

The Missing History of Political Liberalism

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1. The Problem of Political Liberalism's History

In a footnote to his "Reply to Habermas," Rawls says that he does not know of any liberal writers from an earlier generation who have clearly put forward the doctrine of political liberalism. He admits that "it is a great puzzle to me why political liberalism was not worked out much earlier: it seems such a natural way to present the idea of liberalism, given the fact of reasonable pluralism in political life. Does it have deep faults that preceding writers may have found in it that I have not seen and these led them to dismiss it?"¹ The possibility Rawls does not mention is that earlier generations of liberals were not aware of the fact of reasonable pluralism, in which case there would have been no cause for them to work out the theory of political liberalism. Everyone was aware of religious and moral diversity, of course, but the thesis of reasonable pluralism is a claim about the diversity of reasonable opinion that would persist even in an approximately just democracy. Given the burdens of judgment, genuine deliberation between reasonable people does not converge, for some range of religious, philosophical and moral questions. Hence in any (modern) society guaranteeing basic civil and political freedoms, there would persist a wide range of (reasonable) moral ideals. Moreover, recognition of reasonable pluralism is not supposed to lead one to doubt one's own doctrine, since such scepticism would conflict with many comprehensive doctrines, making it impossible for them to be part of an overlapping consensus on a political conception of justice.² While earlier generations of liberals were aware of the fact of disagreement, they may not have recognized, non-sceptically, the inevitability of reasonable disagreement.

Even so, it may seem unlikely that earlier liberals not aware that there were burdens of judgment that would lead even reasonable persons to disagree about important religious, philosophical, and moral questions. Charles Larmore has argued that the appreciation of the fact of reasonable pluralism is the essential experience of modern liberalism.

The insight that has proven so significant for liberal thought is that reasonableness has ceased to seem a guarantee of ultimate agreement about deep questions about how we should live. In the early modern period the expectation of reasonable disagreement arose primarily in the realm of religion. But over the past four centuries the scope of this insight has broadened. It has become a salient feature of modern experience that on matters concerning the meaning of life, and also concerning certain deep aspects of morality, discussion among reasonable people tends naturally not toward consensus, but toward controversy. The more we talk about such things (sometimes even with ourselves!), the more we disagree. Where there is appearance of agreement it is likely to be the result of mutual misunderstanding, or simply of people not having talked together long and hard enough.³

In support of this claim Larmore quotes Montaigne: "Never did two men judge alike about the same thing" – Thomas Paine: "I do not believe that any two men, on what are called doctrinal

1. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996), 374, note 1.

2. Rawls, *Political Liberalism*, 48-66. I examine the idea of reasonable pluralism in more detail in the second section of the paper.

3. Charles Larmore, *The Morals of Modernity* (Cambridge: Cambridge University Press, 1996), 168-69.

points, think alike who think at all”⁴ Hence Rawls’s puzzle. Some people were aware of the fact of reasonable pluralism, but no one worked out the doctrine of political liberalism.

However, neither of Larmore’s two examples support the idea of a non-sceptical modern recognition of reasonable disagreement. Montaigne certainly provided evidence in supporting an expectation of persistent disagreement. But he also cast doubt on the powers of human reason, unaided by faith. In his defense of Raymond Sebond’s natural theology, Montaigne confronts two objections: that Christians should not support their beliefs with human reasons, truth being grasped only by faith and inspiration by God’s grace, and that Sebond’s reasons are weak, and fail to prove what they claim to prove. Montaigne’s response to the first objection is respectfully to insist that it is legitimate to use one’s reason to help men reach the truth, so long as one’s soul and heart are governed by faith.⁵ Montaigne’s response to the second, more dangerous objection is “to trample down human pride and arrogance,” which meant “to make men feel the emptiness, the vanity, the nothingness of Man, wrenching from their grasp the sickly arms of human reason.” Montaigne set out to show that “reason is so inadequate, so blind, that there is no example so clear and easy as to be clear enough for her; that the easy and the hard are all one to her; that all subjects and Nature in general equally deny her any sway or jurisdiction.”⁶ Hence the usefulness of Pyrrhonism.

Now, if we, for our part, could receive anything without changing it, if our human grasp were firm and capable of seizing hold of truth by our own means, then truth could be passed on from hand to hand, from person to person, since those means are common to all men. Among so many concepts we could find at least one which all would believe with universal assent. But the fact that there is no single proposition which is not subject to debate or controversy among us, or which cannot be so, proves that our natural judgement does not grasp very clearly even what it does grasp, since my judgement cannot bring a fellow-man’s judgement to accept it, which is a sure sign that I did not myself reach it by means of a natural power common to myself and to all men.⁷

It is the point of this passage (and the ensuing discussion about “that infinite confusion of opinions among the philosophers,” the cleverest among whom “never agree about anything,” this “infinite diversity and disagreement”) that the recognition of reasonable disagreement should lead one to downgrade one’s assessment of one’s own powers. True, Montaigne was speaking of “Man in isolation – Man with no outside help, armed with no arms but his own and stripped of that grace and knowledge of God in which consist his dignity, his power and the very ground of his being”⁸; he was not drawing skeptical conclusions about his own religious views. Yet Montaigne still seems a dubious herald for the recognition of reasonable pluralism. For the ‘reason-

4. Larmore, *The Morals of Modernity*, 169-70.

5. Michel de Montaigne, *The Complete Essays*, trans. M.A. Screech (London: Allen Lane, The Penguin Press, 1987), 498.

6. Montaigne, *The Complete Essays*, 500-01.

7. Montaigne, *The Complete Essays*, 634.

8. Montaigne, *The Complete Essays*, 502.

able' pluralism he heralds is the plurality of opinion that results from the proud but sickly exercise of merely human reason, apart from God's grace.

The case of Thomas Paine presents another discrepancy with the thesis of reasonable pluralism, as Rawls and Larmore understand it. Immediately preceding Paine's statement that only those who have not thought agree, he has explained that the disputes between the different religions are not real disagreements.

If we suppose a large family of children, who, on any particular day, or particular circumstance, made it a custom to present to their parent some token of their affection and gratitude, each of them would make a different offering, and most probably in a different manner. Some would pay their congratulations in themes of verse or prose, by some little devices, as their genius dictated, or according to what they thought would please; and, perhaps, the least of all, not able to do any of those things, would ramble into the garden, or the field, and gather what it thought the prettiest flower it could find, though, perhaps, it might be but a simple weed. The parent would be more gratified by such variety, than if the whole of them had acted on a concerted plan, and each had made exactly the same offering... But of all unwelcome things, nothing could more afflict the parent than to know, that the whole of them had afterwards gotten together by the ears, boys and girls, fighting, scratching, reviling, and abusing each other about which was the best or the worst present. Why may we not suppose, that the great Father of all is pleased with a variety of devotion; and that the greatest offence we can act, is that by which we seek to torment and render each other miserable.⁹

Paine's claim is that there is no real question about who's gift is best. Gift-giving is not a competition. There is no cause for controversy or disagreement, since what the creator asks is that we each offer token of our own affection and gratitude, whatever that be. Reasonable persons would recognize this fact, and so admit that there isn't anything for them to disagree about.

Montaigne and Paine are hardly the only figures who may have recognized the fact of reasonable pluralism. Rainer Forst has recently argued that Pierre Bayle's conception of toleration involves just such a recognition, as well as a Rawlsian demand for public justifiability as a constraint on the exercise of political power.

Two things then need to be established: first, an independent duty of justifying one's actions that concern others in a morally relevant way with reciprocally acceptable reasons; and second, a questioning of absolute truth claims that could serve as trumps in such a justificatory exchange.¹⁰

Bayle "is careful not to suggest a skeptical conclusion with respect to religious truth claims." He asserts rather that "the epistemic capacities of finite human beings are sufficient to come to a firm and well-considered view of religious matters – but that they are not sufficient to establish this view as the only true one on the basis of objective reasons."¹¹ Religion is a matter of faith, not proof, yet faith is not irrational; faith is "above reason," not against it. "Faith provides answers to questions that reason can accept but not answer on the basis of its primarily critical,

9. Thomas Paine, *Rights of Man*, vol. The Penguin American library (Harmondsworth, Middlesex, England ; New York, N.Y., U.S.A: Penguin Books, 1984), 271.

10. Rainer Forst, "Pierre Bayle's Reflexive Theory of Toleration," in *Toleration and Its Limits* (New York, NY: New York University Press, 2008), 97-98.

11. Forst, "Pierre Bayle's Reflexive Theory of Toleration," 99.

negative power." Reason can destroy superstition, but must recognize its own limits, "making room for faith, which, however, rests on reasons that are allowed for but that can be neither verified nor falsified by reason." One can believe religious doctrines to be true, but not beyond reasonable disagreement. "Reasonable faith knows that it is faith; hence it does not compete with reason on reason's terrain - and vice versa."¹²

The upshot of the recognition of the inevitability of reasonable religious disagreement, in Forst's account of Bayle, is that the coercive use of state power must be publicly justifiable, meaning acceptable to each reasonable person without need for conversion to a particular religious doctrine. Bayle's "reflexive" theory of toleration does what a political conception of justice does; "it applies the principle of toleration to philosophy itself."¹³ Bayle's argument for toleration thus stands at the historical origin of the contemporary liberal ideal that the exercise of political power must be justifiable without recourse to inevitably reasonably contestable religious, philosophical, and moral doctrines.

On this interpretation, Bayle presents just the right mix of epistemic confidence and diffidence to serve as an example of Larmore's claim about the early modern recognition of reasonable pluralism. Bayle does not deny that it is reasonable to have religious beliefs, but he maintains that religious questions are matters of inevitable reasonable disagreement. The more traditional view, however, is that Bayle is a "supersceptic,"¹⁴ in the words of Richard Popkin, and a fideist, who subjected all claims of reason to criticism as a way of making room for faith and revelation. Popkin sees Bayle as the most extreme of the Christian sceptics descended from Montaigne and Charron, for whom "[f]aith... is built upon the ruins of reason."¹⁵ Christian revelation contradicted the most intuitively evident maxims of reason and morality. "From Genesis onwards, faith involves claims that reason cannot understand, endorse, or live with." The obvious truth that nothing comes from nothing conflicts with the claim that God created the world out of nothing; the most evident moral principles conflict with the conduct of the Old Testament prophets and patriarchs. "Was Bayle... trying to lead people to faith, or was he secretly trying to destroy it, as Voltaire and many others have since suspected, by making it so irrational, so lacking in morality, and so ridiculous?"¹⁶

Instead of expanding the recognition of reasonable disagreement outside of the domain of religion, others inspired by a more sceptical interpretation of Bayle began to challenge the reasonableness of all religious views. At the end of his *Natural History of Religion*, Hume says that "doubt, uncertainty, suspence of judgment appear the only result of our most accurate scrutiny,

12. Forst, "Pierre Bayle's Reflexive Theory of Toleration," 101-02.

13. Forst, "Pierre Bayle's Reflexive Theory of Toleration," 27; citing Rawls, *Political Liberalism*, 10, 154.

14. Richard H. Popkin, *The History of Scepticism : From Savonarola to Bayle*, Rev. and expanded ed ed. (Oxford ; New York: Oxford University Press, 2003), 297.

15. Popkin, *The History of Scepticism : From Savonarola to Bayle*, 292.

16. Popkin, *The History of Scepticism : From Savonarola to Bayle*, 290. Gianluca Mori interprets Bayle as an atheist (*check*).

concerning this subject."¹⁷ Similarly, at the end of the eighth of Hume's *Dialogues Concerning Natural Religion*, Philo concludes that suspension of belief is the only reasonable view about religious questions.

All religious systems, it is confessed, are subject to great and insuperable difficulties. Each disputant triumphs in turn; while he carries on an offensive war, and exposes the absurdities, barbarities, and pernicious tenets of his antagonist. But all of them, on the whole, prepare a complete triumph for the Sceptic; who tells them, that no system ought ever to be embraced with regard to such subjects; For this plain reason that no absurdity ought ever to be assented to with regard to any subject. A total suspense of judgment is here our only reasonable resource.¹⁸

According to Philo, persistent disagreement is not reasonable, because it is not reasonable to have any views on the subjects in question. Careful consideration of the evidence and the arguments shows that we should simply suspend belief.

It is worth taking seriously, therefore, the view that political liberalism lacks clear historical antecedents because there never was widespread recognition of reasonable pluralism. In fact, I think that many people writing about religious toleration did recognize the inevitability of reasonable disagreement about a range of theological questions, and that Bayle is one of them. However, they did not elaborate the doctrine of political liberalism because they thought that this insight about the inevitability of reasonable disagreement had narrow scope, and the arguments for toleration that it gave rise to religious in nature. A range of questions about the nature of God are not conclusively answerable, in a way that is publicly demonstrable, and ought to convince any reasonable person, but no similar thesis applied to ethical questions generally, i.e. to conceptions of the good as such. This recognition of reasonable religious pluralism played an important role in justifying freedom of conscience, i.e. restrictions on the use of force in the service of bringing about or preventing conversion, but it did not apply to all uses of collective power. Moreover, the requirement to bracket these inevitably reasonably contestable theological questions was justified by a claim about the range of authority a benevolent and far-seeing God could

17. David Hume, *Natural History of Religion* (Stanford, CA.: Stanford University Press, 1956), 76; cited in Richard H Dees, "'The Paradoxical Principle and Salutary Practice': Hume on Toleration," *Hume Studies* 31 (2005), 6; cited in cited in Richard Popkin explains the relationship between Bayle and Hume: "Bayle's scepticism was passed on to avant-garde figures of the eighteenth century... The thinker who carried on the most sceptical side was the Scottish philosopher David Hume, who went off to write his sceptical masterpiece, entitled *A Treatise of Human Nature*, with eight volumes of Bayle in his luggage... [H]e pored over Bayle's arguments and modernized them and took mostly took them out of a theological context. Bayle had said he was destroying reason to make room for faith. Hume, after presenting a range of sceptical arguments in the *Dialogues Concerning Natural Religion*, had his sceptical spokesperson declare that to be a philosophical sceptic in a man of letters was the first and most essential step in becoming a true and believing Christian. By Hume's day nobody took this as a serious avowal of faith, and those who knew Hume were pretty sure he never became a true and believing Christian but was rather, as they called him, the great infidel"; Popkin, *The History of Scepticism : From Savonarola to Bayle*, 301.

18. David Hume, *Dialogues Concerning Natural Religion* (Buffalo, New York: Prometheus Books, 1989), 71.

plausibly have granted us. It is not obvious, therefore, that the argument for toleration based on the burdens of religious judgment and the scope of divinely granted authority can be extended to justify a more general political liberalism.

The next section examines the idea of reasonable pluralism in more detail, to determine exactly what Rawls thought recognition of reasonable pluralism involved. The following section of the paper describes the role that a mildly sceptical premise plays in Locke's and Bayle's arguments for toleration, aiming to show that this premise was narrower and played a narrower role than does the premise of reasonable pluralism in Rawls.

2. The Thesis of Reasonable Pluralism

To find evidence of historical recognition of the fact of reasonable pluralism we must first identify more precisely what this fact is, and how recognition of this fact is meant to support a political conception of justice. To explain the idea of reasonableness, it is helpful to draw a distinction between concept and conception. The general concept of a reasonable person is that of someone able and willing to reason honestly with others about what is true, and good, and right. As Charles Larmore says, being reasonable involves "thinking and conversing in good faith and applying, as best as we can, the general capacities of reason that pertain to every domain of inquiry."¹⁹ A reasonable person in this general sense is what Jerry Gaus calls a fully rational moral agent (so long as we understand "fully" to mean 'maximally', not 'perfectly').²⁰ It is this general idea of reasonableness that it is in play when Rawls presents the moral problem to which political liberalism is a response.

The political culture of a democratic society is always marked by a diversity of opposing and irreconcilable religious, philosophical, and moral doctrines. Some of these are perfectly reasonable, and this diversity among reasonable doctrines political liberalism sees as the inevitable long-run result of the powers of human reason at work within the background of enduring free institutions... [H]ow is it possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by religious, philosophical and moral doctrines?²¹

If doctrines were defined as reasonable simply in virtue of accepting a political conception of justice, and persons as reasonable simply in virtue of accepting a reasonable comprehensive doctrine, no such problem could arise. The problem arises because people who are reasonable in the generic sense persist in disagreeing about important religious, philosophical, and moral questions.

If we ask what specific beliefs or attitudes a reasonable person has, however, we can

19. Charles Larmore, "The Moral Basis of Political Liberalism," *The Journal of Philosophy* 96, no. 12 (1999), 600.

20. Gerald F. Gaus, "Liberal Neutrality: A Compelling and Radical Principle," in *Perfectionism and Neutrality: Essays in Liberal Theory*, ed. Stephen Wall, and George Klosko (New York: Rowman & Littlefield, Inc., 2003), 143.

21. Rawls, *Political Liberalism*, 4.

specify a particular conception of reasonableness. With enough philosophical confidence, for example, one might claim that all people willing and able to reason sincerely can be brought to agree on one particular comprehensive doctrine. Rawls obviously denies this interpretation of the concept of reasonableness. He presents his own conception of reasonableness when he contrasts reasonableness with rationality. A rational person is someone who is able effectively to exercise the powers of judgment and deliberation necessary to formulate and pursue a conception of the good.²² A reasonable person has two traits: the willingness to propose fair terms of cooperation and abide by them so long as others do too, and the willingness to recognize and accept the consequences of the "burdens of judgment."²³ The idea of fairness in terms of cooperation involves an ideal of reciprocity, which Rawls initially presents as a moral sensibility that lies midway between altruism and egoism. Reciprocity "lies between the idea of impartiality, which is altruistic (as moved by the general good), and the idea of mutual advantage understood as everyone's being advantaged with respect to one's present or expected situation as things are."²⁴ Reasonable persons are not motivated by the good of all, nor simply by their own good. Rather, they seek to advance their conception of the good within the constraints of rules that are beneficial for all, relative to some baseline of freedom and equality. However, reciprocity also involves a particular attitude toward the definition of the good to be promoted, be it my good or yours. Merely rational agents need not be self-interested, Rawls says – the conception of the good an agent seeks to promote might involve the welfare of others – but they would lack "a particular form of moral sensibility."²⁵ Reasonable persons are not moved only by what they variously take to be the true good. Rather, they desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept, despite their reasonable disagreements about the good.²⁶ For reasonable people recognize a variety of obstacles to ethical and political agreement between even fully reasonable persons, the so-called "burdens of judgment:" uncertainty and complexity of empirical evidence, difficulty of weighting rival considerations, conceptual vagueness leading to hard cases, partiality of perspective, and so on.²⁷ The immediate consequence of the burdens of judgment is that we must accept that good faith discussion on the part of conscientious and maximally rational persons will not necessarily yield convergence of philosophical and moral views.²⁸ As a result, the existence of a diversity of reasonable comprehensive religious, philosophical, and moral doctrines is not a passing historical

22. Rawls, *Political Liberalism*, 50.

23. Rawls, *Political Liberalism*, 54.

24. Rawls, *Political Liberalism*, 50.

25. Rawls, *Political Liberalism*, 51.

26. This is a paraphrase of Rawls, *Political Liberalism*, 50.

27. Rawls, *Political Liberalism*, 56-57.

28. Rawls, *Political Liberalism*, 58.

condition, but rather a permanent feature of a modern democratic society.²⁹ Recognition of this fact of reasonable pluralism leads reasonable people to accept a constraint of public justifiability on the exercise of political power, and so too a form of toleration.

Reasonable persons will think it unreasonable to use political power to repress comprehensive views that are not unreasonable, though different from their own. This is because, given the fact of reasonable pluralism, a public and shared basis of justification that applies to comprehensive doctrines is lacking..... Reasonable persons see that the burdens of judgment set limits on what can be reasonably justified to others, and so they endorse some form of liberty of conscience and freedom of thought.³⁰

Rawls's hypothesis is that whatever doctrines they may accept, people have at least to some extent this sensibility, which consists in wanting to cooperate with others on terms they can have good reason to accept. Having this sensibility is part of what it means to recognize others as persons, who have their own interests and their own point of view, and who claim recognition as persons just as one expects such recognition for oneself. When people with such a motivation also recognize the existence of burdens of judgment, they must also accept a principle of toleration, Rawls claims.

The fact of reasonable pluralism is not the fact that there is now a diversity of views, but only reasonable views. Nor is it the optimistic view that in an approximately just society, the range of doctrinal diversity would be small. It is rather the apparently pessimistic view that democratic society will inevitably be characterized by a number of very different, conflicting, reasonable views, in addition to whatever unreasonable views may also be present. Rawls remarks that "we should find it remarkable that, so deeply opposed in these ways, just cooperation among free and equal citizens is possible at all."³¹ "[J]ustice as fairness assumes that deep and pervasive differences of religious, philosophical, and ethical doctrine remain."³²

However, if the account of the burdens of judgment were seen as a sceptical argument, it would be impossible for a range of otherwise reasonable comprehensive doctrines to endorse a political conception of justice.³³ Rawls therefore denies that this account involves any scepticism. What Rawls means by a sceptical view is "a philosophical analysis of the conditions of knowledge," in some domain, that would lead to the conclusion that we cannot know the objects in question, because one or more of these conditions is not satisfied.³⁴

The account of the burdens of judgment does none of these things. It simply lists some of the circumstances that make political agreement in judgment, especially in judgments about comprehensive doctrines, far more difficult. This difficulty is borne out by histor-

29. Rawls, *Political Liberalism*, 36.

30. Rawls, *Political Liberalism*, 60-61.

31. Rawls, *Political Liberalism*, 4.

32. John Rawls, *Collected Papers* (Cambridge, Mass.: Harvard University Press, 1999), 326.

33. Rawls, *Political Liberalism*, 62-63.

34. Rawls, *Political Liberalism*, 63.

ical experience, by centuries of conflict about religious, philosophical, and moral beliefs. Political liberalism does not question that many political and moral judgments of certain specified kinds are correct, and it views many of them as reasonable. Nor does it question the possible truth of affirmations of faith. Above all, it does not argue that we should be hesitant and uncertain, much less skeptical, about our own beliefs. Rather, we are to recognize the practical impossibility of reaching reasonable and workable political agreement in judgment on the truth of comprehensive doctrines.³⁵

One interpretation of this passage would be that recognition of the burdens of judgment should have no effect at all on the degree of confidence with which one asserts one's comprehensive view. Such an interpretation would allow us to avoid any epistemological controversy. The fact of reasonable pluralism does not induce any doubt because it is just a fact about the sociology and culture of a well-ordered society; the burdens of judgment are really just obstacles to agreement, obstacles that don't put into question one's own views.

This interpretation cannot be correct, however, because Rawls is concerned with obstacles to agreement on the part of reasonable people, which means, at a minimum, people willing and able to reason with each other sincerely about what is true, and good, and right. The difficulty of reaching agreement may be borne out by historical experience, but there is too much obvious unreasonableness in the historical record to justify (by itself) the conclusion that disagreement is inevitable between reasonable persons. What makes it hard for reasonable persons to agree are burdens on individual judgment, obstacles to understanding. Coming to recognize the burdens of judgment has to lessen one's level of confidence, compared to one's prior certainty. In fact, Rawls admits that the account of the burdens of judgment and reasonable pluralism does not entirely avoid claims about the epistemic status of comprehensive doctrines. "In affirming a political conception of justice we may eventually have to assert at least certain aspects of our own comprehensive religious or philosophical doctrine," Rawls admits. To explain why, Rawls provides the example of "rationalist believers" who contend that their religious beliefs "are open to and can be fully established by reason." These believers "simply deny what we have called 'the fact of reasonable pluralism'," and the associated claim that there are burdens of judgment. We must claim that the rationalist believers are mistaken in denying the fact of reasonable pluralism, Rawls admits, "but we need not say that their religious beliefs are not true, since to deny that religious beliefs can be publicly and fully established by reason is not to say that they are not true."³⁶ Rawls's example is focused on religion, but it is clear that the thesis of reasonable pluralism extends beyond theology, narrowly speaking. The term "comprehensive doctrine" is meant to include both irreligious answers to core religious questions, and a-religious answers to basic ethical and philosophical questions – hence the recurrent phrase "religious, philosophical, and moral doctrines."³⁷

In sum, the recognition of reasonable pluralism has broad scope and is sceptical only in the mild sense that it denies the possibility of demonstrable certainty, without requiring abandonment or suspension of belief.

35. Rawls, *Political Liberalism*, 63.

36. Rawls, *Political Liberalism*, 152-53.

37. Rawls, *Political Liberalism*, 3-4, 47, 136.

3. Scepticism and Toleration

In his *History of England* Hume puts the view that toleration presupposes scepticism about religious truth in the mouth of Bishop Gardiner, an advisor of Mary Tudor and opponent of toleration.

The doctrine... of liberty of conscience, is founded on the most flagrant impiety, and supposes such an indifference among all religions, such an obscurity in theological doctrines, as to render the church and magistrate incapable of distinguishing, with certainty, the dictates of Heaven from the mere fictions of human imagination.³⁸

Cardinal Pole, arguing for toleration, concurs with Gardiner's charge that toleration presupposes a lack of certainty. "But surely never enterprize was more unfortunate than that of founding persecution upon policy, or endeavouring, for the sake of peace, to settle an entire uniformity of opinion, in questions which, of all others, are least subjected to the criterion of human reason."³⁹ The scepticism in question here is not the view that the only reasonable religious position is agnosticism (suspension of belief). It is simply the view that about some set of core religious questions, we cannot achieve certain knowledge, and therefore that it is not unreasonable that people should disagree about such matters. Cardinal Pole was obviously not repudiating his own religious views, nor denying that it was reasonable to have beliefs about religious questions. He was simply denying the possibility of demonstrably certain knowledge about some range of theological questions. Some theological questions are inevitably the subject of disagreement, because they are not conclusively answerable, i.e. not answerable in a way that would make those who persist in dissenting in face of the conclusive demonstration unreasonable.

Such mildly sceptical arguments played an important, though not fully explicit role in Locke's argument for toleration. Locke's best known argument for toleration stresses the irrationality of persecution, given the impossibility of forcing belief. This argument has no need of sceptical premises – in fact, as Micah Schwartzman has argued, it is best understood as a religious argument.⁴⁰ Nonetheless, mildly sceptical premises enter at other points of Locke's argument. First, as part of his general attempt to cast doubt on the motives of persecutors, Locke asks why "this burning zeal for God... and for the salvation of souls" passes by universally acknowledged moral vices (such as "whoredom, fraud, malice"), but insists upon "the establishment of opinions, which for the most part are about nice and intricate matters, that exceed the capacity of ordinary understandings."⁴¹ The difficulty of answering this class of "nice and intricate" ques-

38. David Hume, *The History of England From the Invasion of Julius Caesar to the Revolution of 1688* (Indianapolis: Liberty Fund, 1983), III:433; cited by Will R. Jordan, "Religion in the Public Square: A Reconsideration of David Hume and Religious Establishment," *The Review of Politics* 64, no. 4 (2002), 696 cited by cited by cited by

39. Hume, *The History of England*, III:432; cited by Jordan, "Religion in the Public Square," 697 cited by cited by cited by

40. Micah Schwartzman, "The Relevance of Locke's Religious Arguments for Toleration," *Political Theory* 33, no. 5 (2005), 680.

41. John Locke, *A Letter Concerning Toleration* (Indianapolis, Indiana: Hackett Publishing Company,

tions suggests that having the correct answer to these questions cannot be essential to salvation. It also suggests that those who dissent on these matters do so in good faith. If it were simply obvious what the truth was, we would have grounds to doubt the sincerity and moral motivations of dissenters. But if the correct answer isn't obvious, then those who dissent may well be honestly trying to find the right answer, not deliberately thumbing their noses at god. Waldron overstates the case, therefore, in saying that Locke's argument for toleration "does not rest on any religious doubt, or religious scepticism or epistemic misgivings,"⁴² nor was "based on any suspicion, however, slight, that at the last trump the sects that he proposed to tolerate might turn out to have been right all along."⁴³ At least for some class of theological questions, for which Locke thinks dissenters are currently persecuted, Locke claims that there are no clearly correct answers – no answers that one would be unreasonable to reject.

The second place in which the recognition of inevitable reasonable disagreement enters Locke's case for toleration is in his fallback argument, the one intended to block the case for persecution even if "the rigour of Laws and the force of Penalties were capable to convince and change Mens minds."⁴⁴ If people "had no rule, but the Religion of the court," then, "the variety and contradiction of Opinions in religion" would mean that salvation would depend upon the accident of where one was born. It does not suit the idea of a benevolent deity, Locke says, to suppose that he would authorize a rule according to which "men would owe their eternal happiness or misery to the places of their nativity."⁴⁵ Waldron's take on this argument is that it applies only to the "rather silly principle" that the prince may enforce his own religion (which would be a "neutral" principle, in Gerald Dworkin's terms), but not the "more sensible" (non-neutral) principle that the prince may enforce only the true religion.⁴⁶ There is more to Locke's argument, however, than a wilful misreading of the persecutor's rationale for persecution. Augustine had argued that "there is an unjust persecution, which the ungodly operate against the Church of Christ; and a just persecution which the Churches of Christ make use of towards the ungodly."⁴⁷

1983), 24, 36.

42. see also 36 Jeremy Waldron, "Locke, Toleration and the Rationality of Persecution," in *Justifying Toleration: Conceptual and Historical Perspectives*, ed. Susan Mendus (Cambridge: Cambridge University Press, 1988), 69.

43. Waldron, "Locke, Toleration and the Rationality of Persecution," 70.

44. Locke, *A Letter Concerning Toleration*, 27.

45. Locke, *A Letter Concerning Toleration*, 27-28.

46. Waldron, "Locke, Toleration and the Rationality of Persecution," 72.. Dworkin defines non-neutral principles as principles "[whose] application to particular cases is a matter of controversy for the parties whose conduct is supposed to be regulated by the principle in question" Gerald Dworkin, "Non-Neutral Principles," in *Reading Rawls*, ed. Norman Daniels (Stanford: Stanford University Press, 1975), 126.. Dworkin concedes that the distinction is one of degree, but the principles "enforce the true religion" and "enforce one's own religion" clearly lie at opposite ends of the spectrum.

47. Joseph Lecler, *Toleration and the Reformation* (New York: Association Press, 1960), 57.

This is the view Locke is explicitly arguing against, as is clear from his famous example of the Arminians and Calvinists in Constantinople. Which of these two churches has the right to impose its views on the other?

It will be answered, undoubtedly, That it is the Orthodox Church which has the Right of Authority over the Erroneous or Heretical. This is, in great and specious Words, to say just nothing at all. For every Church is Orthodox to itself; to others, Erroneous or Heretical. For whatsoever any Church believes, it believes to be true... So that the Controversie between these Churches about the Truth of their Doctrines... is on both sides equal; nor is there any Judge, either at Constantinople, or elsewhere upon Earth, by whose Sentence it can be determined. The Decision of that Question belongs only to the Supreme Judge of all men, to whom also alone belongs the Punishment of the Erroneous.⁴⁸

The claim that the orthodox church has rightful authority over the erroneous is Waldron's "more sensible," non-neutral principle. We need to reconstruct Locke's argument against this view, not fault him for mistaking the non-neutral for the neutral version of the principle.

The starting point for my reconstruction will be the parable of the tares from Matthew 13, one of the main biblical passages that had always been used to argue in favour of "patience and tolerance towards heretics and sinners."⁴⁹

The kingdom of heaven may be compared to someone who sowed good seed in his field; but while everybody was asleep, an enemy came and sowed weeds among the wheat, and then went away. So when the plants came up and bore grain, then the weeds appeared as well. And the slaves of the householder came and said to him, 'Master, did you not sow good seed in your field? Where, then, did these weeds come from?' He answered, 'An enemy has done this.' The slaves said to him, 'Then do you want us to go and gather them?' But he replied, 'No; for in gathering the weeds you would uproot the wheat along with them. Let both of them grow together until the harvest; and at harvest time I will tell the reapers, Collect the weeds first and bind them in bundles to be burned, but gather the wheat into my barn.'⁵⁰

Augustine interpreted Jesus's parable as an injunction to be careful when excommunicating or (later), when using force against heretics. By adding the explanation "for in gathering the weeds..." Jesus "shows plainly enough that when that fear does not exist and one is quite sure of the soundness of the good seed, i.e. when someone's crime is known... then severe discipline must not remain dormant."⁵¹ The tolerant interpretation of the parable, in contrast, was that the master did not authorize the servants to make their own judgments about the strength of the evidence. The master did not say 'be careful,' but rather 'do not rip up the weeds.' The fact that he

48. Locke, *A Letter Concerning Toleration*, 32.

49. Lecler, *Toleration and the Reformation*, 28; Roland Bainton, "The Parable of the Tares as the Proof Text for Religious Liberty to the End of the Sixteenth Century," *Church History* 1, no. 2 (1932): 67-89.

50. Matthew 13: 24-30, *The Holy Bible, New Revised Standard Version* (Oxford: Oxford University Press, 1989).

51. Lecler, *Toleration and the Reformation*, 55.

explained his reasons for issuing this command does not transform his command not to rip up the weeds into the command to do so when 100% certain of what is weed and what is wheat. Even if the slaves feel confident in a particular case, the master has ordered them to let all the wheat grow up until harvest. A slave who uprooted only plants that were truly weeds and justified it by saying that he had avoided any doubtful cases would still have disobeyed his master.

The question Locke is addressing, in his subsidiary argument for toleration, is whether God has authorized use of force as a means to promote belief in the true religion. Locke's implicit argument, I think, is that God would surely have foreseen that were he to authorize use of force to promote adherence to the true church, people would often err in attempting to apply this rule, and use force in service of false faiths. In the ensuing struggle, salvation would come to depend upon the accident of birth, as princes would strive to support the truth church as they variously perceived it. The predictable misapplication of the rule would thus constitute "a pernicious Seed of Discord and War... a powerful provocation to endless Hatreds, Rapines and Slaughters." God in his infinite wisdom would surely have foreseen that the rule 'impose the true religion' would have the same consequences as 'impose one's own religion.' "No Peace and Security, no not so much as Common Friendship, can ever be established or preserved amongst Men, so long as the Opinion prevails, that Dominion is founded in Grace, and that Religion is to be propagated by force of Arms."⁵² Locke is not here making a pragmatic argument for toleration based on the secular premise that peace in this world is more important than salvation in the next. He is making a principled argument about the scope of authority god has granted us, based upon the assumption that a benevolent god would not want those who sincerely search after him to rip themselves apart due to their lack of clear and certain knowledge.

This argument about the scope of God's authorization for us to use force depends on a mildly sceptical assumption about the possibility of knowing which is the true religion. Suppose God revealed himself in such a direct and obvious manner to each and every one of us that all those who dissent were either grossly defective, in their capacity for understanding, or were consciously turning their backs on god, willfully ignoring his instruction. Were this our epistemic condition, authorizing use of force against heretics would not have bad consequences. For when the truth about god is clear and evident to any ordinarily rational, well-meaning person, preachers of falsehood are all bad people, who would stir up trouble even if they were not authorized to enforce the true religion. Demons sent by the devil will do wrong whether they are instructed to use force for truth or not. Therefore, the argument based on the perverse consequences of misapplication depends on the view that conclusive evidence is not available for at least some range of important religious questions.

Although I think that this interpretation makes sense of what Locke says, it does so only by attributing to Locke a number of claims that he does not explicitly make. I want to turn, therefore, to Pierre Bayle's *Philosophical Commentary on the Words of the Gospel According to Luke*, "*Compel them to Enter*," which does explicitly make these claims. Whatever the merits of Waldron's critique of Locke, it is clearly not an appropriate response to Bayle, who is explicitly addressing the Augustinian defense of righteous 'persecution'. "Only evils done to the faithful can be properly called persecution," according to Bayle's summary of this view. "Those exer-

52. Locke, *A Letter Concerning Toleration*, 33.

cised on heretics are only acts of kindness, equity, justice, and right reason."⁵³ Supposing this premise to be true, Bayle responds, "everyone sees... that there would be no kind of crime which could not become an act of religion by this maxim."⁵⁴ Each sect would think itself authorized to mistreat the others, because it thinks itself the true religion. Bayle does not suppose that all have an equal claim to truth, but only "a sincere persuasion in all to endeavour the extirpation of what they believe false." The result would be unending conflict and war. Foreseeing this result, god would not have authorized use of force for the promotion of the true religion. "Jesus Christ must have foreseen how His commandment might prompt all sorts of Christians to use violence against those who would not be of their own sect, which would be an inexhaustible source of crimes and an iliad of miseries to those of the good side."⁵⁵

[A]lthough god has not spoken to us in His Scripture in a manner perfectly fitted to prevent all divisions among Christians, it must nevertheless be believed that if, on the one hand, He has permitted His church to be divided, on the other He could not have wished that she should be without any rule, any common principles to keep the contending parties within proper bounds and to show that tearing each other apart like wild animals was not necessary."⁵⁶

Bayle is not simply arguing that universal adoption of the maxim "use force against religions you perceive to be false" would have bad consequences. He is arguing that God would have foreseen that universal adoption of the maxim "use force against the false religion" would have the same bad consequences, because of people's predictable misunderstandings and disagreements. The bad consequences of what Waldron called the "rather silly" neutral principle (legitimacy of force in service of propagation of one's own religious views) tell against the "more sensible" non-neutral principle (legitimacy of force in service of propagation of the true religious) because God would have foreseen that the effects of establishing the latter principle would be the same as establishing the former.

Again, this argument about the scope of God's authorization for us to use force depends on a mildly sceptical assumption about the possibility of knowing which is the true religion. If God had revealed himself in a direct and obvious manner to each and every one of us, however, his authorizing use of force against heretics would not have bad consequences, for all reasonable persons would have agreed on the correct path to salvation, while all dissenters, being unreasonable, would have persecuted regardless of any authorization. Bayle acknowledges this epistemological premise in saying that god has not spoken to us in a manner perfectly fitted to prevent all divisions among Christians. "[W]e all know by indubitable experience," Bayle claims, "... that

53. Pierre Bayle, *Pierre Bayle's Philosophical Commentary : A Modern Translation and Critical Interpretation* (New York: P. Lang, 1987), 46.

54. Bayle, *Pierre Bayle's Philosophical Commentary : A Modern Translation and Critical Interpretation*, 47.

55. Bayle, *Pierre Bayle's Philosophical Commentary : A Modern Translation and Critical Interpretation*, 47.

56. Bayle, *Pierre Bayle's Philosophical Commentary : A Modern Translation and Critical Interpretation*, 84.

God has not printed any mark or signs on the truths which He has revealed, at least not on the greater part of them, by which we might certainly and infallibly discern them. They are not of a metaphysical or geometrical clarity."⁵⁷ Bayle is advancing a mildly sceptical thesis, but not one he takes to be controversial. In fact, he claims to be certain that there is no infallible mark that distinguishes truth from what merely seems true. "It is not by any evidence that we are able to make this discernment because everyone says, on the contrary, that the truths God reveals to us in His word are deep mysteries which require the captivity of our understanding to the obedience of faith."⁵⁸ Bayle is not denying the possibility of knowledge based on probable reasoning; "one may have a moral certainty [of the truth of scripture] founded on very high probabilities."⁵⁹ He simply claims that such confidence does not contain any special mark that guarantees its infallibility. The most God can reasonably demand is therefore "a sincere and diligent search after truth."⁶⁰

Like Locke, however, Bayle claimed that this lack of complete clarity applied mainly to questions of theology, not to questions of morality. "The obscurities of Scripture hardly fall on anything but dogmas of speculative points: those of morality, having been more necessary for the conservation of societies and for preventing vice from utterly extinguishing what remains of virtue, have remained much more intelligible to the world."⁶¹ Bayle's scepticism here consists simply in the denial that the answer to certain theological questions ought to be obvious to any reasonable person, i.e. the denial of the possibility of certain and demonstrable knowledge, for certain religious questions other than the key tenets of morality.

In addition to the fact that many "speculative" questions are inherently difficult and obscure, Bayle argues that the capacities of even a maximally rational, well-intentioned human being are limited. To what sort of creatures has God revealed the truths of religion?

These creatures are souls united to body which for some years have no reason at all, no faculty for discerning truth from falsehood, nor suspicion that those who instruct them teach them false things, so that at this age they believe everything told to them without rebuttal of any obscurity, incomprehensibility, or absurdity. They are then creatures who drag a body along, the cause of the soul's whole capacity being incessantly occupied with a thousand confused sensations and a thousand unavoidable worldly cares. The passions and habits of childhood, the prejudice of education, take possession of us before we take

57. Bayle, *Pierre Bayle's Philosophical Commentary : A Modern Translation and Critical Interpretation*, 179.

58. Bayle, *Pierre Bayle's Philosophical Commentary : A Modern Translation and Critical Interpretation*, 181.

59. Bayle, *Pierre Bayle's Philosophical Commentary : A Modern Translation and Critical Interpretation*, 182.

60. Bayle, *Pierre Bayle's Philosophical Commentary : A Modern Translation and Critical Interpretation*, 182.

61. Bayle, *Pierre Bayle's Philosophical Commentary : A Modern Translation and Critical Interpretation*, 84..

time to know what it is we admit into our minds. All that makes the search after truth exceedingly painful. As God is the Author of the union of soul and body and does not want human society to be destroyed but rather that everyone diligently follow his lawful calling, it follows He ought to deal with these creatures, making allowances for those obstacles which are involuntary and partly of His own institution which hinder the discernment of truth and sometimes make its attainment impossible.⁶²

Such is Bayle's account of the "burdens of judgment," obstacles to understanding and agreement that afflict even the best-intentioned and most intelligent human beings. If God has made us with these cognitive limits, and if God is benevolent, then surely he would not punish us for the mistakes we make in good faith about speculative questions.

The second role a mild scepticism plays in Bayle's defense of toleration is that it an essential premise of his argument from conscience. We can see this role in Bayle's response to the objection that "violence is not used to force conscience, but to awaken those who neglect to examine the truth."⁶³ The claim that coercion could indirectly promote belief was an important part of Proast's and Waldron's responses to Locke.⁶⁴ Bayle points out that unless this force is used only to make people reflect or at most take religious instruction, it will involve forcing conscience, i.e. forcing people to sin against conscience, which cannot be pleasing to god.

I desire the Gentlemen-Convertists to tell me, whether they are in earnest, when they say they don't mean to force Conscience, but only to put People upon examining both Religions... It is plain [that] if this were their only intention... they ought only to threaten some Punishment on those, who within a fixed time did not get instructed, for if they proceed to actual punishment of those who at the expiration of the term of instruction shall declare... that they are not one jot less persuaded of the Truth of their own Religion than they were before, it's manifest they originally designed to violate Conscience.⁶⁵

The 'convertist' might object that those who continue to profess belief in the false religion after instruction are obstinate and stubborn in their opinions, and essentially refusing to listen and understand, or understanding but refusing to honour god. Bayle concedes that someone who recognizes god's truth but refuses to acknowledge it ought not be tolerated. But how can we be sure that the heretic is truly conscious of his error and stubbornly persisting? How do we know he isn't sincere in his beliefs? Can we see into his heart, as god can? No, the convertist will answer, but we have given him solid, incontrovertible reasons "as clear as Noon-day"⁶⁶; he must therefore be obstinate. Bayle answers that the matters of controversy are not clear and evident – there are

62. Bayle, *Pierre Bayle's Philosophical Commentary : A Modern Translation and Critical Interpretation*, 179.

63. Bayle, *Pierre Bayle's Philosophical Commentary : A Modern Translation and Critical Interpretation*, 87.

64. Waldron, "Locke, Toleration and the Rationality of Persecution," 81-84.

65. Bayle, *Pierre Bayle's Philosophical Commentary : A Modern Translation and Critical Interpretation*. **missing page number**

66. Pierre Bayle, *A Philosophical Commentary on These Words of the Gospel, Luke 14:23, 'Compel Them to Come in, That My House May be Full'* (Indianapolis: Liberty Fund, 2005), 145.

sophisticated reasoners on both sides who can debate the finer points ad nauseam. It is an extravagant presumption to say that a man persists in his religion only because he refuses to reflect or because he'd rather betray his conscience that let his converters win the argument. God along can judge.⁶⁷

What is striking about Bayle's argument is that it is both religious and based on a mild form of religious scepticism. Bayle asserts that the truth about certain speculative theological questions is not as clear and evident as noon-day. But this denial of demonstrable certainty on these questions is important, for Bayle, because it helps block the inference from disagreement to bad motives, and therefore suggests that, given the existence of sincere, reasonable disagreement, God would not have authorized use of force on behalf of faith – not on behalf of whatever faith we accept, nor even on behalf of the true faith, since the latter principle would have the same results in practice as the former. And this mild scepticism also gets the argument from conscience on its feet. By blocking the inference from disagreement to bad faith, the sceptical argument opens the way to arguing that force in the service of truth involves tempting people to sin, to go against what they think god commands of them, simply for the sake of protecting life, limb, and property.

This account of Bayle is at odds with Popkin's view of Bayle as a "supersceptic," discussed earlier, and closer to Forst's view of Bayle as a proto-political liberal.⁶⁸ It is, however, based entirely on Bayle's early volume on toleration. Here, Bayle does not argue that reason is so weak and pathetic we must turn to faith. He argues that scripture must be interpreted in light of reason. If scripture seems to say something contrary to evident principles of morality or contrary to the idea of a benevolent deity, that must be the wrong interpretation, Bayle says.⁶⁹ Bayle claims to be certain that Jesus does not want us to use force against heretics. The claim that God is offended when people sin against their erroneous consciences is a claim about god based on reasoning, not simply a matter of blind faith.

On the other hand, Forst's claim that Bayle's defense of toleration establishes the basic elements of political liberalism exaggerates the proximity of Bayle and Rawls. The narrow scope of Bayle's case for toleration contrasts markedly with the broader anti-perfectionism of Rawls's view. First, the epistemological reasons for denying demonstrable certainty apply to religious questions, in Bayle's view, not to morality generally. Bayle argues that those who claim demonstrable certainty for their religious views are wrong, perhaps even unreasonable. He explicitly does not argue that ethical and moral questions generally are subject to this uncertainty.

67. Bayle, *A Philosophical Commentary on These Words of the Gospel, Luke 14:23, 'Compel Them to Come in, That My House May be Full'*, 145-46.

68. Popkin, *The History of Scepticism : From Savonarola to Bayle*, 297.

69. "I shall go upon this single Principle of natural Reason; *That all literal Construction, which carries an Obligation of committing Iniquity is false.* St. Austin [Saint Augustine] gives this as a Rule and Criterion for discerning the figurative from the literal sense. JESUS CHRIST, says he, declares that unless we eat the Flesh of the Son of Man, we cannot be sav'd. This looks as if he commanded an Impiety; it's therefore a Figure which enjoins our partaking of the Lord's Death..." Bayle, *A Philosophical Commentary on These Words of the Gospel, Luke 14:23, 'Compel Them to Come in, That My House May be Full'*, 66.

Second, Bayle's argument is focused on the use of force to promote or discourage particular forms of religious belief and worship. Bayle was arguing for individual liberty of conscience, not for a general ban on state activities to promote human flourishing. Third, Bayle's argument is religious, in that it is about what benevolent, far-seeing god could plausibly have authorized us to do.

Perhaps it will seem a small matter to extend our recognition of inevitable reasonable disagreement from questions of theology to questions about the good life or, as Rawls says, 'comprehensive religious, philosophical, or moral doctrines'. If all we seek is to deny the legitimacy of forcing people to flourish according to secular or atheistic ideals, on analogy with the illegitimacy of forcing them to be saved, this extension seems relatively unproblematic. It does not follow, however, that we must deny the legitimacy of any state action motivated by perfectionist ideals. That God would not have authorized the use of force in service of salvation does not prove that he would not have authorized any collective action justifiable only by reasonably rejectable ethical aims. The perverse consequences to be feared from the authorization of forced worship do not necessarily apply to policies that merely create incentives or opportunities for flourishing, nor to policies that define the scope of our murder laws according to controversial religious conceptions of who counts as a person, nor to policies that demand generous redistribution of wealth on religious grounds.