

## THE NAME AND NATURE OF LOCKE'S 'DEFENCE OF NONCONFORMITY'

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The Locke manuscripts at the Bodleian Library include an as yet unpublished treatise on the subject of toleration and its connexions to cognate subjects.<sup>1</sup> This manuscript, which is 167 pages long, is mostly in the hand of James Tyrrell, with sections in the hands of Locke's amanuensis, Sylvester Brounower, and Locke himself, but there are good reasons for thinking that Tyrrell too was writing to Locke's dictation. Tyrrell identified Locke as the author of the manuscript—'your intended discourse concerneing Toleration, and Persecution', as he called it—in a letter of 1686; whilst Locke had obliquely acknowledged as much in alluding to the 'diversion' he had 'had of [Stillingfleet's] pen' in an earlier correspondence with Edward Clarke, with whom—to Tyrrell's dissatisfaction—he had lodged the manuscript upon leaving England for the Continent in 1683.<sup>2</sup>

The manuscript discusses two works by the Anglican divine, Edward Stillingfleet: a sermon on *The Mischief of Separation* originally preached at the Guildhall on 2 May 1680 and its more

<sup>1</sup> MS Locke c. 34.

<sup>2</sup> See *The Correspondence of John Locke*, ed. E. S. de Beer (8 vols., Oxford, 1976–89), iii. 92, James Tyrrell to Locke, 26 December [1686]. The full passage runs: 'I could wish you would send for your papers in the red trunk which wee writ together; and out of them perfect your intended discourse concerneing Toleration, and Persecution', cf. 191; ii. 719, cf. 708–9; ii. 602; for dissatisfaction, ii. 766. For circumstantial evidence supporting Locke's authorship, see J. Marshall, *John Locke: Resistance, Religion and Responsibility* (Cambridge, 1994), 97, n. 34. For Tyrrell as amanuensis, see e.g. MS Locke c. 34, 78: 'he thin[g altered to k]s the constitution of that society', 109: 'our Saviour cannot be supposed to [decide *deleted and replaced by Locke with* designe] such an union as this'; for Locke correcting or modifying passages in Tyrrell's hand, see e.g. 104, 109–12, 117–18. For fuller discussion, see the present writer's 'The Context and Composition of Locke's "Defence of Nonconformity"', forthcoming.

involved sequel, *The Unreasonableness of Separation*.<sup>3</sup> Avowedly a persuasion to unity between Protestants of different denominations confronted with the prospect of a Catholic successor, the sermon had indicted the Nonconformists' separation from the Church of England as baseless, unreasonable, harmful, and schismatic. These persuasions were not well received by Nonconformists and provoked a controversy which the sequel merely enflamed. It is to discussing the second work that the bulk of the manuscript is devoted.

Locke's discussion was both negative and positive. It was critical of the positions Stillingfleet defended in his works. Once these positions had been discounted, Locke substituted others that justified what Stillingfleet was attacking—separation from the national church. This second, positive aspect of Locke's discussion disclosed a doctrine about the church, and consequently the state, connected with his metaphysics. It understood churches to subsist on terms that did not require, but rather precluded, the involvement of the state in securing church membership and indicated that the state should neither expect adherence to a unitary national church from its citizens nor attempt to secure it by force. In this sense, though not in the sense of upholding the substantive positions held by any or all who had separated from the Church of England, Locke's doctrine vindicated the legitimacy of dissenting from a national church.

When King printed a series of extracts from the manuscript in his *Life of John Locke* (1829) he did so under the title, 'Defence of Nonconformity'. The title was adopted by Bourne, whose own life of Locke (1876) reprinted excerpts from this series with some silent emendations.<sup>4</sup> However, the title has now fallen out of use. Recent

<sup>3</sup> E. Stillingfleet, *The Mischief of Separation* (London, 1680); *The Unreasonableness of Separation* (London, 1681, *recte* 1680).

<sup>4</sup> P. King, *The Life of John Locke* (London, 1829), 341–54; J. R. F. Bourne, *The Life of John Locke* (2 vols., London, 1876) i. 457–60. King printed the following extracts, segueing silently from one portion of the manuscript to another. I include page and

scholarship has tended to prefer the mechanical title, ‘Critical Notes upon Edward Stillingfleet’s *Mischief and Unreasonableness of Separation*’ given to the manuscript in Long’s *Summary Catalogue of the Lovelace Collection*. Discussions of the manuscript and printings of further excerpts of its contents by Marshall, Goldie, and Nuovo embody this tendency.<sup>5</sup> This essay wishes to resist it and argues for the restitution of the earlier title, because it better identifies the manuscript’s contents.

## I

At first glance, the reasons for preferring the mechanical title may appear peremptory. One obvious reason is that King’s choice of title was ostensibly anchored to a specific occasion. His *Life* was published the year after the repeal of the Test and Corporation Acts, and sought to lend the weight of Locke’s name to, and associate his ideas with, the cause of admitting dissenters to political rights denied to them hitherto. In this it succeeded, if the critics it incited

line numbers at which transitions occur for ease of reference: his 341–344.4: 86–7; 344.5–346.5: 161–2; 346.6–347.25: selections from 150–2; 347.26–348.33: 153–4; 348.34–350.8: 142–3; 350.9 is King’s interpolation; 350.10–350.30: 155; 350.31–350.33–352.2: 156–7; 352.3–352.18: 74; 352.19–354: 92b–94. All selections are subject to silent paraphrasing, modernization of spelling, and editorializing. Bourne omitted the material printed by King at 343.1–347.25, 347.30–349.1, 350.9–352.18, 353.5–353.8 and 353.23–354.6. He included the remainder of King’s selections, corrected against the original. The latter has no title-page or heading. The half-title ‘Separations’ appears in the left-hand margin at the foot of the first page, above the signature letter A, and thereafter, abbreviated to ‘Sep’, on those pages on which gatherings are marked with subsequent signature letters. It is not clear if this is part of a contemplated title.

<sup>5</sup> P. Long, *A Summary Catalogue of the Lovelace Collection of the Papers of John Locke in the Bodleian Library* (Oxford, 1959), 33; Marshall, *John Locke*, variously at 97–110; M. Goldie (ed.), *Locke: Political Essays* (Cambridge, 1997), 375–7 (with modernized spellings); V. Nuovo (ed.), *John Locke: Writings on Religion* (Oxford, 2002), 73–9. For the same tendency in passing, see J. Marshall, *John Locke, Toleration and Early Enlightenment Culture* (Cambridge, 2006), 37.

are anything to go by, but the association is not unproblematical, not least because King's extracts were extremely selective.<sup>6</sup>

A second reason, which expands upon the first, concerns the manuscript's wider content. As Marshall noticed, this is 'highly critical at several points of the views and behaviour of dissenters', rebuking the principles and conduct of Nonconformists as fiercely as it deprecates the views of Stillingfleet and some aspects of Anglicanism. Indeed, if the argument of the manuscript 'unequivocally supported toleration of different religions, and particularly of Protestant worship outside of the national, established church', it also continued the 'concern with 'latitudinism' evidenced in 'An Essay concerning Toleration', with 'Locke strongly advocating comprehension'. Thus, for Marshall, Locke's position is poised: the manuscript reflects a tension in his mind between the pull of 'Latitudinarian Anglicanism' and 'some elements of Independent thought'. For Nuovo, meanwhile, Locke's remarks add up to a qualified and partial defence of Congregationalism, not to a defence of the full tenets of the nonconformists of his day.<sup>7</sup>

Even so, the glancing eye should return for a closer look. If it does, it will discover countervailing considerations, both rhetorical and substantive, in favour of restoring King's title. The rhetorical point is simply that it is customary to use the titles given by the first editor for items of the Locke *Nachlass*, except where the further discovery of material has supervened.<sup>8</sup> The sole exception to this

<sup>6</sup> See Anon., *Conformity with the National Church. An Answer to 'Reasons for Non-conformity', by John Locke, published in a Life of Mr. Locke, by Lord King* (London, 1831). Cf. M. Goldie (ed.), *The Reception of Locke's Politics* (6 vols., London, 1999), i. pp. xlii–xliii.

<sup>7</sup> Marshall, *John Locke*, 98, 291; Nuovo, *Writings on Religion*, p. xlii.

<sup>8</sup> See, e.g. J. Locke, *Two Tracts on Government*, ed. P. Abrams (Cambridge, 1967), *Essays on the Law of Nature*, ed. W. von Leyden (Oxford, 1954); *An Early Draft of Locke's Essay, together with Excerpts from his Journals*, ed. R. I. Aaron and J. Gibb (Oxford, 1936); *An Essay Concerning the Understanding, Knowledge, Opinion, and Assent*, ed. B. Rand (Cambridge, 1931), now known as *Draft A* and *Draft B* respectively. For which, see J. Locke, *Drafts for the Essay Concerning Human Understanding, and*

rule—*Questions concerning the Law of Nature*, a new redaction of the disputations previously published as *Essays on the Law of Nature*—is not encouraging by reason of shedding more light on its subject.<sup>9</sup> The more substantive reason is that to adopt the mechanical title is to be agnostic about the content and theses of the manuscript. If this is obviously proper for a Bodleian cataloguer, it is less obviously so for scholars. The length of the manuscript alone suggests something more important than *notes*, and more positive in content than *Critical*—but the suggestion has rarely been taken up.<sup>10</sup>

No doubt this is due in some measure to the manner of argument, which presents a page-by-page and sometimes point-by-point commentary on the assertions set out in Stillingfleet's works. Thus, Stillingfleet might seem to be setting the terms of the argument and Locke to be writing purely negatively. But Locke's method of written composition often involved the use of someone else's points as a foil for developing his own. He had done this in *Two Tracts on Government*, *Essays on the Law of Nature* and *Draft B*, and would do so again in *Two Treatises of Government* (more especially the first), *An Essay Concerning Human Understanding*, the later *Letters on Toleration*, and *The Reasonableness of Christianity*.<sup>11</sup> The proportions of criticism to development in the manuscript are

*Other Philosophical Writings*, vol. 1, ed. P. H. Nidditch and G. A. J. Rogers (Oxford, 1990).

<sup>9</sup> J. Locke, *Questions Concerning the Law of Nature*, ed. R. Horwitz, J. Strauss Clay, and D. Clay (Ithaca and London, 1990), reviewed by M. A. Stewart in *The Locke Newsletter*, 23 (1992), 145–65.

<sup>10</sup> The exception is I. Harris, *The Mind of John Locke* (Cambridge, 1994), 183–4. Cf. the general introduction to J. Locke, *An Essay Concerning Toleration and Other Writings on Law and Politics, 1667–1683*, ed. J. R. and P. Milton (Oxford, 2006), 36–7, 47, 65, which is studiously ambiguous about the matter throughout (see 447).

<sup>11</sup> J. Locke, *Two Treatises of Government*, ed. P. Laslett (Cambridge, 1988), *An Essay Concerning Human Understanding*, ed. P. H. Nidditch (Oxford, 1975), *A Second Letter Concerning Toleration* (1690), *A Third Letter for Toleration* (1692), *A Fourth Letter for Toleration* (1704), printed in *The Works of John Locke* (London, 1823), vol. 6, *The Reasonableness of Christianity*, ed. J. C. Higgins-Biddle (Oxford, 1999).

different from these works, of course—except perhaps the *First Treatise* and the *Third Letter for Toleration*—but here, as elsewhere with Locke, the method produces results that are not restricted by the terms of the controversy out of which they issue.

In short, Locke's position is not reducible to a dialectical move in a controversy whose terms were set by other people. Stillingfleet and his opponents were in basic agreement about terms, about how the church should be conceived and how it related to the state. They addressed themselves to questions about the rightness or otherwise of secession from particular churches. With Locke, the question was not the merit of separating from a particular church, but one more fundamental: on what terms churches *per se* could be presumed to exist. That is to say, he took his cue to address the fundamental issue that to his mind underlay the controversy but which the disputants had not identified so clearly (if at all) rather than attempting to reproduce their terms of exchange. Rather than joining their fray, he meant to make a decisive shift in the terms of discussion—a shift, indeed, that would have made much of the controversy redundant.

In making this shift, Locke articulated a defence of nonconformity more sophisticated, not to say coherent, than Nonconformists themselves had managed. He abstracted from their practice a position that belied their own doctrines and justified what they—no less than Stillingfleet and his friends—disliked: a plurality of churches in a single kingdom. To see how, we must examine the content of the manuscript and the details of the view of the church it develops.

## II

In part, the content of the manuscript answered to the Catholic danger, not least as it bore on the viability of comprehension. But it did so in terms markedly wider than those assumed by Stillingfleet. It is true that Locke recommended that controversial ceremonies be forsworn. However, he saw little merit in altering the Church's

present terms of communion if its relations with the state were not also to be reassessed. As he indicated, it was all very well to alter these terms in the effort to accommodate dissent, but the effort would be worthless if ‘y<sup>e</sup> Magistrat shall be got to stand at y<sup>e</sup> door, with whips & scourges to chastice those that stay out’. For ‘however it may seeme to prop & support Ecc<sup>t</sup>ecall power’, Locke observed dryly, ‘...I ask what will become of their nationall Church if the Magistrate be of another Religion, or come to differ from them, supposing now a Popeish Prince in England I ask what will become of the Church of England that great Bulwark agst Popery?’<sup>12</sup> Evidently, he did not think it sensible to argue for comprehension if the next head of the state, and therefore the visible church, in England was to be a Papist. This hypothetical fact also made some of the possible permutations of civil and ecclesiastical power Locke had contemplated in the early 1670s inappropriate.<sup>13</sup> Instead, the ‘Defence’ subsumed the question of comprehension under toleration.<sup>14</sup>

Locke insisted that toleration would not be, as Stillingfleet had claimed, ‘the *inlet* of *Popery*’, but rather that it would ‘lesse cause end lesse contentions, then the imposeing uniformity, unlesse’, he added pointedly, ‘you intend your rigours shall extirpate all dissenters which how agreeable to Christian Religion or Protestant Principles I leave the D<sup>r</sup> [Stillingfleet] to consider’. Toleration was more ‘likely to bring men into mutual forbearance, & Charity, which is true unity, then to that kind of unity under popeall Tyranny since

<sup>12</sup> MS Locke c. 34, 14.

<sup>13</sup> See ‘Excommunication’, MS Locke c. 27, fos. 29<sup>a</sup>–29<sup>b</sup>.

<sup>14</sup> For Locke’s understanding of these terms, see Locke, *Correspondence*, iii. 583–4, Locke to Philippus van Limborch, 12 March 1689: ‘The question of toleration has now been taken up in parliament under a twofold title, namely Comprehension and Indulgence. The former signifies extension of the boundaries of the Church, with a view to including greater numbers by the removal of part of the ceremonies. The latter signifies toleration of those who are either unwilling or unable to unite themselves to the Church of England on the terms offered to them’ [*editor’s translation*].

no body that is free would put himself under Tyranny that he & others may be united in the conformity of slavery'.<sup>15</sup> In an obvious way, this responded to Stillingfleet's claim that dissent undermined Protestant unity and paved the way for Popery, but it implied more, that the Church of England had taken to itself the instruments of Popish oppression.

The implication was in the first instance general, being directed at the use of coercion to secure Church membership. 'Churchmen of all sorts with power' were, Locke indicated, 'very apt [to] persecute and misuse those that will not pen in their fold'. He adduced the example of New England, where 'the goverment being in the hands of y<sup>e</sup> Clergy as it is in Rome, their Persecutions for Religion come very little short of it onely Rome being the Elder her nailes have had time to grow a little longer & sharper'. If the use of coercive force was not 'reasonable...in the Papists', he continued, it was 'altogether as little in the Church of England'.<sup>16</sup> If unreasonable, it was also futile. Locke repeated the claim of 'An Essay concerning Toleration', that coercion could not accomplish its intended end: 'force & y<sup>e</sup> sword & y<sup>e</sup> proper instruments of y<sup>e</sup> Magistrate are altogether uncapeable to convince mens mindes, & bring them to y<sup>e</sup> beleife of y<sup>e</sup> truth of any Religion', because with every individual, 'beleiving or not beleiving are the ungovernable actions of his owne mind, w<sup>ch</sup> he himself cannot command much lesse any other'.<sup>17</sup> Coercion might generate external compliance, but it could not bring about a change of understanding.

Locke insinuated that the clergy favoured coercion because it furthered their own designs. The same designs sustained their efforts to represent episcopacy as *jure divino*. If Christ or the Apostles had instituted one form of church government as neces-

<sup>15</sup> See Stillingfleet, *Mischief*, 47; MS Locke c. 34, 7.

<sup>16</sup> MS Locke c. 34, 6.

<sup>17</sup> MS Locke c. 34, 77, 119. Cf. 'An Essay Concerning Toleration', in Locke, *Essay Concerning Toleration*, 278, 296–7, Locke, *Second Letter*, 67.



sary, he enquired, how was the deep silence about it in Scripture to be explained? Being a matter of some importance, ‘it would have borne being set downe, in plaine rules by X<sup>st</sup> or his Apostles if they had thought it necessary’. Since they had not done so, it was ‘plaine’ that no single form was divinely instituted; ‘the forme of Goverment of the Church (whatever is sayd to the contrary) has bin managed as a prudentiall thing, & not submitted to as a modell absolutely prescribed by God Almighty’. On this basis, all claims to *jure divino* church government were bogus, whether those of episcopacy or those put forward by the Presbyterians and Independents. To underline his point, Locke paused unhelpfully to congratulate Stillingfleet for showing up the latter as vacuous, observing

I doe not much wonder y<sup>t</sup> [you] should have so much y<sup>e</sup> better of D<sup>r</sup> O about the Jus divinum of his congregationall model. for if D<sup>r</sup> O be pressed with difficultyes too hard to be answered to y<sup>e</sup> satisfaction of an indifferent man, I fear ‘tis a fate y<sup>t</sup> attends all those, who would perswade the world, y<sup>t</sup> any one forme of Church Goverment is Jure divino, when y<sup>e</sup> SS hath... sayd so litle or nothing at all about it.<sup>18</sup>

Those who sought an explanation for the divine institution of episcopacy in the example of the Apostolic churches were also shown to lack demonstrable grounds for doing so. For the history of the early church had been written by bishops, hardly indifferent men in the matter, especially to the ‘authority of their owne orders’. In sum, claims to *jure divino* authority bottomed on clerical self-preference.<sup>19</sup>

<sup>18</sup> MS Locke c. 34, 71. This was surely a pointed reminder to Stillingfleet that he had once adopted the same attitude to such claims. See, e.g. E. Stillingfleet, *Irenicum* (London, 1661, *recte* 1660, 2nd edn., 1662), 416. D<sup>r</sup> O was John Owen (1616–83), Independent divine and sometime Dean of Christ Church.

<sup>19</sup> MS Locke c. 34, 72, where it is observed that ‘all the writeings wee have concerneing the power of B<sup>ps</sup> & Presbyters’ were ‘onely in the writeings of B<sup>ps</sup> & Presbyters’. Cf. Marshall, *John Locke*, 108.

To be specific, they finessed the acquisition of power. If ‘there were no more power & interest annexed to the being guides to the new Jerusalem then there is to any other place’, Locke suggested, ‘they would as little obtrude themselves with authority or require us to travell by their Charts as other guides doe’. Perhaps, he advised, Stillingfleet might ‘look a little beyond the glittering Scene of this world, and the dazzling splendour of Ecc<sup>t</sup>ecal Dominion, & great Church preferments, & consider what a tragical sight it will be to see men in Hell by takeing their Pastors & with them their Religion upon trust’. For Locke, this was the crux of the matter: ‘the whole controversy amounts at last to this short question; whether I must chuse my owne way to salvation or another chuse for me’.<sup>20</sup> The logic of Stillingfleet’s position, he implied, pointed to the second conclusion.

At one level, the paternalist account of government, both ecclesiastical and political, that supported that position may be taken to imply the conclusion. Repeatedly Locke invoked the metaphor of shepherd and flock, presumably with this account in mind.<sup>21</sup> Thus we find him complaining that when ‘Christians come under the notion of sheep it is no wonder they [sc. the shepherds] should contend for y<sup>e</sup> largnesse of their flocks, since they have the more to milk & shear & have often y<sup>e</sup> selling of them’; suggesting that ‘one cannot wonder that any pastor whose riches, & power enlarge still with y<sup>e</sup> encrease of his flock should contend mightily to have it beleivd that all the sheep ought to be onely in his Fold’; and indicating finally that claiming the authority to pronounce what was necessary to salvation was ‘to extend the Metaphor of Pastor & Flock a little too far, & treat Men as if they were Brutes in

<sup>20</sup> MS Locke c. 34, 5<sup>a</sup>, 131, 5<sup>a</sup>.

<sup>21</sup> For paternalism, see Stillingfleet, *Irenicum*, 131–2, cf. S. Parker, *A Discourse of Ecclesiastical Politie* (London, 1670, *recte* 1669), 30–1. Marshall, *John Locke*, 109 overlooks this connexion.

earnest'.<sup>22</sup> But this authority itself relied on a higher-order claim to possession of truth. What did the 'Defence' have to say here?

It asserted that no church could justly claim to be the sole possessor of truth. Stillingfleet had wondered, rhetorically, 'whether in a nation professeing true religion, some publique worship may not be forbidden'. To this Locke replied that it must be first 'resolv'd what is the true Religion',

a Question w<sup>ch</sup> is like to remain always the great debate of mankind, & will never be capeable of any other resolution in our present case, then y<sup>t</sup> to every Country its own, i[s] the true Religion, So that in England y<sup>e</sup> Protestants, in France the Papists & in Turky the Mahumetan if they be judge is the true Religion, & I belive they will scarce allow y<sup>e</sup> D<sup>r</sup> to be judge for them.<sup>23</sup>

Similarly with the church. Every church supposed itself true. 'What will it availe then to the Church of England', Locke asked,

Among soe many Equall pretenders to say they are the true Church & must be beleived or have the magistrate on their side & must be obeyd. If they are to be beleived the true church because B<sup>p</sup> G or D<sup>r</sup> S says soe, M<sup>r</sup> B or D<sup>r</sup> O will say as much for the presbyterian or independ. Cardinall H & M<sup>r</sup> P for the Papist & Quakers.<sup>24</sup>

Having made this supposition, in other words, each party deduced from it divine authority for its own prescribed forms. This cast aspersions, in turn, on anyone who would not subscribe to those forms, because the forms themselves were looked upon as objective marks or instantiations of truth. If these were extended, as frequently they were, to include the order of church polity, then the rejection

<sup>22</sup> MS Locke c. 34, 5<sup>a</sup>, 148, 155.

<sup>23</sup> MS Locke c. 34, 49. See also Locke, *Third Letter*, 422, *Fourth Letter*, 574.

<sup>24</sup> MS Locke c. 34, 87; see Locke, *Third Letter*, 333. D<sup>r</sup> S was Stillingfleet, M<sup>r</sup> B was Richard Baxter (1615–91), D<sup>r</sup> O was Owen. B<sup>p</sup> G was Peter Gunning (1614–84), Bishop of Ely, M<sup>r</sup> P was William Penn (1644–1718). Cardinall H was probably Philip Howard (1629–94), so-called 'Cardinal of Norfolk' and Grand Almoner to Catherine of Braganza.

of the authority of that order, and with it the rejection of the guidance provided by its ministers, could not be any other than a repudiation of the truth of the church. This was why less restrained members of the Anglican body were able with consistency to define schism as rejecting episcopal authority.<sup>25</sup>

About this supposition there were at least two difficulties. In the first place it deprived the claims of each party of any explanatory standing, being wholly question-begging. In the second, it had unwelcome, and apparently unintended, consequences for the Church of England's position relative to other parties. The Church of England, Locke pointed out, presented itself as a bulwark against Popery and its tyranny over men's consciences; yet it acknowledged the Church of Rome to be a true church, because it embodied an episcopal succession. How did this leave the Presbyterians? They agreed in most articles of doctrine with the Church of England; the ceremonies at which they scrupled were 'onely those of our Church w<sup>ch</sup> are acknowledged (at least most of them) to be but things indifferent'. 'Wherein then', he asked, 'lies this great offence in their separation? I can find it nothing but this, their government is not Episcopal'. If only an episcopal church could be a true church,

Episcopacy is made not onely Essential, but almost the whole of Christian Religion since that can preserve the Church of Rome a true Church, under all its Errors, Idolatryes, superstitions & corruptions but they who are free... from all these cannot be saved without it, for no Episcopacy, no valide ordination; no valid ordination, no true sacraments; no true sacraments, no salvation; whereby Episcopacy is made more necessary to the being of a Church & consequently to Salvation then all y<sup>e</sup> other duties of faith & obedience to the Gospel.<sup>26</sup>

<sup>25</sup> For objective marks of truth, see T. Jackson, *A Treatise of the Holy Catholike Faith and Chvrch* (London, 1627), 44. For schism, see S. Lowth, *A Letter to Edw. Stillingfleet* (London, 1687), 74–5; cf. H. Dodwell, *Separation of Churches from Episcopal Government...proved Schismatical* (London, 1679).

<sup>26</sup> MS Locke c. 34, 158; cf. 157 for the point that accepting Rome as a 'true Chur. & y<sup>e</sup> Presbyterians not (for why els is the ordination of y<sup>e</sup> one admitted as good, & y<sup>e</sup> other

To predicate truth to particular churches paradoxically deflected attention away from those genuine truths of religion necessary to salvation, and towards institutional arrangements that falsely deported themselves as such. ‘And if this be not such a *Tyranny over the Consciences of Men in makeing that necessary to salvation w<sup>ch</sup> X<sup>st</sup> never made so...w<sup>ch</sup> the D<sup>r</sup>...assignes as one of the reasons of our separation*’ from Rome, Locke concluded, ‘will deserve to be weighd’. To submit to these terms would be to abdicate responsibility for one’s salvation.

For Locke, to depend upon the guidance of another in the matter of salvation, even to a minister ‘though he call himself orthodox, Jure Divino, or Infallible’, was to slide into the implicit faith of Popery. If the minister turned out to be a safe guide, ‘tis the effect more of his own choice, then any authority the other hath to be so’. Indeed, to claim the authority to direct another in this matter, as Locke wrote elsewhere, was a ‘monstrous presumption’. This presumption arose ‘only from this, that man is soe far removd from an acquaintance with truth, that he knows not the markes, and signes of it. He often formes confuzed Ideas of very clear, and plain termes; and this makes, that he can apply them to those airy and glareing notions that dazle him’

And haveing as it were consecrated his own phansyes, under the title of indubitable veritys, clearly held forth by Scripture (Church or Tradition) he stifles from thence forward all the doubts, that offer to rise in his minde; and suffers not him self to reflect on them.<sup>27</sup>

not so)’ made the rejection of episcopal order ‘worse then *Idolatry, perverting of the Gospel & y<sup>e</sup> institutions of Christ Tyranny over the Consciences of Men, worshiping of Images & all that Redrolle of accusations w<sup>ch</sup> the D<sup>r</sup> in this Page heaps up against the Papists*’.

<sup>27</sup> MS Locke c. 34, 5<sup>a</sup>, 158; *John Locke as Translator: Three of the Essais of Pierre Nicole in French and English*, ed. J. S. Yolton (Oxford, 2000), 85, cf. 82–4, 85 n. 7. The passage is Locke’s interpolation, not a translation.

Locke's views were inconsistent with this credulous lack of reflection. He required every individual to discover for himself God's requirements. Though the logic of Anglicanism pointed a different way, he argued that every individual must choose his own way to salvation, which meant choosing his own church.<sup>28</sup> Thus we are led to the positive doctrine the 'Defence' develops.

### III

The positive doctrine depends on the presupposition that the individual is responsible for his own spiritual well-being and cannot rightly relinquish the responsibility to another. This implied, at least in principle, that people were capable of taking care of their own salvation. Locke suggested that it was 'a part of my liberty as a christian & as a man to choose of what church or religious societie I will be of as most conducing to the salvation of my soule of w<sup>ch</sup> I alone am judg & over w<sup>ch</sup> the magistrate hath noe power at all'.<sup>29</sup> What is more, the choice of joining, or indeed of forming, an ecclesiastical society could be made by people on the basis of their natural endowments: it did not require the assistance of divine grace or coercion on the part of civil authorities. Locke indicated that people were not born into churches but entered them by their own consent, in his words, 'freely, & of their owne choice'; he wrote of 'the nature of a Church consisting wholly in y<sup>e</sup> voluntary uniteing of Men upon the account of Religion', and insisted upon every individual's natural adequacy to 'y<sup>e</sup> care of his owne soule'.<sup>30</sup> By understanding the church as a product of individuals' natural

<sup>28</sup> See MS Locke c. 34, 108, cf. Locke, *Second Letter*, 136.

<sup>29</sup> MS Locke c. 34, 74.

<sup>30</sup> MS Locke c. 34, 145, cf. 14 'every man hath the liberty to chuse what Church he will be of himself'; 20; 49.

powers, Locke was able to treat it as a natural rather than supernatural body for the purposes of its relations with the state.

This treatment developed ideas which had been stated embryonically in Locke's earlier writings. *Essays on the Law of Nature* had identified a duty to worship God as known by natural reason and obligatory.<sup>31</sup> Reflection on this duty, Locke thought, pointed the need for further reflection, about God and His mysteries, if the duty to worship Him were to be better performed and connected duties performed at all. This pointed, in turn, to the construction of a body in which common worship could be conducted and the reading of scripture—the appropriate material for further reflection—undertaken. In this frame of reference, though churches would necessarily incorporate a supernatural element—God's revelation of Himself in scripture—that element would not figure in the terms that explained how they came into being. In the language of the 'Defence', it would not be part of their 'original'. Churches would be understood, rather, as productions of *natural* reason and *natural* will, the two faculties of mind God had given to people in order to know and pursue His purposes for them—and therefore in that sense as natural bodies.<sup>32</sup>

The 'Defence' deployed this understanding of churches to establish a crucial point. This concerned the terms on which churches should be associated with the state, about which Locke's writings in the later 1660s had been inexplicit and his jottings in the 1670s indefinite. About this point the 'Defence' was both explicit and definite: church and state were distinct societies, instituted on different bases for different purposes. It could be explicit because, in engaging with Stillingfleet's writings, Locke had found it necessary to explore the wider implications of treating the church as a natural body in its relations with the state.

<sup>31</sup> Locke, *Essays*, 156.

<sup>32</sup> For revelation, see Locke, *Essays*, 166; cf. MS Locke f. 1, 430–2; for the 'original' of religious societies, MS Locke c. 34, 75, and for the obvious parallel, Locke, *Two Treatises*, 269; for intellect and will, see Locke, *Essays*, 136.

One immediate implication was to make irrelevant to civil government claims to supernatural truth made by churches. These claims were central to the view that civil government should underwrite Christian doctrine and uphold the ecclesiastical order of the true church, and the assumption that a single national Church would issue from this arrangement.<sup>33</sup> Excluding questions of supernatural truth from consideration undermined the plausibility of that assumption.

To treat the church as a natural body meant that such truth could not be predicated of it in the manner the arrangement required. The supernatural attributes of the church were narrowed to the word of God: ‘our Saviour accounts those onely Members of himself, & his Church, who beleive his doctrine & by good lives conforme to his precepts (the true conformity of y<sup>e</sup> Gospel)’. This indicated that the supernatural aspect of a church would be predicable of churches in general, not of specific churches. This lack of specificity obviated the need for the institutional support of a particular church—whatever its historic claims—by the state.<sup>34</sup> Certainly, it indicated that none could lay exclusive claim to state support.

The point was underscored by Locke’s emphasis on the general character of the rites Christ had instituted in His church. These were baptism and worship. Baptism signalled entry into the church, but ‘I doe not know that any one is baptized into any particular Church. I thought it had bin into the Christian Church in general’. It was an individual’s ‘owne consent afterwards that submits to y<sup>e</sup> Termes of communion’ of a particular church, ‘which are not the same with

<sup>33</sup> MS Locke c. 34, 76–7, where religion is said ‘to have nothing at all to doe with secular affaires, or civil societyes’. Cf. Stillingfleet, *Irenicum*, 39, cf. 40–1 for ‘the duty of Magistrates to punish and restrain whatever tends to the opposing and subverting the true religion’ and to secure the Church ‘from the incursion of Hereticks, and the inundation of Seducers’.

<sup>34</sup> MS Locke c. 34, 144; see 106 for the obvious problem, that ‘a national Church tends to y<sup>e</sup> support of the national Religion, but with this scarey addition; *whether true or false*’. Cf. Locke, *Second Letter*, 77, 113–14.



those of baptisme'.<sup>35</sup> The form of worship Christ was said to require placed the accent on the disposition of the worshipper rather than the specific ceremonies of his church. In general terms, these would have to be orderly and decent, but their proper end was only the edification of the individual believer, which Locke took to consist in 'right informing y<sup>e</sup> understanding & subdueing of y<sup>e</sup> will'. Therefore, no particular ceremonial practice could be accounted necessary to salvation. 'God who onely can tell what is acceptable to him in his worship, has limited his Church in these...things to decency order & Edification, & so every thing *in its self indifferent* is unlawfull in his worship unlesse it be expedient for those ends God has assigned'.<sup>36</sup> Neither could the worship He required be understood as a specific set of institutional arrangements. In this light, Locke's interest in comprehension takes on an altogether different complexion.

The generality of God's requirements made it implausible to think that the church, as the vessel of His truth, had a claim to the support of the state. Locke did not deny that Christ had founded the church, but the terms on which He had done so gave it no legitimate claim to state support. For one thing, the character of the Christian church was so general as to preclude the assumption that any single church could nominate itself true to the exclusion of every other. The rites Christ had instituted did not distinguish one church from the rest because these rites were common to all churches. The style of the rites was equally general. They did not pre-identify specific orders of church polity or ceremonial but emphasized instead the need for decency, order, and edification. In the 'Defence' Locke alluded to 'the Leading men of the church' who gave 'the title of true sons of y<sup>e</sup> Chur. to those onely who are zealous for their instituted ceremonyes whatever their lives be', observing

<sup>35</sup> MS Locke c. 34, 24; 49, cf. Locke, *Third Letter*, 154. See also I. Harris, 'Tolérance, Église et État chez Locke', in Y. C. Zarka, F. Lessay, and G. A. J. Rogers (eds.), *Les fondements philosophiques de la tolérance* (3 vols., Paris, 2002), i. 175–218, 212.

<sup>36</sup> MS Locke c. 34, 23, 144.

it is easy to see who are their darlings & w<sup>ch</sup> Law they are most zealous for, their owne or y<sup>t</sup> of our Saviour...and... 'tis plain that good sons of y<sup>e</sup> Church & Members of Christs may be two very different things, & how those that pretend themselves immediately commisioned by X<sup>t</sup> will answeare it to him or justify it to y<sup>e</sup> Consciencences...of Men, that they act persueant to, & by vertue of a commission from him, when they take more care of their owne Chur then of his I desire them to consider.

Upon consideration, Locke decided that they did not. In *The Reasonableness of Christianity* we find him asserting that Christ had never claimed to be a priest; 'I do not remember that he any where assumes to himself the Title of a Priest, or mentions any thing relating to his Priesthood'.<sup>37</sup> Thus, no authority for a particular order of offices within the church could derive from Him. Neither could it be said to come from the Apostles, since their commission was to propagate 'y<sup>e</sup> Gospell' by 'instruction, argument & perswasion', which evidently had no direct institutional implications for the church. Since 'our Saviour, & the Apostles, left no settled unalterable forme of Government in y<sup>e</sup> Church... it is plain that all the particular formes of Government of distinct Churches are all of humane institution'.<sup>38</sup> The character of the rites, and their lack of prescription for church order, reinforced the thought that the church should be regarded as a natural body in its relation to the state.

The same considerations indicated that the business of the church was unconnected with the state. Baptism and worship did not touch the state's purposes immediately, and did not obviously require state support. But what of the secular benefits traditionally taken to derive from the preaching of the word?<sup>39</sup> Locke did not deny these, but

<sup>37</sup> MS Locke c. 34, 144–5. Locke, *Reasonableness*, 120.

<sup>38</sup> MS Locke c. 34, 101; 127–8.

<sup>39</sup> See variously, J. Calvin, *Institutes of the Christian Religion*, trans. F. L. Battles (2 vols., London, 1955), ii. 657–8 (IV. xx. 9); R. Hooker, *Of the Laws of Ecclesiastical Politie*, in *The Works of...Mr. Richard Hooker* (2 vols., Oxford, 1845), i. 431 (IV. i. 4); H. Grotius, *De imperio summarum potestatum circa sacra* (Paris, 1647, 2nd edn., 1648), 17–19.

presented them in terms that suggested that the benefits accrued to civil society generally, not to civil government specifically. This presentation befitted his sense that God's requirements served to uphold society, whether these were received through natural law or through revelation. Confining the business of the church to spiritual purposes would limit its attention to questions of moral duty and salvation, to which it was suited. Conversely, when 'y<sup>e</sup> temporall authority came to be mixt with Ecc<sup>l</sup>ecall jurisdiction, & force was made use of contrary to y<sup>e</sup> nature of y<sup>e</sup> thing to make men Christians, or of this or y<sup>t</sup> Church whether they would or no, Religion became a businesse of State', and its proper function was perverted.<sup>40</sup> The state was one body, the church another, and membership of the one in no wise implied membership of the other. Within the state every individual was 'still as he ever was at liberty in reference to y<sup>e</sup> civil magistrate to chuse what Religion he judges y<sup>e</sup> likelyest for the salvation of his soul & so to unite into...Church societys about it'. Thus, churches were made and regulated only by the consent of their members.<sup>41</sup>

The 'Defence', therefore, gave unambiguous expression to the view that the church should not impinge on civil life or *vice versa*. But its novelty lay in explaining how the church and state could be organizationally sundered from one other. This explanation turned on Locke's conceiving the church as a natural body to which members adhered voluntarily, a conception carried forward into the *Epistola* as a foundation for its claims about toleration between different churches. That is to say, the 'Defence' developed views that Locke would use centrally in his later writings on toleration.

In particular, it developed the view that churches were brought into being by the will of their members to unite with one another for the purpose of worshipping God as they judged best. This implied, in institutional terms, that a church should be understood not as a

<sup>40</sup> MS Locke c. 34, 102.

<sup>41</sup> MS Locke c. 34, 77–8.

supernatural body, but rather as a rational construction. On this basis, its marks, its unity, and its relation to schism would all be reviewed. Instead of treating the marks of the church in terms of particular doctrines or institutional arrangements expressive of supernatural truth, these could be understood as expressions of the dispositions of the individuals who had constructed it: thus the true church, Locke suggested, would be marked by toleration. Its unity could be conceived in terms not of a single homogeneous whole, but of a relationship between heterogeneous parts. The ‘unity of the Church’ he wrote in the ‘Defence’, ‘is to be preserved onely by Charity, & goodwill, & not by the imposeing of a rigid & stiff uniformity’. Schism would be understood not as separation from a visible church, but as ‘separation from the true Religion’ or, as Locke would put it in 1685, from ‘what Christ our legislator, or the apostles by the inspiration of the Holy Spirit, have commanded in express words’.<sup>42</sup> These revisions reflected a more fundamental revision—to the identity of the church. How was Locke able to make this revision? The key was to conceive identity in relational, rather than substantial, terms.

#### IV

Consider again the matter of unity. For Stillingfleet, church and state were united in a common purpose, the defence and promulgation of Christian truth. Complicity of purpose to his mind implied a substantive unity: if the church and state were formally distinct they were materially identical, at least in principle. Membership of one body involved membership of the other, which explains how he could refer casually to ‘the Church we live in’. To suggest, therefore, that the civil government ought to allow people to leave

<sup>42</sup> For toleration as the mark of the church, J. Locke, *Epistola de Tolerantia*, in M. Montuori (ed.), *A Letter Concerning Toleration* (The Hague, 1963), 6; MS Locke c. 34, 107, 53; Locke, *Epistola*, 116.

the established church and join or set up another *eo ipso* was to authorize and encourage the destruction of a substantive unity.<sup>43</sup>

Locke took an entirely different view of unity. As a journal entry of July 1679 makes clear, he conceived it to consist ‘not in indivisibility (nor other union) but an existence comprehensible under one specific Idea’.<sup>44</sup> On this basis, allowing people to set up distinct particular churches was not destructive of the unity of the true church, if these particular churches could be comprehended in the specific idea, and denoted by the general name, ‘true church’. This understanding of unity, as a relation of disparate entities, was necessary for the conceptualization of a church, both one, and the relation of many. It is possible to regard this conceptualization as the natural sequel to Locke’s relational thinking generally, and more particularly to his assumption that the church was a voluntary body, that is, one composed by instituted relations.<sup>45</sup> But it was also the preface to what the Catholic danger had made needful. Locke now had in place the conceptual apparatus to talk about a plurality of voluntary churches, with which the civil magistrate could not legitimately interfere, without conceding the unity of the church which Anglican and Nonconformist alike agreed was necessary in the face of this danger. That is to say, he was able to explain how there could be unity in plurality.

It is perhaps unnecessary to remark that this apparatus was unavailable to Stillingfleet, even should he have wished to make use of it. His conception of the church as a substantial unity would not admit it; hence, his repeated and no doubt well-intentioned attempts to manage the comprehension of dissent on the Church’s terms;

<sup>43</sup> Stillingfleet, *Irenicum*, 41–6; *Mischief*, 15; for the destruction of substantive unity, *Irenicum*, 150, *Mischief*, 17. Stillingfleet’s arguments are permeated with the assumption that substantive unity plus a particular mode of subsistence constitutes identity, whether of church or state or person. For personal identity, see E. Stillingfleet, *A Discourse in Vindication of the Doctrine of the Trinity* (London, 1697), 261.

<sup>44</sup> British Library Add. MS 15, 642, f. 85<sup>r</sup>.

<sup>45</sup> See Locke, *Draft A*, 11–12.

hence also his susceptibility to slip into the language of schism when discussing those who refused to be managed. But it *is* necessary to remark that Locke explained precisely the arrangement the Nonconformists wanted but for which they lacked an adequate philosophical basis.

If we turn to the Nonconformist critics of Stillingfleet, after sifting out the *ad hominem* abuse it is clear that they conceived the relations of church and state in essentially the same terms as he did.<sup>46</sup> Their disagreement with him turned on the lawfulness or otherwise of the established Church's ceremonies and, often, its orders. To this extent the dispute was irresolvable, since the Anglican hierarchy could not accept the Nonconformists' claims without gainsaying their own. The Nonconformists, on the other hand, could not acquiesce in forms of worship they were convinced were unlawful. They wished to worship as their consciences dictated. In practical terms this implied a variety of institutional and ceremonial forms, since the different parties did not share the same sympathies when it came to specifics. In principle, however, each was committed to the replacement of Anglican forms with its own.

The depth of this commitment is apt to be obscured by the tendency of the Nonconformists to hide the logic of their views in a fog of concessive and accommodating words, which frequently sound a resonance with Locke's words. Owen, for instance, dwelt on the need for edification and, along with John Humfrey, on the absence of any warrant for episcopacy. Humfrey recommended comprehension as the complement to toleration, as did Baxter, who implied that, since diversity of worship was being countenanced under toleration, present differences could not be thought schismatic. John Barrett argued that 'zeal for peace & unity...for true piety, & the power of Religion...do more to cement us, than

<sup>46</sup> For abuse, see T. Wall, *More Work for the Dean* (London, 1681).

Uniformity in all our Rites and Ceremonies'.<sup>47</sup> Examples might be multiplied *ad nauseam*.

But most followed Barrett in conceiving these rites and ceremonies as terms of entry to particular churches. We find Baxter, for instance, burlesquing a situation in which 'the Christian World is broken into so many sects' that a man 'not liking any other Baptisms...may become a Church to himself'. He was for discipline, not liberty; and for the imposition of discipline by a godly magistrate who upheld the Presbyterian order he continued to regard as *jure divino*. Owen, too, considered wide diversity in religion a vice and hymned his preferred congregational arrangements as divinely instituted. Both attributed to the civil magistrate the duty to uphold true religion and suppress the false. If toleration was a necessary means of survival in unpropitious times, Baxter still wished to distinguish categorically the 'Tolerable from the Intolerable', hinting, what he had earlier announced, that it was the function of civil power to 'destroy' the latter. 'It must be granted', agreed Barrett, that '[a]ll persons and all things are not to be tolerated', while Vincent Alsop had sharp things to say about the difference between 'a little moderation, and universal toleration; ...the toleration of *Idolatry*, and forbearing two or three Ceremonies'. Owen, again, presumed that the magistrate should extirpate heresy and was happy, at least in one case, to defend the burning of blasphemers.<sup>48</sup>

<sup>47</sup> J. Owen, *A Brief Vindication of the Non-Conformists from the Charge of Schism* (London, 1680), 18, 47; [J. Humfrey], *An Answer to Dr. Stillingfleet's Sermon, by Some Nonconformists* (London, 1680), 26; R. Baxter, *Richard Baxter's Answer to Dr. Edward Stillingfleet's Charge of Separation* (London, 1680), 55, cf. *A Holy Commonwealth*, ed. W. M. Lamont (Cambridge, 1994), 163; [J. Barrett], *The Rector of Sutton Committed with the Dean of St. Pauls* (London, 1680), 78.

<sup>48</sup> Baxter, *Answer*, 55, 90; R. Baxter, *The True and Only Way of Concord* (London, 1680), 111; Barrett, *The Rector of Sutton*, 73; V. Alsop, *The Mischief of Impositions* (London, 1680), 102; J. Owen, *Unto the Questions Sent Me Last Night* (1659), 1–8, *Vindiciae Evangelicae, or the Mystery of the Gospell Vindicated* (London, 1655), 44. The case was the execution of Michael Servetus by the Genevan authorities.

All, to this extent, conjugated the civil and ecclesiastical functions, supposing with Stillingfleet that church and state were engaged in a complicit enterprise. Ultimately, this supposition derived from shared assumptions made in revealed theology. Stillingfleet and his critics regarded the complicity of church and state as a necessary corrective to the depravity of human nature due to original sin, which at once called for God's gracious support and the coercive power of the state. Now, it is also true that proponents of paternalism often justified absolute dominion and the coercive power of the magistrate in civil and religious matters by reference to the *pre-lapsarian* condition of Adam, because they assumed with Filmer—to name only one—that God had given absolute dominion to Adam and that 'what was given unto Adam, was given in his person to his posterity'.<sup>49</sup> Moreover, because Adam was, in Stillingfleet's words, 'a publick Person by Representation, and not merely by Nature', what he received for himself—in this case dominion—he received on behalf of and transmitted to all whom he represented. Locke's claim that individuals were at liberty in reference to the civil magistrate to make their own choices about religion bespeaks a rather different view.

At the same time, as Harris has shown, the logic of representation could be used (as by Stillingfleet himself) to explain how the sin of Adam was visited on his descendants.<sup>50</sup> About what precisely was visited upon them some disagreement was possible. The point is that however Stillingfleet and his critics understood the *pre-lapsarian* condition, they concurred in thinking that Adam's Fall caused damage extensive enough to require an external buttressing

<sup>49</sup> R. Filmer, *The Anarchy of a Limited or Mixed Monarchy*, in J. P. Sommerville (ed.), *Patriarcha and Other Writings* (Cambridge, 1991), 138.

<sup>50</sup> See I. Harris, 'The Politics of Christianity', in G. A. J. Rogers (ed.), *Locke's Philosophy: Content and Context* (Oxford, 1994), 197–215. For Stillingfleet on original sin, see 'To Dr. Burthogge about Original Sin, and the Covenant with Adam, and the meaning of Gen 3. 15', in E. Stillingfleet, *Miscellaneous Discourses on Several Occasions*, ed. B. Stillingfleet (London, 1735), 346–56, 356.



by an interdependent state and church that co-ordinated the means of coercion and grace.<sup>51</sup> Certainly, none supposed that the Fall made this position *less* necessary.

Of course, this is not to insist that all parties agreed about everything, for patently the experience of prosecution led to developments in the Nonconformists' views. But those developments, at least until the eighteenth century, were internal to a model whose fundamental structures were unscathed. The model itself was not revised. Usually these developments merely responded to the unsatisfactory character of the particular church being upheld by the state, as with Owen's emphasis on the autonomy of congregations or Baxter's insistence on the importance of the 'constitutive essential relations of pastor and flock'.<sup>52</sup> But the developments there were did not bear upon the terms on which the church was understood to relate to the state; they registered a capitulation to the necessities involved in the exercise of power, not an abandonment of the aspiration to displace the established form of church order with the true.

Thus it becomes obvious why the 'Defence of Nonconformity' could not have been 'written as a defence of nonconformists' principles'.<sup>53</sup> For these principles were built on assumptions which matched Stillingfleet's but were opposite to Locke's. The 'Defence' exposed these assumptions at many points and reversed their bias in

<sup>51</sup> For the complicity of church and state, see *Irenicum*, 43, 422, 430; for the effects of the Fall on human reason, see E. Stillingfleet, *Origines Sacrae* (London, 1709), 2–3; *Fifty Sermons preached on Several Occasions* (London, 1707), 578–9; for the necessity of 'common helps of grace' to supplement reason, see E. Stillingfleet, *A Discourse Concerning the Idolatry Practised in the Church of Rome* (London, 1672), 493.

<sup>52</sup> Owen, *Brief Vindication*, 16; Baxter, *Answer*, 37. As Stillingfleet tartly observed, neither Owen nor Baxter had been unduly concerned about these 'when they thought the Magistrate on their own side', *Mischief*, 46, cf. *Unreasonableness*, 298.

<sup>53</sup> Marshall, *John Locke*, 107.

developing a positive doctrine absolutely incompatible with them.<sup>54</sup> It denied that the state should support any one particular church, not least because none was in a position to make good on its claims to embody divine truth.

This denial was grounded in an alternative model of the church generated out of materials that were present in Locke's earlier writings but had not before been articulated into an explicit explanatory account. In particular, it reflected assumptions about the irrelevance of the Fall to the adequacy (or otherwise) of human beings to self-direction in line with God's purposes that infused Locke's writings from *Essays on the Law of Nature* onwards. The 'Defence' explained that churches should be understood as products of a natural adequacy, as rational constructions constituted by the will and subsequent agreement of human beings to associate for particular, spiritual purposes. This explanation had obvious implications for how the relations between church and state were understood, and, more especially, for what could be said about the state. Having established the terms on which churches subsisted, Locke was now able to explain what previously he had only 'premisd': that the state subsisted on similar terms—as a rational construction—but for different, secular purposes.<sup>55</sup> In this way, the 'Defence' is the conceptual precursor of *Two Treatises of Government*.

<sup>54</sup> See, e.g. MS Locke c. 34, 42: 'the Presbyterians here doe but y<sup>e</sup> same that most other Churches doe admit the Magistrates power when they think they have him on their side'; For similar sentiments against the Independents, see p. 43, 161: 'The bonds given to their pastors in Independent churches shews how in this contest churches are made like bird cages with trap doores, w<sup>ch</sup> give free admittance to all birds whether they have always been the wild inhabitants of the air, or are got loose from any other cages, but when they are once in, they are to be kept there & are to have the liberty of geting out noe more.'

<sup>55</sup> Locke, *Essays*, 138. Hence the silence about the Fall in the manuscript; Locke, *Essay Concerning Toleration*, 270, cf. 275. For secular purposes, pre-eminently 'y<sup>e</sup> preservation of mankind in this world', see MS Locke. c. 34, 76. It should be noted that Locke premises only the *purposes* of the state as a foundation in the earlier essay; the terms on which it subsists are left open, see 269–70.

## V

The argument of this essay has centred on the general content of the ‘Defence’ and the positive doctrine it develops. The first would need to be treated more extensively and the second more intensively to turn suggestions into conclusions.<sup>56</sup> But perhaps enough has been said to cast doubt upon the wisdom of the tendency we observed in the beginning of the essay. In the manuscript, Locke developed a theory of churches as products of human action that enabled him to treat as irrelevant to the state the claims of particular churches to embody supernatural truth. He argued that church membership was voluntary and could not rightly be coerced; that coercion was unnecessary, illicit, and counter-productive. Locke’s theory did not aim to show that it was circumstantially prudent, or even legitimate, for Protestants to separate from a national church. It showed that *every* individual was free in relation to the state to choose to which religious society he would adhere. Locke’s arguments for the independence of churches from state control decisively altered the bearings of toleration, making it the matter of purely civil significance liberals nowadays assume it to be. The contrast with Stillingfleet and, indeed, with his Nonconformist critics, on this point could not be more firmly drawn.<sup>57</sup>

Certainly, Locke was often critical of both, and his general attitude is neatly encapsulated in the aphorism he borrowed from Horace to sum up the state of the case between the Church and the Nonconformists, ‘*Iliacos intra [sic] muros peccatur & extra*’;<sup>58</sup>

<sup>56</sup> This treatment is currently in preparation.

<sup>57</sup> See MS Locke c. 34, 7, for Stillingfleet ‘declar[ing] His opinion against Toleration, w<sup>ch</sup> is a businesse of the State, not of the Church, and so not properly belonging to the subject before him...the Question of Toleration is whether the Magistrate shall tolerate different Churches’.

<sup>58</sup> MS Locke c. 34, 9. See Horace, *Epistulae*, 1. 2. 16: ‘[Quicquid] delirant reges, plectuntur Achivi. / Seditione, dolis, scelere, atque libidine et ira, / Iliacos intra muros peccatur et extra’ ≡ ‘The Achaeans must pay for the folly of their kings / Sedition,

that is, ‘guilt lies as well within the walls of Troy as without’. But this attitude is justified by arguments that distinguish his writings from the assaults on identified individuals to which those of other participants in the controversy reduce. The latter owed a common allegiance to a given set of intellectual and institutional structures. Their disagreements turned on how particular components within the institutional structure ought to be filled out. Locke argued for the replacement of this set of structures with another and the differences between the two meant that he interpreted certain categories differently. This leaves it far from clear that attributing identities of view to Locke and his contemporaries on the basis of his remarks about subjects with which they both dealt—whether comprehension or toleration—has any explanatory value. What *is* clear is that, on this account, Locke’s arguments emerge as independent of the terms of others and it becomes possible to characterize his views in their own terms. What emerges, specifically, is a defence of Nonconformity conducted on *Lockian* terms. Scholars should therefore reinstate the title given to the manuscript by King.

#### *Addendum*

The very brief excerpt of the ‘Defence’ printed by Goldie includes a number of errors of wording, as follows (page then line number): 373.4: delete ‘and’. 374.2: for ‘for [the question] when it is right’ read ‘for when it is asked’ (*‘askt’*). 374.13: for ‘did’ read ‘do’ (*‘doe’*). 374.26: for ‘when’ read ‘where’. 374.29: for ‘contrition’ read ‘conviction’. 374.31: for ‘wishes’ read ‘either’. 375.2: after ‘Quaker’ insert ‘Clergy’.

Reviewing Nuovo’s book in the previous number of this journal, M. A. Stewart identified some errors of wording in Nuovo’s more

treachery, crime, as well lust and rage, / these are sources of guilt within the walls of Troy and without’, *Q. Horati Flacci Epistulae*, ed. A. S. Jones (London, 1892), 7–8. Thus, the aphorism slyly deflates Stillingfleet’s claim that ‘*Toleration* is that *Trojan Horse*, which brings in our *enemies* without being seen...under the pretence of setting our Gates wide enough open, to let in all our friends’, *Mischief*, 58.

extensive selection.<sup>59</sup> To these the following may be added: 73.6: for ‘entent’ read ‘extent’. 73.20: for ‘the’ read ‘so’. 73.25: for ‘forming’ read ‘right informing’. 74.7: delete ‘&’. 74.8: after ‘of’ insert ‘as’. 74.16: for ‘puts’ read ‘put’. 74.17: the second ‘every where’ should be moved to after ‘men’. 74.22: for ‘planted’ read ‘implanted’. 74.31: ‘any’ is a deletion. 74.35: for ‘impends’ (and the alternative ‘impenches’, suggested by Stewart) read ‘intrenches’, i.e. entrenches. 75.28: for ‘guides’ read ‘suits’. 75.29: for ‘is’ read ‘or’; after ‘to’ insert ‘chuse into’. 76.5: after ‘gold’ insert ‘&’. 76.7: for the first ‘have’ read ‘beare’. 76.9: ‘The stamp makes it neither good nor currant’ should be moved to after ‘naught’ on 76.11, with ‘The’ amended to ‘the’. 77.8: for ‘not be’ read ‘be not’. 77.9: delete ‘it’. 77.15: for ‘serry’ read ‘scarey’. 77.27: for ‘thought’ read ‘thoughts’. 78.6: for ‘or’ read ‘&’. 78.13: for ‘for’ read ‘to’. 78.15: for ‘at’ read ‘or’. 78.19: for ‘great’ read ‘small’. 78.22: for ‘submit to, or publickly owne’ read ‘submit & to publickly owne’. 78.32: for ‘or’ read ‘&’. 78.35: for ‘shew’ read ‘shews’. 78.36: for ‘trappdores’ read ‘trap dores’. 79.2: for ‘volerys’ read ‘volarys’.

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<sup>59</sup> *Locke Studies*, 5 (2005), 241–51, at 247–8.

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