THINGS INDIFFERENT IN LOCKE'S WRITINGS ON TOLERATION

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1. INTRODUCTION

THE purpose of this article is to draw attention to the presence, nature and importance of the notion of *adiaphora*, or things indifferent, in the work of John Locke, primarily in his writings on toleration.[1] Although Locke does not give the topic much prominence in his writings on political questions, I will attempt to show that it is far more central to his thought than the scarce secondary literature on the subject would suggest. Locke himself, writing about the «over-zealous contention about things, which they themselves confess to be little and at most are but indifferent»,[2] is an eloquent witness to the role played by this notion among his contemporaries. And although his words suggest that in theory one should not fight for unimportant things, he is not surprised by the phenomenon. On the contrary, Locke states, «he must confess himself a stranger to England that thinks that meat and habits, that places and times of worship, etc., would not be […] sufficient occasion of hatred and quarrels amongst us».[3] Things indifferent, whatever they may be, are a constant point of controversy. Locke's older contemporary, John Owen, wrote that the disputes of the last hundred years over things indifferent were

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[2] J. LOCKE, *Two Tracts on Government*, Philip Abrams (ed.), Cambridge University Press, Cambridge 1967, p. 120. References to the *Two Tracts* are to the page numbers of the Abrams edition. In the case of the Second (Latin) Tract, however, I follow the translation given by Mark Goldie in J. LOCKE, *Political Essays,* Cambridge University Press, Cambridge 1997, pp. 54-78.

[3] J. LOCKE, *Two Tracts on Government*, cit., p. 121.

«enough to frighten and discourage unbiased men from having anything to do with them».[4] This can lead us to doubt whether there are any things indifferent at all, but at the same time it forces us to recognize that the question is itself anything but indifferent.

In fact, the notion of indifferent things has a long history in philosophy and theology, with some notable changes throughout said history. When the Stoics brought the category of the indifferent into the history of philosophy, they used it to qualify external things and states of a subject, e.g., wealth and poverty or health and sickness. But this conceptual tool went on to be used in other spheres as well. The same terminology was used by medieval scholasticism to discuss the existence or inexistence of morally neutral actions – no longer states of a subject or external things, but rather actions – and was also early adopted by Christians to describe the differences in worship, the point being that not all differences in the form of worship are important. The examples given by Locke – meat and habits, places and times of worship – seem to line up with this last type of concern. And this, in turn, could give the impression that Locke's position simply continues a traditional theological thesis concerning the legitimacy of a reasonable variation in the liturgy. On this reading, the position would be an example of the reasonableness of Locke's orthodoxy. If Locke's use of *adiaphora* were confined to this status, the literal indifference with which Locke scholars have responded to this topic would be justified. For while its presence, even its frequency, in his writings is usually noted, it is not regarded as important. Laslett, for instance, mentions the concern for indifferent things as a "scholastic exercise" that Locke would fortunately leave behind him as his political thinking matured.[5] However, as we shall see, the use Locke makes of the notion of indifferent things in his early works was already quite different from the common scholastic use of the notion. Furthermore, his intellectual maturity is in no way characterized by a lesser use of the idea of things indifferent. Klibansky's edition of the *Epistola de Tolerantia* seems to be a clear refutation of such a development, since its longest footnote – by J. W. Gough – is concerned with this idea of *adiaphora*[6]. But in reading this footnote, one gets the impression that Locke does not say anything new. He would seem to speak in the spirit of the Stoics, of Thomas Aquinas or Melanchthon (some of the authors Gough quotes), thus giving us an impression not unlike that of Laslett: that although Locke spoke consid-

[4] J. Owen, *Indulgence and Toleration Considered*, in *The Works of John Owen*, vol. xiii, Banner of Truth Trust, London 1965, p. 520.

[5] P. Laslett, introduction to J. Locke, *Two Treatises of Government*, Cambridge University Press, Cambridge 1988, p. 22.

[6] J. Locke, *Epistola de Tolerantia/A Letter on Toleration,* Raymond Klibansky (ed.), Clarendon Press, Oxford 1968, pp. 157-159.

erably about the indifferent, his use of the concept is too trivial to invest its frequency with significance. In what follows, I shall attempt to call this view into question, and, chronologically following several of his writings on toleration between 1660 and 1689, to draw attention to the wide range of issues in which this notion not only plays an important role, but also a role divergent from the one it plays in the premodern authors and currents that I have just mentioned.

2. Authoritarian indifference

Between 1660 and 1662, Locke wrote two short treatises, known since their publication in 1967 as *Two Tracts on Government*. These treatises, which were not published by Locke but had some circulation in Christ Church, Oxford, constitute Locke's participation in an explicitly adiaphoristic controversy. They are Locke's response to the treatise *The Great Question Concerning Things Indifferent in Religious Worship,* by Edward Bagshaw. Put simply, Locke's position recognizes certain practices as indifferent, but from there arrives at a conclusion opposite that of Bagshaw: in these indifferent things, Locke argues, precisely because they are indifferent, the magistrate can intervene without committing a violation of conscience. In this Locke agrees with a then predominant position, according to which the qualification of certain things as indifferent does not imply the liberty of individual conscience regarding them, but rather shows that God has left open an area for the authoritative decisions of the magistrate or the church. Though recognizing things as indifferent, Locke can then write that the magistrate «must necessarily have an absolute and arbitrary power over all the indifferent actions of his people».[7] Thus, until not long ago, it was said that in this topic Locke's early work represented the *opinio communis*, that he simply repeated «a conventional piece of Anglican (and moderate Presbyterian) adiaphorism».[8] However, as Jacqueline Rose has shown in a comparison of Locke's writings with controversial literature of the period, Locke's early position also contains heterodox elements, such as the view that all regulation of things indifferent lies in the hands of the magistrate, excluding (not explicitly, but through an eloquent silence) all ecclesiastical regulation.[9] Not only is such a division of spheres absent, but there is also an explicit negation of any difference between civil and religious *adiaphora*: «there being no greater distinction than there is between a gown worn in the market-place and the self-same gown worn in the church, it is clear that the magistrate's authority embraces the one type of indifferent things as much as

[7] J. Locke, *Two Tracts on Government*, cit., p.123.

[8] M. Goldie, introduction to J. Locke, *Political Essays*, cit., p. xviii.

[9] J. Rose, *John Locke, 'Matters Indifferent', and the Restoration of the Church of England*, «The Historical Journal», 48 (2005), pp. 601-621.

the other».[10] What motivates Locke to defend this singular thesis is the idea that if we deny the magistrate authority over things indifferent in the church, the conclusion of the people will be that authority over all indifferent things is being denied the magistrate. Religious indifferents will, then, be the road to radicalism: once the people «hear that the magistrate hath no authority to enjoin things indifferent in matters of religion, they will all of an instant be converts, conscience and religion shall presently mingle itself with all their actions and be spread over their whole lives to protect them from the reach of the magistrate».[11] Locke shares this anti-anarchistic concern, of course, with many other Restoration writers, but, as Rose has shown, with his statement that civil and religious indifferent things «are all of the same nature»,[12] he takes a step decidedly further than his contemporaries.

But there is something more than anticlericalism in Locke's early development of this topic, as seen in the way he describes the indifferent. It is namely possible to characterize things indifferent in at least two ways, as that which has been neither commanded nor forbidden, or as that which is neither good nor evil. But Locke omits this second alternative or, rather, reduces it to the first one. Thus, he simply determines as indifferent that which has not been set by law. If there were no law, he writes, «there would be no moral good or evil» and everything would be «purely indifferent». What is not under any law remains in fact indifferent,[13] and it is to this area that Locke restricts freedom: «all things not comprehended in that law are perfectly indifferent and as to them man is naturally free».[14] But «naturally free» does not mean «politically free». What Locke is defending is precisely that this field of «natural freedom», the sphere of the indifferent, is the proper sphere for the government's power to be deployed. Each of the two tracts gives us slightly different arguments in support of this position. In the first, his argument primarily consists in distinguishing whether something is imposed as necessary or as indifferent. According to what he argues here, there will be an «imposition upon conscience», only when something is imposed as if it were of divine origin and as necessary for salvation, but not when it is conceded that the origin of the imposition is human authority.[15] Imposing something upon the conscience would then be related not to what is materially occurring, but rather to the type of justification given for the imposition. The second tract is somewhat more complex. Here, Locke divides law into (1) divine, (2) human, (3) fraternal or of charity, and (4) monastic or private. Such a division seems in some ways to follow traditional criteria, with divine law, for instance, divided into natural and positive, depending on whether it is known by reason or revelation. While

[10] J. Locke, *Two Tracts on Government*, cit., p. 200.
[11] *Ibidem*, p. 154.
[12] *Ibidem*, p. 170.
[13] *Ibidem,* p. 124.
[14] *Ibidem.*
[15] *Ibidem.*

Locke states that human law can act as reinforcement to divine law (such as in prohibiting robbery), it also can legislate on indifferent matters that divine law has left open. This would be the «proper matter» of human law, as the mere act of reinforcing things established by divine law could be superfluous. Fraternal law, on the other hand, deals with topics condoned by both divine and civil law, from which we nonetheless refrain because it could offend a weaker brother. Following this is private law, which we could describe as the area of self-legislation, i.e., conscience. It is, however, reduced to what each of the three aforementioned laws has left untouched, for each of the types of law that have been discussed has as its area of action that which the previous type has not included, that is, that which has been left as indifferent. Human law has in its jurisdiction that which divine law has left out as indifferent, and the same applies to fraternal law in relation to human law, and to the private law – conscience – in terms of each of the previous types: only when all the previous laws are silent may the commandments of conscience be followed.[16] This is to say, conscience should be obeyed only in topics that for all prior forms of law, even fraternal law, are completely and purely indifferent. One will have to search hard in the history of philosophy to find someone with such a restrictive view of the authority of conscience.

But this is surprising not only in regard to conscience, but also inasmuch as it means that governmental actions end up being almost restricted to the sphere of the indifferent. For in this quadruple classification of the law, the «proper matter» of human law «is indifferent things», that is, things not regulated by divine law.[17] Some pages later, Locke emphatically repeats that the «object and matter of legislative power» are «all indifferent things», «and we repeat once more that either the power of the supreme magistrate is over these, or else it is nothing».[18] There could hardly be a more explicit statement of the importance of the topic: it is not that the authority of the government is *also* extended to the indifferent, but rather that authority over the indifferent is the article by which government stands or falls. This means that not just divine/natural law may reasonably limit liberty of conscience, but also human law in its non-moral dimension, namely in the highly controversial area of the form of worship and the role of human traditions within it. That many aspects of worship were left without regulation by God is universally acknowledged. The disputed point is whether this lack of prohibition and prescription implies a duty not to add or regulate anything, or if, on the contrary, it shows us a gap that is waiting to be filled. Locke opts for this second position, saying that Christ's words (Mt. 15:9) against the Pharisees who add human traditions to what has been commanded by God could not be applied analogously to Christians, since the Jews had been given «an inalterable platform» in which

[16] *Ibidem*, p. 139. [17] *Ibidem*, p. 194. [18] *Ibidem*, p. 201.

even the «minutest circumstances» were regulated.[19] Locke interprets Judaism as a religion that already constitutes a fully developed system, and this is what would make any addition to it an act of violence. However, among Christians such additions would not be a problem, precisely because of the quantity of things that God had left unregulated, that is, those considered to be indifferent. Everything outside of the minimally defined "substance of religion," is thus left in the hands of the magistrate so that it can be regulated according to the customs of the people.[20]

But Locke's position does not just stem from the idea that Christianity is a religion ritually less regulated than Judaism. He is rather working from a position that seeks to present Christianity as a religion that is also doctrinally not very specific. In this regard not only the parallels with Hobbes or Spinoza should be noted; he rather stands within a long tradition of Christian humanism, with «few and simple» doctrines and a strong moral emphasis.[21] This doctrinal minimalism is usually thought of as characteristic of Locke's later work, but the first of the *Two Tracts* ends with an emphatic negation that the Bible touches «particular questions» such as the most appropriate form of church government or the question of infant baptism.[22] Christ and the apostles, Locke states, rarely go «beyond the general doctrines of the messiah or the duties of the moral law».[23] A comparison with John Owen may be useful again, though this time they disagree. When Owen wrote about the doctrines necessary to justify characterizing somebody as an orthodox Christian – the «fundamental articles» – he included a warning against preachers that only address «general principles», instead of «explaining, confirming, and vindicating any truth that we have received».[24] The contrast between both authors can be described simply: though both seem to agree on the idea that only certain articles can be considered fundamental for salvation, the words of Owen are those of someone who believes that non-fundamentals, things of less importance, must still be a matter of concern, controversy, defense, explanation. In other words, that it does make sense to address «particular questions». The words of Locke, on the other hand, are those of someone who has started to consider non-fundamentals as simply indifferent. The seed of the entire argument that Locke would develop 40 years later in *The Reasonableness of Christianity* is already present here. However, while in the case of the minimal regulations we have received for worship Locke thought that they had to be

[19] *Ibidem*, p. 132.
[20] *Ibidem*, p. 189 (*religionis substantialia*).
[21] For a reading of Locke in this context see H.G. Reventlow, *The Authority of the Bible and the Rise of the Modern World*, SCM Press, London 1984, pp. 243-288.
[22] J. Locke, *Two Tracts on Government*, cit., p. 172.
[23] *Ibidem*, p. 173.
[24] J. Owen, *A Discourse Concerning Evangelical Love*, Church Peace, and Unity in The Works of John Owen, vol. xv, Banner of Truth Trust, London 1965, p. 109.

completed by a decision of the magistrate concerning indifferent things, the minimal doctrinal contents have to remain as minimal as they are.

This adiaphorism is usually presented as opening space for freedom, and in Locke's later work it is easily associated with the launching of what would later be called liberalism. But here, as we have seen, it appears as part of an authoritarian theory. The section of the first tract on the efficacy of coercion in religion is helpful if we want to understand the exact nature of this combination of indifference and authoritarianism in the young Locke. Since Augustine the traditional argument in favor of coercion insisted that in the case of those that belong to another religion coercion is not only ineffective, but also unacceptable. However, it was argued, it is justifiable in the case of schismatics or heretics, as one is simply obliging them to be faithful to what they themselves had promised.[25] The supporters of this position had an ambitious goal – the conversion of the sinner – but they were therefore cautious regarding the possibilities of achieving said goal. From Augustine's generation to Locke's, advocates of the traditional doctrine of religious coercion recognized the principle that one can only believe willingly, so they limited the use of force to that of indirect means: terror would make one think, it would not produce conversions.[26] In this early stage of his development, Locke coincided with this traditional position in the sense of justifying coercion with arguments that will necessarily restrict its use to schismatics or heretics, not extending it to members of other religions. However, he differed from the traditional position regarding the goal of coercion, as well as in terms of the hoped for efficacy. Seeking conformity, he had a less demanding goal than that of seeking conversions. But if one seeks external conformity only, the goal can be pursued more directly and efficaciously: severity «is able to reach the external and indifferent actions of men, and may in them be applied with success enough».[27] Locke, nonetheless, can argue that with this the dissenter is in a better situation than he would have been in the older regime, as the required external conformity would not mean a loss of the liberty of conscience. For external conformity, namely, the consent of the will would be enough, with no need for the consent of reason. This brings us back to the difference between things being imposed as necessary or as indifferent. Consent of reason is accepting something as if it were necessary; accepting something as ordered by human authority, on the contrary, is a formal, non-material obligation, that does not violate conscience.[28] This, in turn, explains why the minimal divine prescriptions for worship may be completed by human laws, while the minimal doctrinal contents of Christianity remain minimal.

[25] Thus, for instance, Proast, as quoted by Locke in his *Second Letter on Toleration* in *Locke's Works*, vol. VI, London 1801, pp. 61-2.

[26] AUGUSTINE, *Epistola* 93, 1, 3.

[27] J. LOCKE, *Two Tracts on Government*, cit., p. 128.

[28] *Ibidem*, pp. 206-207.

Before moving on to the next step in Locke's development, we should point out that the *Tracts* are not the only writings of Locke's early period in which he defends this position. It is also confirmed in his essay *Infallibility*, written between 1661 and 1662. On a superficial level, what is striking in this piece is Locke's criticism of the Roman Catholic doctrine of infallibility. As Biddle has observed, it is probable that the text was written precisely as a response to those who considered the *Two Tracts* close to Roman Catholicism.[29] But in the midst of the text's criticism of the Roman Catholic doctrine of infallibility, Locke writes that in the area of the indifferent, infallibility is required. Precepts like «let all things be done decently and in order» (*II Cor* 14:40) require a decision on indifferent things, and «in these and other similar cases I agree that an infallible interpreter is given, possible, and needed».[30] Naturally, this is not infallibility in the strict sense. Locke describes it as «directive not definitive».[31] As John Biddle has noted, such a distinction can be considered parallel to the one we have already seen in the *Tracts* between material and formal obligation, or between freedom of reason and freedom of will.[32] Thus, although we are dealing with occasional works, it seems clear that at this point in Locke's intellectual development, his very consistent position regarding *adiaphora* is of central importance to his systematic thought. Furthermore, while this early Locke may still seem unheard of to those who are only aware of his later works, it should be noted that the main features of his mature thought are in a strange way already present here. James Tully has rightly noted that it is on the basis of the same analysis that «Locke advanced two radically different solutions».[33] The solution presented in his later writings for toleration is indeed strikingly different from his early authoritarianism, but –as I will now show- it rests on the same search for a minimal «substance of religion». One should therefore be careful in thinking that the underlying conception of religion is necessarily conducive either to authoritarianism or toleration. This conception of religion should, therefore, be evaluated on its own merits.

3. An Essay Concerning Toleration

As is well known, Locke went through a long process of intellectual development after making the acquaintance of Lord Shaftesbury. In light of what we have seen, the *a quo* point of this process, though a form of authoritarianism, cannot be described as traditional, but rather as an authoritarianism significantly modified in certain areas. Before addressing his well known *Epistola de*

[29] J. Biddle, *John Locke's Essay on Infallibility: Introduction, Text, and Translation*, «Journal of Church and State », 19 (1977), pp. 301-327, p. 307.
[30] *Ibidem*, p. 325.
[31] *Ibidem*.
[32] *Ibidem*, op., p. 306 note 12.
[33] J. Tully, *An Approach to Political Philosophy: Locke in Contexts*, Cambridge University Press, Cambridge 1993, p. 49.

tolerantia, I will first consider the intervening years. Continuity with the way in which things were set out in the early *Tracts* can be confirmed in different points. First, in terms of his doctrinal minimalism, we have the simple fact that throughout his works, Locke complained about the «bundles of articles» required by the various denominations. Towards the end of the *Essay Concerning Toleration*, written in 1667, this complaint against those who «take up their religion in gross» is specifically directed against Roman Catholics, who receive the doctrines of their church «all at once in a bundle».[34] But Locke sees this as a (negative) aspect of all robust belief systems, in which believers receive their articles of faith «altogether in a bundle».[35] To put this complaint in context (not a primarily Catholic context), it must be remembered that the 17th century is rich in the production of highly significant confessional documents, from the *Irish Articles* (1615) to the *Formula Consensus Helvetica* (1675).[36] Geographically and temporally closer to Locke, the Westminster Assembly was in session until 1652, the year Locke entered Oxford. We do not know whether Locke read its most influential text, the *Westminster Confession of Faith*, adopted in 1648, but there can be no doubt that he was deeply aware of the phenomenon of a confessionally robust Christianity. Where he happens to be ignorant concerning some specific point – as he was, for instance, regarding the five points of Calvinism[37] – we can read it precisely as a sign of his disdain for the whole phenomenon of doctrinal specificity. And this, as we have seen, was already the case by 1660: he defended robust authority, but not robust doctrine. Rather, he advocated for a minimal doctrine as a base for robust authority. This minimalism would continue to gain strength and a more prominent role. Judaism, for example, became a point of reference for reasons different than those urged in 1660: in a 1677 note on toleration, Locke mentions that it is true that the Jews had a system with strict discipline, but «there were no articles of faith to be subscribed».[38] Thus, here the focus is not on the detailed rules in the worship of the Old Testament, but rather on its less detailed theology.

But in this period, Locke begins to use this doctrinal minimalism for a wholly opposite purpose: the defense of toleration. As the most significant work of this period, we will here consider the *Essay Concerning Toleration*. The essay is subdivided in three large sections: first the limit of the tolerable within a purely speculative sphere and in worship is studied, then in the area of indifferent actions, and finally in the area of actions that are good or bad in them-

[34] J. Locke, *An Essay Concerning Toleration and other Writings on Law and Politics 1667-1683*, J.R. Milton and P. Milton (ed.), Clarendon Press, Oxford 2006, p. 284.

[35] J. Locke, *Study*, in *Political Essays*, cit., p. 370.

[36] For a good compilation see E.F.K. Müller, *Die Bekenntnisschriften der reformierten Kirche*, 2 vols., Hartmut Spenner, Waltrop 1999.

[37] See the surprised indignation of his friend Philipp van Limborch in J. Locke, *Correspondence*, III, 905.

[38] J. Locke, *Toleration* C, in *Political Essays*, cit., p. 269.

selves. It may seem as if the notion of things indifferent had been introduced to help to establish the limits of toleration. However, before introducing this threefold division, Locke discusses the end of government, and it is rather this end that comes to determine the realm of the tolerable. Governmental actions are here limited to the «good, preservation, and peace of men», and according to these criteria Locke analyzes the three areas mentioned.[39]

If we turn our attention to the first field, it would seem that worship and the speculative aspects of religion are being treated as distinct from things indifferent (these are namely treated as a second, separate, field of inquiry). However, even though they are treated in a single section with Locke defending «an absolute and universal right to toleration»[40] for both rival doctrines and forms of worship, the arguments given for each are different. In the case of worship, what we have is a sphere of action which leads us to treat things that in themselves are indifferent (like kneeling) as if they were not. Thus, «in religious worship noething is indifferent», even though «kneeling in and of itself may be indifferent».[41] It is hard to see how such an argument could be applied to doctrines, since these are not reduced to any specific area of reality. Here Locke must then introduce an idea that will become characteristic of his later thinking: the speculative is not in itself indifferent, but it is treated as if it were indifferent for our life in common.[42] Doctrines do not have «any influence on my actions as I am a member of any society»,[43] and can thus be tolerated. It is of course possible (and highly probable) that Locke means more than this. He might mean that doctrines *are in fact irrelevant*, but that even those who think they are in some sense relevant should acknowledge that they are irrelevant to my actions "as I am a member of any society." The reason to read him in this way lies in the eloquent adjectives he uses: he speaks of doctrines as «*purely* speculative opinions» and "*bare* speculations."[44] One should then resist the temptation to read a private/public distinction into Locke's text. Here, as well as in the later *Epistola*, Locke, in contrast, addresses the problem through a distinction between the theoretical and the practical, with the former to a

[39] In the *Two Treatises*, as is well known, government has «no other end but the preservation of Property» (§ 94). But Locke's reference to the «general name, Propierty» as including the preservation of «Lives, Liberties and Estates» (§ 123), has of course led to much discussion concerning the actual ends he sets to governmental activity. The same ambiguity is present in An Essay Concerning Toleration, which at first sight speaks about the «good, preservation, & peace of men» (269) but later sees the end of government in «riches & power» (290).

[40] J. Locke, *An Essay Concerning Toleration*, cit., p. 271.

[41] J. Locke, *Additions to An Essay Concerning Toleration*, in *An Essay Concerning Toleration*, cit., p. 308.

[42] The first time Locke explicitly distinguishes indifference «in respect of the Law maker» and «in them selves», it is regarding indifferent practical opinions. J. Locke, *An Essay Concerning Toleration*, cit., p. 277.

[43] *Ibidem*, p. 271.

[44] *Ibidem*. My emphasis.

great extent being indifferent. The separation between these two spheres is as decisive as the separation between the goals of the State and the Church: Locke believes that toleration is possible because the things that he classifies as merely speculative doctrines, «the Trinity, purgatory, transsubstantiation», and even «Christ's personall reigne on earth»,[45] have no effect on practice. Only belief in the existence of God manages to bridge this theoretical/practical gap: it is the only doctrine that Locke thinks is followed by practical consequences, «it being the foundation of all morality».[46] The difference between this doctrine of the existence of God and the rest of the teachings of Christianity is thus enormous. It is not that the former is very important and the latter less so, but rather that the «great and Fundamental Article of all Religion and Morality, That there is a God», is all important, while the remaining articles of religion have no influence at all on our living.

However, in this *Essay* there is, as we have seen, an area that Locke not only treats as indifferent, but also refers to in that way. Here Locke does grant toleration, but it is a limited one, «only soe far, as they do not tend to the disturbance of the state»,[47] as opposed to the universal and absolute toleration defended for the former area. Thus, the jurisdiction of the magistrate on indifferent things continues to be considered by Locke as fundamental to defend. If authority over this area is denied, he states, «there will be noe law, nor government».[48] But that the magistrate has such authority is something, according to Locke, «acknowledged on all hands».[49] Two things stand out in his characterization of this kind of opinions and actions. The first is that under the heading of things indifferent not only actions are discussed, but mainly *ideas* concerning indifferent actions. Locke introduces them as «practicall principles, or opinions»,[50] and these opinions concerning things indifferent are objects of the same limited toleration as «the actions flowing from them».[51] The second point worth mentioning is related to Locke's examples of indifferent actions and practical opinions. His lists include trivial examples like «that flesh or fish is to be eaten or absteined from at certain seasons», but also weightier matters as rival ideas concerning divorce. He even twice mentions polygamy.[52] In the *Paraphrase and Notes on the Epistles of St. Paul* that Locke wrote between 1699 and 1704, this is complemented by his description of fornication as something that could be evil for Christians, but indifferent for others.[53] We should note that this is a phenomenon different from what we have seen so far in his work. Previously, it was not so much actions or beliefs in themselves that were treated as indifferent, Locke's strategy being rather to see them as indifferent

[45] *Ibidem*, p. 271.
[46] *Ibidem*, p. 308.
[47] *Ibidem*, p. 276.
[48] *Ibidem*.
[49] *Ibidem*.
[50] *Ibidem*, p. 275.
[51] *Ibidem*, p. 276.
[52] *Ibidem,* 276 and 289.
[53] J. Locke, *Locke's Works*, vol. viii, cit., pp. 109-110.

in their relation to our practical life in common. Now, however, something is qualified as indifferent not because of the sphere in which it takes place or its possible effect on practice, but rather in and of itself. It is true that in a sense this is not a radically new position. Thomas Aquinas also accepts the idea of certain actions being generically or abstractly indifferent,[54] and it is clear that here also Locke is thinking in abstract terms: it is precisely by adding a circumstance that concretizes – in this case, the fact that the agent is a Christian – that an action like fornication ceases to be indifferent. But Locke, of course, has here extended the catalogue of actions that in abstract are considered indifferent to cover things that most previous Christian thinkers would have considered intrinsically wrong.

It is not uncommon to see the *Essay Concerning Toleration* as an intermediate stage of Locke on his way to the *Letter on Toleration*. But the preceding survey should lead us to question such an assessment of the work. In some aspects, as in its discussion of morality, it is rather the *Essay* that seems to be the radical work. It is true that the position just described is one that Locke did not pursue publicly: the *Essay Concerning Toleration* was never published, and the *Paraphrase* was published posthumously and anonymously in 1707.[55] Nevertheless, the amplification of the number of morally indifferent actions is significant. It is, furthermore, an amplification that Locke does not argue for, but just assumes. As we will see, *adiaphora* play no significant role in the moral teaching of the *Epistola*, but this makes the central place of doctrinal minimalism in Locke's political thought all the clearer. And here too, one should ask how much of his position is argued for and how much is simply assumed.

Before turning to that later text, however, it may be useful to raise the question regarding the general relationship between theories of toleration and the expansion of *adiaphora*. The close relationship between the two topics is more surprising than we see at first. Until Locke's generation, toleration was namely understood to be the kind of virtue we need in order to wrestle with significant disagreements, a virtue needed to face things that we do not find indifferent, but rather outright evil;[56] a significant growth of «things indifferent», on the other hand, seems to imply a waning of significant disagreements, and thus of the need for toleration. Arguably, the meaning of toleration starts to change through its association with *adiaphora* that we find here: instead of

[54] Thomas Aquinas, *Summa Theologiae* I-II, q. 18, a. 8.

[55] In J. Locke, *Two Treatises*, II, cit., pp. 80-81 Locke also has an unconventional view concerning divorce. But the notion of «things indifferent» is absent from that (anonymous) work, and he does not discuss the other moral issues which he touches in the *Essay Concerning Toleration*.

[56] On this see, above all, I. Bejczy, *Tolerantia: A Medieval Concept*, «Journal of the History of Ideas» 58/3 (1997), pp. 365-384. For Aquinas see my article, *A Defensible Conception of Tolerance in Aquinas?*, «The Thomist», 75/2 (2011), pp. 291-308.

praising Locke as a pioneer of toleration, he should be considered among the most significant disseminators of one specific understanding of toleration.

4. The *Epistola de Tolerantia* and indifference in public worship

A quick glance at the first pages of the *Epistola de Tolerantia* will make clear that the theological background is much more visible here than in the *Essay Concerning Toleration*. The unpublished essay establishes first the limits of government; in the *Epistola*, on the contrary, the introductory pages seek to determine what exactly Christianity consists in, questions pertaining to the licit sphere of government action not being approached until afterwards. Later, having described the churches as voluntary societies, Locke characterizes them as based on two main points in which they can differ: their external worship (*cultus externus sive ritus*) and their doctrines (*dogmata*).[57] Here we will follow this division that Locke introduces halfway through the *Epistola*, first dealing with worship, and in the next section with doctrines.

It bears mention that expressly adiaphoristic terminology is not used in the *Epistola de Tolerantia* until this distinction between worship and doctrine has been introduced. But it is not introduced in order to qualify external worship as indifferent. At least explicitly, Locke is not calling for a privatization of worship or any other type of radical internalization of religion.[58] He rather states that the magistrate cannot prohibit any rite from occurring in the church, as in doing this «he would destroy the church itself, whose goal is to worship God freely in its own way».[59] The *Epistola* could thus give the impression of heading towards an ecclesiology more robust than that found in Locke's earlier works: Locke stresses that God must be «worshipped publicly», and that believers come together not only for mutual edification, but to «publicly testify before the people».[60] But in order to know how far this more robust view of corporate Christian life goes, we need to know the authority granted to the church in the realm of the indifferent. We have already seen this question handled by Locke in the *Tracts*. In the *Epistola*, however, the question is not posed by Locke himself, but rather by an adversary: «Will you then deny the magistrate what everyone allows him – power over indifferent things? If that is taken away, there will be no subject left on which he can legislate», the hypothetical interlocutor insists.[61] Locke replies, agreeing that this is perhaps

[57] J. Locke, *Epistola de Tolerantia*, cit., p. 100.

[58] In this regard I agree with J. Herdt, *John Locke, Martyrdom, and the Disciplinary Power of the Church*, «Journal of the Society of Christian Ethics», 23/2 (2003), pp. 19-35.

[59] J. Locke, *Epistola de Tolerantia*, cit., p. 108. My translation. Unless otherwise stated, I will quote from the Gough translation.

[60] *Ibidem*, p. 100. My translation.

[61] *Ibidem*, p. 103.

the only legitimate area of legislative action. But it is a qualified assent, and Locke introduces various reasons for holding that governmental intervention in things that are part of worship cannot be.

His argument is partially based on the limits of government: «it does not therefore follow that the magistrate may ordain whatever he pleases concerning anything that is indifferent. The public good is the rule and measure of lawmaking».[62] But then he introduces the more interesting question of how something in itself indifferent can become a part of worship, and thus «out of the reach of the magistrate's jurisdiction».[63] This occurs, of course, with the intervention of an authority other than that of the magistrate. But, significantly, it is not the authority of each church, as we might expect, that is invoked, but rather the authority of God: «In divine worship things indifferent are not otherwise lawful than as they are instituted by God».[64] The text, therefore, does not invite each religious community to have the variations it would approve in indifferent matters, but rather it invites them to ask what indifferent things God has established as part of the worship owed Him. The offence that can be given God through indifferent things is namely no small matter, as the introduction of indifferent things in the religious field radically transforms them: «However indifferent these things may be outside religion, when they are introduced into sacred ritual without divine authority, they are as abominable to God as the sacrifice of a dog».[65] Just as in the early *Tracts*, it seems there is no space reserved for decisions of the ecclesiastical authority in indifferent things within religion. What lies outside the magistrate's jurisdiction is not within the ecclesiastical jurisdiction, but rather within God's jurisdiction. In fact, if in the *Two Tracts* the absence of an ecclesiastical jurisdiction could be inferred from Locke's silence – and from the «absolute and arbitrary» power granted the magistrate – there is here an explicit argument to support such a position.[66]

But Locke is not saying that ecclesiastical authority must be completely impotent in terms of the regulation of things indifferent. He concedes, rather, that things such as times and places of worship should be regulated in this way. Once again, however, this is not supported by an appeal to liberty of conscience, but to a then frequent theological distinction between parts and circumstances of worship.[67] Locke describes parts of worship as anything be-

[62] *Ibidem*, p. 103. [63] *Ibidem*, p. 103. [64] *Ibidem*, p. 105.
[65] *Ibidem*, p. 107.
[66] The same position is arrived at in other texts as well. See J. Perry, *Locke's Accidental Church: The Letter Concerning Toleration and the Church's Witness to the State*, «Journal of Church and State», 47 (2005), pp. 278-279.
[67] J. Locke, *Epistola de Tolerantia*, cit., pp. 106-109. For the underlying discussion see J. Owen, *A Discourse Concerning Liturgies, and their Imposition in The Works of John Owen*, vol. xv, cit., pp. 35-37.

lieved to have been expressly required by God; circumstances he calls that which is necessarily required by worship, but is not considered to have been established by God: worship must take place a certain day, in a certain place, etc. These two elements, parts and circumstances, are described in the *Epistola* as *necessarium* and *indifferentes*, respectively.[68] And a particular church is free to regulate circumstances, not parts. But, as Locke himself concedes, there are things that in one religion can be integral to worship – such as worship on a certain day in Judaism – and in others can be nothing more than a circumstance. In the case of Christianity, the sphere of what is merely circumstantial and indifferent is therefore larger. Also among Christians there are, of course, those who consider some of these circumstances – like the day of worship – to be a part and not a merely indifferent circumstance, and Locke certainly argues that these Christians should be as free to worship in their ways as the Jews. But he clearly speaks in more complimentary terms of those for whom such things are just circumstances: liberty to worship may be granted to all, but only these possess «evangelical liberty».[69] The notion of *adiaphora* has been introduced in order to reduce conflicts. But it seems quite clear that this does not come about by means of a simple neutralizing of the whole area of worship, nor by simply declaring local liturgical variations to be something indifferent. On the contrary, it should be stressed that Locke is writing from within one particular understanding of Christianity against other interpretations of the same religion. In so doing, he concedes that circumstantial changes are indifferent, but at the same time he draws the line between parts and circumstances with firmness: those who cross this line and make something Locke takes to be indifferent a part of worship, are certainly free to do so; they are, however, not doing something indifferent, but rather losing their inner freedom – plainly something evil.

5. The *Epistola de Tolerantia* and doctrinal minimalism

Things indifferent also play a role in the doctrinal component in the *Epistola,* but somewhat more implicitly: it is mainly through the paucity of the things treated as essential that we can gauge the dimensions of the part Locke considers to be indifferent. In fact, the Christianity presented in the first few pages of the *Epistola* is eminently practical and doctrinally minimal. Locke continues working with the radical separation between theoretical and practical doctrines we have seen in the *Essay*. In fact, the section of the letter dedicated to doctrines begins with this distinction between the theoretical and the practical. According to Locke, speculative doctrines simply end in understanding, whereas the practical ones extend to will and manners. This separation

[68] J. Locke, *Epistola de Tolerantia*, cit., p. 108.

[69] *Ibidem*, p. 109.

is what allows him to establish absolute toleration for the theoretical area.[70] The realm of practical doctrines, however, poses greater challenges. In moral teaching, as Locke states, salvation is found both for the souls as well as for the commonwealth, and it thus falls «under both jurisdictions».[71] This of course opens the door to potential conflicts. These are somewhat hidden by the optimistic rhetoric of Locke's *Epistola*; but, as John Perry has shown, Locke does address them in the unpublished *Critical Notes on Stillingfleet*. And the solution he gives there is to limit the scope of what counts as religion, so that the word will only refer to «those actions which [please or displease] God without any concerning at all my neighbor, civil society, or my own preservation in this life».[72] As we will see in what follows, a similar effort is made in regard to the doctrines he considers to be strictly theoretical.

Given what we have seen, this Erasmian feature of Locke's mature thought must be seen in continuity with his early work, in which he stated that in the New Testament it is infrequent to find things that go «beyond the general doctrines of the messiah or the duties of the moral law». This way of looking at doctrines spans all of Locke's works. In a letter from 1695 to Philip van Limborch, the man to whom he dedicated the *Epistola de Tolerantia*, he writes that he had to separate himself from all the «orthodoxies of sects and systems» to look for the truth in the Bible.[73] Three years later, he describes as a defect of the «orthodoxy required by the several sects, […] a profession of believing the whole bundle of their respective articles».[74] Once one is aware of how central this doctrinal minimalism is to his work, the complaint against "orthodoxy," also present in the first paragraph of the *Epistola* – «for everyone is orthodox to himself»[75] –, no longer seems to be a display of heresy or a vague skepticism. On the contrary, it takes on a very specific sense, which is made clear when we turn to the opposite concept, the notion of heresy, to which, as is well known, Locke dedicated a final appendix of the *Epistola*. Locke's aim in this final section is to establish that not just any difference in beliefs leads to heresy, but certain changes rather constitute a change of religion; and those that belong to another religion naturally cannot be accused of heresy. This, of course, is not disputed (though it can be easily forgotten in times of unrest). However, it is something that forces us to determine who does in fact belong to the same religion, as only these fulfill the basic requirement for heresy.

[70] *Ibidem*, pp. 120-123.

[71] *Ibidem*, p. 122. My translation.

[72] J. Locke, *Critical Notes upon Edward Stillingfleet's Mischief and Unreasonableness of Separation in John Locke: Writings on Religion*, 74. For the analysis of this passage see J. Perry, op. cit., pp. 278-279.

[73] J. Locke, *Letter 1901*, in *The Correspondence of John Locke*, vol. v, E.S. de Beer (ed.), Oxford University Press, Oxford 1979, p. 370.

[74] J. Locke, *Error in Political Essays*, cit., p. 348.

[75] J. Locke, *Epistola de Tolerantia*, cit., p. 59.

Locke's requirement is that one have the same rule of faith. In this way, not only Turks and Christians belong to different religions, but also Catholics and Lutherans.[76] In that case, who is a heretic? Locke's answer is that it is someone who separates from the communion «on account of doctrines not contained in the rule itself».[77] Among those who have the Holy Scriptures as rule (i.e., Protestants), heresy is any separation (excluding others or removing oneself) based on something not contained in this rule. But his exact words are important, as he limits the rule of faith to things contained «in the express words of Holy Scripture».[78] Previously in the *Epistola* Locke asked if «it is not more becoming for the church of Christ to make the conditions of her communion consist in such things, *and such things only*, as the Holy Spirit has clearly and in express words in Holy Scripture declared to be necessary to salvation».[79] This might be read as a standard Protestant position regarding the rule of faith. But it is not, and we should carefully ponder the position Locke is taking.

With this limitation to what is expressly mentioned as necessary in the Scriptures, Locke is taking part in contemporary controversies, and placing himself fairly far from the center in them. In fact, if we look at important representatives of Reformed scholasticism, we will find a clear defense of the legitimacy of appeals not only to what is explicitly contained in the Scriptures, but also to things derived from them by «legitimate and necessary consequences». Turretin, to whom Locke alludes in the just quoted letter to van Limborch, represents a classical defense of this position, arguing that in the Bible everything is contained not *kata lexin*, but *kata dianoian*, or implicitly.[80] In this, it should be noted, he has the Reformed confessions of faith on his side.[81] But neither is Locke alone on his side of the conflict. Positions such as his are common in the Socinian literature that he was very familiar with, as well as among latitudinarian groups and among the Arminians that he came to know in his exile in Holland. Philip van Limborch, chief among these, opens and closes his *Theologia Christiana* with a discussion of necessary and non-necessary doctrines, excluding from the fundamental articles of faith everything that implies a deduction from Scripture.[82] This is the type of conflict in which Locke, in his appendix on heresy, takes part; but he does it presenting the doctrinally minimalist position of Arminians and Socinians as if it were the Protestant rule of faith. This should not be read as a minor confusion between the positions of diverse strands of

[76] *Ibidem*, p. 151. [77] *Ibidem*. [78] *Ibidem*. [79] *Ibidem*, p. 75.

[80] F. Turrettini, *Institutio theologiae elencticae*, Samuel de Tournes, Geneva 1688-1689, I, 12, 3 and prologue.

[81] See, for instance, *Westminster Confession of Faith*, 1, 6 on deriving doctrines from Scripture «by good and necessary consequence». Locke explicitly rejects this in *Epistola de Tolerantia*, p. 153.

[82] P. van Limborch, *Theologia Christiana*, Rudolf & Gerhard Wetstein, Amsterdam 1715, VII, XXI, 13.

Protestantism. Rather, what is at stake is a complete redefinition of the notions of orthodoxy and heresy. Heresy, through these new requirements, no longer consists in the selection of a single element of the total body of doctrines, that is, no longer consists in a substraction or a reduction, but is characterized rather by additions. Heresy is any «building upon» the one fundamental doctrine – Jesus is the Messiah. To the establishment of this thesis Locke dedicates an entire work, *The Reasonableness of Christianity.* Heresy, then, consisting always in the addition and not in the substraction of doctrines, is characteristic of precisely that which used to be called orthodoxy: confessional Protestantism, as much as Roman Catholicism, implies not a set of fundamentals, but a carefully intertwined body of beliefs, and this is what is being rejected.

This fact, that Locke would consider the majority of the «contrivers of symbols, systems and confessions»[83] heretics, should perhaps not surprise anyone. What is surprising is that he considers it necessary to discuss it in a treatise on toleration. After all, in other parts of the *Epistola* there is a constant and deliberate effort to abstain from judgments of this kind: there is no judge, he writes concerning doctrinal disputes, «either in Constantinople or elsewhere upon earth, by whose sentence it can be determined».[84] And even if there were a judge capable of determining who is a heretic, given the apparent principles of the *Epistola* this would seem to be a topic with no political relevance whatsoever, meriting as little discussion as any other topic of Christian doctrine. Locke, of course, would not suggest any measure against heretics. Why did he then write this appendix? The most natural explanation is that stigmatizing the doctrinal maximalists with the label of heresy would in the long term have a positive effect for the ideas embodied in Locke's political theory: as tolerated heretics, confessional believers will be likely to decrease in number and willingness to dispute – and so there will be peace. If this explanation for the existence of the appendix is accepted, it in turn retrospectively explains the use we have seen of the category of the indifferent in the area of worship. The arguments Locke uses there, in establishing the distinction between part and circumstance, promote an extremely simple worship, perhaps not even on Sundays, perhaps just a moral worship. And though Locke of course supports freedom for the public exercise of rival conceptions of Christian worship, there is still the fact that he considers these conceptions abominable in the eyes of God; he gives its defenders political liberty, but denies that they embody evangelical liberty. As heresy has been redefined as any step taken in the direction of doctrinal maximalism, "maximalist liturgy" is seen as an abomination. In both cases, we can see that Locke aims not at mere toleration, but at a wider cultural transformation, one that, in the long run, would perhaps make toleration superfluous.

[83] J. Locke, *Epistola de Tolerantia*, cit., p. 155.

[84] *Ibidem*, p. 83.

6. Conclusions

The first thing to note in the final evaluation of the texts we have discussed is the persistence of the notion of things indifferent throughout Locke's writings. While stating this, two kinds of continuity should be stressed. On the one hand is the continuity within Locke's writings. Since the publication of his *Two Tracts* in 1967, much has been written, and rightly so, concerning Locke's intellectual evolution. There are, however, striking continuities in the way the earlier and later works assess *adiaphora* and religion. Their relation to toleration changes, but one can wonder to what degree this is not mainly grounded in a change in empirical observation regarding the ease with which human beings fight over irrelevant things, rather than in substantial changes of conviction.[85] On the other hand, we should stress the continuity with a wider tradition of Christian humanism, which at least since Erasmus has not only been prone to doctrinal minimalism, but has also been suspicious of ceremonial religion. As Henning Graf Reventlow has written, the *Epistola de Tolerantia* is one of those great texts of the philosophical tradition that will inevitably be misunderstood by those who are not aware this broad theological context.[86]

Second, there is a striking continuity throughout all of Locke's work in identifying things indifferent as the sphere of political, and specifically legislative, action. And this is specially worth mentioning in light of the aforementioned continuity with Christian Humanism: in a sense, Locke is providing said tradition with the political philosophy that Humanists such as Erasmus lack. It is surprising that students of Locke's works have not been struck by the three times in his work – in the *Tracts*, the *Essay* and the *Epistola* – that he limited not just legislative activity, but sometimes all governmental activity, to things indifferent. In the words of the *Epistola*, «I grant that indifferent things, and perhaps none but such, are subject to the legislative power».[87] The way in which this is related to Locke's better known limitation of government to the preservation of life, liberty and property is something that we cannot deal with in detail here, but it should certainly be the object of more reflection on the part of Locke scholarship.

Third, the notion of things indifferent appears not just in the sense that certain actions or beliefs are treated as indifferent from the political perspective, not only can something occur in a given sphere of reality and be indifferent

[85] For the opposite interpretation, stressing Locke's change of mind, see J. Sommerville, *Conscience, Law, and Things Indifferent: Arguments on Toleration from the Vestiarian Controversy to Hobbes and Locke*, in H. Braun and E. Wallace (eds.), *Contexts of Conscience in the Early Modern World, 1500-1800*, Palgrave Macmillan, New York 2003, pp. 166-179.

[86] H.G. Reventlow, *The Authority of the Bible*, cit., p. 283.

[87] J. Locke, *Epistola de Tolerantia*, cit., p. 103.

for other spheres, but Locke also expands the range of things considered as in themselves indifferent. As we have seen, there is evidence of this expansion in the moral, liturgical and doctrinal field. Additionally, we have seen that in discussing worship as well as doctrine, Locke makes use of adiaphoristic arguments that do not actually contribute anything to the specific defense of toleration his writings apparently aim at. Such texts should rather then be considered as part of an effort to spread a "culture" of doctrinal, liturgical, and moral minimalism, which does not directly contribute to toleration, but more specifically to the reduction of conflicts. The fact that this is presented as part of a theory of toleration actually reveals a significant change in the notion of toleration. As I have argued, the presence of the notion of *adiaphora* in the ways we have seen in Locke is directed not at promoting toleration *sensu stricto*, but at reducing conflicts or even the possibility of substantive disagreements. If such a project were successful, it would actually make the notion of toleration in its pre-Lockean sense superfluous. Once we all become minimalists, there would be no conflict in which practicing toleration would be necessary.

Fourth, this implies that however neutralizing this process may be, there is still a search for a belief shared by all citizens. It is true that according to Locke «there is absolutely no such thing under the Gospel as a Christian commonwealth».[88] Nevertheless, to a large extent he seems to have argued for a religiously quite homogeneous society. Another way to put this, is to agree with Michael Zuckert in the assertion that Locke considered his interpretation of Christianity as a viable and needed «civil religion»,[89] though that of course does not mean a state religion. And although this religion may be minimal regarding its contents, it is striking that its hostility is not mainly directed at those who subtract from the shared beliefs, but towards those who add to them. Critics of Locke have often pointed out his intolerance of Roman Catholics as one of the greatest failures of his system, but have at the same time been relieved by the very circumstantial character of his arguments against this particular religion.[90] If the reading of his work presented in this article is correct, this relief is ungrounded, and all those holding confessionally robust versions of Christianity are for Locke heretics, on grounds that are by no means circumstantial. This does not mean that they will be persecuted, since Locke, as is well known, is lenient toward heretics. It does, however, mean

[88] *Ibidem*, p. 117.

[89] M. Zuckert, *Locke on the Problem of Civil Religion: Locke on Christianity*, in M. Zuckert, *Launching Liberalism. On Lockean Political Philosophy*, Kansas University Press, Lawrence 2002, pp. 147-168.

[90] See, for instance, G. Forster, *John Locke's Politics of Moral Consensus*, Cambridge University Press, Cambridge 2005, pp. 174-175.

that the hostilities they face are far more deeply rooted in the history of liberalism than is sometimes assumed.

ABSTRACT: *The article covers Locke's discussion of things indifferent, or adiaphora, considering texts from his early authoritarian Two Tracts on Government to the Epistola de Tolerantia. Along the history of philosophy, indifference has been claimed for various aspects of human life: for external things, for kinds of action, for beliefs and forms of worship. The article shows the persistent presence of this notion in Locke's writings. Additionally, its use in the aforementioned fields is explored, and its relevance for understanding Locke's conception of toleration is stressed.*

KEYWORDS: *John Locke, adiaphora, things indifferent, toleration, doctrinal minimalism.*