to plant corn or to play tennis? Should this calf be sacrificed to please God or should it be fed lots of corn so it can feed many people next winter? Locke sees that we can make an end-run around disputes about how best to use a given resource by focusing on who is the rightful owner of the resource in question. If Abe is the owner of the field, he gets to decide whether to plant corn on it or use it for tennis. If Bea

is the owner of the calf, she gets to decide whether the calf is sacrificed or fed. If you disagree with Abe's or Bea's choice, you can always put your money where your mouth is, purchase the resource, and put it to your favoured use (*LCT* p. 42).

Nevertheless, might not the supreme importance of eternal salvation give people good reason to consent to the magistrate using coercion (when necessary) to nudge his subjects toward salvation? Might not this supreme importance give people good reason to consent to a *special exception* to the rule that coercion be limited to the prevention of rights violations? Locke answers these questions in the negative. It is never rational to consent to being coerced for the sake of one's salvation. For, "All the Life and Power of true Religion consists in the inward and full perswasion of the mind" (*LCT* p. 26). And inward religious conviction can never be instilled in one by means of coercion.

Locke believed that salvation requires genuine inward belief in the salvific role of Christ. But, while threats of torture or execution unless one adopts this belief may well make one say that one has the belief, they can never engender genuine inward belief. Therefore, "no man can so far abandon the care of his own Salvation, as blindly to leave it to the choice of any other, whether Prince or Subject, to prescribe to him what Faith or Worship he shall embrace" (*LCT*, p. 26). Freedom from the coercion by others is essential to our worldly well-being and true autonomy in our religious convictions is essential to our other-worldly well-being.

Furthermore, even if one could entrust the care of one's own salvation to another, it would be very foolish to entrust it to whoever happens to have political power over one. For one's ruler is likely to have very much less concern for one's salvation and what will promote it than one will have oneself. Nor will it help to say that only those rulers who embrace the "orthodox," that is, the true religion, have the authority to dictate religious belief and practices within their domains: "For every Church is Orthodox to it self; to others, Erroneous or Heretical. For whatsoever any Church believes, it believes to be true; and the contrary unto those things, it pronounces to be Error" (*LCT* p. 32). Telling rulers that they may only impose their religious beliefs if they are the true beliefs will simply encourage every ruler to impose the beliefs that he takes to be true (or the views of the Church with which he is allied).

I conclude this chapter with a vital point that Locke makes concerning the supposed danger posed by dissident sects. Locke considers the argument that, since religious dissidents are typically so aggrieved that they gather secretly to scheme against the existing regime, political authorities ought to suppress religious dissent for the sake of social peace and order. Peace and social order can only be sustained through governmental enforcement of uniformity of belief and practice. In response, Locke insists that we ask why dissidents are typically aggrieved and prone to conspire against a given regime. His answer is that dissidents are aggrieved and prone to conspire precisely because they are persecuted:

Oppression raises Ferments, and makes men struggle to cast off an uneasie and tyrannical Yoke. ... [T]here is one only thing which gathers People into Seditious Commotions, and that is Oppression. (*LCT* p. 52)

...

What else can be expected, but that these men, growing weary of the Evils under which they labour, should in the end think it lawful for them to resist Force with Force, and defend their natural Rights (which are not forfeitable upon account of Religion) with Arms as well as they can? ... It cannot indeed be otherwise, so long as the Principle of Persecution for Religion shall prevail. (*LTC* p. 55)

Within the domain of religion, as in all domains of human endeavours and aspirations, social peace is to be achieved not through oppression but, rather, through respect for each person's liberty.

