

Locke on Toleration, (In)civility, and the Quest for Concord

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Abstract

Lockean toleration has long been criticized as ethically minimal and indifferent to the interactions of private individuals. Yet these criticisms ignore Locke's lasting preoccupation with intolerance and incivility as obstacles to coexistence. These concerns were instrumental in the development of his understanding of toleration as a complex package of negative and positive virtues informed increasingly by a vision of *concordia*—a Christian ideal of unity in diversity. But by linking the outward virtue of civility ever more closely with sincere esteem and inward charity, Locke ultimately premised affective concord on an agreement between individuals more “fundamental” than the disagreements that divided them. Re-interpreting Lockean toleration—and its limits—in this light has important implications for both its critics and defenders who likewise prefer concord to mere toleration while neglecting its exclusionary potential.

I. Introduction

In recent years, debates about religious difference in the West have been dominated by concerns about intolerance in the attitudes and interactions of private individuals. High-profile prosecutions for “hate speech” and religious insult—i.e., speech that denigrates others on the basis of religion—are an increasingly common spectacle in

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the European Union and Commonwealth countries.¹ Even in the United States, where the First Amendment has enshrined the idiosyncratic view that religious freedom and free speech are equally sacred and more or less consistent, fears about the corrosive effects of hateful speech on civil society have fueled the popular perception of a “crisis” of civility as an essential conversational virtue. These developments suggest that the wars of words plaguing modern liberal democracies are both a symptom and a cause of deeper ills—a worrying sign that once the war of swords has ended, the real work of tolerance has just begun

Recent critical work on the concept of toleration by political theorists and historians reflects a similar suspicion.² Following Goethe’s observation that “to tolerate is to insult,” Wendy Brown argues that toleration necessarily implies an aversion, even hatred, towards the “tolerated” and a demand for conformity that renders the concept

¹ The Oxford English Dictionary defines “hate speech” as “speech expressing hatred or intolerance of other social groups, esp. on the basis of race or sexuality.” In 2007, the Council of Europe called on all member nations to criminalize statements that incite hatred, discrimination, or violence against a person or group of persons on religious grounds.

² As Jeremy Waldron put it recently: “Is a tolerant society *just* a society free from religious persecution, or is it a society in which people cohabit and deal with one another, in spite of their religious differences, in an atmosphere of civility and respect?” J. Waldron, *The Harm in Hate Speech* (Cambridge: Harvard University Press, 2012), p. 207. For recent revisionist historical work focusing on the horizontal dimension of toleration as a social practice, see B. Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge: Harvard University Press, 2007) and A. Walsham, *Charitable Hatred: Tolerance and Intolerance in England, 1500-1700* (Manchester: Manchester University Press, 2006).

inherently suspect.³ Other scholars have likewise turned their attention from the public to the private sphere in their attempts to replace this traditional, negative understanding of “mere” toleration as a grudging permission or sufferance of difference, with more positive approaches—including mutual respect, recognition, or the celebration of diversity as such.⁴

These accounts often treat John Locke (1632-1704) as representative of the most problematic and paradoxical aspects of “mere toleration” as a characteristically liberal approach to difference.⁵ In this, they build upon longer-standing criticisms of Locke and his epochal *Letter Concerning Toleration* (1685/9) that focus on two separate, yet related

³ W. Brown, *Regulating Aversion: Tolerance in the Age of Identity and Empire* (Princeton: Princeton University Press, 2008), p. 25-6. Brown and other critics appeal to the OED definition of “tolerance”—from the Latin *tolerare*, as “enduring pain or hardship,” “allowing” or “licensing,” or “indulg[ing]...the opinions and practices of others”—as evidence that the concept “involves neither neutrality nor respect for that which is being tolerated” (pp. 13-4).

⁴ For the traditional Christian notion of *tolerantia* as a policy of permission without approval applied to “acknowledged evils” like sewage, prostitutes, and Jews, see I. Bejczy, “*Tolerantia*: A Medieval Concept,” *Journal of the History of Ideas*, 58 (1997), pp. 365-84. For recent attempts to reimagine toleration as something more positive, see M. Nussbaum, *Liberty of Conscience: In Defense of America’s Tradition of Religious Equality* (New York: Basic Books, 2008), p. 24, R. Forst, “Toleration, Justice, and Reason” in *The Culture of Toleration in Diverse Societies*, eds. C. McKinnon and D. Castiglione (New York: Manchester University Press, 2003), pp. 71-85, and A.E. Galeotti, *Tolerance as Recognition* (Cambridge: Cambridge University Press, 2002), p. 10.

⁵ John Rawls’s foray into Whig history in *Political Liberalism* is well known: “The historical origin of political liberalism is the Reformation and its aftermath, with the long controversies over religious toleration in the sixteenth and seventeenth centuries.” J. Rawls, *Political Liberalism* (New York: Columbia University Press, 1996), pp. xxiv.

features: its ethical “thinness,” on the one hand, and its infamous exclusions, on the other. By treating toleration primarily as a matter of political or legal arrangements—including individual rights and church-state separation—his critics suggest, Locke and the liberal tradition he inspired neglected the interpersonal social and ethical supports needed to sustain diversity, while perpetuating a “negative” conception of toleration as non-interference placing few, if any, demands on individuals in their private interactions.⁶ Thus, while the *Letter* argued that “the Toleration of those that differ from others in Matters of Religion” should be denied to “neither *Pagan*, nor *Mahumetan*, nor *Jew*,” nor to any Protestant sect, its subsequent exclusion of atheists, the intolerant, Catholics, and “Turkes” suggests a significant, but unsurprising, strand of *intolerance* at the heart of Lockean toleration.⁷

⁶ According to Waldron, “what one misses above all in Locke’s argument is a sense that there is anything morally wrong with intolerance, or a sense of any deep concern for the victims of persecution.” J. Waldron, “Locke: Toleration and the Rationality of Persecution,” in *Justifying toleration: Conceptual and Historical Perspectives*, ed. S. Mendus (Cambridge: Cambridge University Press, 1988), pp. 61-86, p.85. See also, I. Creppell, “Locke on Toleration: The Transformation of Constraint,” *Political Theory*, 24 (1996), pp. 200-40; R. Kraynak, “Locke: From Absolutism to Toleration,” *American Political Science Review*, 74 (1980), pp. 53-69; and K. McClure, “Difference, Diversity, and the Limits of Toleration,” *Political Theory*, 18 (1990), pp. 361-91.

⁷ J. Locke, *A Letter Concerning Toleration and Other Writings* (Indianapolis: Libertyfund, 2010), pp. 11, 58-9. Here, I take Locke’s reference to the subjects of the “the *Mufti* of *Constantinople*, who himself is entirely obedient to the *Ottoman* Emperor” as not simply a veiled reference to Catholics—although it was certainly that as well. In 1774, Joseph Priestley complained of the ease with which “all preceding writers” on religious liberty had “acquiesced in the arguments and limits of Mr Locke” and availed themselves of his “authority for intolerance.” J. Priestley, *Political Writings*, ed. P. Miller (Cambridge: Cambridge

Against these criticisms however, a growing group of scholars has sought to redeem Locke by recovering the more positive dimensions of his toleration project. Anthony Wilhelm and others have pointed to the “Duty of Toleration” described in the *Letter*, which demanded that individuals observe more than “the narrow Measures of bare Justice” in their interactions by cultivating virtues like civility, charity, and good will.⁸ Others have stressed the central importance of these virtues across Locke’s writings, suggesting an ethical conception of tolerance far beyond the “mere” grudging forbearance of which he has long been accused.⁹ Jeremy Waldron has recently gone so far as to reconstruct a Lockean defense of religious insult legislation on this basis, a

University Press, 1993), pp. xxvi-ii. Some scholars have accused Locke of bigotry and self-contradiction on this basis, while others argue that his circumscription of the “tolerable” reflects the development of early modern toleration as a strategy to defuse doctrinal disputes between European Christians, hence inapplicable to deeper kinds of difference. See for example J. De Roover and S.N. Balagangadhara, “John Locke, Christian Liberty, and the Predicament of Liberal Toleration,” *Political Theory*, 36 (2008), pp. 523-49; J. Dunn, “The Claim to Freedom of Conscience: Freedom of Speech, Freedom of thought, Freedom of Worship” in *The History of Political Theory and Other Essays* (Cambridge: Cambridge University Press, 1996), pp. 100-120; and J. Gray, “Pluralism and Toleration in Contemporary Political Philosophy,” *Political Studies*, 48 (2000), pp. 323-333.

⁸ Locke, *A Letter Concerning Toleration*, 20. A. Wilhelm, “Good Fences and Good Neighbors: John Locke’s Positive Doctrine of Toleration,” *Political Research Quarterly* 52 (1999), pp. 145-66, and Waldron, *Harm in Hate Speech*, ch. 7. See also A. Tuckness, “Rethinking the Intolerant Locke,” *American Journal of Political Science* 46 (2002), pp. 288-98.

⁹ S. Forde, “The Charitable John Locke,” *The Review of Politics* 71 (2009), pp. 428-458, and R. Lamb and B. Thompson, “The Meaning of Charity in Locke’s Political Thought,” *European Journal of Political Theory* 8 (2009), pp. 229-52.

striking reversal of his own earlier criticism of the *Letter*'s supposed indifference to private intolerance.¹⁰

Yet these competing assessments of Lockean toleration are alike incomplete and misleading in important respects. While his defenders are certainly correct to argue that Locke's vision of toleration was far more than "mere," in celebrating this "more charitable" John Locke as a proponent of positive toleration they have downplayed the exclusionary implications rightly emphasized by his critics. Both sides overlook the extent to which concerns about private hatreds and uncivil disagreement informed the development of Locke's thinking about toleration, as well as his understanding of the social virtue of "civility" as the key to its successful realization.

This article argues that Locke was deeply concerned about the malign effects that private intolerance and incivility had on the "tender consciences" of dissenters and civil society at large, and that these fears provide a line of continuity between the anti-toleration *Tracts on Government* (c. 1660), his early arguments in favor of toleration in the *Essay on Toleration* (1667), and finally to his mature views expounded in the *Letter* and its many sequels.¹¹ Throughout, Locke viewed the chief philosophical and practical

¹⁰ Waldron, *The Harm in Hate Speech*, ch. 7.

¹¹ The *Letter*, itself a translation of the original *Epistola de Tolerantia* (1685), comes nowhere near to exhausting Locke's thinking on the subject. In addition to his two early *Tracts on Government* (c. 1660-2), Locke wrote an *Essay Concerning Toleration* (1667) and three other *Letters* in defense of the original, the last of which was left unfinished at his death and published posthumously in 1706. Arguably all of Locke's major works were informed by considerations of religious and moral disagreement, including the *Essay Concerning Human Understanding*, the *Two Treatises*, *Some Thoughts Concerning Education*, and the *Reasonableness of Christianity*. Even his *Observations upon the Growth and Culture of Vines and Olives*

challenge facing a tolerant society to be how to “civilize” the disagreements and combat the sectarian hatreds to which it would be worryingly prone. The changing make-up of the complex package of virtues—both positive and negative, inward and outward—he associated with toleration, in turn, reflected his shifting views on how best to cope.

Beginning in the *Tracts*, Locke endorsed “civility” as an essential means to mediating and moderating the difficulties of fundamental disagreement. The latitudinarian analysis of “civil worship” offered in that work—as the external expression of an inward opinion of respect or esteem analogous to “spiritual” worship—would provide the framework for all of Locke’s later reflections on civility, even as his conception of the character and locus of this indispensable conversational virtue changed dramatically. Contra Waldron, Locke was intimately familiar with legislative attempts to regulate civil worship by banning incivility. In an article strikingly similar to modern hate speech laws, the *Fundamental Constitutions of Carolina* (1669) banned religious insult outright; however, Locke’s *Notes on the Pennsylvania Laws* (1686) condemned a similar statute adopted in Penn’s colony.¹² This shift reflects a greater transformation in Locke’s

(1685) can be seen as an act of “agricultural espionage” in France addressed to the threat of international Catholicism. D. Armitage, “John Locke, Carolina, and the *Two Treatises of Government*,” *Political Theory* 32 (2004), pp. 602-27, 611.

¹² The precise extent of Locke’s involvement with in producing the *Fundamental Constitutions* remains a “vexed issue.” See Mark Goldie’s introductory note in J. Locke, *Political Essays* (Cambridge, 1990), p.160. He was undoubtedly involved in revising and perhaps composing it during his tenure as Secretary to the Lord Proprietors of Carolina (1669-1676), but Jean Yolton places the *Fundamental Constitutions* among the “doubtful and spurious works” in the Locke canon. J.R. Milton and P. Milton note however that he “was known to have had a hand in composing them” and “there are some passages that could very easily have come from his pen.” See their “General Introduction” to J. Locke, *An Essay Concerning Toleration*,

thinking about civility: what began as a virtue of external conformity to contingent norms of civil worship became, over time, a sincere and increasingly inward disposition closely connected with charity and best pursued by non-legislative means.¹³

This change in Locke's conception of civility, I argue, contributed to a no less striking transformation in his understanding of toleration. Ultimately, his long-standing conviction that coexistence between individuals divided in their fundamental

and Other Writings on Law and Politics (Oxford: Clarendon, 2006), p. 118. For further discussion, see D. Armitage, "John Locke, Carolina, and the *Two Treatises of Government*," *Political Theory*, 32 (2004), pp. 602-27, V. Hsueh, "Giving Orders: Theory and Practice in the *Fundamental Constitutions of Carolina*," *Journal of the History of Ideas*, 63 (2002), pp. 425-46, and J.R. Milton, "John Locke and the *Fundamental Constitutions of Carolina*," *Locke Newsletter*, 21 (1990), 111-33.

¹³ Given its relevance to present-day concerns, the scholarly neglect of Locke's preoccupation with civility is surprising. Waldron's recent work on dignity and defamation provides a welcome exception, yet by focusing on the *Letter* and overlooking other sources it remains necessarily incomplete. Those who have written on Lockean civility generally obscure its distinctiveness by assimilating his views too quickly to those of his contemporaries. John Marshall focuses on Locke's participation in the European "Republic of Letters" and its idealization of "civil" discourse, while Richard Boyd, Duncan Kelly, and Markku Peltonen have linked Lockean civility to the Scottish Enlightenment and growing eighteenth-century preoccupation with manners and morals. Barbara Arneil accuses Locke of having endorsed a distinction between civility-as-civilization vs. savagism in his writings on America but ignores his many appeals to "civility" as a conversational virtue elsewhere. See B. Arneil, *John Locke and America: The Defense of English Colonialism* (Oxford: OUP, 1996), J. Marshall, *John Locke, Toleration, and Early Enlightenment Culture* (Cambridge: Cambridge University Press, 2006), R. Boyd, *Uncivil Society: The Perils of Pluralism and the Making of Modern Liberalism* (Oxford: Lexington, 2004), D. Kelly, *The Propriety of Liberty* (Princeton: Princeton University Press, 2010), and M. Peltonen, "Politeness and Whiggism, 1688-1732," *The Historical Journal*, 48 (2005), pp. 391-414.

commitments could not succeed without a genuinely *civil* society to sustain it led Locke to re-imagine the negative policy of permission without approval associated with *tolerantia* as instead a form *concordia* or concord—a positive vision of unity in diversity and harmonious communion between individuals secured by affective “bonds” of civility, charity, and mutual trust. But in secularizing this Christian ideal, Locke ultimately premised affective concord on an agreement between individuals more “fundamental” than the disagreements that divided them.

Re-interpreting the limits of his toleration in this light reveals that the exclusion of certain groups from toleration did not arise from its ethical *thinness*, as is commonly supposed. Rather, it derived from Locke’s attempt to turn toleration into a positive ideal and civility from a minimal, outward, and occasionally hypocritical virtue to an inward form of “civil charity” subject to the same sincerity requirement applicable in religion. In underplaying the complex relationship between civility and charity on his account, Locke’s recent defenders neglect the intimate connection between his positive toleration and the exclusionary implications stressed by his critics. This, I suggest, has important consequences for critics and defenders alike, insofar as they also prefer concord to “mere” toleration as an approach to dealing with difference.

II. The Difficulties of Disagreement: The *Tracts*

Scholars concerned to recover a more positive form of Lockean toleration usually begin with the *Letter* and its ethically demanding Duty of Toleration. But years before, similar concerns about incivility and sectarian hatreds led Locke to argue just as passionately *against* the toleration of religious difference as he would later in its favor.

The early *Tracts on Government* (c. 1660-2) argued that England's tumultuous years of civil war and Interregnum had had more to do with sectarian strife than rival political theories. The *Tracts* reveal Locke as a man deeply impacted by the political and religious upheavals of his youth: "I no sooner perceived myself in the world," he wrote, "but I found myself in a storm, which hath lasted almost hitherto."¹⁴ Like Hobbes, he blamed this storm on the proliferation of sects and the manipulation of the people by their religious leaders, who undermined civil society by heightening religious enthusiasm and fomenting dangerous levels of uncivil disagreement and sectarian animosities in turn.¹⁵

For Locke, the restoration of the monarchy and the Episcopal Church of England after years of relative toleration under Cromwell seemed to vindicate the notion that religious uniformity was the *vinculum societatis*—i.e., the chain or bond holding society together.¹⁶ Religious diversity evidently exacerbated the partiality and pride of individuals by encouraging these proud, passionate, and combustible creatures to disagree with one another on matters of cosmological importance, whereupon each difference of opinion called into question not only another's intelligence, but his very salvation. Mutual hatred and, in turn, civil war seemed to follow inevitably from the bare fact of religious difference. What, then, could a return to a failed policy of toleration offer, but a recipe for further disaster?

¹⁴ J. Locke, "First Tract" in *Political Essays*, ed. M. Goldie (Cambridge: Cambridge University Press, 1990), pp. 5-7.

¹⁵ The *Tracts* are often cited as evidence of Locke's early "Hobbesism," especially in his claim that any and all "disadvantages of government" are "far less than are to be found in its absence as no peace, no security, no enjoyments, enmity with all men and safe possession of nothing." Locke, *First Tract*, p. 37.

¹⁶ Kaplan, *Divided by Faith*, p. 72.

The *First Tract* was written as a direct response to *The Great Question Concerning Things Indifferent in Religious Worship* (1660), a pamphlet written by his fellow Oxonian Edward Bagshaw.¹⁷ “Things indifferent” or *adiaphora*—as opposed to the *fundamenta* or “fundamentals” of faith—referred to those beliefs and worships for which there was no explicit Scriptural authority. Bagshaw’s case for limited toleration rested on the idea that the civil magistrate should not demand conformity from his subjects in religious matters that were indifferent. Locke, on the contrary, argued the intolerant latitudinarian line, insisting that “indifferent things of civil as well as religious concernment [were] of the same nature,” hence likewise subject to the civil magistrate, who necessarily possessed “an absolute and arbitrary power over all the indifferent actions of his people” and therefore could impose upon them whatever uniformity in worship he saw fit.¹⁸

Significantly, in justifying this position Locke relied upon an analogy between the external ceremonies characteristic of religious worship, on the one hand, and the rules of “civility” or “civil worship” governing respectful behavior, on the other.¹⁹ Taking off one’s hat to another, whether in church or on the street, was simply a culturally contingent ritual for the outward expression of an inward opinion of respect or esteem. The only difference between the two lay in their respective objects—God, on the one

¹⁷ Jeffrey Collins argues that Bagshaw’s tolerant Erastianism in this pamphlet was also inspired by Hobbes, which would make the disagreement between the two men an internecine dispute between young Oxford Hobbists about the implications of latitudinarianism in religion. J. Collins, *The Allegiance of Thomas Hobbes* (Oxford: Oxford University Press, 2007), pp. 238-9.

¹⁸ Locke, *First Tract*, pp. 35, 9.

¹⁹ *Ibid*, p. 29.

hand, and one's neighbor on the other. Moreover, their variability according to time and place demonstrated the essential indifference of the particular forms or ceremonies employed in either endeavor. Locke's argument rested on the presumption that the magistrate's right to regulate the ceremonies of civil worship—and hence to punish *incivility*—was unlimited and unequivocal, a point he did not so much argue as assert: “it seems, then, to be agreed by all that the magistrate is the judge...of what is to be considered decent,” “appropriate,” and “seemly.”²⁰ For the most part, different cultures imported their respectful symbols from civil into spiritual worship, and although he acknowledged that people were clearly deeply attached to their peculiar worships, this did not make these “externals” any less indifferent, or in any way alter the magistrate's fundamental right.²¹

Exempting religious worship from magisterial interference, as proponents of liberty of conscience wanted to, was therefore a slippery slope that threatened to rob the state of its just authority, while at the same time weakening the social order by undermining civility. Locke illustrated this antinomian danger with reference to the Quakers, whose intolerable madness (as he understood it) routinely manifested itself in displays of conscientious *incivility*.²² Were toleration to be extended in principle to all

²⁰ *Ibid*, p. 60 and *Second Tract*, p. 59. For a good treatment of the ambivalence of this standard, as well as its continuities with the discussion of civil harm in the *Letter*, see K. McClure, “Difference, Diversity, and the Limits of Toleration,” *Political Theory*, 18 (1990), pp. 361-91.

²¹ Locke, *First Tract*, pp. 31-2.

²² Quakers recur in Locke's early correspondence as emblematic of the “frantick” age in “this great Bedlam England.” J. Locke, *Selected Correspondence*, ed. M. Goldie (Oxford: Clarendon, 2002), pp. 14-5. In declaring them intolerable, their madness, not their incivility, was primary. I thank one of the journal's

religious worships, Locke insisted, “I know not how a Quaker should be compelled by hat or leg to pay a due respect to the magistrate”; after all, “not putting off the hat...upon a command of the Gospel, though misunderstood, is as much an act of religion...to those so persuaded as not wearing a surplice.”²³ Through their uncivil behavior, the Quakers demonstrated that “there is no action so indifferent, which a scrupulous conscience will not...make a spiritual concernment”—but this did not then mean that such civil things as “a courteous saluting, a friendly compellation, a decency of habit according to the fashion of the place, and indeed subjection to the civil magistrate” itself could be exempted from legal regulation as soon as they were claimed to be part of religion.²⁴ To concede the contrary, as Locke thought advocates of toleration must do, was to undermine all civil authority and abandon society to the devastations of an anarchic incivility and disrespect.

anonymous reviewers for pushing me to clarify this point. In an early letter to his father, Locke suggested that their madness might be exacerbated by their brains over-heating from keeping on their hats (p. 5). Later, he excused the mistreatment of several Quakers at the hands of Oxford undergraduates by claiming that “if such people (who cannot in their carriage and raptures be thought any other than mad...) fall into the hands of young men...what can be expected but some usage?” (p. 7). The conscientious incivility of the Quakers was in striking contrast to Locke’s description of the Labadists, a related sect in Holland, whom he described as being “very civil one to another as well as to strangers, carefully saluting one another with their hats as often as they meet” which led him to suspect “a little of Tartuffe amongst them” (Locke, *Political Essays*, 295). Locke’s early hostility to Quakers gave way in face of experience, and he counted at least one Quaker, Benjamin Furly, among his closest friends. He also owned many Quaker protest tracts detailing their hardships and the evils of their persecution (Marshall, *Locke, Toleration, and Early Enlightenment Culture*, pp. 115, 493, 692).

²³ Locke, *First Tract*, pp. 22-3.

²⁴ *Ibid*, p. 24.

But the Quakers were not the only ones guilty of incivility. In the *Tracts*, Locke argued that the English people *as a whole* were entirely unsuited to toleration due to their predilection for so-called “persecution of the tongue” and propensity to brand others with “odious names” like heretic, idolater, and will-worshipper.²⁵ Such hateful labeling necessarily exacerbated religious conflict and facilitated persecution by demonizing and dehumanizing its targets, “not unlike the cruelty of the barbarous heathens that covered the Christians with those skins they had taken off from ravenous beasts that under that disguise they might the better bait them.”²⁶ To make matters worse, the English were also inclined to religious enthusiasm and over-sensitive to offense, which made them “ready to conclude God dishonoured upon every small deviation from [their] way of his worship” as well as “apt to judge every other exercise of religion as an affront to theirs.”²⁷ Accordingly, one “must confess himself a stranger to England,” he declared, “that thinks that meats and habits, [or] places and times of worship would not be as sufficient occasion of hatred and quarrels amongst us” as were Juvenal’s leeks and onions.²⁸

In the *Tracts*, Locke concluded that the prevalence of private intolerance and incivility in England made toleration a dangerously self-defeating proposition. The difficulties of disagreement meant that the war of swords must always closely follow that of words. To grant liberty of conscience was, accordingly, to grant “only a liberty for

²⁵ *Ibid*, p. 42. For “persecution of the tongue,” see Walsham, *Charitable Hatred*, pp. 127-8

²⁶ Locke, *First Tract*, p. 30.

²⁷ *Ibid*, p. 42.

²⁸ *Ibid*, p. 8. Hobbes makes reference to the same anecdote in *Leviathan*.

contention, censure and persecution, and...the tyranny of religious rage.”²⁹ Consistent with his Erastianism, Locke left the actual policy to be adopted—anything from uniformity to toleration—to the magistrate’s discretion; yet he insisted that English society, such as it was, could not safely support the latter.³⁰ Despite the seemingly boundless power Locke claimed for the magistrate the *Tracts* however, it is worth noting that he was already committed to a position he developed at length later in the *Letter*—namely, that faith was a matter of the sincere “internal persuasion” of the mind and hence that the civil sword was powerless to impose in matters of belief.³¹ Accordingly, the magistrate “hath no commission to examine the hearts” of his subjects, and any attempt to apply force therein could serve only “to make enemies rather than proselytes.”³² But their *external* actions—in the form of both words and deeds—were a different story; a magisterial “rigor which cannot work an internal persuasion may notwithstanding [work] an *outward conformity*, all that is here required.”³³

²⁹ *Ibid*, p. 7.

³⁰ Some scholars cite a draft letter Locke wrote to Henry Stubbe in 1659 (signed, endearingly, “Your Admirer”) in order to demonstrate that he was not in fact “unsympathetic” to toleration at this early stage. See Milton and Milton, “General Introduction,” p. 26. Yet Locke’s suggestion there that the case for toleration would be strengthened by including more recent examples of tolerating societies (e.g. “Holland, France, Poland, etc. since nearest examples have the greatest influence”), along with his expression of concern about the toleration of “papists” given their hypocrisy and dual allegiances, are consistent with his argument in the *Tracts* that, though toleration was legitimate in principle, the chief concern was “wither it be now practicable” given the human materials available. Locke, *Correspondence*, vol. I, p. 110.

³¹ Locke, *First Tract*, p. 14.

³² *Ibid*, p. 28.

³³ *Ibid*, p. 14. My emphasis.

In the *Tracts*, civility was treated likewise as an essentially outward virtue consisting in external conformity to culturally contingent norms of polite behavior. It, too, could accommodate considerable hypocrisy, yet it was indispensable for that very reason. The difficulties and dangers of religious disagreement were sufficiently great that the scrupulous sovereign regulation of religious *and* civil worship would be required. So long as external deviations in each were fully suppressed, spiritual and civil hypocrisy would be a small price to pay for civil peace.

Still, even in the *Tracts* Locke conceded that the idea of toleration possessed considerable attraction—indeed, it might even work—if only people were *different* on the inside. “If the believer and unbeliever could be content as Paul advises to live together and use no other weapons to conquer each other’s opinions but pity and persuasion....suffer[ing] one another to go to heaven everyone his own way,” he wrote, and if “such temper and tenderness were wrought in the hearts of men,” toleration might well “promote a quieter world.”³⁴ For the time being, however, it seemed that people—especially English people—were manifestly otherwise. As long as they remained so, the dangers posed by hatred expressed and enflamed in open disagreement on religious questions were too great to permit another ill-fated experiment with toleration.

III. Regulating Civil Worship: the *Essay on Toleration* and the *Fundamental Constitutions*

³⁴ *Ibid*, pp. 41-2.

By the time he wrote the *Essay on Toleration* in 1667, Locke had clearly changed his mind.³⁵ There, as in the *Letter* twenty years later, he argued that the public acknowledgement and protection of religious diversity was not itself the cause of discord, but rather an indispensable condition of peace. Henceforth Locke would reject indifference in favor of civil harm or “injury” as the standard of magisterial interference in religious worship.³⁶ The spiritual importance of sincerity he had originally assigned only to inward matters of belief now migrated outward as well. Despite the obvious contingency of its particular forms, Locke maintained that external worship was acceptable to God only insofar as it was *sincerely* offered; “however they may be *in their own nature perfectly indifferent*,” in “religious worship *nothing is indifferent*, for it being

³⁵ Generations of scholars have offered more or less charitable speculations as to the causes of this *volte face*. The exact inspiration remains a mystery. Ever-increasing temporal remoteness from the trauma of civil war and the failure of the 1662 Act of Uniformity and other legislative measures to placate religious controversy undoubtedly contributed. In attempting to explain his “conversion” from “conservative” to “liberal,” scholars commonly point to biographical factors, specifically the start of Locke’s employment with Lord Ashley. But to leave it there seems—as John Dunn notes—profoundly uncharitable to Locke as an original political thinker in his own right. J. Dunn, *The Political Thought of John Locke* (Cambridge: Cambridge University Press, 1969), p. 28. Such accounts generally serve to explain away the young Locke’s flirtation with absolutism (“there is no one can have a greater respect and veneration for authority than I” (Locke, *First Tract*, p. 7), but there are important continuities between his position in the *Tracts* and his later arguments in favor of toleration, particularly in the matter of the magistrate’s right to regulate civil worship, as I emphasize below.

³⁶ J. Locke, “An Essay Concerning Toleration” in *A Letter Concerning Toleration and Other Writings*, M. Goldie (Indianapolis: Libertyfund, 2010), p. 109.

the using of those habits, gestures, etc., and no other, which I think acceptable to God.”³⁷ As he put it later in the *Letter*, to impose religious uniformity and thereby force people to worship “contrary to their Judgment” was “in effect to command them to offend God” and become spiritual hypocrites. This was understandably and needlessly upsetting, as well as corrosive of the mutual trust he now placed at the center of political and social life.³⁸

Finally, whereas Locke had suggested previously that hatred must necessarily accompany any and all disagreement on religious questions due to human nature and the height of the stakes, hereafter he consistently denied any immediate connection between religious diversity and destructive dislike. Though differences in opinion would necessarily divide men, the *Essay on Toleration* insisted that it was “*ill usage*” and the determination to “censure and malign” others, *not* religious difference as such, that engendered “perfect enmity” between them. The latter caused “barely a separation, the other a quarrel.”³⁹ Such quarrels between “partys” and competing evangelists remained dangerous indeed, but by isolating *incivility* as the catalyst for social strife and the

³⁷ *Ibid*, p. 133. My emphasis. He developed this theme at length in his unpublished *Critical Notes on Stillingfleet* (c. 1681): “Many things that are of their owne nature indifferent case to be soe when they come into the concernment of religion. Kneeling or not Kneelng is certainly a very indifferent action in it self & yet the magistrate cannot therefore injoyne or forbid it his Christian subjects in the receiving of the sacrament for in those that believe transubstantiation it would be irreligious not to kneele & in those who thinke kneeling an act of worship it would be Idolatry to kneele to that which they bought but bread & wine & in others that thought it only amore reverend posture would be neither.” Quoted in Milton and Milton, “General Introduction,” p. 47.

³⁸ Locke, *Letter Concerning Toleration*, p. 33.

³⁹ Locke, *An Essay Concerning Toleration*, pp. 109, 128.

devastating cycle of religious hatreds, Locke was able to counter the claim of his former allies that religious diversity as such severed the *vinculum societatis* and was inconsistent with peace. Trust, not uniformity, was the true “Bond of Society”; hence, toleration *could* work so long as mutual trust could be preserved. This required two things: firstly, that sincerity in spiritual worship not be penalized, but rather encouraged through toleration, and secondly, that the uncivil “ill usage” characteristic of religious disagreements be suppressed.⁴⁰

But how? Clearly, rendering disagreements “civil” required placing constraints on their conduct. The magistrate’s authority over civil worship thus appeared as one obvious means for moderating the difficulties of disagreement and religious insult—the dehumanizing denominations or animal “skins” with which sectarians covered their opponents—an obvious species of incivility in need of restraint. In this, Locke was not alone. Fears about the rampant incivility and acrimony characteristic of religious controversies had been central to debates about religious toleration since the Reformation. Inspired by the coining of many imaginative new terms of religious abuse, statutes forbidding neighbors “in anyway to offend, injure, or speak any contemptuous words” were common on the continent, with some prohibiting “any discourse about Religion,” for fear of “falling out.”⁴¹ In England, such imaginative locutions—literally

⁴⁰ *Ibid*, p. 132. For Locke, *fides*—man’s moral capacity to make and keep promises—and not religion, was the true *vinculum societatis*. As the key to man’s ability to make contracts the concept was foundational to his political theory. Trust was, for Locke, thus “the key practical capacity which made it possible for human beings to live with one another on tolerable terms at all.” J. Dunn, “Trust” in *The History of Political Theory and Other Essays* (Cambridge: Cambridge University Press, 1996), pp. 93, 96.

⁴¹ Kaplan, *Divided by Faith*, p. 251.

“denominations”—as “pratlingstants” and “pickthankly knaves” were singled out in addition to “puritan” and “quaker” as offensive and in need of banning.⁴²

Concerns about religious hatred and its expression traveled to the New World with emigrant dissenters, some of whom demonstrated a decidedly ecumenical concern for the tender consciences of others. In Maryland, for instance, the Toleration Act of 1649 penalized anyone who would “declare[,] call[,] or denominate” anyone “in a reproachful manner or way...relating to matter of Religion.”⁴³ Similarly, the article establishing toleration in the Great Law of Pennsylvania (1682) included a provision declaring: “if any person shall abuse or deride any other for his or her different persuasion and practice in matter of religion, such shall be looked upon as a disturber of the peace, and be punished accordingly.”⁴⁴

The religious insult provision included in the *Fundamental Constitutions of Carolina* (1669)—that “no person shall use any reproachful, reviling, or abusive language about the religion of any church or profession”—was therefore not unique. Leaving the vexed issue of Locke’s authorship aside, the *Fundamental Constitutions* demonstrates that he was, at the very least, familiar with legislative attempts to curtail

⁴² Walsham, *Charitable Hatred*, pp. 127-8.

⁴³ It also outlawed an admirably exhaustive and ecumenical list of epithets, including “heritick, Scismatick, Idolator, Puritan, Independent, Prespiterian, popish priest, Jesuite, Jesuited Papist, Lutheran, Calvenist, Anabaptist, Brownist, Antinomian, Barrowist, Roundhead, Sepa[ra]tist” among others. See the “Maryland Toleration Act” in *Colonial Origins of the American Constitution: A Documentary History*, ed. D. S. Lutz (Indianapolis: Liberty Fund, 1998), p. 311.

⁴⁴ W. Penn, “Great Law of Pennsylvania” in *Church and State in the Modern Age: A Documentary History*, ed. J.F. Maclear (Oxford: OUP, 1995), pp. 52-3.

uncivil disagreement. Moreover, the article's stated justification followed Locke's reasoning about "ill usage" in the *Essay* closely. It made clear that the target was not just religious insult, but all aggressive or enthusiastic forms of evangelism as well. Such speech, it claimed, served only to encourage "quarrels," "animosities," and "hatred" of the "professors" of other religions, and those religions themselves. As such, it was a "certain way of disturbing the public peace, and of hindering the conversion of any to truth," the dual ends for which the liberty of conscience had been established.⁴⁵

The continuities of language and concern here with the *Essay on Toleration*—as well as the anti-toleration *Tracts*—are suggestive. Whether Locke actually authored this article or any of the others relating to religion in the *Fundamental Constitutions* must

⁴⁵ J. Locke, "Fundamental Constitutions of Carolina" in *Political Essays*, ed. M. Goldie (Cambridge: Cambridge University Press, 1990), pp. 178-9. The article establishing toleration demonstrated a similar sensitivity to the problems of incivility and persecution of the tongue:

"Since the natives of that place, who will be concerned in our plantation, are utterly strangers to Christianity...and those who remove from other parts to plant there, will unavoidably be of different opinions concerning matters of religion...that civil peace may be maintained amidst the diversity of opinions...and also, that Jews, heathens, and other dissenters from the purity of Christian religion may not be scared and kept at a distance from it, but by having an opportunity of acquainting themselves with the truth and reasonableness of its doctrines, and the peaceableness and inoffensiveness of its professors, may, by *good usage* and *persuasion*, and all of those convincing methods of *gentleness* and *meekness*, suitable to the rules and design of the Gospel, be won over to embrace, and unfeignedly receive the truth: therefore any seven or more persons agreeing in any religion shall constitute a church or profession, *to which they shall give some name to distinguish it from others*" (my emphasis). The importance of maintaining respectful and "inoffensive" speech between the members of different congregations—including in the prerogative of each sect to name itself!—is in keeping with Locke's concerns in the *Tracts*.

remain uncertain. What is clear, however, is that even in the midst of his turn to toleration in the latter part of the 1660s, Locke continued to worry about the uncivil disagreements caused by intolerance and sectarians' proselytizing zeal. The *Essay* likewise complained of men's propensity to "take up their religion in grosse" and "the opinions of their party all at once in a bundle," including the destructive belief that "one is bound to broach and propagate any opinion he believes himself" with others.⁴⁶ Moreover, although he was now committed to liberty of conscience in matters of *religious* worship, Locke continued to endorse the magistrate's discretion over the external forms of civility, arguing that he could and should restrict these insofar as public order demanded it.⁴⁷ For example, the *Essay* offered assurances that the Quakers might still be forced to doff and don their hats, should the magistrate judge them "numerous enough to become dangerous to the state."⁴⁸ Indeed, should any "distinct party" in the commonwealth grow "so numerous as to appear dangerous," the state would be justified in banning the symbols by which its members could identify one another, including the "wearing of hats or turbans," a "lay cloak" or an "ecclesiastical cowl."⁴⁹

⁴⁶ Locke, *An Essay*, p. 146.

⁴⁷ The *Fundamental Constitutions* also included a provision for a Chamberlain's court that would preside over all "ceremonies, precedence, [and] heraldry" and would also have "the power to regulate all fashions [and] habits." *Fundamental Constitutions*, pp. 170-1.

⁴⁸ Locke, *An Essay*, p. 120.

⁴⁹ *Ibid*, pp. 118-9. Milton and Milton note that Locke walked this point back slightly in later revisions to the *Essay*: "If all things that may occasion disorder or conspiracy in a commonwealth must not be endurd in it all discontented & active men must be removd, & whispering must be lesse tolerated then preaching as much likelier to carry on & foment conspiracy. & if all numbers of men joynd in an union & corporation

These civilitarian provisions might surprise the casual reader of the *Second Treatise*. Nevertheless, they show that, from the beginning, even Locke's arguments in favor of religious toleration were informed by fears about the uncivil expression of sectarian hatreds familiar today. Both the *Fundamental Constitutions* and the *Essay on Toleration* made clear that religious liberty should under no circumstances be mistaken for a license to offend or insult others on the basis of their religion. A tolerating society could not afford to be indifferent to the *vinculum societatis* holding its members together. Still, for all of its importance in these works, civility remained an outward matter. By making and executing laws proscribing expressions of incivility in word or deed the magistrate could and would fulfill his duty to secure the peace and safety of the commonwealth against a threat that was truly existential.

IV. The Duty of Toleration and the Social Virtue of Civility: The *Letter* and *Some Thoughts Concerning Education*

"Lockean" toleration has long been viewed as a distinctive set of institutional arrangements, including individual rights, equal protection, and the separation of church and state. Yet Locke did not abandon his concerns about private intolerance and incivility in the *Letter*. Nor did he relinquish the hope that citizens divided increasingly by religion might remain safely united through civility. As defenders of a more "positive" Locke emphasize, the *Letter* devoted considerable attention to toleration as an everyday, first-person practice of individuals. Indeed, having decided firmly in favor of accommodating rather than suppressing religious diversity, Locke's preoccupation with the difficulties of

distinct from the publique be not sufferd all charters of Towns espetially great ones are presently to be taken away." Quoted in Milton and Milton, "General Introduction," p. 44.

disagreement only grew in later works—and his understanding of the requisite, supplementary “civility” expanded accordingly.⁵⁰

In an unpublished fragment on “Morality” written around 1677, ten years after *An Essay on Toleration*, Locke compiled a list of virtues “which relate to society and so border on justice, but yet are not comprised under direct articles of contract.” Among these was civility, defined as “nothing but outward expressing of good will and esteem, or at least of no contempt or hatred.”⁵¹ This definition was in keeping with his earlier works; another decade later however, the *Letter* reflected a decisive shift in Locke’s conception of civility, both in its character and locus. It eschewed the earlier emphasis on the *outward* nature of civility and turned its focus inward, to the dispositions, beliefs, and attitudes of individuals. In order to sustain diversity, observing “the narrow Measures of bare Justice” by abstaining from injury or interference would be insufficient. The “Duty of Toleration” demanded “Charity, Bounty, and Liberality” in one’s treatment of others, regardless of religious differences.⁵² “Equity” and even “Friendship,” Locke

⁵⁰ In his later works, Locke frequently coupled arguments for toleration with the demand that magistrates turn their attention from punishing dissent to extirpating immorality instead. The virtues, it seemed, were also “strong ties and bonds of society,” which “cannot be loosened without shattering the whole frame,” and limited government on his model required a moral, virtuous, and self-disciplining citizenry to sustain it. Locke’s support for the programs associated with the “Reformation of Manners” in the 1690s demonstrated his conviction that increases in religious liberty and diversity would need to be compensated by constraint and conformity in other areas.

⁵¹ J. Locke, “Morality” in *Political Essays*, p. 269. My emphasis.

⁵² Locke, *Letter Concerning Toleration*, p. 20.

insisted, must “always mutually...be observed” by private persons and individual churches, as well as “the softness of Civility and good Usage” in their disputes.⁵³

As Wilhelm and Waldron have rightly stressed, by “mutual toleration” Locke meant much more than the posture of grudging sufferance associated with *tolerantia*. Rather, the duty of toleration designated a demanding and complex combination of virtues—including civility—on the part of private individuals as indispensable ethical supports for toleration as a public policy. Toleration was not itself the *cause* of differences in religious opinions or sectarian affiliation; it simply made preexisting divisions public. Nevertheless, the open acknowledgment and expression of these differences—particularly through evangelical competition—would become a source of contention and conflict.⁵⁴ Man’s pride and unreasonable attachment to his own opinions predisposed him to see every criticism as an affront and every failure to persuade as evidence of another’s bad faith. Religious disagreements were bound to remain especially rife due to the salvific stakes, the importance of faith to settling the relevant authorities, and the difficulty of theological questions for even the most gifted intellects.⁵⁵ When combined with the natural variety of men’s understandings and the limited time available to contemplate such matters with sufficient seriousness, talking openly about one’s fundamental disagreements with others and persuading them of their errors became an undertaking necessarily fraught with frustration, failure, and resentment.

⁵³ *Ibid*, 21, 23.

⁵⁴ Locke, “A Third Letter for Toleration” in *The Works of John Locke* vol. 5 (London: C. and J. Rivington, 1824), p. 239.

⁵⁵ *Ibid*, p. 298.

In this respect, Locke never really abandoned the Hobbesian concerns animating the *Tracts*. Disagreement was not only often unpleasant; if prolonged and embittered it would necessarily dissolve social comity and breed distrust.⁵⁶ His later latitudinarian insistence in *The Reasonableness of Christianity* on a “reasonable” and minimal creed that eschewed vexing theological issues and sought an overlapping consensus on the “fundamentals” was similarly motivated. Yet Locke recognized, as many of his contemporaries did not, that simplifying religious truth alone would not suffice to make ongoing disagreement on religious questions peaceful or productive. To do that, one had to turn one’s attention to the *manner* of disagreement, as well as to its substance—that is, to civility.

In the *Letter*, as in the *Essay*, Locke continued to maintain that incivility, rather than diversity as such, was to blame for fomenting religious hatreds. Individuals or churches might legitimately “admonish” one another, as long as they never lapsed into any “manner of ill usage” in the process.⁵⁷ Even excommunication must “carry with it no rough usage of Word or Action.”⁵⁸ “Any one may employ as many Exhortations and Arguments as he pleases, towards the promoting of another man’s Salvation,” but he must watch his tone, for “nothing is to be done imperiously.”⁵⁹ In softening his stance against proselytism, Locke insisted at the same time that more would be required from

⁵⁶ Hobbes’s suspicion of disagreement went even deeper. As he put it in *De Cive*: “The mere act of disagreement is offensive.” Thomas Hobbes, *On the Citizen*, ed. R. Tuck (Cambridge: Cambridge University Press, 1998), p. 26.

⁵⁷ Locke, *Letter*, p. 25.

⁵⁸ *Ibid*, p. 19.

⁵⁹ *Ibid*, p. 46.

aspiring evangelists than self-restraint or abstention from pejorative “denominations.” Civility consisted rather in “gentle” and “soft Usage” and “such a Carriage” towards others as could be believed to “proceed from Charity, Love, or Good-will.”⁶⁰

In focusing on these passages in the *Letter*, defenders of a more positive Lockean theory of toleration supply a much-needed corrective to persistent criticisms of its supposed ethical “thinness” or negativity. Yet in doing so, they have overlooked the extent to which the Duty of Toleration developed out of concerns about religious difference and uncivil disagreement first articulated in the *Tracts*, and *not* as a celebration of diversity or the promise of interfaith dialogue as such.⁶¹ Consequently, they have also been insensitive to the significant shifts in Locke’s conception of civility over time. Beyond asserting its importance as an element of the Duty of Toleration, the *Letter* left the precise character and scope of the civility necessary to make religious disagreement non-threatening decidedly ambiguous. Certainly, linking civility so closely and consistently with other, inward virtues in that capacity—virtues like humanity, benevolence, and above all charity—suggested that Locke no longer viewed civility as

⁶⁰ *Ibid*, pp. 9-10. *An Essay Concerning Human Understanding* (1689) expressed a similar thought: “It would, methinks, become all Men to maintain *Peace*, and the common Offices of Humanity, and *Friendship*, in the diversity of *Opinions*, since we cannot reasonably expect, that anyone should readily and obsequiously quit his own Opinion, and embrace ours with a blind resignation to an Authority, which the Understanding of Man acknowledges not. J. Locke, *An Essay Concerning Human Understanding*, ed. P. Nidditch, (Oxford: Clarendon, 1975), pp. 659-60.

⁶¹ Anthony Wilhelm, especially, goes too far in this direction. See Wilhelm, “Good Fences and Good Neighbors,” pp. 160-61.

“nothing but” the outward performance of esteem or a virtuous, benign hypocrisy. But what, exactly, did this new “softness of Civility” entail?

Locke reserved his most sustained treatment of civility for his educational treatise, *Some Thoughts Concerning Education* (1693). Locke’s reflections on how to inculcate this “first and most taking of the social virtues” in children take up a considerable part of the work.⁶² His main targets were the ubiquitous handbooks of gentlemanly behavior and “civil conversation” masquerading as treatises of education. These taught civility in the sense Locke had employed it earlier by focusing on the externals of esteem and civil worship, such as how to “put off” one’s hat or “make legs”—i.e. bow—“modishly.” But Locke now insisted that this was to mistake matters entirely, because it confused the outward *form* of civility with its *inward* substance. His reasoning in this regard mirrored his latitudinarian analysis of spiritual worship in the *Tracts*, only now he insisted that civil worship, too, was an essentially internal affair. To focus exclusively on external rituals was to mistake the true essence of worship, which lay rather in the opinion of respect or esteem that those contingent rituals expressed. Regional and cultural variation meant that the forms of civility were necessarily “as peculiar and different in several countries of the world as their languages.”⁶³ But this variability simply demonstrated that the virtue of civility could not consist simply in outward behavioral rectitude or in the

⁶² Locke, *Some Thoughts Concerning Education*, eds. N. Tarcov and R. Grant (Indianapolis: Hackett, 1996), pp. 47-8).

⁶³ *Ibid*, p. 110.

particular forms of “putting off the hat” or “making compliments;” the “manner of doing is of more consequence than the thing done.”⁶⁴

Just as the true essence of religion was the “inward perswasion of the mind” rather than ceremonious *adiaphora*, Locke now insisted that *true* civility lay not in one’s actions, but in one’s inward states—namely, the “disposition of the mind not to offend others.”⁶⁵ It consisted fundamentally in “that general good will and regard for all people which makes anyone have a *care* not to show...any contempt, disrespect, or neglect” of his neighbor and “express according to the fashion and ways of the country a respect and value.” The outward forms dominating popular understanding were simply “the language whereby that internal civility of the mind [was] expressed.”⁶⁶ This emphasis on ceremonial rigor in civility was akin to formalism and works-righteousness in religion, and just as wrong-headed. Although dance lessons might be helpful in cultivating the natural grace and fluidity of motion necessary to express this inward disposition in

⁶⁴ *Ibid*, p. 65. Complete mastery was nearly impossible, but even then a child would be ill-equipped and ridiculous as soon as he departed his native shores. To “torment” children, then, “with punctilios or the niceties of breeding” by bombarding them with “rules and discourses” and drilling them over and over in unnatural displays was not only “useless” and “impertinent,” but cruel (p. 43).

⁶⁵ *Ibid*, p. 107. This new definition of civility is consistent with the curious “dispositional” character of Lockean charity identified by Thompson and Lamb. They argue that the latter was a reflection of his intellectual and personal associations with the Cambridge Platonists and latitudinarian, low-church Anglican clergy. Locke’s shifting conception of civility likely reflects the same influence. Thompson and Lamb, “The Meaning of Charity in Locke’s Political Thought.”

⁶⁶ *Ibid*, p. 107. My emphasis.

whatever indifferent forms of civil worship were current, it was what was on the inside, not the outside, that counted.⁶⁷

According to Locke, this inward, dispositional character of civility—“in truth, nothing but a care not to show any slighting or contempt of anyone in conversation”—derived directly from its role in facilitating social intercourse and, especially, in regulating disagreement. In this, *Some Thoughts* exhibited the same sensitivity to difficulties of disagreement animating the *Tracts*. But what was formerly a simple matter of cultural conformity and self-restraint now became an internal art of inoffensiveness achieved through hypersensitivity to the sensitivities of others.⁶⁸ The successful conduct of disagreement—wherein “one angry body” was prone “to discompose the whole company”—demanded no less.⁶⁹ To illustrate the danger, Locke recounted the story of two “ladies of quality” who had fallen “into a dispute and [grown] so eager in it, that in the heat of their controversy” they had “got up close to one another in the middle of the room...as fiercely as two gamecocks in the pit,” oblivious to the circle of amused onlookers. Though the anecdote was ridiculous, Locke’s point was deadly serious. No one, not even the most “civilized” or “gentle” members of society, was immune to the “heat” of disagreement. Hence, the slightest incivility—an “ancient piece of barbarity

⁶⁷ *Ibid*, p. 43.

⁶⁸ As an internal disposition, civility would find “the most acceptable and agreeable way of expressing itself” through one’s “whole outward demeanor” and the “decency and gracefulness of looks, voice, words, motions, gestures” which were suited to particular “persons and occasions” (*Ibid*, p. 65).

⁶⁹ *Ibid*, p. 109.

amongst us”—was as tinder to the flame, with the potential to convert any casual disagreement into outright combat.⁷⁰

Evidently civility was not only essential to the art of conversation; it was also a necessary safeguard against an untimely return to the state of war. But even if *bellum omnium contra omnes* did not result, Locke’s hedonic theory of action predicted that mass defection might. His commitment to the “opposite arguings of men of parts” as a crucial means to man’s moral, intellectual, and social progress made this an almost equally devastating result.⁷¹ In order to secure individuals’ continued participation, conversation needed to be *pleasant*, as well as peaceful. This helps explain the inward migration and concomitant “thickening” of what had hitherto been an essentially outward virtue. Now defined as the disposition or “care” to please and never to offend, civility had “no other use or end but to make people easy and satisfied in their conversation with

⁷⁰ *Ibid*, p. 112. In a suggestive passage that reads like a paraphrase of Roger Williams’s path-breaking *A Key into the Language of America* (1643), Locke suggested that the best exemplars of civility were not European courtiers or “persons of quality,” but rather “the Indians, whom we call barbarous” and yet “observe much more decency and civility in their discourse and conversation.” Despite their shared personal connection with the Masham family and the house at Otes, attempts to prove a direct intellectual link have come up empty. For a recent attempt, see Nussbaum, *Liberty of Conscience*, p. 41 n.18. This passage has been overlooked, and I believe it represents some of the best textual evidence that Locke was familiar with Williams’s work. It is not definitive, however; moralistic comparisons between the “barbarians” of Europe and the “civilized” Americans were a long-standing trope. For recent work on Locke’s interest in the American Indians, see James Farr, “Locke, ‘Some Americans,’ and the Discourse on ‘Carolina,’” *Locke Studies*, 9 (2009), pp. 19-96, and Turner, “Locke and Christian Mission.”

⁷¹ Locke, *Some Thoughts Concerning Education*, p. 111.

us.”⁷² Through it, a man might even criticize or correct his neighbor and “set him right in [his] mistakes” with “no breach of good manners or friendship.”⁷³ In its promise to keep conversations peaceful, pleasant, and ongoing, civility was indispensable to any gentleman concerned to fulfill his Ciceronian duty to act as a critical spectator on society and instruct his fellow men in virtue without alienating them thereby.⁷⁴ If people could be made to love good company, they might even come to seek their own correction.⁷⁵

Anticipating the objection that civility, thus understood, might easily lapse into flattery, Locke insisted that making oneself inoffensive did not require that one always agree with others.⁷⁶ As in the *Letter*, it was the *manner* of doing it, not the fact of disagreement itself that was at issue. Nevertheless, men’s natural sensitivity, partiality, and pride meant that the line between civil disagreement and incivility remained razor-

⁷² *Ibid*, p. 109.

⁷³ *Ibid*, p. 66.

⁷⁴ In the Epistle Dedicatory, Locke declared, “I see not what difference he puts between himself and his Cattel, who lives without that thought.” As the crowning achievement of education, civility represented an ideal of gentlemanly conduct achieved not through birth, but education and application. The best citizen for Locke was the gentleman who devoted his life to serving his country by instructing his neighbors, both through civil discourse and by example. For the further Ciceronian dimensions of Locke’s thinking as a denizen of the “Republic of Letters,” see Marshall, *Locke, Toleration, and Early Enlightenment Culture*, pp. 509-15.

⁷⁵ In civility, as in most things, Locke believed that people were largely the product of the company they kept. “Having named company, I am almost ready to throw away my pen and trouble you no farther...for since that does more than all precepts rules and instructions methinks it is almost wholly in vain to make a long discourse of other things.” Locke, *Some Thoughts*, p. 45.

⁷⁶ Wilhelm, “Good Fences and Good Neighbors,” pp. 159-60.

fine. Locke's analysis of the qualities from which "incivility commonly has its rise" demonstrated an almost Hobbesian sensitivity to the varieties of "contumely"—"contempt," "censoriousness," "raillery," "contradiction," and "captiousness" were all common faults "opposite" to civility that required sensitivity and sustained attention in order to extirpate fully.⁷⁷ Worst of all was "contradiction"—because "all opposition to what another man has said...[is] seldom received without some sort of humiliation." Accordingly, all disagreement must be undertaken with "due caution and care of circumstances" and "made in the gentlest manner and softest words [that] can be found."⁷⁸

In contrast to Locke's isolation of incivility and "ill usage" as the catalyst for acrimony in the 1667 *Essay, Some Thoughts* argued that "easy" company would remain exceedingly fragile even if overt insults were eradicated. Even "civil" disagreements would be productive of some heat—and, indeed, of some incivility. The reasons for this paradoxical result lay in Locke's newly expanded definition of civility as the disposition

⁷⁷ *Ibid*, pp. 107-8. Contempt amounts to a "want of due respect discovered either in looks, words, or gesture" that always brings "uneasiness"—for "nobody can contentedly bear being slighted."

Censoriousness was a propensity to find "fault with others," problematic because "men, whatever they are not guilty of, would not have their faults displayed...before their own or other people's eyes." Locke's suggestion that even the "bare imputation of any defect is not borne without some uneasiness" brings Hobbes observation of the inherent offensiveness of disagreement once more to mind (See n. 74 above). So, too, with raillery, which was to become the favored method of social criticism for his pupil, the future Third Earl of Shaftesbury. Though Locke conceded that this was the "most refined way of exposing the faults of others," it remained uncivil because it could not help but provoke "uneasiness" in "the rallied person."

⁷⁸ *Ibid*, p. 108.

“not to offend”; as such, the standard of civil behavior now lay in the judgment of its recipient, who alone could determine whether another’s conduct had, in fact, pleased or offended. Moreover, the ease of upset and alienation attendant on any disagreement and suspicion of insincerity meant that one could studiously avoid all imperiousness, interruption, insult, etc., while cultivating indifference to her own opinions, good listening skills, and the mastery of the appropriate social graces besides, and yet still go wrong. “Mistaken civility” could easily arise from an “excess of ceremony” or the mere “suspicion of flattery [or] dissimulation.”⁷⁹

Hypocrisy was no longer compatible with civility, but antithetical to it. Even the strictest observation of external forms of good breeding could offend if they seemed at all “wanting sincerity.”⁸⁰ Here, Locke explicitly imported the demand for sincerity characteristic of religious worship in his toleration writings into civil as well. Men “naturally hate whatever is counterfeit and condemn those who have nothing better to recommend themselves by”; thus, like God Himself, they were offended by “worship” insincerely offered.⁸¹ In order to defuse the animosity attendant on disagreement, one’s outward performances had to be seen as reliable expressions of *genuine* inward esteem. It was “no great matter how they put off their hats and make legs”; the key to “civil” disagreement lay rather in teaching children sincerely “to love and respect other people.”⁸²

⁷⁹ *Ibid*, p. 109.

⁸⁰ *Ibid*, pp. 42-3.

⁸¹ *Ibid*, p. 42; cf. Locke, *Letter*, p. 33.

⁸² Locke, *Some Thoughts*, p. 110.

Some Thoughts Concerning Education confirms that Locke's lasting preoccupation with the difficulties of disagreement, first articulated in the *Tracts*, also motivated his inclusion of civility as a demand of the Duty of Toleration in the *Letter*. At the same time, it sheds light on the radical transformation and internalization this "first and most taking of the social virtues" had undergone meanwhile. As a practical matter, toleration required that individuals exhibit not only the simulacrum of "outward respect," but *actual* "esteem," even "love," for one another.⁸³ A stable end to the war of words—and that of swords—required nothing less. Whether and to what extent Locke still believed, as he had in the *Tracts* and the *Essay*, that "magisterial rigor" might be deployed to help cultivate and maintain this new standard of civility remains to be seen.

V. Prosecuting Persecution of the Tongue: The *Pennsylvania Laws*

In his mature writings, Locke was evidently of two minds about disagreement. On the one hand, he believed that it provided one of the best means to truth at men's disposal—in religion, as well as in science or philosophy. Seeking the path to salvation, both alone and in conversation with others, constituted "every man's duty" and his "peculiar and proper business" in this life, just as assisting one's fellow men in the search through "charitable admonition" was a duty of every Christian.⁸⁴ On the other hand, Locke never outgrew his early fears about disagreement, especially in and about religion. Men's natural pride and partiality to their own opinions led them to view every

⁸³ *Ibid*, pp. 42-3, 92.

⁸⁴ Locke, "On the Conduct of the Understanding" in *Some Thoughts Concerning Education*, eds. N. Tarcov and R. Grant (Indianapolis: Hackett, 1996), pp. 191, 195; *Letter*, p. 46.

contradiction as a potential insult and to resent and distrust their opponents as unable—or unwilling—to see the light, with intolerance and sectarianism following closely behind.

Contrary to critics who accuse him of indifference, combating private hatreds by civilizing disagreement was, for Locke, the key to the very possibility of a tolerant society. *Some Thoughts* demonstrated that civility could not be taken for granted—considerable care and cultivation were required. Locke’s penchant for rule-governed conversational societies likewise attests to his belief that civility needed to be regulated and enforced in order for disagreements to be productive.⁸⁵ But whether he thought those same rules could or should be applied in the great conversational society of the commonwealth—and, if so, what the magistrate’s proper role might be therein—is less clear. His familiar arguments about the inadequacy and injustice of the civil sword in matters of religious belief implied that any attempt to legislate this true, inward civility into being would necessarily be futile.⁸⁶ Yet his discussion of the pernicious effects of incivility as a violation of the duty of toleration in the *Letter* suggested a legitimate public interest in its regulation. Persecution of the tongue assailed the bonds of mutual charity

⁸⁵ Wilhelm focuses on Locke’s unpublished work, “Pacifick Christians,” but as Marshall points out, Locke was a member of many existing conversational clubs during his lifetime, and the rules for these, either by him or endorsed by him, explicitly addressed the persistent threat of conversational heat. The rules for a “Dry Club,” established “for the amicable improvement of mix’d conversation,” provided that if “any appearance of growing warmth is fit to be stopd” then the debate should be ended immediately. Marshall, *Locke, Toleration, and Early Enlightenment Culture*, pp. 514-5.

⁸⁶ Forde makes the same point about Lockean charity—just because he rejected legislation as a means to its realization does not mean he viewed charity as unnecessary or morally indifferent. Forde, “The Charitable John Locke,” p. 456.

and trust between citizens and thus constituted precisely the sort of civil harm against which the state could and should act.⁸⁷ Individuals might evangelize and correct their neighbors as they pleased, but if they lapsed into any “rough usage of Word or Action” in the process, might not the magistrate legitimately intervene—and in the name of toleration itself?⁸⁸

Despite the continued salience of his arguments, Locke’s treatment of this issue—whether and to what extent the magistrate might justifiably restrict incivility in the form of religious insult—has not received much scholarly attention. Jeremy Waldron provides a welcome exception by appealing to the *Letter* in making the case that tolerant societies should not tolerate religious insult.⁸⁹ Certainly, Waldron is correct that for Locke, as for many other early modern tolerationists, religious liberty did not necessarily entail any broader freedoms of expression or belief.⁹⁰ Although he does not mention them, Locke’s

⁸⁷ Alex Tuckness provides an example of such a “Lockean,” public order justification for proscribing the expression of hateful beliefs without reference to civility. Tuckness, “Re-thinking the Intolerant Locke,” p. 297.

⁸⁸ Locke, *Letter*, p. 19.

⁸⁹ Waldron, *The Harm in Hate Speech*, ch. 7. Waldron relies almost entirely on the *Letter* in making his case, but he cites the *Carolina* article in passing as evidence that Locke was open to the idea of enforcing the moral duty of civility through legislation (p. 213).

⁹⁰ As John Dunn has noted, “the right to worship as one chooses” is just that—it should not be “interpreted as an anachronistic cipher for a broader and more general entitlement to think as one happens to think or to express one’s thoughts as one feels inclined.” J. Dunn, “The Claim to Freedom of Conscience: Freedom of Speech, Freedom of Thought, Freedom of Worship?” in *The History of Political Theory and Other Essays* (Cambridge: Cambridge University Press, 1996), pp. 102, 109. It should also be noted that the *Letter* insisted that those who “will not own and *teach* the Duty of tolerating all men in matters of meer religion”

analysis of “ill usage” as an obstacle to toleration in the *Tracts* and the *Essay* would seem to further support his case.

Still, another source neglected by Waldron shows that Locke ultimately changed his mind. Written in 1686, one year after the original *Epistola*, Locke’s unpublished commentary on William Penn’s “Pennsylvania Laws” explicitly rejected the banning of religious insult as a way to preserve civility and combat hatred. As we saw earlier, the 1682 Great Law of Pennsylvania proposed to punish “any person [who] shall abuse or deride another for his different persuasion and practice in matters of religion.” Yet despite its similarity to the *Carolina* article, Locke now contended that Penn’s policy would have the opposite of its intended effect. Far from preserving good will, he claimed, it would provide only “a matter of perpetual prosecution and animosity” between citizens.⁹¹

But why? Locke’s cursory notes on the “Pennsylvania Laws” do not offer many hints, but some of his other objections provide a clue. For instance, of an anti-blasphemy provision mandating fines or imprisonment for “whosoever shall speak loosely and profanely of Almighty God, Christ Jesus, the Holy Spirit and the Scriptures of truth,” Locke asked, “what is loosely or profanely”? And of the provision that the government “erect and order all public schools,” he declared that this would be “the surest check upon

could not claim toleration themselves (*Letter*, p. 51). Evidently, abstaining from the expression of intolerance was not enough; one also had to affirm it publicly.

⁹¹ J. Locke, “Pennsylvania Laws” in *A Letter Concerning Toleration and Other Writings*, ed. M. Goldie (Indianapolis: Libertyfund, 2010), p. 182.

liberty of consciences [by] suppressing all displeasing opinions in the end.”⁹² Locke’s hostility to Penn’s proposals might simply be read as evidence of lingering prejudice against Quakers; however, he argued against the 1698 Blasphemy Act in similar terms, namely that its definitional imprecision and inevitably interested enforcement were irresistible invitations to abuse.⁹³ Likewise, a memorandum he wrote against the renewal of the Licensing Act stressed the difficulty of legally defining contested terms like “Christian religion” or “offensive books” and pressed for “an absolute liberty for printing of everything that is lawful to speak” on this basis.⁹⁴

Of course, as the qualification “lawful to speak” indicates, Locke was not arguing for a natural right to free expression; his reasoning was largely prudential. Such statutes could scarcely avoid arbitrariness in their implementation, thereby chilling debate while leaving the door open for the persecution of vulnerable individuals. When the meaning of the “Christian religion” was itself the subject under debate, a law proscribing speaking of it “loosely” or “profanely” could not but cut off inquiry by announcing that the matter would be decided authoritatively *post facto* according to the particular inclinations of the censors.

Locke’s criticism of Penn’s law—that it would provide a matter of “perpetual prosecution and animosity”—alluded to deeper concerns about the particular threat posed by laws proscribing “derision” or “offense” in the practice of disagreement as well. By calling upon individual citizens to act as judges in their own case as to whether or not

⁹² His final judgment was: “the whole is so far from a frame of government that it scarce contains a part of the materials.”

⁹³ See Marshall, *Locke, Toleration, and Early Enlightenment Culture*, p. 717.

⁹⁴ J. Locke, “Liberty of the Press, 1694-5” in *Political Essays*, pp. 329, 331.

they had been offended, he suggested that such legal proscriptions risked cultivating a destructive antinomianism in society. As we saw in the previous section, this risk appeared to follow necessarily from his decision to redefine civility from the correct performance of civil worship to dispositional inoffensiveness that placed its standard of success in the judgment of the recipient. Yet his criticism of Penn, demonstrated the dangers attendant on making this social virtue a subject of civil regulation and punishment. To do so would be to de-center judgment in a way very much like that which turned the state of nature into a state of war in the *Second Treatise*. Legislation against offense—whether against God or one’s neighbors—would place a scepter in the hands of every citizen and tempt him with the use of the civil sword as an instrument against his ideological opponents. Over-sensitive individuals would be encouraged to prosecute one another, rather than to work out their disagreements in a spirit of true civility.⁹⁵ What else could result but “perpetual prosecution and animosity,” and a society falling apart at the seams?

Again, these concerns about placing legal limits on the expression of disagreement must not be mistaken for a full-throated defense of free speech. Indeed, Locke’s complaints about legislative arbitrariness recalled nothing more than his critique of the antinomian implications of claims of conscience in the *Tracts*. A “plea of scandal and offence” could be used “by all sorts of men as a sufficient reason against whatever suits not with their humor”; by countenancing these claims politically, one simply

⁹⁵ Locke’s commentary on 1 Corinthians 6, on the evils of lawsuits among Christians, represents a return late in life to a similar theme. J. Locke, *A Paraphrase and Notes on the Epistles of St. Paul*, ed. A.W. Wainwright (Oxford: Clarendon, 1987), pp. 193-4.

inclined men of already tender conscience to grow more tender still and “think anything unlawful...because they dislike it.”⁹⁶ In both places, he suggested that punishing offense—in the form of “scandal” or “incivility”—was highly imprudent. Many things of “great use...cannot be well established by laws,” and a good magistrate should hesitate to interfere in the lives of his subjects even in those indifferent matters where interference was legitimate.⁹⁷

Pace Waldron, in matters of civility as in religion, Locke believed that the best method of popular instruction was *not* legislative proscription. It remained the task of private men—exemplary gentlemen like Locke himself—to encourage civility by providing their neighbors with good examples in the conduct of evangelical competition and moral instruction in the public sphere. In his own controversial writings, most notably the *Reasonableness of Christianity* and the later *Letters*, Locke positioned himself as just such an anonymous exemplar.⁹⁸ Far from counseling neutrality, he urged

⁹⁶ Locke, *First Tract*, p. 21. “Were offences arguments against anything, I know not who might not clap on a tender conscience and therewith sufficiently arm himself against all injunctions of the magistrate and no law could hold on him with out encroaching on this law of charity.” Locke went on to argue that “how far we ought to part with our own liberty to gratify another’s scruple is a question full of niceness and difficulty...[but] private peace of a Christian ought not to be purchased at...public peace of commonwealth, especially when it will not remove the offence, only cast the scandal on the other side” (p. 46).

⁹⁷ Locke, “Marriage” in *Political Essays*, p. 273.

⁹⁸ Due to the efforts of his early French biographers, Pierre Coste and Jean Le Clerc, Locke’s reputation as a model of “Civility” and “Politeness” far exceeded that as a philosopher for much of the eighteenth century. Le Clerc included Damaris Masham’s observation (also cited by Forde) that Locke exhibited “not only the Civility of a well-educated Person, but even all the Politeness that can be desired” in his *Life of*

the magistrate to set citizens a good example and persuade them as one evangelist—albeit with superior resources—among others.⁹⁹ Laws and punishments, Locke insisted, were instruments altogether too blunt for such subtle and important work.

VI. Civility, Charity, and The Quest for Concord

Locke's notes on the "Pennsylvania Laws" suggested that incivility and insult were tolerable evils in the traditional sense: attempts to eradicate them would do more harm than good, but permission should not be mistaken for approval. Yet in changing his mind about the utility of laws against religious insult, he did not therefore lower his estimation of what would be required ethically of citizens in order to make coexistence and cooperation work. In a tolerant society, citizens could, would, and *should* disagree openly on the most fundamental questions. And yet the resulting "heat," if enflamed, would assuredly destroy it.¹⁰⁰ The complex set of virtues, including charity and this new standard of civility, involved in the Duty of Toleration in the *Letter* reflected Locke's evolving response to this challenge. Taken together, they were quite demanding. To deal

Locke, and Coste declared him to be "one of the politest men" who was "as agreeable for his obliging and civil behavior, as admirable for the profoundness and delicacy of his Genius." Locke's entry in Diderot's *Encyclopaedie* described him as a "foe of disputes, willingly consulting with others, counseling them in their turn, obliging to thinkers and personalities." Quoted in Marshall, pp. 515-7.

⁹⁹ Locke, *Letter*, p. 14.

¹⁰⁰ Locke attributed the animosity with which these disagreements had hitherto been conducted to the incivility of the participants, in particular the clergy, whom he considered to be the chief offenders (*Letter*, pp. 60-1). He returned to this theme of clerical incivility and its evils repeatedly in the *Letters*, and the *Third Letter* endorsed Gilbert Burnet's *Pastoral Care* as a positive model (*Third Letter*, 434).

with religious difference and disagreement successfully, it seemed that not *hating* one's neighbor—or, at least, biting one's tongue about it—would not be enough; one also had to love him.

Locke's list of virtues necessary for toleration—and his insistence on charity as the most fundamental—deliberately recalled the affective bonds of church communion while at the same time expanding their reach beyond the body of believers to all citizens as such. The *Letter*'s insistence that civil society needed to be bound together by more than mere interest reflected his striking re-imagination of toleration not only as a means to, but as *itself* a kind of *concordia*—that is, a Christian ideal of communion in the face of unavoidable diversity.¹⁰¹ Of course, in employing the language of traditional post-Reformation irenicism, Locke was not unique; hopes for concord within Christendom motivated many seventeenth-century arguments both for and against toleration. The latitudinarian policy of “comprehension,” which sought to lower the bar to church membership in order to bring in dissenters, was similarly animated.¹⁰² Although it is often overlooked by political theorists, comprehension—unlike toleration or “indulgence”—

¹⁰¹ I am certainly not alone in highlighting the Christian aspects of Locke's thought. There has been ample and long-standing scholarly controversy about the relative weight that secular and material interests, as opposed to Christian considerations and the duty of charity towards one's fellow creatures, should be given in the interpretation of his political theory. Like Tim Stanton, Jeremy Waldron, and John Marshall, I see the “religious” aspects of Locke's thought as an invitation to critical reflection on our own ostensibly secular commitments.

¹⁰² As Milton and Milton stress, debates about comprehension were an important, recurrent feature of the political landscape after the Restoration and thus formed an important part of the backdrop for the composition of the *Essay*.

was motivated by a principle of inclusion that accepted diversity as an ineluctable feature of social life.¹⁰³ By expanding the salutary bonds of spiritual communion through a minimal agreement on the *fundamenta* or “fundamentals” of faith, its supporters hoped to cultivate unity in societies that seemed otherwise hopelessly fragmented.

Although Locke is most famous as a proponent of toleration, he demonstrated consistent interest in schemes for comprehension as well.¹⁰⁴ The 1667 *Essay* endorsed “latitudinism” or comprehension outright, and the *Letter*’s emphasis on the simplicity and “reasonableness” of Christianity grew only more pronounced in his later works¹⁰⁵. Much of Locke’s exchange with Proast was devoted to criticizing those “who narrow

¹⁰³ Benjamin Kaplan has suggested that it was, in fact, “the most ambitious and charitable of all forms” of toleration because it required “a genuine acceptance of beliefs different from one’s own as valid and a willingness to take Holy Communion with those who maintained them.” Kaplan, *Divided by Faith*, p. 132-3. In the case of political theorists, this oversight might be attributed to historical ignorance, but among historians the failure to take comprehension seriously as a form of toleration stems from the fact that latitudinarian arguments about fundamentals in belief and *adiaphora* were often marshaled as support for policies of *intolerance* and to justify persecution. Radical tolerationists like Roger Williams eschewed the concept of indifference in making their case, while Locke embraced it in his early anti-toleration *Tracts*.

¹⁰⁴ Apart from one negative reference in Popple’s introduction to the English *Letter*, comprehension was not mentioned. Goldie notes, however, that the Latin *Epistola* was first made available in England in 1689 bound and sold with another work, *Dissertatio theologica de pace ecclesiastica*—a theological dissertation on peace in the Church—a fact of which Locke was aware and did not object. Limborch, his friend and dedicatee of the original *Epistola*, was evidently responsible for the coupling and wrote to Locke that the one “may justly be called Comprehension, the other treatise Indulgence or Toleration; the argument of each seems in all respects similar to deliberations on the matters of religion under each of these heads.” Quoted in Goldie, “Locke, Proast, and Toleration,” p. 162.

¹⁰⁵ Locke, *An Essay*, pp. 131-2. Milton and Milton offer a more skeptical reading of this “endorsement.”

Christianity within the Bounds of their own making” and “for things...indifferent, thrust Men out of their communion, and then punish them for not being of it.”¹⁰⁶ The differences of the Apostles themselves demonstrated that “an agreement in Truths necessary to Salvation, and the maintaining of Charity and brotherly Kindness with the Diversity of Opinions” was all the “Christian Unity...possibly to be had in this world.”¹⁰⁷ The later *Letters* stressed the evangelical aspect of toleration as a necessary complement to comprehension *within* and missionary efforts outside of the Anglican Church.

Nevertheless, in sounding these traditional eirenic themes, Locke was deploying them for very different ends. Rightly skeptical about the possibility of reunion within the Anglican establishment, let alone the whole of Christendom, he hoped that a form of concord might be realized in civil society instead. A 1689 letter he wrote to Limborch put the matter thus: “Men will always differ on religious questions and rival parties will continue to quarrel and wage war on each other” until “the establishment of equal liberty for all provides *a bond of mutual charity* by which all may be brought together into *one body*.”¹⁰⁸ Here, one sees Locke consciously engaged in the project of dismembering the *corpus Christianum*—the communalist idea of a “Christian commonwealth” united by a uniform confession and church membership—and constructing, conceptually and rhetorically, a *corpus civile* in its place. There may have been “absolutely no such

¹⁰⁶ J. Locke, “A Second Letter Concerning Toleration” in *A Letter Concerning Toleration and Other Writings*, ed. M. Goldie (Indianapolis: Libertyfund, 2010), p. 81.

¹⁰⁷ *Ibid*, p. 80. As long as “needless impositions and moot points in divinity” were “established by the penal laws of kingdoms,” there could be no hope of “such an union amongst Christians anywhere.” Locke, *Third Letter*, p. 239.

¹⁰⁸ Locke, *Correspondence*, vol. iii, p. 689.

thing...as a Christian Commonwealth,” but the fact of spiritual diversity demanded a new, civil unity, secured not only by citizens’ self-interest, but by their shared commitment to toleration and its virtuous corollaries.¹⁰⁹ Once they were “brought together” in this way, as “one”—*civil*—“body,” concord would reign and “quarrels” cease, despite their remaining disagreements.

The idea of *concordia* left a lasting impression on Locke’s mature theory of toleration. Its appeal lay in the way it created unity out of diversity by identifying an underlying agreement between Christians on *fundamenta* as the basis for affective bonding, while acknowledging the persistence of disagreements between them in *adiaphora*. Accordingly, the *Letter* demanded that citizens not only refrain from invading others’ rights, but also that they affirm certain “moral rules which are necessary to the preservation of civil society,” including the existence of God, eternal rewards and punishments, and the principle of toleration itself. The transformation of outward civility into a kind of inward, secularized “civil charity” added another tenet to this creed—namely, the Golden Rule, “thou shalt love thy neighbor as thyself.”¹¹⁰ Locke consistently presented the general benevolence needed to hold citizens together as a shared affirmation of this principle and an agreement more fundamental than the disagreements that divided them.¹¹¹ It was not enough simply to behave appropriately by observing an

¹⁰⁹ Locke, *Letter*, p. 42.

¹¹⁰ Locke, *Political Essays*, p. 303. “Our Saviour’s great rule” was “such a *fundamental* truth for the regulation of human society” that Locke believed that “one might without difficulty determine all the cases of social morality” by it alone. Locke, *On the Conduct of the Understanding*, p. 223.

¹¹¹ “What two thinking Men of the Church of England are there who differ not...in several material Points of Religion” and yet “nevertheless are Members of the same Church, and in Unity one with another”?

occasionally hypocritical conformity to the expected forms of civil worship. Rather, one had to believe sincerely that one's fellow citizens were worthy of esteem.

This increasingly confessional understanding of civility as civil charity—a matter not of habitual behaviors or affect, but of creed—that accompanied Locke's re-imagination of toleration as a form of *concordia* is striking. Certainly, this positive vision of a tolerant society is a far cry from the minimalist regime of individual rights and mutual forbearance of which he is still often accused. Yet even those scholars concerned to recover a more “charitable” John Locke have neglected the changing nature of civility on his account, along with its implications for his theory of toleration. Commentators like Wilhelm, Waldron, and Steven Forde follow Locke's own imprecise usage in the *Letter* by treating civility and charity effectively as synonyms.¹¹² Yet, as we have seen, this conflation was itself the result of a curious migration inward on the part of what had been an essentially outward virtue. This transformation took place over the course of decades, and it reflected Locke's serious engagement with the difficulties posed by fundamental disagreement over the course of his entire intellectual career.

The aspect of Lockean toleration most offensive to its modern critics—namely the exclusion of atheists, the intolerant, Catholics, and Turks as beyond the pale—must be re-interpreted in this light. In their eagerness to defend him, scholars like Wilhelm and

Locke, *Third Letter*, 238. The *Reasonableness of Christianity* represented Locke's own attempt at latitudinarian theologizing meant to create the kind of consensus on fundamental beliefs he believed necessary to foster bonds of affection between individuals. Although he was by no means an orthodox Anglican, he remained a member of the Church of England until his death.

¹¹² See for example Wilhelm, “Good Fences and Good Neighbors,” p. 158; Waldron, *The Harm in Hate Speech*, p. 213; and Forde, “The Charitable John Locke,” p. 428.

Waldron have tended to gloss over these exclusions, insisting that the explicitly Christian character of the virtues of civility and charity on his account poses no problem for their generalization as standards of inclusion applied to other faiths.¹¹³ Yet for all his emphasis on the importance of virtue and affect in the *Letter*, it is significant that Locke drew the limits of toleration ultimately on the basis of beliefs. In subjecting civility to the same requirement of sincerity applicable in religion and making it a condition of inclusion in the “civil” conversation of the commonwealth, Locke rigged the deck by making an agreement on the precepts of Christian love—not to mention the existence of God and an afterlife—a condition of continued participation in the same. Rather than accept the persistence of fundamental disagreements, non- or heterodox Christians were placed in one of two awkward positions: either they must be (1) *included* on the presumption of a consensus on beliefs they did not recognize, or (2) *excluded* from civil society.

Far from being due to its “thinness,” the exclusionary potential of Lockean toleration was a consequence of its insistence that cooperation and coexistence in the face of religious diversity required the sincere, mutual acceptance of *concordia* rather than

¹¹³ See Wilhelm, “Good Fences and Good Neighbors,” pp. 163-4; Waldron, *The Harm in Hate Speech*, p. 225, and Lamb and Thompson, “The Meaning of Charity in Locke’s Political Thought,” pp. 246-7. Others, like Richard Dees, have argued that they were a reasonable reaction to the geopolitics of his time. R. Dees, *Trust and Toleration* (London: Routledge, 2004), p. 110. Locke’s distinction between “Mahumetans” and blindly obedient subjects of the “Mufti of Constantinople” in the *Letter* calls to mind attempts to distinguish “moderate” vs. “radical” Muslims today. Locke, *Letter*, p. 58.

mere *tolerantia*.¹¹⁴ The increasingly evangelical tenor of the later *Letters* reflected Locke's growing conviction that the success of a tolerant society depended on the widening of that fundamental consensus over time. Groups that did not subscribe to the minimal moral agreement on God and the Golden Rule, or held beliefs otherwise corrosive to it, simply could not be trusted to love their fellow citizens and be good-faith participants in social life. Nor was it reasonable to think that their neighbors could sustain the requisite inward civility, good will, and mutual trust towards them in turn.

VII. Conclusion: the Limits of Lockean Toleration

This essay has argued that Locke's toleration derived its novel character from his lasting fears—first articulated in the *Tracts*—about uncivil disagreements and sectarian hatreds between private individuals. The early works suggested that by addressing oneself to the manner of disagreement, one could successfully forestall its negative effects. And yet Locke's determination to define the requisite civility ever upward—and inward—in his mature writings suggests a persistent underlying discomfort with the *fact* of disagreement itself. Ultimately, the demand for sincere civility, in which one's respectful or benevolent behavior towards another was a reliable reflection of sincere respect and esteem, demonstrated his suspicion that *truly* fundamental disagreements simply could not be kept civil—or safe—for very long.

¹¹⁴ For a similar argument about the exclusionary potential of *concordia* in Erasmus's arguments for toleration, see M. Idris, "Alternative Political Theologies: Erasmus on Peace, Speech, and Necessity," *Theory & Event*, 17 (2014).

Before one rejects Lockean toleration as intolerant or repressive however, one must recognize its emergence out of a life-long engagement with a serious problem most of Locke's critics simply ignore—namely, that it is a difficult thing, indeed, to love or truly respect those with whom one disagrees.¹¹⁵ Just as men naturally recoil from the heat of disagreement, they prefer friendship with the like-minded “with whom [they] can be at ease,” for no one “love[s] to be uneasie [and] under constant rebukes.”¹¹⁶ Regarding one's opponents with a degree of distrust and disdain—especially on issues of believing and belonging one considers to be truly “fundamental”—is only natural, as Erastian English Catholics willing to swear their allegiance to the Crown discovered time and again.¹¹⁷ For Locke, the positive emotional effects of concord and consensus were therefore paramount. And yet the negative affective dimension of disagreement—the dislike, distrust, and hatred it engenders—is a problem that toleration must manage but can never solve. Outward civility—as an insincere and occasionally hypocritical virtue—is crucial for the members of tolerant societies for this reason. One must continue to hold those one cannot embrace at arm's length, lest one push them overboard.

¹¹⁵ “With or without the rectificatory services of the Deity, living civilly and tolerantly with beliefs and practices which we find abhorrent remains an extremely demanding practical challenge in all human beings. There is every reason to expect it to remain so for the rest of human time.” Dunn, “Freedom of Worship?” p. 118.

¹¹⁶ Locke, *Some Thoughts*, p. 37.

¹¹⁷ There are interesting parallels here with Jonathan Haidt's recent work on religious and political disagreement from the perspective of cognitive science. J. Haidt, *The Righteous Mind: Why Good People are Divided by Politics and Religion* (New York: Pantheon, 2012).

Keeping this in mind, it is worth recalling the less appealing, albeit equally “Lockean” prophylactic offered in *Some Thoughts Concerning Education*. There, Locke suggested that “captiousness”—that is, accusing another of incivility, whether openly or by tacit reproach—was itself a form of incivility to be avoided at all costs.¹¹⁸ Recalling once more the language of “tender consciences,” he emphasized the importance of ridding children of excessive “tenderness” by hardening them “against all sufferings,” physical and mental. Life’s “many inconveniences,” he wrote, “require we should not be too sensible of every little hurt”; this is “the best armor we can have against [these] common evils and accidents.”¹¹⁹ A tolerating society characterized by frequent and fundamental disagreement would inevitably be home to many hot tempers, bruised egos, and hurt feelings. Love of the uncomfortable conversations by between reasonable creatures, equipped with limited understandings and partial perspectives, would remain necessarily the province of a few. Nevertheless, continued discursive engagement might, over time, accustom the rest to disagreement and its inevitable “heat.” By education and example, tender consciences could be encouraged to toughen up.

While the “mere” toleration envisioned in this passage may be less appealing to modern readers than the positive ideal of affective concord and mutual acceptance Locke

¹¹⁸ Locke, *Some Thoughts*, 109.

¹¹⁹ *Ibid.*, p. 84. Locke advocated training children in “manly steadiness” so as to equip them for the “warfare of life” (pp. 87-8). He also recommended wrestling over fencing as a diversion for young gentleman not for reasons of physical might, but because he thought the latter skill led them to be “more touchy than needs be on points of honor and slight or no provocation.” “A man that cannot fence” will be much less “apt to stand upon punctilios, nor to give affronts or fiercely justify them when given, which is that which usually makes the quarrel” (p. 152).

offered elsewhere, it is no less ethically demanding. Still, the widespread dissatisfaction with toleration in this sense today—as a grudging sufferance of uneasy differences on the part of tolerater and tolerated alike—reflects a suspicion that nothing less than *concordia* will do that Locke would have found familiar. A close reading of Lockean toleration and civility should alert us to the unexpected exclusionary potential of this positive ideal.