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## **On Liberalism, Liberty of Conscience, and Toleration: Some Historical and Theoretical Reflections\***

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**Abstract:** This chapter offers some historical and theoretical reflections on the relationship between liberalism and toleration. It is shown that the terms of that relationship as assumed in the minds of liberal commentators were established quite early, in the eighteenth century, and reproduced down to the present day in multiple versions of a grand narrative in which the liberal tradition originates in conscientious Protestant resistance to Catholic and Catholic-style persecution which, in 1688, would deliver limited government and religious liberty to all. A habitual equation between toleration and liberty of conscience is shown to be operative, legitimated by a reading of Locke which presents him as the intellectual mastermind of 1688, a founder of the liberal tradition, and an exponent of liberty of conscience. It is suggested that hidden within the folds of this reading is an old idea, that progressive thinkers like Locke educate elites who in their turn restrain and re-educate the popular instinct to persecute. History is used to problematize the equation of toleration and liberty of conscience and to give grounds for thinking that the old idea is alive and well in Rawlsian writing about liberalism, its history, and its relation to toleration.

**Keywords:** Toleration, Liberalism, Liberty of Conscience, Civil Liberty, Whig Historiography, Persecution, Levellers, Locke.

The relationship between toleration and liberalism continues to beguile. The two cannot be sundered no matter how often or how persistently it is tried: the pairing remains a focus of fascinated discussion. They are the Richard Burton and Elizabeth Taylor of political thought. Some years ago Jeffrey Collins (2010) ruminated upon fifteen or so substantial volumes published during the previous decade which offered direct or indirect commentary upon the history of the relationship, citing countless other productions along the way. The flood of

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publication has not abated since (compare Balint 2017, Bejan 2017, Cohen 2018, Forst 2013, Macedo 2019, Parkin and Stanton 2013). Liberal pundits pronounce that toleration is “one of the core values of liberalism” (Drerup and Kühler 2019); that it is “central to the liberal tradition” (Murphy 1997: 593-94); that it is “of course an essential and inseparable part of the great tradition of liberalism” (Hayek 1987: 46); that it is “the substantive heart of liberalism” (Hampton 1989: 802), “a necessary constituent of a liberal society” (Galeotti 2002: 39), “a constitutive part of liberal political practice” (Drerup and Kühler 2019), the other side of this story being that the liberal state is merely the institutional expression of the mutual toleration of individual citizens (Jones 2012). It has even been asserted, without premeditation, that by definition “liberals are tolerant” (Kautz 1995: 61).

Perhaps one reason why these pronouncements come so easily is that many pundits remain under the spell of some version of the grand historical narrative according to which the “great tradition of liberalism” delivered up the toleration of religious minorities that was a milestone in the creation of modern societies like their own and a marker of their superiority over every alternative form of social and political life, past and present (Mandelbrote 2001: 93). This narrative has a long and venerable history. It started to take shape in Europe as early as the eighteenth century, when various French writers began describing their age as one in which *lumières* were spreading across the continent as never before (Mortier 1969: 13-31). At the same time their German counterparts were voicing the perception that a period of darkness and ignorance was giving way to an age of *Aufklärung* (Schmidt 1996). Writers in English used equivalent locutions to depict their epoch likewise as one in which light was at last being diffused over the world, by which they meant, among other things, that where once “ignorance, superstition, and bigotry over-shadowed and disgraced the land” now “it [wa]s permitted us to think, to judge, to act for ourselves” (Kippis 1788: 9, 36) with all the happy consequences for peace, prosperity and progress that were perceived to follow. This was a narrative that assumed in its general outlines that human societies “pass through stages of development” such that “the more advanced, or civilized, a society is, the greater the tolerance it will practice” (Kaplan 2007: 5). Tacitly it subscribes to a ‘Whig’ interpretation of liberty and of toleration, abiding still, in which Protestants are cast in the role of heroic and ultimately victorious victims of Roman Catholic tyranny and oppression. Their victory is the victory of reason over dogmatism, of freedom over slavery, of civility over barbarism, with religious toleration and liberty “advancing” in step “towards the light” (Moots 2020: 104; Zagorin 2003; Grayling 2007).

This story was passed down to the twentieth century by successive generations of nineteenth-century scholars who taught that religious toleration, or freedom of conscience, was a Protestant achievement and a natural attribute of a liberal society (Vaughan 1840; Lecky 1866). It is not an accident that the first wave of adulation John Locke enjoyed as a liberal icon reached its high watermark early in the century when he was appropriated by the Dissenting campaign to repeal the Test and Corporation Acts, allowing Dissenters to serve in parliament and public office, and receded with the achievement of that aim in 1828. Mementos of the campaign were Lord King's biography cum hagiography (1829) and Thomas Forster's edition of Locke correspondence (1830). King stated that Locke was owed "veneration" by all "friends of freedom" (King 1829: [v]). Forster called Locke the hero of "the great struggle for freedom of conscience [by] thinking men, who opposed themselves boldly to the tyranny of the Church of England [who were as apt to persecute as the papists] in those days of bigotry and oppression" (Forster 1830: viii-x; see Goldie 2004). Locke was a crucial figure from the beginning because 1688 was a decisive crux, the Whig "Year Zero" in which practice joined hands with theory after the missed opportunities of the civil wars.

This line of thought again originated very early on. Writing in 1788, Andrew Kippis observed that the "flame of Freedom burnt as brightly and rose as high during the civil wars as it had ever been known to do"; but, "through an unfortunate concurrence of events, nothing was transacted that was solid, effectual and lasting" (Kippis 1788: 31). So 1644, for instance, was a false dawn. It may have signified in theory as a turning point, when (as one recent historian has put it) the intellectual "consensus concerning persecution was irreparably fractured" with the publication of John Milton's *Areopagitica*, William Walwyn's *The Compassionate Samaritane*, Henry Robinson's *Liberty of Conscience* and Roger Williams' *The Bloody Tenent of Persecution* (Coffey 2000: 47), but in practice, persecution remained the default. This default was due not least to the "unfortunate concurrence" to which Kippis alluded, namely the combination of a ruler in Cromwell willing to erect "the edifice of slavery upon the very foundation of liberty" and a population whose minds had been "seized" by "madness" (Kippis 1788: 31). By "madness", Kippis meant, in the vocabulary of his day, "enthusiasm".

Locke had added a chapter about enthusiasm (IV.xix) to the fourth edition of *An Essay concerning Human Understanding*, which appeared in 1700. He discussed it as the conceit that God imparted special revelations immediately and directly to the mind in a way that was at once irresistible, self-affirming, and compulsive: the recipient was impelled to follow its promptings

(Locke 1975: 696-706). Locke had canvassed the opinion of his friend Molyneux about the addition. Molyneux replied that the matter could be addressed briefly, because enthusiasm was “no other than a Religious sort of Madnes”, that is to say, opposition to reason, of which Locke had already written elsewhere (Locke 1976-: v, 317, referring *inter alia* to Locke 1975: 161, 395). David Hume’s essay of 1741, “Of Superstition and Enthusiasm”, took up a similar line. Hume defined enthusiasm as kind of frenzy in which the imagination became overheated and “the deluded fanatic [was inspired] with the opinion of Divine illuminations” (Hume 1965: 149). But he went on to say that “enthusiasm, being the infirmity of bold and ambitious tempers, is naturally accompanied with a spirit of liberty”. The same point appeared in his *History of England*, where it was claimed that the spirit of enthusiasm, “bold, daring, and uncontroled; strongly disposed the minds [of those possessed by it] to arrogate, in their actions and conduct, the same liberty, which they assumed, in their rapturous flights and ecstasies” (Hume 1983: v, 559). Hume’s broader tale showed how, when placed in relation to each other, existing institutional forms, and events, the two together produced a “spirit of independency”: “that spirit, partly fanatical, partly republican, which predominated in England” in the seventeenth century (Hume 1983: vi, 83).

A paradox was that while Hume’s rhetoric gave central place to the “noble” spirit of liberty, his underlying message was that the baser spirit of enthusiasm was the secret engine that had driven the course of events. In his words, the 1640s had been “ennobled by the spirit of liberty...[but] disgraced by ... fanatical extravagances” the consequences of which, for good and ill, lived on into the Restoration until the Glorious Revolution cemented a new constitutional order. If, as Hume supposed, the spirit of independency had eventually triumphed in 1688, it was largely through the agency of “[the spirit of liberty’s] religious associate, from which it reaped more advantage than honour”, and which had been active in “the greater part of the kingdom” since the Reformation (Hume 1983: v, 559). Since the time of Elizabeth, Hume concluded, “the precious spark of liberty had been kindled, and was preserved, by the puritans... and it was to this sect, whose principles appear so frivolous and habits so ridiculous, that the English owe[d] the whole freedom of their constitution” (Hume 1983: iv, 145-46). Inscrutably and, on the face of things, perversely, puritanism had been instrumental to outcomes that benefited both society and government.

The extravagances to which Hume referred might have been gathered at his leisure from Daniel Neal’s *History of the Puritans* (Neal 1732-38). These included (besides the ruthless, bloody

proscription of the Roman Catholics of Ireland, which Neal ignored) the legal suppression of the Church of England, or, as its opponents then termed it, “prelacy” and attempts in the English Parliament, led by the Presbyterian faction, to impose their own version of Genevan discipline, enforced by threats of death, life imprisonment, and corporal punishment to anyone suspected of espousing Arminian, Antinomian, Baptist, Fifth-Monarchist, Papist, Quaker or other heretical doctrines of the types catalogued in Thomas Edwards’ *Gangraena* (1646). As John Milton famously remarked, “New Presbyter” was “Old Priest writ Large”, another “Forcer.. of Conscience”. Leading Presbyterians in England and Scotland lined up to disclaim the principle of toleration: “My judgement in that much debated point, of Liberty of Religion, I have alwaies freely made known”, wrote one of their “more liberal” ideologues, Richard Baxter (Lecky 1866: ii, 75). “I abhor unlimited Liberty or Toleration of all, and think my self easily able to prove the wickedness of it” (Baxter 1653: 246).

A consequence was that when prelacy and Prayer Book Anglicanism was re-established at the Restoration, the Presbyterians, suffering a swift and ignominious reversal of fortune, found themselves lumped in with Baptists, Fifth Monarchists, Quakers and the rest under their own despised category of “sectary” (see Dudley 1912: 72). One of their number, John Corbet, protested in 1661 that they had “no fellowship with the spirit of enthusiastical... frenzy”, and repudiated “sectarian anarchy” and “the gangrene of sects and schisms” (Corbet 1661: 34, 67, 69), urging mutual accommodation within a unified national church. But the boot was now firmly on the other foot. In 1662 many Presbyterian ministers were ejected from their livings and suffered thereafter, in varying degrees, under the penal laws collectively known as the Clarendon Code. The prosecutions, fines, sequestrations and imprisonments that followed led some twentieth century historians to term the Restoration era “the period of the great persecution” (Cragg 1957). A less charitable strand of contemporary opinion contrasted the contempt and imperiousness shown by the Presbyterians in imposing upon the consciences of their fellow Protestants when in the plenitude of their power with the underdog whimpering in which they were now indulging (Assheton 1663: sig. A2–B; see Goldie 2004). It might have been thought that the experience of persecution would generate a tolerant mentality in the persecuted. Evidently not always.

The more immediate point is that the association between puritanism and liberty upon which Hume insisted has never really gone away. Historians are still inclined to speak of religious liberty more in relation to those who were oppressed by the Elizabethan or early Stuart church,

or those who resisted its Presbyterian or its Restoration successors—an inclination apparent in Coffey’s textbook account of *Persecution and Toleration in Protestant England*, where “Anglicans” scarcely figure until the arrival of the so-called “latitudinarian” divines of the Restoration church who were willing to contemplate the kind of plea Corbet had made in 1661, albeit on their terms (Coffey 2000). An alternative but in some ways complementary account has stressed a sceptical, Erasmian approach among some “Anglican” elements with earlier roots, stretching from William Chillingworth via Jeremy Taylor to Restoration latitudinarians and ending up with Locke, whose thinking on toleration is linked to this fairly orthodox Anglican position. Here, again, seeds sown in the Victorian historiography of Vaughan, Lecky, and others, bore fruit in the twentieth century scholarship (see e.g. Kamen 1967: 167-69, 231-40; Trevor-Roper 1967; Marshall 1994). This looks like an alternative account because the term puritanism, which retains the stigma of bigotry, has dropped out of sight. But puritanism remains, drained of its immoderation, converted into liberalism and yoked to a transformational climacteric that makes toleration, not persecution, the default: the Glorious Revolution of 1688 which saw the conquest of England by William of Orange and his allies.

The toleration that became official doctrine in England with the so-called “Toleration Act” of May 1689 was not the unlimited liberty of all that Baxter so deplored. Dissenting ministers were required to subscribe to some of the 39 Articles of the Church of England; all Dissenters had to swear loyalty to the King and deny the Catholic doctrine of transubstantiation; the civil disabilities established in the Clarendon Code by the Test and Corporation Acts still applied to them. The Toleration Act did permit Dissenters to worship in their own meetinghouses, so long as they were registered and kept the doors unlocked. For the first time, something like half a million citizens had legal protection—though Catholics remained outside the protection of the law (Jager 2012: 570). Gilbert Burnet, the latitudinarian divine who preached William’s coronation sermon and would shortly become Bishop of Salisbury, wrote that the Act “gave the King great content. He in his own opinion always thought, that Conscience was God’s Province, and that it ought not be imposed on: and his experience in Holland made him look on Toleration, as one of the wisest measures of Government. He was much troubled to see so much ill humour spreading among the Clergy, and by their means over a great part of the Nation. He was so true to his Principle herein, that he restrained the heat of some, who were proposing severe Acts against Papists [and others]” (Burnet 1724-34: ii, 212) The equation between toleration and liberty of conscience that is present in Burnet’s remarks is very important. It is still a commonplace of many scholarly works—too many to list in this place. It is a means by which

early modern notions of religious toleration are converted into notions of religious autonomy to which every individual bearer of conscience has a right. This right to liberty of conscience implicates related freedoms of worship, association, speech and of the press (Forst 2013: 179).

A further presupposition is that these freedoms too are construed as rights upheld (or denied) by civil authority; and in these terms only one jurisdiction besides the individual's jurisdiction over his own beliefs seems to be necessary to explain the provision and maintenance of right, namely state jurisdiction. These presuppositions, when combined, tend to produce a story in which right is invoked to set up claims about toleration. This is a right which belongs to "the individual", which cannot be ceded to the state, and which has a content that includes options about what to believe, how to act, and with whom to associate and so on that the state is brought into existence to enforce. Thus it is suggested that an individual option right to religious immunity from state action is what is primarily in view and that the unfolding story of religious toleration is best construed in something like these terms: "that society and state should, as a matter of right, extend complete freedom of religious belief and expression to all their members and citizens, and should refrain from imposing any religious tests, doctrines, or forms of worship or religious association upon them" (Zagorin 2013: 7).

So construed, the rise of toleration represents the paradigm case of the discourse "of political and individual sovereignty" which, Rainer Forst argues, "pressed for new forms of social and political life". "This [Forst continues] would become the central problem of the seventeenth century during which the [range] of justifications for toleration...took shape which informs reflection on toleration to the present day" (Forst 2013: 169). In this way the older interpretative tradition linking puritanism and liberty lives on as the triumph of the "puritan" conscience. Liberty of conscience becomes a *synecdoche* for the entire liberal constellation of individual rights and limited government. The architectonic structure of the earlier narratives, in which "the progressive thought of learned elites triumphs over a relentless and ingrained popular instinct to persecute" (Walsham 2006: 7) also remains in place. This goes some way to explaining why Locke continues to be cast so readily in the roles in which he was cast in King's adulatory biography: the personification of progressive thought, the theoretical mastermind of 1688, and the founder of liberalism.

There are some people, wrote King, "who would fain keep mankind in a state of perpetual pupilage, who, carrying their favourite doctrine of ...obedience [to authority] into all our



spiritual as well as temporal concerns, would willingly deliver us over in absolute subjection, for one to the rulers of the Church, and for the other to the rulers of the State” (King 1829: vi). Locke was not among them. The “important *effects produced* by his opinions and his writings in promoting the free exercise of reason” included a widespread embrace of “toleration... or freedom of conscience” on the one side and on the other side the preservation of the “just and natural rights” and “liberties” of the “people” under a “lawful government” to which they had given their “consent”. None of this was possible without him. Standing between two ages, Locke was the filter by means of which puritanism was decontaminated and transmuted into liberalism. He was both the puritans’ “most illustrious and enlightened disciple”, and the avatar of a future they could not have imagined (King 1829: 276-77, emphasis added).

Even in King’s day these were common enough tropes. In 1773 Kippis declared that the seventeenth-century puritans had “never entertained any just sentiments upon the subject” of toleration until they were exposed to the doctrines contained in Locke’s *Letter Concerning Toleration* (Kippis 1773: 23-27, 41-43). This viewpoint was echoed by David Bogue and James Bennett in their *History of the Dissenters* (1808-12) which cited Locke on the separation of church and state and called the *Letter Concerning Toleration* the “best treatise on religious liberty” ever produced (Bogue and Bennett 1833: i, 244; see Goldie 2004). It may be significant that it was the English translation of the *Letter*, by William Popple, that drew their admiration. The translator, William Popple, wanted “*Absolute liberty*”, and he took some of his own with Locke’s text, introducing the claim that “liberty of conscience is every man’s natural right” without any warrant from Locke’s Latin (Locke 1983: 21, 51). This suppositious phrase consolidated the equation of toleration with liberty of conscience and supplied a Lockean proof. Liberal political theorists of the present day tend write in the same schematic vein: as one of the authors of this chapter noted elsewhere, with them Locke marks a boundary and a bond between the past and the present. The high road to modernity originates with him (Stanton 2011: 8). Little wonder that many treatments of toleration and liberalism which purport to be historical fall into the same pattern, reducing arguments about toleration to “a face-off between inquisitorial persecutors and... Locke... quickly followed by either Kant or Mill” (Collins 2009: 608). Within these terms, it even becomes possible to condense the whole history of the transition from a persecuting past to a liberal future into confines of Locke’s own life and intellectual biography via apparent shifts in his conception of freedom of conscience (Tate 2016; 2020).

Johann Sommerville once wrote of two alternative views of conscience, one “Anglican” and one “Puritan”. In the Anglican model, individuals are morally obliged to obey the state, and must obey its laws in things indifferent such as religious ceremonies as a matter of conscience. It is in the nature of this conscience that it cannot be “forced” because it is God’s province alone. In the Puritan model, individuals are not morally obliged to obey human laws unless they are in conscience persuaded to do so. It is in the nature of this conscience that it should not be “forced” because the use of force against it is irreconcilable with its character as the voice of God in man (Sommerville 2004: 166-79). The “early” Locke, it is said, adopted the first position, the “later” Locke the second; and so we get the triumph of the puritan conscience all over again, with Locke the *fons et origo* of a liberal tradition which, from the beginning, has been pulled in two different directions. In one direction it has exalted “liberation through reason from externally imposed authority” and “sustained rational examination of self, others and social practices” (Galston 2002: 21, 24), with autonomy its prime value. In another direction it has sought to regulate rival religious differences, mistrusted conscience, and wished to manage diversity for the sake of civil peace (Galston 1995: 525–27; Galston 2002: 21, 24–25), with concord the prime value. William Galston, for one, claims that the universalized principle of puritan conscience that Locke “placed at the core of liberalism” had the effect of “narrow[ing] the range of possibilities available within liberal societies. In the guise of protecting the capacity for diversity, the autonomy principle in fact exerts a kind of homogenizing pressure on ways of life that do not embrace autonomy” (Galston 2002: 23; see also Galston 1995: 523 and Tate 2013 for extended discussion). Jonathan Israel dismisses Locke for his “ungenerous, defective, and potentially menacing” account of toleration and blames it for the “semi-secular establishment doctrine of authorized government intolerance” (Israel 2006: 141–45). Edward Andrew argues that modernity is “the product of [unresolved] tensions between Protestant conscience and Enlightenment reason” (Andrew 2001: 9); likewise Locke himself. Other writers suggest that, just as Locke succeeded in resolving the dialectic between these two principles in his own thinking, so liberalism may resolve them out of its own resources. Political theorists in the Rawlsian mode, we observe, are especially prone to taking this line (Tate 2013; 2016).

Rawls himself located “the historical origin” of liberalism in “the Reformation and its aftermath, with the long controversies over religious toleration in the sixteenth and seventeenth centuries. Something like the modern understanding of liberty of conscience and freedom of thought [Rawls continued] began then”, when “pluralism made religious liberty possible”. In

their turn, liberal institutions made it possible for pluralist societies to experience over time “the successful and peaceful practice of toleration” (Rawls 2005: xxiv-xxv). He presents his own theory of justice as fairness as the continuation and culmination of lines of thought developed along this line. He makes the striking claim that “were justice as fairness to make an overlapping consensus possible [then] it would complete and extend the movement of thought that began three centuries ago with the gradual acceptance of the principle of toleration and led to the nonconfessional state and equal liberty of conscience”, leaving “citizens themselves to settle questions of religion, philosophy, and morals in accordance with views they freely affirm” (Rawls 2005: 154).

Nothing remotely similar was possible under medieval Christianity, Rawls claimed, in consequence of its five defining characteristics: (1) It claimed an authority that was institutional, central, and nearly absolute, (2) It was a religion of salvation, and salvation required true belief as the Church taught it, (3) Hence, it was a doctrinal religion with a creed that was to be believed, (4) It was a religion of priests with the sole authority to dispense means of grace essential to salvation, and (5) it was an expansionist religion of conversion that recognized no territorial limits to its authority short of the world as a whole. His own position, in contradistinction, requires, he notes, something like the presuppositions that Locke’s *Letter* put into currency: (1) That God has given no man authority over another, (2) That no-one can give up the care of his own salvation to another, (3) that true belief cannot be compelled, (4) that no one is required to belong to any particular church, and (5) that churches are voluntary societies that people may enter or leave without civil penalty (Rawls 2005: 145). Rawls, in short, depends upon almost all of the assumptions the present reflections have attempted to expose to scrutiny, whether about the move from persecution to toleration, the equation of toleration with liberty of conscience, the assumption that liberty of conscience, when it is entire, implies a full civil liberty and vice versa, or the assumption that Locke is and must be the pivot on which the whole story turns, because the nonconfessional state and equal liberty of conscience begins with him.

These are claims about Rawls’s thinking, but they are claims which have considerable importance for historical study. For the historian is as likely as the political theorist to absorb unreflectively the assumptions current in his or her world, and some of these may not help to illuminate the past as it really was. As the biblical scholar J. B. Lightfoot observed, “the idols of our cave never present themselves in a more alluring form than when they appear as the “spirit of the age”. It is comparatively easy to resist the fallacies of past times, but it is most

difficult to escape the infection of the intellectual atmosphere in which we live.” (Lightfoot 1893: 23, discussed by Harris 2011: 2). “Infection” may be too strong a word, but nevertheless it captures the fact that the historian may not be sufficiently conscious that the present bears marks which are not always those of the past. It may be that he or she will allocate attention in a way that overlooks the importance of distinguishing between toleration and liberty of conscience, or is impatient with historical detail when discussing the grounds of that distinction, or misses its implications for thinking about civil liberty, or the different conceptions of grace and redemption then abroad. It may be beneficial to look again at the “Protestant conscience” without the distorting effects produced by the great gravitational pull Locke exerts upon it. These reflections lead on to the next part of this chapter, which deliberately puts aside the assumption that liberty of conscience is the seed of a “modern” toleration in which it finds completion. That “toleration”, we have argued, is largely the product of preconceptions drawn from a body of historiography that has been rolling on like a snowball, gathering mass as it goes, for almost three centuries. What follows is a brief examination of liberty of conscience as it appeared to its proponents in the 1640s.

In their principal sense and reference claims to “liberty of conscience” in this period were assertions of a freedom to search out knowledge of God for oneself. But disputes about the scope of that “liberty” raised pointed questions about other liberties in what we would today call the political sphere. A surpassing concern was the possibility that those who had not fully submitted their “wills” to God’s will could not, properly speaking, be said to have true “liberty of conscience” at all, and were unlikely to make use of the liberty to act they enjoyed in the political sphere to the right ends, serving God and the common good. *Au fond* this was a question about the process of redemption and whether a freer searching-out of God offered any guarantees that “conscience” would discover Him and grasp His directions aright, providing an unimpeachable basis for the correct use of the wider set of liberties at issue. This was the context in which the language of toleration came into play. “Toleration” was a reluctant acknowledgment of the possibility of error. It was a practice associated with the structures of “the state”, which regulated external action in a manner that recognised the existence of a plurality of beliefs and guarded against its potential destabilizing consequences. It was a secondary issue, as is clear from the relative paucity of references to it in the pamphlet literature of the early 1640s. The real issue remained “liberty of conscience” which in its “true” form should have brought all to know God and to act in unity for the common good, rendering toleration otiose.

When the civil wars first broke out, the bones of contention being gnawed by the contending parties were the “historic” rights and liberties of Englishmen. Recourse to the language of “conscience” was superfluous because grounds for discontent could be discovered in established law and practice which, it was claimed, were being disdained. The decision to take up arms against the king in 1642 presented a more formidable challenge, representing as it did the explicit repudiation of the rulers now on earth. John Goodwin’s *Anti-Cavalierisme* (1642) attempted to bypass the problem of higher earthly powers by reaching for “conscience”. In his defence of parliament’s action, Goodwin spoke of acting “out of conscience of that obedience which we owe [God]”, of “this liberty, or duty rather, of examining the commands of superiors ... pressed upon the consciences of men” and of acting for our “lawfull liberty” (Goodwin 1642: 10-11; Coffey 2006: 85-96). Only near the end of his pamphlet did Goodwin elucidate the political implications of these remarks when speaking directly of “civill and politick libertie” (Goodwin 1642: 38). Claims to “conscience” as the basis for action quickly proliferated in a burgeoning literature which justified militant resistance. That literature offers a sense of the nuances in Protestant opinion.

All Protestant parties on the parliamentary side accepted the validity of the claim to liberty of conscience in some form. Every subject and citizen, as a creature of God, had the liberty or right to search out knowledge of Him. The differences between their positions flowed from the different accounts of redemption with which they were operating and the inferences they drew from them when thinking of the wider claims made to liberty or liberties in the political sphere. The orthodox Calvinist position, rejected by Goodwin, was that only the action of God’s saving grace would turn “the will” away from sin and bring humanity’s “will” into conformity with God’s. It was on an individual’s “conscience” which God’s grace was thought to operate, via the intercession of the Holy Spirit.

This presupposed the broader view that the understanding was determined by the considerations that came before it, whether through the senses or by the direct intervention of the Spirit. If it were the case that man was unlikely to sustain a proper faith through his own resources, he would need to be persuaded to that faith through the workings of the Spirit. This persuasion, delivered immediately by God, was not subject to the test of scripture or reason; rather it was subsequent to “the secret testimony of the Spirit”, which revealed knowledge in which the mind could rest more firmly and securely than in any human judgement. As Calvin had put it, “the

testimony of the Spirit is superior to reason”. Calvin supposed that such persuasion would direct men to belief in the conventional teaching of scripture, by revealing its truth more perfectly. “Let it therefore be held as fixed”, Calvin had added, “that those who are inwardly taught by the Holy Spirit acquiesce implicitly in Scripture; that Scripture... owes the full conviction with which we ought to receive it to the testimony of the Spirit. Such... is a conviction which asks not for reasons ... [but] which accords with the highest reason” (Calvin 1953: i, 71-73). It is easy enough to see that this view of redemption meant that the “liberty” to seek out God would need to be tightly circumscribed. Only in the confines of a correctly reformed church, the model of which was exemplified in a Presbyterian church settlement, would the Spirit appear; and only in such a setting would the correct discipline and admonition be provided by the different godly members of the congregation, to ensure the godly grew in true knowledge of God while the unredeemed might be identified and restrained. Otherwise anarchy would ensue, especially if, as some were beginning to suggest, the Spirit was sent to reveal additional truths by which God wished people to try the authority of scripture and reason (and churches).

Others, not only Independents like Goodwin but also those involved with the rising Leveller movement, were inclined to give greater weight to reason. If Hooker had been right when he claimed that “God illuminateth every one who come into the world” with “the light of reason” (Hooker 1868: 36), it followed that reason enjoyed divine authority and that man’s rational capacities could be used to seek out knowledge of Him. It was not denied that ‘the will’ remained corrupt and mired in sin, or that without grace ‘the will’ could not turn away from sin; but it was nevertheless argued that humanity retained sufficient capacity to turn towards God and to accept or reject His offer of redemption. This more universalist theology did not see humanity in the binary terms of “elect” and “damned”—the division was beyond the canons of human judgement to determine, but other matters were not. Here the language of “liberty of conscience” was deployed with some force to denote the broader and freer liberty required to search out that knowledge of God He had fitted men with reason to acquire. From a more orthodox Calvinist perspective, this was a bogus account of redemption that opened the floodgates to a plurality of miscreants possessed of an unreformed “conscience”, claiming the use of a wider set of liberties to pursue whatever ends they wished. In the absence of God’s grace, which necessarily was absent, such persons would inevitably be ignorant of ‘the will’ of God and of the common good. In a series of Fast sermons delivered by orthodox Calvinist ministers to Parliament from 1642 onwards, this point was underlined with passionate intensity.

An early example of one such response can be found in John Brinsley's *The Healing of Israels Breaches* (1642). Brinsley was an orthodox Calvinist who upheld the authority of the civil magistrate and who had been prevented from preaching at different points through the 1620s and 30s (Cust 2004). To dispel any doubts about the point he was making, Brinsley opened with a reference to the Irish rebellion, which would later transform into the Irish Confederacy (the group of Gaelic Irish and Old English noblemen and gentry who had established a government loyal to the king based in Kilkenny, which now openly practiced Roman Catholicism). From Brinsley's perspective their claim to "liberty of conscience", which meant subjection to the Church of Rome, had formed the basis for a misappropriation of all other forms of liberty. As he put it, "In the neighbour nation, the *Trumpet of rebellion* is sounded, the Kingdome divided ... by the means of a seditious party of *Romish confederates*, who, under a pretence of vindicating the liberty of their own, seek and indeavour the extirpating, and rooting out the true Religion of God" (Brinsley 1642: 22). Turning next to Protestants, and the growing religious pluralism in England, Brinsley pointed to the interdependence of church, state, liberty and conscience which were now being pulled asunder: "*Breaches* [are] made both upon *Church*, and *state* among our selves. Breaches made upon the *estates* of men, upon the *liberties* of *subjects*, the *bodies*, nay the *souls* and *consciencs* of *Christians*" (Brinsley 1642: 23). This observation informed his understanding of current misdirected claims to liberty.

Brinsley chose to speak of the claims being made to "religion and liberty" because he observed a conjunction between the increasing plurality of religious factions and modish claims to liberty in the political sphere. He did not speak directly of "liberty of conscience", which from his perspective could only mean conformity with God's 'will' and so unity. Under the cover of a "new" claim to liberty, people had acted "not out of *love to the Truth it selfe*, but rather out of *self-love* ... led and carried ... rather by the *examples* of others, whose *persons they have in admiration* ... *because of advantage* ... not in *love* to the truth, but to themselves, their own credits" (Brinsley 1642: 40). This point was further clarified when "the will" was discussed. Individuals should act according to "[God's] *own will* ... as if it were indeed their *own selfe*. Whence it is sometimes so called; *If any man will come after me, let him deny himselfe, i.e. his owne will*"; but a loose call for "religion and liberty" made room for the self-willed: "in all, the great Breach-maker is *selfe*. That men are *selfe-willed* and *selfe-conceited*: *Presumptuous are they, and selfe-willed*" (Brinsley 1642: 80-81). In summary, in the absence of true "liberty of conscience", and the submission of one's own "will" to God's, any claim to a wider set of "liberties" was a claim to exercise an unredeemed "will" bound by sin and directed towards

self-interested ends. The claims to “religion and liberty”, against which Brinsley was railing, would soon be rephrased as claims to “religious and civil liberty” (Worden 2012). This semantic shift was grounded on an account of redemption he could not countenance, in which reason and “conscience” joined hands.

In arguing that humanity was owed the opportunity to seek out knowledge of God, and had to exercise reason in order to be assured in “conscience” of the truth of the Gospel, claims to “liberty of conscience” became less about the duty to build a united godly society and more about the liberty of thought and external action needed to pursue one’s proper ends, to seek redemption and salvation. Hence the turn to a language of “religious and civil liberty”, which implied negative checks on the actions of those in authority as against a set of “liberties” or “liberty” united by a notion of duty, this being the duty to build a Godly society. The latter became more difficult to sustain in a context of increasing plurality. The grounds of the shift became clearer as the new vocabulary gained traction. They were laid out with exemplary clarity in the writings of the Leveller William Walwyn.

Walwyn’s *The Compassionate Samaritane* (1644) argued for the right of different protestant groups to separate from the established ecclesiastical order, as put forward by the Presbyterian platform, on the basis of this different account of redemption. Under the title “liberty of conscience asserted”, Walwyn argued first that the exercise of “reason” played a crucial role in the process of redemption. As the reason of fallen man was not infallible, error was possible, which put question marks beside the claims of clerical authorities to impose a conformity of belief. Considering “[t]he uncertainly of knowledge in this life: no man, nor no sort of men can presume of an unerring spirit” (Walwyn 1989: 104). Calvin would have blanched. Second, it was not simply God’s saving grace, but “reason” which operated on an individual’s “conscience” and since “conscience being subject only to reason (either that which is indeed, or seems to him which hears it to be so [true])”, compulsion and the imposition of religious conformity would violate or curtail the natural operation and interplay of conscience and reason (Walwyn 1989: 105). Third, for Walwyn, “whatsoever is not of faith is sin, and that every man ought to be fully perswaded of the trueness of that way wherein he serveth the Lord” (Walwyn 1989: 114). Forcing anyone to conform and act against what their conscience judged true was to force them to act contrary to “faith”, which was to force the citizen or subject to sin.



By the later 1640s, with parliamentary and Presbyterian attempts to come to a settlement with the king and institute a yet more restrictive Presbyterian settlement, the connections between conceptions of “liberty of conscience” and the reshaping of the political vocabulary of liberty were being explored by other writers too. The development of these connections under the banner of “liberty” was a self-defensive manoeuvre as much as it was an aggressive one, with a particular weight being placed upon the political vocabulary as the details of the Leveller programme began to be worked out. In the 1647 *Remonstrance of Many Thousand Citizens*, attributed to Richard Overton, which sought to sketch out that programme, a call for equality was grounded in the claim that “where their assent is necessary and essentiall, they [the people] must be as Free as you, to assent, or dissent as their understandings and Consciences should guide them: and might as justly importune you, as yee them” (Overton 1944: 116-17; Foxley 2013: 130-43). The attack on equality implicit in the attempt to impose a new Presbyterian settlement, coupled with the lack of a voice in parliament and unequal property ownership, meant the “wills” and interests of one group were being imposed upon others. This violated the sense in which conscience and reason should be freely exercised: “Whereas now they [parliament] now they Act and Vote in our affaires but as intruders, or as thrust upon us by *Kings*, to make good their Interests, which to this day have been to bring us unto a slavish subjection to their wills” (Overton 1944: 117). Now an explicit connection was drawn between “liberty of conscience” and the liberty of persons in the political sphere, with a warning posed as a rhetorical question: “[W]hat will not a opprest, rich, and Religious People doe, to be delivered from all kinds of Oppression, both *Spirituall* and *Temporall*, and to be restored to *purity* and *freedome* in Religion, and to the just liberty of their *Persons* and *Estates*?” (Overton 1944: 118).

Conscience remained a defining touchstone throughout. Would not such liberty (freedom from “the will” of others) allow citizens or subjects to “enjoy the Peace of quiet Consciences”? (Overton 1944: 119). Overton threw in the Norman yoke for good measure: it was in “the Writts, of the *Establishment of Religion*, [which] sheweth that in that particular, as many other, we remain under the *Norman* yoke of an *unlawfull Power*, from which wee ought to free our selves” (Overton 1944: 123). His call for a liberty of the press was presented in concordant terms. Its absence would prevent subjects from seeking out “understanding” and thus exercising their “consciences”: “let the imprisoned Presses at liberty, that all mens understandings may be more conveniently informed” (Overton 1944: 128). But how far, in the end, did these undoubted shifts around “liberty of conscience” reshape the language of liberty in the political sphere? The

changes are not as profound as they may first appear. We have said that the fundamental issue in dispute arose from two rival accounts of how one came to be in receipt of knowledge of God and God's grace, which would reform an individual's conscience and bring a corrupt and sinful will into line with God's will. Whilst the more "liberal" protestant position espoused by Walwyn and his friends on the surface implies greater individual agency and freedom, that freedom was a means, not an end in itself: liberty was an instrument that enabled the pursuit of higher ends. The emphasis laid on civil liberties or rights was not really about securing the freedom of the individual, but rather about securing the conditions under which the process of redemption was accessible to all, so that they could, finally, act in unity with God and for the common good. Both parties, "orthodox" and "liberal", viewed each other in precisely the same terms: their bodged conceptions of "liberty of conscience" implied a bodged conception of redemption and so alienation from God. All claims to a wider set of liberties, in this setting, were to be dismissed as the offspring of a sinful and self-interested will.

Walwyn's *Compassionate Samaritane* condemned orthodox Calvinists in precisely these terms. The opposers of "liberty of conscience", namely the Presbyterians, were possessed of a "love which aimes only at it selfe; those endeavours which would procure liberty only to themselves, can at best be called but selfe love and selfe respects" (Walwyn 1989: 102). His understanding of liberty in the political sphere, grounded on a "correctly" disposed conscience, meant that those who wished to deny such freedom to others were clearly not in possession of a reformed conscience or will. Thus they might be compared fitly to "devouring Locusts, no lesse ravening then the Egyption ones"; they were "like the stiffe-necked and unwieldy Hebrewes, that wisht they were slaves in Egypt againe, where the much loved Flesh pots were, for that it was troublesome and dangerous passing through the Wildernesse into Canaan, a land of plenty and lasting liberty"; and they "becommeth [not] the gospel of Christ, but are carnall and walke as men, as vaine, fantastically, inconsiderate men" (Walwyn 1989: 65, 70, 38). John Lilburne followed a similar line. His writings placed great stock on equality before the law, popular sovereignty and full adult male suffrage. But at bottom equal liberty was about freeing humanity from its carnal passions. The provision of true liberty to all would remove the sinful impulses driven by self-interest, allowing conscience to attain true knowledge of God. Like Walwyn, Lilburne turned the presumption of sin back on those who, like the Presbyterians, rejected his preferred account of liberty. Their own lack of knowledge of God meant they appropriated the vocabulary of liberty to mask the pursuit of their own sinful ends.

The authors of the 1641 *Grand Remonstrance* had looked to “Gods grace still to persist in our duties ... [to] the preservation of the Lawes and liberties of England”. Without such action, “Religion, Lawes, liberties and Parliaments, will not long be lived after us” (Lilburne 1647: 5). But the refusal to grant “liberty of religion”, namely “liberty of conscience”, to Independents and others, and to provide liberty and equality to all, arose from a lack of internal reform, of redemption, and a true understanding of the function and end of liberty. Lilburne quoted Christ’s admonition of the Pharisees when admonishing the Presbyterian party—“yee make cleane the outside of the cup, and of the platter, but within they are full of extortion and excesse” (Lilburne 1647: 5). In fact, Lilburne argued that the refusal to adopt a more expansive and inclusive idea of liberty in respect to the parliament franchise, supported as it was by the “orthodox” account of liberty espoused by Presbyterians, was a deliberate stratagem “to involve the generality of the people in an everlasting case of confusion” which would allow those presently in power to make “their wills and lusts a law, their envy and malice a law, their coveteousnesse, and ambition a law” (Lilburne 1647: 8). In the Leveller pamphlets it was only those “conscientious” men who had a claim to liberty—men who understood true “liberty of conscience” (Walwyn 1989: 156, 217, 300; Lilburne 1648: 318. See Foxley 2013 for discussion).

If not much has been said so far about toleration, it is because not much was said by the authors in view. Walwyn’s own, infrequent use of the term is indicative of how it was generally understood. As we have emphasised, what he and others sought was a true “liberty of conscience”, which, duly perfected once all had attained true knowledge of God, implied virtuous citizenship and a society united in one will. Toleration was the practical expedient required when disagreements threatened to impede the progress of “conscience” to its true end. His 1645/6 pamphlet, *Tolleration Justified, and Persecution Condemned*, was plain that “toleration” was something established by the “Civil Magistrate” and its practice took on a specific civil form as countenanced by “the state”. Walwyn went on say that “those deserve least countenance of a State that would be Persecutors, not because of their consciences in the practice and exercise of their Religion, wherein the ground of Freedom consists; but because a persecuting spirit is the greatest enemy to humane society, the dissolver of love and brotherly affection the cause of envying, heart-burns, divisions, yea, and of warres it selfe” (Walwyn 1989: 162). “Toleration”, was something which was understood in terms of the unity of the state and civil society, where political bonds of friendship needed to be maintained, whereas “liberty of conscience” was the true ground of the “freedom” which only “reason” and “God’s

grace” could bring about. Civil authority could do nothing except create the conditions which would allow liberty of conscience to emerge and the work of God to take place.

Even at the height of a so-called discussion over “toleration” under the Commonwealth and then the Protectorate, the common and most referenced vocabulary remained that of “liberty of conscience” (Worden 1984). Perhaps this is not surprising. “Liberty of conscience”, the unity of the godly, and internal godly reform, remained the keystones of a wider understanding of liberty in the political sphere and of political virtue. Toleration was really a side issue, a necessary practical step which might be taken by ‘the state’, and which would be unnecessary if all possessed true knowledge of God and thus true “liberty of conscience”. At first glance we are world’s away from the tales told by Rawls and his followers about liberty of conscience, for whom the result is pluralism rather than unity, pluralism being the “natural outcome of the activities of human reason” under conditions of freedom (Rawls 2005: xxiv). Yet it may be worth observing, by way of conclusion, that there is a side to Rawls’ way of thinking which is in its origin and form theological. The “moral geometry” towards which he spoke of striving in his *Theory of Justice* (Rawls 1999: 105) is the perfect realisation of an abbreviated form of Christian morality, one in which good works are matched by faith in a minimal creed which, invoking the fundamental precepts of natural law, emphasises the importance of our duties to ourselves and others in the economy of salvation. The pluralism he celebrates is a reasonable pluralism. In the *Theory* he launches a trenchant assault on the intuitionist doctrine of the “purely conscientious act”, according to which the “highest moral motive is the desire to do what is right and just simply because it is right and just”, a conviction, one might say, that asks not for reasons. This would mean that the desire to so act “lacks any apparent reason”, which means in turn that there could be no assurance on the part of others that the bearer of that desire would voluntarily maintain and act from it” (Rawls 1999: 418).

For the thinkers we have just been discussing, the appeal to reason was an appeal to an unimpeachable authority. They understood the dictates of reason to be the voice of God in man. These dictates were for practical purposes synonymous with the law of nature. Thus, natural law, reason and truth coincided. How, then, to explain the manifest failure of all individuals to converge upon truth? The answer, we have seen, is that the Fall of man diminished, but did not obliterate, the power of reason, and that fallen man required the assistance of divine grace if he were to reason rightly, grasp and follow God’s dictates and live in truth. And grace, it was ordinarily assumed, could not be acquired through the autonomous action of individuals alone.

It was a gift of God which flowed from Jesus through the office of the Holy Spirit via a corporate body—the church—which ameliorated the effects of sin.

For the young Rawls, as we now know, in theology, ethics and politics alike, the problem remained “one of controlling and ridding the world of sin“ (Rawls 2009: pp. 7-8, 127-8). This has the effect of collapsing religion, morality and politics into one, with the result that the political community, even as it appears in his later writings, is modelled on a church; and this church organised around a moral religion itself orchestrated around a minimal creed to which all assent and by which all agree to live. Every individual rationally affirms, from the point of view of his or her own good, the two principles of justice at the heart of this creed as finally regulative. These principles specify the terms of co-operation between individuals and define what Rawls calls “a pact of reconciliation between diverse religions and moral beliefs, and the forms of culture to which they belong“ (Rawls 1999: 194). Rawls has no compunction about speaking of the “reasonable faith in the real possibility of a just constitutional regime” that all citizens must hold in common (Rawls 1999: 448), or of the rational validity of all the laws they live under. The purifying grace of reflective equilibrium, by which individual judgements are brought into line with the demands of public justice, is available to all. The obverse of this view is that those who fail to recognise the validity of those demands are *eo ipso* unreasonable, indeed sinful. As Rawls puts it, “the propensity to commit acts” which violate just laws “is a mark of bad character” and punishment rightly falls on those who display “these faults” (Rawls 1999: 277). Such persons may be legitimately coerced, because coercion is always a matter of enforcing reasonable standards of behaviour upon the irrational or unreasonable. All constitutional essentials and matters of basic justice are settled by reason, and the basis for social unity assured. Those who refuse to conform have to be defective, whether morally or intellectually.

If it is objected that things are altogether different in the Rawls of *Political Liberalism*, who acknowledges the possibility—indeed the inevitability—of reasonable disagreement between individuals, we respectfully demur from that view. When Rawls abandoned the aspiration for moral geometry and seeks instead to ground constitutional essentials and matters of basic justice in popular political opinion, the implicit slide into the philosophy of Jacobinism is arrested by the invocation of a public doctrine, which he calls “public reason”. Without the allegiance of all citizens to public reason, he asserts, “divisions and hostilities between doctrines are bound in time to assert themselves”. “[H]armony and concord among doctrines and a people’s

affirming public reason [he continues] are unhappily not a permanent condition of social life”. They “depend upon the vitality of the public political culture and on citizens’ being devoted to and realizing the ideal of public reason” (Rawls 1999: 484-85). How can this be assured? Only, Rawls indicates, by ensuring that those who run politics, whether the holders of, or candidates for, political office, or judges, espouse the doctrines of political liberalism and promulgate what they have learned to the masses.

In the preface to the paperback edition of *Political Liberalism* [and again in his lectures on the history of political thought] Rawls adduces the fate of the Weimar Republic to illustrate the consequences of failure by elites ‘to shape the underlying attitudes of the public culture’ appropriately. “A *cause* of the fall of Weimar’s constitutional regime”, he writes there, was that the “*belief* that a decent liberal parliamentary regime was possible” was no longer widely shared, because the traditional German elites had given up on it and on their role in promulgating its values (Rawls 2005: lxi, *emphasis added*). Its structure of beliefs had become dilapidated, and barbarism entered in. In short, the later Rawls, no less than the earlier, assumes that theory precedes practice, that correct doctrine is of the first importance, and that the theorists’ role is teach the principles without which a liberal order is impossible. We find ourselves back in the world of King’s Locke, and closer to the world of Walwyn, Brinsley and Lilburne than the epigones of Rawls would find it comfortable to admit. This is just one unexpected result of reflecting historically and theoretically on liberalism, liberty of conscience, and toleration.

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