

Locke, Spinoza and Rousseau on the Relationship between Religion  
and the State

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## DECLARATION

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I declare that this dissertation is my own unaided work. All citations,  
references and borrowed ideas have been duly acknowledged. It is being  
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## **Abstract**

This dissertation investigates the relationship between religion and the state in Enlightenment Europe as articulated by John Locke, Benedict de Spinoza and Jean Jacques Rousseau. I conduct the study focusing mainly on the primary texts of the above-mentioned theorists. Locke and Spinoza conceived of toleration to be the best way in which religion and the secular state could peacefully co-exist, even though they differed considerably in their respective understanding of the concept. Locke conceived of toleration using a moderate theological framework, predominantly paying attention to freedom of worship and the separate spheres of influence for religion and the state. On the other hand, Spinoza was radically secular in his interpretation focusing mainly on the freedom of thought, speech and even the press.

Rousseau provided the main alternative to Locke and Spinoza's ideas on toleration. His understanding of the most effective relationship between religion and the state revolved around the implementation of a civil religion. This would be a religion based on civil principles. Rousseau argued that good citizenship, a good lawgiver, patriotism, the doctrine of separation of powers and an elective aristocracy were important for his ideas on civil religion to function effectively.

Given the context of Enlightenment Europe, this dissertation concludes that toleration, or more exactly Locke's version of it, now forms the foundation of most Western secular states. This is because it did not digress from the most important aspects of contemporary religious doctrine.

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## Introduction

Prior to the creation of the secular state, many parts of Europe were severely affected by wars between different religious sects. The most famous of these religious wars was between the Catholics and Protestants in what became known as the Protestant Reformation and the Catholic Counter-Reformation. The Thirty Years War that ensued between 1618 and 1648 had devastating impacts for Europe. After the Peace of Westphalia was negotiated and signed, international vocabulary was re-orientated away from Christianity towards a secular society of autonomous states. As Jackson and Owens (2005, 53) state: 'In the modern era, secular politics and particularly the politics of the state and the art of statecraft, was liberated from the moral inhibitions and religious constraints of medieval Christianity'.

Jonathan Israel has stated that several theologians fought bravely to prevent these catastrophic new secular and radical ideas. He goes on to argue that Spinoza's ideas formed the backbone of the radical confrontation between the authority of religion and the state. Spinoza has argued that nothing rests on God's commandments. He went to the extent of arguing that God preordains no institutions or divine laws. This in essence meant that the only authenticity for politics is the individual's self interest.

Israel also writes about the manner in which theorists of the Enlightenment era described the new ideas. First and foremost, these new ideas had many political elites in a dilemma. Nevertheless, it was in particular these elites who moulded, supervised and pre-determined the contours of popular culture, which meant that the common folk could not be safeguarded from this extraordinary philosophical revolution. The European intellectual arena grew more complex, fragmented and uncertain even though this revolution overtook the religious fraternity. On the other hand, moderate Enlightenment thinkers placed enormous emphasis on the necessity to triumph over the increasing disintegration of ideas, and by means of concrete demonstrations and solid arguments, re-establish secure and lasting structures of authority, legitimacy, knowledge and faith. The principle endeavour of the moderate Enlightenment thinkers was to triumph over lack of knowledge and superstition,

institute toleration and revolutionise ideas in such a manner as to protect and maintain crucial elements of the older arrangement. It was argued that this arrangement would provide a practicable combination between reason and faith. The radical thinkers discarded the idea of finding the middle ground and wanted to remove the prevailing structure immediately and completely.

Modern society has over the course of the last few centuries subsequently evolved into what we today term as the Western secular state. The majority of countries in the world are governed according to secular principals and doctrines such as democracy, human rights and the separation of powers. The establishment of international organisations such as United Nations are aimed at ensuring that the international society of states deeply entrench the values of democracy, human rights and equality. Politics and religion have thus come to be separated with each considered to have their own spheres of influence or even no influence at all. Religion is now assumed to be a matter of inward concern (in other words, an aspect of an individual's personal life) and politics is given to form part of an individuals outward being, that of his relationship with the state and society at large. This is assumed to be the ideal relationship for the peaceful co-existence of these two important spheres of society. The eventual success of the Western secular state has had its phases of successes and difficulties but in general, the formation of the secular state is considered an exceptional accomplishment.

Nevertheless, the Western secular state seems to be experiencing a 'returning to the roots phenomenon' or what political theorists term as 'the return of the sacred'. Those academics who argue that religion is still important in the twenty first century have pointed towards the numerous conflicts in the world that are strongly claimed to possess religious undertones. This has made many people sceptical of religion and many have even begun attacking theologians claim to power. The occurrences of September 11<sup>th</sup> 2001, the War in Iraq and the devastating civil war it has brewed, and the London bombings of 7 July 2005, are considered by many as the most pertinent evidence of the 'return of the sacred'. Academics also consider it evidence that the distinction between religion and the state might not be so clear-cut.

What we are also seeing in the contemporary world is a tremendous amount of research being done around the issues of religion and the various doctrines and pillars of the secular state. Issues surrounding sacredness have transcended science (e.g. stem-cell research), animals, wars, and politics and so on. Academics have taken a special interest in the sacred since it has become hugely influential, persistent and commanding in the lives of the majority of the world's population. Those theorists concerned with issues of the sacred hold contrasting views concerning their understanding of secularisation and the role theology plays in comprehending the sacred. A certain section of academics have even argued in favour of the superiority of religion in comprehending secularisation (Farneti 2008, 23).

The general viewpoint amongst academics concerning the return of the sacred is that it is an endeavour to provide fresh meanings to a world that has lost its morals, ethics and, in general, its peace of mind (Farneti 2008, 25). Most theologians argue that religion can fill this important void created by secularisation. Conversely, secularists have argued that secularisation 'gives rise to the victory of the non-religious man, that is, to a man who rejects the sacrality of the world, who accepts only a profane existence, divested of all religious presuppositions' (Eliade 1968, 5 cited in Farneti 2008, 25). The central principle of this argument is that the Western secular state has managed to weaken theological elements such as family relationships, the relationship between men and women and traditional languages. According to this familiar approach to secularisation:

Secularisation is the overcoming of a previous condition in which religion controlled and dominated public life. Secularisation, therefore, is not an event that has been completed once and for all, but a sort of unfinished project, an occurrence that is always under way. According to this view we have a quasi-coincidence between the 'sacred' and 'religion' and the only viable response to their untimely return is to show people that their claims of control are epistemically untenable (Farneti 2008, 25-26).



Another political theorist, James Cochrane, has analysed the importance of the sacred within the context of the health sector. This sector has often been characterised by diverse views of religion, which has added to the confusion of many people concerning important issues such as HIV/AIDS and other STDs. Although confusion may have arisen in many issues, Cochrane argues that the significance (negative and positive) of religion to the health sector should not be downplayed (Cochrane 2008, 70). Some religions and traditions have impacted negatively on the HIV/AIDS pandemic with respect to promoting the stigma attached to those affected by the disease. For example, some religions and traditions can 'impact negatively through oppressive gender constructs on women, or constrain good public practice through questionable ideologies as in the case of the USA's PEPFAR (the President's Emergency Plan for AIDS Relief) constraints on condomisation' (Cochrane 2008, 70).

As can be expected in the post-Enlightenment world, research on the negative impact of religion occurs in abundance. On the other hand, Cochrane (2008, 70) argues that although theology may possess numerous confusing elements and have certain negative effects on society, it can also have positive impacts (and he for the most part focuses on the positives) on the health sector that 'might begin to frame a policy and practice that allows for an appreciative, though not naïve or uncritical, alignment between public health systems and religious or faith-based initiatives'. He believes that if religion begins to play an important role in the health sector, it would result in sustainable and equitable health care sectors in Africa. Theologians believe that religion can also play a positive role in the fight against the HIV/AIDS pandemic. The prophetic religions of Islam, Christianity and Judaism all argue against the sex before marriage, which many secularists believe can have favourable impacts against HIV/AIDS.

The return of the sacred has also re-ignited debates amongst some political theorists as to the most effective arrangement between religion and the state. These debates have their origins in Enlightenment Europe and it is during this period that this dissertation will focus upon. The foremost proponents in the debate were John Locke, Benedict de Spinoza and Jean Jacques Rousseau. This dissertation will

focus on their conception of the relationship between religion and the state. Locke and Spinoza argued in favour of an arrangement that involved toleration, although the two differed with regards to their conception of the term, whilst Rousseau possessed alternative civil religion ideas.

Chapter one focuses on Locke's conception of toleration and effectively his conception of the relationship between religion and the state. Given the turbulent context of the seventeenth century, Locke bravely wrote at the onset of *A Letter Concerning Toleration* that 'I esteem that toleration to be the chief characteristic mark of a true church' (1667 [2007], 23). He belonged to the moderate branch of the Enlightenment since he envisaged an arrangement of society in which both religion and the state could exist in harmony. Locke argued in favour of a theological conception because he believed that religion was absolutely instrumental to the state. Nevertheless, he held that both religion and the state should have their respective spheres of influence with religion belonging to an individual's private realm and issues regarding the state being an individual's public concern. This chapter shall first discuss the arguments on toleration that existed during the Enlightenment era in general, then Locke's conception of toleration. It also investigates how his thoughts on toleration fit into his broader political philosophy. In essence, this means investigating whether a relationship exists between property and toleration. Locke's conception of toleration had three limitations, which will be discussed in detail in the opening chapter. Finally, the chapter will highlight the structure of government Locke thought to be most beneficial for his account of toleration and subsequently to society at large.

The main contribution of Spinoza to the Enlightenment was his ability to incorporate into a single coherent arrangement, the foremost fundamentals of ancient, modern and oriental atheism. He argues that religion is at the bottom of a psychological course of action, natural in origin and thought processes, which became distorted into superstition. Numerous thinkers have also explained natural disasters as the wrath of God on the wrongdoers. Spinoza emphatically disagrees with this and argues that natural disasters also have an effect on religious citizens (Israel 2001:230-232). With this in mind, chapter two investigates Spinoza's understanding

of the relationship between religion and the state. In stark contrast to Locke, Spinoza possessed a radically secular understanding of toleration. Freedom of thought and speech as opposed to salvation of souls is the chief concern of Spinoza. The similarities and differences between Locke's and Spinoza's understanding of toleration and subsequently on their relationship between religion and the state will be discussed at length in this chapter. Spinoza's conception of freedom and his political ideas will be discussed since they build up to his arguments on religion and toleration. Spinoza also ventured into a direction that not many other theorists, including Locke, dared to go. He promoted the freedom to publish views and argued that his secular toleration ideas can best be achieved within a democratic dispensation. This chapter will also investigate which theorist's conception of toleration became the dominant conception and which now forms the basis of most Western secular states.

Jean Jacques Rousseau was another influential thinker of the Enlightenment and I discuss his alternative thoughts concerning the relationship between religion and the state in chapter three. In the *Social Contract*, Rousseau sets out to investigate whether a just and equitable state can be achieved. This is effectively Rousseau's task in articulating an understanding of the relationship between religion and the state. This is an arrangement that involves the state being governed by a religion of civil principles, which Rousseau refers to as a civil religion. Rousseau argues that religion is absolutely instrumental to the formation of any state but opposed pagan religions and the prophetic religions of Christianity, Judaism and Islam for reasons that will be discussed in this chapter. Rousseau's idea of a civil religion is essentially an attempt to return to the ancient idea of cementing good citizenship in faith. In book two, chapter seven of the *Social Contract*, he suggests that lawgivers often invent supernatural origins for the laws for a similar reason and if people believe that the laws came from the Gods, they will be less likely to violate them. His civil religion is not very complicated. It is not caught up in a great deal of dogma, and is merely intended to ensure that the citizens remain productive and obedient. Still, during an age when religion has been effectively divorced from the state in most developed countries, the attempt to bring them back together might seem uncomfortable. The

notion of worshipping the state also seems disturbingly totalitarian. All this will be discussed in detail in this chapter.

Rousseau's broader political philosophy will be discussed in detail since it provides the backbone of his ideas on civil religion. He places huge emphasis on the importance of patriotism, citizenship, the necessity of a good lawgiver, the doctrine of separation of powers and of elective aristocracies for the successful functioning of his civil religion ideas. Thus this chapter will investigate how these important elements come together in his civil religion ideas.

The main reason the aforementioned theorists (or at least Locke and Rousseau) were chosen was because of the important role they played in shaping the modern state. The influence of Locke on the American Revolution and Rousseau on the French Revolution cannot be underestimated and the conclusion shall briefly investigate this link. The American and French Revolutions are perhaps two of the most influential events in shaping the secular nature of the modern state. The thoughts on toleration that were debated during the Enlightenment culminated in Locke and the civil religion ideas in Rousseau. The next section shall deal with the methodology used in this dissertation.

### **Methodology**

This dissertation is a historical and philosophical analysis. It is an attempt to grasp the intellectual origins of a set of ideas that were of great significance to the development of the modern state. I will be using a mixture of intellectual history and genealogy, the latter inspired by the works of Nietzsche and Foucault. The main sources are a set of primary texts coupled with secondary texts that will be used to gauge a good sense of the contexts in which the thinkers wrote.

In this dissertation I am going to interpret the various texts within their specific historical context provided by scholars of the Cambridge school such as Dunn, Skinner, Silverthorne and Tuck, as opposed to imposing modern theories on ancient texts. Chief amongst them, Quentin Skinner, sets out to find an appropriate manner

in which to analyse ancient texts. I will defend the aforementioned approach because of the numerous problems associated with other approaches, most of which will be discussed in detail under this section. Skinner is the main theorist that criticises the dominant methods of understanding classic texts. He begins by attacking those who argue that classic texts are timeless classics or ideas that are of universal relevance. On the contrary, Skinner argues that:

The belief that classical theorists can be expected to comment on a determinant set of fundamental concepts has given rise, it seems to me, to a series of confusions and exegetical absurdities that have bedevilled the history of ideas for too long (2002, 57-58).

Some of these confusions arise from the fact that intellectual historians argue that it is impossible to study classical texts only in light of texts itself since we always bring into the equation our own pre-judgments concerning possible meanings of the texts. The ensuing predicament is that pre-judgments and perceptions may cloud our judgments when approaching classical texts since they will act as the determining factors of what we think and observe. Hence, the danger of pursuing the timeless classical approach of historical texts is that we might impose meanings on them that the theorists of these texts could not have accepted as an accurate account (Skinner 2002, 58-59).

Skinner argues that a more appropriate term to describe the 'historical absurdities' mentioned above is mythology since they are extremely far from the truth. The dominant and most common mythology that exists in history is the assumption that every writer of ancient texts (for example in political theory) has articulated doctrines on all the subject matter that is said to make up that field (Skinner 2002, 59). Skinner believes that this results in a 'mythology of doctrines' that occurs in several ways. He states:

First there is the danger of converting some scattered or incidental remarks by a classic theorist into their 'doctrine'. This in turn has the effect of generating two particular kinds of

historical absurdity. One is more characteristic of intellectual biographies and synoptic histories of thought, in which the focus is on the individual thinkers. The other is more characteristic of 'histories of ideas' in which the special focus is on the development of some 'unit idea' itself (2002, 60).

This dissertation will be careful not to credit 'a writer with a meaning they could have not intended to convey' (Skinner 2002, 61) because of the numerous problems that will be mentioned. This is because the intellectual biography approach mentioned thus far also possesses the danger of anachronism, which is a danger that I have taken extra special care not to succumb to. Skinner uses the example of the medieval political historian, Marsilius of Padua, to illustrate his point. Marsilius of Padua, in his *Defensor Pacis*, spoke of the different roles of the rulers and people. He argued that the executive role belonged to the rulers and the legislative role to the people. Any political commentator will immediately gauge that this is a reference to the modern doctrine of separation of powers. It is impossible, however, to analyse Marsilius of Padua in relation to the doctrine of separation of powers since he could not have contributed to a debate that did not occur in the context in which he was living in (Skinner 2002, 60). Modern political commentators will point out that the doctrine of separation of powers only became widely accepted and debated since the American Revolution that separated the executive from the legislative branch of government. Moreover, the origins of this important doctrine can only be traced to the instance of the collapse of the Roman Republic into an Empire which occurred two centuries after Marsilius' death and which demonstrated the dangers present in centralised power (Skinner 2002, 60).

It is important to take note of the fact that every theorist lived in a certain context and could have only contributed to debates within that context and not to the works and debates of future theorists. Hence, this dissertation will take special care not to fall into the fallacy of crediting doctrines to thinkers that could not have conceptualised them. In making his point, Skinner argues that the 'mythology of doctrines' can further be understood through the 'histories of ideas' approach. The mistake intellectual historians usually make here is to 'speak as if the developed form of the

doctrine has always in some sense been immanent in history, even if the various thinkers failed to 'hit upon it', even if it 'dropped from sight' at various times, even if an entire era failed to 'rise to a consciousness' of it (Skinner 2002, 62). The insinuations of these have two potential forms of historical absurdity. Firstly, this search for approximations has resulted in an approach to the study of intellectual history in which there is this almost constant search for earlier approximations or anticipations of later doctrines. Skinner provides numerous examples to elucidate the point he makes here. Some historians argue that Machiavelli's thought can be considered important because he prepared the basis for Marx's thought, that the works of Marsilius of Padua is important because of the exceptional anticipation of Machiavelli or that Lord Shaftesbury anticipated Kant (Skinner 2002, 63).

Connected to the fallacy mentioned above is what Skinner refers to as a 'unit idea'. The tendency by numerous intellectual historians here is to search for the true origins of doctrines and whether such doctrines exist in the works of a given theorist. He uses the familiar example of the doctrine of separation of powers to give pertinence to what he is saying. Skinner says:

Is the doctrine already 'there' in the works of George Buchanan? No, for he 'did not fully articulate' it, although none came closer at the time. But is it perhaps 'there' by the time we come to the constitutional proposals put forward by the royalists in the English civil war? No, for it is still 'not a pure doctrine' (2002, 63).

In this dissertation, I also aim to discuss all universally agreed doctrines of a subject and theorist. Any contrary approach would result in the second manifestation of the mythology of doctrines outlined by Skinner. He argues that Marsilius of Padua would have agreed with democratic rule since he believed in a form of sovereignty that belonged to the people. He also argues that although Thomas Aquinas did not discuss the subject of civil disobedience, we can be certain that he would not have sanctioned it (Skinner 2002, 64).

This dissertation will stick to the core concerns and issues raised by the various theorists and not chastise them for their supposed shortcomings. This is another version of the mistake mentioned in the previous paragraph that intellectual historians tend to make when they pick out a certain doctrine that a theorist should have brought out and subsequently chastise them for their shortcoming (Skinner 2002, 65). Skinner uses the issues of voting and decision-making to clarify his point here. Intellectual historians and modern commentators have criticised 'Plato's *Republic*, for 'omitting' the 'influence of public opinion' or from criticising John Locke's *Two Treatises* for omitting 'all references to family and race' and failing to make it 'wholly clear' where he stands on the question of universal suffrage' (Sabine 1951, Aaron 1955 and Friedrich 1964 cited in Skinner 2002, 66). The overall concerns of both Plato and Locke differed markedly from the concerns raised above thus, they could not articulated opinions on these issues.

Sticking to what classic theorists have articulated will be a fundamental concern of this study. We cannot criticise ancient writers about their works not being their most efficient contribution that they were capable of making to their discipline. Skinner argues the real question that should be raised is whether 'these writers ever intended, or could have intended, to do what they are castigated for not having done' (2002, 67). Some intellectual historians point out whether Locke's *Two Treatises* comprises of all the doctrines he could have hoped to contribute to. For example, they argue as to why in his discussion on 'natural law and political society' he fails to 'advocate a world state' (Dahl 1963 cited in Skinner 2002, 67). Intellectual historians who have gone further have committed a grave error in their analysis.

When explaining the relevance of a particular text to the dissertation (especially in the earlier stages), I aim to leave as room as possible to analysing what the author might have meant or planned. Analysis to the contrary, Skinner argues, will result in the mythology of prolepsis. In short, this is the crucial mistake that the intellectual historian makes when he is more interested in the significance of the text than what the author might have intended to mean by the text (Skinner 2002, 72-73). Let's take



Jean Jacques Rousseau as a case in point. Numerous intellectual historians have argued that Rousseau's political ideas justify totalitarianism as well as democracy. The significance of the Rousseau's work might well be totalitarian or democratic but this definitely was not the intention of Rousseau at the time he wrote the texts (Skinner 2002, 73). In fact, democracy and totalitarianism were terms of art or conceived as feasible regime types generally, at the time, and specifically by Rousseau himself.

The numerous fallacies that intellectual historians commit when analysing classic texts have been discussed in some detail. This dissertation will take special care in ensuring that the aforementioned mistakes are not committed. Rather, given the short scope of this study, I will focus on the particular historical context the particular theorist wrote since there are numerous fallacies (all mentioned above) that might occur if this method is not followed.

To achieve the best possible result from the study of the history of ideas, I will also use Skinner's main method of analysis. Skinner argues that we should not merely provide an analysis of what the classic writer exactly meant by his texts, but also provide an understanding of what the writer may have said and how this meaning was intended by the writer to be understood (Skinner 2002, 79). Skinner states:

To understand a text must at least be to understand both the intention to be understood and the intention that this intention be understood, which the text as an intended act of communication must be embodied. The question we accordingly need to confront in studying these texts is what their authors – writing at the time when they wrote for the specific audience they had in mind – could in practice have intended to communicate by issuing their given utterances (2002, 86-87).

The focus of study must therefore be fundamentally linguistic. Additionally, the methodology being used must have as its focal point the possible intentions of the given author. After this, an analysis of the social context in which the text occurs

within the linguistic enterprise mentioned above. This social context is of utmost importance since it assists in deciding 'what conventionally recognisable meanings it might in principal have been possible for someone to have intended to communicate' (Skinner 2002, 87). Although the linguistic focus of the study is important, this study is also institutional and practice based. The settings of the various discourses will also assist in gaining a holistic understanding of the respective authors' ideas.

The value of analysing the history of ideas is the interplay between philosophical analysis and historical evidence. Skinner argues that 'the study of statements uttered in the past raises special issues, and might yield insights of corresponding philosophical interest' (2002, 87). He speaks about the phenomenon of conceptual innovation and the connection between linguistic and ideological change that could be better studied through the studying the history of ideas. Skinner also says the fact that classic texts might have their own particular historical context, does not make them irrelevant for our own analysis. Conversely, classic texts can assist us in revealing the variety of 'moral assumptions and political commitments' (Skinner 2002, 88).

This study also involves genealogy, which is a method of studying history and the history of institutions. We do not necessarily need to know the true intentions of the authors, but rather to understand them as part of a larger intellectual history. The task of providing a genealogy is concentrated towards narrating this history as wholly as possible. In essence, due attention must be given to as many of the appropriate aspects as possible (Geuss 2005, 158-159). Rabinow argues that genealogy 'operates on a field of entangled and confused parchments, on documents that have been scratched over and recopied many times' (1984, 76). The genealogical task will require tremendous amount of patience, perseverance, knowledge and attention to minute detail. Genealogy does not aim to fix or finish unfinished business of the past, it does not hope to show that the present has elements of the past in it, it does not hope to demonstrate the gradual evolution of a doctrine such as the separation of

powers nor does it hope to predict the future because of the analysis of past events (Rabinow 1984, 81). On the contrary, the genealogical task hopes to:

Follow the complex course of descent which is to maintain passing events in their proper dispersion; it is to identify the accidents, the minute deviations - or conversely, the complete reversals – the errors, the false appraisals, and the faulty calculations that gave birth to those things that continue to exist and have value for us; it is to discover that the truth or being does not lie at the root of what we know and what we are, but the exteriority of accidents (Rabinow 1984, 81).

The starting point is the nature of present institutions. In this instance we need to start from the Western secular state. Nietzsche provides an example of Christianity for his genealogy. He starts from the present by outlining the bi-partite structure of Christianity: 'a set of antecedently existing practices, modes of behaviour, perception, and feeling which at a certain time are given an interpretation, which imposes on them a meaning, they did not have before' (Geuss 1999, 9). A genealogy is to present a 'historical dissolution of self-evident identities' (Geuss 2005, 157). Hence, with reference to Christianity, Nietzsche differentiates between the teachings of Jesus Christ and a particular understanding placed on his teachings that have ultimately turned out to be the content of Christianity. He concludes that 'the history of Christianity is a history of successive attempts on the part of a variety of 'wills' to take control of and reinterpret a complex of habits, feelings, ways of perceiving and acting, thereby imposing on this complex a 'meaning' (Geuss 1999, 12). In short, genealogy aims to argue that institutions, religions, doctrines and so on are not necessarily the unified and coherent entities they are sometimes made out to be. To summarise how genealogy can be used to analyse texts, Geuss (1999, 14) states:

Starting from the present day of, say, Christianity (or of whatever else is the object of genealogical analysis), the genealogy works its way backward in time, recounting the episodes of struggle between different wills, each trying to impose its interpretation or meaning on the Christianity that existed at the time, and thereby disentangling the

separate strands of meaning that have come together in a unity in the present. Each such episode is, as it were, the branching node of a genealogical tree.

In keeping with Nietzsche's example of Christianity, genealogy is not interested in investigating whether an individual is remorseful for his transgressions but rather with asking the important question of how these terms such as sin, remorse, punishment and so on have become acknowledged as unanimously compulsory to all (Geuss 2005, 158). In essence, genealogy is not interested in justification but rather with explanation or as Geuss (1999, 3) puts it: 'genealogy is certainly not undertaken with the intention of legitimising any present institution, practice, or institution, and won't in general have the effect of enhancing the standard of any contemporary item'. Thus, I will take special care not to legitimise any institutions, doctrines and thoughts of the three principal theorists being used. Rather, I will focus on peeling away the complex layers of their works to gain a holistic and appropriate understanding. For example, I will read Rousseau in the context of his time (eighteenth century) as well as in the context of his readings of Hobbes, Locke, and Spinoza etc, trying to figure out the true nature of his thoughts.

To summarise, the approach to the study of intellectual history this dissertation will use involves searching for possible meaning to texts and not necessarily their exact meanings, taking into account context, as suggested by Skinner. The focus will predominantly be linguistic taking into account that the study is also institutional and practice based. I will not utilise other approaches because of the various dangers (as mentioned extensively above) they pose. Finally, this dissertation also requires a genealogical analysis. A genealogy effectively allows the philosopher or historian to peel away the immense layers of history, paying attention to detail and eventually hope to sift out the truth amongst a host of competing agendas.

## Chapter One

### Locke on the relationship between religion and the state

The Enlightenment era was characterised by intense debate regarding the relationship between religion and the state. Some theorists argued that religion should not play a part in society because of the tremendous pain and suffering that it had brought to Europe. Others believed that an amicable solution could be sought so that religion and secularity could peacefully co-exist. John Locke was one such theorist and perhaps the most prominent, who debated over the potential peaceful relationship between religion and the state. Locke was probably the most influential theorist of the seventeenth century and was the first theorist of the Enlightenment era to clearly articulate a conception of toleration. His two great works, the *Two Treatises of Government* and *A Letter Concerning Toleration* form the backbone of his thoughts on the relationship between religion and the state. A tremendous amount of research has been done regarding the political thought of John Locke. The internal growth of this thought is studied extensively. For example, John Dunn argues that Locke's politics in the *Two Treatises* are explained by elements of his own thought, in particular, that of his religious commitments. Other thinkers state that the *Second Treatise* was partly formed by Locke's participation in justifying and actively setting up armed struggle to Charles II (Marshall 1994, xvi). The concept of toleration has been regarded by many as one of the foundations of the Western secular state.

Locke's conception of toleration cannot be taken at surface value and requires much in-depth critical analysis. With this in mind, the present chapter aims to set out Locke's views on toleration, the limitations imposed by him on toleration and the reasons for these limitations before arguing in subsequent chapters that it provides (although not in the manner Locke conceived it) the foundations of the Western secular state. Part of the investigation will also require a specific and detailed exegesis of Locke's argument on toleration and the link with his broader political philosophy. This requires analysing the context of seventeenth century Enlightenment Europe, reasons for the movement from the state of nature to civil society, the importance of property and the importance of the social contract. Finally,

this chapter will briefly outline the structure of government as articulated by John Locke.

### **Toleration during the Enlightenment era**

Prior to the concept of toleration coming into the vocabulary of many Enlightenment thinkers, the theological-political landscape of Europe was one in which furious struggles existed between faith, reason, coercion and conscience. Although arguments for toleration were frequently advanced, Europe still remained a bitterly divided and extremely intolerant society. In short, the seventeenth century did not see the total embracing of toleration by theorists. Although it gained a strong footing in many areas, it was by no means secure (Grell and Porter 2002:1). Locke provides the reader in, *A Letter Concerning Toleration*, with the situation that existed in England at the time.

Our government has not only been partial in matters of religion; but those also who have suffered under that partiality, and have therefore endeavoured by their writings to vindicate their own writings and liberties, have for the most part done it upon narrow principles, suited only to the interests of their own sects (Locke 2006[1689], 21).

Hence, religion still played a powerful role throughout Enlightenment Europe or as Grell and Porter argue, 'it was central to the Enlightenment project itself' (2002, 1). Centrality of religious thinking in the Enlightenment era, for the most part, took the form of limits, double meanings and fluctuations. These specific characteristics need special attention and will be dealt with later on in the chapter.

The Enlightenment era was predominantly characterised by theorists who advocated for the reformation of religion as opposed to its total abolishment. These theorists wanted the fundamental religious ideas of prejudice and superstition to be attuned with those of secular society such as 'reason, nature, morality and civic duties' (Grell and Porter 2002, 6). Locke argued that one way in which this could be achieved was

through individuals possessing independent thinking in all matters, especially that of religion. He says:

Nor can any such power be vested in the magistrate by the consent of the people; because no man can so far abandon the care of his own salvation, as blindly to leave it to the choice of any other, whether prince or subject, to prescribe to him what faith or worship he shall embrace (Locke 2006[1689], 26).

Moreover, toleration also played an important part within the Christian faith. Joseph Priestly (English Polymath) was a fierce advocate of the Enlightenment era as superior to the ancient world, particularly with reference to religion, science and government. He wrote that toleration would be instrumental in any future relationship between faith and rationality and argued that this would be assured by the separation of church and the state (Grell and Porter 2002, 2). Locke held a similar viewpoint and argued:

I esteem it above all things necessary to distinguish exactly the business of civil government from that of religion, and to settle the just bounds that lie between the one and the other. If this be not done, there can be no end put to the controversies that will be always arising, between those that have, or at least pretend to have, on the one hand, a concernment for the interests of men's souls, and on the other hand, a care of the commonwealth (Locke 2006[1689], 26).

Taking previous conceptions of toleration into consideration, champions of Enlightenment were to meddle with the evolving claims to toleration. Certain theorists developed individualistic models that argued for a unique independence for man outside that of the church and state. They actively opposed a ruler having any legitimate control over the mind because this would go against the universal law in the state of nature. In essence, faith was not to be forced 'because it appears not that God has ever given any such authority to one man over another, as to compel anyone to his religion' (Locke 2006[1689], 26).

Although thoughts on freedom and toleration were being advanced in Europe in both the secular and religious spheres, uncertainties were also being raised concerning the reliability of the 'truth', at the time dominated by religious thought. The invention of printing also played a role in challenging the superiority of religious thinkers. The sacred writings of the Bible, Quran, and Torah were frequently challenged and even those who interpreted these sacred texts began being challenged on the legitimacy of their right to interpretation (Grell and Porter 2002, 4). The early stages of globalisation and its movement of people to all corners of the earth alerted Enlightenment thinkers to the vast array of people, cultures and religions that existed. The diversity that was seen brought up the question as to who had the right to judge and persecute on matters of right and wrong (Grell and Porter 2002, 4). It would be naive to suggest that diversity of the world's population played the most significant role in bringing Enlightenment thinkers towards toleration, however, Locke wrote of the dangers of not tolerating diverse religious opinions.

In the variety and contradiction of opinions and religion, wherein the princes of the world are as much divided as their secular interests, the narrow way would be much strained; one country alone would be in the right, and all the rest of the world put under the obligation of following their princes in the ways that lead to destruction; and that which heightens the absurdity and very well suits the notion of deity, men would owe their eternal happiness or misery to the places of their nativity (Locke 2006[1689], 28).

Many theorists also advance the theory that the Peace of Westphalia, which ended the Thirty Years War in 1648, convinced the ruling elite in Europe that the dominance of religious thought cannot be allowed to continue. This dominance had brought about tremendous bloodshed and misery for the people of Europe all in the name of the Bible, divine right or prophetic revelation. Historical, philosophical and moral challenges grew against theology and many even claimed that religion had not only caused civil disorder but also mental disorder with saints and priests literally going out of their minds (Grell and Porter 2002, 4). Locke also argues that the



toleration of different sects is enshrined in the Bible and that men should not be so ignorant of the advantages (civil order) of it.

The seventeenth century, in particular the 1680's was also an era of tremendous religious repressiveness. The Revocation of the Edict of Nantes was perhaps the most significant repressive moment in European history. Of the approximately 900000 Protestants that existed in France prior to 1680, perhaps 700000 were forced to convert to Catholicism and the rest were forced to go into exile. In addition to this, numerous Muslims and Jews were forced to convert to Catholicism (Marshall 2006, 19). Many theorists thus believed that the best solution to religious repressiveness was toleration. This principle provides the basis for the secular nature of most Western states. This explanation, however, requires more in-depth analysis. The next section shall provide the reader with Locke's conception of toleration.

### **Locke's conception of toleration**

Toleration theorists of the Enlightenment era construed humans as beings whose intelligence pointed them towards freedom of expression and thought. One of Locke's less talked about works, the *Essay Concerning Human Understanding*, developed a model of the human mind. One of its books dealt with religion, in particular its epistemology. Locke rejected the idea that humans are born with an inherent idea of God. Rather, he argued that the idea of God is a gradual process that starts from the five senses and which slowly develops into this complex idea (God). The very fact that he uses the idea of God in his political philosophy tells the reader that his conception of toleration will have theological undertones. This understanding of the human mind was further developed and entrenched in *The Reasonableness of Christianity* where Locke states that matters of religious thought must be measured against reason to determine its authenticity (Grell and Porter 2002, 5-6).

According to Locke, reason and intelligence point individuals towards the idea of toleration. Toleration, in his view, is the answer to successful and peaceful co-existence of religion and the state. Locke's treatise is opposed to the one defended by Hobbes in the *Leviathan* in view of the fact that it supports toleration for the diverse denominations of Christianity. Locke's thoughts on toleration were in harmony with his epistemology thus his chief aspiration was to make a distinction between the different responsibilities of government and religion. Locke views the function of the government as positioned in the arena of external interests such as liberty and the general welfare of the populace. With regards to the function of religion, Locke wrote:

The care of souls cannot belong to the civil magistrate, because his power consists only in outward force; but true and saving religion consists in the inward persuasion of the mind, without which nothing can be acceptable to God. And such is the nature of the understanding, that it cannot be compelled to the belief of anything by outward force (Locke 2006[1689], 27).

In essence, religion should be a matter concerning an individual's conscience and not that of the civil ruler. In *A Letter Concerning Toleration*, Locke outlined the powers of the civil ruler. These should be aimed at:

The impartial execution of equal laws, to secure on to all the people in general, and to every one of his subjects in particular, the just possession of these things belonging to this life. In anyone presume to violate the laws of public justice and equity, established for the preservation of these things, his presumption is to be checked by the fear of punishment, consisting in the deprivation or diminution of those civil interests, or goods, which otherwise he might and ought to enjoy (Locke 2006[1689], 26).

Locke clarified in some detail, what he meant by limits on civil rulers. He separated opinions and actions into three kinds. Firstly, civil rulers are *not* (my emphasis) allowed to interfere in matters that did not concern the state, matters such as speculative opinions and certain forms of divine devotion. Secondly, civil rulers

should not concern themselves with those opinions (although neither good nor bad in themselves) that did not conflict with the rights of others. Finally, Locke grouped vices and virtues as actions and opinions that were either good or bad as they are (Grell and Porter 2002, 6). These limits were extremely important for Locke since they provided the foundation for the most advantageous relationship between the government and its citizens.

Under the first grouping, actions and opinions possessed 'an absolute and universal right to toleration'. They do not affect the polity since they were either a private matter or a matter between the person and God alone (Grell and Porter 2002, 6). To elucidate opinions under the second grouping, Locke writes:

There would remain nothing in these assemblies that were not more peaceable and less apt to produce disturbance of state than in any other meetings whatsoever (Locke 2006[1689], 51).

Under the third grouping, Locke held that civil rulers should not concern themselves with the 'salvation of their (men's) souls' (Locke 2006[1689], 28). In this form, it is argued that Locke believed the rationale of political society to be the preservation of peace and security, and it is God who would reward good deeds and punish vice. With this in mind, any usage of political power that intrudes into the arena of individual autonomy, would amount to an unlawful exercise of power (1969, 32). Locke wrote that no man ought to be forced to surrender his opinion, or even change his opinion since he believed that such compulsion would lay the foundations for insincerity. The only instance the magistrate could intrude upon an individual's religious autonomy was if he (the magistrate) anticipated a threat to peace in society. Nevertheless, public disorder may arise as a result of any religious action, and since the sovereign is the sole judge of adversarial actions (he is only answerable to God for his actions), 'the restrictive definition of the purpose of political society may seem a flimsy protection' (Dunn 1969, 32).

In providing further explanation, Locke utilises a different method of argument to come to the same conclusion. He believes that any deviation from the stated aims of political society possesses no legitimacy. Locke also considers this to be an indispensable feature of an individual's rights that the state should not interfere in the religious affairs of its citizens. The reason for this standpoint is the subjective nature of religious conviction, which cannot be generated by the actions of the state (Dunn 1969, 34). In this regard, Locke writes that a church (religion) 'is a free and voluntary society...no man by nature is bound unto any particular church or sect, but everyone joins himself voluntarily to that society in which he believes he has found that profession and worship which is truly acceptable to God' (Locke 2006[1689], 28). Such belief can only be changed by divine intervention.

It is argued by Dunn that any forced change in the religious behaviour of the populace that is 'unaccompanied by subjective conviction' has no basis from the point of view of government (1969, 33). To illuminate this, Locke argues that 'the public good is the rule and measure of all law-making...[and] no opinions contrary to human society, or to those moral rules which are necessary to the preservation of civil society, are to be tolerated by the magistrate' (Locke 2006[1689], 39 and 49). Religious actions performed in this manner obliterate the intention of religious actions. Forced religious behavioural change is viewed as unreasonable and dangerous by the coerced since it entails relinquishing everlasting happiness for immediate relief. In essence, it entails sacrificing religious behaviour for worldly gain. Numerous methods are used to make this point more noticeable. Firstly, Locke's institution of government relies mostly on the consent of the populace, provided by them because of the inherent advantages available to them. Governments cannot therefore claim legitimacy when its actions cause harm to its citizens. Locke also explicitly argues that no appropriate compensation can be provided for compelled action, especially if it turns out to be misconceived (Dunn 1969, 34). In short, coercion has no place in Locke's theory since it de-legitimises a government and goes against the very essence of toleration. Individuals need to be satisfied of their own part to salvation or else they will be eternally unhappy since they have lost their freedom to choose. Locke says:

To impose such things therefore upon any people, contrary to their own judgement, is in effect is to command them to offend God; which, considering that the end of all religion is to please him, and that liberty is essentially necessary to that end, appears to be absurd beyond expression (Locke 2006[1689], 39).

Dunn writes that although these arguments might occasionally seem incoherent and unclear, the main point is very effective and its 'reversal of the more rationalist authoritarian arguments impressively deft' (1969, 34). Locke argues rather strongly that it is impossible to come up with a set of criteria for freeing acts of individuals from the authority of the political sphere and because of this Dunn believes, 'he (Locke) could hardly have conducted his first defence of individual right by an explicit advocacy of conscientious subversion' (1969, 34). Hence, political authority is the cornerstone of society and this is Locke's method of arguing that the sovereign is the final judge on all matters.

The issue of property that was so vehemently argued in the *Two Treatises* by Locke (the most detailed locus of resistance to political claims) still seems to hold huge importance in *A Letter Concerning Toleration*. It is evident that only around the circumstances of faith did Locke possess any tendency towards political legitimacy. Moreover, it is difficult to believe that Locke could be inclined to do so by sympathy (Dunn 1969, 35). Nevertheless, Dunn writes:

Even if the protection of conscience is given no political viability in a concrete historical situation and even if no empirical feature of this world is granted an autonomous legitimacy against the will of the sovereign, the authoritarian structure of the theory has been critically disturbed. Moreover, the pivot on which the structure is turned is an epistemological argument, if rather a crude one (1969, 36).

It is abundantly clear that the toleration of faith does not open up the way for rebellious actions by religious enthusiasts. The conscience of the magistrate plays

the most influential role between the toleration of opinions and beliefs and, the rigid order of political control. Nevertheless, that conscience Locke is referring to is the magistrate's, in his official capacity. Locke argues that the magistrate's position as the highest authority in the land and the manner in which he conducts his duties in public is what he will be held accountable to God for (Dunn 1969, 36-37). In the event that the subjects in society disagree with, for example, a specific type of legislation he wants to enact (which he believed to be in the best interests of society), Locke wrote:

As the private judgement of any particular person, if erroneous, does not exempt him from obligation to the law, so the private judgment of the magistrate does not give him any new right of imposing laws upon his subjects, which neither was in the constitution of the government granted him, nor ever was in the power of the people to grant... (Locke 2006[1689], 49).

In addition, Locke believed that if a government were administered justly, then the above-mentioned problems would not occur often. He states: 'that if a government faithfully administered, and the counsels of the magistrate be indeed directed to the public good, this will seldom happen' (Locke 2006[1689], 48). In the rare case that governments' actions trespass their jurisdiction, Locke writes:

But if the law indeed be concerning things that lie not within the verge of the magistrates authority (as for example, that the people, or any party amongst them, should be compelled to embrace a strange religion, and join in the worship and ceremonies of another church) men are not in these cases obliged by that law, against their consciences. For political society is instituted for no other end but only to secure every man's possession of the things in this life. The care of men's soul, and of the things in heaven, which neither does belong to the commonwealth; nor can be subjected to it, is entirely left to a man's self (Locke 2006[1689], 48).

To clarify the protection of religious belief and behaviour, Dunn argued that toleration did not extend to all matters of an individual's relationship to God but rather only to

the extent that this relationship did not infringe upon the rights and interests of others. Moreover, the logic of genuine religious thinking outlined by Locke, serves as a safeguard against the violation of the rights of others. Nevertheless but importantly, Dunn points out that the form in which human beings hold religious belief are often related with an assortment of threatening activities which directly intrudes upon the rights of others (1969, 37). Again, it is up to the sovereign to be judge of an intruding action. Locke argues that for religious behaviour to be deemed legitimate, it needs to have been derived from God alone. The sovereign need not tolerate another form of religious behaviour. Locke says:

Things in their own nature indifferent cannot, by any human authority, be made any part of the worship of God...what hodgepodge of ceremonies, what superstitious inventions, built upon the magistrates authority, might not (against conscience) be imposed upon the worshippers of God? For the greatest part of these ceremonies and superstitions consist in the religious use of such things that are in their own nature indifferent: nor are they sinful upon any other account than because God is not the author of them (Locke 2006[1689], 40).

In addition to this, although Locke believes that Godly worship is a matter of private concern involving the individual and the God in question, he argues that to worship your God in the way outlined by Catholics in a Protestant country is tantamount to constructive rebellion and it is the responsibility of the sovereign to decide whether religious activities remain a private matter (Dunn 1969, 37). The sovereign has the immense responsibility to ensure that he restricts his intrusion, regardless of the power of his private abhorrence, only to those times when he judges behaviour to threaten the interests and rights of others in society. Locke is careful to state that this responsibility must only be utilised in the most cautious and meticulous manner and it will repeatedly be complicated to establish its particular implications in practice (Dunn 1969, 37-38). Locke has clearly placed a huge responsibility on the sovereign. Nevertheless, he is quick to point out that the religious behaviour of individuals be practiced with the greatest attention to detail, as outlined by God.

Locke writes that every individual is indebted to worship his God in the manner he sees fit so as to achieve eternal happiness that would otherwise be lacking. He says:

Although the magistrate's opinion in religion to be sound, and the way that he appoints be truly evangelical, yet if I am not thoroughly persuaded thereof in my own mind, there will be no safety in it for me in following it. No way whatsoever that I shall walk in, against the dictates of my conscience, will ever bring me to the mansions of the blessed. I may grow rich by an art that I take no delight in; but I cannot be saved by a religion that I distrust, and by worship that I abhor (Locke 2006[1689], 38).

An individual is also compelled to gauge the particular make-up of his obligation with extreme attention to detail for the reason that he alone is entirely accountable for his correctness or incorrectness in this evaluation (Dunn 1969, 38). Locke argues that if an individual believes the evaluation of his religious behaviour to be theologically accurate and his enthusiasm solely religious, they have indeed an absolute responsibility to go against political authority. To sharpen this analysis, Locke writes that as long as an individual's reasons are truly religious, the ruler has no right to intervene. Individuals can use this right not to subscribe to practices they do not wish to. Conversely, this power does not give individuals the right to question the authority of the sovereign, only to resist political authority (Dunn 1969, 38). On the other hand, if an individual makes a mistake in his theological apprehension or in the righteousness of his enthusiasm, they maintain 'a prima facie obligation to do what they see as obligatory – even if in the final judgement they are to be divinely punished for the erroneous assessment of their duty' (Dunn 1969, 38). Locke proclaimed:

The magistrate ought not to forbid the preaching or professing of any speculative opinions in any church, because they have no manner of relation to the civil rights of the subject. If a Roman Catholic believes that to be really the body of Christ, which another calls bread, he does no injury thereby to his neighbour. If a Jew do not believe the New Testament to be the word of god, he does not thereby alter anything in men's civil rights (Locke 2006[1689], 46).



By placing restrictions on the individual's legitimate religious belief as well as on the sovereign's obligation to tolerate, such subjectively held religious duties are both set by their similarity with the aims of structured human society (Dunn 1969, 39). Dunn argues that Locke's account of these purposes in *A Letter Concerning Toleration* is 'more crisply reductivist than his other writings'. He wrote that government was only necessary because of the need of human society to live in peace and harmony. For this reason, this (the maintenance of peace) and nothing else is the principal aim (its end) of government. The sovereign is nothing more than an official between individuals in society and does not possess even the least right to compel or formulate for others any type of virtue (Dunn 1969, 39). The movement of this idea from religious studies and epistemology to sociology and politics made every human being the ultimate adjudicator of how far the society he inhabits, has taken the step in the direction of avoiding force, which is its main end (Dunn 1969:39).

Locke never conceived of toleration without limits and the next section will enlighten the reader, in detail, about these limitations.

### **Limitations of toleration**

Enlightenment thinkers usually portrayed themselves as custodians of freedom and equality, as those who stood up against the censorship of opinions and as tutors to rulers of the Enlightenment era. Frederick the Great (an unbeliever), for example, argued in favour of toleration of all faiths in Prussia and even went to the extent of encouraging the immigration of Jews. He proclaimed that 'here (Prussia) everyone must be allowed to choose his own road to salvation' (cited in Grell and Porter 2003, 9). Nevertheless, the situation that really existed was much more complicated than what these ideals suggest. As mentioned a little earlier, the Enlightenment era was characterised by widespread disagreements. Questions began to be raised as to what exactly toleration should consist of, who should benefit from it and vice versa, should it be guaranteed by law as Locke suggested and so on.

During the context of the mid-seventeenth century (1660s in this instance), those who advocated for religious toleration denied, in numerous instances, toleration of

Catholics and atheists. Locke was no different and opposed the toleration of Catholics and atheists (Marshall 2006, 680). This section shall attempt to outline to the reader, those who were denied tolerance and the various reasons given for this intolerance.

Locke was explicit as to who would qualify for toleration. To put this into perspective, Locke wrote that toleration does not extend to those who suggested 'opinions contrary to human society, or (opinions contrary) to those moral rules which are necessary to the preservation of civil society, are to be tolerated by the magistrate' (Locke 2006[1689], 49). Catholics were also denied toleration since Locke argued that, 'that church can have no right to be tolerated by the magistrate, which is constituted upon such a bottom, that all those who enter into it, do thereby, ipso facto, deliver themselves up to the protection and service of another prince' (Locke 2006[1689], 50). Finally, Atheists also fell under those sects not to be tolerated since they 'deny the being of a God' and because of this, 'promises, covenants, and oaths, which are the bonds of human society, can have no hold upon an atheist' (Locke 2006[1689], 51). 'Promises, covenants and oaths' as well as having loyalty only to the civil ruler were fundamental to Locke's thesis and as a result, any opposing beliefs would jeopardise law and order in society.

Locke provides much detail regarding the limitation clause of his conception of toleration. Those excluded from toleration included sects who possessed traditions of murdering children (he may be referring to the satanic churches and cults) and to those who have no desire for moral cleanliness. The rationale behind this limitation is that these actions and opinions are unlawful in every sphere of society. They neither conform to the worship of God nor any religious gathering. On the same point, because toleration is central to Locke's thesis, only churches that advocate for toleration are approved to enter into his society (Grell and Porter 2002, 6).

Locke conceded that atheists could behave morally and ethically. Nevertheless, he fervently argued that the only manner in which immoral and illegal activity could be conquered was through the warning of chastisement by a divine figure (Tully 1983, 8). This clearly does not apply to atheists. Locke argues that atheists did not

possess the eagerness to behave in a socially accepted manner and subsequently could not be tolerated. Locke's foremost predicament regarding atheists seems to have less to do with their involvement in society and more 'with the attitude they take to the very foundations of the social order' (Waldron 2002, 225). With regards to Catholics, Tully argues that although they may behave morally and ethically, their allegiance is towards the pope over secular authority and as such, cannot be tolerated. Locke also wrote in *A Letter Concerning Toleration* that 'it is unreasonable that any should have a free liberty of their religion who do not acknowledge it as a principle of theirs that nobody ought to molest another because he dissents from him in religion' (Locke 2006[1689], 49). Nevertheless, Locke was prepared to accept Catholics if they dissociated their political allegiance to the pope (Tully 1983, 8). In fact, Locke was prepared to tolerate any group as long as their allegiance was to the sovereign.

It is abundantly clear from Locke's position on atheism that he assumes that God consciousness provides the foundation for the social fabric of human society. By connecting law and order in society to the fear of God, Locke is going against the established forms of hierarchy for stability and social cohesion in his politics.

Waldron writes:

He has to make promissory undertakings, and the spirit of such undertakings amongst otherwise free and equal individuals do an amount of work in moral and political philosophy that his more conservative critics regard as reckless, to say the least. Promises and contracts cannot do that work unless they are backed up with fear of God, in whose presence the undertakings in question have been given (2002, 223-224).

It is clear from Locke's discussion on resistance and revolution in the *Second Treatise*, that he is concerned about his thesis exposing the effective running of the state to disarray and ruin 'as often as it shall please a bruise head, a turbulent spirit, to desire the alteration of government' (Locke 1988[1688], 390). Nevertheless, he insists that this will only happen if totalitarianism is both authentic and universal.

Additionally, and in a similar vein to his treatment of atheists, Locke relies to a large extent on the appeal to paradise (Waldron 2002, 226). Locke writes:

God in heaven...alone... is judge of the right. Force is opposed to nothing, but to unjust and unlawful force; whoever makes an opposition in any other case, draws on himself a just condemnation both from God and man (Locke 1988[1688], 241 and 204).

Waldron argues that atheists do not think in this important and necessary way because they cannot take their actions seriously by thinking in this manner. Consequently, the worry is that atheists will be more reckless and deceitful regarding the way they conduct themselves in the social and political arena than a believer in God (2002, 226). John Dunn interprets Locke's view on atheists and writes that the atheist is not just a hazard to society but also 'an inherent menace to every human being' (cited in Waldron 2002, 228). Accordingly, Locke believed that human society would be far better off without the toleration of atheists.

Locke writes in *A Letter Concerning Toleration* that 'the taking away of God, though but even in thought, dissolves all (the framework of natural law equality)' (Locke 2006[1689], 51). He also says, 'as for other practical opinions...if they do not tend to establish domination over others...there can be no reason why they should not be tolerated' (Locke 2006[1689], 51). This tendency 'to establish domination over others' seems to be regarded by Locke as the foremost criterion for measuring intolerability. Thus an atheist is in no place to preserve, educate, interpret or apply equality (Waldron 2002, 228).

Although a great deal of *A Letter Concerning Toleration* concerns 'the mutual toleration of Christians in their professions of religion' (Locke 2006[1689], 23), Muslims, Jews and others are still somewhat mentioned and afforded toleration in the *Letter*. This is rather peculiar since they acknowledge very little of the teachings of Christianity. Waldron seems to suggest that the toleration of these religions might

be because of their monotheism (2002, 229). Muslims could also have been tolerated because of their acknowledgement of Jesus Christ as a prophet of God although they do not believe in him as the Son of God. Marshall argues that a possible reason for the toleration of Muslims and Jews in early modern Europe was because it was believed that they could be persuaded to convert to Christianity (2006, 371).

Waldron also examines the fundamental difficulty of defining the human species for the function of Locke's commitment to basic equality. He further outlines new interpretations of Locke's views on toleration, slavery, property, and the relation involving the sexes (Waldron 2002:1). Waldron believes that the notion of human equality is central to Lockean politics and morality and, subsequently, any person who denies the main foundation of it, has no place in society (Waldron 2002:228). He states that he is not sure that Locke excludes Catholics. His interpretation focuses on the following passage: 'the magistrate ought not to forbid the preaching or professing of any speculative opinions in any church, because they have no relation to the civil rights of the subjects. If a Roman Catholic believes that to be really the body of Christ, which another man calls bread, he does no injury to his neighbour' (Locke 2006[1689], 46). Nevertheless, Locke may just have been leaving the door open for the possible toleration of Catholics in the event they give up their allegiance to the pope.

Academics have not ceased to offer explanations for the restrictions Locke imposed on toleration. Jonathan Scott has pointed out that the general fear of Catholics in England in late seventeenth century was as a result of the power they held with respect to territory in comparison to Protestants. Moreover, 'history' at the time pointed to the fact that Catholicism in Ireland was so strong that it possessed the potential to conquer England. Of course this was exaggerated but even Locke exclaimed that Catholicism 'so nearly surrounds and threatens us' (cited in Marshall 2006, 28).

Cranston (1991, 81), Schochet (1992, 52) and Murphy (2001, 225), take context and experience into consideration by regarding events such as the civil war in England and the Revocation of the Edict of Nantes as playing a crucial role since it established the threat that Catholics and atheists posed to law and order in society (cited in Lorenzo 2003, 243). John Rawls places a particular emphasis on context alone by arguing that Locke might have championed full toleration had he lived in another time. Nonetheless, Lorenzo makes the crucial point that Locke's position was envisaged before the aforementioned occurrences. As a result he argues that the influence of context taken cannot offer a holistic explanation of Locke's position (Lorenzo 2003, 248). It should be evident from the outset that there are multiple explanations for Locke's conception of toleration.

Locke's dependence on conventional thinking is given particular emphasis by Ashcraft (1986, 298 and 1993, 203). During the context that Locke lived, the English held the view that Catholics are a threat to law and security since they can only be loyal to the pope. Ashcraft argues that Locke used this type of established thinking to locate Catholics outside the 'natural moral community' (cited in Lorenzo 2003, 249). Additionally, Wooton (1993, 109-110) and Kraynak (1980) write that Locke's pragmatic stance played an important role. Wooton emphasises Locke's judgement that the ideas of Catholics and atheists were destructive and for that reason should not to be tolerated. Kraynak points in the direction of prudence. This is because prudential thinking allowed the magistrate not to tolerate views that might pose a threat to national order and security (cited in Lorenzo 2003, 249). John Dunn writes that it is apparent 'that there is some sort of harmony between the venture from the academy of diplomacy and the world of politics and Locke's shift from the rigid and authoritarian legalism of his earlier writings to the more dominantly prudential emphasis of *A Letter Concerning Toleration* (Dunn 1969, 27).

Mendus (cited in Lorenzo 2003, 249) argues that the absence of a positive conception of rights, allows the magistrate to selectively prohibit certain sects from enjoying rights provided that this is tied to national order and security. On the other hand, Lorenzo believes that since Mendus allows for a positive conception of toleration, and that prudential thinking allows justification in terms of law and order,

she subsequently overlooks the decisive task tradition plays in Locke's analysis (Lorenzo 2003, 249).

Prudence, according to Garver (1987) 'is a mode of moral reasoning that falls between the conservative orderliness of algorithmic methods and the radical freedom of heuristics. To reason prudently means creating exceptions to general rules, creating space for practical judgment' (cited in Lorenzo 2003, 249). Firstly, in the context of rights, we find that prudential thinking allows the magistrate to apply practical knowledge to create an exception to a status quo of rules governing society. Lorenzo states that it is important to consider prudential thinking as a cautious manner of rendering decisions. Applying it once more in the context of rights, this perception describes the first prudential exclusion to the universal rule granting rights as a 'rightly wary hesitation to confer those powers on some allegedly dangerous group of people' (2003, 249). Prudential judgement clears the way for practical judgment without rejecting a universal rule awarding rights, at the same time as concurrently and ironically punishing those who have been traditionally marginalised. Accordingly, Lorenzo believes that Locke's views on toleration are best explained as a combination involving prudence and tradition (Lorenzo 2003, 249).

Locke believes toleration to be a political right. Therefore a thorough conception and analysis of rights from Locke's perspective needs to be discussed in order to comprehend the connection between prudence and rights. Firstly, natural law in the state of nature allows comprehensive liberty from subjection and the exercising of all rights. Conversely, human law authorises magistrates to implement the rights we surrender to government. Nevertheless, the rights of the average citizen are set by the restrictions on the powers of the magistrate that are a consequence of our terms of consent, natural law, and the responsibilities of government (Lorenzo 2003, 254). Lockean political rights have two vital characteristics. Firstly, they are a negative understanding of rights in view of the fact that their essence is a result of the powers we possess *after* (my emphasis) we give government its essential powers. Secondly, in the same vain as every other right, political rights are constrained by the obligation

to safeguard humankind that all, together with governments, hold (Lorenzo 2003, 254).

The first characteristic is prevalent all the way through the *A Letter Concerning Toleration*. Locke strongly opposed totalitarian style conventional justifications for control of divine issues, and by doing this, he provided a negative justification of toleration (Lorenzo 2003, 254). Lorenzo argues that Locke even more emphatically embraced the latter characteristic. In the *A Letter Concerning Toleration*, he granted prudential justifications to permit the magistrate to endorse selective toleration. The logic utilised by the magistrate to accomplish his obligation to expand toleration while retaining national law and order is prudential as well as principled according to Locke (2003, 254). Prudential thinking is also linked with particulars, not universals:

And thus far of toleration as it concerns the magistrate's duty. Having showed what he is in conscience bound to do, it will be not to be amiss to consider a little what he ought to do in prudence.

But because the duties of men are contained in the general established rules but their prudence is regulated by circumstances relating to themselves in particular, it will be necessary in showing how much toleration is the magistrate's interest to come to particulars (Locke 2006[1689], 36).

Locke asserted that critical analysis of the politics and morals of atheists and Catholics would demonstrate that they posed a threat to the state law and order. This allowed Locke to sanction the magistrate to make exceptions to the line separating public and private life that otherwise nullifies the magistrate's claim to power in the sphere of divine religion (Lorenzo 2003, 255). In summary, Lorenzo's viewpoint revolves around the provision of 'positive as well as practical justifications, particularly if we concede that prudential considerations may allow governments, under exceptional circumstances, to limit the freedom to act on religious beliefs' (Lorenzo 2003, 255).

Even though prudence does hold authenticity, John Dunn believes that the principal argument is also legalistic. It is a disagreement concerning titles (Locke uses 'claim',



'right' and even 'liberty' as synonyms throughout his work) in addition to a deliberation about prudential action and 'the form of argument mediates skilfully between these two disparate themes' (Dunn 1969, 31). The debate commences from a theological explanation of the nature of government on its particular function. Locke discusses the precise function of the state in much detail, more than in any of his previous political writings. Indeed, he goes to the extent of designating any attempt by the government to implement individual morality as 'injustice' (Dunn 1969, 31). It is understood that any society outside Locke's arrangement of political authority is morally lifeless and without any right to take independent initiatives in the political arena. Nevertheless, he later does not make this distinction so apparent, but this does not automatically indicate that he did not persist in holding exactly the same position (Dunn 1969, 31).

Tully writes that toleration of differing viewpoints does not have its foundation on the belief that these are an issue of indifference, (some academics suggest that this is the case with regards to *Two Treatises* or historically), however, it rest on the opposite belief, that 'one's beliefs are true and, with one's practices, are of infinite importance' (2006, 6-7).

Locke believes that the only method a Church can attain genuine converts is through persuasion and not aggression. This is an important part of the *Letter* because it relates to his fundamental ending, i.e., that government should not engage itself with issues that belong in the religious sphere. Locke outlines three reasons. Firstly, individuals cannot hand control over religion to the forces of secular society. Secondly, force cannot produce the transformation that is indispensable for salvation since even though it can pressurise conformity, it cannot alter one's convictions. Finally, even if force could convince somebody of a view, God does not pressurise individuals in opposition to their will (Tully 2006, 8).

The time has now come to articulate Locke's conception of toleration within his broader political philosophy, the most important of which is his discussion on property.

### **Toleration within Locke's political philosophy**

Situating Locke's conception of toleration within his broader political philosophy helps the reader gain a holistic understanding of his thoughts. The key to Locke's political philosophy is the right to private property, finishing off with how an individual relates to his creator and the rest of mankind. Nevertheless, this requires in-depth critical analysis. Locke explains that the state of nature is the origin of mankind in which the law of nature was the sole authority. It is in this state that man possessed the freedom to act in the manner he saw fit, the only condition being that the preservation of mankind and peace should be his top priority. To give pertinence to this, Locke writes:

The state of nature has a law of nature to govern it, which obliges everyone: and reason, which is that law, teaches all mankind, who will but consult it, that being equal and independent, no one ought to harm another in his life, health, liberty and possessions (Locke 1988[1688], 271).

The right to self preservation is considered important by Locke and it is precisely because of this right that individuals are allowed to pursue things that result in their survival and them achieving happiness. Locke writes that the riches of the earth have been provided for humans by God to pursue the objectives mentioned above, but these natural riches are only worthwhile if individuals put their labour to it. Locke proposes that because all men own their bodies completely, any product of their physical labour also belongs to them.

The movement to civil society is precisely because man wants to secure private property. Locke's solution to this problem was to argue that 'every man has a property in his own person' so that 'the labour of his body, and the work of his hands are his'. Therefore, whatsoever 'he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with... and thereby makes it his property' (Locke 1988[1688], 287-288). Nevertheless, the acquisition of property was not infinite, since it was initially restricted to the consumption of a man. Nevertheless, this right to property later extended to the fruits of the land in addition to the land itself. As with everything, the right to private property had its restrictions. Since God

wants to make all of mankind happy, no individual or family may take possession of something if he causes harm to the other person in the process. Locke also argued that possession of property beyond what is necessary is not allowed since wastage deprives others the opportunity of gaining benefit from it (land). He argues that the world is full of men that go against the laws of nature on a daily basis. Civil society is thus a place whereby a community of individuals can enact and enforce rules and regulations to better guarantee the protection of their property and freedoms. Laslett believes that 'the whole argument is intended to demonstrate individual property did not arise from the common consent of all mankind, though in the end the actual distribution of it is held to be due to money, which is a matter of consent' (1988, 101).

To summarise the events of the state of nature then, it can be said that the dealings of men and most importantly their invention of money, had brought them into an irrational and untrustworthy relationship with one another. This arose out of the material world - from property (Laslett 1988, 102). In fact, men were led to leave the state of nature and to set up a source of power 'for regulating and preserving of property' (Locke, 1988[1688], 268). It becomes even more apparent as one reads the *Second Treatise* that much more emphasis is laid on 'the great and chief end... of men uniting into commonwealths, and putting of themselves under government, is the preservation of property. To which in the state of nature, there are many things wanting' (Locke, 1988[1688], 351). Thus, Locke believed the law of nature was no longer adequate for human society and needed to be combined with the formation of government.

Laslett (1988, 102-103) argues that property seems to give the political quality to personality. For example, property is something that a slave is incapable of attaining because he lacks political rights. Locke also argues that the power of the despot cannot be termed political since it can only be exercised over those who do not possess property. It is unclear as to which definition of property Locke is using in which context. Nevertheless, the mere fact that he allowed property of different forms such as material property and labour/natural objects property does help us

comprehend why the concept of an individual's abstract right as a whole enters into his explanation of the foundation of civil society (Laslett 1988, 102-103).

Laslett goes on to argue that property (in Locke's terms) neatly encompasses all the relevant aspects of political society such as rights and perhaps more correctly, the place of an individual in society. Laslett writes:

It is because they can be symbolised as property, something a man can conceive of as distinguishable from himself though a part of himself, that a man's attributes, such as his freedom, his equality, his power to execute the law of nature, can become the subject of his consent, the subject of any negotiation with his fellows (1988, 103).

It is unclear whether in fact Locke conceived of property in this manner. On the other hand, it is clear that Locke believes that civil society should only concern itself with 'civil concerns' which when investigated further, seems to be identical in meaning as outlined in the *Second Treatise* (Laslett 1988, 103).

Most importantly, Laslett points out that Locke's main aim in his argument of toleration is the separation of the church and state, that the religious fraternity is inaccessible to secular society, of property in fact. It is along these lines then that Locke believed property to hold the key to the movement from rights and freedoms in the religious sense (as well as natural law in the state of nature) to the world of rights and freedoms based on and assured by political arrangements (Laslett 1988, 103).

Given the fact that toleration has now been envisaged for the different groups in society, its limits and its position within Locke's philosophy discussed, the time has come for the reader to briefly understand the structure of government that Locke believed would best be suited for his theory of toleration to prosper.

### **Structure of Government**

Locke's views on government are important for his conception of toleration since he argued that toleration needed to be secured by political arrangements and

government is the foundation of any political arrangement. The latter part of the *Second Treatise* led to a more explicit evaluation of government were Locke stresses majoritarian rule as the most realistic preference that governments should pursue. He also argues that an established law that is common to all, a body that is acknowledged and unprejudiced to provide judgement as well as the authority to maintain such judgments, are three indispensable fundamentals of a government. Locke argues for a structure of government with different branches such as a strong legislature, in addition to an executive that is active and does not exceed the lawmakers in power. He writes:

First: they are to govern by promulgated established laws... Secondly, these laws also ought to be designed for no other end ultimately but the good of the people... Thirdly, they must not raise taxes on the property of the people without the consent of the people... Fourthly, the legislative neither must nor can transfer the power of making laws to anybody else (Locke 1988[1688], 363).

Furthermore:

It is necessary there should be a power always in being which should see to the execution of the laws that are made, and remain in force. And thus the legislative and executive powers come often to be separated (Locke 1988[1688], 365).

The legislature is supreme and holds this position since it represents the combined power of the commonwealth, and the commonwealth, aspiring to maintain one body, can only have one supreme power. Subsequently, the executive power is inferior and is differentiated from the legislative in that it cannot enact laws and by and large is merely a delegated power. The legislative should preferably be a body that is representative, and should not be in continuous existence (Laslett 1988, 119). This does not exclude, according to Laslett, the prospect that both the executive and legislative powers being exercised by the same body or individual. Laslett further suggests that Locke had in mind a system whereby the executive plays a role in the legislative. England is given as an example to illustrate this (1988, 119).

Laslett points out that there is 'no theory of importance and desirability of the perpetual residence of these powers in separate hands in order to preserve liberty, guarantee rights or keep the constitution in harmony' (Laslett 1988, 120). This viewpoint is confirmed by taking the following into consideration. At the outset, the judiciary, whose autonomy is indispensable to constitutional government, is never spoken off alongside the other three features. The judiciary is not a separate power, it is a characteristic of the state and consequently it is not sensible to put it in conjunction with the executive and legislative (Laslett 1988, 120). Locke also writes about the correct execution and just exercise of these powers. Nevertheless, this does not come in the form of a policy of necessary separation. The notion of trust is of utmost importance to its successful execution, which applies to the legislative in its fullest force, as well as to the executive and federative (Laslett 1988, 120).

Locke finally comes to the subject of formulating a new government towards the end of the *Second Treatise*. He writes that as soon as governments cease to act in the interests of the people, it dissolves, otherwise is overthrown and may possibly be replaced. In the instance the government is dissolved, the populace is liberated to transform the legislative. They must also produce a new civil state that acts in accordance with their best interests. Locke insists that this arrangement protects against instability and revolt since it makes an allowance for the populace to transform their legislative as well as their laws without resorting to the use of force.

Toleration also provides the best possible environment for government to function effectively. This means that every inhabitant enjoys the same privileges as the others. In this respect, Locke summarises his views on toleration and how it relates to the aims of his political philosophy at the end of the *A Letter Concerning Toleration* by writing: 'the sum of all we drive at is, that every man may enjoy the same rights that are granted to others' (Locke 2006[1689], 53). Nevertheless, it is also important to take note of the limitations imposed by Locke with regards to atheists, Catholics and those groups who might pose a threat to law and order in society.

## Conclusion

In summary, toleration is the answer proposed by John Locke as the solution to the predicament involving the relationship between religion and the state. Toleration is the best possible arrangement according to Locke, since it provides for the simultaneous but separate existence of both religion and the secular state. Both religion and the secular state were to have their separate spheres of influence with religion occupying the private sphere and secularity the public sphere, with the sovereign being the final judge on all matters. Toleration was to be afforded to all groups in society as long as they did not pose a threat to peace in society. Nevertheless, Locke's conception of toleration was not all encompassing and did allow toleration for Catholics, atheists and satanic groups. In short, toleration was prohibited to groups that posed a threat to peace. It is abundantly clear that Locke's exclusion of the aforementioned groups in society is not practical for us in the contemporary era. However, the mere fact that this is impractical for us does not mean that we shouldn't utilise Locke's rationale for arriving at his positions. Rejection of the solutions provided by Locke is not a point at which we should reason. This is because a controversy continues to rage in liberal philosophy concerning the foundations of equality and human rights as well as about the extent these can be maintained without belief in religion (Waldron 2002, 235). Although Locke's rationale for excluding the aforementioned groups from the public realm is not practical in the modern era, it is still applicable to our philosophical endeavour of trying to arrive at a broad foundation and justification for equality (Waldron 2002, 235).

Some academics analyse the issue of equality with explicit religious lenses, and Waldron's approach to equality as a political ideal places huge emphasis on the Christian faith. Nevertheless, although Locke uses a theological idea of equality in his conception of toleration to underpin the idea of separating church and state, we should not be swayed too much by Waldron's analysis. Waldron seems to be an apologist for Locke who also happens to be religious himself and who would like to identify in the 'father' of liberalism an argument that suggests that we can't do without religion if we are to defend equality and human rights. This is incorrect both in its own terms and in terms of the fact that it assumes that we are all agreed about

the worth of equality and human rights. Moreover, as stated at the beginning of the chapter, Locke outlined the different functions of government and religion, (separating church and state) and toleration is the manner in which he hoped they would co-exist in peace and harmony. Finally, toleration plays a critical role with reference to the structure of government, since it allows for the best possible environment for government to prosper.

Locke's theological conception of toleration came under severe attack from many Enlightenment thinkers precisely because of its religious undertones. Many thinkers such as Benedict de Spinoza argued against Locke and conceived of their own understanding of toleration. The next chapter shall deal with Spinoza's alternative conception of toleration and also discuss the battle for toleration between Spinoza and Locke.



## Chapter Two

### The Enlightenment battle for toleration between Spinoza and Locke

The seventeenth and eighteenth century was an era of unprecedented philosophical debate and the concept of toleration played a significant role in this debate. Although the main premise of the thesis is that the relationship between religion and the state in the contemporary era is primarily based on the toleration thoughts of John Locke, Locke's thoughts were severely criticised and contested during the Enlightenment era. One of Locke's foremost opponents was Benedict de Spinoza, who possessed a radically different conception of toleration to his. This has become known as the Enlightenment battle for toleration between Locke and Spinoza. Jonathan Israel outlines two principal traditions of toleration during the Enlightenment era in Europe: the Arminian, which culminates in Locke, and the Republican, which culminates in Spinoza (2000, 102). Although some theorists have attempted to link Locke and Spinoza, this could not be further from the truth. A huge philosophical and ideological space separates the two, which will be thoroughly investigated in this chapter. Having spent so much time outlining Locke's version of toleration (i.e. his understanding on the relationship between religion and the state) in the opening chapter, this chapter will be dedicated for the most part to Spinoza's conception of toleration (and his conception of the relationship between religion and the state), the differences between the two traditions as well as the possible reasons for the eventual triumph of Locke's ideas on toleration.

The question of Spinoza is fundamental and obligatory to any appropriate consideration of early Enlightenment European thought. Its standing in the intellectual debate of Europe in the late seventeenth and early eighteenth century is frequently underestimated. Commencing from the mid-sixteenth century forwards, civilisation in Europe was one in which formal education, public debate, preaching and even tavern disputes on the subject of religion and the world, were intimately supervised and inhibited. Practically nowhere was complete toleration advocated for and barely any person subscribed to the idea of freedom of thought and belief of the individual. Spinoza belonged to the radical branch of Enlightenment thought. Israel writes:

Although it cannot be said that its political thought was one of its most prominent or developed features, undeniably the Radical Enlightenment was undoubtedly republican, did reject divine-right monarchy, and did evince anti-aristocratic and democratic tendencies. Democratic republicanism was a particularly marked feature of English, Dutch and Italian radicals though it is also encountered, albeit much more faintly, in French and German contexts (2001, 21).

As a result of the power struggle between theological and philosophical elements, virtually every church itself became acrimoniously separated over philosophical and scientific debates in addition to internal theological disagreement. Philosophy had the purpose of complicating and intensifying conflicts involving contending theological factions (Israel 2001, 12-19).

Before we embark on the aforementioned tasks, the context in which Spinoza lived needs attention. Having been expelled from the Portuguese Jewish community in Amsterdam at the age of 23, he chose to live out the remaining years of his life not affiliated to any religious sects although he still maintained close friendships with many members of the Protestant sect, something that was particularly rare during the Enlightenment era. Although he tried distancing himself from the philosophers of his time, many theorists still associate him with Hobbes and Machiavelli (as well as stoicism) amongst a host of others (Mason 1994, 443). Being part of the radical branch of the Enlightenment, he provided a reasoned case for freedom of belief. He argued in the *Theological-Political Treatise* that the onus should be on individuals to decide on what to believe in, though he did not leave much room for its free practice. The principal purpose of his *Theological-Political Treatise* was to argue that freedom of judgment might exist for individuals devoid of being a threat to peace and piety of society (Mason 1994, 443). In summary, there are three important contexts we need to consider: Spinoza's early intellectual development, his independence from fellow philosophers and his views of religious freedom.

To recap, the Locke's ideas on toleration argued that each person should be individually responsible for the salvation of his soul and openly perform the form of worship from which he seeks salvation. By dramatic contrast, Spinoza's conception of toleration places freedom of thought and speech on the highest rung of the ladder and the salvation of souls holds no place in his theory. Hence, Locke's theory is chiefly theological and Spinoza's, secular (Israel 2002, 103).

As was discussed in the first chapter, the nature of Locke's theory excludes certain sects from toleration, although it will be worth repeating here. In the first instance, Locke's toleration ideas do not extend to thoughts and opinions that would pose harm to peace and order in society. Secondly, Locke did not allow for the toleration of Catholics since they only held allegiance to the Pope and not to the civil magistrate as required by Locke. Finally, Locke did not approve of the toleration of atheists for the reason that they reject the existence of God. Since they reject the existence of God, covenants and oaths would have no bearing of them and thus society would be in chaos if toleration were extended to them.

Freedom of worship in Spinoza's sense is a secondary issue. In fact, the *Theological-Political Treatise* does not discuss the issue at all, even though it quite explicitly sets out his views on religion. It is only in his final and unfinished work, *Political Treatise*, did he briefly outline his views on the issue in the context of an aristocratic dispensation (Israel 2002, 104). Spinoza's meaning and subsequent views on freedom are an integral step in investigating his views on toleration

### **Freedom according to Spinoza**

Before embarking on Spinoza's conception of toleration, it is important to provide an understanding of Spinoza's meaning of freedom. In *Ethics 1*, he provides an abstract definition of the concept:

That thing is said to be free, which exists by the mere necessity of its own nature, and is determined in its actions by itself alone. That thing is said to be necessary, or rather compelled, when it is determined in its existence by something else in a certain fixed ratio (Spinoza 1955[1677], 45).

Pitts (1986, 22) argues that this is a unique definition when compared to other theorists such as Mill and Hobbes who employed a negative conception of freedom. In order to best understand Spinoza's conception of freedom, we need to analyse his theory of self-preservation (in the state of nature), something he gave tremendous importance to. Spinoza believes that every individual possesses the sovereign right to pursue his own interest, albeit in accordance with the laws of nature:

Whatsoever, therefore, an individual (considered as under the sway of nature) thinks useful for himself, whether led by sound reason or impelled by the passions, that he has a sovereign right to seek and to take for himself as he best can, whether by force, cunning, entreaty, or any other means; consequently he may regard as an enemy anyone who hinders the accomplishment of this purpose (Spinoza 1951 [1670], 201-202).

From this it is evident that freedom and self-interest go hand-in-hand. True freedom is the pursuit of self-interest. Spinoza argues that freedom cannot be defined in terms of our reactions to external forces. He devotes *Ethics IV* to arguing that emotions can be a serious impediment to freedom. Pitts argues that 'if we see pleasure and pain as mysterious external forces beyond our control, then our emotions will lead us away from freedom' (1986, 23). Spinoza writes in *Ethics V, Prop 6*: 'the mind has greater power over the emotions and is less subject thereto, insofar as we come to understand all things necessary' (Spinoza 1955[1677], 250). According to Pitts, this means that as individuals comprehend and take control over the real causes of their emotions, they reduce the influence their emotions exert on them by exerting the power of their intelligence (1986:23). Locke's theory of the right to self-preservation revolves around it precisely being the right that allows individuals to pursue things that result in their survival and happiness.

For Spinoza, an individual who possesses wisdom can be said to be freer than someone who doesn't, since he breaks the bonds which enslave him. Conversely, the ordinary man believes that the seeking of pleasure and the avoidance of pain are the sole ends of his actions, and he defines self-preservation in this regard. Hence, he enslaves himself to those forces outside himself, which he thinks causes these

emotions (Pitts 1986, 23). To summarise, freedom according to Spinoza is spoken of in terms of self-interest while taking into consideration that our actions are always inhibited by the laws of nature. Freedom also depends on not being held hostage by external forces such as emotion and reason plays a central role in our lives by assisting us in reducing the effects of external forces, thus increasing our freedom (Pitts 1986, 23).

Locke's understanding of freedom differs from Spinoza in that it is centred on the issue of equality. Locke writes in the *Two Treatises*: 'the lord and master of them all' did not 'by any manifest declaration of his will set one above another, and confer on him by an evident and clear appointment and undoubted right to domination and sovereignty' (Locke 1988[1688], 269). Moreover, we all have the same faculties and the same natural advantages such as power and jurisdiction. Freedom then, according to Locke, has no absolute meaning and is defined in terms of laws: 'where there is no law, there is no freedom' (Locke 1988[1688], 206). Laslett argues that natural law is used by Locke to set the boundaries to natural freedom and because natural law is considered the will of God, the omnipotence of God can be reconciled with freedom of humans (1988, 94).

Although Locke's understanding of reason will be discussed later, we need to analyse it in relation to his understanding of freedom. Reason, according to Locke has consequences for natural liberty and equality. Reason in the Lockean sense is looked at as the law of nature. In other words, it governs the actions of humans. It plays the part of an individual's conscience and governs the relationship between individuals in society for the reason that it is given by God to arbitrate between humankind (Laslett 1988, 95). It provides justification to the secondary arrangement of children in relation to their parents, who (children) although are born without full equality are born in equality. Children attain freedom when they reach the age of reason, although this does not mean that underage children do not possess will. It merely outlines that parents use their reason to will for their children since reason is superior over parent and child. Nonetheless, Locke does admit that although age, intelligence etc is not important to his larger purpose, it can violate natural equality. The consequences of disobeying reason can be far-reaching. When an individual

seeks to subordinate another (denying that the person is free to the same extent that he is), he in effect refuses to acknowledge the superiority of reason (Laslett 1988, 95). The consequences of this Locke says, are that the individual 'renders himself liable to be destroyed by the injured person and the rest of mankind, that will join with him in the execution of justice, as any other wild beast, or noxious brute with whom mankind can have neither society or security' (Locke 1988 [1688], 383).

Locke's analysis of freedom in relation to reason is not accidental but imperative for the maintenance of freedom and justice. He says that reason is 'the common bond whereby human kind is united into one fellowship and society' (Locke 1988 [1688], 383). Laslett argues that the discussion of freedom in relation to reason may be construed as his concluding analysis on the critique of Hobbes' absolutist civil philosophy. Hobbes in the *Leviathan*, proposed to subordinate all human wills to one will and law and government fell under the same jurisdiction. Hence, individuals were treated as beasts and any person who doubted the superiority of the sovereign (its rights and powers) would be treated as a beast (1983, 96). Laslett seems to believe that Locke possessed a personal rather than political agenda. He argues that a closer analysis of Locke's argument will reveal that Locke was attacking Charles and James Stuart who he believed fitted the criteria of those 'wild savage beasts with whom men can have no society or security' since they attempted to govern England as despots, if not in the sense envisaged by Hobbes then unquestionably in the patriarchal sense (Laslett 1988, 96). The different conceptions of freedom by Locke and Spinoza are important as it provides the insight needed to analyse their different conceptions of toleration.

### **Spinoza's political ideas**

Spinoza's understanding of individual freedom has been discussed and we now need to investigate how this translates into the political sphere, i.e. an individual's political freedom. In the opening chapter of the *Political Treatise*, Spinoza hints as to the foundations of his political ideas (the state of nature):

Lastly, inasmuch as all men, whether barbarous or civilised, everywhere frame customs, and forms some kind of civil state, we must not, therefore, look to proofs of reason for the

causes and natural bases of dominion, but derive them from the general nature or position of mankind (Spinoza 1951 [1670], 290).

Spinoza concedes that the state of nature has numerous faults (conflicting desires). As a result, men come together in civil society. By entering into civil society, an individual agrees to forego the right to act as he desires to the sovereign. This is a social contract between the individual at the centre and the sovereign at the helm. Nevertheless, this does not give the sovereign unlimited authority to extend to all aspects of people's lives. Spinoza says: 'no one can ever so utterly transfer to another his power and, consequently, his rights, as to cease being a man; nor can there ever be a power so sovereign that it can carry out every possible wish' (Spinoza 1951[1670], 214). Locke's understanding of the state of nature is that it is the starting point of mankind in which natural law was the exclusive power. The state of nature allowed individuals the freedom to proceed as they wish, the solitary stipulation being the protection and peaceful co-existence of humankind. Locke says:

The state of nature has a law of nature to govern it, which obliges everyone: and reason, which is that law, teaches all mankind, who will but consult it, that being equal and independent, no one ought to harm another in his life, health, liberty and possessions. For men being all the workmanship of one omnipotent, and infinitely wise maker; all the servants of one sovereign master, sent into the world by his order and about his business, they are his property, whose workmanship they are, made to last during his, not one another's pleasure (Locke 1988[1688], 271).

Spinoza states that an important limit on the sovereign's power is that he cannot command over the thoughts of others. Hence, political freedom and individual freedom are mutually inclusive. Pitts (1986, 25) argues that reason promotes political freedom since it allows for the long-term interest of every citizen. The sovereign should not impede on an individual's freedom if it does not threaten the state.

As a consequence of the transference of the right to act on desire by all individuals, the sovereign only has the power to impose his will, if he can enforce it. If he loses this power he also loses the right to the command over the body politic. Spinoza

argues that this will be very rare since sovereigns always consult the public good and act according to reason. Israel argues that the transference of the right to act on desire does not translate into an individual surrendering his right to reason or judge for himself. Given this, he argues that Spinoza grants everyone in the body politic the freedom to speak and freely express him or herself without endangering the state (2002, 107).

Spinoza's reason for the formation of civil society is the imperfection of the state of nature that results in the conflicting desires of its inhabitants. On the other hand, the movement to civil society from Locke's perspective is precisely because man wants to secure private property. Locke's solution to this problem was to argue that man has property in himself thus the labour he undertakes with his body and his hands are his. For that reason, whatsoever an individual takes out from the state that nature has given him and mixed his labour with that becomes his property.

### **Toleration and religious thought according to Spinoza**

Spinoza's conception of freedom and subsequently his political ideas provide the platform from which he articulates his conception on toleration. Spinoza argued that the most peaceful relationship between religion and the state is best achieved through toleration. Toleration, according to Spinoza, is always the concern of the individual and not large religious structures. Although writing in his *Political Treatise* that individuals should possess the freedom of religious belief, he outlaws large gatherings (he believed them to endanger peace and security in society) unless they profess a state religion. Even with this, he argued in favour of toleration and freedom of religion. Don Garret says Spinoza 'denied supernatural revelation, and criticised popular religion as a grave danger to the peace and stability of the state; yet he devoted himself to the careful interpretation of scripture, and argued for complete toleration of religion' (1996, 1).

Spinoza's understanding of a state religion is an idealised religion centred on philosophical principles in which Christianity has no place and the 'worship of God consists in the practice and obedience to him solely in justice and charity, or love



towards one's neighbour' (Spinoza 1951 [1670], 187). In *Theological-Political Treatise*, he outlines seven basic tenets of his state religion:

That God or a supreme being exists, ... That he is one, ... That he is omnipresent, ... That he has supreme right and dominion over all things, ... that the worship of God consists only in justice and charity, or love towards one's neighbour, ... That all those, and those only, who obey God by their manner of life are saved, ... [and] Lastly, that God forgives the sins of those who repent... (Spinoza 1951 [1670], 186-187).

The biggest difference between the Republican and Arminian traditions lies in the subordination of freedom of worship and conscience in Spinoza's thinking and a huge emphasis on preventing powerful churches from forming and prospering. Locke's version toleration on the other hand, places importance on the state moving away from the religious sphere at the moment freedom and independence of the numerous religious structures are acknowledged. In terms of religious belief, Spinoza holds that those who hold different religious opinions should not be persecuted since this goes against the very tenets of faith: justice and charity. He provides a definition of faith:

Faith consists of knowledge of God, without which obedience would be impossible, and which the mere fact of obedience to him implies. This definition is so clear and follows so plainly from what we have already proved that it needs no explanation (Spinoza 1951 [1670], 184).

Spinoza sets out to show in chapter fourteen of *Theological-Political Treatise*, that there is no link between faith and philosophy. He argues that the foundations and aims of both are poles apart from each other since they both possess vastly different foundations and aims. He sees faith to be in the arena of piety and obedience, and philosophy, truth. Spinoza argues:

Philosophy is based on axioms which must be sought from nature alone: faith is based on history and language, and must be sought for only in scripture and revelation... Faith therefore, allows the greatest latitude in philosophical speculation, allowing us without blame to think what we like about anything, and only condemning, as heretics and

schismatics, those who teach opinions which tend to produce obstinacy, hatred, strife...  
(Spinoza 1951 [1670], 189).

Nevertheless, Spinoza points out that neither reason is subservient to theology or theology to reason. In response to those who believed that faith should be adapted to philosophy, Spinoza argued that this would entail ascribing to prophets, words and meanings that they could never have said or meant. Mason (1994, 456) argues the reason for the separation of faith and philosophy is because Spinoza did not set out to prove the tenets of faith. Mason also writes that choice, according to Spinoza, is a false impression and we cannot choose what to believe or not to believe. If an individual knows something to be true, then he has an obligation to believe it. It is believed that the real force of the *Theological-Political Treatise* is derived from the 'the effects of discovered truth on religion in a systematic way. This is not truth produced by reason or faith but rather by research, discovery and argument' (Mason 1994, 457). This was done by careful interpretation, research and argument of sacred texts. Spinoza considers faithful individuals to be those that allow people (using their own intellect) to follow justice and charity.

The connection involving reason and virtue was emphasised by Spinoza and he argued the more reason advances, the more stability in politics and less conflict there is and for this reason the further the state promotes everyone's interest, which is his fundamental rationalisation for the state and its purposes. In addition to this, he is firm that a free man is one who lives according to the dictates of reason alone. He also argues that every individual should have the right to be in opposition to laws and that a free and rational individual can have a say in the altering of the form of government and, in all probability should, in instances of persistent unsteadiness, oppression and authoritarianism (Israel 2001, 260-262).

According to Locke, the capacity to reason comes from God with the aim to assist us in search of the truth. In keeping with his theological conception of toleration, he states that as creations of God, we realise that we have the right to self-preservation. Humans have the natural inclination to hate being miserable and the desire to be happy and thus we keep away from things that may result in unhappiness and pain.

Instead, we search for pleasure. Moreover, as equals in the eyes of God (through reason of course), Locke believes that God must want all his subjects to attain happiness. In the event one individual causes the next to be miserable, that individual has abandoned the will of God. With this in mind, every individual should preserve others in addition to himself since this will result in toleration. Locke believes that reason is the best way to arrive at the truth since this will result in no person being naturally better than the next in discovering the truth. Locke says, 'the law of nature...is the law of reason' (Locke 1988[1688], 287-288). Laslett writes that it is our reason that tells us to utilise natural law and thus it is reason that makes us free (1988, 95). Locke also says: 'we are born free as we are born rational; not that we have exercise of either: age that brings one, brings with it the other too' (Locke 1988[1688], 308). In speaking about governments, Locke insists that individuals must not follow it without caution since the state might sacrifice reason in the process. This would be in violation of the law of nature.

The threat of factionalism is something Spinoza argues should be avoided since patricians could join rival priesthoods and doctrines. Dissention is bound to cause damage to the state by giving churchmen more access and subsequently more influence into the workings of the state (Israel 2002, 106). Israel writes:

Spinoza's toleration theory implies and in places expressly asserts the use of law, and of political power, to weaken, or remove, the force of theological concepts from broad areas of social, cultural and economic life. Obviously, under this schema, toleration is extended when ecclesiastical leverage over education is reduced, and diminished when it is allowed to expand (2002, 106).

The taking of oaths in a court of law is one area that Spinoza wants a complete end to. On the other hand, it is for this specific reason that Locke excludes atheists from toleration as discussed earlier, since he believes 'promises, covenants, and oaths, which are the bonds of human society, can have no hold upon an atheist' (Locke 2006[1689], 51). On the other hand, Spinoza believes that this would weaken the state, which is supreme. The best commonwealth, according to Spinoza, is one that 'allows freedom of philosophical speculation no less that of religious belief' (Spinoza

1951 [1670], 261). His chief purpose is to deny the validity of faith and religious doctrines. He believes that faith is only good for instilling good conduct and obedience. Spinoza writes:

I will remark that Moses did not seek to convince the Jews by reason, but bound them by a covenant, by oaths, and by conferring benefits; further, he threatened the people with punishment if they infringed the law, and promised rewards if they should obey it. All these are not means for teaching knowledge, but for inspiring obedience. The doctrine of Gospel enjoins nothing but simple faith, namely, to believe in God and to honour him, which is the same thing as to obey him (Spinoza 1951 [1670], 183).

He goes on to say: 'in fact, I will go further, and maintain that every man is bound to adapt these dogmas of faith to his own way of thinking, and interpret them according as he feels that he can give them his fullest and most unhesitating assent, so that he may obey God with his whole heart' (Spinoza 1951 [1670], 188). Therefore, freedom of thought is the key to Spinoza's conception of toleration.

Israel (2002, 108-109) argues that the reason Spinoza stresses individual autonomy in terms of thought as opposed to the conscience and worship of Locke is to provide the space for a broader theory of toleration. He also argues that even the broadest understanding of freedom of conscience excludes access to a variety of arguments and in particular, philosophical arguments. Spinoza says that the 'less freedom of judgement is conceded to men, the further their distance from the most natural state, and consequently the more oppressive the regime' (Israel 2001, 109). What this implies, according to Israel, is that the unlimited access to ideas is a method by which freedom of conscience and thought can be measured (2001, 109).

Another aspect of toleration that Spinoza championed was freedom of expression. Taking personal and political freedom into consideration (as discussed earlier), it is clear that Spinoza does not believe in censorship. In other words, freedom of expression cannot be curtailed, apart right from exceptional circumstances. 'No one can willingly transfer his natural of free reason and judgement about everything, nor can he be compelled to do so' (Spinoza 1951[1670], 257). This is also an area that

governments cannot legislate since this is the principal cause of divisions and sects in society. In citing the example of Amsterdam, he argues that toleration of conflicting beliefs and not legislation would be the best method because it poses no harm to the state (Pitts 1986, 29). Moreover, In *Theological-Political Treatise* he writes:

However unlimited, therefore, the power of the sovereign may be, however implicitly it is trusted as the exponent of law and religion, it can never prevent men from forming judgements according to their own intellect, or being influenced by any given emotion. It is true that it has the right to treat as enemies all men whose opinion do not, on all subjects, entirely coincide with its own, but we are not discussing its strict rights, but its proper course of action (Spinoza 1951[1670], 258).

This is in strong contrast to Hobbes who advocated for an absolutist government since he believed that humans were evil by nature and thus gave the sovereign complete ideological control. Nonetheless, Hobbes is not our concern here. The central limit of political power, according to Spinoza is that the sovereign should not command the thoughts of others since:

Obedience is less a matter of the outward act than of the mind's inner activity, so that the man who wholeheartedly decides to obey the commands of another is most completely under his government and in consequence he who rules in the hearts of his subjects has the most adequate sovereignty (Spinoza 1951[1670], 258).

Spinoza believes that censorship will have disastrous consequences. Honest men will be sent into exile because they possess beliefs not in accordance with the sovereign. Hence he believes that censorship will harm the state. It is clear that honesty is held in higher esteem than pleasing others and freedom of judgement is not an impediment to living in peace and harmony in society. Pitts (1986, 26) says freedom of thought and freedom of expression need to be taken together since Spinoza uses freedom of thought with the idea of reasonable government to build his defence of freedom of expression.

Earlier, we spoke about the sovereign restricting freedom of expression in exceptional circumstances. With this in mind, the main aim of the state is freedom and when this is threatened, the sovereign can curtail freedom of expression. Spinoza seems particularly concerned that speech should not be used to curtail the freedom of others or harm others (Pitts 1986, 27). Nevertheless, Spinoza's defence of toleration does not depend on possible harms or benefits but on his version of natural rights. Thus, freedom of expression should be an integral aspect of the social contract and any attempt at censorship (besides the one outlined above) will cause tremendous harm to the state (Pitts 1986, 27). Spinoza also claims that censorship will only 'succeed in surrounding their victims with an appearance of martyrdom and raise feelings of piety and revenge rather than of terror'. In addition to this, 'uprightness and good faith are thus corrupted, flatterers and traitors are thus encouraged, and sectarians triumph, inasmuch as concessions have been made to their animosity, and they have gained the states sanction for the doctrines of which they are interpreters' (Spinoza 1951[1670], 265).

The sovereign's right to rule also extends into the area of spiritual matters. Spinoza believes that all religious practices should result in peace and harmony in society. Spinoza says:

Moreover, the rites of religion and the outward observances of piety should be in accordance with public peace and well-being and, should therefore be determined by the sovereign power alone. I speak here only of the outward observances of piety and the external rites of religion, not of piety itself, nor of the inward worship of God, nor the means by which the mind is inwardly led to do homage to God in singleness of heart (Spinoza 1951[1670], 245).

This is similar to the position adopted by Hobbes. Given this, Spinoza believes that secular rulers should be the proper interpreters of divine scriptures because they possess reason and experience. He also argues that no individual can rightly obey God, if his piety does not conform to the public good. The welfare of society is the law of the sovereign and all must conform to this. According to Locke, the sovereign is secular in nature and its only function is to promote peace and security in society.

Salvation of souls is the responsibility of the religious sphere. Moreover, the sovereign can only intervene in the religious sphere to resolve a matter that poses a threat to the public good.

Pitts argues that Spinoza's analysis of expression is 'psychologically insightful'.

He (Spinoza) points out that our opinions of the actions and beliefs of others are actually more descriptive of our own prejudices. Violence and social conflict are, on his analysis, mere projections into the world or our own misunderstandings of the sources of our emotions. It is this sort of misunderstanding of the causes of the pleasures and pain that leads us to want to suppress the actions and beliefs of others (1986, 28).

The false aim of those who censor information is safety. Those that believe the elimination of some beliefs from the public sphere will make their beliefs superior and more widely available are fools, according to Spinoza. This is because our thoughts and beliefs are not as a result of actions or statements of other individuals but rather as a consequence of our human intuition to comprehend. Hence it is an internal act of reason. In addition to this, Spinoza argues that it is one thing to curtail the understanding of an individual, but another to think that you can fundamentally change the long-standing convictions of others by subjectively imposing legislation (Pitts 1986, 28).

Although Locke holds the right to reason and subsequently the right to freedom of expression in high regard, his theory on toleration is more theologically inclined as its main focus is the freedom of conscience and worship. This could be one of the reasons why his conception of toleration was given more importance than that of Spinoza. Given the political, philosophical and religious climate of his time, most people were not ready to embrace the radical secular theory of toleration outlined by Spinoza.

Spinoza's major exception in his account of toleration is that of sedition. He defines sedition as beliefs 'which, when accepted, immediately destroy the covenant whereby everyone surrendered the right to act as he pleased' (Spinoza 1951[1670],

233). When entering into the social contract (also by agreeing to citizenship), individuals agree not to oppose the laws of the sovereign. This limitation is important, according to Spinoza, if there is to be any state at all. This is similar to Locke who allows the sovereign to intervene if religious ideas cause danger to the public good. Nonetheless, Locke's intervention has a theological ring to it whilst Spinoza's is mainly secular.

### **Freedom to publish views**

In chapter nineteen of *Theological-Political Treatise*, Spinoza's toleration ideas ventures in the direction of freedom to publish views. This was unique in the sense that no other theorist (including Locke, Bayle or the Arminian tradition in general) of the time championed this aspect of toleration, especially not Locke. Spinoza argued that freedom to publish views must be upheld, no matter to what extent they may be disliked. Israel believes that his advocacy for press freedom might be connected to his own difficulty to get his works published in Holland. Spinoza's friend Adriaen Koerbagh was convicted and incarcerated for publishing what was deemed to be blasphemous material, which perhaps also influenced his decision to champion this aspect of freedom. Spinoza believed that the restriction of freedom of expression and the freedom of the press endangers freedom and the state (Israel 2002, 109). His views on the freedom to publish views and opinions can be summarised by the following quotation:

From all the considerations it is clearer than the sun at noonday, that the true schismatic's are those who condemn other men's writings rather than those authors themselves, who generally write only for the learned, and appeal solely to reason. In fact, the real disturbers of the peace are those who, in a free state, seek to curtail the liberty of judgement which they are unable to tyrannise over (Spinoza 1951 [1670], 264).

Any attempt to curtail the freedom of the press is tantamount to authoritarianism according to Spinoza. Spinoza's radical conception of toleration should be quite evident by now and this should confirm how drastically it deviates from the understanding of Locke and the Arminians. The principal aim of the right to freedom of thought and speech, according to Israel was to 'argue against, and eventually



overthrow, the prevailing structures of theological and political authority' (2002, 110). In the more radical sections of Spinoza's work, this thought stretched to overthrowing structures of authority based on the theologies of revealed religion. Some theorists argued that Spinoza held negative views regarding revolution or didn't regard them as effective in bringing about political change. Nevertheless, what Spinoza really opposed was revolution based on passions, prejudices and violence. The mere fact that Spinoza allows the freedom of the press is because he firmly believed that the ideas published in such books could bring about a revolution that 'ameliorates the human condition' (Israel 2001, 110).

On the other hand, Locke conceived of toleration in a limited sense and subsequently had to defend this from critics such as Jonas Proast who argued that this would result in the formation of fringe sects in society. However, it would have been impossible for Locke to incorporate those who rejected divine revelation and providence. These men campaigned for unlimited freedom of the press, an unlimited freedom of expression and free trade in literature (Israel 2002, 111). Locke was insistent that these unlimited freedoms would pose a threat to peace and security in society and thus could not be incorporated into his conception of toleration.

Spinoza argues that the minds of individuals cannot be controlled in the same way as their speech. If this were the case, every ruler would sit safely in office knowing that his subjects will act according to his dictates. He writes:

If men's minds were as easily controlled as their tongues, every king would sit safely on his throne, and government by compulsion would cease; for every subject would shape his life according to the intentions of the rulers, and would esteem a thing true or false, good or evil, just or unjust, in obedience to their dictates (Spinoza 1951 [1670], 257).

Power of this kind, according to Spinoza, is more attuned to a monarchy and not a democracy, a form of government he advocates for. He says that if governments attempt to control the minds of citizens it becomes 'tyrannical, and it is considered an abuse of sovereignty and usurpation of the rights of subjects'. Government will also be considered tyrannical if it 'seeks to prescribe what shall be excepted as true, or

rejected as false, or what opinions should actuate men in their worship of God' (1951 [1670], 257). He is quick to point out that it is impossible to control the minds of individuals no matter how unlimited a sovereign's power may be. Spinoza believes that disastrous results will follow if individuals are forced to give up the right to freedom of thought, speech or publish views. For example, Spinoza writes that:

What greater misfortune for a state can be conceived than that of honourable men should be sent like criminals into exile, because they hold diverse opinions which they cannot disguise? What can I say, can be more hurtful than that men who have committed no crime or wickedness should, simply because they are enlightened, be treated as enemies and put to death, and that the scaffold, the evil-doers, should become the arena where the highest example of tolerance and virtue are displayed (Spinoza 1950 [1670], 263).

The principle purpose of government according to Spinoza, is to allow individuals to develop themselves in security, and 'to employ reason unshackled; neither showing hatred, anger or deceit, nor watched with eyes of jealousy and injustice. In fact the true aim of government is liberty'. He nonetheless questions the extent to which freedom should be granted to individuals since 'unlimited concession would be entirely baneful' (Spinoza 1951 [1670], 258-259).

These questions led Spinoza to question the perfect environment for his political philosophy to flourish and he found this in democracy. The manner in which Spinoza conceived of the relationship between his political philosophy and democracy shall be discussed under the next section.

### **Democracy**

Spinoza was a clear advocate of a constitutional democratic form of government over a monarchy or aristocracy because he believed that a democracy provides the most favourable conditions in which an individual's judgement is free and autonomous, the worship of God unhindered and freedom granted without prejudice (Elwes 1951, 6). In short, democracy is the optimum form of government in which religion and the state can peacefully co-exist. To further elucidate this, Spinoza believes that in a democracy, individuals hand over their freedom to act as they

please to the sovereign but not their freedom to reason and judge. He believes that in a democratic dispensation, irrational actions on the part of the sovereign do not need to be feared since the majority of individuals would not agree to these kinds of actions. Moreover, the very aim and foundation of a democracy prevents this from occurring since it brings individuals to act according to reason and nothing else. He argues that a state is the freest if its laws are founded on reason and its inhabitants live according to reason. As mentioned earlier, Spinoza believed that the best government would allow both philosophical freedoms as well as religious freedom. According to Israel, Spinoza says a monarchy can only be unwavering and advantageous if the monarch's authority is deeply constrained and the supreme law is the common good and that of every ruler (2001, 271). Nonetheless, Spinoza believes that this sort of monarchical arrangement is highly unlikely to occur.

Spinoza uses the example of Amsterdam to demonstrate a democracy working for everyone irrespective of religious beliefs, sects or status in terms of wealth.

The city of Amsterdam reaps the fruit of this freedom in its own prosperity and in the admiration of all people. For in this most flourishing state, and most splendid city, men of every nation and religion live together in the greatest harmony...His religion and sect is considered of no importance: for it has no effect before the judges in gaining or losing a cause, and there is no sect so despised that his followers, provided that they harm no one, pay every man his due, and, live uprightly, are deprived of the protection of the magisterial authority (Spinoza 1951 [1670], 264).

In *Political Treatise*, Spinoza argues that every citizen should be allowed to vote and be a part of public office. 'Wherein all, without exception, who owe allegiance to the laws of the country only and further independent and of respectable life, have the right of voting in the supreme council and of filling offices of the dominion' (Spinoza 1951 [1670], 386). Spinoza's political theory of Democratic Republicanism makes a provision for checks and balances, which can be identified with that of a democracy in the contemporary era. He states that members of the council should be elected for a period of no longer than five years so as to encourage political involvement and offer citizens the possibility of entering the council (Israel 2001, 264). Spinoza's

conception of democracy is, however, incomplete. He passed away (in his 40's) whilst writing *Political Treatise* and missed out on the opportunity to respond to his critics.

Locke also preferred a democracy to other forms of government, although he went into much more detail about the make-up of this government. He argues that an established law that is common to all, a body that is acknowledged and unprejudiced to provide judgement as well as the authority to maintain such judgments, are three indispensable fundamentals of a government. Locke argues for a governmental structure with dissimilar branches such as a strong legislature, in addition to an executive that is active and does not exceed the lawmakers in power.

The fundamental reason, according to Israel, for Locke's conception of toleration gaining much wider acceptance was because 'the vast majority of eighteenth-century writers were utterly unwilling to countenance a toleration of ideas which deviated from the core tenets of revealed religion' (2002, 102). Hence, it was the context in which Spinoza wrote that forced his conception of toleration to be subordinated and not his ideas per se. In fact, many of his ideas on freedom of speech and press can be found in numerous constitutions around the world. On the other hand, Locke's understanding of toleration did not deviate significantly from the core tenets of Christianity, thus fitting in perfectly with the context of seventeenth century Enlightenment Europe. His theological views on toleration can be said to provide the basis for the state in the contemporary era. This involved finding a way in which the state and religion could peacefully co-exist.

## **Conclusion**

This chapter focused on the intellectual development of Spinoza's thought starting with his conception of freedom, then his political ideas and finally how they come together in his conception of toleration. Toleration, albeit in the radical sense of the term, was Spinoza's answer to the question on the relationship between religion and the state. These were also contrasted with Locke's conception of freedom, his political ideas and his theory of toleration. It is clear that Spinoza and Locke were the

two most influential toleration theorists of the Enlightenment era. Locke, coming from the Arminian tradition, focused on the freedom of belief and worship as the basis for his conception of toleration with the main aim of securing property. Spinoza, belonging to the republican tradition, concentrated on freedom of thought and speech. Freedom of worship played an insignificant role according to Spinoza. In short, Locke possessed a theological conception of toleration whilst Spinoza's was chiefly secular.

Toleration in the contemporary era is much more widely accepted and practiced than during the Enlightenment era. Nevertheless, we should not take Locke's views out of context since he could have not envisaged a conception of toleration as we have done. The main aim of the past two chapters was to show the different ways in which Locke and Spinoza conceived of the relationship between religion and the state, albeit using the same theoretical concept. I have also aimed to demonstrate the foundation of the peaceful (by and large) co-existence of religion and secularity began with Locke's conception of toleration for reasons discussed above. This was done through the careful contextual analysis of Locke and Spinoza's thought.

The next chapter shall engage with the civil religion thoughts of Jean Jacques Rousseau. Rousseau's conception of the relationship between religion and the state will be important to analyse in the hope of arriving at a holistic understanding of the topic. Rousseau's conception also provided an important alternative to that of Locke and Spinoza's conception, thus it plays an influential role in the intellectual history of the separation of church and state.

## CHAPTER THREE

### Rousseau on civil religion

The eighteenth century was a pivotal moment in the intellectual history of the Western secular state and Jean Jacques Rousseau is probably the most influential theorist of this era. This era saw tremendous debates concerning the optimal relationship between religion and the state (or in fact whether they could peacefully co-exist at all). John Locke and Benedict de Spinoza articulated their conception of the relationship between and the state in the previous century through toleration, albeit through different understandings of the concept. The civil religion ideas envisaged by Rousseau provided an alternative model of thinking about the relationship between the state and religion. Rousseau's theory of the state upholding a simple universal civil religion, distinct from Christianity, was an important step in the direction of secularisation.

The form of secularisation advocated by Rousseau will thus be an important theory to analyse in the hope of arriving at the broader question of the dissertation. The first section will briefly lay down the thinking behind Rousseau's articulation of his civil religion thoughts. The second section will link his civil religion thoughts to his broader political philosophy and the final section will conclude on the topic of Rousseau's conception of civil religion. Therefore, analysis of the concepts of government and sovereign, particular and general wills is required because it is the key to Rousseau's theory. The notion of the general will is Rousseau's term for the exercise of popular sovereignty. Many of the works leading up to the *Social Contract* and the *First and Second Discourses*, the *Geneva Manuscript*, *State of War* and *A Letter to Mirabeau*, also need to be investigated in order to properly trace the development of Rousseau's thought. Numerous related elements of his thought require analysis since they lead up to his discussion of civil religion.

#### Civil Religion

Rousseau's discussion on civil religion is found in the penultimate chapter of the *Social Contract* and his principal aim here is to demonstrate that established religion (e.g. Christianity, Islam, and Judaism) and politics cannot co-exist. Before getting

into the crux of the argument, Rousseau provides a background to the type of society that existed prior to established religion gaining prominence. He states that societies were usually characterised by paganism, theocracies, polytheism and intolerance. This is the point at which Rousseau enters the debate. He writes that 'God was placed at the head of every political society, it followed that there were as many Gods as there were peoples' (Rousseau 1997[1762], 142). Divisions within nations and societies seem to be the foundation of intolerance according to Rousseau. Wars and battles would arise since armies could not obey the same master or chief. Rousseau says: 'two armies engaged in battle with one another could not obey the same chief. Thus from national divisions resulted polytheism, and from it theological and civil intolerance' (Rousseau 1997[1762], 142-143).

Foreseeing that his critics might attack him on the fact that pagan societies were not characterised by religious wars, Rousseau provides a reason for this being the case. He argues that in pagan societies, the laws and Gods were the same thing. In essence, a 'political war was also theological'. The various territories that the Gods ruled over were clearly demarcated hence the Gods of one nation could not infringe on the jurisdiction of another. Rousseau provides an example of the Gods of the Canaanites and that of Moses and the Hebrew people to illustrate his point. He writes:

They (Moses and the Hebrew people) did, it is true, regard as naught the Gods of the Canaanites, proscribed peoples, doomed to destruction, and whose stronghold they were to occupy. But note how they spoke of the divinities of the peoples they were forbidden to attack! *The possession of what belongs to Chamos your God, Jephthah said to the Ammonites, is it not legitimacy your due? By the same title we possess the lands our victorious Gods has acquired.* That, it seems to me, indicates a well-recognised parity between the rights of Chamos and those of the God of Israel (Rousseau 1997[1762], 143).

Nevertheless, when the Jews refused to recognise the authority of the Kings of Babylon and later Syria over their own Gods, this resulted in their subsequent persecution at the hands of these rulers. After this, the religion of every state was always only attached to the laws that governed it. Rousseau believes that at the time

of the Roman expansion, paganism became the same religion around the world. It is in this context that Jesus and the teachings of monotheistic Christianity emerged separating theology from its political system. This subsequently resulted in deep divisions that Rousseau argues will always cause trouble amongst Christians. The idea of the Spiritual Kingdom of God on earth did not go down well with pagans who argued that Christians 'were only looking for the opportunity to become independent and the masters, and craftily to usurp the authority which they pretended to respect as long as they were weak' (Rousseau 1997[1762], 144). This gradual evolution of political society from polytheism to the monotheistic teachings of Christianity was intended to provide a background to why Rousseau formulated his ideas on civil religion.

Rousseau rejected both polytheistic and monotheistic forms of religion because he feels they are politically flawed. Although conceding that the Enlightenment era was taking society in the direction of secularisation, Rousseau mourned this fact and argued that political society needed some sort of religion (Cristi 1997, 25). He says that society needs a religion 'which makes him (the individual) love his duties', but that the articles of an individual's faith 'should only concern the state and its citizens'. He also argues that 'no state has been founded without a religious basis'. These dogmas require its foundations to be moral in nature and 'the duties which anyone who professes it is bound to fulfil it towards others' (Rousseau 1997[1762], 150). In other words, this is a religion of civil principles and the sovereign is in charge of enacting them.

Rousseau bases his solution on two important assumptions: firstly as mentioned above, the fact that the religious foundations of the state are indispensable and secondly 'that the Christian law is at bottom more harmful to a strong constitution of the state' (Rousseau 1997[1762], 146).

Marcela Cristi argues that the contemporary understanding of civil religion has been misunderstood because of Emile Durkheim's position. She argues that we need to return to Rousseau's conception in order to attain a balanced conceptualisation of civil religion (1997, IV). The context in which Rousseau derived the concept of civil



religion needs consideration. Cristi situates it within Rousseau's interest in legitimacy. She says 'indeed, his overall concern in the *Social Contract*, and other political writings, is to provide practical principals by which to evaluate legitimate social order' (1997, 21). It seems his notion of civil religion is a proposed solution to these problems. In order to see this, it is important, first, to lay out his broader political philosophy

### **Rousseau's political philosophy**

In order to achieve a holistic understanding of Rousseau's civil religion thoughts, we need to properly trace the development of Rousseau's thought. In chapter six of the *Social Contract* as well as in the *Geneva Manuscript* (an earlier version of the *Social Contract*), Rousseau outlines his idea of the state of nature and the movement to civil society. He talks about the inherent shortcomings in the state of nature that interfere with an individual's self-preservation. As a result, individuals yearn to hold on to this right by governing it through convention (civil society).

Barnard talks about the different dangers that characterise the state of nature and civil society. In the state of nature, things threaten individuals whilst in civil society they are threatened by each other and it is this latter relationship that moral problems originate. Therefore it is of utmost importance that there is equal dependence between individuals in civil society to ensure that one does not become a victim of oppression by another by virtue of over dependence. Only when there is equal dependence can men restore the balance involving will and power and in the process return to man's original sense of freedom (Barnard 1984, 246).

Since individuals hope to hold on to the right to self-preservation they had in the state of nature, Rousseau says that the purpose of the *Social Contract* is to:

Inquire whether in the civil order there can be some legitimate and sure rule of administration, taking men as they are and the laws as they can be: in this inquiry I shall try always to combine what right permits with what interests prescribes, so that justice and peace and utility may not be disjoined (Rousseau 1997[1762], 41).

Rousseau's concern with legitimacy is given pertinence in the opening paragraph of the *Social Contract* when he writes: 'Man is born free and everywhere he is in chains' (Rousseau 1997[1762], 41). The chains referred to are the constraints placed on the freedom of inhabitants. The intention of the book, according to Rousseau, is to debate whether in civil society there can be a legitimate form of government, taking into consideration the instinctive nature of human beings, and utilising laws in the best way possible. Rousseau's understanding of a legitimate political order is:

A form of political association that will defend and protect the person and goods of each associate with the full common force, and by means of which each, uniting with all, nevertheless obey only himself and remain as free as before. This is the fundamental problem to which the social contract provides the solution (Rousseau 1997[1762], 49-50).

Rousseau outlines the clauses of the *Social Contract* and argues that:

These clauses, rightly understood, all come down to just one, namely the total alienation of each associate with all of his rights to the whole community: For, in the first place, since each gives himself entirely, the condition is equal to all, and since the condition is equal for all, no one has any interest in making it burdensome to the rest (Rousseau 1997[1762], 50).

Rousseau writes that the society that forms as a result of the movement towards civil society should be called a body politic. He subsequently outlines the various terminologies relevant to the social contract such as the state, sovereign, power, citizens and subjects. Rousseau writes that the *republic* is called a state by its members when it is passive, when it is active it is called a *sovereign* and the term *power* is utilised when making a comparison to other similar entities. Moreover, as a collective, associates refer to themselves as *people* and individually as *citizens*. Finally, they are *subjects* when referring to themselves in relation to the state.

Gourevitch argues that the most recognisable feature of the *Social Contract* is the moral and psychological change that human beings undergo (1997, xvii). Individuals have to make the change from natural men towards being citizens since natural men possess selfish needs whilst citizens realise that they are part of a community. Citizenship transforms individuals from independent to inter-dependent beings and it is of paramount importance that any institution in civil society understands this. Rousseau believes it to be fatal if human beings remain self-serving and independent beings (Barnard 1984, 245). Individuals also undergo a second transformation. Masters argues that the basic assumption of the *Social Contract* is 'that man renounces his freedom without renouncing his nature as a man' (Masters 1968, 314). Given this, it seems rather peculiar that Rousseau says 'these clauses, rightly understood, all come down to just one, namely the total alienation of each associate with all of his rights to the whole community' (Rousseau 1997[1762], 50). Rousseau also says that no individual should retain any right:

For if individuals were left some rights, then, since there would be no common superior who might adjudicate between them and the public, each, being judge of his own case on some issue, would soon claim to be so on all, the state of nature would subsist and the association necessarily become tyrannical or empty (Rousseau 1997[1762], 50).

Masters argues that Rousseau takes this view since he believes that civil society must terminate the individual's right to be the only judge of his self-preservation. Although some theorists have argued that Rousseau advocated for totalitarianism, Masters believes this shouldn't be exaggerated. The total surrender of rights 'does not involve the surrender of a pre-existing standard of justices by which civil society could be judged. Quite the contrary, all true rights including natural rights are based on the sacred rights of conventional society' (Masters 1968, 316). Rousseau argues that the principles outlined in book one of the *Social Contract* allows the general will to direct the state towards the common good. The agreement of this end made the formation of civil society necessary.

In order to attain this end, equality is necessary and it is the manner in which political freedom can be attained. The desire to achieve a society that guaranteed and

protected liberty of the individual forms the foundation of his civil religion thoughts. This society needed to find ways that would make obedience to government legitimate. Rousseau believed that it was the duty of government to encourage liberty and equality. The revolutionary thinkers in France made the acquisition of this a fundamental concern and they have also become central to our thought in the contemporary era (Harrison 1993, 51-52). In the *Social Contract*, Rousseau identifies the two concepts mentioned above:

If we inquire into what precisely consists the greatest good of all consists in, which ought to be the end of every system of legislation, we shall find it comes down to these two principal objects, freedom and equality. Freedom, because any individual dependence is that much force has been taken away from the state; equality, because freedom cannot subsists without it (Rousseau 1997[1762], 68).

He argues that the *Social Contract* is a sacred right that did not come about in the state of nature but rather by conventions. The only natural form of authority, according to Rousseau, is the family unit with the father at the head and the children as his subjects. Nonetheless, once the children attain the age of reason, they become their own judge and the natural bond with their father dissolves. Grotius and Hobbes placed emphasis on the fact that the association involving the ruler and subject is comparable to that involving a father and his child, since they assume that the ruler cares for his subjects and by way of this, has unrestricted rights over them. Rousseau argues that this assumes that rulers have a natural authority over their subjects. On the contrary, he believes that such supremacy (that advocated for by Hobbes and Grotius) is because of force, not because of nature and thus has no foundation in nature. Rousseau believes the right of the stronger proposition is illegitimate since 'force does not make right and that one is only obliged to obey legitimate powers' (Rousseau 1997[1762], 44).

Arguing that force does not give individuals the power to rule and that all human beings are born free, Rousseau says that conventions are the only legitimate basis for political societies. He vehemently disagrees with Grotius that an individual 'can alienate his freedom, and enslave himself to a master' (Rousseau 1997[1762], 44).

This arrangement, according to him, makes individuals sell themselves to the despot, which is illegitimate. Rousseau's experience of monarchical rule has showed him that a king usually utilises his subjects for 'his own suitable greed' (Rousseau 1997[1762], 44). Individuals are born free and as a result, freedom belongs to them. Rousseau says:

Hence, for an arbitrary government to be legitimate, the people, in each generation, have to be master of accepting or rejecting it, but in that case the government will no longer be arbitrary (Rousseau 1997[1762], 45).

Rousseau believes freedom to be the cornerstone of humanity and any renunciation of it would amount to depriving an individual's action of morality. He again brings up Grotius who argues in favour of slavery after warfare. Grotius believes that the victors possess the right to murder the losers. Nevertheless, the vanquished can buy his life at the expense of his freedom. A convention thus arises between the vanquished and victor which Grotius believes to be legitimate. Rousseau disagrees with this conception of freedom and argues that war does not have its foundations on individual relations but on state relations. In this case, individuals are not enemies as men, but as soldiers of the state they represent. Rousseau writes in the *State of War*, that wars can never occur between private persons but only between public persons. Here, Rousseau is referring to the sovereign whose existence arises from the social contract and 'whose will bears the names laws' (Rousseau 1997[1782], 175). In the *Social Contract* he writes that during war, they remain enemies, but as soon as they relinquish their weapons, they should not be killed since they no longer are soldiers. Rousseau uses this understanding to rebuff the right of the stronger thesis arguing that if victors are not authorised to kill the vanquished, then they does not possess the right to enslave them. Hence, the victor cannot exchange the life of the vanquished for his freedom. To summarise his view on slavery and subsequently on rights and freedom, Rousseau says:

Thus, from whatever angle one looks at things, the right to slavery is null, not only because it is illegitimate, but because it is meaningless and absurd. These words *slavery* and *right* are contradictory; they are mutually exclusive. Either between one man and

another, or between man and people, the following speech will be equally absurd. *I make a convention with you which is entirely at your expense and entirely at my profit, which I shall observe as long as I please, and which you shall observe as long as I please* (Rousseau 1997[1762], 48).

To promote liberty is not sufficient enough for Rousseau, he considers the preservation of it equally important. Rousseau's resolution is that 'each, while uniting himself with all, may still obey himself alone and remain as free as before' (Rousseau 1997[1762], 51). In *The State of War*, Rousseau disagrees with Hobbes that human beings are inherently evil and that a totalitarian state is needed to deal with this. Hobbes argued that a state of war is a natural inclination of man. Rousseau believes that even if human beings were evil and greedy, it will not result in a state of war of one against each other. He says man 'is born of peace, or at least of the precautions men have taken to secure a lasting peace' (Rousseau 1997[1782], 163). Rousseau considers humans to be natural peace loving beings whose first reaction is to be free when in danger. It is only once man has entered into society that he becomes violent and warlike. To summarise his views on this, Rousseau says 'there is, then, no general war between man and man, and the human species was not formed solely to destroy itself' (Rousseau 1997[1782], 166). Rousseau's arguments thus look at freedom in the positive sense (as opposed to Locke and Hobbes) since someone is only free if he is capable of doing certain things (Harrison 1993, 53).

The idea of liberty propagated by Rousseau seems to contradict the very essence of the word. Understanding of this very uncharacteristic idea of liberty necessitates the understanding of the following remark made in book one chapter eight of the *Social Contract*: 'for impulsion of mere appetite is slavery' (Rousseau 1997[1762], 54). Harrison (1993, 53) argues that from this, we can determine that it is not simply good enough to want to be free. You must also desire the correct things since freedom consist of the implementation of one's will in the acceptable manner.

The principle that guides the sovereign towards appropriate action is the general will. The general will refers to the united will of the citizens and 'is always upright and always tends to the public utility' (Rousseau 1997[1762], 59). He also distinguishes

between the 'will of all' and the general will. The former is the sum of particular wills and the latter looks at common interests. He argues that 'adequately informed people' will result in a good general will. But the instance factions arise, the general will errs since some factions may dominate others. Rousseau's solution to the problem of factionalism (and thus for the general will to be expressed perfectly) requires 'that there be no partial society in the state, and every citizen state only his own opinion' (Rousseau 1997[1762], 60). Issues of hierarchy and influence on duty also need brief consideration. An individual belongs to a number of different associations in civil society. For example, a man may be a soldier; however his duty as a citizen precedes his function as a soldier. Similarly his duty as a human being precedes his duty as a citizen. Importantly, in changing notions of morality, the particular will must meet the general will at every stage. This was one of the major challenges facing Rousseau's work.

Masters believes the concept of the general will is introduced to 'elucidate the necessary and inevitable tension' between the sovereign and the citizen. In other words, the tension between the sovereign and the particular will (1968, 323). This tension not only exists, but also inherent in society. He also argues that the general will releases 'the Hobbesian procedure of constructing the logic of the political from Hobbes' unscientific assumptions about human nature' (Masters 1968, 324). The tension involving the private interest of the individual and the general will not only exists, but also is an intrinsic part of society.

Although the end of political society is spoken about with reference to the general will, Masters writes that it is 'a formal requirement which must be fulfilled by the laws which constitute any legitimate regime' (1968, 328). In the same way as the particular interest tending to the benefit of the individual, the general will tends to the benefit of society. If this is the case, Rousseau says 'any true act of the general will obligates or favours equally all citizens' (Rousseau 1997[1762], 63).

The pronouncement of the general will occurs through laws. Rousseau argues that 'conventions and laws are therefore necessary to combine rights with duties and to

bring justice back to its object' (Rousseau 1997[1762], 66). He defines a law as follows:

But when the whole people enacts statutes for the whole people it considers only itself, and if a relation is then formed, it is between the entire object from one point of view and the entire object from another point of view, with no division as a whole. Then the matter with regard to which the statute is being enacted is general, as is the enacting will. It is this act I call law (Rousseau 1997[1762], 67).

Laws that govern the relationship between the sovereign and the state are political laws. Rousseau argues the relations amongst citizens should be small in comparison to their relationship with the sovereign but large when compared to their relationship with the state. He writes that the latter relationship gives rise to civil laws. The relationship between individuals and the law also allows for 'establishing criminal laws' (Rousseau 1997[1762], 81). The constitution is the fourth law (but most important law) which 'when the other laws age or die out, revives or replaces them' (Rousseau 1997[1762], 81).

Laws are always general and do not allow for favouritism. Any special privileges are granted in commune. Laws are always granted in commune, and are equal since they tend towards the general will. As a consequence, no one can feel aggrieved (taking his private interest into consideration) that he is being disadvantaged. According to Rousseau, because of this arrangement people are free as they were in the state of nature (Masters 1968, 329). A republic, according to Rousseau, is any state governed according to laws. He believes that subjects should be the authors of the law. Rousseau's critics have nevertheless pointed out the apparent contradiction between his phrase that states individuals will be 'forced to be free' and the rest of his political philosophy. To gain an appropriate understanding, we need to place this in the context in which it was written. He says:

Hence for the social compact not to be an empty formula, it tactically includes the following engagement which alone can give force to the rest, that whoever refuses to obey the general will shall be constrained to do so by the entire body: which means nothing other than that he shall be forced to be free; for this is the condition which, by



giving each citizen to the fatherland, guarantees him against all personal dependence; the condition which is the device and makes for the operation of the political machine, and alone renders legitimate civil engagements which would otherwise be absurd, tyrannical, and liable to the most enormous abuses (Rousseau 1997[1762], 53).

Masters argues that laws are 'intended to introduce a certain element of rationality into the wills of citizens'. Moreover, 'in this sense, the general will may be termed 'the law of reason' because it is the only logical basis on which reasoning men can adopt mutually binding duties' (Masters 1968, 332).

Rousseau argues that the general will is 'always right and tends towards the public good' (Rousseau 1997[1762], 59), though this is a very confusing understanding and requires clarity. Rousseau conceded that the body politic does not always have to be equal and just. Given this, Rousseau's critics have questioned how one can ascertain whether the sovereign's actions are in tune with the general will (Masters 1968, 325). To elucidate this, Rousseau argues that the general will is predominant when opinions are close to unanimity but the particular will usually results when there are long debates and discussions. The *Social Contract* according to Rousseau is the only law that requires unanimous consent from the people. He brings up the important point of those individuals who do not vote in favour of certain laws. Rousseau argues that when the people's assembly is debating certain laws, everyone voices their opinion on it and casts their ballot either accepting or rejecting the law. The majority of votes in favour of or opposing the law is the general will. The opinion that prevails only proves whether an individual has made an error or not in what he took the general will to be. The question now arises as to how the general will should be determined. Rousseau believes a hierarchy of importance should be used in issues of the law. Serious and important matters should have a unanimous general will. In the instance of business matters, the difference of opinion should be narrow and be concluded as soon as a simple majority is reached. However, Rousseau says: 'be that as it may, it is the combination of these two maxims that the best ratios for deciding a majority are determined' (Rousseau 1997[1762], 125).

Subsequent to the discussion of laws, Rousseau deals with the idea of what is a good state with reference to the size of the state. He argues that the best state is a small one since it can be stronger than a large one.

With regard to the best constitution of a state, there are bounds to the size it can have in order not to be either too large to be well governed, or too small to be self-sustaining. In every body politic there is a maximum of force which it cannot exceed, and from which it often strays by dint of growing too large. The more the social bond stretches, the looser it grows, and in general a small state is proportionately stronger than a large one (Rousseau 1997[1762], 73-74).

He provides numerous examples to substantiate his desirability for a small state focusing mainly on the fact that he believes administrative tasks to be much easier to solve. He believes that government of large states will find it difficult to enforce laws, and people might also not possess loyalty to a leader it never sees. He argues that 'the same laws cannot suit a variety of different provinces with different morals, living in widely different climates unable to tolerate the same form of government' (Rousseau 1997[1762], 74). His desire for a small state arises from his belief that a constitution is the cornerstone of a good state and should be the first thing to strive for. Good governance is more advantageous than resources of a large territory. The optimum size of a state, according to Rousseau, should be measured against the size of the territory and the number of citizens. There should be enough land to support the citizens and as many citizens as the territory can feed.

Rousseau points out the type of person's that should be legislators. These people should not possess:

Deep rooted customs nor deep-rooted superstitions; [and] one which is not in fear of being overrun by a sudden invasion; which without taking part in its neighbours quarrels can resist each one of them by itself, or enlist the help of one to repulse the other; one whose every member can be known to all, and where one is not forced to charge a man with a greater burden than a man can bear; one which can do without all other peoples and without which every other people can do (Rousseau 1997[1762], 77).

He provides the example of the small state of Corsica as a well-constituted state. People are able to 'recover and defend their freedom' and the educated are able to teach freedom in order to ensure it can be sustained.

Rousseau believes that every piece of legislation should be based on freedom and equality. Much has been spoken about civil freedom already. Equality, on the other hand, refers to the relationship between power and wealth. Power should 'stop short of all violence and never be exercised except by virtue of rank and the laws and...no citizen be so very rich that he can buy another and none so poor that he is compelled to sell himself' (Rousseau 1997[1762], 78). Although admitting that this is usually difficult to find in practice, Rousseau considers this as precisely the reason it should be legislated. Furthermore, he believes that legislations should be adapted to the specifications of each country such as 'relations that arise as much from local conditions as from the character of the inhabitants' (Rousseau 1997[1762], 79).

Masters (1968:339) argues that the *Social Contract* is often misunderstood in the contemporary era because commentators have changed the meaning of key terms used by Rousseau. The contemporary understanding of the term legislation refers to laws enacted by elected representatives of the people. On the other hand, Rousseau's understanding of the term refers to basic laws, which are essential for political order. Rousseau argued that the sovereign cannot be represented and some have taken this to mean that his principles advocated for direct democracy. Although he did propose representative institutions in the government of Poland, his discussion on representation in the *Social Contract* must be placed in the context of the distinction between the sovereign and government (Masters 1968:339). Rousseau writes that 'the deputies of the people therefore are not and cannot be representatives, they are merely agents, they cannot conclude anything definitely' (Rousseau 1997[1762], 114).

Gourevitch argues that although the citizenry may favour the general will, they may not know how to achieve it (1997, xxi). The ideal, which Rousseau envisaged, was popular sovereignty. This was a far cry from the government of monarchy that Rousseau believed should be terminated. He argued that the power of government

should be derived from the consent of the people. This ideal of an equal society in which every individual enjoys the same duties and privileges was something that all theorists aspired to achieve. Moreover, Rousseau's ideal envisaged justice and hope for all. This was the basis from which Rousseau started his idea of society. His ideas deviate from his predecessors such as Locke in the sense that he did not give the entire control of government to the populace (Lincoln 1897, 57). The doctrine of popular sovereignty requires wisdom and Rousseau is aware of the immense difficulty in merging the two concepts. Rousseau nevertheless explores a variety of ways to merge them such as through patriotism, citizenship, civil religion, lawgiver, elective aristocracy and different methods of elections (Gourevitch 1997, xxi).

### **Citizenship, patriotism and civil religion**

For civil religion to become the mode of life, Rousseau believed that it needed to be reinforced in some way. Citizenship and patriotism are the reinforcing elements that will assist inhabitants in making the duty to their fatherland their primary business. According to Gourevitch, citizenship 'in a well-constituted, legitimate political society, which is self-contained, self-sufficient and patriotic, provides the best or most satisfactory collective solution for men as they are' (1997, xxviii). Nevertheless, Rousseau does not acknowledge that this is the only solution by noticeably outlining the rivalry involving natural and political right i.e. involving humanity and cosmopolitan on one side and between citizenship and patriotism on the other. Rousseau writes:

Patriotism and humanity... are incompatible virtues in their very thrust, especially in an entire people. The Lawgiver who strives for them both will achieve neither: such a combination has never been seen; it will never be seen, because it is against nature, and it is impossible to assign two objects to one and the same passion (Rousseau 1997[1672], 34).

As mentioned earlier, in the movement from the state of nature to civil society, individuals cease being men but rather become citizens. Gourevitch argues that the citizen realises that he is no more an independent individual but a member of the political society at large, and the 'religion he is thought is the civil religion' (1997,

xxx). This tension between man and citizen is the central organising principal of Rousseau's work. In *Political Economy*, Rousseau talks about the difference between a model citizen and a model philosopher (man), more precisely, between Cato and Socrates.

Let us dare to contrast Socrates himself with Cato: the one was more a philosopher, the other more a citizen. Athens was already lost, and Socrates had no other fatherland than the whole world: Cato carried his fatherland with his heart; he lived for it alone, and could not outlive it. Socrates virtue is that of being the wisest of men: but compared to Caesar and Pompey, Cato seems like a God amongst mortals (Rousseau 1997[1782], 16).

Barnard provides an appropriate understanding of the difference between patriotism and citizenship. He writes:

A citizen, unlike a patriot, may entertain whatever private thoughts and beliefs he happens to hold; what vitally determines the quality of citizenship, or what indeed characterises the will of the citizen, is his readiness to match public utterances with public deeds. Without such coherence or consistency, Rousseau emphatically maintains, there can be no social order, for it would lack trust to sustain it (1984:253).

The above quotation points out the superiority of citizenship over patriotism and subsequently the important role citizenship plays in the achievement of order in society. Social order is important for civil religion, thus citizenship performs this function effectively because it is based on discursive reasoning. Rousseau discusses the possibility of citizenship and patriotism coinciding in relation to Poland. He believes that the possibility of this occurring in Poland is very small unless the Poles come up with a group of independent states. Barnard writes:

A simultaneous consciousness of patriotism and citizenship is evidently more likely within the more confined space of a canton than within a more extended state since in the latter points of contact are few and far between. In a greatly extended state, let alone in a state that includes all humanity, our sentiments are bound to evaporate and grow feeble (1984, 250).

Although patriotism and citizenship are two distinct terms, Rousseau views patriotism as a reinforcing element of citizenship and both as important for his civil religion. Rousseau argues that patriotism 'produces so many immortal actions, the glory of which dazzles our feeble eyes'. Moreover, he describes patriotism as, the virtue 'most efficacious' of all political virtues and with the ability of conjuring up the 'greatest miracles' that mankind will undertake (cited in Barnard 1984, 250).

Patriotism is a powerful force in politics since it is similar to loving a mistress. Patriotism requires no justification based on reason in a similar way that loving a mistress cannot be argued to be reasonable. Both are spontaneous actions and require no discursive reasoning. Although a person may love his country as a patriot, he is devoid of a purpose. On the other hand,

Citizenship is the work of rational will, in which instrumental reasoning on one sort or another plays a decisive role. The purpose of what we say or do lies beyond the action itself. It is the instrumental reasoning that mediates agreement, the source and justification, indeed the authorisation of human association within a state (Barnard 1984:251).

It is also through people agreeing rationally with one another that individuals in society become a *people*. Without such an agreement there cannot be a sense of national unity and hence no general will to characterise unity. Nonetheless, it is important that individuals have the same aims and goals to work towards since people do not agree for the sake of agreeing (Barnard 1984, 251). It is once citizens have common objects that they are interdependent beings as opposed to working with one another as if they are still independent beings (*amour de soi* - self preservation). To elucidate this, citizenship makes inhabitants think that their continued existence lies in them working together as opposed to, for themselves (*amour propre*). *Amour propre* is a heightened consciousness of, and regard for, an individual in relation to others around him. Whereas the savage individual only thinks of himself, men in Rousseau's civil religion also need to be concerned of what others think of him. Agreement comes about only when individuals become aware of what objectives unite them. This is the foundation of citizenship. Particular wills will not

necessarily result in a natural move towards the general will. Therefore, it becomes the task of the legislator to make individuals realise that it is better for them to co-operate with one another, to change inhabitants from individuals into interdependent beings (Barnard 1984, 252). It is important to note that although patriotism may make citizenship stronger, it does not constitute it. Patriotism is the unreasoned love for one's fatherland whilst citizenship is rational agreement on the common objective and the will to stick to that agreement. In essence, patriotism makes civil religion stronger allowing for it to become the mode of life.

Citizens are called upon to put into practice what they publicly stand for. Citizens are characterised by the choices they make and the ends they constantly confront determine choice. It seems Rousseau's aim here is to determine a mode of life that would make citizens masters of their wills as opposed to victims of them (Barnard 1984, 254). Thus, Barnard argues:

What crucially matters about the general will of citizenship, on Rousseau's own showing, is not simply that it be upheld but that it be questioned so that it could reply. It seems therefore, that just as there can be no true political action without will, so likewise there can be no true political will without the possibility of accounting for the way it chooses (1984, 254).

Although his contemporaries did not take patriotism seriously, Rousseau was doubtful that citizenship could generate the political commitment needed for his civil religion to prosper. It is because of this that Rousseau puts importance on the intrinsic reasoning of sentiment in patriotism. He does so because he believes that inhabitants will hold laws in higher esteem if they hold affection (*amour propre*) to their fatherland, which will ultimately cause civil religion to prosper. By going this route, Barnard argues that Rousseau undermined the power of reasoning as a determining force in politics (1984, 244).

Patriotism, as explained in the *Considerations of the Government of Poland*, can be achieved through education. Rousseau writes:

It is education that must give souls the national form, and so direct their tastes and opinions that they will be patriotic by inclination, passion, necessity. Upon opening its eyes, a child should see the fatherland, and see only it until his dying day (Rousseau 1997[1782], 189).

Education allows men to be free and be bound by the laws of the fatherland. Rousseau argues that true republicans loved the laws and freedoms of their fatherland and this love was moulded into them from an extremely young age ...'with his mothers milk' (Rousseau 1997[1782], 189). He talks about the specific knowledge every child should know by a specific age. For example, he argues that '...at fifteen he (a Pole) should know its (Poland) entire history, at sixteen all of its laws...' (Rousseau 1997[1782], 189). Equality in education is also considered important for patriotism and ultimately civil religion. Rousseau detested the difference between the education of the rich and the poor. He argued that since the constitution regarded everyone as equals, the education system should be no different. If the civil religion proposed by Rousseau was to become the 'bible' of the people, each inhabitant needed to properly understand its principles and, equality in education was the best method to bring this about. Rousseau also believes that education will cause Poles to 'respect laws which flatter its noble pride, which will make and keep it happy and free; extirpating from its breast the passions that elude the laws, it will foster those that cause them to be loved...' (Rousseau 1997[1782], 192-193). According to Lincoln, Rousseau critics make the mistake of believing that he advocated re-creating the state. On the contrary,

He does not consider such action as possible, since after the state has been instituted, its form of government may only be altered. He would regenerate its members by education and training until they had the same qualifications as those which the original units possessed. They would then be sufficiently wise to select the most advantageous form of government, and national prosperity would be assured (1897:61).

The problem of basing the pursuit of justice on taking 'men as they are' is that although individuals may unite their powers, their wills become divided. This is important since a properly functioning civil religion requires the unification of the wills. Hence, in order for the unification of wills to occur, morals must work in tandem



with what the laws prescribe. The unification of the wills requires the passion of love, the type Rousseau refers to as *amour propre*. The general will becomes a significant pursuit when individuals attain the virtue of patriotism since patriotism is the 'public-spirited devotion to the common good' (Gourevitch 1997, xxii). In the *Considerations for the Government of Poland*, Rousseau says:

Only a patriotism enlightened by experience can learn to sacrifice for the sake of the greater goods (general will) a brilliant right grown pernicious through abuse, and henceforth inseparable from that abuse (Rousseau 1997[1782], 216).

In classifying laws for the civil religion, Rousseau places importance on the patriotic symbols of beliefs, habits and a people's fundamental practices. He talks about these patriotic symbols assisting the country in reviving the constitution once current laws become outdated.

Which is the state's genuine constitution; which daily gathers new force; which, when the other laws age or die out, revives or replaces them, and imperceptibly substitutes the force of habit for that of authority. I speak of morals, customs, and above all of opinion; a part [of the laws] unknown to our politicians but on which success of all others depends... (Rousseau 1997[1762], 81).

The importance of both patriotism and citizenship for the effective functioning of the civil religion should be quite apparent by now. Both must be viewed as reinforcing elements of Rousseau's civil religion thoughts without which it cannot function appropriately. The next section shall deal with the importance of the lawgiver for an effective civil religion.

### **Lawgiver**

Rousseau's civil religion necessitates a superior being (Lawgiver) to regulate laws, to have the necessary foresight, and to declare them in the appropriate instance. He places tremendous emphasis on the wisdom of the lawgiver to pursue the aforementioned tasks. Rousseau writes of the pre-requisites and tasks of the lawgiver:

To discover the best rules of society suited to each nation would require a superior intelligence who saw all of man's passions and experienced none of them, who had no relation to our nature yet knew it thoroughly, whose happiness was independent of us and who was nevertheless willing to care for ours; finally, one who, preparing his distant glory in the progress of times, could work in one century and enjoy reward in another. It would require gods to make laws (Rousseau 1997[1762], 68-69).

The lawgiver should aim to deeply entrench fundamental patriotic habits, tastes and dispositions of the populace by placing emphasis on citizens' religion, morals and unique lifestyles. Rousseau argues that good lawgivers

Sought bonds that might attach the citizens to the fatherland and to one another, and they found them in distinctive practices, in religious ceremonies which by their very nature was always exclusive and national, in games which kept the citizens frequently assembled, in exercises which increased their pride and self-esteem together with their vigour and strength in spectacles which by reminding them of the history of their ancestors, their misfortunes, their virtues, their victories, stirred their hearts, fired them with a lively spirit of emulation, and strongly attached them to the fatherland with which they were being kept constantly occupied (Rousseau 1997[1782], 181).

From the discussion of the lawgiver thus far, it is evident that he should be an extraordinary being. Rousseau further argues that a lawgiver should be capable of transforming the fundamental nature of people. 'He (the lawgiver) should take from his own forces in order to give him forces which are foreign to him and of which he cannot make use without the help of others' (Rousseau 1997[1762], 69). In short, the lawgiver should take away from the natural inclinations of people and help them develop new ones. He believes that the more these natural forces decrease, the more the acquired forces increase and the longer the acquired forces last thus the more unyielding and longer a government can last. These acquired forces Rousseau refers to are the forces that transform individuals into interdependent beings. He writes: 'so that when each citizen is nothing and can do nothing except with all the others' (Rousseau 1997[1762], 69). Legislation can also be said to have achieved its

most perfect stage when the force acquired by human beings as a whole is greater than the sum of all individuals' natural forces.

The position of lawgiver is independent of, and holds no similarities with human society since 'he who has command over men ought not to have command over the laws, so neither should he who has command over the laws have command over men' (Rousseau 1997[1762], 69). If the contrary situation were to prevail, this would result in severe injustices and particular views taking precedence over general views.

The mission of the lawgiver is to 'attach the citizens to the fatherland' and this is done through a civil religion. They (the lawgiver) should 'resort to the intervention of heaven and to honour the Gods with their own wisdom' and make the people realise that 'he (the lawgiver) proclaims himself their interpreter' (Rousseau 1997[1782], 71). Rousseau speaks about the great lawgivers of the past such as Numa, Moses and Muhammad and how they used religion to mould the societies they governed over. With respect to Muhammad, Rousseau says:

Muhammad had very sound views, he tied his political system together very well, and as long as his government endured under the Caliphs who succeeded him this government was strictly unitary, and in this respect good (Rousseau 1997[1782], 145).

Nevertheless, he argues that once they passed away, their people corrupted its belief systems and ultimately their societies crumbled.

In essence, a good lawgiver needs to transform individuals into patriotic beings through equal education, good legislation and wisdom. With patriotic individuals, good citizens and good lawgivers, the various components of Rousseau's civil religion ideas are slowly falling together. The next component involves the doctrine of separation of powers.

### Separation of powers

The powers of the lawgiver should be carefully controlled. There should be a separation of powers between the lawgiver and the sovereign with the former charged with enacting laws and the latter commanding them. Rousseau says that 'he who drafts laws has, then, or should have no legislative right' (Rousseau 1997[1762], 70). Rousseau talks about the dangers of uniting the legislative and the sovereign authority citing Rome as an example. Those who enact laws should play no part in the legislative. He writes:

Rome in its finest period witnessed the rebirth of all crimes of tyranny in its midst, and found itself on the verge of perishing, for having united the legislative authority and the sovereign power in the same hands (Rousseau 1997[1762], 70).

The sovereign cannot implement laws because its purpose is to attend to matters of general concern and not laws that are of particular importance. It cannot allow one part of the sovereign to implement laws since Rousseau argues that the sovereign is inalienable. As soon as the sovereign tends towards a particular will (in effect having two sovereigns), the body politic dissolves. This is because the particular will tends towards partiality and the general will towards equality. Sovereignty is also indivisible according to Rousseau. Will is either general (unanimous, any exclusion negates generality) or not. Sovereignty should be the declaration of the general will for it to be regarded as law. Rousseau regards the particular will as an act of decree at best. The responsibility of implementing laws should thus be given to the magistrates or government in the sense that Rousseau conceived of them (Gourevitch 1997, xxiv). The government is merely a minister of the sovereign. With this discussion in mind, Rousseau formulates a definition of government as an:

Intermediate body established between subjects and sovereign so that they might conform to one another, and charged with the execution of the laws and the maintenance of freedom, both civil and political (Rousseau 1997[1762], 83).

Government then is the 'legitimate exercise of the executive power' and, members of the government are *magistrates* and are 'charged with that administration'

(Rousseau 1997[1762], 81). It is important to make the distinction between the sovereign and government. The difference between government and the state is that the state is independent whilst the government exists by virtue of the sovereign. The general will imposes limitations on the sovereign's actions to concern only the general will, whilst the government cannot tend towards generality (Masters 1968, 336). Rousseau writes of the three different 'wills' present in the individual of the magistrate. He says:

First: the individual's own will, which is solely to his particular advantage; second, the common will of the Magistrates which is exclusively concerned with the advantage of the Prince, may be called the corporate will, which is general in relation to the government and particular in relation to the state of which the government is a part; in the third place, the will of the people or the sovereign will, which is general in relation both to the state considered as a whole, and to the government considered as part of the whole (Rousseau 1997[1762], 87).

Rousseau argues that rigid laws can sometimes be to the detriment of the state since their effect may become null and void. However, suspending laws must only be done in extraordinary circumstances where there is a tremendous danger to the public order. Rousseau says that 'one should never suspend the sacred power of the laws except when the salvation of the fatherland is at stake' (Rousseau 1997[1762], 138). Rousseau advocates for dictatorships (not in the modern usage of the term) in this special case scenario. He writes that the government should be concentrated in the hands of a few members when the form of administration is in danger and not the laws. Nevertheless, if the laws are an impediment to dealing with the crisis, then:

A supreme chief is named who silences all the laws and provisionally suspends the sovereign authority; in such a case the general will is not in doubt, it is obvious that the people's foremost intention is that the state not perish. This way of suspension of the legislative authority does not abolish it; the magistrate who silences it cannot make it speak, he dominates it without being able to represent, he can do everything, except make laws (Rousseau 1997[1762], 138-139).

In a perfect situation, the general will should be dominant, but on the contrary (in practice) the particular will is the strongest. Because of this, Rousseau argues that the number of magistrates to the government should be smaller in relation to the number of subjects to the sovereign.

The separation of powers between the government and the sovereign is threatened in two ways. Firstly, the sovereign may attempt to hold onto the functions of the government whilst the government may encroach upon the sovereignty and slowly take it over.

The distinction between the sovereign and government raises the question of the type of government suited to a country. Rousseau subsequently discusses the various forms of government. Aristocracy as entrusting government to the hands of a selected few and monarchy is the concentration of government in the hands of a single person. He considers democracies to be most well suited for small states, aristocracies for states of a medium size and monarchies for states that are very large.

Discussing democracy, Rousseau argues that there should be a separation of powers between the legislative and the executive. He writes that 'it is not good that he who makes the laws execute them' (Rousseau 1997[1762], 91). He is quick to point out that true democracy has never existed since it goes against the usual order the more govern and less be governed. Rousseau believes it to be impractical that citizens constantly assemble to deal with affairs of the state. He also writes that too many things need to fall into place perfectly for a democracy to be a reality. Firstly, the state needs to be small so that the populace can easily assemble to deliberate of public affairs. Secondly, there needs to be equality in terms of rank and fortune and finally, there should be little or no luxury in society since he believes it corrupts both the rich and poor. In summing up his views of democracy, Rousseau writes that 'if there were a people of Gods, they would govern themselves democratically. So perfect a government is not suited to men' (Rousseau 1997[1762], 92).

Although arguing that monarchies are best suited for large states, Rousseau points out one major defect that will always make monarchies inferior to aristocracies or democracies. He speaks about the major corruption present in monarchies of the day in terms of wealth and resources. He believes that this major defect will result in a monarchy never able to run efficiently and which will eventually lead to its demise. In the *Letter to Mirabeau*, Rousseau rebuffs monarchies arguing that there is no evidence to back-up legal despotism. He writes that no evidence exists in natural law in favour of monarchies and the maxim 'let the salvation of the people be the supreme law', will not be considered important by a monarchy (Rousseau 1997[1782], 269). Rousseau argues that Mirabeau's preference for monarchical rule does not take into consideration the feelings and emotions of humans and is more suited to utopia but 'worthless for the children of Adam' (Rousseau 1997[1782], 270). In short, Rousseau views democracies and monarchies as susceptible to dictatorships and ruin.

### **Elective aristocracies**

The final component of Rousseau's ideas on civil religion is his preference for elective aristocracies. An aristocracy is a form of government where leaders assumed their position on the basis of wealth, age, family prominence and so on. Rousseau says that there exists a natural, elective and hereditary form of aristocratic governance and favours an elective aristocratic government since he believes that governments should restrict leaders to a minority of people, all of whom are there by virtue of elections. Rousseau discusses two methods of elections, election by choice and election by lot. He argues that election by lot is more suited to a democracy and voting is suitable for an aristocracy. To put this into perspective Rousseau says:

If one keeps in mind that the elections of chiefs is a function of government and not of sovereignty, one will see why election by lot is more in the nature of democracy, where the administration is all the better in proportion as it as its acts are fewer (Rousseau 1997[1762], 125). Furthermore: In aristocracy the prince chooses the prince, the government perpetuates itself by itself, and that is where voting is appropriate (Rousseau 1997[1762], 126).

However, Rousseau says that election by lot is only suited to a genuine democracy and as stated earlier, there are no genuine democracies. He uses the example of Venice to demonstrate a city that uses a mixture of these two types of election methods. Rousseau argues that election by choice should be utilised to fill the positions that require skilled personnel such as in the military, and elections by lot should be utilised in filling positions that require virtues such as justice, integrity and good sense. He gives the example of the judiciary where election by lot will be advantageous.

Moreover, as opposed to a democracy:

Assemblies (in aristocracies) are more easily convened, business is discussed better, and dispatched in a more orderly and diligent fashion, the state's prestige is better upheld abroad by venerable senators than by an unknown and despised multitude (Rousseau 1997[1762], 93).

In short, Rousseau argues that the most intelligent should govern the masses though he is critical of aristocracies to a certain extent arguing that it requires virtues such as 'moderation amongst the rich and contentment among the poor', which are inconceivable in practice (Rousseau 1997[1762], 94). Although being critical here, Rousseau argues that the inequality in wealth is a small price to pay in exchange for governance by those who can devote all their time and energy to it. Masters (1968:303) argues that Rousseau is not concerned with utopia but rather with finding a form of administration that is legitimate in different forms of society. Rousseau states:

Hence the question, which is absolutely the best government, does not admit to a solution because it is indeterminate: or, if you prefer, it has many good solutions as there are possible combinations in the absolute and the relative positions of people (Rousseau 1997[1762], 104-105).

Gourevitch argues that Rousseau's discussion of elective aristocracy 'seeks to combine and reconcile popular sovereignty with wisdom' (1997, xxv).



A summary of the important elements of Rousseau's civil religion ideas is needed. Patriotism, good citizenship, a good lawgiver, the doctrine of separation of powers and an elective aristocracy are the key components of Rousseau's civil religion ideas and hence are of paramount importance for its effective functioning. The importance of patriotism and how it is related to the creation of good laws and good citizenship has already been discussed. In short, it is important because it links directly to the question of civil religion and its role in the maintenance of order. Good patriots and citizens lend themselves to the state. It is the responsibility of the lawgiver through education, laws and wisdom to transform individuals into patriotic beings. A separation of powers is also important to Rousseau's civil religion thoughts since it allows each element of the civil religion not to be improperly influenced by the next. The final component is an elective aristocratic form of government. Rousseau believed that governance should be entrusted in the hands of those who could devote all their time and energies to it and this would only be possible through an elective aristocracy.

For all the above components to fall into place, Rousseau desired to make religion important to the state and therefore the individual. In the *Social Contract*, Rousseau occupied himself with the political sphere of religion since it makes obligatory an individual's responsibility as a member of the state. In the *Letter to Montaigne*, Rousseau argues that his civil religion arguments concern 'those aspects of religion which concern public welfare and social morality, the duties of man and the citizen, which came under the jurisdiction of government' (cited in Cobban 1934, 83). By placing these issues under the jurisdiction of the state, Cobban argues that Rousseau is not referring to the executive but rather the superiority of the body politic acting through the general will (1934, 83).

### **Re-visiting civil religion**

As mentioned extensively in this chapter, Rousseau regards the dogmas of civil religion to be extremely important for good citizenship. The articles of civil religion are also needed for the optimum functioning of society. He again becomes radical in his thought here by arguing that these articles should be imposed on society without consultation with them. In essence, the people do not have a say in the pillars of civil

religion. They merely have to be loyal subjects to it (Cristi 1997, 29). It is worth stressing that Rousseau's principal aim is political and not religious. To summarise Rousseau's intentions in the formulation of his civil religion arguments, Cristi writes:

In short, Rousseau's answer to the problem of legitimation and social solidarity in the modern world, is the creation of a national civic religion, capable of binding all individuals to the state (1997, 31).

Rousseau's chapter on civil religion goes into more detail concerning the problems outlined in his discussion of the lawgiver. Rousseau groups religion under 'political right' in view of the fact that he believes that the social contract will not be taken seriously and not be regarded as binding if it has no foundation. As mentioned in the earlier discussion of civil religion, this foundation, according to Rousseau, needs to be religion since every state has been formed with religion as its foundation. Rousseau also views religion as a political right because the problem arises as to how to bring together popular sovereignty and religion. He is extremely critical of the relevance and claim of outward forms of worship, agrees with Hobbes in this regard, and argues that the dividing of sovereignty is evident in Christianity as a whole (Beiner 1993, 618). Rousseau writes:

Hobbes is the only one who saw clearly the evil and the remedy, who dared to propose reuniting the two heads of the eagle, and to return everything to political unity, without which no state or government will ever be well constituted. But he first must have seen the domineering spirit of Christianity was inconsistent with his system, and that the interest of the priest would always be stronger than that of the state (Rousseau 1997[1762], 146).

After all the aforementioned discussion, Rousseau provides a precise definition of what he means by a civil religion. He says:

Existence of a powerful, intelligent, beneficent, prescient, and provident divinity, the life to come, the happiness of the just, the punishment of the wicked, the sanctity of the Social Contract and the laws (1997[1762], 150-151).

Rousseau's desire to make religion subservient to the state was common amongst all philosophers of the Enlightenment though they all did not believe some form of religion was important to maintain order in society (Cobban 1934, 78-79).

Rousseau's civil religion thoughts are something that makes its priority the moral development of citizens. It is because of this fact that his thoughts posed a threat to the status quo. Cobban writes:

The right of the church to lay down the principals of social behaviour could only be challenged with any possibility of success, as has been said more than once, by something more catholic than itself, and this rival could only be the idea of the community as a whole, conceived as the supreme authority over his own life (1934, 79).

Rousseau's discussion on civil religion provides a practical understanding of how sovereignty should and shouldn't work. Rousseau outlines the different types of religious societies that have existed. 'Religion of the priest', 'of the citizen' and 'of man' are three variations of religion, according to Rousseau (Cristi 1997, 23). Religion of the priest, according to Rousseau, divides the loyalties of individuals. Man is given 'two legislations, two chiefs, two fatherlands' (Rousseau 1997[1762], 146). Roman Catholicism (its strict outward forms of worship) is singled out for particular criticism here. Roman Catholicism entails sharing of authority between the church and state. Rousseau argues that since individuals cannot decide where their loyalties lie (i.e. with the state or religion), their loyalties clash and this destroys social harmony (Cristi 1997, 23). He writes that ever since the separation of the church and state, 'no one has ever succeeded in settling the question of which of the two, the master or the priest, one is obliged to obey' (Rousseau 1997[1762], 145). Rousseau says that this sort of religion is:

So manifestly bad that it is a waste of time to amuse oneself demonstrating that it is. Everything which destroys social unity is worthless: All institutions which put man in contradiction with himself are worthless (Rousseau 1997[1762], 147).

In addition to this, Rousseau argues that priests may attempt to usurp temporal authority and as a result go against the state's authority.

Rousseau comes to discuss the religion of man. Here he is referring to Christianity. He says that 'through this saintly, sublime, genuine religion, man, as children of the same God, all recognise one another as brothers, and the society that unites them does not dissolve even at death' (Rousseau, 1997[1762], 147). The shortcoming of this religion, however, is that it does not hold individuals accountable to the state. On the contrary, individuals are to withdraw themselves from earthly affairs, which Rousseau believes damages the social spirit (Cristi 1997, 25). He writes:

But thus religion, since it has no particular relation to the body politic, leaves the laws with only the force they derive from themselves without adding any other force to them, and hence one of the great bonds of particular societies remain without effect. What is more; far from attaching the citizens' hearts to the state, it detaches them from it as from all earthly things. I know of nothing more contrary to the social spirit (Rousseau 1997[1762], 147).

Christianity also concerns itself with the formation of the Kingdom of God, which made the distinction between religion and secularity. The state was therefore, 'ceasing to be one, and caused the intestine divisions which have never ceased to convulse the Christian people' (Rousseau 1997[1762], 146). Cristi believes that disputes between secular and religious authorities were an impediment to the unity of society (1997, 22). These can be further separated into two types. These are the 'fairly inclusive, local civil religion of Roman and other paganisms, and the more universalistic and therefore imperialistic theocracies of Islam and Judaism' (Beiner 1993, 618). Pagan beliefs do not make the separation between church and state. Each state had its 'own cult and its Gods' and did not separate its 'God and its laws'. Political wars were theological in nature since the 'provinces of the Gods were, so to speak, fixed by the boundaries of nations' (Rousseau 1997[1762], 143).

Finally, Rousseau comes to the religion of the citizen. He borrows from Machiavelli (whose influence on him is quite marked) and argues that this has benefits since it 'extends the rights and duties of man as far as its altars' (Rousseau 1997[1762], 146). At the same time Rousseau is also sceptical since he writes that this was

founded on 'lies and terror' and may lead to a situation of intolerance, tyranny and insecurity (Cristi 1997, 23).

Cristi believes that there are similarities between Rousseau's civil religion thoughts and 'religion of the citizen' and uses the metaphor of 'political siblings' to refer to them (1997, 32). She nevertheless argues they are both susceptible to political abuse and may lead to fanaticism, extremism, tyranny or terrorism. In the *Geneva Manuscript*, Rousseau does argue that 'the advantages of the religion of man and the citizen will be combined. The state will have its cult and will not be the enemy of anyone else's (Rousseau 1997[1758], 150). Rousseau eventually removes this from the *Social Contract*, and Beiner argues that he was correct in doing so because this project was overambitious (1993, 634).

Rousseau makes the important distinction between his thoughts on civil religion and Christianity. He regards Christianity as a religion for slaves and not free individuals. He says that 'true Christians are made to be slaves, they know it and are hardly moved by it, this brief life has too little value in their lives' (Rousseau 1997[1762], 149). Rousseau repeats this understanding in the *Letter to Usteri* in 1763 where he disputes the fact that Christianity has the answer to society's problem. On the contrary, he believed that it destroys the unity of the body politic.

The civil religion thoughts of Rousseau have often been accused of being radical. Gourevitch (2007, xxvii) argues that the last two beliefs of the civil religion tradition seem to be the most radical. These proclaim the superiority of the social contract and the laws therein. To elucidate this further, Gourevitch says the fact that the sovereign is inalienable and indivisible and that the church has no true claim to political authority can be interpreted as radical (2007, xxvii).

Rousseau's thoughts on civil religion have also been accused of being radical since Rousseau argues that the sovereign may banish individuals who do not profess these civil articles of religion. The manner in which an individual acts is the clearest evidence of whether or not he should be banished from the state. Individuals are not banished because they are not pious, but because they do not wish to sincerely

obey and love 'laws, justice, and, if need be of sacrificing his life to his duties' (Rousseau 1997[1762], 150). In addition to this, if a hypocrite acknowledges the laws but does not obey them, Rousseau believes they should be put to death because they have disobeyed the laws and hence committed a grave sin.

From Rousseau's perspective, this 'forced to be free' phrase seems extremely important. This is because the sovereign (who is the only judge of conflicts) needs to protect those citizens that abide by laws from those who violate them. Masters goes on to explain this in the context of warfare. He poses the question that if individuals entered civil society to protect self-preservation, how individuals can be obligated to sacrifice their lives for the country? (Masters 1968, 330). The most stringent test of citizenship is an individual's enthusiasm to die for his country. Rousseau believes that citizens must think of their lives as a gift, a gift that is conditional on them being willing to sacrifice their lives for the betterment of the state. Rousseau says that 'whoever wants to preserve his life at the expense of others ought also to give it up for them when necessary' (Rousseau 1997[1762], 64). The individual's right to self-preservation also extends to safety from foreign attack. On the other hand, the general will (as mentioned above) obligates citizens to sacrifice their lives for the betterment of the country (Masters 1968, 330). The individual, therefore, cannot 'enjoy the rights of a citizen without fulfilling the duties of a subject' (Rousseau 1997[1762], 53).

Rousseau talks about the ills of the invention of money and commerce. He argues that the state is in ruin as soon as 'public service ceases to be the citizens' primary business' (Rousseau 1997[1762], 113). He also says 'finance is a slaves word... in a truly free state the citizens do everything with their hands and nothing with money' (Rousseau 1997[1762], 113). In *The Discourses*, Rousseau's main premise is that commerce has corrupted human beings by taking their attention away from public duty and towards materialism. In our desire to gain recognition and reputation for our works, we have lost virtue (Keohane 1980, 426). This is further echoed in *The Considerations of the Government of Poland*, where he says that 'the citizen should be kept constantly occupied with the fatherland, for it to be made their principal

business, for it to be continuously before their eyes' (Rousseau 1997[1782], 185). Rousseau believes that this will be done through his civil religion.

Rousseau brings up the notion of censorship in chapter seven book four of the *Social Contract*. He states that 'censorship maintains morals by preventing opinions from being corrupt, by preserving their uprightness through wise applications, sometimes even by fixing when they are still indeterminate' (Rousseau 1997[1762], 141). Nonetheless, this in no way means that public opinion should be constrained. Despite the fact that Rousseau's thoughts on civil religion might seem to contain elements of radicalism, it also rejects the issue of intolerance, be it civil or theological, although he regards them as the same thing. He allows for tolerance of others who do not profess the civil religion as long as their articles of faith do not affect their duties as a citizen

In his discussion of tolerance as a precept of civil religion, Rousseau argues that 'the dogmas of this religion are only of concern to the state' (Rousseau 1997[1762], 150). In agreeing to the *Social Contract*, citizens agree rationally to join for the betterment of all. Yet in basing this contract to some extent on faith rather than on reason, we might argue that citizens sacrifice the rationality and civil freedom that are the purpose for forming the social contract in the first place. Rousseau advocates for freedom of belief and worship as long as it 'does not harm others'. In addition to this, he says that 'it certainly matters to the state that each citizen has a religion which makes him love his duties'. According to Cobban (1934, 88), civil religion is the 'sphere in which he calls on the individual to make the greatest sacrifices to the state of which he is a member'. It seems that Rousseau's principal purpose was to release the individual from the grasp of priesthood and make him obligated to follow the dictates of the state alone. In the *Letter to Voltaire* and the *Social Contract*, Rousseau argues that intolerance will result in certain people subjecting those who they believed to be damned to treatment they believed is in store for them (the damned) in the next life. Rousseau says that 'indeed the faithful are rarely inclined to leave reprobates in peace in this world; and a saint who believes himself to be living with the damned readily pre-empt the devils work' (Rousseau 1997[1763], 245). He argues that the best possible world would contain

Positively, the social maxims that everyone would be bound to acknowledge, and, negatively, the fanatical maxims one would be bound to reject, not as impious but as seditious. Thus, every religion that could conform to the code would be allowed; every religion that could not conform to it would be proscribed; and everyone would be free to have no other religion except the code itself (Rousseau 1997[1763], 245).

Rousseau's ideas are in sharp contrast to the secular ideas of Spinoza presented in the previous chapter. Spinoza argued for a society that placed more emphasis on reason than faith. He argued that we lose our freedom when we become slaves to our emotions. Emotions such as pleasure and pain should not be forces out of our reach or be seen as external forces because this will result in us being lead away from freedom (Pitts 1986, 23). Spinoza also writes in *Ethics V, Prop 6*: 'the mind has greater power over the emotions and is less subject thereto, insofar as we come to understand all things necessary' (Spinoza 1955[1677], 250). This means that as individuals understand and seize control over the real causes of their emotions, they lessen the pressure their emotions exert on them since they are exerting the power of their intelligence. Ultimately this will result in freer individuals and a freer society.

It is clearly evident from Rousseau's entire discussion that he better understood the innate nature of human beings as individuals whose emotions play an intricate part in their everyday lives. Paying careful attention to the context of eighteenth century Enlightenment Europe, Rousseau realised that any alternative form of society required the presence of both religion and secularity. He believed that he had successfully negotiated the tough terrain between the two with his ideas on civil religion.

## **Conclusion**

This chapter has discussed Rousseau's alternative ideas on the relationship between the state and religion in the Enlightenment era. In view of the fact that Rousseau believed that no state had ever been formed without religion serving as its foundation, he decided to attach his ideas on a civil religion, although not on a monotheistic religion such as Christianity or Islam. This relationship is one in which civil society was based on the civil principals of patriotism, good citizenship, a good



lawgiver, separation of powers and an elective aristocracy. He hoped that patriotism and good citizenship would reinforce his civil religion ideas and ultimately result in peace and harmony in society. Patriotism would play the role of intrinsic reasoning of sentiment whilst citizenship would be based on discursive reasoning. Although Rousseau believed in the superiority of citizenship (discursive reasoning), he was not confident that it would alone be able to inspire his thoughts on civil religion to prosper. He believed that patriotism would be able to fill this void since it is based on unconditional love for one's fatherland. Rousseau further believed that his arguments on civil religion provided the educational and moral culture for citizens to act virtuously through the general will. A good lawgiver would ensure that this is the case. The doctrine of separation of powers would allow for the independence and most effective functioning of the important elements of the civil religion. Finally, an elective aristocracy would be the most suitable form of government for his thoughts on civil religion since governance would be in the hands of people who could dedicate the majority of their time and energy to it.

This was a far cry from French society that was characterised by an absolute monarchy. It was absolute in the sense that the monarchy was the final interpreters of divine laws; they decided what was in the public's best interests and possessed the right to ask of anything from the French people. France is about the only place that comes close to creating a kind of 'civil religion', and that is because the existing religious order took such a battering during the French Revolution. Although the idea of civil religion is not original, Rousseau's conception of it is unique and of great significance. Rousseau subsequently came under tremendous religious attacks but his theories later became fatal to theological claims to power. The form of secularisation advocated by Rousseau was an important theory to analyse hoping to arrive at the broader question of the dissertation.

## Conclusion

In this dissertation I have discussed two important, yet different ways of looking at the relationship between religion and the state in the Enlightenment era. The thoughts of John Locke, Benedict de Spinoza and Jean Jacques Rousseau were analysed with regards to their understanding of the most appropriate arrangement between religion and the state. Locke and Spinoza articulated their understanding with reference to toleration, although the two thinkers differed markedly with regards to their respective understanding of the term. In short, Locke belonged to the moderate wing of the Enlightenment whilst Spinoza was extremely radical in his thought.

The foundation of the moderate thinkers concerned freedom of worship and the peaceful coexistence of private churches alongside those that were appointed by the public. The radicals on the other hand, demanded freedom of thought and expression, simultaneously with the expression of ideas deemed to be clashing with the fundamental system of belief of revealed religion (Israel 2001, 265). Locke's theory of toleration revolves around freedom of worship and theological debate, placing minute importance on freedom of thought and speech. Locke distinguished between an individual's private and public life. He believed that freedom of thought and belief belonged to an individual's private life whilst issues concerning the state belonged to the individual's public life. On the other hand, Spinoza views freedom of thought, speech and even the press as the most important goals, whereas saving souls plays no part in his conception of toleration. Spinoza also believed that a democratic government was the best arrangement for his ideas on toleration to prosper.

This dissertation also investigated the relationship between toleration and property and it was concluded that the right to private property is the key to Locke's political philosophy. Locke believed that his theory of private property is important for the movement of rights and freedoms from the religious viewpoint to that society where it is based on and secured by political arrangements. In essence, whilst Locke argued

in favour of a theological conception of toleration, he was adamant that there should be a separation of church and state with anything concerning an individual's public duty confined to the public realm.

Locke imposed three limitations on this theory of toleration. Firstly, the civil magistrate need not tolerate any thoughts and opinions that are contrary to the social spirit. Secondly, Locke does not grant toleration to Catholics because they hold allegiance to the pope and not the civil magistrate as deemed necessary. In the last instance, toleration is not afforded to atheists in view of the fact that oaths, promises and covenants, which are the fundamental bonds of human society according to Locke, would have no bearing on them. Spinoza only imposed one limitation on his version of toleration. He argued that toleration is not extended to those who hold seditious thoughts since this would be detrimental to the well being of a state.

Upon critical analysis, I have concluded that the principal reason for the Lockean version of toleration gaining wider approval is that most Enlightenment theorists were not willing to accept a version of toleration that was not in harmony with the main tenets of divine religion. Hence, it is the era in which Spinoza lived and wrote and not his radical toleration ideas per se that resulted in the subordination of his views by his contemporaries. The fact that he even advocated for freedom of speech and press is a phenomenal achievement in itself. Freedom of speech and the press now form the backbone of most constitutions in the contemporary era. The international community describes countries that do not allow for these freedoms as authoritarian, absolutist, or dictatorial.

On the contrary, Locke's version of toleration stayed firm on the core tenets of Christianity, therefore having no problem in gaining widespread acceptance in the context of seventeenth century Enlightenment Europe. Locke's understanding of toleration is considered by many as the foundation of most Western secular states in the contemporary era. The theological conception of toleration was Locke's answer to the peaceful relationship between religion and the state. Some commentators have even argued that the *Two Treatises* laid the groundwork for democracy in the

contemporary era as well as for the constitution of the United States of America. Commentators have come to this conclusion because of the doctrines of separation of powers and checks and balances mentioned by Locke that governments should adhere to. With respect to checks and balances, Locke states that 'it is necessary there should be a power always in being which should see to the execution of the laws that are made, and remain in force. And thus the legislative and executive powers come often to be separated' (Locke 1988 [1688], 365).

This dissertation has also investigated Rousseau's conception of the optimum relationship between religion and the state. He argued that since the formation of every state had religion as its foundation, any future state needs religion as well. Rousseau nevertheless emphatically opposed pagan and prophetic religions, especially Christianity because he believed that it would have detrimental effects on constitutions. The religion Rousseau had in mind was a religion of civil principals, what he termed as a civil religion. Rousseau argued for total adherence to the principals outlined in the *Social Contract* since this would maintain peace and order in society. He believed that all individuals are born free and any arrangement of society needs to consider this indisputable fact.

The discussion of Rousseau's political philosophy provided the basis for his civil religion arguments. On the issue of government and the sovereign, Rousseau wrote that the executive of the government should be an intermediary body between citizens in their sovereign capacity and as subjects bound by law, and is always comprised of the people's representatives. The sovereign is general in enactments whilst the exercising of executive power occurs with regard to particular instances.

I carried out an analysis of the general will because it is the key to Rousseau's theory. This is his term for the exercise of popular sovereignty. The general will is understood as both the public interest that the sovereign of every state ought to promote and the individual will of each citizen to achieve that interest. The latter form was often in contradiction with a person's particular interest. This collection of particular interest is what Rousseau calls the will of all. This should not be confused with the general will since the general will looks at common interests whilst the

particular will looks to private interests of citizens, and in effect is nothing more than the sum of particular wills.

Rousseau placed particular importance on patriotism and good citizenship for the effective functioning of his civil religion. Given the innate nature of human beings (driven by lust, pride, vanity and so on), Rousseau believed citizenship alone could not result in a successful civil religion since it was based on discursive reasoning. Thus, he believed that since patriotism is based on intrinsic reasoning of sentiment (unconditional love for one's fatherland), it could supplement citizenship therefore resulting in a successful civil religion and subsequently a peaceful society. Moreover, the presence of a good lawgiver, the doctrine of separation of powers between the lawgiver and the sovereign and an elective aristocracy were also important for his ideas on civil religion. The lawgiver should be an extraordinary being able to attach an individual to the fatherland using patriotic habits, tastes, and prepositions. The doctrine of separation of powers ensures that there is no abuse of power by the lawgiver and sovereign thereby ensuring that the civil religion prospers. He wrote that the people who make the law should not execute them since this would confuse public and private interest. Finally, Rousseau distinguished between a monarchy, aristocracy, and democracy. He believed that all were dangerous for different reasons discussed in the dissertation. Ultimately, Rousseau preferred an elective aristocracy because the people who are trusted with governmental affairs are suitably talented and possess the time to dedicate their talents to the state on a full time basis.

Rousseau wrote the *Social Contract* and his other works a few decades before the French Revolution and this dissertation will also conclude with an analysis of the revolution in relation to Rousseau. The French Revolution is perhaps the most commented and analysed event in the history of modern politics. Some argue that the French Revolution laid the foundations for democracy and its institutions in Europe. Some theorists who have analysed Rousseau in relation to the French Revolution argue that he in fact advocated for revolution, whilst others argue that his thoughts unintentionally influenced the revolution. Since this dissertation is

interested in analysing texts and ideas, we don't need to know the exact intentions his works.

Rousseau's suggestions in *The Considerations of the Government of Poland* are clear evidence of the fact that he was not of a man who advocated for revolution as a method of replacing a government (Lincoln 1897, 64). In it he writes:

Before working on the execution of the project (reforming the Government of Poland), one should first inquire whether it will succeed...Ah! I cannot repeat it too often; think carefully before you lay your hands on your laws, and above all on those that made you what you are (Rousseau 1997[1772], 193-194).

It is correct to argue that Rousseau played an instrumental role and perhaps inspired France and the rest of the world towards new political ideals. He received numerous accolades and honours and Robespierre referred to him as the theorist who made reason and virtue triumph in an extremely corrupt and volatile century (Furet 1997, 168). The victors of Thermidor (who decided to transfer Rousseau's remains to the Pantheon) became the people who would later contest Rousseau's influence on the revolution. As it stood, for the majority of the nineteenth century, Rousseau was the centre of interpretation of the French Revolution (albeit from critics and admirers). Furet states that Rousseau's dominance was as if one could predict the revolution in its entirety (Furet 1997, 172). Rousseau was a theorist who hoped to redefine man from a corrupt, materialist, and unhappy perspective to one that lived in happiness, respected the liberty of people and lived in peace and harmony. This project of regeneration of humankind is what attached him to the French Revolution. As Furet puts it:

It is by virtue of the project of regeneration that the revolution belongs to Rousseau. Like him, the revolutionaries wished to create a new man. It was in pursuing that project that the revolution underwent successive liberal and illiberal periods that mirrored the ambiguity between the egalitarian process of republican politics and the authoritarian method of creating a new man (1997, 179).

Indeed, it is perhaps also correct to argue that the French Revolution might not have followed the course it did if Rousseau was not around. Nevertheless, it is entirely inappropriate to argue that Rousseau was the inciter of the French Revolution. I have thus concluded that Rousseau's influence on the French Revolution is minimal with most theorists agreeing that he did not intend to promote revolution. Many scholars have reasoned like de Maistre, 'Rousseau, feeble, timid and decrepit, never had the will or the power to stir up revolt' (cited in Melzer 1983, 297). Rousseau's thoughts nevertheless provided an important spur for an alternative way of thinking about religion and the state both in the French Revolution and beyond.

As mentioned in the introduction, we are experiencing a return of the sacred amongst political theorists and amongst society. Discussing the foundations of secularity has put me in a better position to analyse the return of the sacred, albeit at another level of academia.

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