

Pierre Bayle's Reflexive Theory of Toleration

Rainer Forst

"My design is to make a Commentary of a new genre, built on principles more general and more infallible than everything that the study of languages, criticism, or commonplace could afford me."¹

Pierre Bayle is generally seen as one of the most important theorists of toleration in the classical period of the late 17th Century, but his work stands in the shadow of his contemporaries John Locke and Baruch de Spinoza. His argument is mostly regarded as a radical - and somewhat exaggerated - plea for the liberty of conscience.² A proper appreciation of Bayle's contribution to the discourse of toleration, however, shows that his approach stands out by adding a reflexive dimension to the question of the justification of toleration not to be found in either Locke or Spinoza. Bayle clearly saw that any argument for a general duty of mutual toleration had to rest on normative grounds accessible to and valid for believers of quite different faiths (or of no faith) as well as on a conception of faith that leads to religious self-restraint without implying skepticism (to mention the second important interpretation of his thought that is misleading).³ This approach, in a reconstructed form, is an essential reference point for any contemporary attempt to justify toleration (and its limits). At least, this is what I want to argue.⁴

To fully understand Bayle, however, we need to go back historically to the most important source for arguments for as well against toleration in the Christian tradition, to Augustine. In addition, a brief look at the debate between Locke and his critic Jonas Proast will serve as a contrast in order to see how far Bayle's conception avoids the problems of a classic defense of the freedom of conscience. But to start with, a few words about the concept of toleration.

¹ Pierre Bayle, *Philosophical Commentary*, ed. and tr. A. Godman Tannenbaum (New York et al.: Peter Lang, 1987), p. 27.

² See for example Sean O'Cathasaigh, "Bayle and Locke on Toleration," in *De l'Humanisme aux Lumières, Bayle et le protestantisme*, ed. M. Magdelaine et al. (Paris and Oxford: Universitas and Voltaire Foundation, 1996) as well as Perez Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton: Princeton University Press, 2003), pp. 283-288.

³ That Bayle was a skeptic is argued, among others, by Popkin, "Pierre Bayle's Place in 17th Century Scepticism," in *Pierre Bayle: Le philosophe de Rotterdam*, ed. P. Dibon (Paris: Vrin, 1959), pp. 1-19.

⁴ For a more comprehensive argument that reconstructs the discourse of toleration since the Stoics and early Christianity up to the present, showing the importance of Bayle, see my *Toleranz im Konflikt. Geschichte, Gehalt und Gegenwart eines umstrittenen Begriffs* (Frankfurt/Main: Suhrkamp, 2003).

1. Toleration: Concept and Conceptions

The general concept of toleration can be explained by the three components of *objection*, *acceptance*, and *rejection*.⁵ First, a tolerated belief or practice has to be judged as false or bad in order to be a candidate for toleration; second, apart from these reasons for objection there have to be reasons why it would still be wrong not to tolerate these false or bad beliefs or practices, i.e., reasons of acceptance. Such reasons do not eliminate the reasons of objection; rather, they trump them in a given context. And third, there have to be reasons for rejection which mark the limits of toleration. These limits lie where reasons of acceptance run out, so to speak. All three of those reasons can be of one and the same kind - religious, for example - yet they can also be of different kinds (moral, religious, or pragmatic, to mention a few possibilities).

Obviously, this definition is very general, and the problems begin once these components are fleshed out: What can or should be tolerated, for what reasons, and where are the limits of toleration? Toleration as such is what I call a *normatively dependent concept*, one that is in need of other, independent normative resources in order to gain a certain content and substance - and in order to be something good at all. Hence the most important point about a theory of the justification of toleration is how the three components are provided with content. And it is here, as we will see, that Bayle has something special to offer: He suggests a way to understand the components of acceptance and rejection that uses the very logic of justification built into the question of toleration without reducing the component of objection in a skeptical fashion.

Historically and systematically speaking, a number of different conceptions of toleration have developed (which can be combined with different justifications for toleration). The first one I call the *permission conception*. According to it, toleration is a relation between an authority or a majority and a dissenting, "different" minority (or various minorities). Toleration means that the authority gives qualified permission to the minority to live according to their beliefs on the condition that the minority accepts the dominant position of the authority or majority. As long as their being different remains within limits, that is, is a "private" matter, and as long as the groups do not claim equal public and political status, they can be tolerated on primarily pragmatic grounds - because this form of toleration is the least costly of all possible alternatives and does

⁵ With respect to the first two components I follow Preston King, *Toleration* (New York: St. Martin's Press, 1976), ch 1. Glen Newey, *Virtue, Reason and Toleration* (Edinburgh: Edinburgh University Press, 1999), ch. 1, also distinguishes between three kinds of reasons in his structural analysis of toleration (which, however, differs from mine in the way these reasons are interpreted). For a more extensive discussion, see my "Toleration, Justice and Reason", in *The Culture of Toleration in Diverse Societies*, ed. by Catriona McKinnon and Dario Castiglione (Manchester: Manchester University Press, 2003), 71-85.

not disturb civil peace and order as the dominant party defines it. The permission conception is a classic one that we find in many historical instances of a politics of toleration (such as the Edict of Nantes in 1598) and that - to a considerable extent - still informs our understanding of the term. It is what led Goethe to call toleration an "insult."⁶

The second conception, the *coexistence conception*, is similar to the first one in regarding toleration as the best means to end or avoid conflict and to pursue one's own goals. What is different, however, is the constellation between the subjects and the objects of toleration. For now the situation is not one of an authority or majority in relation to a minority, but one of groups, roughly equal in power, who see that for the sake of social peace toleration is the best of all possible alternatives. They prefer peaceful coexistence to conflict and agree to a certain *modus vivendi*.

In contrast to this, the third conception of toleration - the *respect conception* - is one in which the tolerating parties recognize each other as equal citizens of a state in which members of all groups - majority or minorities - should have equal legal and political status. Even though in their ethical beliefs about the good and true way of life and in their cultural practices they differ remarkably and hold incompatible views, they respect each other as equals in the sense that their common framework of social life should - as far as fundamental questions of the recognition of rights and liberties and the distribution of resources are concerned - be guided by norms that all parties can equally accept and that do not favor one specific "ethical community," so to speak.

In debates on toleration, one finds alongside the conceptions discussed thus far a fourth one, which I call the *esteem conception*. This implies an even fuller, more demanding notion of mutual recognition between citizens, for according to this conception being tolerant does not just mean respecting members of other cultural life-forms or religions as moral and political equals, it also means having some kind of - partial - ethical esteem for these life-forms as valuable social options.

Bayle's thinking about toleration, as we will see, moves between the first and the third conception; in fact, it represents a combination of the two, arguing for social toleration of respect and for political toleration according to the permission conception. But before this can be discussed, the main reference points for Bayle need to be identified - in the first place, Augustine.

⁶ "Tolerance should be a temporary attitude only: it must lead to recognition. To tolerate means to insult." Johann Wolfgang Goethe, *Maximen und Reflexionen*, *Werke* 6 (Frankfurt am Main: Insel, 1981), 507. Trans. R.F.

2. Augustine and the Dialectics of Christian Toleration

Bayle's most important treatise on toleration, the *Commentaire philosophique sur ces paroles de Jésus-Christ 'Contrain-les d'entrer'* (1685) - written in the year in which Louis XIV revoked the Edict of Nantes and in which Bayle's brother died in a French prison at the hands of the "convertists" while Bayle himself had fled to the Huguenot community in Rotterdam⁷ - is an attempt to systematically refute the reasons that could be given for the exercise of religious force. And while there are many contemporaries whom he attacks in these pages - Bishop Bossuet on the one hand, but also fellow Huguenot radicals such as (his former friend and later enemy)⁸ Pierre Jurieu - it is Augustine's defense of the duty of intolerance which Bayle sees as the greatest challenge. And rightly so, as we shall see, for, being aware of Augustine's arguments, Bayle already knew of the weaknesses of an argument for the freedom of conscience that Locke only saw when confronted with Proast's critique.

In his major works, Augustine presents a number of important, paradigmatic arguments for toleration, building upon the works of Tertullian and Cyprian, especially.⁹ First, he proposes toleration motivated by Christian neighborly *love*. Aware of one's own weak and imperfect human nature as well as of that of others, one is called upon to be patient and tolerant with respect to others' mistakes and sins. Toleration is both a sign of charity and love as well as of inner strength and faith in the face of hardship and evil, following the example of Jesus. Toleration out of love hence also includes those who are your enemies and who fight against the true church.¹⁰

Second, Augustine uses the argument of the *two kingdoms* in a particular way. On earth, the kingdom of God and that of the world are intertwined, and it is not up to men, with their finite powers of judgment, to disentangle them and to find who is following the right path and who is to be punished for his sins. The biblical parable of the wheat and the weeds (Matthew 13, 24ff.) serves to illustrate this point: Jesus admonishes his followers not to pull out the weeds (inserted by the devil) before due time, for the danger of destroying parts of the wheat was too great. The time of the harvest is not the time of humans, the final judgment not theirs but that of God - and

⁷ For an informative account of Bayle's life and work see Elisabeth Labrousse, *Bayle*, tr. D. Potts (Oxford: Oxford University Press, 1983).

⁸ See Elisabeth Labrousse, "The Political Ideas of the Huguenot Diaspora (Bayle and Jurieu)", in *Church, State and Society under the Bourbon Kings of France*, ed. R.M. Golden (Lawrence: University of Kansas Press, 1982), pp. 222-283.

⁹ On this, see my *Toleranz im Konflikt*, §§ 4 and 5.

¹⁰ See esp. St Augustine, *The City of God*, tr. H. Bettenson (Harmondsworth: Penguin, 1984), ch. XVIII, section 51.

there will be "weeping there, and grinding of teeth."¹¹ Worldly toleration thus gains its strength from faith in divine justice.

Third, toleration is seen as a means to preserve Christian and church *unity*. The good of the unity of Christians in God is so important that it commands toleration of heretics and the attempt to convince them of the truth with patience and softness, so as to avoid open conflict and possible schism. Those who tolerate such evil are to be praised "because they bear for the sake of unity what they hate for the sake of justice, to prevent the name of Christ from being blasphemed by vile schism."¹²

Fourth, and finally, the argument for the *freedom of conscience* that is not to be and also cannot be forced into a certain belief is of special importance. Only personal faith based on true and authentic inner conviction is pleasing to God; he is insulted by hypocritical or indoctrinated believers. More than that, the workings of conscience are such that it cannot be forced to believe something without true conviction: *credere non potest nisi volens*.¹³ Again, it is important to see that it is the very respect for God that carries the normative thrust of the argument: subjective conscience is not something to be respected for its own sake or for the sake of some kind of "autonomy"; rather, it is respect for God which demands the freedom of conscience, even of those who are in error.

In the course of the enduring and bitter violent conflicts with the schismatic sect of the so-called Donatists during Augustine's time as Bishop of Hippo in Northern Africa, however, his views changed and he developed a counter-theory to his own arguments, one which turned the *same* reasons for toleration into reasons for the *duty of intolerance*. First, consider reasons of *love*. Christian love of one's neighbor (or enemy) cannot imply, Augustine argues, standing by and watching him ruin himself, befallen by a deadly sickness:

If anyone were to see an enemy, delirious with dangerous fever, running headlong, would he not be returning evil for evil if he let him go, rather than if he took means to have him picked up and restrained? Yet he would seem to the man himself most hateful and most hostile when he had proved himself most helpful and most considerate. But, when he recovered his health, his thanks would be lavish in proportion to his former feeling of injury at not being let alone.¹⁴

¹¹ See *ibid.*, XX, 5.

¹² Saint Augustine, *Letters*, Vol. I, tr. Sister W. Parsons (New York: Fathers of the Church Inc., 1951), # 43, p. 201.

¹³ St Augustine, *In Joannis Evangelium*, 26, 2, in *Patrologiae cursus completus*, ed. P. G. Migne, Vol. 35 (Turnhout: Brepols, 1981), p. 1607.

¹⁴ Saint Augustine, *Letters*, Vol. II, tr. Sister W. Parsons (New York: Fathers of the Church Inc., 1953), # 93, p. 58.

Augustine goes on to cite examples of former Donatists, reconverted to the true church, thanking him for being saved, even if that had required the use of force, and he concludes: "Love mingled with severity is better than deceit with indulgence."¹⁵ Tolerance out of love turns into its opposite if it does not heed the call to save the soul of someone in deadly error, and hence intolerance, combined with the use of fear,¹⁶ can be the sign of true and selfless love.

In accordance with this, Augustine develops the doctrine of "benevolent force," which says that "the point to be considered is not whether anyone is being forced to do something, but what sort of thing he is being forced to do, whether it is good or bad."¹⁷ This implies a twofold reconsideration of the argument of the *two kingdoms*. First, it must be possible to disentangle the threads of the good and the bad on earth, and second, it becomes a task of secular justice, i.e., of the state (in the service of the church), to strengthen the truth and punish those who are sinfully wrong. By rejecting the true church, Augustine writes to the Donatists, they show that "you yourselves are the tares and, what is worse, you have cut yourselves off from the good seed before the time."¹⁸ Schism and heresy are seen as crimes that fall within the realm of secular justice, not just because they lead to civil unrest and violence but also because they are crimes comparable to that of poisoning others.¹⁹ And since secular power derives from God, it must pursue the path of truth and of the unity of the church.

The argument of the preservation of *unity* through toleration also falls into a similar dialectics. If the schismatic "madness" becomes too strong, then the use of force may be the only means to stop it. It is here that Augustine refers to the (in)famous biblical parable of "compel them to come in" (Luke 14, 16ff.) - the story of the master of the house who asks his servants to force those who were invited and still do not want to participate in the prepared supper to come in. Augustine thus asks the Donatists: "Do you think that no one should be forced to do right, when you read that the master of the house said to his servants: 'Whomever you find, compel them to come in' (...)." ²⁰ This argument was to become a constant reference point in the discourse of justifying religious force, and it is what Bayle directly addresses in the title of his *Commentaire philosophique*.

¹⁵ Ibid., p. 60

¹⁶ Ibid., p. 57

¹⁷ Ibid, p. 72.

¹⁸ Augustine, *Letters*, Vol. I, # 76, p. 370 (tr. altered).

¹⁹ Augustine, *Contra Epistolam Parmeniani*, in *Patrologiae cursus completus*, ed. P. G. Migne, Vol. 43 (Turnhout: Brepols, no date), I, X, 16, p. 45.

²⁰ Augustine, *Letters*, # 93, p. 60f.

Finally, Augustine rethinks the argument for the *freedom of conscience* in that context. Most important is that he does not retract the idea that true faith must rest on one's own insight and inner conviction; yet he now argues that *terror* can be useful in bringing about such an insight into the truth. Conscience thus *can* be and also *may* be the object of force, if properly justified and exercised.

Not that anyone can be good against his will, but, by fear of enduring what he does not want, he either gives up the hatred that stands in his way, or he is compelled to recognize the truth he did not know. So, through fear, he repudiates the false doctrine that he formerly defended, or he seeks the truth which he did not know, and he willingly holds now what he formerly denied. It would perhaps be useless to say this in any number of words if it were not shown by so many examples.²¹

He goes on to cite a number of examples of successful reconversions to affirm that his earlier position against the use of force to influence conscience has changed "by reason of proved facts."²² In Augustine's eyes, these facts empirically falsify the argument that conscience cannot be influenced by force, though it is still true that beliefs cannot be directly "implanted" from without. But fear is a major power in freeing men from false beliefs and in opening their eyes to the truth, embracing it "from within" if properly guided. Hence there is no independent argument for the freedom of conscience, neither empirically nor normatively speaking; there is no "freedom to err" as there is no freedom to kill one's soul.²³

From his profound knowledge of St. Augustine and the many further medieval as well as modern interpretations of this form of Christian perfectionism (which regarded the care for the soul of the other as the most important Christian duty - a duty owed to God in the first place and not to men), Bayle was aware of the challenge this doctrine posed, both on a normative as well as on an epistemological level. Locke, however, was not; at least not before he encountered Proast's critique.

3. Locke, Proast and Authentic Faith

Locke's *Letter Concerning Toleration*, written at the same time as Bayle's *Commentaire* in Dutch exile²⁴ and also influenced by the revocation of the Edict of Nantes as well as by the inauguration

²¹ Augustine, *Letters*, # 93, p. 72.

²² *Ibid.*, p. 73.

²³ Augustine, *Letters*, Vol. II, # 105, p. 203.

²⁴ Locke and Bayle had met in Rotterdam in 1686 and kept contact after that with further occasional meetings, both praising each other's works. Locke owned some of Bayle's works (and had sent him the *Epistola*), including the *Commentaire*, yet since his first *Letter* was written shortly before the *Commentaire* appeared, no direct influence can

of a Catholic king in England, may not be the most original, but is surely the most influential of the classic texts on toleration.²⁵ The main arguments he presented had been known and used before, yet Locke gave them a paradigmatic and powerful form, grounded in a view of human beings as being God's "property" and thus having certain inalienable rights of liberty, political as well as religious, that cannot be handed over to a human authority.

Locke's first *Letter* is a complex text which contains a number of different considerations to make the case for toleration by the state as well as by citizens and institutions, especially churches. The central idea is that it is in the superior interest of a human being to take care of his immortal soul so as to achieve salvation; this is the "highest Obligation" a human being has towards himself as a being created by God (hence ultimately it is a duty owed to God).²⁶ According to Locke's Protestant conception of this duty, no other human being or institution has any authority regarding the relation between an individual and God: each one stands alone before God, on the basis of his own conviction and conscience.

In a further step, Locke distinguishes this "highest" interest in salvation from "civil" interests which the state has to take care of, such as the protection of life, liberty and possessions. Explaining this essential distinction, Locke gives a number of reasons. First, an individual *cannot* hand over spiritual authority to a human institution "because it appears not that God has ever given any such Authority to one Man over another."²⁷ This is an authority reserved for God, and even if men wanted to, they could not entrust it to other men, for only God can bring about true belief. Conscience is free, in a sense, because it is not free: it belongs to God (as had been taught by Luther).²⁸

be supposed, at least with respect to that first *Letter Concerning Toleration*. See Raymond Klibansky's "Introduction" to John Locke, *Epistola de Tolerantia/ A Letter on Toleration*, ed. Klibansky, tr. J. W. Gough (Oxford: Clarendon Press, 1968), p. xxxiif., and O'Cathasaigh, "Bayle and Locke on Toleration," p. 683.

²⁵ For a comprehensive discussion of Locke's views on toleration, including his writings before and after the first letter, see my *Toleranz im Konflikt*, § 17.

²⁶ John Locke, *A Letter Concerning Toleration*, ed. J. Tully (Indianapolis: Hackett, 1983), p. 47.

²⁷ *Ibid.*, p. 26.

²⁸ William Walwyn, *A Helpe to the Right Understanding of a Discourse Concerning Independency* (1644/45), in *The Writings of William Walwyn*, ed. J.R. McMichel and B. Taft (Athens: The University of Georgia Press, 1989), 136f., formulates this - in the English discourse on religious toleration quite prominent - argument in the following way: "That which a man may not voluntarily binde himself to doe, or to forbear to doe, without sinne: That he cannot entrust or refer unto the ordering of any other: Whatsoever (be it Parliament, Generall Councils, or Nationall Assemblies:) But all things concerning the worship and service of God, and of that nature; that a man cannot without wilfull sin, either binde himselfe to doe any thing therein contrary to his understanding and conscience: not to forbear to doe that which his understanding and conscience bindes him to performe: therefore no man can refer matters of Religion to any others regulation. And what cannot be given, cannot be received: and then as a particular man cannot be robbed of that which he never had; so neither can a Parliament, or any other just Authority be violated in, or deprived of a power which cannot be entrusted unto them."

Second, again, human beings *cannot* leave the care for their soul to another, yet now not for a religious, but for an epistemological reason: "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."²⁹ Human power simply is void when it comes to producing inner belief and authentic faith; the mind is an autonomous entity.

Third, an individual *must not* leave the determination of his or her faith to another, for that would be a sin to God, "Contempt of his Divine Majesty."³⁰ In matters of faith, the individual is not fully autonomous, for he or she has to seek authentic belief.

Furthermore, it would be very *unwise* to leave matters of salvation to others, for they have no superior knowledge of the true path towards salvation, and they might have other interests in guiding one on a path as they see fit, thus possibly leading one astray. The point about the limits of human knowledge concerning truth is important here, though it is not a skeptical one. For it does not doubt the legitimacy of belief in one's church being the true one, nor does it doubt that there is one true way to salvation³¹ - it only doubts that this is anything but a matter of individual or collective belief: "For every Church is orthodox to it self; to others, Erroneous or Heretical."³²

There are a number of other considerations for toleration besides these most important ones that Locke mentions, such as Christian charity and striving for unity, the chance that truth will manifest itself on its own, without guidance, and reflections on the proper means for civil peace.

Still, the question remains which of the above mentioned major reasons is the most important one, and it is a question that Locke himself poses in the *Letter*, at three points. In the first passage important in this respect, Locke grants for the sake of the argument that human power could in fact change the minds of men, and stresses the epistemological truth-relativizing argument for toleration:

The care of the Salvation of Mens Souls cannot belong to the Magistrate; because, though the rigour of Laws and the force of Penalties were capable to convince and change Mens minds, yet would not that help

²⁹ Locke, *A Letter*, p. 26.

³⁰ *Ibid.*, p. 27.

³¹ "There is only one of these which is the true way to Eternal Happiness. But in this great variety of ways that men follow, it is still doubted which is the right one." *Ibid.*, p. 36.

³² *Ibid.*, p. 32.

at all to the Salvation of their Souls. For there being but one Truth, one way to Heaven; what Hopes is there that more Men would be led into it, if they had no Rule but the Religion of the Court, (...).³³

In a second passage, things are exactly reversed. Even if the epistemological restraint-argument were not valid, he says there, the true church still would have no legitimate secular power to force conscience:

If it could be manifest which of these two dissenting Churches were in the right, there would not accrue thereby unto the Orthodox any Right of destroying the other. For Churches have neither any Jurisdiction in worldly matters, nor are Fire and Sword any proper Instruments wherewith to convince mens minds of Errour, and inform them of the Truth.³⁴

A third passage, then, has to bring clarity. Here, Locke finally stresses his main reason for toleration:

But after all, the principal Consideration, and which absolutely determines this Controversie, is this. Although the Magistrates Opinion in Religion be sound, and the way that he appoints be truly Evangelical, yet if I be not thoroughly perswaded thereof in my own mind, there will be no safety for me in following it. No way whatsoever that I shall walk in, against the Dictates of my Conscience, will ever bring me to the Mansions of the Blessed. (...) Faith only, and inward Sincerity, are the things that procure acceptance with God.³⁵

Toleration thus is a duty out of respect for the only kind of belief or faith that makes one worthy in the eyes of God, namely sincere and authentic belief, and such faith *cannot* and *therefore must not* be compelled by external force.³⁶ Conscience is autonomous in seeking the truth when it comes to human authority, yet guided by God and heteronomous when it comes to following the truth. Only sincere beliefs arrived at by one's own lights can be pleasing to God; hypocrisy is a grave sin. Hence Locke's main argument for toleration turns out to be very close to the one that already figured most prominently in Augustine: *Credere non potest nisi volens*. And since this is so, one can also anticipate the counterarguments against it, and it did not take long until they were presented forcefully (though without any explicit reference to Augustine).

In 1690, the Anglican priest Jonas Proast published his *The Argument of the Letter Concerning Toleration Briefly Consider'd and Answer'd*, the central counterargument of which

³³ Ibid., p. 27.

³⁴ Ibid., p. 32.

³⁵ Ibid., p. 38.

³⁶ That human power is insufficient to change the mind is also the central thesis of Spinoza's theory of toleration, see Baruch de Spinoza, *Theological-Political Treatise*, tr. S. Shirley, Gebhardt edition (Indianapolis: Hackett, 2001), ch. 20. It also plays an important role in Hobbes' *Leviathan*, limiting its power; see Thomas Hobbes, *Leviathan*, ed. C. B. Macpherson (Harmondsworth: Penguin, 1985), esp. chs. 26, 29, 32.

clearly locates Locke's main point and its main weakness. Proast does not deny that sincere faith cannot be produced by external force:

I readily grant that Reason and Arguments are the only proper Means, whereby to induce the mind to assent to any Truth, which is not evident by its own Light: and that Force is very improper to be used to that end instead of Reason and Arguments.³⁷

But then he argues that force - Augustine would have said "terror" - can still be very efficient *indirectly* for the purpose of bringing human beings to the truth, namely as a liberating, eye-opening force:

But notwithstanding this, if Force be used, not in stead of Reason and Arguments, i.e. not to convince by its own proper Efficacy (which it cannot do), but onely to bring men to consider those Reasons and Arguments which are proper and sufficient to convince them, but which, without being forced, they would not consider: who can deny, but that *indirectly* and *at a distance*, it does some service toward the bringing men to embrace that Truth, which otherwise, either through Carelessness and Negligence they would never acquaint themselves with, or through Prejudice they would reject and condemn unheard, under the notion of Error?"³⁸

Since human beings tend to be careless and full of prejudices when it comes to religious beliefs, Proast argues that it is the true duty of a Christian to lay "Thorns and Briars" in their wrong ways so as to force them to turn around and to make "a wiser and more rational Choice."³⁹ According to Proast, the method of using the right kind of force for the right reasons has been used many times with good success, and hence if there are no other means to break men loose from their false ideas and beliefs, then this is what needs to be done. It is thus obvious, he concludes, that "outward Force is neither *useless* nor *needless* for the bringing Men to do, what the saving of their Souls may require of them."⁴⁰ Furthermore, this kind of care for the soul is the task of government, according to Proast, for what kind of human interest could be more important than that of being brought to the true faith?

Locke's response to Proast, his *Second Letter Concerning Toleration* (1690), shows two things. First, the weakness of his "principal consideration" for toleration, as pointed out by

³⁷ Jonas Proast, *The Argument of the Letter Concerning Toleration, Briefly Consider'd and Answer'd*, reprint of the edition of 1690 (New York and London: Garland, 1984), p. 4.

³⁸ Ibid., 4f. For a convincing critique of Locke on the basis of Proastian considerations, see esp. Jeremy Waldron, "Locke, Toleration, and the Rationality of Persecution", in *Liberal Rights. Collected Papers 1981-1991* (Cambridge University Press, 1993), ch. 4. Where I disagree with Waldron, however, is with his claim that Locke did not find a plausible counterargument to Proast. For that, however, he had to change his position and move towards the epistemological-normative argument that we find in Bayle, as we will see.

³⁹ Proast, *ibid.*, pp. 10 and 11.

⁴⁰ Ibid., p. 12.

Proast, becomes obvious, yet, second, Locke has alternative arguments at his disposal to challenge Proast - alternatives that bring him close to the position Bayle had argued for.⁴¹ He admits that external force can "do some service indirectly and by accident,"⁴² yet he doubts that this can be achieved generally by certain politics, and he also points out that the distinction between "indirect" and "direct" force is very hard to make. Furthermore, he argues that as a consequence of Proast's view there will be a general persecution of all religious dissenters, for it will not be possible to sort out those who are "careless" in their religious faith from others who are sincere.

Still, he sees that his main original argument that true belief cannot be brought about by external force and thus that such force is useless (and therefore wrong, given the demand for sincere belief) cannot carry the weight he thought it could. For there may be many forms of "indirect" force and "education" that can change the minds of human beings so that they give up old and acquire new convictions "from the inside"; and these new beliefs formed under such conditions may be as "sincere" and "authentic" as others. The censorship of "false" teachings is just one example of such "indirect" forms of influence: it "liberates" the public from bad influences without exercising direct "productive" pressure or indoctrination.

As a consequence, Locke revises his argument in two directions, building upon his first *Letter*. First, the epistemological restraint-imperative is brought to the fore, and second, a normative argument is presented that implies that any use of force, especially in the political realm, is in need of mutual and general justification. Taken together, these two arguments mean that in a religious dispute, no side has good reasons to declare its own convictions the only "truth" and impose it on others by legal or political means. Accordingly, Locke directly attacks Proast's "lurking presupposition, that the national religion now in England, backed by the public authority of the law, is the only true religion."⁴³ And he asks him to put forward a mutually justifiable argument "without supposing all along your church in the right, and your religion the true; which can no more be allowed to you in this case, whatever your church or religion be, than it can to a papist or a Lutheran, a presbyterian or an anabaptist; nay, no more to you, than it can be allowed to a Jew or a Mahometan."⁴⁴ For each church claims to be the true church, Locke

⁴¹ At that time, Locke knew of the *Commentaire* (a copy of which he owned), so an influence is possible, but also a matter of further research. See note 24 above.

⁴² Locke, *A Second Letter Concerning Toleration*, in *The Works of John Locke VI* (Aalen: Scientia, 1963), p. 77.

⁴³ *Ibid.*, p. 65.

⁴⁴ *Ibid.*, p. 111.

says, and simply to give the dominant one the power to exercise force would be to legitimize many forms of persecution, in many countries, often to the detriment of Christians. Thus Locke's theory takes a *reflexive* turn, no longer relying on a particular notion of conscience or salvation but on the principle of justification: every form of exercising political force is in need of mutual justification, and in a stand-off between two or more religious parties, such justification does not exist, because for the finite human mind no proof as to the true faith can be attained. The principle of justification at work here is a basic principle of mutual respect, and its application to the case of religion rests on an epistemological claim about the special nature of religious truth claims.⁴⁵

In the ensuing controversy, which I will not go into here, Proast and Locke focused on exactly that point, which Proast quickly identified as the main challenge, trying to force Locke to be on the defensive for appearing as an apostate.⁴⁶ In response, Locke affirms that deep and firm *belief* in the true religion is one thing, while *knowing* it to be true quite another - "faith it is still, and not knowledge; persuasion, and not certainty."⁴⁷ On the basis of that argument he claims that "every man has a right to toleration"⁴⁸ - and that there is a general duty of toleration. As we will see, by that he has moved towards the position Bayle had defended some years earlier, in a superior form.

By overcoming the traditional argument for the liberty of conscience, this Baylean position not only avoided Augustinian or Proastian counter-arguments. It also avoided a number of further pitfalls, such as - that the idea of tolerating "sincere and authentic" beliefs might imply that only such beliefs ought to be tolerated, and that arbitrary criteria could be used to determine sincerity and authenticity, narrowing the realm of the tolerable;⁴⁹ and

⁴⁵ In the literature on the debate between Locke and Proast, Peter Nicholson, "John Locke's Later Letters on Toleration," in *A Letter Concerning Toleration in Focus*, ed. J. Horton and S. Mendus (London: Routledge, 1991), pp. 163-187, highlights the epistemological component, while Richard Vernon, *The Career of Toleration: John Locke, Jonas Prast, and After* (Montreal: McGill-Queen's University Press, 1997), stresses the normative one. Yet the argument implies a combination of the two.

⁴⁶ "But as to my *supposing* that the *National Religion now in England, back'd by the Publick Authority of the Law*, is the *only true Religion*; if you own, with our Author, that there is but *one* true Religion, I cannot see how you your self can avoid *supposing* the same. For you own your self to the Church of *England*; and consequently you own the *National Religion now in England*, to be the true Religion; (...)." Proast, *A Third Letter Concerning Toleration*, *ibid.*, 11.

⁴⁷ Locke, *A Third Letter for Toleration*, in *Works VI*, *ibid.*, p. 144.

⁴⁸ *Ibid.*, p. 212.

⁴⁹ On the other hand, the limits of toleration would be very wide if all kinds of beliefs were to be tolerated as expressions of conscience; at one point, Bayle will encounter an important difficulty with such a view himself.

- that the idea of the "unfree free conscience" is exclusive of persons who either have no such religious conscience, such as atheists, or who are willing to bind their conscience to an innerworldly authority, such as Catholics.

In his discussion of the limits of toleration, Locke indeed argues against tolerating these two groups, yet for reasons that he defines as political rather than religious. As was quite common given the background of conflicts with Rome (and Catholic nations such as Spain), Locke sees no grounds for tolerating a church that assumes the power of being able to excommunicate a king or that claims political and religious authority over its members, possibly making them subject to "another Prince."⁵⁰ That expresses a general prejudice against Catholics as possible traitors: they can claim no liberty of conscience, for their conscience turns them into disloyal subjects. In the text, however, Locke chooses to refer to the "Mufti of Constantinople" rather than to the Pope to make that point.

As far as atheists are concerned, Locke also makes a sweeping general claim as to why they are not to be tolerated:

Those are not at all to be tolerated who deny the Being of a God. Promises, Covenants, and Oaths, which are the Bonds of Humane Society, can have no hold upon an Atheist. The taking away of God, tho but even in thought, dissolves all. Besides also, those that by their Atheism undermine and destroy all Religion, can have no pretence of Religion whereupon to challenge the Privilege of a Toleration.⁵¹

The fear that Locke expresses here - we can call it "Locke's fear," though we find it in many authors before as well as after Locke, even in a number of Enlightenment thinkers such as Montesquieu, Voltaire and Rousseau - implies that without a religious idea of a divine force of justice (and punishment), human beings will not accept the authority of the precepts of morality as binding imperatives. There is no morality on earth without the love and the fear of God. Hence persons who do not share that fear are to be feared themselves: they cannot be trusted as fellow citizens, for they will break the law and moral norms as soon as they see fit and profitable.

We see here one side of the restrictions that a Christian founding of morality implies, while with Augustine we already saw another. Locke restricts the community of those who can be trustworthy *moral subjects* to those who share the right kind of faith in divine justice, whereas Augustine held a certain qualified view of *moral objects*: the object of Christian moral concern

⁵⁰ Locke, *A Letter Concerning Toleration*, p. 50.

⁵¹ Ibid., p. 51. For a contemporary discussion and elaboration of that point, accepting its challenge for a modern understanding of morality, see Jeremy Waldron, *God, Locke, and Equality* (Cambridge: Cambridge University Press, 2002, esp. ch. 8).

and care was not the "person" as an individual that was to be morally respected; rather, it was the soul of a human being that commanded respect and special care - even if that meant exercising force upon the person. In both ways, morality is *grounded* in as well as *limited* by religious belief – ultimately, it is the respect for God that grounds as well as limits moral respect and concern. Thus even if Locke strives to overcome the Augustinian conception of moral concern by stressing the individuality of faith and salvation, he also restricts morality due to its Christian foundations. An atheist cannot act morally out of the proper motives, and thus he or she cannot be treated morally in the proper sense, for one cannot fully trust him or her.

If we pull these various threads of argument together, we find that a reflexive case for a *universal duty of toleration* has to

- rest on moral foundations not committed to (and limited by) a particular faith that is reasonably disputed among followers of different religious doctrines; for only then can this duty apply to every person as a moral agent, and every person be seen as someone to be equally respected;
- be combined with an epistemological argument about the special character of religious truth claims that have to be possible as well as limited to the realm of faith; and
- provide an argument concerning the limits of toleration that is not one-sided but that can be generally justified.

These components, taken together, provide the best justification for the respect conception of toleration (see section 1 above), while the argument for the liberty of conscience does not. For apart from its internal problems, that argument is easily compatible with the hierarchical permission conception of toleration. From that vantage point, finally, we can assess the originality and power of Bayle's contribution to the discourse of toleration. It proceeds in three steps, connected to three of his main works.

4. The Society of Atheists

In December of 1680, the appearance of a comet was seen by many as a sign and message from God, mostly interpreted as a presage of misfortune. For Bayle, strongly influenced by Descartes and Malebranche, it was nothing but a phenomenon of nature, as he explained in his *Lettres sur la Comète* in 1682 (one year later expanded as *Pensées diverses sur la Comète*).⁵² What makes this text one of the most remarkable in the history of political philosophy, however, is a long

⁵² In *Oeuvres diverses* III, La Haye 1712, reprint Hildesheim: Georg Olms, 1966. Translated into English by Robert C. Bartlett as Pierre Bayle, *Various Thoughts on the Occasion of a Comet* (Albany: State University of New York Press, 2000).

passage in which Bayle treats the question of atheism. In it, he not only puts forth the thesis that idolatry, superstition and fanaticism are evils worse than atheism, he also explains that it is not the fear of God that makes people act morally, and that a society of atheists would be viable and possibly more peaceful than one based on a religion prone to conflict and violence - and while in the beginning of the passage it is pagan religions that are thus criticized, in the course of Bayle's discussion it is Christianity that is increasingly the object of critique. This is the opposite of what I called "Locke's fear" above, and because it seemed so outrageous at the time, it has been called "Bayle's paradox."⁵³

The reason, Bayle argues, why atheism is generally seen as the greatest crime and cause of civil disorder is "a false prejudice concerning the lights of the conscience."⁵⁴ The general idea that belief in divine providence and the fear of divine justice motivate persons to act morally has been proven to be false according to Bayle, and he cites a number of examples such as the Christian crusades or the St. Bartholomew's Eve Massacre - which, he adds, would not have been possible in an atheist monarchy.⁵⁵ Experience shows that human beings generally do not act according to the principles of "natural equity," common to all reasonable persons, but on the basis of desires, passions and habits. Many of these are negative, though some do make human beings follow the precepts of morality, if only externally, the most powerful of which are the fear of punishment by law or fear of the loss of social recognition. And this holds true generally, for "Jew and Mohammedan, Turk and Moor, Christian and Infidel, Indian and Tartar (...)." ⁵⁶ In this context, Bayle formulates the argument for the society of atheists, comparing it to the many crimes committed by religious people:

It follows manifestly from this that the inclination to act badly is not found in a soul destitute of the knowledge of God any more than in a soul that knows God; and that a soul destitute of the knowledge of God is no freer of the brake that represses the malignity of the heart than is a soul that has this knowledge. It follows from this in addition that the inclination to act badly comes from the ground of man's nature and that it is strengthened by the passions (...). Finally, it follows from this that the inclination to pity, to sobriety, to good-natured conduct, and so forth, does not stem from the fact that one knows there to be a God (...) but from a certain disposition of the temperament, fortified by education, by personal interest, by

⁵³ See Montesquieu, *The Spirit of the Laws*, tr. and ed. by A. M. Cohler et al. (Cambridge: Cambridge University Press, 1989), book 24, ch. 2, p. 460.

⁵⁴ Bayle, *Various Thoughts*, p. 165.

⁵⁵ *Ibid.*, p. 193f.

⁵⁶ *Ibid.*, p. 169.

the desire to be praised, by the instinct of reason, or by similar motives that are met with in an atheist as well as in other men.⁵⁷

Bayle not only believes in the similarity of negative and positive passions and desires that make human beings act against or in accordance with morality, whether they believe in God or not, he also believes - in a proto-Kantian fashion⁵⁸ - that they possess an independent faculty of reason which allows them to tell right from wrong; and he furthermore states that acting morally in the proper sense would be to act out of such an insight into what is right. Examples of ancient philosophers like Epicurus and Seneca "make me believe that reason without the knowledge of God can sometimes persuade a man that there are decent things which it is fine and laudable to do, not on the account of the utility of doing so, but because this is in conformity with reason." And he goes on to affirm that even though God does not reveal himself "fully" to an atheist, "he does not fail to act upon the latter's mind and to preserve for him that reason and intelligence by means of which all men understand the truth of the first principles of metaphysics and morals."⁵⁹

The argument for the autonomy of reason, theoretical and practical, with regard to first principles will be essential for his justification of toleration, developed in his *Commentaire philosophique*. For only if there is a common basis of reasonable argument and insight, both in the sphere of truth claims and of moral claims, can there be a shared ground for justifying and limiting toleration - beyond the various doctrines in conflict with each other. He thereby follows a development in the discourse of toleration prepared by writers such as the humanist Sebastian Castellio: on the basis of a new understanding of the moral person that would challenge the traditional Christian view, they argued for the respect of human beings apart from what they believed in.⁶⁰ Hence, against Calvinist justifications for intolerance and persecution Castellio affirmed that "to kill a man does not mean to defend a doctrine but to kill a man."⁶¹ Bayle is the first to fully draw out the consequence of this: both with respect to human beings as objects of respect and as subjects of morality, there has to be an independent insight into the demands of morality common to all human beings. This insight is what those who argue for the general duty

⁵⁷ Ibid., p. 180.

⁵⁸ Bayle's belief in the autonomy of practical reason is stressed, for example, in Ludwig Feuerbach's interpretation of his thought, see Feuerbach, *Pierre Bayle*, in *Gesammelte Werke* 4, ed. W. Schuffenhauer (Berlin: Akademie Verlag, 1967), p. 103.

⁵⁹ Bayle, *Various Thoughts*, p. 222.

⁶⁰ With respect to a separation of morality from faith Hugo Grotius is also an important figure in that genealogy, and with respect to the toleration of atheists Dirck Volckertszoon Coornhert is to be mentioned; especially his *Proces van' Ketter-dooden* (1590), a critique of Lipsius. See my *Toleranz im Konflikt*, pp. 212-222.

⁶¹ Sebastian Castellio, *Contra libellum Calvini* (1554), quoted in Hans Guggisberg, *Sebastian Castellio 1515-1563* (Göttingen: Vandenhoeck u. Ruprecht, 1997), p. 121 (tr. R.F.).

of mutual toleration appeal to. Thus, while Locke tried to change the traditional language of caring for and saving the soul for the purpose of toleration, Bayle thought that there had to be a moral language apart from that idiom which made clear why persecuting people could never be justified with an appeal to God or salvation.

5. Justifying Toleration

Bayle's *Commentaire* is the most thorough and radical attempt to refute possible arguments for religious force and persecution, many of which are based on interpretations of the parable of the *compelle intrare* that Augustine presented (which is why the saying figures prominently in the title).⁶² Written at the height of the persecution of his fellow Huguenots in France, Bayle's text is a fervent accusation of "papist" persecution, yet speaking in the voice of an (invented) Englishman, Bayle also takes sides against Calvinist radicals such as Jurieu, arguing for what he considers to be a higher-order justification for toleration. He considers it "childish" to determine the moral rightness of actions on the basis of particular - and irreconcilable - beliefs about belonging to the "true church," regarding the others to be in grave error: "Will anyone ever make them understand what everyone sees clearly, that nothing is more ridiculous than reasoning by always assuming the thing in question?"⁶³

Hence the treatise begins where the *Pensées diverses* left off, i.e., with the argument for an autonomous morality. God gave human beings the "natural light" of "universal reason which enlightens all spirits and which is never lacking to those who attentively consult it."⁶⁴ While this light conveys the principles of logic and metaphysics as well as of morality, there is a difference between the two realms relevant for the question of religion, for "if it's possible to have certain limitations with respect to speculative truths, I don't believe there ought to be any with regard to those practical and general principles which concern morals."⁶⁵ Universal moral precepts thus

⁶² The full title reads: *Philosophical Commentary on these Words of Jesus Christ, Compel Them to Come in, Where it is Proven by Several Demonstrative Reasons that There is Nothing more Abominable than to Make Conversions by Force, and Where Are Refuted all the Convertists Sophisms for Constraint and the Apology that Saint Augustine Made for Persecutions*. French in *Oeuvres Diverses*, II, Hildesheim: Georg Olms, 1965. I cite from the modern English translation by Amie Godman Tannenbaum, which contains the first two parts of the book, originally published in 1686, see note 1 above. An older translation that also contains the third part (published in 1687), a detailed refutation of Augustine, and the supplement (1688), an elaboration on a number of arguments, was edited by John Kilkullen and Chandran Kukathas: Pierre Bayle, *A Philosophical Commentary on These Words of the Gospel, Luke 14:23, "Compel Them to Come In, That My House May Be Full"* (Indianapolis: Liberty Fund, 2005).

⁶³ Bayle, *Philosophical Commentary*, p. 13f.

⁶⁴ *Ibid.*, p. 31.

⁶⁵ *Ibid.*, p. 30. A similar argument can be found in Castellio: "But to judge of doctrine is not so simple as to judge of conduct. In the matter of conduct, if you ask a Jew, Turk, Christian, or anyone else, what he thinks of a brigand or a

form a kind of "natural religion," and any interpretation of the gospel that would violate these precepts - such as the "convertist" interpretation of the *compelle intrare* - is therefore false. When it comes to issues of metaphysical speculation, biblical interpretation must of course proceed on the basis of reason, yet there is room for deep disagreement, while in the sphere of the practical there is no such leeway. Yet since passions and prejudice obscure the ideas of "natural equity," Bayle thinks a certain mode of moral reflection is necessary, which he describes in an almost Kantian (if not to say: Rawlsian) way:

I would like whoever aims at knowing distinctly this natural light with respect to morality to raise himself above his own private interest or the custom of his country, and to ask himself in general: "Is such a practice just in itself? If it were a question of introducing it in a country where it would not be in use and where he would be free to take it up or not, would one see, upon examining it impartially that it is reasonable enough to merit being adopted?" I believe this abstraction might effectually dissipate a great many clouds which sometimes come between our understanding and that primitive universal ray of light which emanates from God to show the general principles of equity to all mankind (...).⁶⁶

This *lumiere primitive et universelle* enlightens every human being capable of such moral reflection and is not bound to a particular belief in God, or even to any belief in God (though to understand it metaphysically one needs to be aware of its divine source).

In the following discussion, Bayle connects this "natural light" of reason with the "private lights"⁶⁷ of religious conscience and belief, and argues that one must follow the latter when it comes to the question of true faith and salvation, for God does not want any hypocritical believers, and acting against one's own conscience is sinful. Furthermore, "violence (...) is incapable of convincing the mind and of imprinting in the heart the fear and the love of God."⁶⁸ And while at this point he comes very close to Locke's main argument for toleration, he knows from studying Augustine that there is an effective counterargument against this: "The only possible thing to be held against me is this: they do not claim to use violence as a direct and immediate means of establishing religion, but as a mediate and indirect means."⁶⁹ He proceeds to

traitor, all will reply with one accord that brigands and traitors are evil and should be put to death. (...) This knowledge is engraved and written in the hearts of all men from the foundation of the world. (...) Now let us take up religion and we shall find that it is not so evident and manifest." Sebastian Castellio, *Concerning Heretics, Whether They Are to be Persecuted* (1554), tr. by R. H. Bainton (New York: Columbia University Press, 1935), p. 131.

⁶⁶ Bayle, *Philosophical Commentary*, p. 30.

⁶⁷ Ibid., p. 33.

⁶⁸ Ibid., p. 36.

⁶⁹ Ibid., p. 37.

attempt to refute this "ingenious illusion and specious chicanery," taking it as seriously as Locke had to when he was confronted with Proast's critique.

Two things then need to be established. First, an independent duty of justifying one's actions that concern others in a morally relevant way with reciprocally acceptable reasons, and second, a questioning of absolute truth claims that could serve as trumps in such a justificatory exchange. For otherwise, the "convertists" could argue that the way they treated the Huguenots was justified, since "only evils done to the faithful can be properly called persecution. Those exercised on heretics are only acts of kindness, equity, justice, and right reason. Be it so. Let us agree then that a thing which would be unjust if not done in favor of the true religion, becomes just by being done for the true religion."⁷⁰ This, according to Bayle, is "the most abominable doctrine that has ever been imagined," for "there would be no kind of crime which would not become an act of religion by this maxim."⁷¹ But to establish that very meaning of "crime," Bayle has to take recourse to universal norms of the "natural light" of practical reason, and also he needs an account of why one's belief that one speaks for the right church may not be a sufficient reason to exercise force, even if indirectly. For only then one sees clearly, he argues, that any literal interpretation of Luke 14:23 turns a vice into a virtue and gives every church that deems itself the true church the right to persecute. In a number of chapters, Bayle spells out what this would have meant in various historical contexts (where, for example, the Christians were the minority) and what kind of perversion followed from the general and reciprocal use of such an interpretation.⁷² Hence without an independent language of morality, there is no such language at all, and Bayle shows this by way of a *reductio ad absurdum*.⁷³

If one would say, "it is very true, Jesus Christ has commanded His Disciples to persecute, but that is none of your business, you who are heretics. Executing this commandment belongs only to us who are the true Church," they would answer that they are agreed on the principle but not in the application, that they alone have the right to persecute since truth is on their side. (...) One never sees the end of such a dispute, so that like waiting for the final sentence in a trial, one is not able to pronounce anything upon these violences; (...) The suffering party would only make itself fret by reviewing its controversies one by one and would never be able to have the pleasure of saying, "I'm unjustly treated," except by assuming it is in the right and saying, I am the true church. (...) When one reflects on all this impartially, one is reduced

⁷⁰ Ibid., p. 46.

⁷¹ Ibid., p. 47.

⁷² The importance of the principle of reciprocity in Bayle is stressed by John Kilcullen, *Sincerity and Truth. Essays on Arnauld, Bayle, and Toleration* (Oxford: Oxford University Press, 1988), essay 3.

⁷³ This is how he describes his method in the supplement to the *Commentaire*, ch. 21.

necessarily to this rare principle, I have truth on my side, therefore my violences are good works. So and so errs: therefore his violences are criminal.⁷⁴

Bayle is careful *not* to suggest a skeptical conclusion with respect to religious truth claims. Even though the epistemological side of the argument is not fully spelled out in the *Commentaire*, but only later in the *Dictionnaire* (which I will come back to), it is clear enough that his is a view of what we can call the *finitude of reason*, meaning that the epistemic capacities of finite human beings are sufficient to come to a firm and well-considered view of religious matters - but that they are not sufficient to establish this view as the only true one on the basis of objective reasons. Religious views are held on the grounds of trust and faith, not of proof, since in these matters especially "evidence is a relative quality."⁷⁵ Due to differences of habit, education or experience, different persons may judge the same things differently,⁷⁶ without thereby violating the bounds of reason. Anyone who is aware of these - one could almost say with Rawls - "burdens of reason"⁷⁷ knows that "difference in opinions seems to be man's inherent infelicity, as long as his understanding is so limited and his heart so inordinate."⁷⁸ This is an essential component of understanding that those with whom one differs can rightfully be seen to be wrong - but not necessarily unreasonable, especially in matters of religion.

Understanding Bayle, however, not only means seeing how his normative-epistemological grounding of toleration is different from and superior to a classic argument for the freedom of conscience, answering its main weaknesses; it also means recognizing the dynamic and the tensions within Bayle's thinking between these different justifications for toleration. For the close link he established between the moral "natural light" and the "private light" of conscience (mentioned above)⁷⁹ leads him into a serious problem at one important point in his argument. In chapter eight of the second part of the *Commentaire*, Bayle takes up the idea of "erroneous conscience" that had traditionally played an important role in the discourse of toleration, especially in Abelard - meaning that a sincere person who is convinced that he or she follows the

⁷⁴ Bayle, *Philosophical Commentary*, p. 84f.

⁷⁵ *Ibid.*, p. 93.

⁷⁶ The perspectivism of Montaigne's *Essais* seems to have had an influence on Bayle in this regard, though without Montaigne's skeptical conclusions. See also Craig B. Brush, *Montaigne and Bayle* (the Hague: Nijhoff, 1966).

⁷⁷ See John Rawls, *Political Liberalism*, New York: Columbia University Press, 1993, pp. 54ff., where he uses the term "burdens of judgment," explaining why disagreement between persons can be a result of using reason, not of being unreasonable. In earlier texts he had used the (more appropriate) term "burdens of reason." See esp. "The Domain of the Political and Overlapping Consensus," *New York Law Review* 64 (1989), pp. 233-255.

⁷⁸ Bayle, *Philosophical Commentary*, *ibid.*, p. 141.

⁷⁹ On that point, see Gianluca Mori, "Pierre Bayle, the Rights of the Conscience, the 'Remedy' of Toleration," *Ratio Juris* 10 (1997), pp. 45-60.

right path does not sin, even though he or she is in error. Bayle affirms that, rather, acting against one's conscience is a sin, and he concludes that an erroneous conscience, firmly believing that it is following God, "should procure all the same prerogatives, favors, and assistances for error as an orthodox conscience can procure for truth."⁸⁰ Furthermore, he states that "the first and most indispensable of all our obligations, is that of never acting against the promptings of conscience."⁸¹ Thus, however, the conclusion follows that if someone believes that a law of God demands of him to "employ fire and sword to establish" truth, then he is obliged to act accordingly.⁸² This creates the paradox of what we can call the "conscientious persecutor," and Bayle quickly realizes - as did his critics⁸³ - that this paradox could prove fatal for his theory: "My design is to show that persecution is an abominable thing, and yet everyone who believes himself obliged by conscience to persecute would, by my doctrine be required to persecute and would be sinning if he did not."⁸⁴

Bayle is aware that the only way to affirm that persecution out of reasons of conscience is as much a "crime" as any persecution,⁸⁵ and to show the absurd results of a generalization of the maxim to follow your conscience wherever it leads you so "that everything which would be permitted to truth against error becomes likewise permitted to error against truth,"⁸⁶ is to return to his normative argument for an independent morality of mutual respect and justification combined with the argument for epistemological restraint. To follow these principles and insights of reason - or "natural light" - must be seen as the most important obligation and have priority over other beliefs - a priority made possible for believers by affirming the precepts of morality as a form of "natural religion."⁸⁷ And thus Bayle affirms at the end of the book, first, the unconditionality of morality and the principle of reciprocity, accessible to every reasonable human being: "In this regard, namely, in respect to the knowledge of our duties to moral standards, revealed light is so clear that few people can mistake it, when in good faith they are seeking out what it is."⁸⁸ And second, he states clearly his doctrine of the nature of faith:

⁸⁰ Bayle, *Philosophical Commentary*, *ibid.*, p. 155.

⁸¹ *Ibid.*, p. 156.

⁸² *Ibid.*

⁸³ On Bayle's controversy with Jurieu on that issue see Thomas M. Lennon, *Reading Bayle* (Toronto: University of Toronto Press, 1999), ch. 4.

⁸⁴ Bayle, *Philosophical Commentary*, p. 166. That this does indeed destroy Bayle's case for toleration is argued for by Walter Rex, *Essays on Pierre Bayle and Religious Controversy* (The Hague: Nijhoff, 1965), pp. 181-5.

⁸⁵ Bayle, *Commentary*, p. 167.

⁸⁶ *Ibid.*, p. 159.

⁸⁷ *Ibid.*, p. 31.

⁸⁸ *Ibid.*, p. 183.

Now it is impossible, in our present state, to know infallibly that the truth which to us appears as such (I speak here of the particular truths of religion and not of the properties of numbers nor the first principles of metaphysics or geometrical demonstrations) is absolutely and really the truth, because all that we can do is to be fully convinced that we possess the perfect truth, that we are not mistaken, but that it is others who are deceived, (...).⁸⁹

Still, it is only in his *magnum opus*, the *Dictionnaire historique et critique* (1696), that Bayle provides a comprehensive discussion of the relation of faith and knowledge. The *Dictionnaire*, an attempt to write a critical history of philosophy, politics and science (which became the model for the great *Encyclopédie* of Diderot and d'Alembert), had a very unusual structure – mainly articles on persons with a complex system of footnotes commenting on their work as well their private lives - and pursued a great many topics. One of the main points of Bayle's discussions was the relation of faith and reason, or of theology and philosophy, trying to establish the proper realm for each of these, so that neither would be subsumed under the other - thus avoiding religious dogmatism as well as deism or skepticism. The complexity of this attempt has led to a number of very different interpretations of his thought - as being the thought of an independent libertine,⁹⁰ basically an atheist,⁹¹ or devout Calvinist.⁹² Ludwig Feuerbach's assessment of Bayle's thought still captures these ambivalences nicely when he first calls him the "dialectical guerilla chief of all anti-dogmatic polemics," only later to criticize his defense of the possibility of faith as the "act of self-negation" of a "spiritual flagellant."⁹³

The line Bayle draws between reason and faith does not imply that faith is irrational, so that skeptical or fideist conclusions would follow;⁹⁴ rather, he argues that faith provides answers to questions that reason can accept but not answer on the basis of its primarily critical, negative power. Faith is thus "above reason" - *dessus de la raison* -⁹⁵ but not against reason, as Bayle explains in the important second of the "clarifications" which became necessary after the critiques the dictionary received, especially with respect to its alleged latent atheism, skepticism, Manicheism, etc. For Bayle, reason is necessary to destroy superstition and false claims to

⁸⁹ Ibid., p. 181.

⁹⁰ David Wootton, "Pierre Bayle, libertine?," in *Studies in Seventeenth-Century European Philosophy*, ed. M. A. Stewart (Oxford: Clarendon Press, 1997), pp. 197-226.

⁹¹ Gianluca Mori, *Bayle philosophe* (Paris: Honoré Champion, 1999).

⁹² Labrousse, *Bayle*; Nicola Stricker, *Die maskierte Theologie von Pierre Bayle* (Berlin: de Gruyter, 2003).

⁹³ Feuerbach, *Pierre Bayle*, pp. 3, 160 and 163.

⁹⁴ This is the view presented by Popkin, "Pierre Bayle's Place in 17th Century Scepticism"; Brush, *Montaigne and Bayle*, p. 300, calls Bayle a "semi-fideist," which is more adequate. I would, at the risk of speaking paradoxically, call him a "rationalist fideist."

⁹⁵ Pierre Bayle, *Historical and Critical Dictionary*. Selections, tr. R. Popkin (Indianapolis: Hackett, 1991), p. 410.

objectivity, but there are many issues of a speculative nature where its finitude forces it to see its limits - making room for faith, which, however, rests on reasons that are allowed for but that can be neither verified nor falsified by reason. Hence faith also finds its proper place, believing its doctrines to be true but not beyond "reasonable disagreement," to use Rawls' term.⁹⁶ Reasonable faith knows that it is *faith*; hence it does not compete with reason on reason's terrain - and vice versa. There is room for religious controversy, but not for religious fanaticism using a reference to "true faith" as a legitimation for questioning theoretical and practical reason. In some matters, Bayle argues against skepticism, reason has to recognize its "frailty" and trust a "better guide, which is faith."⁹⁷ Faith is based on trust and a kind of moral certainty, and its reasonableness consists to an important extent in the awareness of that. The negative arguments of the Manicheans, Bayle argues, are hard to refute philosophically; and yet it is a permissible and advisable act of faith to believe in the biblical story about the occurrence of evil in the world.⁹⁸ Metaphysical questions like that supersede the powers of reason, and this is where the proper realm of faith begins.⁹⁹ Hence "a true Christian, well versed in the characteristics of supernatural truths and firm on the principles that are peculiar to the Gospel, will only laugh at the subtleties of the philosophers, and especially those of the Pyrrhonists. Faith will place him above the regions where the tempests of disputation reign."¹⁰⁰ This provides a refined explanation of the epistemic coexistence of faith and reason within and at the same time above reason, saying that those who are scandalized by philosophical skepticism are no good believers, and that those who do not see the proper realm for religion do not understand the limits of reason. Both sides who have witnessed "the mighty contests between reason and faith"¹⁰¹ have to make their peace with each other, seeing the mistake of trying to colonize the other. This argument completes the epistemological component of Bayle's justification of toleration.

⁹⁶ The most important philosophical text where this relation between reason and faith - and the reasonableness and unavoidability of disagreement - was elaborated (for the first time) is Jean Bodin's *Colloquium heptaplomeres*, translated (by M. Leathers Daniels Kuntz) as *Colloquium of the Seven about Secrets of the Sublime* (Princeton: Princeton University Press, 1975). For an interpretation to this effect, see my *Toleranz im Konflikt*, § 12.

⁹⁷ Bayle, *Historical and Critical Dictionary*, article "Pyrrho", p. 204.

⁹⁸ See esp, the article "Manicheans", *ibid.*, pp. 144ff.

⁹⁹ "It is obvious that reason can never attain to what is above itself. Now if it could furnish answers to the objections that are opposed to the doctrine of the Trinity and that of the hypostatic union, it would rise to the height of these two mysteries; (...). It would then do that which is beyond its strength. It would rise above its own limits, which is a downright contradiction. It must therefore be said that it cannot furnish at all answers to its own objections, and thus the objections remain victorious as long as one does not have recourse to the authority of God and the necessity of subjecting one's understanding to the obedience of the faith." *Ibid.*, Second Clarification, p. 411.

¹⁰⁰ *Ibid.*, Third Clarification, p. 429.

¹⁰¹ *Ibid.*, p. 435.

6. The Limits of Toleration and the Question of Government

What does this conception of toleration imply with respect to the limits of toleration? Again, there are remarkable differences but also parallels when one compares Bayle to Locke. Against the *demi-tolérans* of his time, Bayle argues for a *tolérance générale* that includes "Jews and Turks" as well as "pagans" and the unitarian "Socinians," for there "can be no solid reason for tolerating any one sect which does not equally hold for every other."¹⁰² The main reason for limiting the realm of toleration, then, is toleration itself, for "a religion which forces conscience has no right to be tolerated."¹⁰³ Hence "papists" who are willing to exercise such force and who, beyond that, "endanger the public peace" by questioning the authority of the sovereign, should not be tolerated. Bayle importantly adds that this is meant to restrict the power of the Church of Rome, and that it does not imply leaving persons of Catholic faith "to the least insult, disturbing them in the enjoyment of their estates, or the private practice of their religion," comparing this to the harsh persecution of Protestants in France.¹⁰⁴

When it comes to the question of the toleration of atheists, the *Philosophical Commentary* makes a concession that we do not find in either the *Pensées diverses* or the *Dictionnaire*. As a defense against the accusation that he opens the door for atheism to spread, he first argues that it is in the power of the sovereign to restrict their liberties if (and only if) they present a danger to the "fundamental laws of the state," which might be possible given their doubts about the existence of "Divine Justice."¹⁰⁵ And, second, he adds that an atheist cannot avoid this by appealing to the "asylum of conscience," since he renounces any bond to a higher authority. Still, atheists are to be treated justly and ought to be tolerated as long as they do not disturb the civil order. The passage remains ambivalent and is open for a rather wide as well as a strict interpretation of what that means. In any case, it is safe to say that it does not draw out the radical consequences that his main arguments for toleration imply and which he pointed out so forcefully in his other writings, clearly arguing for the moral capacities of atheists - which might even be superior to those of Christians since their acting morally is not done for a higher reward.¹⁰⁶

¹⁰² Bayle, *Philosophical Commentary*, p. 145.

¹⁰³ *Ibid.*, p. 147.

¹⁰⁴ *Ibid.*, p. 129.

¹⁰⁵ *Ibid.*, p. 167.

¹⁰⁶ See, for example, the articles on Epicurus, Pyrrho, and Spinoza in the *Dictionnaire*, and esp. the "First Clarification" of Bayle's *Dictionary*, p. 401, where he writes in his typical way of seemingly accepting a conventional point only to question it at the same time: "Please notice carefully that in speaking of the good morals of some atheists, I have not attributed any real virtues to them. Their sobriety, their chastity, their probity, their contempt for riches, their zeal for the public good, their inclination to be helpful to their neighbor were not the effect

Hence, similar to Locke, Bayle also argues for drawing the limits of toleration on *political* and not religious grounds, yet his position is more nuanced with respect to the toleration of Catholics and atheists. Still, no text such as the *Commentaire* wards off its context and political purpose (which was, after all, a condemnation of Catholic convertism). But at this point, an important difference with Locke needs to be stressed which is important for the question of how best to justify a respect conception of toleration. While Bayle's reflexive arguments for toleration - normatively and epistemologically - are superior to a classic argument for the liberty of conscience, and while they provide a strong rationale for the respect conception of toleration, Locke's theory has one major advantage when it comes to the question of connecting reciprocal toleration on the social level with toleration on the level of the state.¹⁰⁷ If one combined - as Locke himself did not - his justification of toleration as developed in the debate with Proast with his argument, especially in the *Second Treatise of Government*, for a democratic constitution and exercise of government, one could develop a democratic conception of toleration where the duty of justifying the use of force is seen not just as a social-moral duty, as in Bayle, but as a political duty and *democratic practice* of self-government. Then, the theory of toleration would take yet another reflexive turn: justifying the proper realm of toleration and its limits would become the issue of a democratic form of argumentation and critique, institutionally and procedurally protected, including those who are in danger of being marginalized or seen as "intolerable" by conventional standards.¹⁰⁸

Bayle, however, even though he provides the necessary theory of justification for such a combination of toleration on the social and the political level, did draw a sharp line between these two realms. When it came to the question of securing stable political conditions for the kind of universal social toleration he argued for, he believed - in the tradition of the French *politiques* - that an independent and enlightened sovereign such as Henri IV would be much more suited for that task than a framework of a political struggle for democratic power that would eventually

of the love of God and tended neither to honor nor to glorify him. They themselves were the source and end of all this."

¹⁰⁷ Sally Jenkinson, "Two Concepts of Tolerance: Or Why Bayle Is Not Locke," *The Journal of Political Philosophy*, 4:4 (1996), pp. 302-321, rightly stresses the first difference (though without using the terms of "permission" or "respect" in her distinction between an "early-modern" and a "modern liberal" theory of toleration), but she overlooks the second.

¹⁰⁸ I develop such a theory of reflexive democratic toleration, though not on Lockean grounds, in the second part of my *Toleranz im Konflikt*.

only lead to further conflict and strife. In this respect, Bayle remained closer to Hobbes than to Locke or the Calvinist monarchomachs of his day.¹⁰⁹

Still, despite this gap between toleration on the social level and the structure of political government, Bayle's theory of toleration provides a milestone in the historical discourse of toleration. For no one saw clearer than he did that the traditional arguments for toleration did not lead one out of the vicious circle of intolerance or of partial justifications for tolerance that (at least in part) reproduced the major points of difference between the conflicting views. His main reflexive move was to use the very principle of justification *itself* as the ground for a justification of toleration - since the question of toleration ultimately - and undeniably - is the question of the justification of the exercise of force or of the legitimacy of general norms valid and binding for all: a question of *justice*.¹¹⁰ If it were possible to interpret that principle as a moral principle of mutual respect and of the duty of reciprocal justification, and if it could be combined with a non-dogmatic as well as non-skeptical epistemological argument for the difference between knowledge and faith, then a higher-order ground for toleration could be established. For then the three components of toleration (see section 1 above) would allow for the *objection* component to be constituted by, say, a particular religious doctrine, while the *acceptance* component would be provided by the normative-epistemological argument for the duty of justification and of self-restraint in the face of "reasonable" disagreement. Finally, the *rejection* component would be determined such that only beliefs and practices that violated the principle of justification would appear as intolerable - a judgment always in need of appropriate reciprocal justification.

Methodologically, such a reflexive theory of toleration does what Rawls suggests for his political conception of justice: it "applies the principle of toleration to philosophy itself."¹¹¹ Following Bayle, however, the substantive presuppositions and implications of such a conception of toleration (and of justice) are stronger than Rawls would (at least explicitly)¹¹² allow for: While the normative component of a Baylean case for toleration implies a certain Kantian

¹⁰⁹ See esp. his articles on Hobbes and de l'Hopital in the *Dictionnaire*, both in Pierre Bayle, *Political Writings*, ed. S. L. Jenkinson (Cambridge: Cambridge University Press, 2000), pp. 79-117.

¹¹⁰ See my "Toleration, Justice and Reason," in *The Culture of Toleration in Diverse Societies*, ed. C. McKinnon and D. Castiglione (Manchester: Manchester University Press, 2003), pp. 71-85.

¹¹¹ Rawls, *Political Liberalism*, pp. 10 and 154.

¹¹² I present a critical reading of Rawls' theory along such lines in my *Contexts of Justice. Political Philosophy beyond Liberalism and Communitarianism*, tr. J. M. M. Farrell (Berkeley and Los Angeles: University of California Press, 2002), esp. ch. 4.2; see also my "Die Rechtfertigung der Gerechtigkeit. Rawls' Politischer Liberalismus und Habermas' Diskurstheorie in der Diskussion", in *Das Recht der Republik*, ed. H. Brunkhorst and P. Niesen (Frankfurt/Main: Suhrkamp, 1999), pp. 105-168. Finally, see *Toleranz im Konflikt*, § 32.

conception of practical reason, the epistemological component implies a particular conception of theoretical reason - forms of reason that are to be reconstructed philosophically on a level that lies beyond the struggles between religious doctrines, for example. Otherwise, a reflexive theory of toleration that argues for a general duty of toleration - implying that certain forms of intolerance are morally *wrong* as well as *unreasonable* - would not be possible. As long as we are confident that judgments such as the one that "convertism" is wrong and that a conceptual confusion of science and religion is a mistake, we are working under the assumption that there are reasons for such judgments that can in principle be shared by every reasonable person. Bayle firmly believed that human beings are creatures that share such capacities of reason, even though they are often clouded, for a number of reasons. Maybe we approach a historical situation where his conviction and arguments that there is such a common basis of justification and of mutual toleration is as provocative as it was in his time.¹¹³

¹¹³ I thank Benjamin Grazzini for helpful editorial advice.