

The Light of Nature: John Locke, Natural Rights, and the Origins of American Religious Liberty

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THE LIGHT OF NATURE: JOHN LOCKE, NATURAL RIGHTS, AND THE ORIGINS OF AMERICAN RELIGIOUS LIBERTY

STEVEN J. HEYMAN*

This Article explores John Locke's theory of religious liberty, which deeply influenced the adoption of the First Amendment and the first state bills of rights. Locke sharply criticized the religious and political order of Restoration England—a regime in which the king claimed to hold absolute power by divine right and in which individuals were required by law to conform to the established church.

In opposition to this regime, Locke developed a powerful theory of human beings as rational creatures who were entitled to think for themselves, to direct their own actions, and to pursue their own happiness within the bounds of the law of nature. He then used this view to give a new account of political and religious life. To promote their happiness in this world, rational individuals would agree to give up some of their natural freedom and to enter into a civil society for the protection of their natural rights or “civil interests” of life, liberty, and property. By contrast, Locke argued that, when they made the social contract, rational individuals would not surrender any of their religious freedom, for they could reasonably hope to attain eternal happiness or salvation only if they used their minds to seek the truth about God and the path he desired them to follow. For Locke, the most basic precepts of religion could be known by the light of nature and reason, while others were matters of faith.

Locke's conception of human beings as rational creatures provided the basis not only for individual rights but also for duties toward others. Reason required one to recognize that other individuals were entitled to the same rights one claimed for oneself. It followed that all members of society were obligated

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to respect both the religious freedom and the civil rights of those who differed with them in matters of religion.

In addition to defending religious freedom, Locke advocated a strict separation of church and state. Because liberty of conscience was an inalienable right, individuals would not grant the state any authority over spiritual matters. Instead, those matters were reserved for the individuals themselves as well as for the religious societies or churches that they voluntarily formed to promote their salvation.

In these ways, Locke sought not only to protect the inherent rights of individuals but also to dissolve the dangerous unity between church and state that characterized the Restoration. At the same time, he sought to transform the nature of those institutions in a profound way: instead of being rooted in any notion of a hierarchy ordained by God or nature, both church and state should be founded on the consent of free and equal individuals and should respect their nature as rational beings. Understood in this way, religion would be an ally rather than a threat to human liberty. After exploring Locke's theory, this Article sketches some of the ways that it contributed to the eighteenth-century American view of religious liberty that was embodied in the First Amendment.

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[No power to compel Religion can] be vested in the Magistrate by the Consent of the People; because no man can so far abandon the care of his own Salvation, as blindly to leave it to the choice of any other, whether Prince or Subject, to prescribe to him what Faith or Worship he shall embrace. For no Man can, if he would, conform his Faith to the Dictates, of another. All the Life and Power of true Religion consists in the inward and full perswasion of the mind: And Faith is not Faith without believing.

— John Locke, *A Letter Concerning Toleration*¹

I. INTRODUCTION

On the eve of the American Revolution, the representatives of the people of Virginia issued a Declaration of Rights.² The document began by

1. JOHN LOCKE, A LETTER CONCERNING TOLERATION (William Popple trans., 2d ed. 1690), in JOHN LOCKE: A LETTER CONCERNING TOLERATION AND OTHER WRITINGS 1, 13 (Mark Goldie ed., Liberty Fund 2010) [hereinafter LOCKE, LETTER CONCERNING TOLERATION], <http://oll.libertyfund.org/titles/locke-a-letter-concerning-toleration-and-other-writings> [<https://perma.cc/7PUV-UDJ9>].

2. VA. DECLARATION OF RIGHTS OF 1776, *reprinted in* 5 THE FOUNDERS’ CONSTITUTION, Bill of Rights, doc. 2, at 3 (Philip B. Kurland & Ralph Lerner eds., 1987) [hereinafter VA. DECLARATION OF RIGHTS], http://press-pubs.uchicago.edu/founders/documents/bill_of_rightss2.html [<https://perma.cc/44P8-J77U>].

proclaiming “[t]hat all men are by nature equally free and independent, and have certain inherent rights” that they do not give up when they enter society, including life, liberty, property, and the pursuit of “happiness and safety.”³ After setting forth a number of other rights, the Declaration culminated with the assertion

[t]hat Religion, or the duty which we owe to our *Creator*, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practise Christian forbearance, love, and charity, towards each other.⁴

Other state bills of rights also treated the free exercise of religion as a natural and inalienable right.⁵ The same view animated the efforts of Thomas Jefferson and James Madison to defend religious liberty in Virginia during the decade following Independence, as well as the movement to protect that freedom in the First Amendment to the United States Constitution.⁶

The American conception of religious liberty had important roots in the thought of the seventeenth-century English philosopher John Locke.⁷ In *A Letter Concerning Toleration*, Locke mounted a powerful case for the liberty of conscience and the separation of church and state.⁸ The views that he

3. *Id.* art. 1, at 3.

4. *Id.* art. 16, at 3–4. As originally drafted by George Mason, this article provided “that all men should enjoy the fullest *toleration* in the exercise of religion.” LANCE BANNING, *THE SACRED FIRE OF LIBERTY: JAMES MADISON AND THE FOUNDING OF THE FEDERAL REPUBLIC* 85 (1995) (quoting Mason’s draft) (emphasis added). The stronger language—that “[a]ll men are *equally entitled* to enjoy the free exercise of religion”—was formulated by James Madison. *Id.* at 85, 86 (quoting Madison’s amendment) (emphasis added).

5. See, e.g., PA. CONST. OF 1776, DECLARATION OF RIGHTS, art. II, in 5 *THE FOUNDERS’ CONSTITUTION*, *supra* note 2, Bill of Rights, doc. 5, at 6, http://press-pubs.uchicago.edu/founders/documents/bill_of_rightss5.html [<https://perma.cc/C8U6-YLP3>]; MASS. CONST. OF 1780, pt. 1, art. II, in 5 *THE FOUNDERS’ CONSTITUTION*, *supra* note 2, Bill of Rights, doc. 6, at 7, http://press-pubs.uchicago.edu/founders/documents/bill_of_rightss6.html [<https://perma.cc/MH7W-95S4>].

6. See *infra* Part VII.

7. See NICHOLAS P. MILLER, *THE RELIGIOUS ROOTS OF THE FIRST AMENDMENT* 63–90 (2012); JOHN WITTE, JR. & JOEL A. NICHOLS, *RELIGION AND THE AMERICAN CONSTITUTIONAL EXPERIMENT* 29–33, 52–53 (3d ed. 2011); MICHAEL P. ZUCKERT, *THE NATURAL RIGHTS REPUBLIC* 20 (1994) [hereinafter ZUCKERT, *NATURAL RIGHTS REPUBLIC*].

8. See LOCKE, *LETTER CONCERNING TOLERATION*, *supra* note 1. For some valuable works that explore Locke’s views on religion and religious liberty, see RICHARD ASHCRAFT, *REVOLUTIONARY POLITICS & LOCKE’S TWO TREATISES OF GOVERNMENT* (1986); JOHN MARSHALL, *JOHN LOCKE*,

expressed deeply influenced the American approach to religious freedom, just as his account of natural rights and the social contract in the *Two Treatises of Government*⁹ played a key role in justifying the American Revolution and laying the foundations for the new state and federal constitutions.¹⁰ Thus, an exploration of Locke's views on religious liberty will shed great light on the way that Americans conceived of that freedom during the revolutionary and founding periods.

As I shall show in this Article, Locke's views on religious toleration are best seen in the context of his broader theory of human freedom. To understand that theory, it is helpful to begin with the historical context in which he wrote. The restoration of the English monarchy in 1660 was soon followed by laws that reestablished the Church of England and imposed severe penalties and disabilities on Catholics and dissenting Protestants. In addition to defending this regime of religious conformity and persecution, the Anglican clergy increasingly advocated an absolutist view of royal power by preaching that the king ruled by divine right. From Locke's perspective, these developments in church and state posed a stark danger of spiritual and political tyranny.

It was in response to this threat that Locke developed his theory of religious and civil liberty. At the core of that theory was the idea that human beings were rational creatures who had the capacity to think for themselves, to direct their own actions, and to pursue their own happiness. As such, human beings were inherently free and equal. To promote their well-being in this world, rational individuals would agree to form a civil society and establish a government that

TOLERATION AND EARLY ENLIGHTENMENT CULTURE (2006) [hereinafter MARSHALL, EARLY ENLIGHTENMENT]; JOHN MARSHALL, JOHN LOCKE: RESISTANCE, RELIGION, AND RESPONSIBILITY (1994) [hereinafter MARSHALL, RESISTANCE]; VICTOR NUOVO, CHRISTIANITY, ANTIQUITY, AND ENLIGHTENMENT: INTERPRETATIONS OF LOCKE (2011); ALAN P.F. SELL, JOHN LOCKE AND THE EIGHTEENTH-CENTURY DIVINES (1997); RICHARD VERNON, THE CAREER OF TOLERATION: JOHN LOCKE, JONAS PROAST, AND AFTER (1997); JEREMY WALDRON, GOD, LOCKE, AND EQUALITY: CHRISTIAN FOUNDATIONS OF JOHN LOCKE'S POLITICAL THOUGHT (2002); JEREMY WALDRON, *Locke, Toleration, and the Rationality of Persecution*, in LIBERAL RIGHTS 88 (1993); MICHAEL P. ZUCKERT, LAUNCHING LIBERALISM: ON LOCKEAN POLITICAL PHILOSOPHY (2002); Mark Goldie, *John Locke, Jonas Proast, and Religious Toleration 1688–1692*, in THE CHURCH OF ENGLAND, C.1689–C.1833, at 143 (John Walsh et al. eds., 1993) [hereinafter Goldie, *Religious Toleration*]; Ian Harris, *John Locke and Natural Law: Free Worship and Toleration*, in NATURAL LAW AND TOLERATION IN THE EARLY ENLIGHTENMENT 59 (John Parkin & Timothy Stanton eds., 2013); Timothy Stanton, *Natural Law, Nonconformity, and Toleration: Two Stages on Locke's Way*, in *id.* at 35.

9. JOHN LOCKE, TWO TREATISES OF GOVERNMENT (Peter Laslett ed., Cambridge Univ. Press 1988) (student ed., 1988) (3d printing 1698) [hereinafter LOCKE, GOVERNMENT].

10. See ZUCKERT, NATURAL RIGHTS REPUBLIC, *supra* note 7, at 20.

was empowered to use force to protect their “*Civil Interests*” in life, liberty, and property.¹¹ In addition to providing a justification for the state, reason imposed essential limits on government power.

While civil society was concerned with the temporal good of human beings, religion was concerned with their eternal salvation and happiness in the world to come. On Locke’s view, reason played a central role in this realm as well. The basic principles of religion could be found in what he called “Natural Religion,” that is, religion insofar as it was capable of being known by the “light of Reason” or “the light of Nature.”¹² In *An Essay Concerning Human Understanding*, Locke argued that individuals were capable of using reason to recognize that God existed and that they were dependent upon him. If they hoped to attain salvation, they had to believe, worship, and act in ways that he found acceptable. The actions that God required were contained in the law of nature and reason, which established the duties that individuals owed to him, to other people, and to themselves. Living a good life in accord with those duties was the best worship of God. There were limits to natural religion, for the particular forms of worship and belief that God desired could be ascertained only through divine revelation, which was a matter of faith. However, while faith could teach things that were *above* reason, it could not teach anything that was *contrary* to reason, for that would conflict with the rational nature that God had bestowed on human beings.

This view of the relationship between religion, faith, and reason provided the basis for Locke’s defense of religious freedom. As rational creatures, individuals could hope to attain salvation only if they used their minds to seek the truth about God and his will. Individuals could not be saved unless they actually held the beliefs they professed. Thus, the freedom to form one’s own beliefs and to worship in accord with them was an inalienable right which rational individuals would not surrender when they entered civil society. By the same token, reason dictated that one had a duty to recognize that other individuals were also rational creatures who were entitled to the same freedom

11. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 12.

12. JOHN LOCKE, AN ESSAY CONCERNING HUMAN UNDERSTANDING bk. III, ch. IX, § 23, at 490; *id.* bk. II, ch. XXVIII, § 8, at 352 (Peter H. Nidditch ed., Clarendon Press 1975) (4th ed. 1700) [hereinafter LOCKE, HUMAN UNDERSTANDING]. As Locke explains in an early work, “when we say that something is known by the light of nature, we would signify . . . the kind of truth whose knowledge man can, by the right use of those faculties with which he is provided by nature, attain by himself and without the help of another.” JOHN LOCKE, QUESTIONS CONCERNING THE LAW OF NATURE qu. II, fol. 23, at 119 (Robert Horwitz et al. eds. & trans., Cornell Univ. Press 1990) [hereinafter LOCKE, LAW OF NATURE]. As the editors indicate, this work was composed in Latin “no later than 1664” and was first published, with an English translation, in 1954. *Id.* at 29–30.

of worship and belief that one claimed for oneself. Under the law of nature, all individuals were obligated to respect the religious liberty and the civil rights of those who differed with them in matters of religion, and indeed to treat them with charity and goodwill. In addition, because Locke held that the law of nature had the same content as the moral law that was revealed by God in the Bible, this duty was also a precept of the Christian religion.

In addition to endorsing religious liberty, Locke advocated a strict separation of church and state. Because liberty of conscience was inalienable, individuals would not grant civil society any authority whatever over religious matters. It followed that civil government should be devoted exclusively to civil interests, while spiritual matters were reserved for individuals themselves and for the religious societies or churches that they formed in their efforts to attain salvation.

In these ways, Locke sought not only to protect the inherent rights of individuals but also to dissolve the dangerous unity between church and state that characterized the Restoration. At the same time, he sought to transform the nature of those institutions in a profound way: instead of being rooted in any notion of a hierarchy ordained by God or nature, both church and the state should be based on the voluntary consent of free and equal individuals and should respect their nature as rational creatures. Understood in this way, religion would be an ally rather than a threat to human liberty.

In short, Locke invoked the idea that human beings were rational creatures to overturn the traditional conception of religion and politics. Although it is well known that this idea was important for Locke, scholars have rarely undertaken to thoroughly explore the central role that it plays in his political and religious thought. By focusing on the concept here, I hope to make a distinctive contribution to the literature on Locke as well as to develop a better understanding of the philosophical and theological origins of the American approach to religious liberty.

This Article proceeds in six Parts. Part II describes the Restoration religious and political order that is the background to Locke's position. I then turn to the theory of civil and religious freedom that he developed in opposition to this regime. In Part III, I outline his conception of human beings as rational creatures who were capable of self-determination and show how it informed his account of their intellectual and practical activity. I then explore the ways that Locke used this conception to develop a more libertarian theory of politics and religion. Part IV considers his view of the political community as "a Society of Rational Creatures" who had united for the protection of their civil

interests,¹³ while Part V addresses his account of religious societies or churches as free and voluntary associations that individuals form to promote their salvation. Part V also discusses his understanding of faith and reason as well as the crucial part that it played in his defense of religious freedom. Part VI explains how Locke sought to reform the dominant religion of his time by placing reason at the center of Christian theology. Part VII concludes with a brief discussion of Locke's legacy for the American view of religious liberty during the revolutionary and founding eras.

II. THE RELIGIOUS AND POLITICAL ORDER OF RESTORATION ENGLAND

A. *The Effort to Impose Religious Uniformity*

Locke was born in Somerset, England, in 1632.¹⁴ As he later observed, "I no sooner perceived myself in the *world* but I found myself in a storm."¹⁵ In 1642, the increasingly bitter conflict between King Charles I and his Parliament erupted into a Civil War.¹⁶ The struggle stemmed in part from the fear that Charles was seeking to become an absolute ruler.¹⁷ At the same time, the dispute was a religious one, pitting the king's Anglican supporters against his Puritan opponents.¹⁸ The parliamentary forces prevailed.¹⁹ In 1649, Charles was tried, convicted, and executed as a tyrant and a traitor to the people of England, and the nation was declared to be a Commonwealth.²⁰ In less than a decade, however, the new regime began to collapse, and in 1660 the late king's son returned from exile to become King Charles II.²¹

At first, it appeared that the restoration of the monarchy might bring a considerable measure of reconciliation between the opposing groups. In 1660, Charles II issued *The Declaration of Breda*, which promised "a liberty to tender consciences."²² But the new king's Anglican supporters were in a less forgiving

13. LOCKE, GOVERNMENT, *supra* note 9, bk. II, § 163, at 376–77.

14. See ROGER WOOLHOUSE, LOCKE: A BIOGRAPHY 1 (2007).

15. JOHN LOCKE, TWO TRACTS ON GOVERNMENT tract I, at 119 (Philip Abrams ed. & trans., Cambridge Univ. Press, 1967) [hereinafter LOCKE, TWO TRACTS] (originally drafted in 1660–62).

16. WOOLHOUSE, *supra* note 14, at 8.

17. See *id.*

18. See *id.* at 8–9; JOHN COFFEY, PERSECUTION AND TOLERATION IN PROTESTANT ENGLAND, 1558–1689, at 135–43 (2000).

19. See ROGER LOCKYER, TUDOR AND STUART BRITAIN, 1471–1714, at 285–86 (1964).

20. See *id.* at 292–93.

21. See *id.* at 305–06.

22. THE DECLARATION OF BRED A (1660), *reprinted in* THE CONSTITUTIONAL DOCUMENTS OF THE PURITAN REVOLUTION 466 (Samuel Rawson Gardiner ed., 1906).

mood. With “bitter memories” of the persecution that they themselves had suffered under the Commonwealth, the Anglicans who dominated the new Parliament took a hardline position on religious matters.²³ In 1662, they passed the Act of Uniformity, which reestablished the Church of England as the national church.²⁴ Declaring that a lack of religious discipline had produced the “Factions and Schismes” that had led to the Civil War, Parliament moved to reimpose a uniform form of worship on the nation.²⁵ All clergy members had to be ordained by Anglican bishops and had to affirm, and conduct services in accord with, the Book of Common Prayer.²⁶ All preachers, lecturers, and college heads were required to subscribe to the Thirty-Nine Articles of Religion, the Anglican statement of the faith that had been adopted a century earlier.²⁷ This effort to compel Anglican conformity resulted in more than two thousand “Puritan clergy—including a third of the London ministers—[being] forced out” of their positions, including “around 200 lecturers, college fellows, and schoolmasters.”²⁸ Other Restoration-era legislation excluded religious dissenters from holding civil or military office;²⁹ banned Quaker meetings and all other public services that did not use the Anglican liturgy,³⁰ and imposed severe restrictions on dissenting clergy and preachers.³¹

During the same year that it adopted the Act of Uniformity, Parliament also resolved to reinstate censorship of the press. The new Licensing Act began by denouncing “the general licentiousnes” of the Commonwealth period, which had allowed “many evil disposed persons” to publish subversive works—a practice that they continued to engage in “to the high dishonour of Almighty God[,] the endangering the peace of these Kingdomes[,] and raising a disaffection to His most Excellent Majesty and His Government.”³² To combat

23. COFFEY, *supra* note 18, at 167.

24. Charles II, 1662: An Act for the Uniformity of Public Prayers, 13 & 14 Car. 2, c. 4 (1662) (Eng.), in 5 STATUTES OF THE REALM 1628–80, at 364–70 (John Raithby ed., 1819), <http://www.british-history.ac.uk/statutes-realm/vol5/pp364-370> [<https://perma.cc/4AVU-ZL9Q>].

25. *Id.* preamble.

26. *Id.* §§ 1–5, 9.

27. *Id.* §§ 13, 15; The Church of England, *Articles of Religion* (1562), in THE BOOK OF COMMON PRAYER (1662) [hereinafter THIRTY-NINE ARTICLES].

28. COFFEY, *supra* note 18, at 168 (citation omitted).

29. *Id.* at 168, 172 (describing Corporation Act of 1661 and Test Acts of 1673 and 1678).

30. *Id.* at 168–69 (recounting Quaker Act of 1662 and Conventicles Acts of 1664 and 1670).

31. *Id.* (discussing Second Conventicles Act and Five Miles Act of 1665).

32. An Act for Preventing the Frequent Abuses in Printing Seditious Treasonable and Unlicensed Books and Pamphlets and for Regulating Printing and Printing Presses, 14 Car. 2, c. 33 (1662) (Eng.), *reprinted in* 5 THE FOUNDERS CONSTITUTION, *supra* note 2, amend. I, doc. 1, at 112,

this evil, the Act banned the publication of all “heretical seditious schismatical or offensive Bookes or Pamphlets wherein any Doctrine or Opinion shall be asserted . . . which is contrary to Christian Faith or the Doctrine or Discipline of the Church of England,” or which leveled any scandalous attack against the church, the state, their leaders, or private persons.³³ To effectuate this prohibition, the Act made it unlawful to print any book or pamphlet without first receiving a license from one of the censors to be appointed under the statute.³⁴

As the historian John Coffey has observed, the Restoration-era laws that attempted to suppress religious dissent—laws that are collectively known as the Clarendon Code—resulted in a persecution that was unparalleled in seventeenth-century Protestant Europe: “Dissenters were arrested, prosecuted and imprisoned in their thousands. Hundreds of meetings were violently broken up, and Dissenters were harassed by organised gangs and angry mobs. . . . Dissenters also had to pay fines which were heavy and sometimes crippling.”³⁵ Hundreds of Quakers were banished or chose to emigrate to the American colonies.³⁶ Although the laws that prescribed the death penalty for heresy and blasphemy largely fell into disuse, and were abolished by statute in 1678, many dissenters died as a result of the harsh conditions they endured in prison.³⁷

In persecuting nonconformity, hardline Anglicans were motivated not only by a desire for revenge but also by a fear of how they themselves might be treated if the dissenters should return to power in the future.³⁸ At the same time, the Anglican approach rested on political and theological beliefs that were widely accepted in post-Reformation Europe.³⁹ These beliefs held that the people of a nation made up “a single Christian community.”⁴⁰ Every member of the commonwealth belonged to the national church and vice versa.⁴¹ On this

http://press-pubs.uchicago.edu/founders/documents/amend1_speeches1.html [https://perma.cc/3KHM-TVZ9].

33. *Id.*

34. *Id.*

35. COFFEY, *supra* note 18, at 170.

36. *Id.* at 177–78.

37. *See id.* at 170, 173–76, 179.

38. *Id.* at 167, 173, 180.

39. *See* PETER MARSHALL, THE REFORMATION: A VERY SHORT INTRODUCTION 132–34 (2009) [hereinafter MARSHALL, REFORMATION].

40. *Id.* at 113.

41. For a classic articulation of this view, see RICHARD HOOKER, OF THE LAWS OF ECCLESIASTICAL POLITY bk. VIII, ch. 1 (Arthur Stephen McGrade ed., Cambridge Univ. Press 1989) (1648). As one Anglican writer put it, ancient Christian doctrine dictated that “[t]here must be but one

view, church and state were simply two aspects of the same society, a society that had both spiritual and temporal concerns.⁴² With regard to spiritual matters, the church and the state were obligated to work together to promote true religion and the salvation of souls.⁴³

Within this broad view there could be different accounts of the relationship between church and state. During the 1660s and early 1670s, many Anglicans articulated an Erastian position which emphasized the power of the civil ruler or “magistrate” to impose uniformity in external forms of worship in order to prevent religious dissension and maintain civil peace.⁴⁴ As the Restoration wore on, however, many Anglicans moved toward an Augustinian or High Church position, which stressed the primacy of the established church in religious matters.⁴⁵ On this view, the magistrate was bound to use his coercive power to uphold the teaching authority of the clergy and to punish individuals who refused to accept their views of Christian doctrine and worship.⁴⁶ In its strongest form, this High Church position held that episcopacy, or the rule of bishops, was not simply one possible form of church government but instead was a matter of divine right (*jure divino*)—an institution that Christ himself established when he founded the church.⁴⁷

In either its Erastian or its High Church form, the Reformation view embraced several justifications for the use of state power to suppress religious nonconformity when it took the form of offenses such as *heresy* (maintaining beliefs contrary to Christian orthodoxy) or *schism* (causing a separation within the body of the church).⁴⁸ First, by bringing dissenters to true religion and eternal salvation, the state coerced them for their own good.⁴⁹ Second, heresy

Church, in one place.” WILLIAM SHERLOCK, A RESOLUTION OF SOME CASES OF CONSCIENCE WHICH RESPECT CHURCH-COMMUNION 20 (London, Fincham Gardiner, 2d ed. 1683), <https://babel.hathitrust.org/cgi/pt?id=mdp.39015063594355> [<https://perma.cc/3AX6-RQBY>].

42. See HOOKER, *supra* note 41, bk. VIII, ch. 1; MARSHALL, REFORMATION, *supra* note 39, at 113.

43. See Mark Goldie, *The Theory of Religious Intolerance in Restoration England*, in FROM PERSECUTION TO TOLERATION 331, 334 (Ole Peter Grell et al. eds., 1991) [hereinafter Goldie, *Religious Intolerance*].

44. See *id.* at 332–33. Interestingly, Locke himself endorsed this position in the early 1660s, before he came to support religious toleration. See LOCKE, TWO TRACTS, *supra* note 15, tract I, at 120.

45. Goldie, *Religious Intolerance*, *supra* note 43, at 332–37, 358, 365, 367–68.

46. See *id.* at 332–37, 365, 367.

47. See Mark Goldie, *John Locke and Anglican Royalism*, 31 POL. STUD. 61, 77–79 (1983) [hereinafter Goldie, *Anglican Royalism*].

48. See COFFEY, *supra* note 18, at 25, 28 (distinguishing between heresy and schism).

49. See *id.* at 34–35.

and schism were grave sins which deserved to be punished.⁵⁰ Third, heretics poisoned the minds of others and led them on a path to perdition, while schism injured the body of the church itself.⁵¹ Finally, because church and state were inseparably connected, an attack on the established religion also amounted to *sedition* or an attack on royal authority—an argument that had particularly strong resonance for Anglicans when they recalled the Puritan revolution against Charles I, and when they perceived renewed efforts to rebel against his son during the Restoration.⁵²

B. *The Divine Rights of Kings*

For all these reasons, much of the Anglican clergy strongly supported the Clarendon Code's effort to suppress religious dissent.⁵³ At the same time, they also increasingly espoused the view that the monarch's power, like that of the bishops, was *jure divino*.⁵⁴ In that regard, they relied on works like Sir Robert Filmer's *Patriarcha*, which was written to refute the idea that human beings were naturally free and equal and thus were "at liberty to choose what form of government [they] please."⁵⁵ Drawing on a highly contestable interpretation of the Old Testament as well as on an authoritarian conception of the law of nature, Filmer maintained that no one was naturally free, for all were born in "subjection to their parents."⁵⁶ When the first man, Adam, was created by God, he came to have "royal authority over [his] children" by a natural "right of fatherhood."⁵⁷ In this way he attained a "lordship . . . over the whole world, . . . [that] was as large and ample as the absolutest dominion of any monarch which hath been since the creation," with the "power of life and death" over his offspring.⁵⁸ Adam's sovereignty was inherited by his descendants, including the biblical patriarchs.⁵⁹ For Filmer, this "natural authority of a supreme father" was the foundation of the power of all rulers in the world.⁶⁰

50. See MARSHALL, EARLY ENLIGHTENMENT, *supra* note 8, at 450–53.

51. See *id.* at 450–53; COFFEY, *supra* note 38, at 36.

52. See COFFEY, *supra* note 18, at 38–41; MARSHALL, EARLY ENLIGHTENMENT, *supra* note 8, at 440–49.

53. See COFFEY, *supra* note 18, at 26–27; Goldie, *Anglican Royalism*, *supra* note 47, at 75–76, 80.

54. See Goldie, *Anglican Royalism*, *supra* note 47, at 64–71.

55. ROBERT FILMER, *PATRIARCHA* (1680), *reprinted in* *PATRIARCHA AND OTHER WRITINGS* 1, § 1, at 2–3 (Johann P. Sommerville ed., Cambridge Univ. Press 1991).

56. *Id.* § 3, at 7.

57. *Id.* § 3, at 6.

58. *Id.* § 4, at 7.

59. *Id.* § 3, at 6–7.

60. *Id.* § 10, at 11.

Drawing on Filmer and other writers, the Anglican clergy contended that the king possessed unlimited power by divine right and that subjects were obliged to render him absolute obedience.⁶¹

C. Locke's Critique of the Restoration Regime

In these ways, hardline Anglican religious and political leaders defended a regime in which conformity to the established church was mandated by law and the king claimed to rule by divine right. Much of Locke's life and work was devoted to attacking this conception of the social order. In the *First Treatise of Government*, he demolished Filmer's position that all political power was derived from the sovereignty of Adam.⁶² To begin with, Locke argued, Filmer had failed to demonstrate that either Scripture or the law of nature gave Adam absolute power over his children or "Dominion over the World."⁶³ Even if Adam had possessed such authority, it could not have descended to his heirs.⁶⁴ And in any event, since the knowledge of who those heirs were had been "utterly lost" long ago, there was absolutely no way to determine who was entitled to exercise such power now.⁶⁵

On these grounds, Locke concluded that the Anglican argument for absolutism was unfounded. On the contrary, as he wrote in the *Second Treatise*, "*Absolute Monarchy*, which by some Men is counted the only Government in the World, . . . can be no Form of Civil Government at all," for it is incompatible with the very purpose of civil society, which is to ensure that the rights of all individuals are protected under the law.⁶⁶ However much protection those rights might find against other private individuals under an absolute monarchy, they would receive no protection against the monarch himself.⁶⁷ Indeed, by exposing individuals to the unlimited power of the ruler,

61. See Goldie, *Anglican Royalism*, *supra* note 47, at 64–71. As the University of Oxford expressed this doctrine in its condemnation of Whig political theory, individuals must "submit[. . .], for the Lord's sake, . . . to the king as supreme," and "this submission and obedience is to be cleare, absolute, and without exception of any state or order of men[.]" *The Judgement and Decree of the University of Oxford, Passed in their Convocation Against Certain Pernicious Books and Damnable Doctrines, Destructive to [the] Sacred Persons of Princes, Their State and Government, and of All Human Society* (1683), reprinted in 4 THE MANUSCRIPTS OF LORD KENYON 163, 165 (1894), <http://discovery.nationalarchives.gov.uk/details/r/4140f842-73be-41c4-ba55-56c21d4401f2> [<https://perma.cc/9C3W-PZE4>].

62. See LOCKE, GOVERNMENT, *supra* note 9, bk. I.

63. *Id.* bk. II, § 1, at 267 (summarizing argument of the *First Treatise*).

64. *Id.*

65. *Id.*

66. See *id.* bk. II, § 90, at 326; *id.* bk. II, § 94, at 329.

67. *Id.* bk. II, §§ 91–93, at 326–28.

an absolute monarchy would be even worse than a condition of anarchy in which everyone had to fend for himself.⁶⁸

Locke was equally unsparing in his criticism of the Restoration religious order. In *A Letter Concerning Toleration*, he wrote that “all Ecclesiastical men, who boast themselves to be the Successors of the Apostles,” should follow the apostles’ example by using only spiritual means “to promote the Salvation of Souls.”⁶⁹ When churchmen employ “the Sword, or other Instruments of Force,” to coerce individuals in matters of conscience, it is plain that they are motivated not by charity or goodwill but rather by an “insatiable desire of Dominion” over others.⁷⁰ In Locke’s view, “the unhappy Agreement that we see between the Church and State” stemmed from a corrupt bargain or alliance between the two, in which each used the other to increase its own power at the expense of the people: the king used his coercive force to compel them to submit to the clergy’s authority, while in return the clergy declared that he ruled by divine right.⁷¹ Under this arrangement, Locke asserted, the clergy became “more Ministers of the Government, than Ministers of the Gospel; and . . . they endeavour[ed] with all their might to promote that Tyranny in the Commonwealth, which otherwise they should not be able to establish in the Church[.]”⁷²

III. MAN AS A RATIONAL CREATURE

The theory that Locke developed was intended to liberate individuals from these forms of domination. At the core of that theory was the notion that human beings were rational creatures. Of course, this idea did not originate with Locke but instead had a long history in Western thought. Aristotle asserted that man was the only animal with speech or reason (*logos*) and that the good for human

68. *See id.* bk. II, § 91, at 326–27; *id.* bk. II, § 137, at 359–60.

69. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 61–62; *accord id.* at 11, 18–19. The *Letter* was published in Latin in April 1689. *See* Mark Goldie, *Notes on the Texts of LOCKE, LETTER CONCERNING TOLERATION*, *supra* note 1, at xxix–xxx. That fall saw the publication of an English translation by Locke’s friend William Popple, which was made with Locke’s knowledge but without his involvement. *See id.* at xxix. In this Article, I quote from the Popple translation, which is the one that has been used in the English-speaking world from Locke’s day to our own. For a more recent and literal translation, see JOHN LOCKE, A LETTER CONCERNING TOLERATION (Michael Silverthorne trans. 2010) (1689), *in* LOCKE ON TOLERATION 3 (Richard Vernon ed., Cambridge Univ. Press 2010).

70. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 9–11, 60, 159–60.

71. *Id.* at 60–61. For an earlier statement of this point, see John Locke, *Toleration A* (c. 1675), *in* LOCKE: POLITICAL ESSAYS 230, 234 (Mark Goldie ed., Cambridge Univ. Press 1997).

72. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 61.

beings was “an activity of [the] soul in accord with reason.”⁷³ The Scholastic tradition, which synthesized Aristotelian philosophy and Christian theology, characterized human beings not only as rational animals but also as “rational creature[s]” who were created by God, and who were capable of using their minds to discern the “natural law” which was an expression of the “Divine Reason” by which the universe was governed.⁷⁴ In his writings on religion, politics, and other subjects, Locke drew on this traditional notion of a rational creature but used it in a distinctive way to conceive of human beings as free, equal, and independent individuals who had an inherent right to use their minds to direct their own lives and to establish civil and religious institutions that were based on consent. In this way, he developed a view that was sharply opposed to the Restoration order and that provided key inspiration for the American conception of religious and political freedom.

After exploring Locke’s basic concept of a rational creature, this Part shows how it underlies his account of our intellectual and practical activity. The following Parts then explain how he used this concept to transform traditional conceptions of political and religious life.⁷⁵

A. *The Concept of a Rational Creature*

Throughout his writings, Locke maintains that God has made man “a Rational Creature.”⁷⁶ This is the source of “the dignity and excellency” of human nature.⁷⁷ It is what allows free, self-determining individuals to pursue their own good, to live in a condition of peace and justice with others, and to seek a proper relationship with God.

As Locke makes clear, however, the concept of a rational creature is not simply descriptive but also normative. Nature gives individuals the *potential*

73. ARISTOTLE, NICOMACHEAN ETHICS bk. 1, ch. 7, 1098a3-18, at 12–13 (Robert C. Bartlett & Susan D. Collins trans., Univ. of Chicago Press 2011); *see also* ARISTOTLE, THE POLITICS bk. I, ch. 2, 1253a8-9, at 37 (Carnes Lord trans., Univ. of Chicago Press 1984).

74. ST. THOMAS AQUINAS, SUMMA THEOLOGICA pt. I, Q. 76, art. 3; pt. I-II, Q. 91, art. 1–2; pt. I-II, Q. 94, art. 1 (Fathers of the English Dominican Province trans., Benziger Bros., Inc. 1947), <http://dhspriority.org/thomas/summa/> [<https://perma.cc/872U-WD82>].

75. *See infra* Parts IV–V.

76. *E.g.*, JOHN LOCKE, THE REASONABLENESS OF CHRISTIANITY AS DELIVERED IN THE SCRIPTURES ch. II, at 13 (John C. Higgins-Biddle ed., Clarendon Press 1999) (1695) [hereinafter LOCKE, REASONABLENESS OF CHRISTIANITY].

77. JOHN LOCKE, SOME THOUGHTS CONCERNING EDUCATION § 31 (1693), *in* SOME THOUGHTS CONCERNING EDUCATION AND OF THE CONDUCT OF THE UNDERSTANDING 25 (Ruth W. Grant & Nathan Tarcov eds., Hackett Publishing Co. 1996) [hereinafter LOCKE, EDUCATION].

to live in accord with reason, but realizing this potential requires diligence and effort.⁷⁸

As Locke explains in *Some Thoughts Concerning Education*, this effort begins with childrearing.⁷⁹ Parents have an obligation to care for and educate their children.⁸⁰ The goal of education is to form them into rational creatures.⁸¹ Instead of imposing harsh discipline, parents should reason with their children from an early age, for they “love to be treated as rational creatures sooner than is imagined.”⁸² Education shapes the character of individuals by developing their disposition to submit their will to reason and to follow its dictates on what is best, even when those dictates run contrary to their own desires.⁸³ The ability to do this is “the great principle and foundation of all virtue and worth.”⁸⁴

From an intellectual standpoint, the goal of education is not to give the learner a perfect mastery of all (or indeed any) subjects but rather “to give his mind that freedom, that disposition, and those habits that may enable him to attain any part of knowledge he shall apply himself to, or stand in need of, in the future.”⁸⁵ Education seeks to cultivate our mental faculties, for “the right improvement and exercise of our reason [is] the highest perfection that [we] can attain to in this life.”⁸⁶ Although this process begins in childhood, it is something that should continue throughout our lives, as Locke stresses in one of his final works, *Of the Conduct of the Understanding*.⁸⁷

In the rest of this Part, I explore in greater depth what Locke means when he says that human beings are rational creatures. I begin with the realm of intellectual activity or the search for truth and then turn to practical activity or the pursuit of happiness.

78. JOHN LOCKE, OF THE CONDUCT OF THE UNDERSTANDING §§ 1, 6 (1706), in *SOME THOUGHTS CONCERNING EDUCATION AND OF THE CONDUCT OF THE UNDERSTANDING* 167, 178 (Ruth W. Grant & Nathan Tarcov eds., Hackett Publishing Co. 1996) [hereinafter LOCKE, CONDUCT].

79. See LOCKE, EDUCATION, *supra* note 77, § 1, at 10.

80. See LOCKE, GOVERNMENT, *supra* note 9, bk. II, § 58, at 306.

81. See LOCKE, EDUCATION, *supra* note 77, § 36, at 27.

82. *Id.* § 81, at 58.

83. *Id.* § 33, at 25.

84. *Id.* § 33, at 25; see also *id.* § 38, at 29; *id.* § 45, at 32–33.

85. LOCKE, CONDUCT, *supra* note 78, § 12, at 187.

86. LOCKE, EDUCATION, *supra* note 77, § 122, at 95.

87. LOCKE, CONDUCT, *supra* note 78, § 1, at 167.

B. Reason and the Search for Truth

Locke holds that, in the intellectual realm, individuals should not unreflectively follow tradition, custom, or commonly held opinions.⁸⁸ They must not place “blind[, . . . implicit faith” in the views of others, such as their “parents, neighbors, ministers,” “sect,” or “party.”⁸⁹ Instead, as rational creatures, individuals must take the “trouble of thinking and examining for themselves.”⁹⁰

In his *Essay Concerning Human Understanding*, Locke contends that when we strip away the authority of tradition and convention, we are able to discern the true sources of the knowledge that we have about ourselves and the world.⁹¹ He identifies these sources as intuition, sensation, and reason.⁹²

It is through intuition that we have knowledge of our own existence. Echoing René Descartes, Locke explains that when “*I think [or] reason*” or when “*I feel Pleasure and Pain,*” I am necessarily aware that I exist.⁹³ Indeed, even “[i]f I doubt of all other Things, that very doubt makes me perceive my own *Existence*, and will not suffer me to doubt of that.”⁹⁴ In this way, “Experience . . . convinces us, that *we have an intuitive Knowledge of our own Existence*, and an internal infallible Perception that we are.”⁹⁵

By contrast, the great majority of our beliefs are based on information that we gain through our senses.⁹⁶ Although I can possess knowledge of the existence of some particular things, such as the paper I am writing on, most of the beliefs that derive from sensation are matters of probability and opinion rather than certainty and knowledge.⁹⁷

88. *See id.* § 6, at 175.

89. *Id.* § 3, at 169; *id.* § 6, at 175; LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. I, ch. IV, § 22, at 99.

90. LOCKE, CONDUCT, *supra* note 78, § 3, at 169.

91. *See* LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. I, ch. II, § 1, at 48.

92. *See id.* bk. IV, ch. IX, § 2, at 618.

93. *Id.* bk. IV, ch. IX, § 3, at 618. For a seminal discussion by Descartes, see RENÉ DESCARTES, THE MEDITATIONS CONCERNING FIRST PHILOSOPHY (1641), *in* DISCOURSE ON METHOD AND MEDITATIONS 59, 82 (Laurence J. LaFleur trans., Bobbs-Merrill Co. 1960).

94. LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. IV, ch. IX, § 3, at 618.

95. *Id.* bk. IV, ch. IX, § 3, at 618–19.

96. *See id.* bk. IV, ch. XI, § 1, at 630.

97. *See id.* bk. IV, ch. XI, §§ 2–3, 9, at 630–32, 635–36; *id.* bk. IV, chs. XV–XVI, at 654–68.

It follows that in many areas our knowledge is quite limited.⁹⁸ It is a mark of wisdom not to insist on knowing things that we cannot know.⁹⁹ That insistence begins in intellectual arrogance and may end in “perfect Scepticism,” when one comes to despair of the possibility of knowing anything at all.¹⁰⁰ Locke maintains, however, that as rational creatures we have a duty to sincerely “*search after . . . [the] Truth*” and the knowledge that we are capable of attaining.¹⁰¹ This is especially true with regard to those matters that are of the greatest concern to human beings.¹⁰²

The most important of these matters relates to the existence of God. According to Locke, we can have certain knowledge of God’s existence through the use of reason, understood here in the sense of rigorous logical demonstration. Presenting a version of the traditional cosmological argument, Locke maintains that our existence ultimately can be traced to a first cause that exists from eternity and that is the source of all the power, perception, and knowledge that we find within ourselves as “knowing intelligent Being[s] [that exist] in the World.”¹⁰³ In this way, “from the Consideration of our selves, and what we infallibly find in our own Constitutions, our Reason leads us to the Knowledge of this certain and evident Truth, That *there is an eternal, most powerful, and most knowing Being,*” which is what we call God.¹⁰⁴ In other passages, Locke offers a version of the traditional argument from design and asserts that only an intelligent creator could have “produce[d] that order, harmony, and beauty which is to be found in Nature.”¹⁰⁵ In short, “the visible marks of extraordinary Wisdom and Power, appear so plainly in all the Works

98. See, e.g., *id.* bk. IV, ch. III, at 538–62; *id.* bk. IV, ch. XIV, § 2, at 652; *id.* bk. IV, ch. XVI, § 4, at 660.

99. See *id.* bk. I, ch. I, §§ 4–7, at 44–47; *id.* bk. IV, ch. XI, § 10, at 636; *id.* bk. IV, ch. XII, § 12, at 647.

100. *Id.* bk. I, ch. I, §§ 5–7, at 45–47.

101. *Id.* bk. III, ch. XI, § 3, at 509; accord *id.* bk. I, ch. I, § 6, at 46; *id.* bk. IV, ch. XII, § 11, at 646; *id.* bk. IV ch. XVII, § 24, at 688.

102. See, e.g., *id.* bk. I, ch. I, §§ 5–6, at 45–46; *id.* bk. IV, ch. X, § 1 at 619; *id.* bk. IV, ch. XI, § 8, at 634; *id.* bk. IV, ch. XII, § 11, at 646; LOCKE, CONDUCT, *supra* note 78, § 8, at 182–83; *id.* § 23, at 195; JOHN LOCKE, *The Preface: An Essay for the Understanding of St. Paul’s Epistles, by Consulting St. Paul Himself, in 1 A PARAPHRASE AND NOTES ON THE EPISTLES OF ST PAUL TO THE GALATIANS, 1 AND 2 CORINTHIANS, ROMANS, EPHESIANS* 103, 115 (Arthur W. Wainwright ed., Clarendon Press 1987) (1707) [hereinafter LOCKE, ST. PAUL].

103. See LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. IV, ch. X, §§ 3–5, at 620.

104. *Id.* bk. IV, ch. X, § 6, at 621.

105. E.g., *id.* bk. IV, ch. X, § 10, at 624.

of the Creation, that a rational Creature, who will but seriously reflect on them, cannot miss the discovery of a *Deity*.”¹⁰⁶

As we shall see, Locke’s conviction that human beings can know the existence of God through reason plays a central role in his views on morality and religion.¹⁰⁷ Here, I wish to focus on the ethics of “the search of truth and knowledge.”¹⁰⁸

For Locke, this search should be characterized by intellectual freedom. Individuals who think for themselves have little desire to impose their views on others.¹⁰⁹ As Locke puts it, “it is undoubtedly a wrong use of my understanding to make it the rule and measure of another man’s; a use which it is neither fit for nor capable of.”¹¹⁰ Locke therefore condemns those rulers, both civil and ecclesiastical, who seek to “enslave[.]” their subjects “in that which should be the freest part of Man, their Understandings.”¹¹¹ And by the same token, he criticizes those who “lazily enslav[e] their [own] Minds, to the Dictates and Dominion of others, in Doctrines, which it is their duty carefully to examine; and not blindly, with an implicit faith, to swallow.”¹¹²

Instead, individuals have a duty to use their faculties to actively seek truth and knowledge. In a powerful discussion that anticipates John Stuart Mill’s position in *On Liberty*,¹¹³ Locke emphasizes the ways in which one’s opinions are limited by one’s own perspective. One must impartially examine one’s beliefs to ensure that they are not merely the product of tradition, custom, or convention, or distorted by self-interest or prejudice.¹¹⁴ It is only when we

106. *Id.* bk. I, ch. IV, § 9, at 89. For Locke, this argument is strongly associated with St. Paul’s *Letter to the Romans*, which asserts that God has made “his eternal power and Godhead” “clearly seen” “by the things that [he] made” in creation. *Romans* 1:19-20 (King James). In his paraphrase of this passage, Locke writes that “what is to be known of [God’s] invisible Being, [may] be clearly discovered and understood in the visible beauty, order, and operations observable in the constitution and parts of the universe by all those who would . . . apply their minds [in] that way.” LOCKE, ST. PAUL, *supra* note 102, at 494 (footnote omitted); *see also* LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. IV, ch. X, § 7, at 622 (relying on the same passage in *Romans*). In the *Essay*, Locke also mentions the traditional ontological argument—which seeks to prove God’s existence from the idea that human beings have of God as a most perfect being—but treats it as less conclusive than the cosmological argument. *See id.* bk. IV, ch. X, § 7, at 621–22.

107. *See infra* text accompanying notes 221–33.

108. LOCKE, CONDUCT, *supra* note 78, § 10, at 184.

109. *See* LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. IV, ch. XVI, § 4, at 661.

110. LOCKE, CONDUCT, *supra* note 78, § 23, at 196.

111. LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. IV, ch. XX, § 4, at 708; *accord id.* bk. I, ch. IV, § 22, at 99.

112. *Id.* bk. I, ch. IV, § 22, at 99.

113. *See* JOHN STUART MILL, ON LIBERTY ch. II (Prometheus Books 1986) (1859).

114. *See* LOCKE, CONDUCT, *supra* note 78, § 10, at 184; *id.* § 12, at 185.

liberate ourselves from these constraints and seek the truth for its own sake that we can attain “that freedom of the understanding which is necessary to a rational creature, and without which it is not truly an understanding.”¹¹⁵

Like Mill, Locke also stresses the value of intellectual diversity. Even those who make an effort to follow reason often go wrong because they are confined within their own narrow intellectual worlds.¹¹⁶ To overcome this one-sidedness and achieve a more comprehensive view, individuals should engage with other fields of knowledge and with different sorts of people.¹¹⁷ They should entertain objections to their own beliefs, participate in reasoned discussion, and engage in “a free consideration of the several views and sentiments of thinking men of all sides.”¹¹⁸ Above all, they should not mistreat those who disagree with them, but instead strive “to maintain *Peace*, and the common Offices of Humanity, and *Friendship*, in the diversity of Opinions.”¹¹⁹

C. Reason and the Pursuit of Happiness

Reason is also central to Locke’s account of practical activity. In contrast to inanimate objects, humans are intelligent beings who have the power to use their minds to direct their own actions.¹²⁰ This power, which Locke calls the will, is what makes them free agents.¹²¹

In an important chapter of the *Essay*, Locke explores the complex relationship between freedom and the will. He argues that the will is determined by desire—specifically, by one’s desire for happiness.¹²² Locke understands happiness in terms of pleasure and the absence of pain.¹²³ He makes clear, however, that there can be “pleasure and pain of the Mind, as well as the Body.”¹²⁴ Things are called “*Good*” insofar as they are apt to produce pleasure in us and “*Evil*” insofar as they are apt to cause pain.¹²⁵

In most cases, a person is not free to will or not to will; the will is ordinarily determined by the most pressing desire. Yet this is liberty only in an equivocal

115. *Id.* § 12, at 186.

116. *See id.* § 3, at 169.

117. *See, e.g., id.* § 22, at 195.

118. *Id.* § 3, at 171.

119. LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. IV, ch. XVI, § 4, at 659.

120. *See, e.g., id.* bk. II, ch. XXI, §§ 7–9, at 237–38.

121. *See id.* bk. II, ch. XXI, §§ 8–9, at 237–38.

122. *See id.* bk. II, ch. XXI, § 41, at 258.

123. *See id.*

124. *Id.*

125. *Id.* bk. II, ch. XXI, § 42, at 259.

sense, in which one is buffeted by “blind impulse[s]” like “a bubble by the force of the wind.”¹²⁶

Locke contends, however, that in many cases one has the power to suspend the execution of one’s desires, to free oneself “from any necessary determination of [one’s] *will* to any particular action,” until reason has an opportunity to consider what course of action will promote one’s “real happiness.”¹²⁷ This is the foundation of human freedom, “the hinge on which turns the *liberty* of intellectual Beings in their constant endeavours after . . . true felicity.”¹²⁸

At the same time, Locke points out that the determination of the will by reason, and of reason by the good, involves not only freedom but also necessity and obligation. Everyone, he says, “is put under a necessity by his constitution, as an intelligent Being, to be determined in *willing* by his own Thought and Judgment, what is best for him to do.”¹²⁹ Yet Locke denies that this should be viewed as an abridgment or restraint of liberty. Freedom involves self-determination; if the will were to be determined by anything other than an individual’s own judgment, then “he would be under the determination of some other than himself, which is want of Liberty.”¹³⁰ Moreover, “the very end of our Freedom” is to enable us to “attain the good that we chuse.”¹³¹

D. Reason and Natural Law

According to Locke, reason is not only capable of guiding individuals toward their true happiness; it is also capable of deducing the principles of morality that they are obligated to follow. Once again, this view is grounded in a conception of humans as intelligent beings who were created by God. As Locke puts it in the *Essay*:

The *Idea* of a supreme Being, infinite in Power, Goodness, and Wisdom, whose Workmanship we are, and on whom we depend; and the *Idea* of our selves, as understanding rational Beings, being such as are clear in us, would, I suppose, if duly considered, and pursued, afford such Foundations of our Duty and Rules of Action, as might place *Morality amongst the Sciences capable of Demonstration*: wherein I doubt not, but

126. *Id.* bk. II, ch. XXI, § 67, at 279.

127. *Id.* bk. II, ch. XXI, § 51, at 266.

128. *Id.* bk. II, ch. XXI, §§ 51–52, at 266–67.

129. *Id.* bk. II, ch. XXI, § 48, at 264.

130. *Id.*

131. *Id.*

from self-evident Propositions, by necessary Consequences, as incontestable as those in Mathematicks, the measures of right and wrong might be made out, to any one that will apply himself with the same Indifferency and Attention to the one, as he does to the other of these Sciences.¹³²

These principles of morality are what Locke calls “the Law of Nature and Reason.”¹³³ This law, which represents the will of God insofar as humans can know it through natural reason, arises “from the Constitution of [their] very Nature” as “Rational Creature[s].”¹³⁴ The law of nature determines one’s duties toward God, one’s neighbors, and oneself.¹³⁵ In the following Parts, I explore the central roles that these ideas of natural law and reason play in Locke’s political and religious thought.

IV. REASON, THE LAW OF NATURE, AND THE POLITICAL COMMUNITY

Part III focused on Locke’s conception of the *individual* as a rational creature. But while Locke regards humans as fundamentally individual beings, he also holds that God “designed Man for a sociable Creature,” who both needs and desires to live in “fellowship with those of his own kind” and who for this purpose is endowed “with Understanding and Language.”¹³⁶ The question that arises is what it means for individuals to live together in “a Society of Rational Creatures.”¹³⁷

This is the central concern of Locke’s political philosophy as developed in the *Second Treatise of Government*. The work’s immediate purpose is to justify popular resistance to the efforts of Charles II and James II to become absolute monarchs—resistance that culminated in the Glorious Revolution of 1688–1689, in which James was dethroned and replaced by William and Mary of Orange.¹³⁸ To make his case for resistance and revolution, Locke seeks to

132. *Id.* bk. IV, ch. III, § 18, at 549; see also John Locke, Knowledge B (1681), in LOCKE: POLITICAL ESSAYS, *supra* note 71, at 281, 281–82 (asserting that “morality as well as mathematics [is] capable of demonstration”).

133. LOCKE, GOVERNMENT, *supra* note 9, bk. II, § 96, at 332.

134. LOCKE, REASONABLENESS OF CHRISTIANITY, *supra* note 76, ch. XI, at 119; see also *id.* ch. XV, at 169 (stating that God gave man “Reason, and with it a Law: That could not be otherwise than what Reason should dictate; Unless we should think, that a reasonable Creature, should have an unreasonable Law”).

135. See LOCKE, LAW OF NATURE, *supra* note 12, qu. V, fol. 59–61, at 167–69.

136. LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. III, ch. I, § 1, at 402; LOCKE, GOVERNMENT, *supra* note 9, bk. II, § 77, at 318–19.

137. LOCKE, GOVERNMENT, *supra* note 9, bk. II, § 163, at 376.

138. See *The Preface to id.*, at 137; *id.* bk. II, § 222, at 412; *id.* bk. II, § 225, at 415; *id.* bk. II, § 230, at 418. On the political background of the *Two Treatises*, see ASHCRAFT, *supra* note 8, at 17.

determine the basic principles that apply to all legitimate governments. His inquiry is a wide-ranging one, which draws on political observation,¹³⁹ economic theory,¹⁴⁰ historical speculation,¹⁴¹ anthropological discussion,¹⁴² biblical allusion,¹⁴³ and classical learning.¹⁴⁴ At its core, however, the *Second Treatise* is an effort to understand “the True Original, Extent, and End of Civil Government” by means of the same sort of rigorous logical analysis he espouses in the *Essay*.¹⁴⁵ In this way, Locke hopes to determine what would motivate rational creatures to establish civil society and government; what functions and powers they would assign to the government; what limitations they would impose upon it; and what they are entitled to do if those limitations are violated.

A. *The State of Nature*

1. Freedom and Equality

Locke begins his inquiry by “consider[ing] what State all Men are naturally in.”¹⁴⁶ This “*State of Nature*” is more logical than historical: it is the condition that reason tells us human beings would be in before they made any positive agreements with one another.¹⁴⁷ According to Locke, this condition is “a *State of perfect Freedom*,” in which individuals are entitled to control their own persons, actions, and possessions “as they think fit, within the bounds of the

139. See, e.g., LOCKE, GOVERNMENT, *supra* note 9, bk. II, § 230, at 417–18; *id.* bk. II, §§ 223–25, at 414–15 (contending that the people generally are reluctant to change the forms of government to which they are accustomed, but that they inevitably resist oppression).

140. See *id.* bk. II, §§ 34–51, at 291–302 (articulating a labor theory of value and arguing that the institution of private property and the invention of money promote economic well-being and development).

141. See *id.* bk. II, § 105, at 336–37 (speculating that civil government commonly began with the rule of the father of an extended family).

142. See, e.g., *id.* bk. II, § 41, at 296–97; *id.* bk. II, § 43, at 298; *id.* bk. II, § 46, at 299–300; *id.* bk. II, § 65, at 310; *id.* bk. II, § 102, at 335; *id.* bk. II, § 105, at 337; *id.* bk. II, § 108, at 339–40 (discussing the social, economic, and political conditions of the native peoples of North and South America).

143. See, e.g., *id.* bk. II, § 11, at 274 (alluding to the story of Cain and Abel in *Genesis* 4:1–16).

144. See, e.g., *id.* bk. II, § 102, at 334–35; *id.* bk. II, § 201, at 400; *id.* bk. II, § 237, at 423–24 (referring to the history of ancient Greece and Rome).

145. *Title Page* to *id.* bk. II, at 265; see *supra* text accompanying notes 132–35.

146. *Id.* bk. II, § 4, at 269. For the roots of Locke’s theory of the state of nature and the social contract in the Scholastic tradition, see 2 QUENTIN SKINNER, THE FOUNDATIONS OF MODERN POLITICAL THOUGHT 116–23, 154–66, 174–75 (1978); Goldie, *Anglican Royalism*, *supra* note 47, at 75.

147. LOCKE, GOVERNMENT, *supra* note 9, bk. II, § 4, at 269; see *id.* bk. II, § 6, at 270–71.

Law of Nature.”¹⁴⁸ In the language he uses elsewhere, these are the natural rights to life, liberty, and property or “Estate.”¹⁴⁹

According to Locke, the freedom of individuals “is *grounded on* [their] having *Reason*,” which enables them to direct their actions for their own good without encroaching upon the freedom of others.¹⁵⁰ Because individuals are free, they are also equal, with no one being naturally subordinate to, or having a claim to “Dominion” over, anyone else.¹⁵¹

2. The Law of Nature

As Locke emphasizes, the natural freedom of individuals is not absolute or arbitrary but is bounded by law. His discussion of this point deserves careful examination, for it constitutes his clearest articulation of the principles of the law of nature. As he explains, although the state of nature is

a *State of Liberty*, . . . it is *not a State of Licence*[:] though Man in that State have an uncontrollable Liberty, to dispose of his Person or Possessions, yet he has not Liberty to destroy himself, or so much as any Creature in his Possession, but where some nobler use, than its bare Preservation calls for it. The *State of Nature* has a Law of Nature to govern it, which obliges every one: And Reason, which is that Law, teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions. For Men being all the Workmanship of one Omnipotent, and infinitely wise Maker; All the Servants of one Sovereign Master, sent into the World by his order, and about his business, they are his Property, whose Workmanship they are, made to last during his, not one another's Pleasure. And being furnished with like Faculties, sharing all in one Community of Nature, there cannot be supposed any such *Subordination* among us, that may Authorize us to destroy one another, as if we were made for one another's uses, as the inferior ranks of Creatures are for ours. Every one as he is *bound to preserve himself*, and not to quit his Station willfully; so by the like reason when his own Preservation comes not in competition, ought he, as much as he can, *to*

148. *Id.* bk. II, § 4, at 269.

149. *Id.* bk. II, § 87, at 323; *id.* bk. II, § 123, at 350.

150. *Id.* bk. II, § 63, at 309; *accord id.* bk. II, § 57, at 305–06; *id.* bk. II, § 59–61, at 307–09; *see supra* text accompanying notes 120–31; *infra* text accompanying notes 152–53.

151. LOCKE, GOVERNMENT, *supra* note 9, bk. II, § 4, at 269.

*preserve the rest of Mankind, and may not unless it be to do Justice on an Offender, take away, or impair the life, or what tends to the Preservation of the Life, the Liberty, Health, Limb, or Goods of another.*¹⁵²

Several vital points emerge from this passage. First, Locke identifies the “Law of Nature” with “Reason.”¹⁵³ Second, he deduces the obligations of this law from our status as rational creatures—beings who were created by God and endowed with the same rational “Faculties,” and who thus are naturally free, “equal and independent.”¹⁵⁴ Third, the law of nature imposes duties not only toward other individuals but also toward oneself and God. For instance, a person who unjustifiably takes his own life commits a wrong against himself as well as his “Maker,” whose “Property” and “Workmanship” he is.¹⁵⁵ Finally, the duties imposed by the law of nature are positive as well as negative in character. Under that law, one is not merely forbidden to “harm” oneself or others; one is also “*bound to preserve*” all human beings as far as one can.¹⁵⁶

3. The Relationship Between Law and Freedom

Although the law of nature constrains the conduct of individuals, Locke rejects the idea that law and freedom are antithetical. Instead, he insists that the two are essential to, and inseparable from, one another. In another crucial passage, he writes:

Law, in its true Notion, is not so much the Limitation as the direction of a free and intelligent Agent to his proper Interest, and prescribes no farther than is for the general Good of those under that Law. Could they be happier without it, the Law, as an useless thing would of it self vanish; and that ill deserves the Name of Confinement which hedges us in only from Bogs and Precipices. So that, however it may be mistaken, the end of Law is not to abolish or restrain, but to preserve and enlarge Freedom[.] For in all the states of created beings capable of Laws, where there is no Law, there is no Freedom. For Liberty is to be free from restraint and violence from others which cannot be, where there is no Law: But Freedom is not, as we are told, A Liberty for every Man to do what he lists: (For who could be free, when every other Man’s Humour might

152. *Id.* bk. II, § 6, at 270–71.

153. *Id.* at 271.

154. *Id.*

155. *Id.*

156. *Id.*

domineer over him?) But a *Liberty* to dispose, and order, as he lists, his Person, Actions, Possessions, and his whole Property, within the Allowance of those Laws under which he is; and therein not to be subject to the arbitrary Will of another, but freely follow his own.¹⁵⁷

We can discern two distinct strands in this account of the relationship between law and freedom. The first is that law directs free and rational beings to their true interest. For example, the law of nature and reason forbids one to unjustifiably kill oneself or to enslave oneself to another.¹⁵⁸ Although there is a sense in which these prohibitions restrict one's freedom, in a deeper sense they promote it: just as one does not wish to fall into "Bogs" or over "Precipices," so one does not truly want to engage in behavior that will injure oneself or impair one's ability to pursue one's own happiness, which Locke regards as the goal of all free action.¹⁵⁹ This aspect of Locke's argument echoes his position in the *Essay* that one's freedom of choice is not diminished when one follows the course that reason indicates will promote one's real happiness.¹⁶⁰

While the first strand of Locke's argument focuses on the individual's pursuit of happiness, the second focuses on interaction between individuals. Individuals cannot act freely if they are subject to violence from others. By forbidding individuals to injure one another, the law not only secures their freedom from violence but also enables all of them to pursue their own well-being.

In this way, Locke's account of the relationship between law and freedom combines two different ideas: (1) that law is consistent with freedom because it directs "*a free and intelligent Agent* to his proper Interest," and (2) that law is consistent with freedom because it promotes "the general Good of [all] those [who are] under that Law."¹⁶¹ Although Locke presents these two ideas as harmonious with one another, we can also discern some tension between them

157. *Id.* bk. II, § 57, at 305–06. The definition of natural liberty that Locke rejects here—the unrestricted ability to do what one likes—is taken from Filmer. See *id.* bk. II, § 22, at 283–84 & n; *id.* § 57, at 306 & n; ROBERT FILMER, OBSERVATIONS UPON ARISTOTLES POLITIQUES (1652), in PATRIARCHA AND OTHER WRITINGS, *supra* note 55, at 235, 268, 275. Thomas Hobbes takes a similar approach. See THOMAS HOBBS, LEVIATHAN ch. XXI, at 145–48 (Richard Tuck ed., Cambridge Univ. Press 1991) (1651). For Filmer and Hobbes, liberty is opposed to law—a position that they use to support their authoritarian theories of government.

158. See LOCKE, GOVERNMENT, *supra* note 9, bk. II, § 6, at 271; *id.* bk. II, § 23, at 284.

159. *Id.* bk. II, § 57, at 305; see *supra* text accompanying notes 122–31.

160. See *supra* text accompanying notes 129–31.

161. LOCKE, GOVERNMENT, *supra* note 9, bk. II, § 57, at 305.

in cases where an individual rationally might believe that his own interest would be advanced by invading the rights of others. As we shall see in Part IV, this problem turns out to be central to Locke's account of religion, morality, and the law of nature.¹⁶²

4. The Relationship Between Law and Personality

Just as Locke sees an essential relationship between law and freedom, he also holds that there is a basic connection between law and personality. In the *Essay*, Locke uses the term *person* to describe a rational creature in its relationship to the law. A person is “a thinking intelligent Being, that has reason and reflection;” that is aware of its own identity over time; that is capable of knowing the law that it is under, especially the law of nature; that “owns and imputes to it *self*” the actions that it takes in relation to that law; and that is accountable to itself and others for those actions—an accountability that may take the form of rewards and punishments.¹⁶³ In short, “*Person . . . is a Forensick Term appropriating Actions and their Merit [to an individual]; and so belongs only to intelligent Agents capable of a Law, and Happiness and Misery.*”¹⁶⁴

5. The Community of Nature

Now that we have explored the relationships between law, freedom, and personality, let us return to Locke's account of the state of nature. At times, he characterizes this condition in highly individualistic terms.¹⁶⁵ At other times, however, he portrays it as having a communal dimension. For example, in the passage on the law of nature that we considered earlier, Locke indicates that, as members of a species who share the same “Faculties” and who are subject to the same law, human beings belong to “one Community,” which he calls the “Community of Nature.”¹⁶⁶ Elaborating on this notion, he writes that, by giving

162. See *infra* text accompanying notes 249–54.

163. LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. II, ch. XXVII, § 9, at 335; *id.* bk. II, ch. XXVII, § 26, at 346.

164. *Id.* bk. II, ch. XXVII, § 26, at 346.

165. See, e.g., LOCKE, GOVERNMENT, *supra* note 9, bk. II, § 123, at 350 (describing “Man in the State of Nature” as “absolute Lord of his own Person and Possessions, equal to the greatest, and subject to no Body”).

166. *Id.* bk. II, § 6, at 270–71; *supra* text accompanying note 152.

reason and the law of nature “to be the Rule” and “common bond” between human beings, God has “united [them] into one fellowship and societie.”¹⁶⁷

On this view, while the state of nature is “a *State of perfect Freedom*,”¹⁶⁸ it is also a sort of social condition within which individuals interact in a positive way. In Locke’s words, it is “a State of Peace, Good Will, Mutual Assistance, and Preservation” in which individuals “liv[e] together according to reason.”¹⁶⁹

6. Enforcing the Law of Nature

When he describes the state of nature in this way, Locke is viewing it from a normative and logical perspective, as the condition that would obtain if individuals actually lived in accord with their nature as rational creatures. In reality, however, their conduct often falls short of this ideal. Instead, they are often tempted to pursue their own interests by invading the rights of others.¹⁷⁰ One who subjects others to “injury and violence” not only violates their rights but also commits “a trespass against the whole Species” by transgressing the law of nature and reason, “which is that measure God has set to the actions of Men, for their mutual security.”¹⁷¹

But how can the law of nature be made effective in this situation? Because there is no government in a state of nature, Locke argues that this law can be enforced only by the individuals themselves.¹⁷² As rational creatures, individuals are entitled to preserve themselves by judging and defending their own rights.¹⁷³ They also have a right to act for the preservation of mankind by restraining and punishing those who violate the law of nature.¹⁷⁴ And while human beings generally have a right to be free from violence, Locke holds that when offenders violate “the right Rule of Reason,” they degrade themselves below the level of rational creatures and may properly be punished in proportion to their crimes.¹⁷⁵

As Locke recognizes, however, the defects of this regime are obvious. First, “though the Law of Nature be plain and intelligible to all rational

167. LOCKE, GOVERNMENT, *supra* note 9, bk. II, §§ 171–72, at 381–83; *see also id.* bk. II, § 128, at 352 (stating that under “the *Law of Nature*, . . . all . . . of *Mankind* are one *Community*, [and] make up one *Society*, distinct from all other *Creatures*”).

168. *Id.* bk. II, § 4, at 269.

169. *Id.* bk. II, § 19, at 280.

170. *See id.* bk. II, § 123, at 350.

171. *Id.* bk. II, §§ 8, 10 at 272–73.

172. *See id.* bk. II, §§ 7–13, at 271–76.

173. *See id.* bk. II, §§ 16–19, at 278–81; *id.* bk. II, § 91, at 327; *id.* bk. II, § 128, at 352.

174. *See id.* bk. II, §§ 7–8, at 271–72; *id.* bk. II, § 12, at 274–75.

175. *Id.* bk. II, §§ 10–12, at 273–75; *id.* bk. II, § 8, at 272.

Creatures,” it is not the sort of clearly defined and established rule that could effectively constrain those who are inclined to violate it out of ignorance or self-interest.¹⁷⁶ Second, in a state of nature there is no impartial judge to resolve disputes under this law.¹⁷⁷ And finally, individuals may lack sufficient power to enforce this law and bring offenders to justice.¹⁷⁸ In short, while the rights of individuals in a state of nature are extensive in theory, in practice those rights would be extremely precarious.¹⁷⁹

B. *The Social Contract and the Political Community*

Locke holds that, in view of these problems, rational individuals would choose to leave the state of nature.¹⁸⁰ Using the capacities for “Understanding and Language” that God gave them for this purpose, they would make a social contract and form a civil society “for the mutual *Preservation* of their Lives, Liberties and Estates.”¹⁸¹

Thus, on Locke’s view, the polity is “a Society of Rational Creatures, entred into a Community for their mutual good.”¹⁸² This conception lies at the heart of his political theory. It enables him to identify the locus of political authority, the role that reason plays in its exercise, the ends and limits of that authority, and the remedies that are available when those limits are exceeded.

In the state of nature, every individual has the power to determine when his rights are being violated and to defend them by force, as well as the power to punish offenses against himself and others.¹⁸³ When individuals enter civil society, they transfer these powers to the community.¹⁸⁴ It follows that all political authority originally belongs to people as a whole.¹⁸⁵

To be sure, this does not mean that the polity must be a pure democracy. While the community may choose to retain the supreme kind of political authority—the power of making laws—for itself, it may also choose to delegate this authority to “a few select Men” (in which case the government is “an *Oligarchy*”) or to an individual (in which case it is “a *Monarchy*”), or to

176. *Id.* bk. II, § 124, at 351.

177. *See id.* bk. II, § 125, at 351.

178. *See id.* bk. II, § 126, at 351.

179. *See id.* bk. II, § 123, at 350.

180. *See id.* bk. II, § 123, at 350; *id.* bk. II, § 127, at 352; *id.* bk. II, § 131, at 353.

181. *Id.* bk. II, § 77, at 318–19; *id.* bk. II, § 123, at 350.

182. *Id.* bk. II, § 163, at 376.

183. *See id.* bk. II, § 7, at 271–72; *id.* bk. II, § 87, at 323–24; *id.* bk. II, § 91, at 327; *id.* bk. II, § 128, at 352.

184. *See id.* bk. II, §§ 87–89, at 323–25; *id.* bk. II, §§ 128–30, at 352–53.

185. *See id.* bk. II, §§ 95–99, at 330–33; *id.* bk. II, § 132, at 354.

establish some “mixed Form[] of Government.”¹⁸⁶ On Locke’s view, however, the people have good reason to entrust at least part of the lawmaking power to a body of elected representatives.¹⁸⁷ Moreover, he holds that taxes may be imposed only with the consent of such a body or of the people themselves.¹⁸⁸ Above all, his theory is meant to demonstrate that all legitimate governments derive their power not from divine right but from the consent of the people.¹⁸⁹

Locke’s conception of the political community as “a Society of Rational Creatures” also highlights the essential role that reason should play in civil government.¹⁹⁰ As we have seen, Locke holds that reason is the law that God has established to govern the actions of human beings, as well as the “common bond” that unites them into a community.¹⁹¹ In a state of nature, it falls to private individuals to determine what this law is and to enforce it against wrongdoers—a regime that is bound to lead to “Confusion and Disorder.”¹⁹² Within civil society, these functions are performed not by the “private judgement” of individuals but by the public judgment of the community or the government it has established.¹⁹³ On this view, lawmaking draws upon the shared reason of the lawmakers, and it requires free deliberation and debate.¹⁹⁴ Likewise, adjudication involves the impartial application of reasonable laws that apply equally to all.¹⁹⁵

C. *The Purposes and Limits of Government*

Locke also uses the concept of rationality to identify the purposes and limits of government. Reason enjoins individuals to preserve themselves.¹⁹⁶ Because they have no arbitrary power over their own lives, they cannot bestow such power on others, including their rulers.¹⁹⁷ More generally, Locke observes that “no rational Creature can be supposed to change his condition with an intention

186. *Id.* bk. II, § 132, at 354.

187. *See, e.g., id.* bk. II, § 138, at 361 (contending that the property of subjects is more secure in governments where lawmakers are chosen for a period of time and then return to being “Subjects under the common Laws of their Country, equally with the rest”).

188. *Id.* bk. II, §§ 138–40, at 360–62.

189. *See id.* bk. II, § 112, at 343–44; *id.* bk. II, § 224, at 414–15.

190. *Id.* bk. II, § 163, at 376.

191. *Id.* bk. II, § 172, at 383.

192. *Id.* bk. II, § 13, at 275–76.

193. *Id.* bk. II, § 87, at 324.

194. *See id.* bk. II, § 222, at 413.

195. *See id.* bk. II, § 87, at 324; *id.* bk. II, § 131, at 353; *id.* bk. II, § 142, at 363.

196. *See id.* bk. II, § 6, at 271.

197. *Id.* bk. II, §§ 23–24 at 284–85; *id.* bk. II, § 135, at 357; *id.* bk. II, § 168, at 379–80; *id.* bk. II, § 172, at 382–83.

to be worse.”¹⁹⁸ When individuals enter civil society, they do so “only with an intention in every one the better to preserve himself his Liberty and Property.”¹⁹⁹ It follows that the society and the government are required to use their power solely to protect the rights of citizens and to promote “*the common good*.”²⁰⁰

In this way, Locke derives the basic principles of government from a rigorous analysis of the choices that rational individuals would make when they enter civil society. An objective account of natural law yields the same conclusions: just as the law of nature in general wills “the Peace and Preservation of all Mankind,”²⁰¹ “the *first and fundamental natural Law*” that applies to a particular society “is *the preservation of the Society*, and (as far as will consist with the publick good) of every person in it.”²⁰²

D. Resistance and Revolution

On these grounds, Locke condemns any theory—such as divine right—that holds that a ruler has absolute power over his people.²⁰³ If that were so, he writes, then

the People under his Government are not a Society of Rational Creatures, entred into a Community for their mutual good; they are not such as have set Rulers over themselves, to guard, and promote that good; but are to be looked on as an Herd of inferiour Creatures, under the Dominion of a Master, who keeps them, and works them for his own Pleasure or Profit. If Men were so void of Reason, and brutish, as to enter into Society upon such Terms, [the government might indeed have] . . . an Arbitrary Power to do things hurtful to the People.²⁰⁴

But this position must be rejected, Locke argues, “since a Rational Creature cannot be supposed when free, to put himself into Subjection to another, for his own harm.”²⁰⁵ Instead, when the government violates the rights of its citizens, they must be allowed to question its actions without being accused of

198. *Id.* bk. II, § 131, at 353.

199. *Id.*

200. *Id.*

201. *Id.* bk. II, §§ 6–7, at 270–71.

202. *Id.* bk. II, § 134, at 355–56.

203. *See id.* bk. II, § 163, at 376–77.

204. *Id.*

205. *Id.* bk. II, § 164, at 377.

sedition.²⁰⁶ Moreover, individuals who are injured must be able to seek redress from the government or the courts.²⁰⁷ To deny them these rights is to treat them as though they “were degraded from the common state of Rational Creatures,” who must always be free to assert and defend their rights, whether by means of direct action in the state of nature or by an appeal to the law within civil society.²⁰⁸

These considerations lead Locke to recognize natural rights of resistance and revolution against oppressive governments. Under the law of nature and reason, he explains, “no Man, or Society of Men, hav[e] a Power to deliver up their *Preservation*, or consequently the means of it, to the Absolute Will and arbitrary Dominion of another.”²⁰⁹ Although one gives up some of one’s natural liberty in entering civil society, one cannot give up the right to judge whether one’s life or freedom are being threatened.²¹⁰ If the government attempts to subject individuals to arbitrary power or unjust violence, they have a right to use force in their own defense.²¹¹ Of course, this is a last resort, for a central purpose of civil society is to enable people to resolve their disputes peacefully through an appeal to the law.²¹² But if the government injures individuals and at the same time leaves them with “no appeal on Earth to right them,” Locke holds that they are entitled to “appeal to Heaven”—that is, to use force in their own defense while trusting that God as the supreme judge will vindicate them at the last judgment.²¹³

What is true of individuals is also true of the people as a whole. When they delegate political power to the government, they always retain the power to judge whether it is fulfilling its trust by acting only for the sake of individual rights and the common good.²¹⁴ If the people determine that the government is abusing its power in an effort “to enslave, or destroy them,” they have a right to “*appeal to Heaven*,” to overthrow the government by force, and to establish a new one that will fulfill the purposes for which it was intended.²¹⁵

206. See *id.* bk. II, §§ 92–93, at 327–28.

207. See *id.* bk. II, § 20, at 281–82; *id.* bk. II, § 91, at 326–27.

208. *Id.* bk. II, § 91, at 326–27; *accord id.* bk. II, §§ 19–21, at 280–82.

209. *Id.* bk. II, § 149, at 367.

210. See *id.* bk. II, § 23, at 284; *id.* bk. II, § 168, at 380.

211. See *id.* bk. II, § 168, at 379–80; *id.* bk. II, § 208, at 404.

212. See *id.* bk. II, §§ 20–21, at 280–81; *id.* bk. II, § 125, at 351.

213. *Id.* bk. II, §§ 20–21, at 281–82; *accord id.* bk. II, § 168, at 379–80; *id.* bk. II, § 176, at 386; *id.* bk. II, § 242, at 427.

214. See *id.* bk. II, § 149, at 367; *id.* bk. II, § 168, at 379; *id.* bk. II, § 240, at 426–27.

215. *Id.* bk. II, § 168, at 379–80; *accord id.* bk. II, § 240–43, at 426–28.

V. REASON, FREEDOM, AND RELIGION

As Part IV explained, Locke's political philosophy is based on the principle that human beings are rational creatures who have an inherent right to think for themselves and to pursue their own happiness. In the *Two Treatises*, Locke uses this principle to criticize absolute monarchy and to call for the establishment of civil institutions that are based on the consent of free and equal individuals. In the *Letter Concerning Toleration* and other writings, Locke takes a similar approach to the religious realm. Rejecting the authoritarianism of the Restoration regime, he argues that the government should have no power whatever over religion, but that all individuals have an inalienable right to freedom of belief and worship within religious institutions that they have voluntarily entered into.

This Part examines Locke's theory of religious freedom. I begin by exploring his account of the nature of religion, focusing on the roles that faith and reason play within it. I then explain how this account led Locke to argue for religious liberty and the separation of church and state.

A. Locke's Conception of Religion

In the *Letter Concerning Toleration*, Locke maintains that our concern for happiness is not limited to our well-being in this world, which is the object of civil government.²¹⁶ Instead, every individual also "has an Immortal Soul, [which is] capable of Eternal Happiness or Misery."²¹⁷ To attain such happiness, an individual must "believ[e] and do[] those things in this Life, which are necessary to the obtaining of Gods Favour, and are prescribed by God to that end."²¹⁸ This is the sphere of religion.

In many passages of the *Letter*, Locke uses the term *faith* to refer to the beliefs that individuals hold about God and religion.²¹⁹ But a careful reading of these passages indicates that he often uses the term in a broad sense to refer to all theological beliefs, not only to those that are matters of faith in a strict sense, that is, the acceptance of truths that one believes God to have communicated through positive revelation.²²⁰ In this section, I first discuss theological beliefs that are based on reason and then turn to those based on revelation. Finally, I

216. See LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 45–47.

217. *Id.* at 45.

218. *Id.*

219. See, e.g., *id.* at 13–14.

220. See, e.g., *id.* at 14 (discussing the ways that people can seek to persuade others of religious truths by means of "Arguments," "Evidence," and "Reason").

examine Locke's distinctive teachings on the relationship between faith and reason.

1. Reason

As we have seen, Locke maintains that individuals can use reason to discover many of the most important truths about God and religion.²²¹ First, people can demonstrate that God exists and that he is “*eternal, most powerful, and most knowing*.”²²² Second, they can realize that as “intelligent, but frail and weak Being[s], made by and depending on another [Being], who is eternal, omnipotent, perfectly wise and good,” they ought to “honour, fear, and obey GOD.”²²³ Third, they can recognize that God has given them the law of nature and reason to live by—a law that arises from their constitution as rational creatures and that prescribes their duties to God, other human beings, and themselves.²²⁴ In short, human beings are capable of using “natural reason” to discern “that there is a God, and what is required by and will be acceptable to him thereby to avoid his anger and procure his favour.”²²⁵

For Locke, these truths of “Natural Religion”²²⁶ lie at the core of all reasonable religion. By using their minds to discern these truths, individuals come “to be rational creatures” who understand their own nature and their relationship with God.²²⁷ Natural religion teaches human beings how they can live a “*Good Life*” by developing moral and religious virtue, by following the law of nature, and by acting with “Charity . . . and Good-will in general towards all Mankind.”²²⁸ According to Locke, living such a life is “the best worship” of God and the main “Business of True Religion.”²²⁹ A good life is not only

221. See *supra* text accompanying notes 103–06.

222. LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. IV, ch. X, § 6, at 621.

223. *Id.* bk. IV, ch. XIII, § 3, at 651; *accord id.* bk. IV, ch. XI, §§ 13–14, at 638 (explaining how reason can establish “universal” and “Eternal Truths,” including the proposition “That Men ought to fear and obey GOD”).

224. See LOCKE, LAW OF NATURE, *supra* note 12, qu. V, fol. 61, at 169; LOCKE, REASONABLENESS OF CHRISTIANITY, *supra* note 76, ch. XI, at 119.

225. John Locke, Religion (1681), in LOCKE: POLITICAL ESSAYS, *supra* note 71, at 278, 278–79.

226. LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. III, ch. IX, § 23, at 490.

227. LOCKE, CONDUCT, *supra* note 78, § 8, at 182; *accord* LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. IV, ch. XIII, § 3, at 651.

228. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 8, 45; see also JOHN LOCKE, A THIRD LETTER FOR TOLERATION (1692) (discussing the content of natural religion), in 5 THE WORKS OF JOHN LOCKE 139, 156 (12th ed. 1823) [hereinafter LOCKE, THIRD LETTER FOR TOLERATION].

229. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 8; LOCKE, THIRD LETTER FOR TOLERATION, *supra* note 228, at 156; see also John Locke, Civil and Ecclesiastical Power (1674), in

vital for attaining salvation, it also contributes to the well-being of the commonwealth.²³⁰ In addition, because the truths of “natural religion and . . . morality” are founded upon reason rather than revelation, they are matters that the adherents of different religions can agree upon.²³¹ Finally, he maintains that “the Precepts of Natural Religion are plain, and very intelligible to all Mankind” by the “light of Reason,” while revelation is often contained in ancient texts that may be difficult to interpret.²³² For all these reasons, he contends that the truths of natural religion should hold a central place in religious life.²³³

Although it was powerful, Locke’s theory of natural religion was not without its difficulties. One problem had to do with the status of the law of nature. According to Locke, for something to be a law, it must not only express the will of a lawgiver but must also be enforced by means of rewards and punishments.²³⁴ Is that true of the law of nature? In the *Second Treatise*, Locke contends that, in the state of nature, every individual has the power to enforce that law against wrongdoers, and that this function is taken over by the government within civil society.²³⁵ By these means, the law of nature is enforced in this world. Yet this enforcement is imperfect in several important ways. First, some wrongdoers may be too powerful for other people to bring to account.²³⁶ Second, Locke’s conception of the law of nature or “the Moral Law” goes far beyond what is needed to protect other individuals and the society.²³⁷ Instead, that law sets an ideal standard of virtue and goodness that arises from the nature of rational creatures.²³⁸ This law encompasses not only the duties that one owes to one’s fellow creatures but also the duties that one owes to oneself and God.²³⁹ Moreover, this law governs the inner life of

LOCKE: POLITICAL ESSAYS, *supra* note 71, at 216–17, 219 [hereinafter Locke, Civil and Ecclesiastical Power] (referring to morality as the “real part of religion”).

230. See LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 45.

231. John Locke, A Discourse of Miracles (1706), in 8 THE WORKS OF JOHN LOCKE 256, 261 (12th ed. 1823); accord LOCKE, THIRD LETTER FOR TOLERATION, *supra* note 228, at 156.

232. LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. III, ch. IX, § 23, at 490.

233. See *id.*

234. See, e.g., *id.* bk. I, ch. IV, § 8, at 87; *id.* bk. II, ch. XXVIII, §§ 5–6, at 351–52.

235. See, e.g., LOCKE, GOVERNMENT, *supra* note 9, bk. II, §§ 7–13, at 271–76; *id.* bk. II, § 87, at 323–24; *id.* bk. II, §§ 128–30, at 352–53.

236. See *id.* bk. II, § 126, at 351. Of course, this can be especially true of rulers who abuse their power. See *id.* bk. II, §§ 91–93, at 326–28; *id.* bk. II, § 137, at 359–60.

237. LOCKE, REASONABLENESS OF CHRISTIANITY, *supra* note 76, ch. III, at 20; accord *id.* ch. XIV, at 147–48.

238. See *id.* ch. II, at 13–14; *id.* ch. XIV, at 147–48.

239. See *supra* text accompanying notes 133–35.

individuals as well as their external conduct.²⁴⁰ In these ways, the natural or moral law “set[s] forth the Duties of a good Life in their full Obligation and Extent, beyond what . . . the Civil Laws of any Country could prescribe or take notice of.”²⁴¹

For Locke, then, the law of nature can be a true law only if it is enforced by rewards and punishments in another life. In the *Essay*, he asserts that “it is evident” that God, who ordained that we should live in this world as “sensible intelligent Beings . . . can and will restore us to the like state of Sensibility in another World, and make us capable there to receive the Retribution he has designed to Men, according to their doings in this Life.”²⁴²

What grounds do human beings have to believe in this future state of rewards and punishments? At one point in the *Essay*, Locke offers a version of Pascal’s wager:

He that will allow exquisite and endless Happiness to be but the possible consequence of a good Life here, and the contrary state the possible Reward of a bad one; must own himself to judge very much amiss, if he does not conclude, that a vertuous Life, with the certain expectation of everlasting Bliss, which may come, is to be preferred to a vicious one, with the fear of that dreadful state of Misery, which ‘tis very possible may overtake the guilty; or at best the terrible uncertain hope of Annihilation [W]hen infinite Happiness is put in one Scale, against infinite Misery in the other; if the worst, that comes to the pious Man, if he mistakes, be the best that the wicked can attain to, if he be in the right, Who can without madness run the venture?²⁴³

As Locke concedes, however, this argument does not show that “a future Life” is certain or even probable.²⁴⁴ Instead, the argument merely contends that such

240. See LOCKE, REASONABLENESS OF CHRISTIANITY, *supra* note 76, ch. XII, at 122–23 (discussing the Sermon on the Mount in *Matthew* 5–7 and the Sermon on the Plain in *Luke* 6).

241. *Id.* ch. IX, at 58. In this passage, Locke is referring to the teachings of Christ—teachings that Locke treats as largely identical to the law of nature and reason. See *infra* text accompanying notes 273–75.

242. LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. IV, ch. III, § 6, at 542.

243. *Id.* bk. II, ch. XXI, § 70, at 281–82. On Pascal’s wager, see BLAISE PASCAL, PENSÉES § 233 (W.F. Trotter trans., Dent 1910) (1660); *Pascal’s Wager*, STANFORD ENCYCLOPEDIA OF PHILOSOPHY, <http://plato.stanford.edu/archives/win2012/entries/pascal-wager/> [https://perma.cc/LJN8-DQTY] (last visited Apr. 2, 2018).

244. LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. II, ch. XXI, § 70, at 282.

a life “is at least possible,” and that a rational person would act as though there were one.²⁴⁵

More generally, Locke’s defense of a future state is based on the notion that “the great Ends of Morality and Religion” require it.²⁴⁶ On Locke’s view, morality and religion are based on the law of nature.²⁴⁷ But the law of nature can be a true law only if it is backed up by rewards and punishments in a future state.²⁴⁸ In the absence of this state, the entire Lockean structure of morality would collapse.

One way to see this point is by recurring to the concept of a rational creature. On one hand, a rational creature recognizes that he should live in peace and harmony with others according to reason, which forbids causing injury to others.²⁴⁹ Yet on the other hand, a rational creature necessarily pursues his own happiness.²⁵⁰ His motive for action is to attain pleasure and avoid pain,²⁵¹ and this may lead him to engage in conduct that does injure others. For Locke, the solution to this paradox is that God enforces the law of nature with rewards and punishments in a future life.²⁵² By means of these incentives, rational creatures are led to pursue their own happiness in ways that are consonant with the happiness of all. This is part of what Locke means when he says (in a passage that we looked at earlier) that “*Law*, in its true Notion, is not so much the Limitation as *the direction of a free and intelligent Agent* to his proper Interest,” and that it “prescribes no farther than is for the general Good of those under that Law.”²⁵³ Through the incentives that it provides, the law brings the agent’s own “Interest” into alignment with “the general Good” of all.²⁵⁴

Closely related to this argument from morality is an argument from desert, combined with a teleological view that God desires human beings to strive after the perfection of their rational nature, a condition that includes immortality. As Locke puts it, “God has set some Things in broad day-light” and “has given us

245. *Id.*

246. *Id.* bk. IV, ch. III, § 6, at 542.

247. See *supra* text accompanying notes 222–41.

248. See *supra* text accompanying notes 242–45.

249. See LOCKE, GOVERNMENT, *supra* note 9, bk. II, § 6, at 271.

250. See LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. II, ch. XXI, §§ 36–71, at 254–84; *id.* bk. IV, ch. XXI, § 21, at 720–21.

251. See *id.* bk. II, ch. XXI, §§ 41–42, at 258–59.

252. See *id.* bk. II, ch. XXI, § 60, at 273–74; *id.* bk. II, ch. XXI, § 70, at 281–82.

253. LOCKE, GOVERNMENT, *supra* note 9, bk. II, § 57, at 305; *supra* text accompanying note 157.

254. LOCKE, GOVERNMENT, bk. II, § 57, at 305.

some certain Knowledge,” in order to give us “a Taste of what intellectual Creatures are capable of, to excite in us a Desire and Endeavor after a better State.”²⁵⁵ In this way, God encourages us to use our minds in “the twilight” of uncertainty by searching out “and following . . . that way, which might lead us to a State of greater Perfection.”²⁵⁶ On this view, Locke concludes, it is “highly rational to think, even were Revelation silent in the Case, That as Men employ those Talents, God has given them here, they shall accordingly receive their Rewards at the close of the day, when their Sun shall set, and Night shall put an end to their Labours.”²⁵⁷

2. Faith

These are the main reasons that Locke offers for believing in a future state in which individuals will be rewarded or punished for their deeds on earth. Clearly, however, these considerations fall far short of rational demonstration or certainty. Instead, at best they show that there is a greater or lesser probability of a future state. This weakens the incentives that individuals have to live virtuous and pious lives in this world, as well as their hopes of attaining immortality and happiness in the next.

On this ground, among others, Locke argues that there are benefits to moving beyond “pure Natural Religion” and embracing Christianity, a religion that is founded not only on reason but also on faith.²⁵⁸ In a strict sense, *faith* means the assent to a proposition not because it has been “made out by the Deductions of Reason,” but rather “upon the Credit of the Proposer, [that is] as coming from GOD” through “*Revelation*.”²⁵⁹

Toward the end of *The Reasonableness of Christianity*, Locke canvasses the advantages that come from the revelation contained in the New Testament.²⁶⁰ One of the chief advantages relates to the assurance of an afterlife with its attendant rewards and punishments.²⁶¹ As he explains, it is hardly surprising that people did not choose to live a virtuous life at a time when its benefits seemed to be outweighed by its difficulties and costs:

255. LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. IV, ch. XIV, § 2, at 652.

256. *Id.*

257. *Id.* The reference to “Revelation” seems to include Jesus’s parable of the talents, *see Matthew* 25:14–30; *Luke* 19:12–28, as well as his parable of the laborers who are paid at the end of the day, *see Matthew* 20:1–16.

258. LOCKE, REASONABLENESS OF CHRISTIANITY, *supra* note 76, ch. I, at 5; *id.* ch. III, at 17–21.

259. LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. IV, ch. XVIII, § 2, at 689.

260. *See* LOCKE, REASONABLENESS OF CHRISTIANITY, *supra* note 76, ch. XV, at 164–65.

261. *See id.* ch. XIV, at 162–63.

Mankind, who are and must be allowed to pursue their Happiness; Nay, cannot be hindred; Could not but think themselves excused from a strict observation of Rules, which appeared so little to consist with their chief End, Happiness; Whilst they kept them from the enjoyments of [this] Life; And they had little evidence and security of another.²⁶²

But all of this changed when Christ came and “*brought life and immortality to light*.”²⁶³ The classical philosophers had shown

the beauty of Virtue: They set her off so as drew Mens Eyes and approbation to her: But leaving her unendowed, very few were willing to espouse her. . . . But now there being put into the Scales, on her side, *An exceeding and immortal weight of Glory*; Interest is come about to her; And Virtue now is visibly the most enriching purchase, and by much the best bargain. That she is the perfection and excellency of our Nature; That she is her self a Reward, and will recommend our Names to future Ages, is not all that can now be said [of] her It has another relish and efficacy, to perswade Men that if they live well here, they shall be happy hereafter. Open their Eyes upon the endless unspeakable joys of another Life; And their Hearts will find something solid and powerful to move them. The view of Heaven and Hell, will cast a slight upon the short pleasures and pains of this present state; and give attractions and encouragements to Virtue, which reason, and interest, and the Care of ourselves, cannot but allow and prefer.²⁶⁴

According to Locke, this is the only solid “*foundation*” for “*Morality*.”²⁶⁵

Remarkably, Locke also maintains that revelation plays a vital role in identifying the content of natural law. In the *Essay*, he had expressed optimism that reason was capable of working out the principles of morality with a quasi-mathematical rigor.²⁶⁶ As he acknowledges in *The Reasonableness of Christianity*, however, in practice philosophers had never succeeded in

262. *Id.* ch. XIV, at 161.

263. *Id.* ch. XIV at 162 (quoting 1 *Timothy* 1:10); accord JOHN LOCKE, MR. LOCKE’S REPLY TO THE RIGHT REVEREND THE LORD BISHOP OF WORCESTER’S ANSWER TO HIS SECOND LETTER (1698), in 4 THE WORKS OF JOHN LOCKE 191, 489 (new ed. 1823), *supra* note 228, at 191, 489.

264. LOCKE, REASONABLENESS OF CHRISTIANITY, *supra* note 76, ch. XIV, at 162–63 (footnote omitted) (quoting 2 *Corinthians* 4:17 (stating “eternal weight” rather than, as here, “immortal weight”)).

265. *Id.* ch. XIV, at 163.

266. See *supra* text accompanying note 132.

developing a full account of morality, at least in the times before Christ came.²⁶⁷ And even if they had, their moral teaching would have lacked the binding authority that can derive only from a clear recognition that the moral law has been given by God and is backed with rewards and punishments.²⁶⁸

On these grounds, Locke concludes that it seems to be “too hard a task for unassisted Reason, to establish Morality in all its parts, upon its true foundations; with a clear and convincing light”: “*Natural Religion* in its full extent, was no where, that I know, taken care of by the force of Natural Reason.”²⁶⁹ Instead, people’s “first knowledge of [these] truths . . . [is] owing to Revelation” as contained in the New Testament.²⁷⁰ These truths can be summed up in the “Golden Rule” articulated in the Sermon on the Mount—“*All things whatsoever ye would have that Men should do to you, do ye even so to them*”²⁷¹—as well as in the “great rule, that *we should love our neighbour as ourselves*”—a rule that Locke suggests is “such a fundamental truth for the regulating human society, that . . . by that alone one might without difficulty determine all the cases and doubts in social morality.”²⁷²

On this view, it might seem that the law of God that is communicated by revelation supersedes the law of nature that is discovered through reason. For Locke, however, these two laws are fundamentally the same. Both represent the will of God, whether that will is revealed by Scripture or by the light of nature.²⁷³ The truths known through revelation are “agreeable to Reason” and “confirm[ed]” by reason.²⁷⁴ They are identical to the law that arises from our “very Nature” as rational creatures.²⁷⁵ For Locke, one of the most basic aspects of faith is the belief that the universe is rational and is governed by a good and just God²⁷⁶—a belief that underlies his whole account of human nature and morality.

267. LOCKE, REASONABLENESS OF CHRISTIANITY, *supra* note 76, ch. XIV, at 148–55.

268. *See id.* ch. XIV, at 152–54.

269. *Id.* ch. XIV, at 148.

270. *Id.* ch. XIV, at 149.

271. *Id.* ch. XII, at 123 (quoting *Matthew* 7:12).

272. LOCKE, CONDUCT, *supra* note 78, § 43, at 223 (paraphrasing *Matthew* 22:39 and *Mark* 12:31).

273. *See* LOCKE, GOVERNMENT, *supra* note 9, bk. I, § 86, at 205; LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. II, ch. XXVIII, § 8, at 352; *id.* bk. IV, ch. VII, § 11, at 598–99; *id.* bk. IV, ch. XIX, § 4, at 698; LOCKE, REASONABLENESS OF CHRISTIANITY, *supra* note 76, ch. III, at 18–21; *id.* ch. XIV, at 139–41, 147–59.

274. LOCKE, REASONABLENESS OF CHRISTIANITY, *supra* note 76, ch. XIV, at 149, 156.

275. *Id.* ch. XI, at 119.

276. *See supra* text accompanying notes 221–57.

3. The Relationship Between Faith and Reason

As this discussion makes clear, Locke rejects the common view that faith is opposed to reason and can override the clear teachings of reason.²⁷⁷ According to Locke, “*Faith* is nothing but a firm Assent of the Mind.”²⁷⁸ As “rational Creature[s],” individuals have a “Duty” to “regulate[]” their beliefs so that they are founded on “good Reason.”²⁷⁹ By contrast, one who “believes, without having any Reason for believing, may be in love with his own Fancies; but neither seeks Truth as he ought, nor pays the Obedience due to his Maker, who would have him use those discerning Faculties he has given him, to keep him out of Mistake and Error.”²⁸⁰

For Locke, this view has crucial implications for an approach to revelation. Where God has revealed a truth, one is absolutely bound to believe it, since it comes from a being who is all-knowing and incapable of lying or deceit.²⁸¹ At the same time, however, reason imposes critical constraints on what one can believe. First, although one must believe what God communicates through revelation, one must use reason to determine whether something counts as a revelation in the first place.²⁸² For example, Locke contends that the miracles that Christ performed constitute irrefutable evidence that the New Testament constitutes a true revelation.²⁸³

Second, reason sets bounds to the *content* of what can be accepted as revelation. In this regard, Locke distinguishes between three kinds of propositions: those that are according to reason, those that are above reason, and those that are contrary to reason.²⁸⁴ Revelation can teach things that are “*According to Reason*,” such as the idea that God exists²⁸⁵ or the moral truths that are contained in the Gospel.²⁸⁶ In addition, revelation can teach things that are “*Above Reason*.”²⁸⁷ For example, while one’s natural faculties can tell one

277. See LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. IV, ch. XVII, § 24, at 687–88; *id.* bk. IV, ch. XVIII, § 11, at 696.

278. *Id.* bk. IV, ch. XVII, § 24, at 687.

279. *Id.* bk. IV, ch. XVII, § 24 at 687–88.

280. *Id.*

281. See *id.* bk. IV, ch. XVIII, § 5, at 692; *id.* bk. IV, ch. XVIII, § 8, at 694.

282. See *id.* bk. IV, ch. XVIII, § 6, at 693; *id.* bk. IV, ch. XVIII, § 8, at 694; *id.* bk. IV, ch. XVIII, § 10, at 695.

283. See LOCKE, REASONABLENESS OF CHRISTIANITY, *supra* note 76, ch. XIV, at 142–43, 146–47, 153.

284. See LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. IV, ch. XVII, § 23, at 687.

285. See *id.* For Locke’s argument that the existence of God is rationally demonstrable, see *supra* text accompanying notes 103–06.

286. See *supra* text accompanying notes 273–75.

287. LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. IV, ch. XVII, § 23, at 687.

nothing about the existence of spirits, the New Testament relates “that [a] part of the Angels rebelled against GOD, and thereby lost their first happy state.”²⁸⁸ Similarly, Scripture teaches “that the dead shall rise, and live again” when Christ comes to judge the world.²⁸⁹ These things, “being beyond the Discovery of *Reason*, are purely Matters of *Faith*; with which *Reason* has, directly, nothing to do.”²⁹⁰

By contrast, Locke insists that one cannot have faith in any supposed revelation that is “*Contrary to Reason*,” in the sense that it contradicts what is known “either by immediate intuition . . . or by evident deductions of Reason”²⁹¹—a category that clearly appears to include the principles of the law of nature, which are discerned through reason.²⁹² As he explains:

Faith can never convince us of any Thing, that contradicts our Knowledge. Because though *Faith* be founded on the Testimony of GOD (who cannot lye) revealing any Proposition to us: yet we cannot have an assurance of the Truth of its being a divine Revelation, greater than our own Knowledge. . . . [For] we cannot tell how to conceive that to come from GOD, the bountiful Author of our Being, which if received for true, must overturn all the Principles and Foundations of Knowledge he has given us; render all our Faculties useless; wholly destroy the most excellent Part of his Workmanship, our Understandings; and put a Man in a Condition, wherein he will have less Light, less Conduct than the Beast that perisheth.²⁹³

Finally, and for similar reasons, people must use reason when *interpreting* the words of a revelation, and strive to understand them in a way that is not contrary to reason.²⁹⁴

288. *Id.* bk. IV, ch. XVIII, § 7, at 694; *accord id.* bk. IV, ch. XI, § 12, at 637.

289. *Id.* bk. IV, ch. XVIII, § 7, at 694.

290. *Id.*

291. *Id.* bk. IV, ch. XVII, § 23, at 687; *id.* bk. IV, ch. XVIII, § 5, at 691.

292. On these principles as deductions of reason, see *supra* text accompanying notes 132–35.

293. LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. IV, ch. XVIII, § 5, at 692–93. For an earlier statement of this position, see John Locke, Faith and Reason (1676), in LOCKE: POLITICAL ESSAYS, *supra* note 71, at 248, 249–50.

294. See LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. IV, ch. XVIII, § 8, at 694; *cf. id.* bk. III, ch. IX, § 23, at 490 (urging that we should “be more careful and diligent in observing” the “plain, and very intelligible” “Precepts of Natural Religion,” which are found through the “light of Reason,” “and less magisterial, positive, and imperious, in imposing our own sense and interpretations” of the “other revealed Truths” that are conveyed in obscure and difficult passages of Scripture).

Locke concludes by observing that, when faith keeps within its proper bounds, it causes no “violence or hindrance to *Reason*; which is not injured, or disturbed, but assisted and improved, by new Discoveries of Truth, coming from the Eternal Fountain of all Knowledge.”²⁹⁵ Understood in this way, faith is “nothing else but an Assent founded on the highest Reason.”²⁹⁶ By contrast, the belief that faith is opposed to reason is responsible for “those Absurdities, that fill almost all the Religions which possess and divide Mankind.”²⁹⁷ To the extent that this belief is accepted, “there will, in matter of Religion, be no room for *Reason* at all,” with the result that religion, which “ought most peculiarly to elevate us, as rational Creatures, above Brutes, is that wherein Men often appear most irrational, and more senseless than Beasts themselves.”²⁹⁸

B. *Religious Liberty and the Relationship Between Church and State*

Now that we have discussed Locke’s conception of religion, let us explore his theory of religious liberty and the relationship between church and state.

1. Religious Liberty

Locke holds that because individuals are rational creatures, they are inherently free.²⁹⁹ This freedom takes two forms that are relevant for present purposes. First, as Locke indicates in the *Second Treatise*, individuals have what may be called external freedom, that is, the rights to enjoy life and liberty and to acquire and possess property in the external world.³⁰⁰ Second, as he emphasizes in *A Letter Concerning Toleration*, individuals have the liberty to believe and worship as they think fit.³⁰¹

In a state of nature, individuals possess both forms of freedom. Precisely because life, liberty, and property are external, however, they are vulnerable to attack by others.³⁰² Although individuals are entitled to use force to protect themselves from aggression, in practice they will often lack the strength to do so.³⁰³ For this reason, Locke holds that rational individuals would agree to give

295. *Id.* bk. IV, ch. XVIII, § 10, at 695.

296. *Id.* bk. IV, ch. XVI, § 14, at 668.

297. *Id.* bk. IV, ch. XVIII, § 11, at 696.

298. *Id.*

299. *See supra* text accompanying note 150.

300. *See* LOCKE, GOVERNMENT, *supra* note 9, bk. II, § 4, at 269; *id.* bk. II, § 6, at 271; *id.* bk. II, § 123, at 350.

301. *See* LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 15–17, 32–33, 38, 47–48, 53, 58–59.

302. *See id.* at 46–47.

303. *See* LOCKE, GOVERNMENT, *supra* note 9, bk. II, § 126, at 351.

up some of their external freedom and enter into civil society for the protection of their life, liberty, and property.³⁰⁴

By contrast, Locke contends that when they make the social contract, rational individuals would *not* give up any of their religious liberty or grant the government any power over religious matters.³⁰⁵ Nor can it be shown that God or the law of nature have conferred any such power on the government.³⁰⁶ It follows that while the government may use force to regulate the external conduct of individuals toward one another, it may not use force to interfere with their liberty of worship or belief.³⁰⁷

Before considering the arguments that Locke makes for this position, it will be helpful to briefly describe his views on the nature of belief and knowledge. According to Locke, belief and knowledge are partly “*voluntary*” and partly “*necessary*.”³⁰⁸ One can freely decide whether to look in a particular direction or to turn one’s thoughts to the consideration of a particular matter.³⁰⁹ Having done so, however, what one comes to see or know is not a matter of choice. As Locke explains:

[A]ll that is *voluntary* in our Knowledge, is the *employing*, or with-holding any of *our Faculties* from this or that sort of Objects, and a more, or less accurate survey of them: But they being employed, *our Will hath no Power to determine the Knowledge of the Mind* one way or other; that is done only by the Objects themselves, as far as they are clearly discovered.³¹⁰

The same thing is true of matters that are the subject of faith or opinion rather than of knowledge.³¹¹

With this background, let us explore Locke’s claim that when rational individuals form civil society, they would not surrender their religious liberty or accord the government any power over religious matters. In *A Letter Concerning Toleration*, Locke makes several arguments for this position.

(1) *The inalienability of religious liberty*—Locke’s leading argument is that individuals would not give the ruler or “the Civil Magistrate” any authority over religion

304. See *id.* bk. II, §§ 87–89, at 323–25; *id.* bk. II, §§ 127–31, at 352–53.

305. See LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 13.

306. See *id.*; LOCKE, THIRD LETTER FOR TOLERATION, *supra* note 228, ch. II, at 202.

307. See LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 12–15, 46–47.

308. LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. IV, ch. XIII, § 1, at 650.

309. See *id.* bk. IV, ch. XIII, §§ 1–2, at 650.

310. *Id.* bk. IV, ch. XIII, § 2, at 650–51.

311. See *id.* bk. IV, ch. XV, § 5, at 656; *id.* bk. IV, ch. XVI, § 1, at 657–58; *id.* bk. IV, ch. XVI, § 9, at 663.

because no man can so far abandon the care of his own Salvation, as blindly to leave it to the choice of any other, whether Prince or Subject, to prescribe to him what Faith or Worship he shall embrace. For no Man can, if he would, conform his Faith to the Dictates, of another. All the Life and Power of true Religion consists in the inward and full perswasion of the mind: And Faith is not Faith without believing. Whatever Profession we make, to whatever outward Worship we conform, if we are not fully satisfied in our own mind that the one is true, and the other well pleasing unto God; such Profession and such Practice, far from being any furtherance, are indeed great Obstacles to our Salvation.³¹²

This argument rests on the notion that we are rational creatures who seek happiness not only in this world but also in the world to come.³¹³ To attain salvation, we must use our minds to discover the truth about God and the path he wants us to follow. The freedom to do this is inalienable, for as a rational creature I can never “abandon the care of [my] own Salvation,” nor can I allow anyone else to do my thinking for me.³¹⁴ To do so would not only be in inherent conflict with my nature as an intelligent being, it would also be futile, for the act of believing can be effective only if I engage in it myself, and I can gain no benefit from beliefs that I do not actually hold.³¹⁵ Moreover, I could not “conform [my] Faith to the Dictates, of another” even if I wanted to, since what one believes is not voluntary, but is determined by the objects that one considers.³¹⁶ For these reasons, the magistrate can derive no power over religion from “the *Consent of the People*” when they enter civil society.³¹⁷ And according to Locke, revelation points in the same direction, for “it appears not that God has ever given any such Authority to one Man over another, as to compell any one to his Religion.”³¹⁸

312. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 13.

313. *See id.* at 13, 15, 45–47; LOCKE, REASONABLENESS OF CHRISTIANITY, *supra* note 76, ch. XIV, at 161–63; Locke, Civil and Ecclesiastical Power, *supra* note 229, at 216–19.

314. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 13.

315. For an earlier expression of this point, see Locke, Toleration A, *supra* note 72, at 232.

316. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 13; *see supra* text accompanying notes 308–11.

317. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 13. An earlier version of this inalienability argument appears in the unpublished essay on toleration that Locke wrote in 1667. *See* JOHN LOCKE, AN ESSAY CONCERNING TOLERATION (1667), *in* AN ESSAY CONCERNING TOLERATION AND OTHER WRITINGS ON LAW AND POLITICS 1667–1683, at 267, 272 (J. R. Milton & Philip Milton eds., Clarendon Press 2006) [hereinafter LOCKE, ESSAY CONCERNING TOLERATION].

318. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 13.

(2) *The inefficacy of force*—The notion that belief is involuntary also plays an important part in Locke’s second argument for rejecting governmental authority over religious belief. The magistrate can have no such authority, Locke writes,

because his Power consists only in outward force: But true and saving Religion consists in the inward perswasion of the Mind; without which nothing can be acceptable to God. And such is the nature of the Understanding, that it cannot be compell’d to the belief of any thing by outward Force. Confiscation of Estate, Imprisonment, Torments, nothing of that Nature can have any such Efficacy as to make Men change the inward Judgment that they have framed of things.³¹⁹

Instead, “[i]t is only Light and Evidence that can work a change in Mens Opinions.”³²⁰ To put it another way, “it is absurd that things should be enjoyed by Laws, which are not in mens power to perform. And to believe this or that to be true, does not depend upon our Will.”³²¹

(3) *The fallibility of rulers*—Locke further argues that even if the magistrate did have effective means to alter the beliefs of individuals, that “would not . . . help at all to the Salvation of their Souls,” for the magistrate has no more insight into religious truth than his subjects do.³²² It would therefore be senseless to require them “to quit the Light of their own Reason; to oppose the Dictates of their own Consciences; and blindly to resign up themselves to the Will of their Governors, and to the Religion, which either Ignorance, Ambition, or Superstition had chanced to establish in the Countries where they were born.”³²³ Instead, Locke asserts that “Truth certainly would do well enough, if she were once left to shift for her Self.”³²⁴

In the *Letter*, Locke makes points (2) and (3) in objective terms: because force is incapable of changing minds and civil rulers have no special insight into religious matters, it is objectively unreasonable to hold that those rulers have any power in the religious sphere. But it is easy to see how these two points can also be recast to support Locke’s claim that rational individuals would not grant such power to civil rulers. In some of his other writings, Locke does suggest arguments of this sort. For example, in the *Third Letter for*

319. *Id.* at 13.

320. *Id.* at 14.

321. *Id.* at 44; accord LOCKE, ESSAY CONCERNING TOLERATION, *supra* note 317, at 272.

322. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 14–15, 28.

323. *Id.* at 14–15.

324. *Id.* at 45.

Toleration, he intimates that the people would not grant such power, for the use of that power by fallible magistrates would cause “much more harm than good . . . towards the propagating the true religion in the world.”³²⁵

(4) *The lack of injury to others*—Finally, Locke argues that religious belief and worship are beyond the government’s power because they cause “no Injury” to others.³²⁶ As he explains more fully in the *Third Letter*, individuals would form a commonwealth solely to protect themselves against such injuries as could be prevented only by force, since other ends could be pursued equally well through nonpolitical forms of society.³²⁷ “Now since no man, or society of men, can by their opinions in religion, or ways of worship, do any man who differed from them any injury,” Locke contends, “the punishing any opinion in religion or ways of worship by the force given the magistrate, could not be intended by those who constituted or entered into the commonwealth.”³²⁸ On the contrary, because everyone in a state of nature has a right to be free from force in matters of religion, “protection from such injury is one of the ends of a commonwealth, and so every man has a right to toleration.”³²⁹

For all these reasons, Locke concludes “that Liberty of Conscience is every mans natural Right” and that individuals retain this right when they enter society.³³⁰ The magistrate has no authority to restrict religious liberty but instead has a duty to tolerate the adherents of all religions (with the exceptions discussed below) and to protect their civil rights by means of equal laws.³³¹

Moreover, Locke holds that the duty of toleration is not confined to the magistrate but extends to everyone in the society. In an important passage, he writes that no church or

private Person has any Right, in any manner, to prejudice another Person in his Civil Enjoyments, because he is of another Church or Religion. All the Rights and Franchises that

325. LOCKE, THIRD LETTER FOR TOLERATION, *supra* note 228, ch. II, at 213.

326. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 37; *accord id.* at 20, 41, 44–45; LOCKE, ESSAY CONCERNING TOLERATION, *supra* note 317, at 274; Locke, Civil and Ecclesiastical Power, *supra* note 259, at 219; John Locke, Critical Notes upon Edward Stillingfleet’s *Mischief and Unreasonableness of Separation* (n.d.), in WRITINGS ON RELIGION 73, 74–75, ms. at 76 (Victor Nuovo ed., 2002) [hereinafter Locke, Notes on Stillingfleet].

327. See LOCKE, THIRD LETTER FOR TOLERATION, *supra* note 228, ch. II, at 212.

328. *Id.*

329. *Id.*

330. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 53; see also LOCKE, ESSAY CONCERNING TOLERATION, *supra* note 317, at 271, 275 (contending that “in speculations & religious worship every man hath a perfect uncontrouled liberty” and “an absolute & universall right to toleration”).

331. See LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 12–15, 57.

belong to him as a Man, or as a Denison, are inviolably to be Preserved to him. These are not the Business of Religion. No Violence nor Injury is to be offered him, whether he be Christian or Pagan. Nay, we must not content our selves with the narrow Measures of bare Justice. Charity, Bounty, and Liberality must be added to it. This the Gospel enjoyns; this Reason directs; and this that natural Fellowship we are born into requires of us. If any man err from the right way, it is his own Misfortune, no Injury to thee: Nor therefore art thou to punish him in the things of this Life, because thou supposest he will be miserable in that which is to come.³³²

This passage highlights several points that are essential for understanding Locke's view. First, the duty of toleration applies to private parties as well as to the government. Second, this duty comprises not merely a negative obligation to refrain from harming others on account of religion, but also a positive injunction to treat them with "Charity" and "Liberality."³³³ Third, this duty is said to arise from "the Gospel" as well as from "Reason" and from membership in the natural community of mankind.³³⁴ In this way, Locke equates the revealed law of God with the law of nature and reason. This is consistent with his view that reason and revelation have the same content, as well as his view that the law of nature includes both positive and negative obligations.³³⁵ Fourth, because the duty of toleration arises from the law of nature as well as from the Gospel, that duty is not limited to "the mutual Toleration of Christians in their different Professions of Religion," as he puts it at the outset of the *Letter*.³³⁶ Instead, the duty also extends to the members of other religions, including the "Pagan[s]" he refers to here, as well as the Jews and Muslims he discusses elsewhere.³³⁷ Finally, all of this underscores the broader point that Locke's argument in the *Letter* is based on natural religion and natural rights as much as on Christian theology.

So far, we have been focusing on the arguments that Locke makes for religious toleration based on the inherent *liberty* of individuals. But the subject can also be approached from the standpoint of their inherent *duties*. Under the

332. *Id.* at 20.

333. *Id.*

334. *Id.*

335. See *supra* text accompanying notes 156, 273–75.

336. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 7.

337. See *id.* at 58–59 ("[N]either *Pagan*, nor *Mahumetan*, nor *Jew*, ought to be excluded from the Civil Rights of the Commonwealth, because of his Religion."). For an exploration of Locke's view, see MARSHALL, EARLY ENLIGHTENMENT, *supra* note 8, ch. 19, at 593.

law of nature, individuals are bound to worship God and to obey his will.³³⁸ Because their eternal happiness depends on believing and doing the things that God has prescribed, “the observance of these things is the highest Obligation that lies upon Mankind, and . . . our utmost Care, Application, and Diligence, ought to be exercised in the Search and Performance of them.”³³⁹ An individual who adheres to erroneous beliefs or modes of worship causes no injury to anyone else.³⁴⁰ It follows that no one has a right to interfere with such worship or belief, which are matters solely between oneself and God.³⁴¹ If the magistrate should attempt to do so, one has not only a right but a duty to follow one’s own conscience, “[f]or Obedience is due in the first place to God, and afterwards to the Laws.”³⁴² In this way, the “Liberty” that individuals have in religious matters can also be seen as a function of their duty towards God.³⁴³

2. The Separation of Church and State

For Locke, the same considerations that support the protection of religious liberty also mandate the separation of church and state. Indeed, these principles are merely two sides of the same coin. Because religious liberty is an inherent and inalienable right, rational individuals would not cede any of it to the polity when they make the social contract and establish civil government.³⁴⁴ It follows that “the whole Jurisdiction of the Magistrate reaches only to [the *Civil Interests* of its members] . . . ; and that it neither can nor ought in any manner to be extended to the Salvation of Souls.”³⁴⁵

Instead, that concern lies within the sphere of religious societies or churches. In opposition to the traditional view which was embraced by the Restoration religious and political order, Locke insists that “No Man by nature is bound unto any particular Church or Sect, but every one joins himself voluntarily to that Society in which he believes he has found that Profession and Worship which is truly acceptable unto God.”³⁴⁶ As a “free and voluntary Society,” a church has the power to make rules to govern itself as well as to

338. See *supra* text accompanying note 223.

339. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 45.

340. See *id.* at 45–46.

341. See *id.*; LOCKE, ESSAY CONCERNING TOLERATION, *supra* note 317, at 271–75; Locke, Notes on Stillingfleet, *supra* note 326, at 73–75, ms. at 19, 76.

342. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 48.

343. *Id.* at 47–48. For a persuasive argument to this effect, see Harris, *supra* note 8.

344. See LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 13.

345. *Id.* at 12–13.

346. *Id.* at 15; accord Locke, Notes on Stillingfleet, *supra* note 326, at 75, ms. at 78.

establish its own articles of faith and forms of worship.³⁴⁷ When individuals deviate from the doctrine or discipline of the church to which they belong, it may respond with persuasion, admonition, and ultimately excommunication.³⁴⁸ But the church may not use any force against its members or deprive them of their civil goods, let alone “persecute others, and force [them] by Fire and Sword, to embrace her Faith and Doctrine.”³⁴⁹ Civil goods belong to individuals as human beings and as members of the commonwealth; those goods are within the jurisdiction and the protection of the civil magistrate and may not be invaded on grounds of religion.³⁵⁰

For these reasons, Locke holds that the commonwealth and the church (or rather churches) must be regarded as “absolutely separate and distinct . . . Societies; which are in their Original, End, Business, and in every thing, . . . infinitely different from each other.”³⁵¹ The state is empowered to use force to promote the happiness of individuals in this world, while churches use spiritual means to promote their happiness in the world to come.³⁵²

3. Conclusion

In sum, the Lockean defense of religious toleration is rooted in the idea that human beings are rational creatures. Locke argues that they must be free to use their own minds to seek the truth that leads to salvation, and he uses this argument to undermine the authoritarianism of the Restoration order.

These points can be clearly seen in the extended, and increasingly acrimonious, debate that took place between Locke and his most acute critic on toleration, the Oxford don Jonas Proast.³⁵³ In a 1690 critique of the *Letter Concerning Toleration*, Proast acknowledged that individuals could be saved by “true religion” only if they actually believed it to be true, and he also granted “that reason and arguments are the only proper means whereby to induce the mind to assent” to truth.³⁵⁴ For Proast, however, it did not follow that individuals should be left free in matters of religion:

For if men, in choosing their religion, are . . . generally

347. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 16–20, 32–33, 44–45.

348. *See id.* at 18–20.

349. *Id.* at 17–19.

350. *See id.* at 19.

351. *Id.* at 24.

352. *See id.* at 12, 15–16, 24, 45–48.

353. For some recent explorations of this debate, see VERNON, *supra* note 8; Goldie, *Religious Toleration*, *supra* note 8.

354. JONAS PROAST, THE ARGUMENT OF THE LETTER CONCERNING TOLERATION, BRIEFLY CONSIDERED AND ANSWERED (1690), *in* LOCKE ON TOLERATION, *supra* note 69, at 54–55.

subject, . . . when left wholly to themselves, to be so much swayed by prejudice and passion, as either not at all, or not sufficiently to regard the reasons and motives which ought alone to determine their choice; then it is in every man's true interest, not to be left wholly to himself in this matter, but that care should be taken, that in an affair of so vast a concern to himself, he may be brought even against his own inclination, if it cannot be done otherwise (which is ordinarily the case) to act according to reason and sound judgement.³⁵⁵

On these grounds, Proast argued that the civil magistrate must have the power to enforce the "spiritual authority" of the Anglican clergy by requiring their flock "to pay them reverence and due submission," as well as by compelling dissenters to "rethink" their views and to open their minds to consider the teachings of the established church, where they will find the "truth which must save them."³⁵⁶

As Locke observed, however, Proast's argument that individuals could be forced to consider the reasons for their religious beliefs was meant to apply only to dissenters, not to those who conformed to the established church.³⁵⁷ In effect, then, dissenters were being punished for the beliefs they held and not for their failure to consider reasons and arguments.³⁵⁸ Reasonable people could differ about what beliefs were true; to impose one's views on others amounted to an assertion of infallibility.³⁵⁹ There was no basis to believe that the magistrate was more free from passion and prejudice than his subjects, or more concerned for the welfare of their souls.³⁶⁰ For these reasons, Locke concluded, I am entitled to use "my [own] reason . . . to examine and judge" for myself in religious matters and to care for my own soul.³⁶¹ At bottom, Locke's position was that the authoritarian religious order that Proast defended failed to respect individuals as rational creatures who were capable of using their minds to pursue religious truth and salvation, and who all had an equal claim to do so.³⁶²

355. *Id.* at 63–64.

356. *Id.* at 60–63.

357. See JOHN LOCKE, A SECOND LETTER CONCERNING TOLERATION (1690), in 5 THE WORKS OF JOHN LOCKE 59, 93–97 (12th ed. 1823) [hereinafter LOCKE, SECOND LETTER CONCERNING TOLERATION].

358. See *id.* at 74–75.

359. See *id.* at 89–91.

360. *Id.* at 135–36.

361. *Id.* at 89, 127, 132, 135–36; accord Locke, Notes on Stillingfleet, *supra* note 326, at 75–77, ms. at 86.

362. See LOCKE, SECOND LETTER CONCERNING TOLERATION, *supra* note 357, at 131, 133 (maintaining that "the laws of the state [ought to be] made . . . equal to all the subjects, without

As Locke had put the point more than two decades earlier, to compel religious belief by force would invade “the liberty of that part where in lyes the dignity of a man, which could it be imposd on would make him but little different from a beast.”³⁶³

C. *The Limits of Religious Liberty and Toleration*

1. Religious Liberty

Although the rights of religious liberty and toleration are broad, they are not absolute. As we have seen, the government may not mandate the religious beliefs that individuals or churches should hold or the forms of worship they should engage in.³⁶⁴ Likewise, the government would exceed its authority if it relied on religious grounds to restrict religious belief, worship, or practice.³⁶⁵

On Locke’s view, however, the government may properly rely on *civil* grounds to regulate the external conduct that individuals engage in, even when they do so for religious reasons.³⁶⁶ The most clear-cut situation involves conduct that itself violates the law of nature or the rights of others. Thus, religious rituals that involve child sacrifice are no more protected than any other kind of murder.³⁶⁷ Moreover, as we have seen, Locke contends that religious liberty does not permit one to inflict “Violence [or] Injury” on others on account of religion.³⁶⁸ To do so would violate their natural and civil rights to life, liberty, and property as well as their own religious freedom.³⁶⁹ In this way, the same law of nature that protects religious liberty also establishes the limits of that liberty.

More broadly, Locke holds that while the government may not target religious conduct as such, it may require all individuals to comply with general laws made for the public good.³⁷⁰ For example, if individuals are generally permitted to slaughter livestock, the government may not ban the sacrifice of

distinction of men of different professions in religion”). Locke was not alone in taking this position. For example, as Richard Ashcraft has shown, during the 1670s, dissenting theologians also criticized the Anglican religious order for failing to treat individuals as rational beings, and they developed a theory of religion and liberty that anticipated Locke’s. See ASHCRAFT, *supra* note 8, at 49–69.

363. LOCKE, ESSAY CONCERNING TOLERATION, *supra* note 317, at 293–94.

364. See LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 33, 44–45.

365. See *id.* at 37–38, 48–49.

366. See *id.* at 37–38.

367. See *id.* at 37.

368. *Id.* at 20.

369. See *id.* at 20, 23.

370. See *id.* at 37–38.

calves in religious ceremonies.³⁷¹ By contrast, if the public interest required the government to prohibit all slaughter of calves for a period of time in order to rebuild the stock after a plague, religious liberty would afford believers no right to an exemption from this ban.³⁷²

For Locke, both of these cases are governed by the same principle of separation of religion and state. On one hand, the state may not intrude into the religious realm by restricting conduct on religious grounds, such as the belief that it is idolatrous.³⁷³ But on the other hand, jurisdiction over civil matters belongs to the state, and it would undermine the integrity of the civil realm if religious believers were entitled to demand exemption from general laws made for the common good.³⁷⁴ For Locke, then, the state and religion are both autonomous spheres that are governed by their own principles, within the larger framework of the law of nature.

Locke maintains that, if state officials conscientiously avoid religious considerations and direct their actions to the public good, the laws that they make will rarely conflict with “*the Conscience of a private Person.*”³⁷⁵ If such a case were to arise, however, Locke’s solution is that the

Person is to abstain from the Action that he judges unlawful; and he is to undergo the Punishment, which . . . is not unlawful for him to bear. For the private Judgment of any Person concerning a Law enacted in Political Matters, for the publick Good, does not take away the Obligation of that Law, nor deserve a Dispensation.³⁷⁶

This position accords with Locke’s account of the social contract in the *Second Treatise*, which holds that when individuals enter civil society, they give up the unrestricted right to act on their own “private Judgment” and agree to submit to the public judgment of the community or the government, who are entrusted with the power to act for the good of all.³⁷⁷

As Locke emphasizes, however, that power is limited to civil affairs. By contrast, for the reasons we have discussed, an individual can never give up his

371. *Id.* at 37.

372. *Id.* at 37–38.

373. *See id.* at 38–39.

374. *See id.* at 37–38, 48.

375. *Id.* at 48.

376. *Id.*

377. LOCKE, GOVERNMENT, *supra* note 9, bk. II, §§ 87–89, at 323–25.

“supreme and absolute Authority of judging for himself” in religious matters.³⁷⁸ Thus, just as “the private Judgment of any particular Person, if erroneous, does not exempt him from the obligation of Law, so the private Judgment (as I may call it) of the Magistrate does not give him any new Right of imposing Laws” that go beyond his legitimate authority by injuring individuals on account of religion, or by enriching or favoring one religious group at the expense of others.³⁷⁹ In language that recalls his account of an “appeal to Heaven” in the *Second Treatise*,³⁸⁰ Locke suggests that when individuals are subjected to oppression on account of religion, they are entitled “to resist Force with Force, and to defend their natural Rights . . . with Arms as well as they can,” while trusting that their actions will ultimately be vindicated by “God, . . . the only Judge in this case, who will retribute unto every one at the last day according to his Deserts; that is, according to his sincerity and uprightness, in endeavouring to promote Piety, and the publick Weal and Peace of Mankind.”³⁸¹

2. Religious Toleration

Locke also holds that some kinds of beliefs fall wholly outside the principle of toleration. The first category consists of religious doctrines that “manifestly undermine the Foundations of Society” or “those moral Rules which are necessary to the preservation of Civil Society.”³⁸² As he explains, examples of these are rare, for any church that openly embraced such doctrines would endanger its own interest and reputation. Instead, it is more common for people “arrogate to themselves, and to those of their own Sect, some peculiar Prerogative, covered over with a specious shew of deceitful words, but in effect opposite to the Civil Right of the Community.”³⁸³ For example, those who teach “*that Faith is not to be kept with Hereticks*” imply that they are entitled to break agreements with those they consider unorthodox, while those who

378. See LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 45–46; *accord id.* at 13, 48; LOCKE, THIRD LETTER FOR TOLERATION, *supra* note 228, ch. I, at 187–88, 196–97; ch. III, at 251; *see also supra* text accompanying notes 312–18. For an illuminating account of the concept of private judgment in sixteenth and seventeenth-century radical Protestant thought, and the role that this concept played in Locke’s theory of religious liberty, see MILLER, *supra* note 7, at 75–85.

379. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 48–49.

380. See *supra* text accompanying note 210–13.

381. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 60, 49; *see also* LOCKE, ESSAY CONCERNING TOLERATION, *supra* note 317, at 295–96; *id.* at 275, n. line 19 (suggesting, in a handwritten passage, that individuals may lawfully defend themselves against the magistrate by force in this situation).

382. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 49–50.

383. *Id.* at 50.

maintain “That *Dominion is founded in Grace . . .* do plainly lay claim to the possession of all things,” including governmental power.³⁸⁴ Those who hold such beliefs, Locke writes, and who thus

attribute unto the Faithful, Religious and Orthodox; that is, in plain terms, unto themselves; any peculiar Priviledge or Power above other Mortals, in Civil Concernments; or who, upon pretence of Religion, do challenge any manner of Authority over such as are not associated with them in their Ecclesiastical Communion; I say these have no right to be tolerated by the Magistrate; as neither those that will not own and teach the Duty of tolerating All men in matters of meer Religion. For what do all these and the like Doctrines signifie, but that those Men may, and are ready upon any occasion to seise the Government, and possess themselves of the Estates and Fortunes of their Fellow-Subjects; and that they only ask leave to be tolerated by the Magistrate so long, until they find themselves strong enough to effect it?³⁸⁵

Again, this position is best understood by reference to Locke’s broader understanding of the law of nature. By that law, all individuals are inherently equal.³⁸⁶ When they enter into the social contract, they become equal members of the political community, which is obligated to protect the rights of all through equal laws.³⁸⁷ If religious groups “arrogate to themselves” greater rights or prerogatives than they allow to others, they violate the principles of equality and respect which constitute “the Foundations of Society” as well as “the moral Rules which are necessary to the preservation of Civil Society.”³⁸⁸ In this way, they transgress “the *first and fundamental natural Law*” which mandates “*the preservation of the Society*” and all of its members.³⁸⁹ Moreover, it is only reasonable that those whose rights are threatened should be entitled to protect themselves against this threat.

It may seem that, in taking this position, Locke allows the claims of civil society to override those of religious belief. As we have seen, however, Locke

384. *Id.* at 50–51.

385. *Id.* at 51.

386. See LOCKE, GOVERNMENT, *supra* note 9, bk. II, § 4, at 269; *id.* bk. II, § 6, at 271.

387. See *id.* bk. II, § 22, at 284; bk. II, § 142, at 363.

388. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 49–50. For a discussion of the duty to respect the humanity and rights of others in Lockean thought, see Steven J. Heyman, *A Struggle for Recognition: The Controversy Over Religious Liberty, Civil Rights, and Same-Sex Marriage*, 14 FIRST AMEND. L. REV. 1, 59–61 (2015).

389. LOCKE, GOVERNMENT, *supra* note 9, bk. II, § 134, at 355–56.

holds that, as rational creatures, individuals cannot properly adopt religious beliefs that are contrary to reason, including the principles of the law of nature.³⁹⁰ Those principles are violated by beliefs that seek to subordinate others on religious grounds. It follows that those who hold such beliefs cannot reasonably claim that the failure to respect them violates any legitimate claim to religious freedom.

Second, Locke would deny toleration to any church that is so constituted “that all those who enter into it, do thereby, *ipso facto*, deliver themselves up to the Protection and Service of another Prince”—a position that would conflict with the allegiance that they owe to their own sovereign.³⁹¹ Locke offers the example of a Muslim who is bound to follow a religious leader who himself is wholly “obedient to the *Ottoman* Emperor.”³⁹² Many contemporary readers would have understood this illustration to be a veiled way of describing Catholics who were obedient to the Pope, who claimed both religious and civil authority.³⁹³ However, while this passage of the *Letter* is sometimes understood to deny toleration to all Muslims and Catholics, it can also be read to allow for the toleration of these groups so long as they separate their religious beliefs from the political obligations that would arise from a commitment to religious authorities who also claim political power.³⁹⁴ Other passages suggest that this is Locke’s position.³⁹⁵

On the other hand, Locke unequivocally rejects toleration for atheists.³⁹⁶ Because they do not accept religion, they have no basis for a claim to religious toleration.³⁹⁷ More fundamentally, he asserts that “Promises, Covenants, and Oaths, which are the Bonds of Humane Society, can have no hold upon an Atheist.”³⁹⁸ To readers today, this position may seem not only harsh but incomprehensible, and it is also in tension with Locke’s view that laws that

390. See *supra* text accompanying notes 291–93.

391. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 52.

392. *Id.*

393. See MARSHALL, EARLY ENLIGHTENMENT, *supra* note 8, at 690. As Marshall notes, Locke’s statements that toleration should be denied to those who maintain that “faith is not to be kept with heretics,” *id.* (quoting LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 50), and that “kings excommunicated forfeit their crowns and kingdoms,” *id.* (quoting LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 50), also would have been taken to refer to Catholics. *Id.*

394. See LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 52 n.137 (editor’s note); MARSHALL, EARLY ENLIGHTENMENT, *supra* note 8, at 691–92.

395. See LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 58–59 (contending that “Mahumetan[s]” are entitled to toleration).

396. See *id.* at 52–53.

397. *Id.* at 53.

398. *Id.* at 52–53.

punish individuals for their beliefs are neither effective nor legitimate. On the other hand, it is easy to see how Locke's position accords with his fundamental premise that morality is rooted in the duty to obey God, who establishes the law of nature and backs it up with rewards and punishments.³⁹⁹

VI. REASON AND THE CHRISTIAN RELIGION

Let us pause to summarize the discussion up to this point. The Restoration order was based on an authoritarian conception of both church and state.⁴⁰⁰ This conception held that the Church of England was coextensive with the commonwealth.⁴⁰¹ As the successors of the apostles, the Anglican bishops had God-given authority to prescribe the doctrine and discipline of the church, and their exercise of this authority was backed by the power of the monarch, who himself wielded absolute power over his subjects by divine right.⁴⁰²

To counter this view, Locke developed a radically different theory of religion and politics. This theory was based on the proposition that God had made human beings rational creatures with an inherent right to control their own minds and bodies.⁴⁰³ The commonwealth was a society of free and equal individuals united for the promotion of their welfare in this world, while churches were voluntary associations that were formed to advance their salvation in the world to come.⁴⁰⁴ It followed that neither civil nor ecclesiastical authorities had the power to compel individuals to follow a particular religion.⁴⁰⁵

To make this case, Locke had to show that reason was central to religious belief. In *An Essay Concerning Human Understanding*, he argued for this position on philosophical grounds,⁴⁰⁶ while in *A Letter Concerning Toleration* he drew on this position to argue in favor of religious liberty.⁴⁰⁷ Yet to make his arguments fully convincing to his contemporaries, he also needed to demonstrate that his conception of reason was compatible with Christianity.

399. See *supra* text accompanying notes 224, 234–54.

400. See *supra* Part I.

401. See *supra* text accompanying notes 39–43.

402. See *supra* Sections II.A–B.

403. See *supra* Section III.A.

404. See *supra* Parts IV–V.

405. See *supra* Section V.B.

406. See *supra* Section V.A.1.

407. See *supra* Section V.B.

This is the task that Locke undertook in *The Reasonableness of Christianity*, a work that he published in 1695,⁴⁰⁸ several years after the *Essay* and the *Letter*. In this Part, I explore the ways in which this work sought to harmonize reason and Christian faith, as well as the light that this effort sheds on Locke's approach to religious toleration.

The Reasonableness of Christianity places reason at the center of an account of the creation and redemption of mankind. According to Locke, man was created to be "a Rational Creature."⁴⁰⁹ As such, he was necessarily subject to the "*Law of Reason, or as it is called, of Nature.*"⁴¹⁰ The first man, Adam, began his existence in "the state of perfect Obedience, which is called *Justice* [or *Righteousness*] in the New Testament."⁴¹¹ The reward for this obedience was immortality.⁴¹² Indeed, when the Scriptures say that Adam was "the Son of God," and that he was created in the "*Image and Likeness*" of God, part of what this means is that he was immortal like his divine Father.⁴¹³

When Adam disobeyed God's law by eating the forbidden fruit, he and all his posterity lost this "Happy state of Immortality" and entered into "a state of Death and Mortality."⁴¹⁴ In his mercy, God sent Jesus Christ to "restore[] all mankind to Life."⁴¹⁵ This is the life that all shall "receive again at the Resurrection" of the dead.⁴¹⁶ At that time, individuals shall be judged in accord with their own deeds, and those who are found to be righteous will be entitled to receive "Eternal Life."⁴¹⁷

By itself, however, this did not provide an effective means of salvation.⁴¹⁸ Following the New Testament writers, Locke asserts that righteousness consists in "an exact Conformity to the Law."⁴¹⁹ Because all human beings have sinned, "it follows, that no one could . . . have Eternal Life and Bliss."⁴²⁰

408. See WOOLHOUSE, *supra* note 14, at 350.

409. LOCKE, REASONABLENESS OF CHRISTIANITY, *supra* note 76, ch. II, at 13.

410. *Id.*

411. *Id.* ch. I, at 6.

412. See *id.* ch. II, at 12; *id.* ch. III, at 19; *id.* ch. XI, at 119.

413. *Id.* ch. XI, at 113–15. In the *First Treatise*, Locke contends that being made in the image of God means, in part, that man is "an intellectual Creature." LOCKE, GOVERNMENT, *supra* note 9, bk. I, § 30, at 162.

414. LOCKE, REASONABLENESS OF CHRISTIANITY, *supra* note 76, ch. II, at 12; *id.* ch. I, at 6.

415. *Id.* ch. II, at 11.

416. *Id.* ch. II, at 12.

417. *Id.*

418. See *id.* ch. II, at 14–16.

419. *Id.* ch. II, at 12–13.

420. *Id.* ch. II, at 13.

Of course, one might ask why God gave “so hard a Law to Mankind” that no one before Christ’s time had succeeded in keeping it.⁴²¹ Locke responds that [i]t was such a Law as the Purity of God’s Nature required, and must be the Law of such a Creature as Man, unless God would have made him a Rational Creature, and not required him to have lived by the Law of Reason, but would have countenanced in him Irregularity and Disobedience to that Light which he had; and that Rule which was suitable to his Nature: Which would have been, to have authorized Disorder, Confusion, and Wickedness in his Creatures.⁴²²

Locke adds that if individuals were permitted “to forsake Reason in one point,” there would be no logical stopping place.⁴²³ Moreover, because the dictates of reason are the commands of God, the violation of any one of them amounts to “direct Rebellion” against him.⁴²⁴ To countenance such rebellion would undermine all “Government and Order” and leave human beings to unbounded lawlessness.⁴²⁵

It was on these grounds that God required mankind to live by the law of nature.⁴²⁶ In addition to being knowable through natural reason, this law was the same as the moral part of the law that God had given to the people of Israel through Moses.⁴²⁷ In the words of St. Paul, this law was “*holy, just, and good*,” yet it was not sufficient to save human beings.⁴²⁸

For this reason, God provided a new means of salvation that the New Testament calls “*the Law of Faith*.”⁴²⁹ According to Locke, this law did not dispense with the moral law contained in the Old Testament: because that law is “conformable to the Eternal Law of Right” embodied in the law of nature and reason, it “is of Eternal Obligation, and therefore remains in force still under the Gospel; nor is abrogated by the *Law of Faith*.”⁴³⁰ But while the law of Moses was a “*Law of Works*” that could be satisfied only through “perfect

421. *Id.*

422. *Id.*

423. *Id.* ch. II, at 14.

424. *Id.*

425. *Id.*

426. *See id.* ch. II, at 13–14.

427. *See id.* ch. III, at 17–18.

428. *Id.* ch. II, at 14 (quoting *Romans* 7:12).

429. *Id.* ch. II, at 16.

430. *Id.* ch. III, at 18–19.

Obedience,⁴³¹ God now offered a “New Covenant”⁴³² under which those who have faith “are admitted to Life and Immortality as if they were Righteous.”⁴³³

According to Locke, faith consists in a belief in God and in the promises he has made to human beings.⁴³⁴ The crucial question, then, is “what God requires [people] to believe[] as a condition of the [New] Covenant.”⁴³⁵ The bulk of *The Reasonableness of Christianity* is devoted to an exploration of this question. Locke conducts an exhaustive review of the four Gospels as well as the book of *Acts* to discern what Christ and his apostles preached to be necessary for salvation.⁴³⁶ Locke concludes that, in addition to believing in “one invisible, Eternal, Omnipotent God” who is the “maker of Heaven and Earth,”⁴³⁷ the only thing a person must believe is that Jesus Christ is the Messiah or King who was sent by God to redeem mankind.⁴³⁸

At the same time, Locke contends that mere belief is not enough: to gain the advantages and salvation that come from Christ’s kingdom, individuals must become members of that kingdom through baptism and must live in obedience to its laws.⁴³⁹ To be sure, Locke observes, Christ “did not expect . . . a Perfect Obedience, void of all slips and falls: He knew our Make, and the weakness of our Constitutions too well, and was sent with a Supply for that Defect.”⁴⁴⁰ But his subjects were required to make “a sincere Endeavour after Righteousness, in obeying his Law”—a law that is “of Eternal Obligation” because it “arise[s] from the Constitution of [Man’s] very Nature” as “a Rational Creature.”⁴⁴¹ Christ came into the world not to undermine this law but, “on the contrary, to reform the corrupt state of degenerate Man; And out of those who would mend their Lives, and bring forth Fruit meet for Repentance, erect a new Kingdom.”⁴⁴²

This summary of the *Reasonableness* highlights some of the ways in which Locke contends that Christianity accords with reason. First, at the core of the work is the notion that God made human beings to be rational creatures.

431. *Id.* ch. III, at 17.

432. *Id.* ch. XI, at 111–12.

433. *Id.* ch. III, at 19, 22.

434. *See id.* ch. III, at 21–22.

435. *Id.* ch. III, at 22.

436. *See, e.g., id.* ch. IV–V, at 22–27.

437. *Id.* ch. III, at 22.

438. *See id.* ch. IV, at 22–25. Locke indicates, however, that belief that Jesus is the Messiah also includes belief in the “concomitant Articles of his Resurrection, Rule, and coming again to Judge the World.” *Id.* ch. XV, at 164; *see also id.* ch. V, at 25–26.

439. *See id.* ch. XI, at 111, 118.

440. *Id.* ch. XI, at 120.

441. *Id.* ch. XI, at 119.

442. *Id.*

Second, Locke treats the law of God as essentially identical with the law of nature and reason. Third, while Locke represents this law in highly demanding terms, he also holds that individuals will be saved if they sincerely strive to follow it, even though they inevitably fall short. In this way, he seeks to show that the law is reasonable not only in an objective sense (in establishing an ideal standard of rational human conduct), but also in a subjective sense (in recognizing that a sincere effort to meet this standard is all that can be expected of human beings). Fourth, like other English latitudinarians, Locke seeks to radically simplify the essentials of Christian belief so that they do not require one to grasp difficult metaphysical concepts such as the Trinity, but instead consist of more straightforward assertions that even poor and uneducated people can understand.⁴⁴³

In all these ways, Locke endeavors to show that the Christian doctrine on salvation is consonant with reason. Remarkably, however, he does not insist that Christianity provides the *sole* path to salvation. Toward the end of the work, he takes up “[t]he common Objection” that if sinners are justified through faith in Christ, what shall become of all the people who could not believe in him because they lived before his time?⁴⁴⁴ Locke’s response is that individuals cannot be required to believe any promises other than the ones that God has made to them.⁴⁴⁵ In the time before Christ, God had promised the people of Israel that he would send a “Ruler and Deliverer.”⁴⁴⁶ It follows that

[a]ll . . . that was required, before [Christ’s] appearing in the World, was to believe what God had revealed; And to rely with a full assurance on God for the performance of his Promise; And to believe, that in due time he would send them the *Messiah*; this anointed King; this promised Saviour, and Deliverer, according to his Word.

This Faith in the promises [and Faithfulness] of God; . . . [t]he Almighty takes well at our hands, as a great mark of homage, paid by us poor frail Creatures, to his *Goodness* and *Truth*, as well as to his *Power* and *Wisdom*; And accepts it as an acknowledgment of his peculiar Providence, and Benignity to us. . . . The works of Nature shew his Wisdom and Power; But [it is] his peculiar Care of Mankind, most

443. See *id.* ch. XV, at 167–71. On Locke and latitudinarianism, see John C. Higgins-Biddle, *Introduction to LOCKE, REASONABLENESS OF CHRISTIANITY*, *supra* note 76, at lxiii–lxvii, lxxiv, cxiv–cxv; MARSHALL, *RESISTANCE*, *supra* note 8, at 57–59, 78–81, 122–25, 372–76.

444. LOCKE, *REASONABLENESS OF CHRISTIANITY*, *supra* note 76, ch. XIII, at 135.

445. See *id.*

446. *Id.*

eminently discovered in his Promises to them, that shews his Bounty and Goodness; And consequently engages their Hearts in Love and Affection to him. This oblation of an Heart, fixed with dependance on and affection to him, is the most acceptable Tribute we can pay him; the foundation of true Devotion; and Life of all Religion.⁴⁴⁷

This passage is noteworthy not only for the way in which it broadens the potential for salvation beyond those who profess belief in Christ but also for the way in which it portrays faith. In the *Letter Concerning Toleration*, Locke tended to characterize faith in cognitive terms, that is, as the acceptance of particular propositions.⁴⁴⁸ By contrast, the passage just quoted represents faith in emotional terms as well. This serves to reinforce Locke's argument for toleration, for the use of coercion can no more cause individuals to incline their hearts toward God with "Love and Affection" than it can compel them to accept particular beliefs or doctrines.⁴⁴⁹

Locke widens his account of salvation still further when he considers the fate of those who have never heard even the promise of a savior who is to come.⁴⁵⁰ Once again, Locke responds that individuals cannot be required to believe in a revelation they have never received.⁴⁵¹ As St. Paul recognized, those who did not belong to the people of Israel were capable of knowing the law of nature by means of reason.⁴⁵² By the same token, Locke maintains that such individuals are capable of using reason to discover means of attaining forgiveness for sins:

God had, by the Light of Reason, revealed to all Mankind, who would make use of that Light, that he was Good and Merciful. The same spark of the Divine Nature and Knowledge in Man, which making him a Man, shewed him the Law he was under as a Man; Shewed him also the way of Attoning the merciful, kind, compassionate Author and Father of him and his Being, when he had transgressed that Law. He that made use of this Candle of the Lord, so far as to find what was his Duty; could not miss to find also the way to Reconciliation and

447. *Id.* ch. XIII, at 135–36.

448. *See supra* text accompanying notes 312–29.

449. LOCKE, REASONABLENESS OF CHRISTIANITY, *supra* note 76, ch. XIII, at 136.

450. *See id.* ch. XIV, at 139.

451. *See id.*

452. *See id.* ch. III, at 17–18 (quoting *Romans* 2:14).

Forgiveness, when he had failed of his Duty.⁴⁵³

In this passage, Locke goes beyond the position that we discussed earlier—that natural religion lies at the heart of religion⁴⁵⁴—and contends that, under at least some circumstances, natural religion may be sufficient for salvation. As he recognized, this was a highly controversial view, for many people understood the New Testament to hold that no one could be saved without a belief in Jesus Christ.⁴⁵⁵

At the time Locke wrote, there were a growing number of Deists, who rejected Christianity at least to the extent that it taught any truths that were above reason.⁴⁵⁶ Locke's defense of natural religion might seem to imply that he believed that Deism was sufficient for salvation. In the *Reasonableness*, he stopped short of taking this position. Instead, he asserted that none of those “to whom the Gospel hath been Preached, shall be Saved, without believing *Jesus* to be the *Messiah*.”⁴⁵⁷ Yet under the logic of Locke's position, salvation does not necessarily seem to be limited in this way. In this work, he insists that God does not demand that individuals hold any beliefs that they cannot reasonably be expected to adopt, while in the *Essay Concerning Human Understanding* and the *Letters on Toleration*, he indicates that reason alone may not be sufficient to demonstrate the truth of a revealed religion.⁴⁵⁸ It seems to follow that God would not condemn those who were aware of the Christian message but who reasonably found themselves unconvinced by it.⁴⁵⁹ As Locke says in discussing faith and reason in the *Essay*:

453. *Id.* ch. XIV, at 139–40 (footnote omitted). For an earlier statement along the same lines, see Locke, Notes on Stillingfleet, *supra* note 326, at 74, ms. at 75–76; *cf.* Locke, Of God's Justice (1680), in LOCKE: POLITICAL ESSAYS, *supra* note 71, at 277, 277–78.

454. See *supra* text accompanying notes 221–33.

455. See LOCKE, REASONABLENESS OF CHRISTIANITY, *supra* note 76, ch. XIV, at 141 (observing that *Acts* 4:10–12 asserts that “*there is none other name under Heaven given among men, in which we must be saved*”). Indeed, this was the doctrine of the Church of England as contained in the Thirty-Nine Articles, which condemned anyone who should “presume to say, That every man shall be saved by the Law or Sect which he professeth, so that he be diligent to frame his life according to that Law, and the light of Nature.” THIRTY-NINE ARTICLES, *supra* note 27, art. XVIII.

456. See, e.g., JOHN TOLAND, CHRISTIANITY NOT MYSTERIOUS (1696); COFFEY, *supra* note 18, at 200. For some valuable discussions of Locke's relation to Deism, see Higgins-Biddle, *supra* note 444, at xv–xlii; MARSHALL, RESISTANCE, *supra* note 8, at 407–10, 414–15, 441–42, 454.

457. LOCKE, REASONABLENESS OF CHRISTIANITY, *supra* note 76, ch. XII, at 134.

458. See, e.g., LOCKE, SECOND LETTER CONCERNING TOLERATION, *supra* note 357, at 88; LOCKE, THIRD LETTER FOR TOLERATION, *supra* note 228, ch. I, at 143–45; *id.* ch. IX, at 401–02, 419–21.

459. *Cf.* LOCKE, SECOND LETTER CONCERNING TOLERATION, *supra* note 357, at 75 (arguing that individuals who remain “out of the national church” because “they are not yet convinced” are guilty of “no fault,” and that it therefore would be unjust for the government to punish them).

[H]e that makes use of the Light and Faculties GOD has given him, and seeks sincerely to discover Truth, by those Helps and Abilities he has, may have this satisfaction in doing his Duty as a rational Creature, that though he should miss Truth, he will not miss the Reward of it.⁴⁶⁰

That is not to say that Locke endorses Deism. On the contrary, as he later observed, *The Reasonableness of Christianity* was directed at least in part against that view.⁴⁶¹ As we have seen, Locke holds that so long as it is regulated by reason, revealed religion has substantial advantages over mere natural religion, for the Gospel teaches things about the rules and the rewards of virtue that could not be discovered through natural reason alone.⁴⁶² To put it another way, Locke maintains that ideally one should be “both . . . a *Deist* and a *Christian*”—that is, should seek out the will of God by studying “both the Law of Nature and the Revealed Law.”⁴⁶³

Yet this does not lead Locke to conclude that non-Christians can never be saved. Instead, he seems to hold that while salvation depends on faith that God is “merciful, kind, and compassionate” and that he will pardon those who sincerely seek his forgiveness for sins, this faith may be based on what God has revealed through “the light of Nature” and not only through “particular Promises.”⁴⁶⁴ In this way, he seems to open the door to salvation for Deists as well as for the adherents of non-Christian religions, to the extent that those individuals follow the precepts of natural religion.

In short, while Locke may believe that a rational form of Christianity has advantages over other forms of belief, he appears to recognize that there are other paths to salvation.⁴⁶⁵ This position, which is consistent with his stress on the centrality of reason in the relationship between human beings and God, provides additional support for a principle of religious toleration. That principle is further reinforced by Locke’s effort in the *Reasonableness* to simplify the Christian faith—an effort that not only makes the faith more

460. LOCKE, HUMAN UNDERSTANDING, *supra* note 12, bk. IV, ch. XVII, § 24, at 688; accord John Locke, Error (1698), in LOCKE: POLITICAL ESSAYS, *supra* note 71, at 345, 345–46.

461. See JOHN LOCKE, A SECOND VINDICATION OF THE REASONABLENESS OF CHRISTIANITY (1697) [hereinafter LOCKE, SECOND VINDICATION], in VINDICATIONS OF THE REASONABLENESS OF CHRISTIANITY 27, 36, 71, 101, 191 (Victor Nuovo ed., Clarendon Press 2012).

462. See *supra* text accompanying notes 258–72.

463. LOCKE, SECOND VINDICATION, *supra* note 461, at 71.

464. LOCKE, REASONABLENESS OF CHRISTIANITY, *supra* note 76, ch. XIII, at 137–39; *id.* ch. XIV, at 139–41.

465. Alternatively, if one reads the *Reasonableness* to preclude this, the most plausible conclusion is that Locke is speaking there purely as a Christian theologian rather than a philosopher.

accessible to all individuals, including the poor and uneducated, but that also highlights the fundamental beliefs that all Christians hold in common rather than the points on which they disagree.⁴⁶⁶

VII. CONCLUSION: LOCKE'S LEGACY FOR AMERICA

In works like *A Letter Concerning Toleration* and *Two Treatises of Government*, Locke sought to transform the traditional Western view of religion and politics as it was embodied in Restoration England. That view regarded church and state as interdependent institutions that were empowered by God to direct the spiritual and temporal lives of individuals and that were entitled to unquestioning obedience.

In challenging this authoritarian position, Locke proposed a radically different starting point, which held that individuals were rational creatures who were naturally free to direct their own thoughts and actions. The state was a society of rational creatures who had voluntarily joined together to protect their civil interests. Reason and freedom were also central to the religious sphere. As rational creatures, individuals had an inherent and inalienable liberty to form their own beliefs and to worship God in a manner they believed to be acceptable to him. Neither the government nor private parties had any right to injure others on account of religion, to deprive them of their civil rights, or to coerce them to conform to a particular church. Instead, churches were free and voluntary associations that individuals entered in the hope of attaining salvation. On this view, church and state did not form a unified and divinely ordained religious and political order but rather were separate and distinct institutions that were founded upon the consent of their members. In these ways, Locke sought to liberate individuals from "Tyranny in the Commonwealth"⁴⁶⁷ as well as "from all Dominion over one another in matters of Religion."⁴⁶⁸

Although Locke's writings on religion and toleration were influential in late-seventeenth- and eighteenth-century England,⁴⁶⁹ that nation stopped short of granting the broad toleration that he advocated, let alone establishing a separation of church and state.⁴⁷⁰ Similarly, Locke's political theory was too

466. See LOCKE, REASONABLENESS OF CHRISTIANITY, *supra* note 76, ch. XV, at 169–71; Higgins-Biddle, *supra* note 444, at cxiv–cxv. In the *Letter*, Locke highlights the connection between this approach and religious toleration. See LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 7–10, 16–18, 27–28, 64–67.

467. LOCKE, LETTER CONCERNING TOLERATION, *supra* note 1, at 61.

468. *Id.* at 32.

469. See SELL, *supra* note 8, at 2–3.

470. See COFFEY, *supra* note 18, at 198–206.

radical to achieve full acceptance in his own country. By contrast, his views had a much deeper impact in the New World.

Of course, this is not the place to fully explore the reception of Locke's views in America or to trace the ways in which the new republics followed, expanded upon, and deviated from them. Instead, I wish to conclude with a brief look at a few classic documents that reflect the themes discussed in this Article, and that make clear the profound role that Locke's thought played in laying the foundations for the American political order in general and its protections for religious liberty in particular.

First, consider the Declaration of Independence, which sets forth a justification for the American Revolution that accords with Lockean concepts of natural rights, natural law, and natural religion.⁴⁷¹ After opening with an invocation of "the Laws of Nature and of Nature's God," the Declaration asserts that he has created all human beings equal and has endowed them with "unalienable Rights" to "Life, Liberty and the pursuit of Happiness";⁴⁷² that individuals consent to establish government for the protection of these rights;⁴⁷³ and that when the government abuses its power, the people have a right to revolution.⁴⁷⁴ The document then enumerates the ways that King George III had abused his power and become a "Tyrant."⁴⁷⁵ The signers conclude by "appealing to the Supreme Judge of the world for the rectitude of our intentions" and by declaring their polities to be free and independent states that are absolved of all allegiance to the British crown.⁴⁷⁶ In this way, the Declaration launches the new American political order on Lockean principles.⁴⁷⁷ Those principles also form the basis for the first state bills of rights, such as the Virginia Declaration that I discussed in the Introduction.⁴⁷⁸

Lockean views also lie at the heart of some leading American defenses of religious liberty, including the Bill for Establishing Religious Freedom that

471. DECLARATION OF INDEPENDENCE (1776), *reprinted in* 5 THE FOUNDERS' CONSTITUTION, *supra* note 2, Bill of Rights, doc. 3, at 4, <http://press-pubs.uchicago.edu/founders/documents/v1ch1s5.html> [<https://perma.cc/89YQ-EWTD>].

472. *Id.*

473. *Id.*

474. *Id.*

475. *Id.* at 5.

476. *Id.*

477. See CARL BECKER, THE DECLARATION OF INDEPENDENCE: A STUDY IN THE HISTORY OF POLITICAL IDEAS ch. II (1922); ZUCKERT, NATURAL RIGHTS REPUBLIC, *supra* note 7, at 16.

478. See *supra* text accompanying notes 2–5.

Thomas Jefferson drafted in 1779.⁴⁷⁹ The bill's preamble recites many of the Lockean positions that we have seen in this Article:

- “[T]hat Almighty God hath created the mind free, and . . . ma[de] it altogether insusceptible of restraint”;⁴⁸⁰
- “[T]hat the opinions and belief of men depend not on their own will, but follow involuntarily the evidence proposed to their minds”;⁴⁸¹
- That “the holy author of our religion” has “chose[n] not to propagate it by coercions on either [mind or body], . . . but to extend it by its influence on reason alone”;⁴⁸²
- That civil and ecclesiastical rulers are “but fallible and uninspired men,” whose efforts to “assume[] dominion over the faith of others, . . . hath established and maintained false religions over the greatest part of the world, and through all time”;⁴⁸³
- “That our civil rights have no dependance on our religious opinions, any more than on our opinions in physicks or geometry”;⁴⁸⁴
- “That the opinions of men are not the object of civil government, nor under its jurisdiction”;⁴⁸⁵
- “And finally, that truth is great and will prevail if left to herself; that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition, disarmed of her natural weapons, free argument and debate; errors ceasing to be dangerous when it is permitted freely to [contradict] them.”⁴⁸⁶

For these and other reasons, the bill then provided

that no man shall be compelled to frequent or support any relig[i]ous Worship place or Ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or

479. See THOMAS JEFFERSON, A BILL FOR ESTABLISHING RELIGIOUS FREEDOM (1779), reprinted in 5 THE FOUNDERS' CONSTITUTION, *supra* note 2, amend. I, doc. 37, at 77, http://press-pubs.uchicago.edu/founders/documents/amendI_religions37.html [<https://perma.cc/8QMJ-QP7V>]. For a discussion of Jefferson's reliance on Locke's writings on toleration, see DAVID N. MAYER, THE CONSTITUTIONAL THOUGHT OF THOMAS JEFFERSON 158–60 (1994).

480. JEFFERSON, *supra* note 479, at 77.

481. *Id.*

482. *Id.*

483. *Id.*

484. *Id.*

485. *Id.*

486. *Id.*

goods, nor shall otherwise suffer on account of his religious opinions or belief, but that all men shall be free to profess, and by argument to maintain their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.⁴⁸⁷

The bill concluded by declaring “that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present [bill], or to narrow its operation, such act will be an infringement of natural right.”⁴⁸⁸

In 1786, the Virginia General Assembly enacted a revised version of Jefferson’s bill after defeating a proposal to impose a tax for the support of religious ministry.⁴⁸⁹ The controversy over that proposal also produced another classic defense of religious liberty, James Madison’s Memorial and Remonstrance Against Religious Assessments.⁴⁹⁰

Like Jefferson’s bill, Madison’s Memorial is steeped in a Lockean view of religion and liberty of conscience.⁴⁹¹ After quoting the Virginia Declaration’s assertion “[t]hat Religion . . . can be directed only by reason and conviction, not by force or violence,” the Memorial contends that the free exercise of religion “is in its nature an unalienable right” for two reasons: (1) “because the opinions of men, depending only on the evidence contemplated by their own minds cannot follow the dictates of other men,” and (2) “because what is here a right towards men, is a duty towards the Creator.”⁴⁹² It follows “that in matters of Religion, no mans right is abridged by the institution of Civil Society and that Religion is wholly exempt from its cognizance.”⁴⁹³ The Memorial also maintains that those who claim religious liberty for themselves must be willing to allow “an equal freedom to [others]”,⁴⁹⁴ that establishments

487. *Id.* (alteration in original).

488. *Id.*

489. VIRGINIA, ACT FOR ESTABLISHING RELIGIOUS FREEDOM (1785), *reprinted in* 5 THE FOUNDERS’ CONSTITUTION, *supra* note 2, amend. I, doc. 44, at 84, http://press-pubs.uchicago.edu/founders/documents/amendI_religions44.html [<https://perma.cc/7D6E-4N38>]. Jefferson’s Act was signed into law in January 1786. *See* BANNING, *supra* note 4, at 97. For an account of the pitched political and legislative battle over the religious assessments bill, *see id.* at 88–97.

490. JAMES MADISON, MEMORIAL AND REMONSTRANCE AGAINST RELIGIOUS ASSESSMENTS (1785), *reprinted in* 5 THE FOUNDERS’ CONSTITUTION, *supra* note 2, amend. I, doc. 43, at 82–83, http://press-pubs.uchicago.edu/founders/documents/amendI_religions43.html [<https://perma.cc/6MD5-WLUH>].

491. *See* BANNING, *supra* note 4, at 91–93.

492. MADISON, *supra* note 490, § 1, at 82 (quoting VA. DECLARATION OF RIGHTS, *supra* note 2, art. 16, at 3–4).

493. *Id.*

494. *Id.* § 4, at 82.

of religion improperly assume “either that the Civil Magistrate is a competent Judge of Religious Truth; or that he may employ Religion as an engine of Civil policy”;⁴⁹⁵ that far from being necessary for the support of either religion or civil government, such establishments tend to corrupt religion, to promote “spiritual” and “political tyranny,” and to endanger “the liberties of the people”;⁴⁹⁶ and finally that the use of state power to impose religious uniformity tends to induce struggles for power between sects, to undermine “Christian forbearance, love and charity,” and to provoke disobedience to the government.⁴⁹⁷

Finally, while there is a substantial debate about the original meaning of the Establishment Clause of the First Amendment,⁴⁹⁸ it seems beyond dispute that the Free Exercise Clause was meant to protect religious liberty understood as an inalienable right of individuals. In his speech introducing the Bill of Rights in the First Congress, Madison discussed the rights protected by the state declarations and contended that those rights should also be protected at the federal level.⁴⁹⁹ He observed that those rights included the “natural right[s]” of individuals, or “those rights which are retained when particular powers are given up to be exercised by the Legislature.”⁵⁰⁰ As we have seen, the state declarations described the right to religious liberty in these terms.⁵⁰¹ The same natural rights view can be found in discussions of religious freedom during the debates over ratification of the Federal Constitution,⁵⁰² as well as in the

495. *Id.* § 5, at 83.

496. *Id.* §§ 6–8, 15, at 83–84.

497. *Id.* §§ 11, 13, at 83, 84 (quoting VA. DECLARATION OF RIGHTS, *supra* note 2, art. 16, at 4).

498. Compare, e.g., *Everson v. Bd. of Educ.*, 330 U.S. 1, 11–14 (1947) (Black, J.) (maintaining that the Establishment Clause was intended to reflect the same principles as Jefferson’s Act for Establishing Religious Freedom in Virginia), with *Elk Grove Unified Sch. Dist. v. Newdow*, 541 U.S. 1, 49–50 (2004) (Thomas, J., concurring in judgment) (contending that the clause is simply “a federalism provision intended to prevent Congress from interfering with state establishments” of religion, not a protection for individual religious liberty).

499. For Madison’s speech, see HOUSE OF REPRESENTATIVES, AMENDMENTS TO THE CONSTITUTION, *reprinted in* 5 THE FOUNDERS’ CONSTITUTION, *supra* note 2, Bill of Rights, doc. 11, at 20–40, http://press-pubs.uchicago.edu/founders/documents/bill_of_rightss11.html [<https://perma.cc/XF22-BW2L>].

500. *Id.* at 26.

501. See *supra* text accompanying notes 4–5. The state provisions are collected (together with colonial and related provisions) in THE COMPLETE BILL OF RIGHTS § 1.1.3, at 13–52 (Neil H. Cogan ed., 1997).

502. See, e.g., CENTINEL, No. 2 (1787), in THE COMPLETE BILL OF RIGHTS, *supra* note 501, § 1.2.4.5, at 74 (criticizing the proposed Constitution because it lacks a “declaration, that all men have a natural and unalienable right to worship Almighty God, according to the dictates of their own consciences and understanding”); AN OLD WHIG, No. 5 (1787), in THE COMPLETE BILL OF RIGHTS, *supra* note 501 § 1.2.4.7, at 75–76 (describing “LIBERTY OF CONSCIENCE” as a “natural

constitutional amendments that were proposed by the state ratifying conventions.⁵⁰³ In these ways, the Free Exercise Clause clearly was rooted in the vision of human liberty that Locke had articulated a century earlier.

right] . . . which it is of the utmost importance for the people to retain to themselves, which indeed they have not even the right to surrender, and which at the same time it is of no kind of advantages to government to strip them of”).

503. For example, the New York convention urged an amendment to declare “[t]hat the People have an equal, natural and unalienable right, freely and peaceably to Exercise their Religion according to the dictates of Conscience, and that no Religious Sect or Society ought to be favored or established by Law in preference of others.” New York Proposal (1788), *in* THE COMPLETE BILL OF RIGHTS, *supra* note 501, § 1.1.2.4, at 12. For other state proposals, see THE COMPLETE BILL OF RIGHTS, *supra* note 501, § 1.1.2, at 11–13.