Abstract

An overly narrow reading of Locke’s writings on toleration has led many scholars to see a contradiction between Locke’s early, “authoritarian” *Tracts* and his later, “liberal” writings on toleration. Against this interpretation, I argue that these two aspects of Locke’s writings on religion and politics represent two indispensable halves of Locke’s secular project. The key to understanding this project is the concept of “civil interests,” which Locke uses to defend both a limited toleration of religious diversity and government interference in religion. I argue that Locke uses natural law theory to define civil interests as basic rights that are understood by all reasonable human beings and thus beyond theological controversy. In the *Tracts*, Locke argues that the civil magistrate has the right and duty to interfere in any aspects of religious belief or worship that threaten the civil interests of the community. Conversely, in his works on toleration, Locke argues that the magistrate may only coerce citizens in matters pertaining to civil interests, not in matters in which only their spiritual welfare is at stake. The distinction between the civil and the spiritual rests on Locke’s innovative epistemological approach to natural law in which he distinguishes between moral duties that can be known by all reasonable people and religious questions on which there can be no certainty. The purpose of civil power is not to direct ignorant masses towards ends of which they have no knowledge but rather to enforce universally accepted principles of natural law. Locke’s brand of political secularism is thus built on the foundations of moral agreement and certainty.

Introduction

One of the most significant trends in recent Locke scholarship has been the increased emphasis on the role of religion in Locke’s political thought—as both the foundation of his political philosophy and the central political problem with which he grapples. Recent debates have focused particularly on Locke’s theological commitments and their bearing on Locke’s

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ideas regarding the role of religion in the state and the question of toleration. This article intervenes in these recent debates and seeks to clarify Locke’s position on toleration by situating it within Locke’s larger political project. This project, I argue, is a defense of secular government against two different religious threats: government-imposed religion and religiously motivated civil strife. In each case, Locke consistently sides with secular government by elevating “civil interests” over uncivil religious pursuits. The result is a moderate defense of the value of religious toleration that must always be balanced against other secular values.

One recurring idea in the literature on Lockean toleration is the apparent contradiction between Locke’s first discussion of religious freedom in the *Tracts on Government* (1660-62) and Locke’s writings on toleration, specifically the *Essay Concerning Toleration* (1667) and the *Letter Concerning Toleration* (1685). Since the initial translation and publication of the *Tracts* in 1967, a broad consensus has emerged among Locke scholars that these two sets of writings contain two conflicting solutions to religious conflict. James Tully, for example, argues that Locke proposes two opposite solutions to religious pluralism: in the *Tracts*, Locke argues for absolutist government and religious conformity, while in the *Letter Concerning Toleration*, Locke argues for limited government and toleration. In the *Tracts* Locke grants the magistrate power to enforce religious uniformity, but in his *Letter* Locke argues that the public good is not served by religious coercion and that such coercion is ineffective. Here, Tully follows a common line of interpretation: that Locke underwent a radical change of mind at some point and reversed course on his earlier “authoritarian” positions. Peter Laslett and J. R. and Philip Milton

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attribute the sudden change to Locke’s relationship with the First Earl of Shaftesbury, a deist and vocal advocate for secularization, for whom Locke composed the *Essay Concerning Toleration* in 1667. Contrary to this prevailing view, I argue that there is little discontinuity or contradiction between the *Tracts on Government*, the *Essay Concerning Toleration*, and the *Letter Concerning Toleration*. Rather, I argue, Locke addresses two distinct religious-political conflicts throughout his work and therefore proposes two different solutions. The differences between these solutions may account for the mistaken perception that Locke changed his mind over the course of his lifetime.

The apparent discontinuity is highlighted by those who, focusing on Locke’s later writings, portray Locke as a forerunner of the doctrine of “separation of church and state.” Ronald Beiner, for example, contrasts Locke’s separation of religion and government with Hobbes’s civil religion project. The political dilemma faced by both of these authors, says Beiner, is that of divided authority over temporal and spiritual matters. Hobbes worried that ecclesiastical authorities who claimed sovereignty in spiritual matters would ultimately undermine civil sovereignty by appealing to divine law, which was prior to civil law. The solution to this problem, according to Beiner, was for the state to appropriate religion for civil purposes, thus uniting ecclesiastical and civil authority under one sovereign. According to Beiner, Locke’s solution, which Hobbes thought impossible, was to divide secular and spiritual authority within the state by granting religious groups a sphere of autonomy that the state could not touch. States likewise would retain control of all coercive force, and religious bodies would hold no civil power over their adherents. Beiner characterizes these two bodies—state and church—as equally autonomous, independent, and voluntary organizations. Locke, he says, creates a division of labour in which the state looks after citizens’ earthly interests while the

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church looks after their eternal lives.\footnote{Ronald Beiner, \textit{Civil Religion: A Dialogue in the History of Political Philosophy}, (New York: Cambridge University Press, 2011), 148-155.} If one accepts Beiner’s separationist reading of Locke, Locke’s prescriptions for state control over religious practices in the \textit{Tracts} appears out of step with the liberal Locke of the \textit{Letter Concerning Toleration}. One of the aims of this article is to correct this mistaken view of religious toleration as the autonomy of churches from state authority.

Other writers have argued that while Locke’s \textit{Letter Concerning Toleration} marks an important moment in the history of liberalism, his prescriptions and justifications for toleration are shallow or untenable. Jeremy Waldron, for example, has critiqued Locke’s defense of toleration on two grounds.\footnote{A similar critique is leveled by John Dunn, \textit{Interpreting Political Responsibility} (Cambridge, UK: Polity Press, 1990), 19-20.} First, he argues that Locke’s justifications for toleration are inadequate because they rest on the irrationality—rather than the injustice or immorality—of religious persecution. Locke’s reasoning, on this view, is purely instrumentalist: the means that governments have at their disposal (coercive force) are not conducive to the ends of religious coercion. Government-sponsored persecution can neither change the minds of individual believers nor produce the genuine religious faith that is necessary for salvation through genuine belief. For this reason alone, governments ought to let their citizens believe and worship according to their private convictions.\footnote{Jeremy Waldron, “Locke: Toleration and the Rationality of Persecution” in John Horton and Susan Mendus, eds., \textit{John Locke: A Letter Concerning Toleration in Focus} (London: Routledge, 1991), 98-120.} Secondly, Waldron points out that Locke never defends a moral or civil \textit{right} to religious freedom or liberty of conscience. Even in his \textit{Letter Concerning Toleration}, Locke places no absolute moral prohibition on government interference in religious practices and defends the magistrate’s right to truncate citizens’ religious liberty in name of some overriding civil purpose.\footnote{Waldron, “Toleration and the Rationality of Persecution,” 112-113.} In what follows, I respond to Waldron’s critique by showing that
Locke’s defense of toleration, when seen as part of a theory of secular government, is neither purely instrumentalist nor as flimsy as Waldron contends.\(^\text{10}\)

A third issue in the literature concerns the role of Locke’s theological commitments in his defense of toleration and secular government more generally. The debate can be traced to John Dunn, who in his 1969 study of Locke sought to establish “the intimate dependence of an extremely high proportion of Locke’s arguments for their very intelligibility, let alone plausibility, on a series of theological commitments.” This finding was coupled with Dunn’s blunt assessment of Locke’s contemporary (ir)relevance: “I simply cannot conceive of constructing an analysis of any issue in contemporary political theory around the affirmation or negation of anything which Locke says about political matters.”\(^\text{11}\) In a more recent work, Dunn walked some of that argument back while still maintaining that Locke’s theory of religious toleration was “dead.” In a modern, pluralistic democracy, says Dunn, Locke’s theological arguments have no purchase with citizens who are not seeking otherworldly rewards.\(^\text{12}\) In recent years, Timothy Stanton and John Tate have reignited the debate over whether Locke’s conception of civil government is grounded in secular reason or an appeal to divine authority. Tate argues that Locke sought to found civil government purely on material interests and in no way grounded his political theory on theological positions. Such theological positions, being unprovable and thus highly contested, could never serve as a basis for stable civil society. Here Tate cites Locke’s *Letter Concerning Toleration*, in which Locke argues that civil rights may not


be revoked on the basis of religion because such religious differences are rooted in humanity’s fundamental ignorance of divine truths. Stanton meanwhile maintains that Locke posits the origins and limits of civil government based on the ultimate authority of divine law while relying on neither material interests nor contested theological positions. While Stanton seems sympathetic with Locke’s arguments, his position finds support from critics like Dunn who dismiss Locke’s overly sectarian response to the problem of religious freedom. My analysis reveals that Stanton and Tate are each grasping a partial understanding of Locke’s argument: Locke’s defense of civil government relies on both temporal interests and divine law.

This article responds to these three questions by situating Locke’s theory of toleration within the context of his larger project of political secularism. The key to understanding this project is the concept of “civil interests,” which Locke uses to defend both a limited toleration of religious diversity and government interference in religion. Locke defines civil interests as the basic temporal ends for which civil governments are instituted: physical security, property rights, and individual liberty. These civil interests are understood by all reasonable human beings and thus beyond theological controversy. In the Tracts, Locke argues that the civil magistrate has the right and duty to interfere in any aspects of religious belief or worship that threaten the civil interests of the community. Conversely, in his works on toleration, Locke argues that the magistrate may only coerce citizens in matters pertaining to civil interests, not in matters in which only their spiritual welfare is at stake. The distinction between the civil and the spiritual rests on Locke’s innovative epistemological approach to natural law in which he distinguishes between moral duties that can be known by all reasonable people and religious questions on which there can be no certainty. The purpose of civil power is not to direct ignorant masses

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towards ends of which they have no knowledge but rather to enforce universally accepted principles of natural law.

Locke’s Idea of Civil Interests

In this section, I distinguish between two types of religious-political conflict that Locke addresses in his work. This distinction reveals both the centrality of the idea of civil interests and the continuity between Locke’s *Tracts* and writings on toleration. I then go on to describe the epistemological and sociological bases for Locke’s theory of civil interests.

The literature on Lockean toleration focuses almost exclusively on Locke’s prescriptions for and justifications of toleration. It thus fails to adequately capture the bigger picture of religious-political conflict as Locke saw it. For example, Laslett contrasts Locke’s criticism of religious freedom in his *Two Tracts on Government* (1660-1662) with Locke’s support for religious freedom in the *Essay Concerning Toleration* (1667). He sees this as evidence that Locke changed his mind about toleration during this period.\(^\text{15}\) However, Laslett does not take into account the differences between the conflict addressed in the *Tracts* and the conflict addressed in the *Essay*. The first problem, which Locke addresses in the *Tracts*, is the use of violence by churches and religious adherents against people of other faiths. The second problem, addressed in the *Essay Concerning Toleration* and *Letter Concerning Toleration*, is the government’s use of its coercive power to encourage its subjects to believe and worship correctly.

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\(^{15}\) Laslett, *Two Treatises*, 29.
The “religious freedom” that Locke criticizes in the *Tracts* is the violent zealotry of the mob that Locke feared would result in civil war. In these early tracts, Locke views the civil magistrate as a neutral third party that attempts to keep peace among warring religious factions. In the *First Tract*, he contrasts the “orderly council” of government with “the confused multitude.” While the majority of people are so rash that they “conclude God dishonoured upon every small deviation” and seek to “vindicate the cause of God with swords in their hands,” the magistrate is characterized as the “conservator pacis,” one who has “the peace of that society… committed to his care.” Here, the otherworldly religious aims of the mob are contrasted with the magistrate’s concern for earthly peace. Locke defends the right of the magistrate to suppress religious activities that lead directly to civil unrest. He argues against the zealots’ use of the concept of “freedom of conscience” to stir up violence among the ignorant multitude. Locke depicts a conflict between a dispassionate magistrate seeking to maintain civil order and an unruly mob ready to go to war over doctrinal disagreements.

Locke remained mindful of the danger of religious extremism throughout his career, from the early *Tracts* (1660-1662) to the *Letter Concerning Toleration* (1685). As a result, Locke’s later defense of toleration in the *Essay* and the *Letter* does not argue for a sweeping right to religious freedom; such a right would tie the hands of the magistrate in situations in which he ought to interfere in order to dampen dangerous zealotry. This defense of government interference in religion *for civil purposes* is an important link between the early Locke and the later Locke. While Locke’s early writings explored this issue in greater earnest, Locke’s later

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17 Locke, *First Tract*, 143.
18 Locke, *First Tract*, 145.
writings demonstrate that he remained aware of the issue and was careful not to contradict his earlier arguments.

Five years after the publication of the Second Tract, Locke addressed a second type of conflict in the Essay Concerning Toleration (1667). Here, the question is not how the magistrate can prevent religious violence among private citizens but whether the magistrate has the right to use his official power to force his subjects to adopt a religion that he believes to be correct.¹⁹ Locke’s description of the problem in the Essay is largely reiterated in the later Letter Concerning Toleration (1685). While the conflict described in the Essay and Letter is still characterized as one between state prerogative and individual religious freedom, the situation is starkly different from that of the Tracts. In the Essay and Letter, the subjects are characterized as pursuing individual communion with God, while the magistrate attempts to interject himself into that private activity in order to guide his subjects toward salvation.²⁰ Contrary to the Tracts, Locke sides unequivocally with the religious freedom of individuals and against government interference in religion. The legislation enacted by civil government is to be confined to the promotion of the “public good” and “civil interests” of the citizens.²¹ These do not include concerns about their eternal lives, communion with God, or private virtue.²² There are other prescriptions in Locke’s Essay and Letter that seem to contradict this general endorsement of religious freedom; for example, Locke identifies certain religious beliefs that do not have a right of toleration.²³ However, these limits on religious freedom are not endorsements of forcible

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¹⁹ Locke, An Essay Concerning Toleration, reprinted in Wootton, ed., Political Writings, 188.
²¹ Locke, Letter Concerning Toleration, 393, 411-412.
²³ Locke, Essay Concerning Toleration, 187-188.
religious conversion by the state; they are prohibitions on doctrines that are deemed inimical to the public welfare.\textsuperscript{24}

The same principle that Locke uses to argue against state-mandated religion also allows Locke to argue for state interference in religious practice. This is the principle of civil interests that is at the root of both the Lockean social contract and Lockean secularism. According to this principle, because the commonwealth is constituted solely for the protection of civil interests, the magistrate may not use his power or position to pursue purposes outside of those interests, such as the moral virtue or spiritual salvation of citizens. However, he has a duty to interfere in the religious practices of individuals if those practices pose a threat to the civil interests of the commonwealth. Locke’s argument from civil interests consists of two parts: an epistemological argument and a sociological argument. According to the epistemological argument, questions of spiritual salvation are subject to widespread disagreement and ignorance and are therefore not appropriate matters of public law. According to the sociological argument, humans enter into political society in order to protect their bodies and property, and these needs are separate from religious questions.

Locke first makes the epistemological distinction between civil and religious matters in the \textit{Essay Concerning Toleration}. Here Locke distinguishes between two principles for the toleration of opinions. The first principle is the truth of opinions: “the conscience or persuasion of the subjects” who hold such opinions. The second principle is whether “such opinions may conduce to the welfare and safety of [the] people.”\textsuperscript{25} Locke argues that the first principle can never be the basis of civil law because it is impossible to achieve agreement on the truth of speculative opinion. It is only the second principle that can serve a principle of legislation, for

\textsuperscript{24} Locke, \textit{Essay Concerning Toleration}, 192-193.
\textsuperscript{25} Locke, \textit{Essay Concerning Toleration}, 191.
while there can be no agreement regarding the orthodoxy of religious beliefs, the magistrate’s duty to protect his people from harm “is a rule so certain and so clear that he can scarce err in it, unless he do it wilfully.”

This epistemological argument rests on what is today called public reason: laws must be based on political (not religious or metaphysical) principles on which there is a broad consensus among reasonable people. Locke elaborates on this principle of civil interests, saying that all civil laws must be made “for the security of the government and protection of the people in their lives, estates, and liberties, i.e. the preservation of the whole,” anticipating his later arguments in the Second Treatise. The epistemological argument rests on a two-fold proposition: first, there is general and permanent disagreement regarding religious questions; second, there are fundamental civil interests on which all reasonable people agree.

The first part of this argument stems from the fact of intractable religious disagreement in human societies. By Locke’s time, there was general agreement that questions of salvation, when held up to the light of reason, yielded no definitive answers. In The Reasonableness of Christianity, Locke did attempt to distill certain core principles of Christianity using reason, but he arrived only at the fact that salvation comes from belief in Jesus as the messiah. This conclusion does not resolve the types of controversies that Locke believed were the source of most inter-Christian conflict: baptism, diet, clothing, etc. Moreover, Locke’s theological arguments in Reasonableness rest on the Protestant belief in the Bible as the word of God and so do not resolve doctrinal conflicts involving Catholics, Jews, and Muslims, all of which are

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26 Locke, Essay Concerning Toleration, 192.
28 Locke, Essay Concerning Toleration, 193.
mentioned by Locke in the *Essay Concerning Toleration*. Nor could such arguments be of any use with pagans, whom Locke discusses in the *Letter*. Locke ultimately held that reason and experience alone could not penetrate questions of sin, salvation, and worship.

The second part of this argument—general agreement on civil interests—is posited in the *Essay* and developed more fully in the *Second Treatise*. In the *Second Treatise*, Locke connects the magistrate’s duty to protect civil interests with the idea of natural law. The duty of the magistrate to protect the lives and property of his subjects stems from the natural rights possessed by individuals in the state of nature. In the state of nature, an individual retains the right and power “to preserve his property, that is his life, liberty, and estate, against the injuries and attempts of other men…” When he enters into political society, he gives up his right to judge the wrongs done to him and pursue justice from his wrongdoers. These powers and rights are entrusted to the magistrate, who acts on behalf of his constituents. In the state of nature, people lack an impartial judge to assign guilt and punishment when rights are violated. This is not because individuals disagree on the content of natural law but rather because they are unwittingly biased when their own interests are at stake. As Locke puts it in Chapter Nine of the *Second Treatise*, “though the law of nature be plain and intelligible to all rational creatures; yet men being biased by their interest, as well as ignorant for want of study of it, are not apt to follow of it as a law binding to them in the application of it to their particular cases.” When one is the victim, one is likely to be overly harsh to the perpetrator; when one is the perpetrator, one is likely to be overly lenient to oneself. Locke posits that this settled law is “allowed by common consent to be the standard of right and wrong, and the common measure to decide all

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34 Locke, *Second Treatise*, Chapter 9, paragraph 124, p. 325.
controversies between them.” The function of the magistrate is, therefore, not to make judgments of truth or value but rather to dispassionately apply the laws of nature to which all people consent.

Still, one might be left unsatisfied with this somewhat tautological account of the knowability of civil interests and the unknowability of religious truth. This gap is partially filled in by Locke’s account of natural law in a set of unpublished essays from around 1664 (published in 1954 as Essays on the Law of Nature). We know from the Second Treatise that Locke identified civil interests—life, liberty, and property—with rights stemming from natural law. The Essays on the Law of Nature reveal that Locke did not merely posit natural law axiomatically but grappled with the epistemological status of natural law. He believed that natural law by definition was accessible to all reasonable people, and he sought to demonstrate how this could be.

In the Essays, Locke separates knowledge of natural law from two sources typically associated with divine knowledge: innate knowledge and tradition. Locke posits a third source as the basis of knowledge of natural law: “sense-perception.” This explains how natural law could be both universally accessible and imperfectly known. If natural law were based on tradition, those living outside that tradition would have no means to access it. If natural law were “inscribed in our hearts,” all people would have equal and perfect knowledge of it. Locke argues that natural law reveals itself indirectly through sense experience, which must be examined and interpreted by reason. Experience affords all people some sense of natural law, but the extent of this knowledge depends on “[c]areful reflection, thought, and attention by the

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35 Locke, Second Treatise, Chapter 9, paragraph 124, p. 325.
mind." Sense-perception, Locke argues, presents us with a beautiful and orderly universe, which, upon reasoned reflection, could be none other than the work of a purposeful creator. This is the first prerequisite of knowledge of natural law: recognition of a lawgiver, who in this case is God. Sense-perception also tells us that we have certain innate needs, capabilities, and faculties. Reasoned reflection tells us that these innate traits are given to us by our creator for a purpose and that God must have a will for us. This is the second prerequisite of knowledge of natural law: recognition that God has a will for us and that this will is the content of natural law. These two prerequisites lead individuals to the discovery of the laws of nature through awareness of their needs and faculties. Locke posits three such basic laws: self-preservation, the creation of societies, and the maintenance of such societies. This epistemological account of natural law serves as Locke’s best answer to the question of how civil interests can be beyond reasonable dispute and, therefore, the appropriate content of public law.

Locke’s second line of argument for civil interests is a sociological one. He argues that agreement on and enforcement of civil interests are central to social cooperation. Disagreement on religious beliefs and other “speculative opinions” has no effect on the health of a society so long as civil interests are upheld. This is the central argument of the Essay Concerning Toleration. While the title of the essay suggests that Locke was primarily concerned with defending religious freedom, his primary purpose is to distinguish between opinions that deserve toleration and opinions that should be limited or outlawed for the public good. In the Essay, the single criterion that Locke uses to distinguish between these two is whether an opinion concerns only the holder of the opinion or whether it concerns the public peace of the community. Locke uses this principle to argue for a general toleration of religious worship: “Religious worship

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being that homage which I pay to that God I adore in a way I judge acceptable to him, and so being an action or commerce passing only between God and myself, hath in its own nature no reference at all to my governor, or to my neighbour, and so necessarily produces no action which disturbs the community.” Locke goes on to argue that there is nothing in religious worship “that can of itself make me either the worse subject to my prince, or worse neighbour to my fellow-subject.” This argument serves to further buttress Locke’s argument against the attempts on the part of public officials to impose virtue and morality on their subjects. Locke recognizes that the epistemological argument only goes so far in preventing overzealous governments from proselytizing. Thus, he argues that even when there is general agreement on the correctness and appropriateness of a virtue, a government ought not to attempt to improve its citizens’ morality.

On this point, Locke distinguishes between two kinds of virtues: (1) those that are good in themselves and benefit the individuals who possess them and (2) those whose value derives from their effect on society. These latter virtues are the only proper subject of civil law because they are “the strong ties and bonds of society, which cannot be loosened without shattering the whole frame.” Here, the epistemological element drops out. Locke assumes that there is wide public agreement on certain moral virtues and that reason tells us that these virtues are beneficial in themselves. Locke’s argument thus rests on the sociological fact that certain public virtues are necessary for the proper functioning of society.

Locke provides a fuller explanation of the sociological effects of civil interests in the Second Treatise of Government. The law of nature plays a central role in this argument, but here it plays the role of a social norm and psychological fact rather than a divine mandate. (For

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41 Locke, Essay Concerning Toleration, 189.  
42 Locke, Essay Concerning Toleration, 195.  
43 In the Essays on the Law of Nature, Locke argues for several virtues in this category. For example, he argues that we ought to publicly worship God and that this conclusion can be reached solely through “sense-perception” and reason (p. 157).
Locke, natural law is all of these things.) In Chapter Three of the *Second Treatise*, Locke describes the causes of “the state of war.” Human beings are naturally predisposed by the law of nature to seek self-preservation above all else. Life itself—along with freedom from physical harm and suffering—is a primary human value. Therefore, when physical security is threatened in any way, individuals are naturally predisposed to both defend themselves and seek justice from the transgressor. Retributive justice for interpersonal harms is a fundamental aspect of civil society and government. When this norm of justice is codified and enforced by impartial government officials, all parties are satisfied that the law of nature has been upheld, and the state of war comes to an end. In a state of nature, however, the natural need for wronged individuals to seek vigilante justice leads to a cycle of violence and retribution that perpetuates the state of war and throws society into chaos. The legitimacy of government thus rests on its willingness and ability to uphold these basic laws of nature. This is not only because natural law demands it but also because social cooperation depends on the guarantee of such norms.

The norm of property rights has this same dual quality: it is both a law of nature and a sociological fact. Locke argues that protection of individual property rights plays a similarly pivotal role in the legitimacy of a civil government. Locke provides at least two social facts that grant property the status of a primary civil interest. The first is that the social norm of property is necessary for self-preservation, and therefore, threats to property can be seen as threats to one’s physical well-being. Locke argues that exclusive ownership over the fruits of one’s labor is a necessary precondition for subsistence. By this Locke simply means that in a subsistence economy, such as that of the American Indians, one must have exclusive ownership over the game that one kills or the crops that one cultivates in order to survive. The obvious limitation to

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this norm is that one cannot hoard more perishable goods than one can consume while one’s neighbors are starving. Such hoarding goes beyond the norm of self-preservation, and hoarders thus give up their rights to their surplus goods. The second social fact is that threats to property are viewed as threats to physical integrity. Locke posits that by removing something from its natural state and transforming it into something that can be consumed, one adds the labor of one’s body to that thing and makes that object an extension of oneself. For this reason, Locke considers one’s physical integrity and one’s property as essentially belonging to the same general category of “property.” This explains why, in his discussion of “the state of war,” Locke argues that a man has the right to use deadly force to defend himself against a thief. Locke argues that a thief, by using force to get another person under his will, breaches the primary interpersonal boundary of society; therefore, his actions are not much different from those of an assailant or murderer. Regardless of whether one is convinced by Locke’s account of property, one cannot deny the sociological character of his argument. Locke is not only arguing for property as derived from divine mandate; he also sees property rights as a function that is necessary for the peace and stability of a society.

Locke’s epistemological and sociological accounts of civil interests undergird a category of virtues that are strictly separate from the religious virtues expounded by various denominations. These are public, civic virtues that are necessary for the proper functioning of civil society and government. Among the primary public virtues extolled by Locke are: respect for the lives and property of fellow citizens, willingness to keep one’s promises and contracts,

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46 Locke, *Second Treatise*, Chapter 5, paragraph 31, p. 276
and obedience to government authority.\textsuperscript{51} Because these virtues have no necessary connection to any specific confessional faith, Locke saw no reason why government promotion of civic virtues should entail the promotion of any particular faith. However, Locke also saw these civic virtues as setting the outermost limits of the freedom of conscience: any religion or opinion that explicitly contradicts these virtues has no right to toleration.

**The Continuity of Locke’s Secular Project**

Having described Locke’s theory of civil interests and how it approaches two types of religious-political conflict, I will briefly respond to the idea that Locke’s thought on religion and politics underwent a fundamental change between 1662 and 1667. Drawing on the above elucidation of the two types of religious-political conflict and Locke’s argument from civil interests, I argue that Locke’s thought remained consistent from the *Tracts* to Locke’s later work on toleration. This casts serious doubt on the role of Shaftesbury in the development of Locke’s theory of toleration.

The primary contention to which I respond is that Locke changed his mind regarding freedom of religion at some point between the writing of the *Two Tracts* (1660-1662) and the *Essay Concerning Toleration* (1667).\textsuperscript{52} The *Essay* is basically a precursor to the *Letter Concerning Toleration* (1689), which does not deviate significantly from the arguments of the *Essay*. Several prominent differences between the *Tracts* and the *Essay* lead scholars to believe that the events of Locke’s life—specifically his relationship with Shaftesbury—led him to shift from an authoritarian, Hobbesian position to a more liberal position. Here, I will address two such differences. First, Locke treats religion and the idea of religious freedom with skepticism,

\textsuperscript{51} Locke, *Second Tract on Government*, 154.
even contempt, in the *Tracts*. He then shifts in the *Essay* to a more sympathetic treatment of religion that finds that, in general, it has no ill effects on the state. Second, in the *Tracts*, Locke calls for absolute obedience to the magistrate in all matters, even when doing so contradicts one’s religion or conscience. In the *Essay* and the *Letter*, Locke counsels citizens to disobey the state when its laws contradict their consciences. Drawing on the above discussion, I take each of these in turn and dissolve the apparent contradictions, showing Locke’s theory of the secular state to be a single, coherent whole.

In the *First Tract*, Locke attacks the idea of freedom of religion as the source of “almost all those tragical revolutions which have exercised Christendom these many years.” He argues that untethered religious zealots seek to “vindicate the cause of God with swords in their hands” and therefore ought to be suppressed by the magistrate for the sake of public peace. However, in the *Essay* and *Letter* on toleration, Locke argues for freedom of religious practice against interference by the magistrate, saying that religious worship is “commerce passing only between God and myself,” causing no disturbance to society. What accounts for this change in attitude toward the political and civil effects of religion? The answer lies partially in the fact that Locke describes two notions of religious freedom. In the *Tracts*, freedom of religion refers to the principle, articulated by John Bradshaw, that government ought never to interfere with matters pertaining to religion. Locke’s rejection of this principle remains clear throughout his writings: religions are allowed only so much freedom that does not impinge on the civil interests of the community. In the *Tracts*, Locke argues against religious justifications for both violence against

55 Locke, *First Tract on Government*, 144.
56 Locke, *First Tract on Government*, 145.
members of other denominations and rebellion against the government. In the *Essay*, Locke argues that governments may suppress any opinion, religious or otherwise, if doing so provides for the welfare and safety of the people.\(^{59}\) Both the arguments of the *Tracts* and the *Essay* would justify government prohibition on religious teachings that call on adherents to violate the civil liberties of the members of other religions.

The second type of freedom of religion, the one defended in the *Essay* and the *Letter*, is the individual’s freedom from a government’s attempts to lead him to the true religion, through coercion or other more subtle means. This issue is not touched on at all in the *Tracts*, because there Locke is concerned only with refuting arguments for the first type of freedom of religion. Both types of freedom are addressed in the *Essay*, in which Locke argues that the magistrate ought to defend citizens against dangerous opinions and actions, even if this means truncating religious expression. However, the magistrate only has the *negative* power of suppressing dangerous opinion. He may not force citizens to confess a different faith, or even to denounce their own faith; he may only silence them.\(^{60}\) This limitation on the magistrate’s power demarcates the two types of religious freedom and helps reconcile the *Tracts* with Locke’s later writings.

The second apparent contradiction is between Locke’s calls for absolute obedience to the magistrate in the *Tracts* and his support for civil disobedience in the *Essay* and *Letter*. Both of these seemingly contradictory positions draw their support from Locke’s theory of civil interests. The first point to be made is that Locke believed that absolute obedience to the magistrate was essential to maintaining social order, which is a crucial element of civil interests. Any rebellion

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\(^{60}\) Locke, *Essay Concerning Toleration*, 192-3.
against a state official is a refutation of the peaceful order that the official represents.\(^{61}\) In the
Tracts, Locke calls for absolute obedience to the magistrate because the magistrate is entrusted
with the welfare of the community. The peace of the commonwealth depends on unconditional
trust in the commands of the magistrate, even when the magistrate errs in his commands or sins
by abusing his power.\(^{62}\) Although he does not use such strong language, Locke maintains this
line of argument even in the Essay. While arguing for limitations on the power of the magistrate,
Locke echoes his argument from the Tracts that the relationship between magistrate and citizen
is one of trust. The magistrate must be especially careful to only act for the welfare of the
citizens because great power is placed in his hands and “also because he is not accountable to
any tribunal here [on earth]…”\(^ {63}\) Locke echoes this in the Letter, saying that only God may judge
the wrongs committed by the magistrate; the citizen must only seek to save his own soul and
protect the public peace.\(^ {64}\) This reveals that the aim of Locke’s works on toleration is to argue for
ethical limitations on the power of the magistrate, not legal or political limitations: the private
citizen has no right to oppose the magistrate’s commands, even when the magistrate oversteps
his bounds.\(^ {65}\)

Locke’s endorsement of civil disobedience in the Essay and the Letter is in keeping with
this absolute obedience: if the magistrate commands something that is in violation of the
individual citizen’s conscience, the citizen ought to disobey the magistrate’s command while

\(^{62}\) Locke, Second Tract, 160.
\(^{63}\) Locke, Essay Concerning Toleration, 193.
\(^{64}\) Locke, Letter Concerning Toleration, 424.
\(^{65}\) Beiner is thus incorrect to impute to Locke a separation of religious and civil authority. See Beiner, Civil Religion, 148-55. The division of labour between church and state in no way entails a division of authority. Locke’s arguments for toleration do not concede any of the state’s authority to the church; they simply cordon off a set of human ends that are not to be subject to any coercion—by state or by church. The church is given no authority over any part of society, while the state maintains a monopoly on coercive power and can even interfere in religious activities for civil purposes. Once we recognize that Locke, like Hobbes, was strictly opposed to any division of authority, the continuity between early Locke and later Locke becomes clearer. On the civil religion question, the differences between Hobbes and Locke are significant, but their similarities are equally illuminating.
also suffering the corresponding punishment.\textsuperscript{66} Locke conceived such an act of protest as simultaneous obedience to both the commands of magistrate and the voice of conscience. It allows one to fulfill the desire of the conscience while also fulfilling one’s public duty to protect the peace of the community.\textsuperscript{67}

This solution also resolves a puzzle laid out by Locke in the \textit{Second Tract}. In \textit{Tracts}, Locke seems to be concerned only with bolstering the authority of the magistrate, but he subtly reveals his concern for obedience to the commands of the conscience. In the \textit{Second Tract}, Locke creates a hierarchy of law in which lower laws may only command or forbid that which is left untouched by higher law. Divine law (including natural law) occupies the highest position, followed by human law (the law of the magistrate), fraternal law (the moral law of charity), and finally private law, which includes private contracts and the commands of the conscience. By relegating conscience to the lowest possible level, Locke seems to dismiss the idea of civil disobedience. However, he also grants tremendous weight to the law of conscience, saying, “God has placed in us a natural light, which he intended should be for us almost a private, ever present law-giver, whose edicts it is wrong to transgress even by a hair’s breadth.”\textsuperscript{68} This contradiction—the hierarchy of law and the inviolability of conscience—remains unresolved until the \textit{Essay}. The law of nature and civil law remain paramount even in Locke’s later writings. However, Locke develops a theory of civil disobedience that allows for sincere, conscientious individuals to live according to their beliefs while upholding the public order. Thus, we can trace Locke’s theory of toleration back to his earliest, “authoritarian” writings.

\textbf{Civil Interests and the Defense of Religious Freedom}

Recent criticisms of Locke have been aimed at the tenuousness of his arguments for toleration. There seems to be some agreement in the literature that Locke rests his defense of toleration on two types of arguments: arguments from rationality and arguments from theology. The argument from rationality explains why coercion is not an effective means of converting citizens to the correct religion. The argument from theology explains that forced conversion, if possible, is not endorsed by Scripture and therefore not accompanied by divine grace. There is wide disagreement over the sufficiency of these arguments but little acknowledgement of alternative arguments. These two lines of argument do play a prominent role in Locke’s defense of religious liberty, and they are effective to some extent. However, the argument that is most effective and of greatest interest for contemporary audiences is his argument from civil interests.

Locke’s supposed argument from rationality is articulated most fully by Waldron, who finds it ultimately inadequate as a defense of religious freedom. According to Waldron, Locke begins with the means that are available to the state and deduces possible ends of state action. Because the primary tool of the state is physical force, religious conversion is ruled out as a possible end. This rests on the epistemological argument that genuine belief cannot be the product of coercion. Coercion can alter the will, resulting in a change in actions, but belief is independent of the will. Waldron finds Locke’s justification an inadequate defense of religious freedom because it lacks a clear articulation of the right to freedom of religion and the immorality of persecution. Waldron argues that Locke provides no argument against the forcible conversion of citizens to the true religion provided that it is possible to do so. Waldron may be correct if Locke only provides this rationalistic defense of toleration. If the only roadblock that

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70 Waldron “Rationality of Persecution,” 101-104.
71 Ibid, 112-120.
Locke throws in front of proselytizing magistrates is the notion that coercion cannot alter belief, we should agree with Waldron that this is a dangerously thin defense of conscience.

Those who focus on Locke’s theological arguments may respond to Waldron by arguing that Locke sought to reason with overzealous magistrates on their own terms by giving them religious reasons for non-interference. This is Schwartzman’s position. Schwartzman focuses on Locke’s correspondence with Jonas Proast, in which Locke defends his arguments against coercion in strictly theological terms. Proast argues that coercion can lead to genuine belief, and Locke’s rebuttal rests on the idea that coercion is never explicitly sanctioned in Scripture as a means of conversion. The New Testament implores believers to use preaching and instruction to persuade unbelievers, and therefore only these means of conversion are accompanied by divine grace. Schwartzman defends Locke’s “weak toleration” as an important element in achieving an overlapping consensus on toleration among liberals and sectarians. This serves as an effective refutation of Waldron’s argument that Locke relies on solely instrumental, rationalist reasoning. Waldron does in fact acknowledge Locke’s theological arguments but dismisses them as ineffective and irrelevant for modern audiences. Schwartzman effectively recovers these arguments as powerful tools against those most likely to wield political power for religious reasons.

Yet in these arguments from rationality and theology, Locke does not provide reasons against a more general interference in religion—one that does not necessarily involve violence or coercion. A magistrate could privilege one religion over others in more subtle ways—by using his position to increase the prestige of a particular religion or by offering social and material incentives for believers to convert. What is lacking in these arguments from rationality and theology?

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theology is the modern idea of the secular state. What defense, if any, does Locke offer for this broader notion of secularism? The answer lies in the essential differences between civil interests and religious interests. These differences explain why only civil interests, and not religious interests, are placed by citizens into the hands of political authority. Here, the idea of civil interests intersects with Locke’s social contract. David Wootton points out that Waldron entirely ignores Locke’s argument from the position of the religious believer seeking salvation.\(^74\) Locke’s *Letter Concerning Toleration* should be read as a statement not only about the irrationality of forced conversion but also about the irrationality of giving one’s government control over one’s religious choices. It is an argument about the limits on the powers of civil government that are set by the governed. Written in the wake of Locke’s *Second Treatise*, the *Letter* incorporates a more contractarian argument for toleration than his earlier writings on the subject.

There are two ways to read Locke’s contractarian defense of religious freedom. According to one argument, government officials cannot pursue the spiritual salvation of citizens because citizens have decided not to place these purposes under the government’s power. Locke seems to make this argument in both the *Essay* and the *Letter*.\(^75\) This argument implies that the idea of civil interests is merely a product of the social contract: civil interests are whatever citizens have jointly agreed to place under the watch of the government. However, this idea conflicts with Locke’s argument that certain issues are inherently civil in nature because of their knowability and importance for social cohesion.\(^76\) If we take seriously Locke’s essentialist

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\(^{76}\) Waldron acknowledges Locke’s essentialist argument but seeks to downplay it in favor of an instrumentalist argument, according to which the role of government should be determined by the tools at its disposal. While Waldron ultimately finds this instrumentalist argument inadequate, he does not seriously consider the argument from civil interests as a possible alternative. Schwartzman dismisses Locke’s essentialist distinction between civil and
definition of civil interests, we are left with a second contractarian argument: civil interests exist in the state of nature, independent of the social contract, and governments ought to be instituted for the protection of these interests alone.

As Locke explains in the Second Treatise, individuals require an impartial judge in matters of civil interest because these are issues of interpersonal right in which one’s self-love tends to sway one away from justice. However, in the case of religious interest, it is the individual himself who is the best judge of his own religious needs. The magistrate has no special claim to religious knowledge; both he and his subjects are equally fallible in religious matters. The magistrate’s only claim to authority—his impartiality—proves no benefit in religious matters. On questions of salvation, love of self motivates the individual to reach the correct conclusion.

Conclusion

The above elucidation of Locke’s theory of secular government, civil interests, and religious toleration reveals Locke’s thought on these subjects to be more complex and relevant than previously thought. Locke is neither a sectarian vestige of the pre-secular age nor an authoritarian defender of state power. Locke’s theory of religion and government rests above all on his commitment to a set of fundamental human interests that can only be fulfilled by the state. This commitment allows Locke to defend both the absolute power of the secular state and the freedom of individuals to believe in, express, and practice their diverse religions. The post-Reformation dilemma that Locke faced is still familiar today: the coercive power of secular religious interests on the grounds that it represents Locke’s desired conclusion rather than a premise or argument. He argues that this conclusion—the separation of civil and religious interests—is supported by multiple lines of argument from theology and rationality.

77 Locke, Essay Concerning Toleration, 191-2.
government inevitably clashes with a variety of religious and philosophical beliefs. As the secular state comes under increasing attack from religious extremists today, Locke’s thoughtful defense of civil interests and toleration demands our attention.

Bibliography

Primary Sources

Edward Bagshaw, “The Great Question Concerning Things Indifferent in Religious Worship briefly stated; and tendred to the consideration of all sober and impartial men” (London 1660).


-- Political Writings, David Wootton, ed. (Indianapolis: Hackett, 1993).


Henry Stubbe, “An Essay in Defence of the Good Old Cause, or A discourse concerning the rise and extent of the power of the civil magistrate in reference to spiritual affairs” (London, 1659).

Secondary Sources


A. John Simmons, *On the Edge of Anarchy: Locke, Consent, and the Limits of Society*