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COMPETING ENLIGHTENMENT APPROACHES TO RELIGION AND  
TOLERATION: HOBBS, LOCKE, TOCQUEVILLE AND RAWLS

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COMPETING ENLIGHTENMENT APPROACHES TO RELIGION AND  
TOLERATION: HOBBS, LOCKE, TOCQUEVILLE AND RAWLS

by

Giorgi Areshidze, B.A.

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COMPETING ENLIGHTENMENT APPROACHES TO RELIGION AND  
TOLERATION: HOBBS, LOCKE, TOCQUEVILLE AND RAWLS

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**Dissertation Abstract:** I present a critical analysis and comparison of the early modern critiques of Christianity and of the institutional strategies for achieving religious toleration through an examination of the thought of Rawls, Hobbes, Locke, and Tocqueville. I argue that the contemporary dialogue over religion is limited by its uncritical acceptance of the American experience with the constitutional regime of religious freedom, which takes its bearings from the scheme of religious disestablishment that Locke articulated in the Letter Concerning Toleration. The aim of my dissertation is to correct this distortion of the history and theory of liberalism, to restore the original theological and practical flexibility of liberal politics, and to articulate competing constitutional arrangements for theocratic reform and transition that are not exhausted by “neutrality.” Instead of presenting a monolithic argument in favor of disestablishment, the early modern liberal thinkers favored a combination of different institutional and educational strategies, tailored to national and local conditions, for reforming the Church and for advancing popular enlightenment. I turn to Hobbes and Hume to recover this case for religious establishment, and contrast and compare their arguments to those of Locke and Smith. In revealing the peculiar strengths and weakness of **both** church establishment and free exercise, early modern rationalists presented a set of flexible institutional and practical guidelines that could inform political statesmanship in its pursuit of the agenda of popular religious reform. Through an analysis of Tocqueville’s Democracy in America and the Old Regime, I show that the uncritical focus on Locke’s regime of disestablishment captures only one side of the complex and multifaceted historical experience of liberalism with religion in Europe and America, and does not do justice to the rich theoretical and political debate that shaped liberalism. Not just Hobbes and Hume, but even Locke himself, in his early Two Tracts and even in the Letter, presented strong practical arguments for and theoretical justifications of limited but real state religious establishments as institutional engines of theological reform. The recovery of this debate is meant to contribute to the capacity of liberal theory to engage in a critical dialogue with non-liberal religion, and to its capacity to articulate competing constitutional and institutional structures that, while unfamiliar to us, may be more suited for theocratic transitions in non-Western and non-Christian societies than the regime of neutrality.

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## Chapter 1: John Rawls and EU Multiculturalism: Is Post-Enlightenment Rawlsian Liberalism Sustainable?

**Abstract:** I trace the vision of the European Union’s “multicultural model” of integration to the theory of a certain version of post-Enlightenment political liberalism, which leaves the citizens’ religious identities intact in order to create a politics that is more genuinely protective of group autonomy, and therefore more inclusive and just toward the individual. By exploring the theoretical shortcomings of this post-Enlightenment approach to liberalism in the political theory of John Rawls, especially in its posture towards religion and separation of church and state, I hope to spotlight how and why multiculturalism has failed in encouraging integration. I then turn to the recent religious jurisprudence of the European Court of Human Rights (ECHR), focusing on its assessment of the foundations of secular toleration. I show that much like Rawls’ political theory, the jurisprudence of HER is ambivalent on the relationship between religion and liberalism and on the theoretical foundations of liberal toleration. This ambivalence culminates in an inescapable disharmony in the Court’s understanding of liberalism: while it wishes to promote the virtue of toleration as a universal (and perhaps even a rational) moral outlook, the ECHR simultaneously eschews an effort to ground it in rationalism, and instead treats toleration and as essentially a legacy of secularized Christianity. In both Rawls’ political philosophy and in the jurisprudence of the European Court, such an admission amounts to an explosive concession that liberalism is not neutral, but rather grounded in a religious conviction, albeit one that takes the form of a secularized political teaching, and therefore throws casts doubt on whether a neutrality-based liberal order is theoretically defensible and practically sustainable. As a preview of the rest of the dissertation’s argument, I begin contrasting the neutrality-based liberalism to the Enlightenment approaches of Hobbes, Locke and Tocqueville, all of whom presupposed that a successful liberal order had to first induce internal religious reform **among** believers to accept liberal political principles.

## INTRODUCTION: OBAMA’S DEFENSE OF GROUND ZERO MOSQUE—AN AMERICAN CIVIL RELIGION?

In the summer of 2010, a controversy arose in the US over whether it is permissible and wise to build a Mosque a few blocks from Ground Zero in New York City. Clearly, the heated national debate had immediate significance to the American public whose views of Islam are unfortunately in part shaped by the events of 9/11. Recognizing the far-reaching importance to our understanding of the limits of religious toleration that this controversy posed, President Obama felt the need to announce his support for the construction of the Mosque. In defending the plan to build the Mosque, President Obama appealed to what seemed like a version of an American civil religion: after invoking the Pledge of Allegiance’s vision of the American republic as “one nation, under God, indivisible,” Obama went on to identify a theological basis for American liberalism by claiming that “we can only achieve ‘liberty and justice for all’ if we live by that one rule at the heart of every great religion, including Islam — that we do unto others as we would have them do unto us.”<sup>1</sup> This statement, which was the earliest and the most articulate version of President Obama’s position, and from which he later partly retreated, presented a few critical assumptions and raised a number of important questions about the role, status and character of religious commitment in the American regime:

- Was President Obama correct to cast the American regime as possessing an “overlapping consensus” of a genuine plurality of religious beliefs that agree on a substantive liberal vision of tolerance and justice, and that this shared vision constitutes a form of unofficial civil religion, at least implicitly recognized by the Pledge of Allegiance’s reference to God?

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<sup>1</sup> President Obama's Statement on the Ramadan Iftar In the White House, August 15, 2010, emphasis added.



- Was he correct to imply, in effect, that the protection of this overlapping consensus requires, not just the legal accommodation of religious pluralism through separation of church and state, but also the active moral commitment on the part of American citizens, on the basis of their privately held religious beliefs, to broad religious and tolerant pluralism in American society?
- Finally, and most importantly, should the US, and Western democracies more broadly, encourage religious minorities, including Muslims, to conceive of their citizenship in liberal democracies in religious terms—and therefore to regard liberalism as sanctioned by and rooted in their own private religious beliefs— or should the West present the requirements of liberal citizenship in secular, rational or some other non-religious, terms?

What is striking is that in the wake of what seemed at first to be a genuine crisis, it took very little time for the issue to disappear and fizzle out. In a paradoxical way, and in a way that is compatible with what Obama can be interpreted to be suggesting about the American civil religion, I argue that the logic of the First Amendment, and of its twin clauses that commit the American constitutional polity to both free exercise and disestablishment, exercised their influence on the debate. In reacting to the Mosque controversy, conservatives refused to question the legal right of the Imam and his supporters to build the Mosque where they wished to, focusing instead on the prudence of constructing the Mosque so close to a site that Americans continue to associate with an act of horrific terrorism and, unfortunately, with a radical ideological perversion of Islam. Precisely because the constitution provided an absolute protection of free exercise that precluded any official interference from the state, the critics argued, the Imam and his supporters had even greater

responsibility to reflect on the inter-faith message that the decision to construct the mosque would send to their fellow American citizens. Not too long after the incident took on national attention, this constitutional logic of absolute First Amendment protections—which almost guaranteed the Mosque supporters a judicial avenue to vindicate their claims in the face of any legal or institutional opposition—combined with broad public but peaceful opposition, created a fissure within the Muslim community itself, so that more than half of polled Muslims supported moving the Mosque to another location or officially converting it to an inter-faith community center. While the story receded from the national spotlight, the constitutional lesson that it contains is illustrative of the assimilationist logic of the American system of separation of church and state and of its unofficial civic religion.

In sharp contrast with this picture of American constitutional disestablishment, consider the avowedly secular commitments of French **laïcité** and Kemalist Turkey. Their constitutional identities invest both of these states with transformative aspirations that explicitly commit the governments to aggressively policing the public sphere by constraining religious expression to a narrow private realm with the aim of securing a distinctively secular national identity.<sup>2</sup> While Article I of the French Constitution affirms “freedom of religion,” it also defines the state as “a Republic that is indivisible, **laïc**, democratic, and social,”<sup>3</sup> a provision that has increasingly been interpreted to require a robust public secularism. Similarly, the Kemalist authoritarian origins of the Turkish constitution directly commit the state and the judiciary with the task of forging an economically modern, politically liberal and increasingly secular Western-oriented republic from the traditionally religious society that

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<sup>2</sup> Jacobsohn, “If an Amendment Were Adopted Declaring the United States A Christian Nation, Would It Be Constitutional? Well...Let’s Look at Turkey.”

<sup>3</sup> Article 1 of the 1958 Constitution of the Fifth Republic of France.

Turkey inherited from the Ottoman Empire.<sup>4</sup> In both cases, such a constitutional disposition implies not just the exclusion of religion from the secular public sphere, but also the direct intervention of the state in the private sphere with the aim of reshaping religious belief along secular lines.<sup>5</sup> In its recent religious free exercise jurisprudence, the European Court of Human Rights (ECHR) has relied on these constitutional commitments to secularism to uphold the French and Turkish laws banning the wearing of the Muslim headscarves in schools, on the grounds that Islamic headscarves represent threats to the secular public order.<sup>6</sup> While other European states do not explicitly share with France and Turkey constitutional commitments to militant secularism, the increasingly critical pressure that is being placed on European multiculturalism is pushing the EU towards a difficult choice: should the EU states follow the lead of the ECHR and adopt the constitutional model of secular imposition of Turkey and France, or should they instead strive to emulate the American model of civil religion under disestablishment? In this chapter, I begin answering these questions by dwelling on the religious situation in the European liberal democracies, which, while they share the basic liberal commitments of the American regime, diverge from the American model in their institutional approach to state-church relations considerably. By beginning to uncover in this and subsequent chapters a moderate

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<sup>4</sup> Despite or perhaps precisely because of this strong secularist constitutional agenda, Kemalist Turkey has experienced a dramatic resurgence of political Islam over the last few decades. For a helpful overview of these assertive constitutional models, and of how constitutional courts have attempted to contain religious challenges to secularism, see Hirschl (2010).

<sup>5</sup> See Azak (2010), p. 175, on the Turkish state's increasingly contested attempt to develop and disseminate in institutions of public education a "modern Turkish Islam" as a means to countering political Islam and fundamentalism.

<sup>6</sup> Following the recommendation of the Stasi Commission, France's National Legislature passed a ban on "conspicuous religious symbols" in primary and secondary schools. The ban was signed into law by President Chirac on March 15, 2004. While the law does not mention any particular religion by name, and appears to be neutral on its face, it was widely understood that the ban was motivated by anti-Muslim animus and aimed specifically to target Muslim headscarves. The Turkish law is even more aggressive insofar as it targets religious symbols not just in the public school, but in all educational institutions. ECHR decisions upholding the bans are: *Dogru v. France*, App. No. 27058/05 (Eur. Ct. H.R. 2008); In sharp contrast to these secularist trends, recently ECHR upheld the display of the Christian crucifix in Italian public schools in *Lautsi and Others v. Italy*, App. No. 30814/06, (Eur. Ct. H.R. 2011)

Enlightenment alternative in the thought of John Locke and Alexis de Tocqueville, I hope to diagnose and evaluate some of the theoretical and constitutional shortcomings of both multiculturalism and militant secularism—the two constitutional postures that appear to be the most tempting institutional solutions for contemporary societies confronting the challenges of religious pluralism. The dormant questions of the foundations and limits of liberal toleration and civic identity that the controversy over the Ground Zero Mosque brought to the fore, and therefore the challenges and rewards of liberal and religious pluralism, are much more vividly discernible in Europe and in Turkey than in the US.

I. THE CRISIS OF MULTICULTURALISM AND THE NORMATIVE FOUNDATIONS OF THE EUROPEAN POLITY: IS CHRISTIAN SECULARISM POSSIBLE WITHOUT THE ENLIGHTENMENT?

If one ponders the experience of the European Union with religion in the public square in recent decades, one is struck not so much by the monolithic secularism of European liberalism but rather by the enduring political-theological tensions that European states are still struggling to resolve on the national and transnational levels. The French version of militant constitutional secularism is, after all, the exception, rather than the norm, within the broader pattern of diverse national church-state legacies in Europe.<sup>7</sup> Europe's multiple decade experiment with multiculturalism was conducted against the backdrop of a complex set of national identities and cultural and religious traditions, among them constitutionally protected state religious establishments and publicly-funded (Christian) religious schools. While these traditional structural features of national identity and religious holdovers from

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<sup>7</sup> For a helpful overview of the competing institutional arrangements in three European democracies, see Fetzer and Soper (Cambridge: 2005). Fetzer and Moser show that the institutional responses to Muslims in European states, and the degree of institutional multiculturalism they have chosen to adopt, have been driven by the legacy of church-state arrangements in each state: assertive secularism or laicite in France, weak establishment in England, and multi-denominational “corporatism” in Germany, have each resulted in a different strain of institutional multiculturalism.

Europe's past had already started to weaken with the onset of substantive secularism, and were expected to recede altogether in the face of the emerging economic and political integration of the EU, the combined pressure of political centralization and the growing challenge of ethno-religious immigration has in fact precipitated their resurgence as the basis of immigrant religious contestation against the European state. As Francis Fukuyama has observed, "Europe's old national identities continue to hang around as unwanted ghosts," and their institutional resilience, even while emptied of traditional religious or cultural content, has been a serious obstacle for the broader hope for the onset of a post-Christian and secular European Union.<sup>8</sup> In the 1980s and 1990s, in particular, Muslim groups used the officially privileged position of Christianity in the political and educational institutions of England, Netherlands, and Denmark to contest the notion that European states are genuinely secular or neutral with regard to religion. While these efforts reached a critical juncture in the Rushdie Affair in 1989, when Muslims petitioned that the British blasphemy law be extended to protect Islam against what they perceived to be the offensive and libelous depiction of the Prophet Muhammad in the Satanic Verses, their resilience went beyond the dispute over the publication of that infamous text: relying on the language of group rights and identity politics, Muslims have continued to legitimately demand similar levels of official enfranchisement of minority religious groups through state subsidies and religious instruction in public schools.<sup>9</sup> These demands for religious equality and for political recognition had genuine force that fed into the multiculturalist wave, because, as the existence of the blasphemy law indicates, European states are emphatically not neutral, in their traditional and constitutional posture, towards religion, but instead legally sanction

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<sup>8</sup> See Fukuyama (2006), p 14.

<sup>9</sup> O'Neill (1999).

particular denominations of Christianity.<sup>10</sup> While the practical and policy consequences of Muslim assertiveness and the demands for “parity with native religions”<sup>11</sup> have varied depending on the competing national contexts in Europe (official multiculturalism in Britain and Germany, secular resistance in France and Belgium), the most important commonality is that the EU vision of neutrality has been effectively challenged under the pressure of religious immigrant demands that the state afford them with the political recognition and financial support that it already provides to Christian denominations. As I show below and throughout the chapter, the challenge of immigration unmask and taps into the philosophical ambivalence in the constitutional identity of liberalism, both in Europe and the US, over whether liberal values should be defined on a Christian or a secular foundation.

The practical challenge to the secular identities of the EU states has been accompanied and exacerbated by a more profound and deeper internal philosophical questioning within the Western intellectual world of the soundness of the liberal constitutional order. The forefather of this philosophic attack on the theoretical foundations of liberalism was, of course, Frederick Nietzsche, who mounted a frontal assault on the rationalist enterprise of the Enlightenment as a misguided effort, rooted in a transfigured and secularized religious impulse, to reshape the human world through will-to-power.<sup>12</sup> In its contemporary antifoundationalist form, this Nietzschean critique of the Enlightenment asserts that the political principles which liberalism espouses as being grounded in rational truth—the constitutional protections of individual rights and the separation of church and state—short of being rationally demonstrable and defensible, in fact reveal liberalism’s implicit bias towards a specifically narrow, materialistic, individualistic, and ultimately democratic way of

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<sup>10</sup> See also, Rath, Groenendijk and Meyer (1999).

<sup>11</sup> Modood (2003).

<sup>12</sup> Pangle (1992).

life that is dependent for its spiritual and moral authority on a secularized version of Christianity: liberalism is at bottom not an outcome of rationalism, but of faith transfigured through history.<sup>13</sup> As an illustration of the antifoundationalist desire to get beyond the rationalism of the Enlightenment, and its propensity to regard modern rationalism as a religious impulse, consider the following claim that Richard Rorty made in one of his last public lectures, delivered at a conference in Iran: “We anti-foundationalists, however, regard Enlightenment rationalism as an unfortunate attempt to beat religion at religion's own game – the game of pretending that there is something above and beyond human history that can sit in judgment on that history.”<sup>14</sup> From Rorty’s perspective, while liberal constitutionalism may be defensible on traditional, historical and even practical grounds, it does not for that reason exhibit any higher claim to reasonableness and therefore to human dignity than do other, non-Western and even potentially illiberal institutions and cultures. But while he is willing to embrace, and even to proclaim, the death of rationalism as a foundation of our way of life, Rorty does not follow Nietzsche, who, when he proclaimed the death of God and of modern rationalism, also rejected liberal democracy: “We argue that although some cultures are better than others, there are no transcultural criteria of ‘betterness’ that we can appeal to when we say that modern democratic societies are better than feudal societies, or that egalitarian societies are better than racist or sexist ones.”<sup>15</sup> So long as liberal constitutionalism continues to aspire to a rational foundation, and persists in regarding its political institutions as having universal validity and applicability, it risks losing sight of the

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<sup>13</sup> A similar denial of rationalist foundations of liberalism, and the implications of that denial for the constitutional separation of church and state, are discernible in the writings of Stanley Fish

<sup>14</sup> Rorty (2007).

<sup>15</sup> Rorty (2007) continues in the same quote: “We are sure that rule by officials freely elected by literate and well-educated voters is better than rule by priests and kings, but **we would not try to demonstrate the truth of this claim to a proponent of theocracy or of monarchy.** We suspect that if the study of history cannot convince such a proponent of the falsity of his views, nothing else can do so,” *ibid* (emphasis added).

fact that the liberal way of life that it cherishes so much finds its vitality, not so much in self-evident rational truths, but instead in its peculiar experience of history that has bred a certain form of conventional “light-mindedness” about theological questions which makes peaceful democratic existence possible, and that this light-mindedness and herd mentality that it breeds “may be a reasonable price to pay for political freedom.”<sup>16</sup>

As one can expect from the preceding short discussion, however, Rortian antifoundationalism finds it difficult to offer an intelligible and satisfactory response to those religious believers who are not willing to strike a similar historical bargain of “light-mindedness” with liberalism, and who continue to insist that political life regard the moral demands of religion, especially in its revealed form as the word and the law of God, seriously.<sup>17</sup> In light of this profound loss of confidence in the theoretical viability of their way of life, and their growing incapacity or Rortian unwillingness to defend liberalism on rational grounds, it is not surprising that the European liberal democracies have come under increasing strain from precisely those citizens who find the secular commitments of the EU states especially troubling and disconcerting. But, this picture is further complicated by the fact that the antagonism between religious belief and European secularism has been conducted not so much in terms of claims of individual rights to religious liberties, but instead in the language of post-colonial group rights discourse: Tariq Modood rightly points out that even while they challenge the hegemony of European secularism as a regime that publicly marginalizes, and implicitly deprecates, spiritual and religious concerns, Muslims

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<sup>16</sup> Rorty (1990), pp. 271-273, and p. 269.

<sup>17</sup> Consider Rorty’s unhesitating and impulsive dismissal of those who question, or even reject, liberal democracy on religious or spiritual grounds: “Rather, we heirs of the Enlightenment think of the enemies of liberal democracy like Nietzsche and Loyola as, to use Rawls’ word, ‘mad.’ We do so because there is no way to see them as fellow citizens of our constitutional democracy, people whose life plans might, given ingenuity and good will, be fitted with those of other citizens. [...] They are crazy because the limits of sanity are set by what **we** can take seriously. This, in turn, is determined by our upbringing, our historical situation” *ibid*, p. 266-267 (italicized emphasis in the original, underlined emphasis added).



have been quiet adept at effectively appropriating the contemporary discourse of group and ethnic identity in demanding official recognition from the state. In doing so, by pursuing the postmodern European invitation to conceive and publicly articulate their citizenship in terms of their distinctive socio-religious identity, Western Muslims, in cooperation with and encouragement from their European intellectual, legal and political facilitators, have transformed a legitimate claim to equality and to individual religious expression and social accommodation within a liberal polity into a movement that aspires to transform the constitutional identity of that polity.<sup>18</sup> As a result, the widespread loss of confidence in the political program of Enlightenment rationalism—one that culminates in the sanctity of individual autonomy as the foundation of individual liberties and of human dignity—has converged, in the European instance, with the rise of Western postmodern multicultural language that is increasingly employed, with official state encouragement, to construct demands for legal recognition for ethnic and religious group autonomy or self-determination.

The policy outcome in response to this complicated set of pressures led to the regime of European multiculturalism which entailed a genuine concession to the complaints against the mythical neutrality of liberalism. In a retrospective report on the government sponsored analysis that he authored in 2000 as the Chair of Commission on the Future of Multiethnic Britain, Bhikhu Parekh crystallized the policy wisdom of this multicultural approach by explicitly claiming that the acknowledgment of British diversity required transcendence of a substantive vision of a good life: “When we see Britain as a community of individuals and

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<sup>18</sup> “Muslim assertiveness, then, though triggered and intensified by what are seen as attacks on Muslims, primarily derived not from Islam or Islamism but from contemporary Western ideas about equality and multiculturalism. While simultaneously reacting to the latter in its failure to distinguish Muslims from the rest of the ‘black’ population and its uncritical secular bias, Muslims positively use, adapt and extend these contemporary Western ideas in order to join other equality seeking movements,” (Modood, 2003), p. 109.

communities rather than as a nation or nation-state, we bypass [...] problems [...associated with national identity...]. We appreciate its internal plurality, as well as the need to base its unity and cohesion, **not on a common substantive vision of the good life**, but on an acceptance of its cultural and moral diversity”<sup>19</sup> (emphasis added). Since citizens had 'differing needs,' equal treatment required 'full account to be taken of their differences.' Equality, the report insisted, 'must be defined in a culturally sensitive way and applied in a discriminating but not discriminatory manner” (ibid). Multiculturalism, therefore, internalizes on a policy level the antifoundationalist denial that liberalism requires a rational moral foundation by deliberately constraining the state from making substantive cultural and moral demands on its citizens as individuals, and prefers to speak to them in terms of deeply divided groups that can somehow still be expected to coexist in a peaceful and cohesive society. It was on the basis of this antifoundationalist and post-Enlightenment understanding of the requirements of diversity that the EU sought to construct an accommodationist multicultural liberalism which leaves the citizens’ religious identities intact in order to create a politics that is more protective of group autonomy, and in that sense more inclusive, tolerant and just. As I show in this dissertation, while liberalism can live up to its name only insofar as it genuinely strives to be inclusive and accommodationist, especially of religious belief and expression, if it is to succeed at forging a shared moral vision of liberal citizenship that can speak even and especially to religious believers, it can do so neither in terms of a public philosophy of neutrality nor through an antifoundationalist policy of multiculturalism, but must instead return to, and reconsider afresh, the Enlightenment rationalist roots of its liberal democratic civic ethos.

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<sup>19</sup> Parekh (2001), p. 695.

The results of the EU experiment, therefore, seem to provide an extremely vivid illustration of some of the key tension-ridden features of the post-Enlightenment Rawlsian paradigm of political liberalism, which, even while it aspires to secure an “overlapping consensus” within the framework of a genuinely neutral and secular public space, cannot avoid confronting theological challenges to its liberal and secular priorities. Signs of a crisis in EU multiculturalism are there to see for anyone who wishes to look. In a speech on Multiculturalism and Integration in 2006, Tony Blair succinctly summarized the attitude of many Europeans in the wake of 7/7 bombings: “We like our diversity. But how do we react when that ‘difference leads to separation and alienation from the values that define what we hold in common? For the first time in a generation there is an unease, an anxiety, even at points a resentment that our very openness, our willingness to welcome difference, our pride in being home to many cultures, is being used against us; abused, indeed, in order to harm us.”<sup>20</sup> More recently, Angela Merkel went much further when she announced that Germany’s attempt “[to build] a multicultural [society]... has failed, utterly failed.” Blair and Merkel’s relatively moderate diagnosis of the problem pale in comparison to the pathological and extreme reaction to this failure that is discernible in the growing appeal of right wing anti-immigration political parties throughout Europe, especially in Netherlands and Germany, that want to replace multiculturalism, and even potentially put into question the transnational integrationist aspirations of the EU project, with a rejuvenated nationalism that

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<sup>20</sup> Blair (2006). Anticipating the assertiveness that is starting to characterize official British discussions about national identity, Blair went on to add that “when it comes to our essential values - belief in democracy, the rule of law, tolerance, equal treatment for all, respect for this country and its shared heritage - then that is where we come together, it is what we hold in common; it is what gives us the right to call ourselves British. At that point no distinctive culture or religion supercedes our duty to be part of an integrated United Kingdom.” But this insistence on shared values and identity only begs the question: where do these values comes from? Do they possess a normative foundation, and is that foundation rational or theological? And how does a liberal state promote consensus around such values?

centers around Europe's closed Christian identities.<sup>21</sup> Merkel and other European leaders of course are not alone in diagnosing the challenges facing European societies as partly the result of the failure of post-Enlightenment multiculturalism, since these sentiments are not limited to European politicians. Indeed, some of the very same public **intellectuals** who had championed a post-Christian multicultural vision for Europe have begun to have grave doubts about the capacity of multiculturalism to encourage civic integration and to provide a normative and inclusive foundation for citizenship.

As an illustration of the intellectual trajectory that this critical situation seems to foster, consider the strange convergence, from two drastically opposed starting positions, between Jürgen Habermas and Joseph Cardinal Ratzinger, around the common proposition that the European liberal constitutionalism is rooted in a secularized version of Christianity, and that while Europe may owe to the Enlightenment its secular heritage, it cannot be said that that heritage is either rational or universal.<sup>22</sup> Habermas, who seems to betray an extremely radical rationalist starting point by claiming to be “tone death in the religious sphere,” (11) still insists that reason cannot claim to know what “may be true or false in the contents of religious traditions” (42). But, at the same time, Habermas also concedes the untenability of a secular position that complacently and unreflectively dismisses the claims that emanate from these religious traditions, on the one hand, and the insufficiency of a pluralistic position that simply acknowledges and celebrates the deep religious and moral diversity that they foster, on the other. Liberal societies should indeed be more inclusive of religious claims than they have been, but they must do so while simultaneously promoting a cohesive

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<sup>21</sup> On his first day on the job in March 2011, Hans-Peter Friedrich, Germany's new interior minister, said, "To say that Islam belongs in Germany is not a fact supported by history."  
<http://www.npr.org/2011/04/27/135745530/far-right-parties-gain-ground-in-european-politics>

<sup>22</sup> Habermas and Ratzinger (2005). I return to this illuminating debate between Habermas and Ratzinger in the last chapter of the dissertation.

vision of liberal citizenship that does not rely on rationalism. Since it is futile to search for a rational and secular normative foundation for such a liberal vision of citizenship,<sup>23</sup> Habermas insists that what is needful is for liberalism to embrace a post-secular age in which it consciously turns to religion, and through the collective trust-building process of deliberative democracy, induces religious believers to acquire a stake in the secular state and therefore undergo the same process of secularization that transpired in Christianity. But, in a paradoxical twist, Habermas suggests that such a process of mutual learning and communication through a strictly procedural conception of deliberative democracy will make the secularized “substance of biblical concepts,” to which we owe liberalism, “accessible to a general public that also includes those who have other faiths and those who have none” (45). But if indeed we owe our liberalism to secularized “biblical concepts,” then is Habermas not conceding Ratzinger’s theological point that the procedural dialectic of deliberative democracy is not in itself sufficient to build loyal citizenship, especially among non-Christians, since it relies on a pre-political or pre-procedural normative consensus around values that are essentially Christian in their origin?

If the preceding diagnosis is accurate, we are compelled to raise the following questions about the normative foundations of the liberal values of tolerance and separation of church and state:

- Does the “retreat of multiculturalism,” and the continuing growth of unanswered religious commitments of immigrants in Europe, condemn the EU states to emulating the increasingly illiberal secularism of French laicete in their effort to

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<sup>23</sup> Habermas subscribes to a version of Rawls’ “political liberalism,” in this case described as possessing “a non-religious and post-metaphysical justification of the normative foundations of democratic constitutions.”

reconstitute their national identities? Are there no alternatives to good-natured but ineffective multiculturalism, on the one hand, and anti-religious and illiberal secularism on the other?<sup>24</sup>

- Or does liberalism, especially as it was articulated originally in early modern political philosophy, possess theoretical and practical resources that are exhausted neither by multiculturalism nor by aggressive secularism that should give us hope as we confront an increasingly globalized and ethnically and religiously divided Western world?

## II. RAWLS AND THE FOUNDATIONS OF MULTICULTURALISM IN POST-ENLIGHTENMENT LIBERALISM

In order to better articulate the assumptions that underpin the multiculturalist critique of the deficiencies of liberal neutrality, I wish briefly to turn to the political thought of John Rawls, and to his influential critique of Enlightenment liberalism. I turn to Rawls in order to show the ambivalent status of group rights, in particular the rights of religious groups, in the most dominant theoretical conception of liberalism that wants to self-consciously discard the Enlightenment assumptions that informed early modern thinkers. At the same time, I turn to Rawls because his theory illuminates both the motive behind, and the preferred strategy of, multiculturalism as an alternative to Enlightenment liberalism. The modern Enlightenment was an effort of rational theological reform, aimed at reinterpreting, and, in the process, enlightening inherited religious opinion in the service of liberal political priorities and under the guidance of modern rationalism. A central feature of this early Hobbesian effort was a rationalist assault on revealed religion, in particular Biblical

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<sup>24</sup> Jopkke (2004); Triadafilopoulos (2011).

Christianity, as the source of moral and political guidance for human beings, that aimed at instilling a decidedly individualistic and secular worldview. But the Enlightenment evolved beyond Hobbesian absolutism and matured in Locke's constitutionalism and disestablishment, which turned rationalism to the task of providing an increasingly tolerant, humane, and liberal reading of the Bible as a theological source that could morally support, spiritually enrich, and make more appealing, the rational liberal individual rights that constitutionalism aims to secure. Rawlsian multicultural liberalism, too, wishes to extend the protections of liberalism only to those groups that are tolerant and respectful of others, and have accepted liberal priorities, but it wants to do so without relying on the normative character of Enlightenment rationalism as it is applied to theology, including especially orthodox theology.<sup>25</sup> According to Rawls, political liberalism aims to vindicate the claim that "there is, or need be, no war between religion and democracy. In this respect, political liberalism is sharply different from and rejects Enlightenment Liberalism, which historically attacked orthodox Christianity."<sup>26</sup> The motive behind Rawls' break with Enlightenment rationalism, and his attempt to establish liberalism as "a self-standing conception of justice," not dependent on any contentious or divisive religious or moral doctrines, is the desire to achieve greater consensus than Enlightenment liberalism was able to secure on its own with the help of modern rationalism (Rawls, 2005, p. 485). Free-standing liberalism, from Rawls perspective and from the perspective of multiculturalism, promises to secure a greater degree of consensus among those who disagree on comprehensive questions, including especially among religious believers, than does liberal rationalism. Like modern-day multiculturalist critics of liberal neutrality, the chief goal of Rawlsian liberalism is greater inclusiveness as the condition for the legitimacy and stability of the liberal democracy.

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<sup>25</sup> For an extremely illuminating overview, see Owen (2001).

<sup>26</sup> "The Idea of Public Reason Revisited," in Rawls (2005), p. 486.

Although Rawlsian liberalism has been criticized for unduly burdening religious claims, and even altogether banishing them from public life,<sup>27</sup> Rawls himself was insistent about the persistence of certain kinds of comprehensive and theological doctrines under political liberalism. Rawls insists that public reason in the liberal order must not appeal to justifications that depend on any one particular comprehensive doctrine at the expense of others, but he does not believe that democratic life can be sustained without such doctrines: “I assume **all** citizens to affirm a comprehensive doctrine to which the political conception they accept is in some way related”; “we **always** assume that citizens have two views, a comprehensive and a political view”; “**all** those who affirm the political conception start from within their own comprehensive view and draw on the religious, philosophical, and moral ground it provides” (12, 140, 147, emphases added). Here, Rawls’s vision seems to be quite close to Habermas’ vision of liberalism as a plurality of comprehensive, and potentially incompatible, private beliefs, that nevertheless overlap to form a consensus about the legitimacy of liberal politics. But the political liberalism that Rawls has in mind is intended to be neither an uneasy “modus-vivendi,” or a prudential political compromise, between individuals committed to incompatible beliefs and doctrines, nor a regime of “boutique multiculturalism” in which differences in beliefs are merely superficial and therefore ultimately unimportant (147). His critics have generally misinterpreted the strategy behind Rawls’ “free-standing” liberalism as requiring complete separation or detachment from truth claims, because Rawls himself believed that the character of the consensus at the heart of the liberal order should reflect, and be morally supported by, the citizen’s privately held beliefs. From Rawls’ perspective, the resilience of privately held absolute beliefs and truth claims, both religious and nonreligious, as the foundation of individual allegiance to a

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<sup>27</sup> Greenwalt 1988; Stout 2004; Weithman 2002; Wolterstorff 1997.



democratic regime is not only unavoidable, but also necessary and desirable for a healthy and pluralistic society: “we want a political conception to have a justification by reference to one or more comprehensive doctrines,” because only such a conceptions can provide the moral consistency, spiritual meaning and broad popular appeal to liberalism that rationalism alone is incapable of providing (12). Thus, while from the private perspective of the individual citizen, the legitimacy of political liberalism depends on its congruence with his or her privately held particular comprehensive doctrine, from the public perspective of freestanding liberalism, it is not important which, if any, of these doctrines is true, so long as religiously devoted citizens abide by the liberal requirement that they “translate” their claims into the Rawlsian language of public reason.

In light of this paradoxical readmission of comprehensive doctrines into political liberalism, it becomes increasingly clear that when Rawls says that his liberalism is “freestanding,” he does not mean that it is free of all normative foundations, but rather that he is reluctant to attempt to provide such a foundation himself. While Rawls presents his “freestanding” liberalism as a fuller articulation of the incomplete promise which Enlightenment liberalism was incapable of fulfilling because of its parasitic dependence on rationalism, in presupposing private comprehensive doctrines for its moral support, political liberalism seems to fail its own test of what constitutes a “freestanding” political consensus. Instead, it appears more and more clearly that instead of shaping such a consensus through rational argumentation, the Rawlsian account presupposes precisely the moral and theological consensus that he claims political liberalism is more capable of achieving than Enlightenment rationalism. Consider Rawls’ admission that the only reason liberalism can finally aspire to be freestanding is because historical progress has freed the Western democracies from the need to resolve the sort of religious and clerical conflicts that

entangled Europe in religious warfare: In the sixteenth century, Catholics and Protestants did not possess “an overlapping consensus on the principle of toleration. Both faiths held that it was the duty of the ruler to uphold the true religion and to repress the spread of heresy and false doctrine” (148). Our acceptance of toleration after the Reformation emerged initially as a “modus vivendi,” as a grudgingly accepted temporary ceasefire between the hostile parties, because it provided the “only workable alternative to endless and destructive civil strife” (156). But as Rawls himself eventually acknowledges, this ceasefire or “reluctant” “modus vivendi” had to be transformed into a genuine cohesive moral vision that united the religious parties in a reformed commitment to a tolerant and “reasonable” Christianity, in order to make the intolerant views of sixteenth century Catholics and Protestants a decided “minority” in our society (148). In depending on this historical transformation, Rawls’ political liberalism loses its claim to embody a deep and genuine moral and theological diversity that he claimed it possessed. The inescapable conclusion, then, seems to be that the “overlapping consensus” that Rawls wants to see as the foundation for the social cohesion of political liberalism depends on our peculiar and therefore contingent historical experience, through which we have inherited toleration as a legacy of liberalized Christianity, because Rawls himself insists that “political liberalism” does not take a rationalist stand on the deep theological questions that divided Catholics and Protestants (xxvii). But, if we return for a moment to Rorty’s critique of foundational liberalism, does this discovery not mean then that liberal constitutionalism is, at bottom, a “faith,” and therefore, as Nietzsche proclaimed, an act of will-to-power, as distinguished from the universal political conclusions of unassisted human reason? If, as Rawls seems to imply, liberalism in fact unconsciously depends on such a theological inheritance of secularized and liberalized Christianity, then we are prompted to have an even more serious reason to ask how well liberal institutions can

actually speak to religious believers, especially non-Christian believers, both within and outside of the Western world, who have not yet undergone, and for good reasons do not wish to undergo, such an intrusive process of secularization.

Having spotlighted what I believe to be the dependence of Rawls' framework on a specific sort of intellectual and spiritual conformism of comprehensive doctrines—i.e., those that already accept the Rawlsian injunction to leave morally and theologically divisive issues in the realm of private opinion and to translate their moral commitments into publicly justifiable and therefore reasonable language—it behooves us to reconsider Rawls' relationship to the modern Enlightenment and Christianity. Rawls insists that liberalism cannot judge the truth or falsehood of any such doctrines, including those theological opinions that continue to dispute the truth and legitimacy of liberalism itself (xxvii). Political liberalism cannot adjudicate rationally between the various competing faiths that constitute a genuine plurality, on whose support Rawls claims liberalism continues to depend for long-term practical stability and for broad moral and psychological appeal. All that political liberalism can do is insist that devoted believers “reconcile” themselves to the historical triumph of political liberalism, by following the Rawlsian injunction to translate their privately held beliefs into the language of public reasons when they appeal to them in public. Rawls therefore simultaneously desires political liberalism to leave comprehensive doctrines, and therefore high-order disputes about moral and theological truths, intact, while expecting privately held beliefs to serve as the foundation of individual devotion to liberalism and public reason. Unlike the Enlightenment thinkers like Hobbes and Locke, however, Rawls does not provide a blueprint for how this translation is to take place, and how inherited theological opinions are to undergo the process of “reconciliation” with and integration into the liberal order, for he desires to do away with the rationalism of the Enlightenment.

Neither Rawls and his supporters, nor Richard Rorty and other critics of political liberalism, have paid sufficient attention to precisely **how** liberalism is to bring about such an enlightening transformation of illiberal religious beliefs, because they have not paid sufficient attention to how modern rationalism spearheaded the effort to bring about precisely such a transformation in the seventeenth and eighteenth-century Europe. In the absence of such an effort of public civic education that can render inherited religious opinion compatible with rationalism, and thereby with public reason, the multicultural model of political liberalism is bound to run up against resistance from entrenched traditions and beliefs that refuse to bow to the authority of the overlapping consensus.

To illustrate what I mean by suggesting that Rawls and his supporters fail to do adequate justice to the question of how such a transformation is to take place, let me turn briefly to a contemporary application of Rawls' doctrine of the overlapping consensus to Islamic immigrants inhabiting Western democracies. In Chapter 5, I put the implicit promise of political liberalism to be more tolerant of illiberal religion than Enlightenment liberalism to a rationalist test, by taking up both the recent attempts to apply this approach to Islam and Islamic citizenship in Europe,<sup>28</sup> as well as the more prominent approach advocated by Stephen Macedo that also relies on Rawls in order to defend the "transformative hegemony of liberalism" and to encourage civic education among religious believers in America.<sup>29</sup> In Islam and Liberal Citizenships, Andrew March attempts to demonstrate that it is precisely the abstinence of political liberalism towards truth claims that makes it acceptable, and appealing, to citizens who do not share in the vision of the good life that is at the heart of Enlightenment liberalism: "Nonliberal citizens hostile to comprehensive forms of liberalism

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<sup>28</sup> March (2009); Ramadan (1999).

<sup>29</sup> Macedo (2003).

should thus have reasons to endorse political liberalism, where they do not have reasons to endorse liberal regimes based on “perfectionist” public justifications” (March, 2007). But by following the Rawlsian invitation to divorce liberalism from Enlightenment rationalism, and therefore to sever the cord connecting liberalism to a commitment to a particular rational and individualistic vision of the “comprehensive doctrine,” March’s framework cannot stop short of inviting in the “overlapping consensus” not just the institution of polygamy,<sup>30</sup> but also state policies regulating “insensitive speech” so as to insulate religious sensibilities against vociferous public criticism. The attempt to view liberalism as an “overlapping consensus,” as a procedural “modus vivendi” that abstains from the task to reconstitute religious beliefs according to the rationalist vision of liberal individualism, therefore, short-circuits the capacity of liberal constitutionalism to protect its ideational and avowedly rational commitment to the twin principles of equality and freedom of speech. Finally, as is becoming clear in Europe every day, because it is dismissive of the genuine spiritual longings that inform the profound religious misgivings against the homogenizing and secularizing pressures of modern democracy, Rawlsian liberalism fails to do justice to the critical contribution that religion can actually make to a healthy society.

The foregoing analysis should help us grasp the profound challenges that European liberalism confronts in integrating Muslim as well as other ethnic and religious groups, and why “the old multiculturalist model,” so popular during the last two decades, appears to be in retreat in Europe today.<sup>31</sup> Because European liberalism has tried break out of the relatively more consistent shell of Enlightenment liberalism, and the public expectations that that version of liberalism places on religion, by shifting its public discourse towards

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<sup>30</sup> March (2011).

<sup>31</sup> Joppke (2004).

multiculturalism, it is finding it increasingly difficult to muster the intellectual, legal and institutional resources to articulate the rational case for integration and toleration. More importantly, however, the practical deficiencies of EU multiculturalism that I have spotlighted, and the avowed inability of Rawlsian political theory to speak to illiberal religious believers, compel us to reconsider the soundness of any policy approach that assumes that integration in a liberal order can take place without a prior transformation of religious beliefs, and the feasibility of a liberal political theory that deliberately shuns confronting burning theological issues from the perspective of liberal civic rationalism. When we turn from contemporary liberal thought to the early modern Enlightenment in search for an alternative perspective on the role of religion in a liberal society, the most striking difference that comes to our attention is that the Enlightenment was directly engaged with such theological issues, and that it was preoccupied with advancing, and even grafting on Biblical theology, a decidedly rationalistic civic ethos. In aspiring to establish a post-Enlightenment liberalism, contemporary liberal thought has exempted itself from the responsibility to engage in a searching and critical dialogue with revealed religion. It has therefore forfeited its obligation to confront and rationally assess, in light of a standard of justice discernable to human reason alone, the plausibility of the moral and political imperatives that revealed religion imposes on human beings. By substituting “metaphysical neutrality” for rationalism, political liberalism has short-circuited the dialogue that liberals cannot avoid engaging in if they are to offer compelling reasons to devoted religious believers for genuinely accepting liberal political priorities. The Enlightenment strategy, on the other hand, was to foster precisely such a critical dialogue with religion, even if it required presenting liberal rationalism as a legitimate practical and theoretical antagonist against revelation and as a worthy object of mankind’s devotion. In aspiring to answer the

challenge that Rawls seems to have given up on—the **theoretical** challenge of revealed theology to reason—the Enlightenment first had to vindicate the capacity of modern rationalism to create a civic culture that could effectively solve the **political** problem posed by religious pluralism, above all in its illiberal form, to liberalism.

### III. RADICAL AND MODERATE ENLIGHTENMENT AND THE TRANSFORMATIVE AGENDA OF LIBERALISM

As my argument implies, unlike present-day European multicultural policies and the Rawlsian theory of liberalism on which it rests, Enlightenment liberalism had no such illusions about its capacity to avoid the challenge of illiberal religion by simply ignoring it. It did not share the post-Enlightenment or anti-foundationalist doubts about the capacity of reason to engage in a critique and reinterpretation of Biblical revelation, in order to supply the theological and philosophical steps through which religion could, in Rawls' words, "reconcile" itself with liberal principles. Enlightenment liberalism was so far from considering neutrality as the core of its moral and political agenda, it was so far from believing that it could bracket the disputes about the deepest (moral and theological) issues at the heart of foundational beliefs, that it constructed its whole rhetorical approach around the effort to reshape and reconstitute those very beliefs.<sup>32</sup> As becomes clear if we reflect on the name with which this project has come to be known, the Enlightenment was at its core an enterprise of civic education, an ambitious project of cultural, political and religious transformation without which neither genuine disestablishment nor thoroughgoing neutrality are feasible. While they all agreed that revealed religion had to undergo a transformation in

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<sup>32</sup> When pressed on this point, Rawls, and some of his supporters (Macedo, March), tend to acknowledge that the liberalism is transformative of religious belief, but they tend to regard liberal rationalism not as the instrumental foundation and mechanics for such a transformative pluralism, but as an obstacle to deep but "reasonable" diversity of beliefs. See especially Owen (2001)

order to become compatible with liberalism, the specific cluster of thinkers that I spotlight—Hobbes, Locke, and Tocqueville—exhibited profound disagreements on the specific nature of that transformation as well as on the appropriate strategic and institutional methods for achieving the type of civic culture that could bring about and sustain a healthy individualistic society and ultimately a liberal civic ethos. The very disagreement over the question of church establishment between Hobbes and Locke reflected a lack of consensus on whether public enlightenment required the active and watchful intrusiveness of the state, through an official church establishment that subordinated religion to state control in the service of secular goals, or whether it could be more effectively encouraged through a regime of pragmatic and gradual disestablishment which would supply the institutional incentives that would exercise a more subtle, but at the same time more deeply effective, pacifying influence on religious beliefs that could, in turn, make a genuinely positive contribution to political life. Thus, contrary to what Rawls and other contemporary First Amendment absolutists teach us about the constitutional neutrality of the secular state, my study demonstrates that liberalism, properly understood, both requires and makes room for much more institutional and theological flexibility with respect to religion—including its public expression—than we are accustomed to believe. Indeed, insofar as Locke and Tocqueville succeed at moderating Hobbes’ radical Enlightenment, they did so by providing a conception of liberalism that could supply substantive and spiritual ends to human beings that transcended the singular Hobbesian devotion to civic peace through absolutism. As I will show in Chapter Five, instead of emulating France in impulsively embracing a legalistic and inflexible understanding of public secularism in the wake of the collapse of European multiculturalism, European nation-states have more hope in addressing the needs of their religiously committed Muslim immigrants, and especially in encouraging them to see an ally in liberal



constitutionalism, by recovering both a positive civil role for religion in liberal democracy and by rejuvenating the rationalism and theological flexibility of Enlightenment liberalism.

More fundamentally, if it is true that liberalism presupposes a certain type of transformation of religious belief (something that appears to be necessary for religious disestablishment to flourish), what theological and philosophical resources are available for such a transformation in Western political history and in Enlightenment theory? If or insofar as the Rawlsian paradigm of neutrality is insufficiently appreciative of the degree to which liberalism itself reshapes religious beliefs, and overlooks how much liberalism depends on or presupposes a religious or theological-cultural transformation within inherited opinion, what theological models does the Enlightenment supply for such a transformation of revealed religion? In the central theoretical chapters of this dissertation (Chapters 2 through 4), I turn to three very different approaches that the Enlightenment championed for bringing about such a transformation, approaches that genuinely transcend neutrality in aspiring to shape citizens that would be committed to the moral-psychology of individualism and ultimately to the political principles of liberalism. I argue that the inherent limits of public enlightenment induced modern thinkers to articulate competing rhetorical strategies which, with varying degrees of emphasis, aimed at appropriating, exploiting, and gradually undermining, traditional Christianity, with the goal of preparing its transformation into a politically responsible and morally liberal civil religion that could serve secular political goals. My central contention in these chapters is that the hostile reception that the radical theology of the early Enlightenment—especially the theology contained in Hobbes’ *Leviathan* as well as in Spinoza’s *Theological-Political Treatise*—elicited among their contemporaries imposed upon Locke (and eventually upon Tocqueville) the task of infusing liberal rationalism with a more moderate and humane, though ultimately no less reformist, disposition towards

Biblical revelation: Locke realized that if the Enlightenment were to succeed, it would have to make use of a much more sophisticated theological rhetorical cloak than either Spinoza or Hobbes were willing or able to employ, both in its political teaching but also, and especially, in its interpretation of the Bible.<sup>33</sup> At the same time, both Locke and Tocqueville realized that the unadulterated harshness of Hobbesian morality was ill-suited for promotion as the foundation of a public liberal culture, especially among religious believers, and that accordingly the prescriptions of modern rationalism had to be wedded with a theological outlook that could moderate the harshness both of the Enlightenment and of traditional theology. While each alternative political-theological trajectory represents a **version** of the enlightenment reform agenda, still each institutional model reflects a competing conception of the appropriate balance between liberal individualism and religion, as a source of spiritual and moral support for liberal politics, that these thinkers believed was necessary to sustain the modern state and its moral vision of enlightened self-interest.

Precisely because the world that the Enlightenment confronted was one of profound theological divisions, albeit, as I stress in Chapter 5, of a different sort than the divisions we confront today, the success of its **theoretical** project—the desire to vindicate man’s reason as his “only star and compass”—was contingent on the effectiveness of its **political** solution to theological strife. From this perspective, the promise of modern rationalism could be fulfilled only to the extent that the Enlightenment succeeded at reshaping human beings in a

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<sup>33</sup> As Rabieh (1991) it in his treatment of Locke’s Reasonableness of Christianity: “But there is an arguably more important reason for a follower of Hobbes in any age to write covertly than the risk of persecution: a raw Hobbism seems ill-suited for promotion as the foundation of public morality, certainly among a religious public. A morality nakedly based on considerations of self-interest offends moral sentiments, and it is therefore little likely to gain converts. Moreover, considering that the characters of citizens would reflect the harshness of such a morality, one might hesitate to promote this morality forthrightly even if one thought it possible to win converts. Such reasons justify using the religious beliefs already existing among a public to moderate the harshness of a Hobbesian morality—even in the service of promoting a Hobbesian rationalism to moderate the harshness of religious believers,” p. 935.

way that their attachment to revelation, or to any other preliberal moral or theological commitments, would no longer challenge political sovereignty devoted to securing secular ends. From the perspective of the Enlightenment’s cultural and religious transformative ambitions, the competing institutional solutions that Hobbes and Locke proposed—the subordination of religion to political absolutism, on the one hand, and separation of church and state through liberal constitutionalism, on the other—were understood not so much as absolute inflexible principles, but rather as tactical or strategic conduits for encouraging such a civic transformation, and therefore ultimately subservient to the broader civic rationalist goals that they were meant to fulfill. As I have already begun to indicate, both Rawlsian liberalism (and its policy expression in EU multiculturalism) and militant secularism (in the French form of *laïcité*, in the American version of strict separationism, and in its Turkish and various Middle Eastern manifestations), are extremely theologically truncated and dangerously un-civic expressions of only partial commitments of liberalism that ignore the strategic and theoretical lessons, and theologically richer and constitutionally more flexible dimension, of the moderate Enlightenment. In elevating neutrality to an absolute constitutional principle, post-Enlightenment liberalism exposes itself to precisely those critiques and groups demands for “politics of difference” and institutional recognition that fed into the European multicultural project for over three decades. On the other end of the same post-Enlightenment spectrum, in defining its constitutional culture in terms of inflexible secularism, which can then be deployed to sanitize the public sphere of religious symbols, French *laïcité* risks unnecessarily alienating those religious believers who do not yet share a commitment to the constitutional logic of privatization of religion, but who may otherwise be extremely eligible candidates of liberal citizenship.<sup>34</sup> As I demonstrate in my

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<sup>34</sup> Freedman (2004).

account of the moderate Enlightenment that Locke and Tocqueville champion, while liberalism cannot and should not forfeit its capacity to informally and formally shape liberal citizens, it should not risk the task of such civic education by carrying the principle of neutrality to either the secular or the multicultural extreme. If it is to recover the capacity for such civic education, however, liberalism must first free itself of the intellectual and spiritual shackles that it has imposed on itself in the wake of the purported collapse of Enlightenment rationalism.

### i. Hobbes: Secular Enlightenment Through Absolutism (Ch. 2)

To help prepare the way for such a recovery and rejuvenation of modern rationalism, I turn in Chapter 2 to the first Western thinker who explicitly embraced popular enlightenment as the core project of political philosophy. While often considered to be a religious thinker whose political doctrines were based on his genuine theological commitments, I demonstrate that the animating principle of Hobbes' Leviathan was its opposition to orthodox Biblical Christianity. Virtually at the beginning of the work, Hobbes indicates that the political doctrine which he invest with the hope of bringing about civic peace is dependent on the outcome of the struggle between superstition, or more precisely a Christianity infiltrated by superstition, and enlightenment: "If this superstitious fear of spirits were taken away, and with it prognostics from dreams, false prophecies, and many other things depending thereof, by which crafty ambitious persons abuse simple people, men would be much more fitted than they are for civil obedience" (2.8). Even more explicitly, in the Dedicatory Letter, Hobbes calls attention to the fact that the core of his polemical agenda is contained in his unorthodox Scriptural exegesis: "That which perhaps may most offend are certain texts of Holy Scripture, alleged by me to other purposes than ordinarily

they used to be by other” (Ded. Letter). The most important methodological and rhetorical differences between Hobbes’ earlier works and his Leviathan, especially the prominent role given to Biblical exegesis and to the demonstration of natural law in the latter work, are animated by Hobbes’ realization that the success of his political doctrine required a broader effort to shape popular and religious opinion directly.<sup>35</sup> In order to encourage such a cultural and theological transformation, however, and to make popular opinion receptive to future, and potentially more moderate (Lockean) or less unorthodox and radical, interpretations of the Bible, Hobbes had to employ rationalism as a political and rhetorical weapon aimed at undermining not just Christian orthodoxy, but revealed religion in all its forms.<sup>36</sup> It is for this reason that Hobbesian Enlightenment took on precisely that character for which contemporary multiculturalists, Rawls as well as antifoundationalist fault Enlightenment rationalism as a whole: its radically anti-orthodox and anti-religious posture. It was precisely this broadly anti-religious posture of Hobbesian Enlightenment that Locke and Tocqueville aimed to moderate, without at the same time relinquishing Hobbes’ rationalist and politically reformist spirit.

In proposing the political system that was meant to compliment his theoretical and rhetorical critique of religion, Hobbes did not choose to sanction limited constitutional government, insisting instead that the logic of his argument, and the ineradicable propensities of human nature that nurture and sustain the lingering possibility of illiberal theological challenges to civic peace, demanded or required political absolutism as the solution. As part of that political absolutism, Hobbes insists not only on the sovereign’s authority to rule by prerogative or without the law, but also on the right of the sovereign to impose religious uniformity, to teach a reformed and radically reinterpreted Christianity in

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<sup>35</sup> Johnston (1989), p. 130.

<sup>36</sup> Pangle (1993).

the schools, and to restrict any speech and liberty that could potentially threaten civic peace. But, as I demonstrate in Chapter 2, instead of seeking to promote religious purity or orthodoxy, the regime of state-imposed religious education that Hobbes hopes to secure through absolutism aims at secular purposes. For Hobbes, the English tradition of church establishment had to be radically reinterpreted not just to serve Hobbes' anticlerical and anti-papal purposes, but also to empower the state to manage, and in the process to dampen and undermine, religious enthusiasm and sectarianism of every kind. The long-term goals of Hobbesian church establishment, therefore, are exactly the opposite of traditional Christian establishments of premodern and medieval Europe, and instead resemble very much the explicitly secular constitutional commitments of modern secular states like France and Turkey. The militant secularism of Turkey, just as much as French *laïcité*, shares with Hobbes' vision the desire to secure civic peace by artificially transforming the national religious climate through official state policy, by clamping down on profound theological demands, and eventually by pushing religion out of an increasingly secularized public sphere. Thus, instead of searching for a conception of the public sphere that can satisfy the demands of various competing sects, as Lockean disestablishment and limited constitutionalism are commonly (and partly inaccurately) thought to do in the form of neutrality, a Hobbesian state pronounces the very demands of deep theological pluralism illegitimate, in order to prepare their displacement by the psychology of secular individualism. While not incompatible with the gradual emergence of an increasingly broad range of private liberties, those liberties, from Hobbes' perspective, are always contingent and should never be understood to be absolute constitutional guarantees, since the state must always retain the authority to employ illiberal means and to intervene in society in order to contain any potential theological challenges to civic peace.

In contrast to the Lockean approach of disestablishment, which relies on broad non-institutional cultural methods of civic and constitutional education to moderate religious belief, Hobbes chose to directly empower the state to intervene in the institution of the church and thus to create incentives for a more radical theological transformation among religious sects as a precondition for being folded into an existing legal establishment. While Hobbesian absolutism presents itself as merely discouraging and, when necessary, suppressing religious contention through the coercive power of the state, its ambitions transcend a mere compromise with entrenched religious belief through a regime of public enlightenment that envisions the gradual withering of religious intensity in the public sphere and the eventual emergence of a genuinely secular society. State church establishment (or erastianism) is for Hobbes a transitional institution that the sovereign can employ not so much to support religion as to constrain the public space for religious expression and education, in order to induce religious factions to accept his minimalist natural theology and his doctrine of political obligation. These secular aspirations of the Hobbesian state and of its church establishment are especially discernable in Hobbes' Biblical exegesis, where Hobbes deploys his rationalist rhetoric to push religion increasingly towards the politically unobjectionable and, in the long-term, **theologically unsustainable**, center, in order to encourage a broader secularization of society. Unlike Locke, who wants to preserve a certain form of reformed Christianity as a spiritual supplement to liberal individualism by supplying it with a theological incentive to sanction disestablishment, Hobbes hopes that the combined pressure of state church establishment and increasingly minimal and rational ecclesiology, developed and propagated under the supervision of an enlightened state, will weaken religion altogether. The historical evidence supports this interpretation, since the most serious **religious** objections to the Hobbesian secular defense of church establishment, both during

the American founding and in post-Reformation England, contended that it weakened religion and extinguished independent sects: both sides to the dispute understood that religious establishment tended to undermine, instead of strengthening, religion.<sup>37</sup> The institutional trajectory of the European national church establishments after the Reformation followed, in part, Hobbes' secularization path: the modern state successfully co-opted the institution of the church, defused the challenge of sectarianism, and over time gradually relaxed its strict or closed institutional posture to recognize minority sects, but only after deep religious contestation abated. (Soper and Fetzer).

Whatever long-term cultural success Hobbes may have had in expanding the spectrum of theologically acceptable positions,<sup>38</sup> the reaction that Hobbes' political teaching and his treatment of Biblical revelation received among his contemporaries reveals some of the fundamental political and theological weaknesses of Hobbesian approach to the Enlightenment. In aspiring to establish the supremacy of individualism as the foundation of a state limited to the purely secular goal of civic peace, Hobbes was compelled to bring the ruthlessly critical attitude of his rationalism to bear on the alternative conception of mankind's communal goals that was rooted in Biblical revelation. But, as I show in Chapter 2, when Hobbes applied his rationalistic and reductionist reading to the Biblical teaching, the result of his procedure produced a reading of the Bible that was so materialistic, anti-spiritual and morally troubling that it was ill-suited to win a hearing among a religious public. At the

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<sup>37</sup> For a helpful treatment of the religious reactions to Hobbes' support for absolutism, consider Mintz (1997). For a thorough analysis of the competing effects of Hobbesian absolutism and Lockean disestablishment on religious belief, see Casanova (1994). Casanova offers a very Hobbesian explanation for the decline of church religion in Europe, and a very Tocquevillian account of the persistence of religious belief in the US: "It was the caesaropapist embrace of throne and altar under absolutism that perhaps more than anything else determined the decline of church religion in Europe," while "Americans never had an absolutist state and its ecclesiastical counterpart, a caesaropapist state church" (p. 29). For a historical overview of the debate over the question of religious establishment during the American founding, see especially McConnell (2003).

<sup>38</sup> Johnson (1986).



same time, the political absolutism and official church establishment on which Hobbes relied to propagate his program of civic and theological Enlightenment stood in deep tension with the individualistic presuppositions of his teaching, a tension that threatened to unravel the pacifying aspirations of political absolutism by further radicalizing theological challenges to Hobbesian sovereignty. Finally, because of its hostility towards religious belief, Hobbesian Enlightenment risked promoting a society which would be increasingly devoid of the spiritual and civic resources that in the long-term may be necessary to sustain that same enlightened outlook of individualism that Hobbes wanted to promote in the first place. In Chapter 3, I show that the awareness of these political shortcomings of the Hobbesian approach drove John Locke gradually to abandon his support for a political doctrine that justified the sovereign capacity to impose uniformity on “indifferent” religious practices. But the consequences of this abandonment were not simply political or tactical in terms of supporting disestablishment: in developing a much more sophisticated theological cloak that could more convincingly speak to religious believers, Locke had to abandon not merely Hobbes’ rhetoric, but also Hobbes’ reductionist and un-civic understanding of human individualism, which interpreted all human concerns through the fear of violent death, by reopening the psychological path to an individual’s moral concern for civic liberty and spiritual concern for the afterlife.

**ii. Locke and the Taming of the Enlightenment: Separation of Church and State (Ch. 3)**

In Chapter 3, I turn to examine the thought of John Locke, the forefather of liberal constitutionalism and of the liberal regime of separation of church and state, and show how and why Locke aimed to reform Hobbesian absolutism without denying his basic insights

about the theological requirements of peaceful political coexistence. In order to show that liberalism is not necessarily reduced to a choice between the Scylla of Hobbesian absolutism and the Charibdis of Rawlsian multiculturalism, I show that Locke deliberately constructed his liberal doctrine of government to moderate Hobbesian Enlightenment by constitutionalizing the absolutism of the Hobbesian state through religious disestablishment: in the guise of merely promoting a prudent separation of religion and politics, the Lockean regime actually induces and encourages religion to subordinate itself to liberal political ends, even while it secures for religion a substantial scope of political liberty in which it can flourish. This novel strategy requires Locke to employ a rhetorical procedure of Biblical reinterpretation that can convince religious believers that such a bargain with liberalism is not only to the advantage of religious belief, but above all, sanctioned by New Testament Biblical theology and by Christ's message. This is the reason that in the Letter on Toleration Locke is at pains to present the foundations of his classical liberal solution to religious contestation—disestablishment or separation of church and state—not just as a secular and rational good, but also as the indispensable condition for the flourishing of genuine religious belief unencumbered by superstition and uncorrupted by political prejudice and therefore a prerequisite for individual salvation. In other words, by grafting on the preexisting Christian doctrine of “ecclesiastical liberty” more radical liberal political conclusions about the futility of coerced belief and uniformity, conclusions that by no means follow from a pious Biblical acknowledgment of man's spiritual freedom, Locke is able to construct a theological outlook that tilts in favor of constitutional disestablishment of religion.

This new rhetorical approach is the result of Locke's gradual realization that Hobbesian absolutism, insofar as it was rooted in a political atheism that was unwilling and unable to **humanely** engage the Biblical teaching and therefore failed to address the genuine

spiritual and moral requirements of human nature, was a fundamentally defective means to achieving the Enlightenment's goal of civic peace. The political shortcomings of Hobbesian absolutism and of the unpalatable theological radicalism of Hobbes' Biblical exegesis were easy for Locke to discern in the reception that Hobbes' work garnered among Hobbes' contemporaries, and especially among the Anglican divines.<sup>39</sup> Locke's turn away from Hobbesian absolutism was therefore driven not so much by a change in Locke's principles, nor by his newfound appreciation for the inviolability of the conscience, but instead by his recognition of the need for an alternative Enlightenment strategy that could bring about religious moderation without recourse to the political absolutism of Hobbes' Leviathan, and, even more importantly, to the unorthodox Scriptural radicalism that that work shared with Spinoza's Theological-Political Treatise. The strength of Locke's anti-Hobbesian rhetorical and institutional turn lies precisely in the fact that Locke can appeal both to religious believers as well as to the progressive secularists by promoting a vision of liberalism that is not reducible to a singular Hobbesian commitment to civic peace, but instead is wedded to intrinsic moral goods, apart from merely utilitarian concerns, that both require and help sustain a devotion to constitutionalism. But, as I try to show through my interpretation of Locke's tension-ridden argument in the Letter, the very appeal that Locke purchases through his rhetoric of constitutional neutrality, by obscuring the civic and political expectations that Locke places on religion, may inadvertently open up liberalism to the challenge of multiculturalism, while simultaneously constraining the capacity of liberal constitutionalism to maintain sufficient constitutional flexibility towards religious or theological challenges.

To illustrate what I mean, consider the evolution in Locke's political teaching between the Early Two Tracts, in which he embraced the Hobbesian approach of sovereign

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<sup>39</sup> Mintz (1989) and Johnston (1986).

imposition of uniformity on “indifferent” religious practices, to his later embrace of liberal constitutionalism and disestablishment. Standard accounts of Locke hold that he grounds his teaching on toleration on the absolute liberty of conscience.<sup>40</sup> But Locke indicates both in the Letter itself as well as in the Two Tracts that his mature argument for toleration, while supported by a certain interpretation of the doctrine of liberty of conscience, is not dependent on any Biblical or revealed foundation. Indeed, while he maintains in both works the same principle of the futility of coerced belief, and therefore that “severity loses its end [...] when it is employed to plant religion, which cannot be wrought into the hearts of men by any other power but that of its first Author,” he draws diametrically opposite political conclusions from this same (allegedly religious) premise.<sup>41</sup> Precisely because force cannot change the inward beliefs of an individual, “rigour which cannot work an internal persuasion may notwithstanding [produce] an outward conformity, [which is] all that is here required” for the securing of civic peace (128). The relatively more solid foundation for Lockean toleration, therefore, is to be supplied not by a faithful account of Biblical injunctions, but by the prudential assessment of the requirements of civic peace, which in turn, Locke indicates, depend on the prevailing religious climate in society. Thus, in a turn that anticipates his later abandonment of absolutism in favor of separation of church and state, Locke already began to intimate in the First Tract on Government the possibility of the type of reformed and minimal Christianity which could not only safely be left to the private choice of the individual, but be broadly supportive of a liberal regime of toleration and disestablishment:

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<sup>40</sup> Dunn (1990).

<sup>41</sup> Locke repeats a similar formulation in the Letter, where he asserts that “all the life and power of true religion consists in the inward and full persuasion of the mind,” which can “only light and evidence” and not “corporal sufferings,” but he draws from this observation a political conclusion opposite to the one he reached in the Tracts: in the Letter, the futility of coerced belief and man’s natural “ecclesiastical liberty” serve to demonstrate the necessity of disestablishment, and the corresponding futility of absolutist religious establishment as a vehicle for the salvation of souls.

“If men would suffer one another to go to heaven every one his one way, and not out a fond conceit of themselves pretend to greater knowledge and care of another’s soul and eternal concerns than himself, how much I say if such a temper and tenderness were wrought in the hearts of men our author’s doctrine of toleration might promote a quiet in the world.”<sup>42</sup>

From perspective of the young Locke who is writing in the Two Tracts, because or insofar as this sort of tolerant and individualistic religious outlook is lacking, pragmatic toleration of external religious differences cannot form the core of responsible and enlightened government policy, especially since such a government aims primarily at civic peace. But Locke would come to see the moral and theological shortcomings of this approach, which reduced the Enlightenment to such an unsustainably narrow commitment to civic peace, that it risked sacrificing both the human longing for liberty and ignoring the genuine spiritual power of a moral and pious outlook that finds its guidance in revelation. In turning rationalism increasingly towards the task of humanely and subtly shaping such a tolerant religious outlook, Locke aims to help the Enlightenment evolve beyond the Hobbesian absolutism that he embraced in the Two Tracts and towards liberal constitutionalism of his Letter on Toleration and the Second Treatise.

Precisely because Locke’s liberal constitutional strategy of disestablishment depends on shaping such a climate, it also requires a much more serious non-institutional effort to engage revelation directly, in order to lay the groundwork for a much more humane interpretation of the revealed word as the foundation for an unofficial civil religion than the radical Hobbesian Enlightenment was willing to do. In the Reasonableness of Christianity, Locke announces the same theological intention as an effort to explicate the “doctrine of redemption” so as to rescue the true meaning of the Scripture from the two camps of extremists into whose hands it has fallen – those who, like Hobbes, when questioning the

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<sup>42</sup> John Locke, First Tract, 161.

justice of the Biblical teaching about the Fall and God's punishment of mankind for Adam's transgressions, are led to reduce Christianity into "a pure natural religion" that denies the existence of a genuinely providential God; and, on the other hand, those who refuse to be led down the dangerous slippery-slope of natural religion, and therefore continue to cling to a conception of a deity that would hold Adam's posterity "doomed to eternal, infinite punishment."<sup>43</sup> In attempting to vindicate the reasonableness of Christianity, Locke charts a middle path between these two extremes, a path that seeks to liberate the Biblical teaching from the thorny theological issues of redemption, original sin, and salvation by grace and by faith, by systematically and meticulously reducing its teaching to a salutary civic and practical religion that can, when properly reinterpreted by Locke, provide theological support for his liberal morality and political order. But as Locke's treatment of the Bible in this work demonstrates, this task is more difficult than may at first appear, for the morality of the Bible is demanding, perfectionist, and its moral message of puts the emphasis not just on the "law of faith," but also the "law of works," a moral law which stands in stark tension with the comfortable self-preservation that Locke wants to promote as the foundation of liberal morality. But in spite of the momentous obstacle created by the profound gap between the stern demands of Biblical morality and Locke's rational doctrine of self-interested liberal ethics, Locke judged that the political project of the Enlightenment risked too much in openly embracing the scientific materialism and political absolutism of Hobbes, for in doing so it supplied the opponents of the Enlightenment with the rhetorical weapons they needed to resist that project. Instead of relying on Hobbes' ultra-rationalist, reductionist and critical Biblical exegesis which drains the Bible of its moral and spiritual meaning, Locke tried in the Letter, but also especially in the Reasonableness of Christianity, to push as much as possible

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<sup>43</sup> Locke (1965).

the moral center of Christianity in the direction of a liberal morality, without resorting to outright falsification of the Biblical teaching.

As my discussion implies, in moderating the Enlightenment by helping it to evolve beyond Hobbesian absolutism, Locke not only preserves the theologically transformative aspirations of Hobbesian rationalism, but in the process constitutionalizes the political program of the Enlightenment, thereby creating new substantive goods that the Enlightenment can advance beyond the singular Hobbesian commitment to civic peace. While Hobbes expected his institutional approach to exercise a gradual secularizing effect on religion, which would make it possible for the Hobbesian state to soften its repressive policies over time as religious attachment waned, Lockean liberalism reverses the order and the priority of the Hobbesian picture: Locke instead presents a tolerant society as the sort of community where genuine religious belief can actually flourish in a way that can be supportive of liberal principles. But as the limits that Locke places on this toleration demonstrate, even as he separates religion and politics, Lockean liberalism preserves an aspect of Hobbesian absolutism, and in doing so brings to light how, at least implicitly, liberal constitutionalism retains the tension-ridden commitments of the Hobbesian state—**individualism and civic peace**—even as it constitutionalizes them in the form of a broader commitment to substantive liberties that include the freedom of religion. The most important constitutional lesson, therefore, that emerges from Lockean liberalism is that while a liberal society cannot allow its commitment to rights and freedoms to constrain its capacity to civic education of its citizens, it should not see the task of such an education as reducing its constitutional commitments to a singular focus on the Hobbesian priority of civic peace. As I suggest in the last section of this chapter, and explore more fully in Chapter 5 of the dissertation, the most troubling trends in comparative constitutionalism in

both the European Union and in non-Western states facing deep religious pluralism is the tendency to interpret liberalism in precisely the narrow Hobbesian terms that reduce it to a publicly anti-religious commitment to secularism. From Locke's perspective, such a model of militant secularism, even when developed into a form of (liberal) constitutionalism, is ill-suited to address the spiritual requirements of a religious community. Especially when such a secularism is tainted by the legacy of Western colonialism, as it is in France, Turkey and elsewhere in the Middle East, such an aggressive secularism may in fact have the counterproductive anti-Enlightenment effect of not only radicalizing existing religious-political resistance to constitutionalism, but also of fostering a broader spiritual dissatisfaction with the **modern** way of life that constitutionalism aims to promote.

The massive lessons that emerge from Locke's political thought and from his intellectual evolution provide at least three important correctives to the contemporary consensus about secular neutrality and constitutionalism. First, by providing an alternative to Hobbes' Scriptural radicalism, Locke demonstrates that the Enlightenment effort to rationally and humanely engage the Scripture need not entail imposing on Biblical revelation a reading that is so radical, critical and hostile that it risks becoming an untenable foundation for sustaining religious belief. In demonstrating that the Bible is susceptible to an individualistic reading that does not reduce it to the almost-explicit materialism of Hobbes' Scriptural interpretation, Locke prepares the way for the process of religious democratization that Tocqueville identified as the most important spiritual development that made the success, and the political moderation, of American democracy possible. Second, Locke shows that while liberal constitutionalism can and should avoid the propensity of Hobbesian secular absolutism, liberalism, when properly interpreted and structured, need not degenerate into a regime of neutrality that, in abstaining from all claims to a rational foundation, forfeits its



capacity to engage in a searching and critical but mutually educative public dialogue with religious belief that is the precondition for genuine inclusion in a liberal democratic polity.<sup>44</sup> I therefore argue that Lockean liberalism provides a genuine alternative to both Hobbesian absolutism as well as Rawlsian “free-standing” liberalism. Unlike Rawls, Locke does not believe that liberalism can maintain “epistemic neutrality” with respect to foundational doctrines, even and especially religious doctrines that are to be protected and nurtured in the regime of disestablishment, because he believes that a liberal society requires not just a “modus-vivendi,” but genuine moral and civic devotion from its citizens. Locke’s liberalism is a civic and moral liberalism. At the same time, however, unlike Hobbes, Lockean liberalism does not aspire to artificially create a society that is thoroughly atheistic through aggressive state intrusiveness, but instead seeks to discover a voluntary theological ally for liberal individualism in reformed and enlightened religious belief. Third, and finally, Locke shows that to accomplish such a theological enlightenment, liberal institutions must be flexible enough to avoid marginalizing the potentially moderate center of the religiously believing population (either through too much state intrusiveness or through public indifference), and that therefore a liberal society must maintain sufficient constitutional and judicial elasticity to accommodate public expressions of religious belief when they do not challenge the bedrock secular goals of civic peace and individual rights. While these Lockean lessons about the need for increasing accommodation of religion are especially pertinent for European integration policies today, as I will show in Chapter 5 of the

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<sup>44</sup> A point to be made later on: why it is absolutely indispensable for liberalism to maintain, protect and exercise its foundational and rationalist claims through public discussion – such a dialogue is absolutely necessary if liberal rationalism can encourage religious groups to engage in a self-critical effort of introspection through which the religious majority can be encouraged to distinguish itself from fundamentalism. Robust protections of speech are in the interests of not only secular liberal, but to the advantage of religiously believers, especially moderates.

dissertation, they also hold the key to the development of successful constitutionalism in non-Western transitional societies that confront deep majoritarian religious commitments.

### iii. Separation of Church and State and Tocquevillian Accommodation of Religion

It is a testament to the depth and the far-sightedness of Tocqueville's perception that the lessons that he articulated in the Democracy in America continue to be pertinent not just for the health and vitality of the American regime, but also for the future of European liberalism today. In championing the American regime of disestablishment and religious liberty as the most hospitable environment for the flourishing of genuine religious belief, Tocqueville provides a spiritually richer defense of disestablishment than does Locke. At the same time, in promoting a spiritually rich interpretation of democratic equality and of religious liberty, Tocqueville contributed to guarding the Enlightenment and democracy against its own most dangerous and extremist tendency: as Thomas Pangle has observed, in the Old Regime, an account of the pre-revolutionary causes and the philosophical-intellectual climate that led to the French Revolution and the destruction of the **ancien regime**, Tocqueville confronted "a great political and intellectual movement which espoused religious liberty, the disestablishment of religion, and the separation of church and state in the name of the destruction of religion."<sup>45</sup> In the French Revolution, in short, Tocqueville discerned the political program that was essentially equivalent to Locke's mature liberal Enlightenment teaching, but in the form of a morphed and transfigured weapon that impulsively aimed to destroy all vestiges of religion and of the institution of the Church. This, according to Tocqueville, was the result of the peculiarly pernicious alliance between

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<sup>45</sup> Pangle (1996).

the Church and the State, in which the clergy served to prop up the aristocratic feudal order, that preceded the Revolution: “it was much less as a religious doctrine than as a political institution that Christianity aroused these furious hatreds” (I.2). The challenge of Tocqueville’s “new political science,” both in the Old Regime and in Democracy in America, is to demonstrate that democracy and religion need not be as mutually antagonistic as they had become in the midst of the political radicalism of the French Revolution. Enlightenment liberalism, especially because it is so often associated with the secularist aspirations of imported Western constitutional procedures, is in dire need of this form of Tocquevillian defense, and in dire need of this moderating Tocquevillian lesson that can chastise it to appreciate both its limitations and the enduring power of religious belief.

When religion attempts to ground its authority on the power of political institutions, as was the case in Europe where “Christianity had permitted itself to be intimately united with the powers of the earth,” it necessarily forfeits this natural and “legitimate” appeal by tying its destiny to the fate of “ephemeral” political forces (284). Thus, by linking itself to the monarchy, whose crumbling debris now threatens to bury it in its wake, Christianity in Europe unnecessarily burdened itself with political hatreds and adversities (287-288). Americans have steered clear of Europe’s fate by prudently refusing to tie religious authority to human institutions, and as a result religion’s place in American society is both more universally respected and less exposed to political and partisan attacks (282). This is the fundamental line of reasoning that informs Tocqueville’s defense of religious liberty and of the separation of church and state, a defense which he, significantly, attributes to the American Clergy, showing that it can appeal to and speak to deep religious conviction, even while he supports it himself as well (283). On the other hand, the “war against religion” that characterized the French Revolution was merely “one of its striking but fleeting aspects,” an

effect of a peculiar revolutionary strategy that the supporters of equality were compelled temporarily to employ because of the mutual interdependence and political fusion of the Church and the aristocracy in the old regime, but one that was nevertheless not reflective of the general disposition of democratic society toward religion and Christianity: “[n]othing in Christianity, nothing even in Catholicism, is absolutely contrary to the spirit of democratic society” (I.2). Tocqueville therefore suggests that the profound antagonism and hostility between the democratic revolution and Christianity was the consequence of the mixture of spiritual and temporal power that was peculiar to the France of the old regime, a mixture that, as the healthier American experience demonstrates, need not be either natural or permanent.

I show in Chapter 4 that the preceding picture, while very optimistic, is partly inaccurate. Just as his discussion of the New England Puritan founding revealed not a harmonious separation between religion and politics but rather the complete subordination of individual liberty to religious practice, Tocqueville’s picture of a separate and distinct sphere that is reserved for religion in the mature American democracy conceals similarly rich ambiguities. For as Tocqueville develops his account further, what begins as the prudent withdrawal of religion into a separate sphere where it can continue to “purify” and “restrain” the dangerous passions of democratic men, ends with the submission of religion to the tightening grip of the “the intellectual empire” of the majority through which faith becomes diluted and prepared for absorption into common opinion (422-423). But the most striking factor of this development is that, unlike Europe, where Tocqueville perceives democratic revolutions igniting and nourishing an actively anti-religious form of atheism, in America the withdrawal of religion into a separate sphere fosters neither widespread atheism nor indifference toward religious belief but rather something entirely different (287-288). What

Tocqueville describes is not so much a religion ceasing to exercise its sway over Americans due to the establishment of these two distinct spheres, nor the outbreak of religious sectarianism and skepticism, but rather the persistence of religious belief after the institutional structure and even the substance of the faith have been gradually adopted to democratic institutions and sentiments. Through the separation of church and state in America, “a public opinion in favor of religion is produced,” but the public attachment to faith and to some of its moral restrains is sustained not because all Americans wholeheartedly believes in religion’s truth, but instead because all or most of them share in a consensus that it is “necessary to the maintenance of republican institutions” (287, 280). This opinion about the particular utility of religious belief for the democratic social state, Tocqueville argues, does not belong to any specific class of citizens, but instead is shared by “the entire nation” (280). It is precisely this favorable social opinion towards religion that Tocqueville predicted would be the most precious victim of the anti-religious zeal of the French Revolution, and he would surely regard French *laïcité* and European secularism as equally dangerous legacies of that revolutionary spirit.

It is therefore a healthy paradox of American democracy that separation of church and state, and the robust constitutional and social protection of religious liberty that it entails, simultaneously encourages the persistence of a certain form of religiosity in the public sphere while also weakening traditional or orthodox religion. From this Tocquevillian perspective, the constitutional disestablishment of religion need not, and should not, entail the banishment of religion from the public sphere. Indeed, Tocqueville suggests that liberal democracies must strive to resist the internal logic of religious privatization that is entailed in a particularly narrow understanding of disestablishment, by encouraging and openly recognizing (in speeches, political proclamations, Presidential addresses, etc.), the public

contribution of religion to a healthy democratic existence, and the mutually reinforcing relationship that develop between self-transcendent spiritualism and individual liberty. As I show in Chapter 4, this Tocquevillian account of disestablishment as a crucial source of accommodation of religion, even though arguably faithful to the original intentions of the signatories of the US Constitution, is very far from the consensus that informs the judicial and legal opinion in the US, which in the 20<sup>th</sup> century has leaned decidedly in the direction of strict separation of church and state. As other nations increasingly look to the US for guidance on constitutional development, it behooves us to recover the Tocquevillian objections to the tendency both on the part of the judiciary and the “international consensus” to read into the First Amendment’s prohibition against religious establishment, or in other nation’s constitutional protections of religious liberties, the Jeffersonian and Madisonian requirement of a strict “wall of separation.” Finally, I show how and why a Tocquevillian perspective on religion can help European liberals to resist the temptation to further purge religion from the public sphere and to do away with the vestiges of national church establishment by emulating either the extreme-left of the American separationism or its French secular alternative of laicete.

#### IV. EUROPE’S STATE-CHURCH LEGACY: SECULARISM AS A RELIGIOUS ESTABLISHMENT?

“The religious establishment makes possible a recognition of a person’s right to put into action what he most sincerely believes in. It is a recognition of a person’s most fundamental right—the right to practice their religion. We often find that under the guise of tolerance, secular viewpoints rob people of that fundamental right. There is much good in keeping the religious establishment intact.”

**Dr. Fatma Amer, Director of Education and Interfaith relations, Islamic Cultural Centre, London Central Mosque**

“France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs. It shall be organised on a decentralised basis.”

## Article 2 of the Constitution of France (1958)

### i. The Limits of Neutrality: Relative Merits of Assertive Secularism from Hobbesian and Lockean Perspectives

What is clear from the preceding account of the Enlightenment’s divergent institutional and rhetorical approaches to religion is that liberal constitutionalism, if it is to outgrow the shackles of Hobbesian absolutism without seeking to destroy religion altogether, presupposes a serious effort of civic education and a mutually transformative learning process through which religion and liberalism become supportive of each other. In my treatment of Tocqueville in Chapter 4, I will begin outlining the major moments of transformation that Puritan Christianity underwent in the early American history that reshaped Puritanism along the lines of the liberal Christian faith that Locke articulates in the Reasonableness of Christianity, and also consider why Tocqueville was led to suppress these transformative moments. It is clear that something like a process of transformation is already starting to take place in Europe vis-à-vis Islam, even as the European states diverge drastically in their institutional approaches to this effort. But this process, I want to argue, is partly hampered by two institutional developments which are based, in part, in pathological theoretical transfigurations of liberalism: multiculturalism and secular absolutism. The French ban on the Muslim headscarves suggests that the appeal of the Hobbesian approach is very strong, and this temptation carries the risk of constraining liberal constitutionalism in a direction that is damaging both to religion and to liberalism. At the same time, even after the alleged demise of European multiculturalism, the persistence of the Rortian anti-foundationalism on the elite level of Western political, legal and intellectual thought

constrains the state and, more importantly, impoverishes the intellectual resources of the leading secular and religious reformers who should be the key stake-holders and actors in this transformative process of liberal civic education and religious transformation. In the remainder of this introductory chapter, I start laying out some critical reflections from the Lockean and Tocquevillian perspective on these two disturbing trends.

But if, as I have suggested above, Hobbes is not entirely a liberal, what does he have to teach liberals today? And more importantly, why is it necessary to turn to an absolutist thinker for assistance in theorizing about the contemporary situation confronting liberal democracies? I explore these questions extensively in Chapter 5, and make only a few suggestions here to spotlight how Hobbesian absolutism identifies a genuine challenge that liberal pluralism confront. We tend to regard the sanctity of the private sphere as being near-absolute, and therefore believe that the government must pass an extremely high threshold test if intrusions on individual rights of free speech and religious practice are to be legitimate. The incremental tests that the US Supreme Court has developed to evaluate government intrusions culminate in the “strict scrutiny” test, and in order to justify violations of individual rights of speech and religion, the government must demonstrate a “compelling state interest,” usually involving public safety, that can only be achieved through means that require the violation of such rights. Thus, from this liberal perspective, the French government’s decision to ban the wearing of headscarves in schools appears patently illegitimate and intrusive because it violates the absolute right of individual to determine how they dress without involving clear issues of public safety. What is instructive, however, is that President Sarkozy did not even try to defend the ban on these familiar classical liberal grounds of legitimacy: he did not say that the wearing of headscarves in schools poses a potential public threat to the security of the state, nor that it should be banned because it



somehow violates the rights of female Muslims who may be hindered from choosing not to wear it by cultural reasons. Instead, Sarkozy defended the ban as necessary and legitimate because he claimed that the veil “runs counter to women's dignity” (see Peter Berkowitz article in WSJ). In this case, France, and otherwise substantially multicultural society, was driven to transcend neutrality and officially embrace a substantive good, a “comprehensive doctrine,” as part of its vision of a secular public sphere, by taking a stand on the meaning of female dignity. But in choosing to employ the intrusive power of the state to aggressively advance this secular vision of female dignity, France may be risking its commitment to competing substantive goods, including religious liberties, which have also come to define, and ought to continue to define, its constitutional identity. While Locke and Tocqueville would not deny the genuine Hobbesian insight that religiously ascriptive gender inequalities may pose serious challenges to an egalitarian society, and may even require a degree of state intrusiveness, they would argue in addition that the measure of a liberal society is whether it can navigate the disharmony between its constitutional commitments to equality and liberty responsibly without reducing its constitutional identity to a singular Hobbesian commitment to civic peace that is so antireligious that it risks pushing religious believers away from the way of life that constitutionalism aims to promote.

Thus, while Peter Berkowitz and others are correct to claim that the First Amendment makes such a ban for similar reasons unthinkable in the US, and that part of the reason that the French can actually implement this policy is because of the absence in the French system of government of similarly robust protections of freedom of religion, he does not go far enough in identifying the Lockean and Tocquevillian objections to a decision to

implement such a ban through state policy.<sup>46</sup> Surely he is correct that the doctrine of **laïcité**—which is inscribed in Article 1 of the French Constitution and officially sanctions national secularism in France—frees the French government from some of the considerable obstacles that the First Amendment imposes and that must be surmounted before government intrusion is justified in the US. While Sarkozy’s defense of the ban may strike contemporary constitutionalist and First Amendment absolutists as a strange and even an illegitimate and extremely intrusive attempt by government to dictate the meaning of female dignity, Hobbes would predict that this kind of interference is inevitable even and especially in a liberal society that confronts deep religious plurality, whose very permissiveness depends on the existence of the religious and cultural climate that is conducive to toleration. Hobbes would predict, as he did in the Leviathan, that such recurrences of sovereign authoritarianism are an inevitable facet of political life which dictate the necessity of absolutism in the first place, and that the particular danger in the doctrine of limited government (or of state neutrality, for that matter) is not so much that it would make the reassertion of absolute sovereignty impossible (since the power would be taken when it is necessary anyway), but that instead it would make it appear illegitimate when the state was finally compelled to resort to pass judgment on private beliefs and religious practices. Would not Hobbes argue, therefore, that by allowing our contemporary assumptions about state neutrality to obscure the true preconditions and rational foundations of liberalism, we have unnecessarily constrained the legitimate and necessary scope of state action? Although we find Hobbes’ solution to be unnecessarily repressive and authoritarian, and recoil from what is happening in France and Europe with trepidation, we should pause to consider whether our own toleration of competing sects in the US stems not so much from our superior

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<sup>46</sup> Berkowitz (2010).

devotion to constitutional principles, as we would like to think, but from the fundamentally less confrontational nature of these sects themselves, as Hobbes would probably suggest.

As much as a Hobbesian would point to the resurgence of what Christian Joppke has called “repressive liberalism” as confirmation of Hobbes’ insights into sovereign absolutism, as I have been indicating throughout this chapter, this repressive secular approach to civic education and integration is neither the most effective, nor in the long-term the most desirable, model for religious toleration that the liberal Enlightenment proposed. It is not effective precisely because it is not sufficiently appreciative of the stark danger that Tocqueville perceived in the profound anti-religious radicalism of the pro-democratic partisans during the French Revolution. Tocqueville warned that when Enlightenment employs the repressive power of the state as an antagonist of religion, it risks reducing its political program to a form of anti-religious secularism that is too shallow to satisfy either the human longing for freedom or the spiritual longing for self-transcendence. At the same time, such a repressive approach is not desirable because it does serious harm to liberal constitutionalism: as we saw in Locke, while a liberal regime must retain the capacity to protect itself, it must not exhaust its constitutional identity through a singular Hobbesian commitment to this-worldly security. Doing so does permanent damage both to the meaning and the power of constitutional government as well as to religion, and for this reason Europe (and modernizing Middle Eastern states) should be wary of emulating the aggressive model of French secularism on a continental scale. Uncovering the alternative Lockean and Tocquevillian options requires not merely transcending the policy assumptions of multiculturalism, but, even more importantly, asking afresh the questions that were posed by the Enlightenment rationalism: what is the proper balance of religion and liberalism, and

what is the foundation of the liberal values of toleration and equal human dignity that liberal constitutionalism is intended both to promote and to protect?

## ii. The Disharmony in the European Court's Religious Free Exercise Jurisprudence

To this end, in Chapter 5 I turn to examine the competing state and institutional reactions to the retreat of multiculturalism in Europe and religious free exercise jurisprudence of the European Court of Human Rights. Instead of leading to policy convergence among the EU nations, the waning of multiculturalism under the strain of continued Muslim immigration has resulted in significant institutional divergence among the EU states. The domestic reactions span a wide institutional and policy spectrum, ranging from the resurgence of militant secularism (in France and Belgium), to increasingly incentivized institutional accommodation (in Britain and Germany) through existing traditional church-state establishments. While the banning of the wearing of the Burqa in France and Belgium underscore the long-standing secularist trends in these states with respect to the role of religion in the public sphere, I argue that the French model of *laïcité* does not, and should not, exhaust the institutional options that the EU states have at their disposal in the wake of the retreat of multiculturalism. As my previous argument makes clear, Locke and Tocqueville would rightly point out that by engaging in such highly-symbolic but ultimately impulsive and insufficiently thought-through efforts to purge the public sphere of troublesome Islamic symbols—a development in which ECHR has been complicit—the European states are likely to marginalize, alienate, and thereby radicalize religious believers instead of bringing them into the liberal consensus that these believers can regard as being worthy of their devotion. In particular, they would claim that French *laïcité*,

even as it masquerades under the banner of equal treatment of all religions, in fact ends up targeting one religion in particular, Islam, and therefore violates the cherished principle of neutrality in its own insidious way. By embracing without hesitation what many commentators have called “militant secularism,” therefore, the Court has played into the very critique of the “mythical” neutrality of secularism that leading Muslim intellectuals have already employed for several decades – even while they deployed that critique to encourage Europe’s aborted turn to multiculturalism. French laicete is too institutionally inflexible and insufficiently attentive to both the legitimate social demand for expression and recognition of religious belief, as well as the theological and spiritual requirements of a healthy liberal polity, and therefore it is ill-suited to serve as a long-term policy model for civic education and religious integration. Finally, and most importantly, from this Lockean-Tocquevillian perspective, laicete—because it assumes a posture of outright hostility toward religious expression in the public sphere, and at best benign indifference towards faith so long as it remains privatized—lacks the constitutional resources to achieve the sort of religious transformation that the moderate Enlightenment thinkers predicted would be necessary both for the success of liberalism and for the flourishing of genuine religious liberty.

To better illustrate the problematic implications of the European turn to public secularism for constitutional law, I turn in Chapter Five to the religious free exercise jurisprudence of the European national Courts as well as the European Court of Human Rights. In particular, I focus on the recent decisions of the Courts dealing with the ban on the wearing of the Muslim headscarf and challenges to the display of Christian crucifixes in public schools. My hope is to show that the post-multicultural turn to secularism as the foundation of a liberal polity has not only compelled the Courts to present a very religiously restrictive reading of the public sphere, but, in an even more troubling development, to

sometimes sanction the notion that European liberalism rests on a secularized version of Christianity, and therefore to increasingly blur the line between secularism and religion. As an illustration of this dilemma of secularism, consider the explicit dichotomy that the Italian Administrative Court had to construct between Christianity and other non-Christian faiths in arguing that the crucifix should be understood not as a genuine religious symbol, but rather as watered-down “cultural” remnant of a religion whose secularized and broadly tolerant message is the foundation of the modern secular Italian state: “Singularly, Christianity [...] through its strong emphasis placed on love for one's neighbour, and even more through the explicit predominance given to charity over faith itself, contains in substance those ideas of tolerance, equality and liberty which form the basis of the modern secular State, and of the Italian State in particular.”<sup>47</sup> This observation is of course not incompatible with the view that, while Christianity can and should make an important contribution to liberalism, liberal tolerance has a rational foundation independent of any religion altogether, and that it is the rational foundations of liberal tolerance that require promotion by the state. But this is not the implication that the Italian Court draws, for it wants to employ the liberalized Christianity that it has read into the crucifix as an institutional vehicle that can carry the state-endorsed message of tolerance to other faiths: “It must be emphasised that the symbol of the crucifix, thus understood, now possesses, through its references to the values of tolerance, a particular scope in consideration of the fact that at present Italian State schools are attended by numerous pupils from outside the European Union, to whom it is relatively important to transmit the principles of openness to diversity and the refusal of any form of

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<sup>47</sup> These statements come from the original judgment of the Italian Administrative Court dealing with the challenge to the display of Crucifixes, in which the Court dismissed the challenges. The European Court reversed judgment, but was subsequently reversed by the Grand Chamber of European Court. The Grand Chamber's judgment in Lautsi which I rely on, gives a lengthy treatment to the Administrative Court's judgment. Lautsi and Others v. Italy, App. No. 30814/06, (Eur. Ct. H.R. 2011), pp. 5-7.

fundamentalism – whether religious or secular – which permeate our system.” By implicitly relying on the dichotomy between liberalized and secularized Christianity and non-liberal Islam, according to which the former is projected as the foundation of liberalism, while the latter is cast as a threat to liberal values, this sort of jurisprudential approach risks collapsing liberal toleration to the Rortian vision which equates liberalism with faith.

To be sure, in the Lautsi decision the Grand Chamber of ECHR dismissed the Italian Court’s attempt to render the crucifix in strictly Lockean and liberal terms, even as it came to a judgment that granted the Italian government a wide degree of latitude in determining whether to display the crucifix in the schools. However, because of their broadly inflexible attachment to a secular vision of liberalism—one that paradoxically, as I stressed above, views it as an inheritance of secularized Christianity—neither the lower Courts nor the ECHR have been willing to extend a similar courtesy of accommodation to Islamic symbols. Instead, the Court has explicitly constructed a jurisprudential narrative that simultaneously judges Islam as being incompatible with liberal democracy, while also rendering liberalism as requiring and permitting the state to restrictively regulate religious expression (of Islam) in the public sphere. Thus, in one of the judgments upholding the French ban on the headscarves that the ECHR issued in 2008, the Court interpreted French laicete in light of the militant anti-Islamist secularism of Turkey’s constitution, which is rooted in the Kemalist notion that traditional Islam is incompatible with democracy: citing its decision upholding the Turkish ban, the Court announced that it “reiterates that the State may limit the freedom to manifest a religion, for example by wearing an Islamic headscarf, if the exercise of that freedom clashes with the aim of protecting the rights and freedoms of

others, public order and public safety.”<sup>48</sup> But since in this case a genuine public order and safety rationale was missing, the Court went on to add that it was taking into account “the “powerful external symbol” represented by wearing the headscarf and also [...] the proselytising effect that it might have seeing that it appeared to be imposed on women by a religious precept which was hard to square with the principle of gender equality.”

While there is some accuracy to ECRH’s implicit claim that liberalism requires a certain transformation of religion—a transformation that European Christianity may already have undergone—the Court’s decision to throw its weight in favor of an explicitly militant secularism that still (explicitly) privileges secularized Christianity and against religious accommodation is a strategic mistake that bodes ill for the capacity of the EU’s constitutional culture to accommodate religion. In its church state jurisprudence the ECRH should try to avoid needlessly antagonizing those who are already committed, or are capable of being persuaded of being committed, to a legitimate and peaceable public role for religion within a democratic framework. A judicial commitment to what Gary Jacobsohn has called “ameliorative” or “militant” secularism may turn out to be appropriate in circumstances where the state’s secularist commitments are in profound disharmony with the broad socio-religious identity of its citizens—as was the case in Kemalist Turkey and India in the early stages of its transitions to modernity—such a judicial disposition may actually be counterproductive not just for European liberalism, but for maturing non-Western societies such as present-day Turkey and India.<sup>49</sup> To this end, in the last chapter of this dissertation I construct a comparison of the responses of the European Court of Human Rights to

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<sup>48</sup> Dogru v. France, App. No. 27058/05 (Eur. Ct. H.R. 2008).

<sup>49</sup> Jacobsohn, (2003). Especially pertinent is Jacobsohn’s discussion in Chapter 4 of the manner in which the Indian Supreme Court has handled the Hindu demands for constitutional recognition of Hinduism as the official national identity of India. Consider also Jacobsohn’s more recent restatement of the competing Indian and American constitutional models of secularism in “The Sounds of Silence: Militant and Acquiescent Constitutionalism,” in Constitutional Identity.



constitutional challenges to the prohibition of the wearing of the religious veil in public schools in Turkey and France. In creating this constitutional contrast, I aim to show how the competing Enlightenment approaches that I explore in this study are flexible enough to provide normative and prudential guidance for comparative constitutional jurisprudence and constitutional design that transcends the assumptions of inflexible secularism. Drawing on the lessons that I uncover in Locke and Tocqueville, I argue that while a mature liberal society, where the institutional and cultural commitment to individual rights has a long tradition and history, may be ill-served by adopting official secularism as a constitutional principle, such a constitutional posture should remain an open option, at least in principle and for the time being, in circumstances where traditional religiously-based hierarchical difference continue to pose a polity-wide challenge to the principle of equality and to limited constitutionalism more broadly. But while it should remain an open option, such a regime of potentially repressive secularism must not come to permanently define a state's constitutional identity, because a healthy constitutional polity must maintain a sufficient degree of flexibility to be able to accommodate peaceful religious expression in the public sphere. In transplanting the logic of Turkish secularism in its jurisprudence regarding the ban on the veil, the European Court of Human Rights ignores these important distinctions.

Even though I stress what I consider to be important shortcomings of French laicete and the constitutional secularism that the ECRH has embraced, by doing so I do not mean to imply that European states should seek to blindly emulate the American regime of disestablishment by further weakening their national church establishments, which, as I demonstrate in Chapter 5, have already come under the strain of secularization or religious decline that Hobbes anticipated and helped set into motion. While I hope to show that both European secularism and the US Supreme Court First Amendment jurisprudence could

derive important benefits from Tocqueville's insights into the positive contribution that religion can make to liberal democracy, the American model of disestablishment need not be the exclusive, nor the most appropriate and effective, model of accommodation on which Europe states should draw. Instead, I contrast the French model of laicete with the American version of disestablishment, as well as the more accommodationist institutional responses to the religious needs of Muslims in Britain and Germany, which have been shaped to a considerable degree by inherited church establishments that have structured the political debate around Muslim religious rights and practices (Fetzer and Soper 2005). In what may appear to be a counterintuitive and paradoxical finding, I argue that in the wake of the failure of EU experiment with multiculturalism, European states have more hope for finding an integrationist approach to religion that encourages toleration and moderation among immigrant Muslims not through a public policy of secularism and disestablishment, but instead through increasing reliance on their constitutional church establishments as institutions that can help open up public space for peaceful religious expression. Against the secular militancy of the ECRH, the institutional legacy of moderate church establishments in Britain and Germany—one that involves mutual cooperation, state protection, and gradual liberalization of the traditional church establishments—provides the state with existing legal structures that can be used to co-opt, and through public funding for education and religious schooling, to incentivize Muslim participation in the public sphere while also promoting civic standards of liberal citizenship.

As I show in Chapter 5, what is encouraging about the current European situation is that the diversity of church-state relations in the EU nations means that European states are not necessarily constrained to emulate the secularist and, from Tocqueville's perspective, potentially counterproductive, path that France has embraced. In a way that our

contemporary attachment to the inflexible “wall of separation” reading of the First Amendment may make it difficult for us to appreciate, instead of serving as institutional barriers to integration, the legacy of church establishments in Europe may actually facilitate the accommodation, and the theological reform, of Muslim believers. The court should instead serve as a constitutional ally and protector of the diversity of the EU church-state systems, and encourage the development of public policy that helps to both accommodate and moderate Islam. In order to succeed, this new post-multicultural approach to religious accommodation must be wedded to a broader effort of public education that draws on the Enlightenment lessons and actually encourages the formation of liberal citizens. Europe’s continued attachment to the post-modern “religion” of “diversity” must not be allowed to collapse the genuine accommodation of liberalized religion in the public sphere into a blind celebration of deep moral and theological differences that the regime of multiculturalism had promoted for two decades. Genuine religious accommodation in a liberal regime must possess a normative rational foundation and a clear grasp of the moral and theological outlook that is necessary for inclusion in the liberal regime and that is the implicit but genuine price of liberal citizenship.

## CHAPTER 2: HOBBS' RADICAL ENLIGHTENMENT AND LIBERAL ABSOLUTISM

**Abstract:** This chapter examines Hobbes' rationalistic critique of religion in the Leviathan, and the relationship of that critique to his political absolutism. While Hobbes is often incorrectly thought to base his teaching on Christianity, I show that moral and political philosophy that he lays out in the first part of the Leviathan is grounded on a rationalism that is emphatically anti-Biblical in its assumptions and requires the displacement of Bible as a source of political authority if it is to be effective. Hobbes' scientific account of religion, and especially his Biblical exegesis in the third and fourth parts of the book, are not merely defensive measures intended to lend his teaching Biblical support, but instead are intended by Hobbes as offensive or destructive maneuvers through which he aims to undermine the legitimacy of the Bible by demonstrating the absurdity of its teaching when it has been submitted to the authority of rational skepticism. I therefore argue that Strauss is correct in identifying Hobbes as the "most significant representative" of "the **radical** enlightenment,"<sup>50</sup> whose goal is not merely to reform Christianity and make it more liberal but to contribute to its erosion altogether. At the same time, I demonstrate that Hobbes' political absolutism, though often thought to place him beyond the pale of liberal political thought, is actually intended by Hobbes to advance the cause of religious toleration, a goal that many regard as the chief characteristic feature of liberalism today. I argue that Hobbes is not only not an illiberal thinker, but also that his prot-liberal absolutism is much more clear-sighted about the requirements of liberal politics than is contemporary Rawlsian political liberalism, which seeks to create a deeper and richer pluralism than the Enlightenment thought could be secured in a stable political order.

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<sup>50</sup> Strauss (2011), p. 115.

## I. The Reformist Agenda of Hobbes' Absolutism and the Theology of the Leviathan

Are we to understand Hobbes as an early progenitor of political liberalism and individualism that was eventually championed by his great modern successors, or is his political and theological teaching more properly situated within the orb of traditional pre-modern Protestant thinking about the basis and purposes of a political community? Was Leo Strauss correct when he made the following provocative assertion in Natural Right and History: "If we may call liberalism that political doctrine which regards as the fundamental political fact the rights, as distinguished from the duties, of man and which identifies the function of the state the protection or safeguarding of those rights, we must say that the founder of liberalism was Hobbes."<sup>51</sup> Strauss's argument, it is important to add, has at its core the proposition that this Hobbesian liberal vision of political enlightenment presupposes "the disenchantment of the world," that therefore Hobbes' politics is at its core atheistic or irreligious, and that both his political philosophy and Scriptural exegesis are in fact tailored to encourage such disenchantment.<sup>52</sup> It is unclear whether Hobbes' genuinely liberal successors, even on Strauss's reading, would agree that a completely disenchanted, or an atheistic, world is most conducive for political liberalism, or even whether a Hobbesian version of church establishment is the best institutional strategy for enlightenment and religious reform. If Strauss' admittedly unorthodox and controversial conclusion is ultimately borne out by a thorough examination of Hobbes' political teaching, and by the influence of that teaching on his indisputably liberal successors, then how can Hobbes' alleged liberalism be reconciled with his endorsement of political absolutism, and how is his alleged atheism compatible with his Biblical exegesis, theology and erastianism? Is Hobbes'

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<sup>51</sup> Strauss (1965), pp. 181-182.

<sup>52</sup> Ibid, pp. 198.

refusal to sanction a constitutional government of limited powers merely a strategic or institutional deviation that still aims to secure the substantive goals of Lockean liberalism, or do the two thinkers diverge also about the question of principle and, by consequence, about the substantive ends and the moral character of political society as well? Is his theology merely a defensive rhetorical cloak intended to conceal his atheism, a genuine effort to demonstrate the compatibility of his civil philosophy and the Scripture, or does it serve a more strategic and forward-looking purpose of religious transformation and secularization? Or, alternatively, should we follow recent revisionist historical studies that contextualize Hobbes as a consistent, if idiosyncratic, royalist, whose political thought and theology should be understood in light of his shifting political allegiance during the interregnum and whose intellectual career was motivated by his sympathy with the broad religious-political goals of Oliver Cromwell and other English revolutionaries of the period?<sup>53</sup> Finally, what can we learn from the reaction that Hobbes' theological-political teaching elicited among his contemporaries, and what sort of influence did Hobbes have on the political-religious climate of England?

It almost goes without saying that, with few but notable exceptions, Strauss' reading of Hobbes as an atheist and as the founder of atheistic liberalism has not garnered a very hospitable reception among the majority of Hobbes scholars. It is true that the Straussian approach to Hobbes has inspired several scholars to elaborate atheistic interpretations of

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<sup>53</sup> For a synoptic argument that interprets Hobbes as a sympathizer of Oliver Cromwell and a supporter of the broad theological-political goals of the English Revolution, consider Collins (2005). Collins pays particular attention to Hobbes Erastianism, or to his support for church establishment, in the context of the English Revolution, and the reception that Hobbes' teaching received among Cromwellian Protestants. For a similar, but slightly divergent, historical interpretation that does not place as much emphasis on Hobbes' ecclesiology as much as Collins does, consider a series of articles and chapters by Skinner (1966, 1972, and 2002), who attempted to situate Hobbes within the intellectual and ideological milieu of the English revolutionaries. I will return to Collins and Skinner's argument below, where I try to show that Hobbes' political vision in matters of church and state is far more innovative, theologically subversive, and therefore anti-religious than these Erastian interpretations suggest.

Hobbes politics, but the proponents of this view remain a decided minority, and the potentially profound implications of such an interpretation, for the development of modernity, broadly, and for the origins of political liberalism, in particular, remain unclear.<sup>54</sup> While skirmishes over whether and to what extent Hobbes prefigures certain crucial elements of political liberalism continue, the main consensus in scholarship is that Hobbes, far from being a proponent of atheism, was in fact a genuine and sincere theist whose politics were rooted in religion. Some interpretations even go so far as to argue that he “was a sincere and relatively Orthodox Christian” with a commitment to English Calvinism that was “an inextricable part of his philosophy, especially his moral and political views” (Martinich, 2003), or, alternatively, that he was “not only a theist, but a sound Anglican Christian” (Glover, 1965, p. 148).<sup>55</sup> Without yet delving into the depths of these debates, the crucial elements of this consensus can be said to hold that Hobbes’ sincere theological or religious commitments fundamentally informed and shaped his political teaching and the vision of politics that he aimed to promote throughout his intellectual career.<sup>56</sup> This line of reasoning has important implications for the proper approach to interpreting the structure and the argument of the Leviathan, and in particular the status and the foundation of the

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<sup>54</sup> Pangle (1992), Collins (2005), Stauffer (2010) and Owen (2005) are sensitive to, and appreciate of, the rhetorical elements of Hobbes’ theology. But the transformative agenda that underpins Hobbes’ institutionalism, and the practical import of his absolutism and erastianism as a practical alternative to the liberal Enlightenment, have not received a thorough treatment.

<sup>55</sup> Martinich (2003), p. 1; Glover (1965), pp. 141-168. See also, Pocock(1971); Warrender (1957); Hood (1964); Taylor (1965); Lloyd (1992).

<sup>56</sup> While this line of interpretation has a long history, and can be traced back to Howard Warrender’s famous study of Hobbes’s theory of obligation, and to F.C. Hood’s Divine Politics of Thomas Hobbes, it has received a new and comprehensive rearticulation in A.P. Martinich’s The Two Gods of Leviathan. I will be returning to Martinich’s arguments throughout the chapter, especially in sections 3 through 5. For similar interpretations of Hobbes’ political philosophy, consider, EA Taylor, Mitchell, Glover, Damrosch. Even Michael Oakeshott, who stands at some distance from Martinich, Glover and Warrender, in critiquing Strauss’ interpretation of Hobbes, embraces the theistic view and explicitly endorses the historicist perspective on Hobbes’ thought that tends to characterize the theistic interpretation: “the greatness of Hobbes is not that he began a new tradition,” but that “he constructed a political philosophy that reflected the changes in the European intellectual consciousness which had been pioneered chiefly by the theologians of the fifteenth and sixteenth centuries,” in “Introduction,” Leviathan (Oxford: Basil Blackwell, 1960).

civil philosophy and the doctrine of obligation that Hobbes presents in the first half of the work and the relationship of that teaching to the Scriptural exegesis that he elaborates in the second half. Part of my argument will aim to demonstrate that the attempt to shoehorn Hobbes' political teaching within the religious climate of his time, or the tendency to reduce his politics to some mixture of the various versions of Protestantism, has compelled scholars to reverse the priority that Hobbes himself attaches to the structure and the organization of the Leviathan: while Hobbes' procedure is to provide an independent rational grounding for his civil philosophy in the first half of the Leviathan, and to turn to Scriptural interpretation in the last two books only to demonstrate, through an exceedingly unorthodox and subversive reading of the Scripture, that the Bible **can** be interpreted in a manner that confirms his own political doctrines, those who understand Hobbes as a political theist are forced to reverse this order and to ignore how emphatically Hobbes divides and separates the two parts. Indeed, these scholars are compelled to reverse not merely the order and the priority, but even the relationship between the two parts of his work: their theological and historicist assumptions lead them not only to take for granted Hobbes' claim to have successfully demonstrated the compatibility of his civil philosophy with the Scripture, but also to the conclusion that his "civil philosophy was the handmaid to Christian politics," and that the latter rather than the former contains the core of his political thought.<sup>57</sup> As I will show, the grave risk that is entailed in embracing the historicist premise is that because it insulates us from the theologically unsettling implications of Hobbesian rationalism and

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<sup>57</sup> F.C. Hood, The Divine Politics of Thomas Hobbes p. 233. Martinich falls into a similar historicist trap that transforms Hobbes' politics into a handmaiden to Christianity when he asserts that Hobbes "wanted to preserve orthodox Christian beliefs by reconciling them with the modern science of Copernicus, Galileo, and others" (p.15, 2003). In spite of this rather careful formulation of Hobbes' goals vis-à-vis Christianity (he sought a convergence between Christianity and modern science by pushing the former towards the latter, rather than a mere defense of traditional theism), Martinich is still articulating a fundamentally theistic view of Hobbes' political science, since he claims that Hobbes' teaching culminates in a "divine command theory of morality," p. 121 (2003). [See also pp. 27-30 of Martinich for his refutation of the claim that Parts III and IV are ironic, and intended to undermine religion.]



scriptural exegesis, it extinguishes the incentive to confront squarely his critique of the Biblical God and Christian morality. This approach, as I demonstrate, obscures, instead of clarifying, the strategic intent and effect of Hobbes' confrontation with religion, and in particular with Biblical revelation, throughout both parts of the Leviathan.

In this chapter, I aim to reconcile these two fundamentally divergent views of Hobbes—as an atheistic liberal or proto-liberal and as an unorthodox but otherwise conventional Christian—by demonstrating that they are direct consequences of the rhetorical and institutional strategy that Hobbes employed in order to reform religion and politics. My goal is to show that Hobbes intended his unorthodox theology as well as his erastianism to serve or to supplement his civil philosophy, but also to demonstrate that they were not meant as mere prudential theological apologetics intended to placate the pious of his time, because Hobbes envisioned for them a more far-reaching, transformative and radical intent. In short, through his erastianism and his Biblical reinterpretation Hobbes hoped to empower the sovereign to place the pressure of rationalism on religion, in order to broaden the spectrum of theologically acceptable opinions in the short-term, and, in the long-term, to undermine religion altogether. While it is informed by Strauss' orientation and his instinct about Hobbes' radical theological, moral and political innovations, my argument diverges from Strauss insofar as I do not share Strauss' perspective that Hobbes was the founder of liberalism and the proponent of a civil philosophy that necessarily culminated in an atheistic **liberal** society. Indeed, the distinctiveness of my interpretation is that it shows how Hobbes' civil philosophy and his theology were uniquely tailored to generate institutional solutions for a society that was still far from being liberal, a society that Hobbes may never have imagined would transition to liberalism in the sense in which we understand the term today, even as it would transition to secularism. While both Hobbesian absolutism

and his theology were intended to help launch a reformist political and theological momentum for a culture that was steeped in a religious tradition that posed considerable obstacles to any significant movement towards liberalism, the reformist momentum that Hobbes had in mind did not inevitably point towards liberal constitutionalism, even if it would contribute to or hasten the spiritual “disenchantment of the world” to which Strauss refers and even if it could eventually serve as a building block for the emergence of the genuinely liberal approach to politics. This chapter therefore aims to uncover in Hobbesian absolutism a genuine modern alternative to Lockean liberal constitutionalism and his model of church management, one that I will contend illuminates the theological preconditions of liberalism more effectively than our own secular paradigm of religious neutrality and even our conception of a government of limited powers. The ultimate aim of this exploration of Hobbesian absolutism and his reformist agenda is to help us transcend the narrow paradigm of liberal neutrality, and thus to provide us with a theoretical foundation for a reconception of the institutional and constitutional approaches to political and theological enlightenment in illiberal societies.

## II. The Theological-Political Significance of Part I of the Leviathan

If we follow the common understanding of the relationship between the two halves of the Leviathan, the first part of the work corresponds to the purely rationalistic demonstration of Hobbes’ natural civil philosophy, while the second half provides the essential supernatural Biblical supplement to his political teaching through a sincere exploration and investigation of the teaching of the Scripture.<sup>58</sup> According to this view, in the course of his intellectual career, and especially during the political and theological turmoil of the Cromwellian era, Hobbes came to be increasingly sensitive to, and keenly appreciative

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<sup>58</sup> See Martinic and Mitchell.

of, the need to supply his political philosophy with a more elaborate and convincing foundation in the Protestant Bible.<sup>59</sup> In other words, the Biblical exegesis can be best understood as Hobbes' effort at theological or religious accommodation that can appeal to the religious posture of his contemporaries: if not entirely Biblical apologetics, it is at the least a conciliatory attempt to demonstrate the genuine compatibility of Hobbes' civil philosophy with the Biblical teaching. While there is an important element of truth in this view, this understanding of the organization of the Leviathan tends to underestimate the theological significance of the rationalistic civil philosophy of the first half, and thus insulates the reader from confronting squarely, under the guidance of the rationalism of the first half, the subversive and enlightening effect of the unsettling implications of Hobbes' confrontation with the Biblical religion throughout the two halves of the work. But even those who sense the unorthodoxy of Hobbes' Biblical interpretation tend to minimize its intended effect in order to defend the theistic view of the work: we are told that the very fact that Hobbes took on unorthodox positions is a testament to the sincerity of his theological views, since if he wished to placate his religious contemporaries, he would have tried to eschew unorthodoxy and hewn closely to the accepted conventional opinion.<sup>60</sup> Or,

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<sup>59</sup> If one takes a birds-eye-view of Hobbes' intellectual corpus in its successive stages of development and elaboration, one cannot escape being struck by the fact that the space and attention devoted to Scriptural interpretation is much more extensive in the Leviathan, where it occupies the entire third and fourth parts of the book, than it is in De Cive, Hobbes' earlier treatise on politics. As Strauss observes, however, "In De Cive, Hobbes devotes two special chapters to Scriptural proofs of his own theories of natural law and of absolute power of kings; in the Leviathan there is nothing that corresponds to the first of these chapters, and the content of the second is disposed of in two paragraphs in the chapter which treats of the natural State" Strauss (1952), p. 71. Pangle (1992), building on some of Strauss' observations, suggests that even as Hobbes became more sensitive to the need to critique or refute Biblical revelation, and not merely to interpret it as supporting his civil philosophy, he became less and less optimistic about the possibility of elaborating a genuinely Scriptural foundation for his rational natural law teaching. This realization, according to Pangle, is discernable in the organization of the Leviathan, which is meant more emphatically to reflect the gulf between reason and revelation than any of Hobbes' previous works.

<sup>60</sup> Glover (1965), while defending the theistic interpretation of Hobbes, nevertheless places his finger on the pulse of the difficulty with this reading, for he notes that Hobbes embraced and publicly espoused very unorthodox religious beliefs. But Glover uses this prescient observation to argue against Hobbes' "esotericism," hypothesizing, unconvincingly, that if Hobbes were being esoteric, "one might have

alternatively, is A.P. Martinich correct when he argue that Hobbes sought to salvage traditional Christianity from the corrosive effects of modern science by rationalizing Christianity in a manner that did not require believers to abandon their faith altogether.<sup>61</sup> However, as I try to show, the iconoclasm of the psychology of religion and the Biblical interpretation that Hobbes presents throughout the Leviathan need not be merely or exclusively conciliatory, defensive, or redescriptive. All of these strategic goals are compatible with the possibility that Hobbes regarded them as merely intermediary way-stations or transitional positions, aimed to help shepherd the believing part of his audience further to the left of the theological spectrum, in order to prepare the way for a more thorough process of secularization.

Indeed, when one returns to the opening chapters of the Leviathan after raising these questions about the organization of the whole work, one is gradually forced to reconsider the theistic interpretation of the Leviathan by the explosive theological reflections that Hobbes scatters throughout the psychological-moral teaching of the first part of the work. Even before Hobbes begins to elaborate his civil philosophy, he devotes Part I of the Leviathan to articulating a materialistic account of human psychology and motivation. But in the process of elaborating this psychology, Hobbes also begins to unveil a rationalistic explanation of the seeds of human religiosity that emerges as a direct contender against the

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expected him to avoid minority positions and highly controversial issues in order to win a maximum of support and avoid attracting criticism to his own views. Actually, of course, as Glover observes, Hobbes “does just the opposite,” because he does not hesitate to take on extremely unpopular theological positions on the most controversial issues by denying, among other things, the immortality of the soul, the existence of Satan, the existence of Kingdom of God on Earth, and the belief in the afterlife, Glover, p. 280. From this interesting if paradoxical observation, Glover jumps to the conclusion that Hobbes’ choice to publicly espouse unorthodox and provocative theological opinions, at grave risk to his reputation and security, was a reflection of his sincere religious belief and commitment: “The most plausible explanation for his discussion of these matters is that he took his opinions on them seriously enough to risk the criticism they were bound to draw.”

<sup>61</sup> Martinich, p. 7. For a reading that defends the rationalization thesis, but contends that this does not undermine religious belief in general, see. Lloyd (1992).

traditional pious outlook. This procedure, when combined with Hobbes' materialism, requires Hobbes to put forward throughout the first twelve chapters of the Leviathan, i.e., the most exposed portions of the whole work, relativistic definitions of "True Religion," "Superstition" and "Belief and Faith" (6.36, 7.5-7); to reject the notion of the conscience or an innate moral law (7.4); to deny that Moses and Abraham "pretended to prophecy by possession of a spirit," while claiming that nothing in the Old Testament requires a belief in divine inspiration and spiritual possession (8.16, 8.18, 8.22, 8.24-25); to proclaim that the notion of spirits or "immaterial substances"—which is not only at the core of the Catholic interpretation of the Eucharist, but also the metaphysical prerequisite for the Biblical teaching about the trinity and the angels—is nothing more than "absurd" speech (3.12, 5.5); and finally, to interpret the phenomenon of divine or miraculous inspiration as a species of "madness" or insanity (8.18).<sup>62</sup>

These preliminary but aggressive jabs at the pious outlook are intended to provoke and to begin to soften up the adversarial pious reader, and to prepare the way for Chapter 12, "Of Religion." This chapter—which appears at a crucial juncture in the Leviathan, immediately before Hobbes' turns to his state of nature teaching—contains some of Hobbes' most explicit declarations and unmistakable insinuations about the human origins of religion. Whenever he touches the subject of religion in these sections, Hobbes employs two different, but ultimately complementary, approaches: Hobbes usually provides a general account of the natural and psychological seeds of all human religion and superstition, as well

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<sup>62</sup> All citations are to the Chapter and Sections of the Curley (1994) edition of Hobbes' Leviathan. Hobbes defines "religion" as "Fear of power invisible, feigned by the mind, or imagined from tales publicly allowed" (citation). In the same context, Hobbes claims that "superstition" is "religion "not allowed." As Martinich observes, "This is a relativistic definition of 'superstition' that has the consequence that whether a religion is a superstition or not depends upon time and place," Martinich, p. 53. But Martinich attributes the discrepancy between Hobbes definitions, and the uncomfortable theological implication of his line of reasoning, to Hobbes' "confusion."

as a more focused treatment of the crucial differences and similarities between the Biblical religions and the religion of the Gentiles (c.f. 2.8-9, 3.12, 11.25-27, 12.1-11 with 7.7, 8.15-26, 12.12-31). In each case Hobbes advances the more radical and subversive claim about religion through his general psychology and through his apparent mockery of the beliefs and practices of the Gentiles, but then immediately reverts back to the contrast between the Scripture and the pagan religion in order to give the impression that he is exempting the Bible from his critique of the irrationalities that underpin religious claims in general (7.7, 8.25-26, 12.12, 12.22). Indeed, Hobbes emphatically underscores this point, by repeatedly insisting that the Scripture contains nothing that is contrary to reason, and that therefore its pronouncements about spiritual possession, divine inspiration and immaterial substances should be read allegorically in order to preserve the rational teaching of the Bible. As I argue below, this procedure plays an offensive strategic role in the Leviathan, aimed not so much at softening the anti-Biblical thrust of Hobbes' discussion, but rather at imposing upon his theologically sensitive adversaries and critics the imperative to defend the Biblical teachings on rational, as distinguished from supernatural or suprarational, grounds.<sup>63</sup> This method, which allows Hobbes to preserve a thin veneer of religious conformity even as he systematically raises troubling questions about the core tenets of Christianity, anticipates and prepares the approach that Hobbes adopts towards Biblical revelation in his Scriptural exegesis in the second half of the work.

We are provided an initial introduction to this method, which Devin Stauffer has recently described as “one of Hobbes' preferred tactics” in treating religion, as early as in Chapter 7 of the Leviathan, where in his discussion of science Hobbes abruptly raises

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<sup>63</sup> For a detailed discussion of Hobbes reception within the religious debate in his time, see in general Mintz (1970). Also useful in this regard is Parkin (2007).

unsettling questions, and draws far-reaching conclusions, about the nature of faith.<sup>64</sup> The core of Hobbes' reflections on faith in Chapters 7 and 8 of the Leviathan is in an effort to foster skepticism about the veracity of the human intermediaries or agents through which the purported revealed teachings of the Scripture have been transmitted, combined with an attempt to provide a clear and plausible psychological account of the experience of divine inspiration to which all religious claims ultimately go back. Thus, part of what Hobbes is trying to accomplish in Chapter 7 is to shake the foundations of religious authority by impressing upon the reader the notion that faith consists not merely or even fundamentally in the acceptance of **the teaching**, but first of all in putting one's trust in **the authority** of the person that delivers the teaching: "when we believe that the Scriptures are the word of God, having no immediate revelation from God himself, our belief, faith, and trust is in the church, whose word we take, and acquiesce therein" (7.7). If one follows the logic of this sentence without surrendering to its outward impression of conformity, one cannot escape the conclusion that for Hobbes, absent any evidence of direct or immediate miraculous revelation, faith depends entirely on the trust that the individual places in the reputation and credibility of the authority that delivers the revealed teaching (in this case, the Church and its priests).<sup>65</sup> Immediately after pronouncing this far-reaching conclusion that deprives the

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<sup>64</sup> For a synoptic statement of his interpretation of Hobbes' strategic approach to religious issues in the First Part of the Leviathan, please consult Stauffer (2010). Curley (1996), in his response to Martinich's defense of the theistic Hobbes, characterizes this same strategic technique as "suggestion by disavowal," or as "rhetorical device" through which "a writer presents a series of considerations which might reasonably lead his reader to draw a certain conclusion, but then denies that that conclusion follows." My understanding of how this strategy operates broadly throughout the Leviathan, including especially in the third and fourth parts of the work, is informed by Pangle (1992).

<sup>65</sup> As I discuss in the next section of this chapter, in Chapter 12 Hobbes will draw out the full implication of this line of reasoning for religious reform and secularization by erecting on it political strategy aimed at undermining religious belief: since belief is faith in the authority of the human transmitters and guardians of the teaching of the revelation, religious change can be precipitated, encouraged and nourished, and religious belief can be eroded, when the reputation of the priests is undermined, when their trustworthiness or reasonableness is shown to be suspect due to contradictions, and when their love for the people is questioned by their exploitation of their own authority. ).

teaching of Biblical revelation, as an alleged product of authentic miraculous inspiration, of its independent authority over the human soul, Hobbes introduces a non-Biblical example which serves as the surrogate for the explosive point that he did not explicitly make about the Scripture: “If Livy says the Gods made once a cow speak, and we believe it not, we distrust not God therein, but Livy” (7.7). Here Hobbes does not himself extend this rationalist criticism to the Bible, but he prods the reader to do so, since, as Richard Tuck has pointed out, he attributes to Livy an unbelievable story that actually occurs in the Bible.<sup>66</sup> Hobbes therefore delicately discloses to the reader the rationalist grounds upon which one can distrust Biblical revelation just as much as any rationally implausible report delivered by Livy and other historians: Hobbes is attempting to instill an intellectual disposition that is deeply suspicious of any claims of “immediate” or personal “revelation from God himself,” and that seeks to subject every appeal to Scriptural authority to the skeptical deliberations of unassisted reason (7.7, 31.3).<sup>67</sup>

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<sup>66</sup> Livy said merely that it was believed that a cow had spoken (Book III, 10). As Richard Tuck observes, the appropriate Scriptural analogy appears to be Numbers 22:28-30, which presents an animal speaking as a fact. Hobbes could have been expressing disbelief about a story that he deliberately misattributed to Livy in order to prod the reader to discover the analogous Biblical passage, and to reflect on how the Scripture is full of stories that are as unbelievable as the one that Hobbes here attributes to Livy.

<sup>67</sup> It is therefore difficult to grasp why Professor Martinich concludes his interpretation of Hobbes’ discussion of the nature of faith with the following comment: “Hobbes’s explicit relegation of certain propositions of religion to the will was an attempt to protect them from an unjustified encroachment or assault by reason,” p.217. The accuracy of this interpretation is questionable, since Hobbes actually seems to be implying that insofar as revealed teachings cannot be independently confirmed by reason, we have little reason to either follow or believe in them, except for our trust in the authority that delivers the teaching. Martinich goes on to concede that the pro-religious goal that he imputes to Hobbes’ purported strategy of removing religion from the sphere of reason in fact had the opposite effect than he had in mind: “This strategy of defending religion by taking it off the battlefield of reason did not succeed with most intellectuals, because reason, through modern science, became too successful and eventually claimed to explain everything, at least in principle,” p. 217. Indeed, in light of what Hobbes suggests about the subordination of faith in revelation to natural reason in Chapter 32, where he says that “we are not to renounce our senses and experience, nor (that which is the undoubted word of God) our natural reason” in interpreting Scripture, and especially those “many things in God’s word [that are] above reason,” it is hard to follow Martinich’s attempt to distinguish Hobbes from the purportedly more radical and rationalistic position of Locke, whose “strongest blow against faith comes when Locke declares that ‘Reason must judge’ whether something is a revelation or not (ibid.) and more generally that ‘Reason must be our last Judge and Guide in Every Thing’ (ibid, par. 14),” p. 238. As I argue in Chapter 2, if anything,



In Chapter 8, Hobbes shows that when this rationalizing treatment is extended to the religious claims to divine inspiration and possession, the unavoidable consequence is that the Bible is drained of its authentic and intended meaning, while the individual is left with no rationally acceptable alternative than to begin to surrender to a position “which is very near to direct atheism” (8.25). Hobbes suggests that a certain combination of ignorance of causes and intense passions, such as excessive vainglory or dejection of mind, can trigger in an individual a psychological disposition which Hobbes calls “madness,” which is not only a source of prideful and destructive anger, but also the origin of all the politically explosive and subversive claims to divine inspiration that underpin prophetic religions (8.18, 8.22). Hobbes tacitly acknowledges that his account of inspiration as a form of madness is likely to be considered extremely contentious, for he notes that throughout human history most men have subscribed to a supernatural interpretation of this phenomenon: not just the Romans and the Greeks, but even the Jews believed in divine possession and therefore “called madmen prophets” (8.25). Furthermore, even more problematic is that the Bible, too, appears to rely on the same doctrine of possession, for it shows Jesus expelling spirits from men, “as if they were possessed, and not as if they were mad” (8.26). But while Hobbes does not hesitate to attribute the emergence of the idea of possession among the Jews and the pagans to ignorance deriving from “the want of curiosity to search natural causes,” he attempts to distance the Biblical teaching from the doctrine of possession, and thus to insulate the Scripture from his corrosive materialism (8.25-26). Instead, Hobbes insists on imposing on the Bible a rational interpretation, asserting that there is “nothing at all in the Scripture that requireth a belief that demoniacs were any other thing but madmen,” and that

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the genius of Locke’s approach was that even as he accepted Hobbesian starting premise of rationalism and individualism, he succeeded at tempering or moderating the harsh materialism, absolutism and theological heterodoxy that made Hobbes’ teaching so objectionable to many of his theologically-sensitive readers.

“neither Moses nor Abraham pretended to prophecy by possession of a spirit,” while at the same time reminding the reader all along of numerous unambiguous passages in the Scripture which explicitly declare the teaching of possession and therefore flatly contradict Hobbes’ account (8.25-8.26). Those Scriptural passages that rely on divine possession or on spiritual incorporeality, Hobbes continues shockingly to insist, must be read figuratively, for “the Scriptures, by the Spirit of God in man, mean a man’s spirit, inclined to godliness” (8.25). But, as if to underscore the tendentious or unconvincing nature of his argument, and the theologically critical or subversive tenor of this whole discussion, the chief example that Hobbes cites from the Bible (Numbers, 11:25) presents a direct reliance on the incorporeality of the spirit, since there, as Hobbes himself reports it, “God is said to take from the spirit that was in **Moses** and give to the 70 elders” (8.25).<sup>68</sup> Thus, when Hobbes finally confronts more squarely the Bible’s prominent reliance on the phenomenon of possession, to maintain the impression that the Scripture is rational, he is compelled to advance the entirely unconvincing proposition that it makes no difference “to our obedience and subjection to God Almighty” if one interprets the Scriptural depictions of possession as “parables” for madness (8.26-27).

But that it makes all the difference in the world whether one abandons the belief in divine possession, and therefore rejects the doctrine of spirits, is illustrated by the Sadducees, a Jewish sect whose members Hobbes describes in the same chapter as being “very near to direct atheism” as a consequence of their denial that there are “any spirits” at all (8.25). Indeed, what Hobbes says of the Sadducees in Chapter 8 is actually a perfectly accurate

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<sup>68</sup> In his helpful discussion of these sections of the *Leviathan*, Pangle (1992) points out that when Hobbes turns to his thematic treatment “of the signification of SPIRIT” in Part III, Chapter 34, “Hobbes explains that what the Bible means by ‘the Spirit of God’ which God took from Moses and put upon the seventy, is simply that they began to ‘prophecy according to the mind of Moses, that is to say, by a **Spirit** or **Authority** subordinate to his own,” p. 36.

description of the position that Hobbes adopt in his own name four chapters later, for in his thematic treatment “Of Religion” in Chapter 12 he too denies the existence of spirits that are not bodies while developing an argument that reduces the very notion of incorporeal substances to an “absurdity” (8.27, 12.7). The full force of the argument that Hobbes seems to be developing, then, aims to demonstrate the utter absence of any evidence discernable by natural reason that supports the idea of a providential, moral and ruling God in the ordinary pious sense of the term.<sup>69</sup> Indeed, in De Cive Hobbes explicitly confirms this interpretation, for he states that had it not been for the artificial contamination of man’s anxiety and fear with certain very false notions about substances and causality, fully matured religions might not have had the chance to obtain a lasting footing among men: without the cultivation of religion through human claims of “special revelation,” it is “almost impossible to avoid the twin rocks of **Atheism** and **superstition**” (De Cive, 16.1, Leviathan, 12.7-11). Hobbes therefore increasingly prods the reader to wonder how and why organized and revealed religion could acquire such widespread appeal and power among men, if, as he insists, mankind’s natural disposition is to arrive only at “atheism” or, alternatively, at mere disorganized superstitious beliefs. In other words, how did **revealed** organized religion sprout from the psychological seeds of human religiosity in the first place, and how were the mere superstitious beliefs that most men share displaced by organized and intricate doctrines about divine justice, attributes of God, and the relationship of religious authority to political life?

Having thus exposed the dubiousness of prophetic claims to divine inspiration as the source of revealed religion, and having traced religiosity to its distinctive psychological roots of human anxiety, Hobbes will now begin to articulate his own genealogical account of the

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<sup>69</sup> I treat Hobbes natural theology independently, after my discussion of absolutism, in Section VI of this chapter.

human origins of all organized religion. If the sustained effort in Chapters 7 and 8 to challenge the Scriptural notions of inspiration and incorporeality were aimed primarily at arousing skepticism towards revelation, and a prejudice in favor of rationalism and perhaps even atheism, in the individual believer, in Chapters 11 and 12 Hobbes begins to provide strategic political advice to the sovereign, aimed at demonstrating the absolute political necessity of, and the most effective political means for, managing human superstition and religiosity. In these two crucial chapters, Hobbes will present all organized human religiosity, or every historical instantiation of “formed religion,” as the deliberate product of the human effort to acquire power through the exploitation, and self-conscious cultivation, of man’s natural ignorance and existential anxiety by power-hungry and politically ambitious individuals. Hobbes asserts that politically ambitious men came to see that the seeds of religion could be cultivated and nourished to their own advantage, and therefore they imposed on men’s bare superstitions additional doctrines: “And this seed of religion having been observed by many, some of those that have observed it have been inclined thereby to nourish, dress, and form it into laws, and to add to it, of their own invention, any opinion of the causes of future events by which they thought they should be best able to govern others, and make unto themselves the greatest use of their powers” (11.27, cf. with 12.12-21). By tracing the emergence of organized religiosity to the mercenary political machinations of ambitious men who exploited the existential anxieties of the human psyche, Hobbes has prepared the reader to confront and internalize the critical set of reflections about the contrasting and competing types of political life that are fostered by the pagan and Biblical religions.

### III. The Critique of Biblical Politics and the Civil Religion of the Gentiles in Chapter

An even more revealing instance of Hobbes' masterful rhetorical manipulation of Biblical revelation for the purposes of his civil philosophy is his treatment of the difference between the pagan and Christian religions in Chapter 12 of the Leviathan. In this crucial chapter, which immediately precedes Hobbes' elaboration of the state of nature doctrine and thus the most important foundational parts of his civil philosophy, Hobbes presents in condensed form the impish and impious results of his psychological investigation of religion in the first part of the Leviathan: religions have all-together human origins, and their constitutive seeds are fear or anxiety about future security mixed with ignorance of causes (12.1-5). Those who wish to defend Hobbes as a theist, however, and especially those who wish to interpret him as a sincere Christian, find certain encouragement, if not necessarily strong textual support, in Hobbes' profusely denigrating treatment of the pagan religion, and copiously exhaustive mockery of their superstitious practices, in Chapter 12. To be sure, Hobbes seems to present a genuine and striking contrast between Christianity and paganism: while Hobbes does not hesitate to interpret the ridiculous practices of the pagans as the product of human manipulation of the natural superstitious seeds of religiosity among the Greeks and Romans, he takes painstaking care to present the Christian faith as the true religion, as having its source not in man's ignorance or fear, but rather in divine or supernatural revelation (12.6, 12.22). This does not mean, however, that Hobbes does not want his readers to notice that similar superstitious practices are all-too common among Christians as well.<sup>70</sup> The mockery of the superstitions of the gentiles, however, only conceals

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<sup>70</sup> Martinich quickly dismisses the very real possibility that Hobbes's ridiculing of the superstitions of the pagans served as a surrogate for a religious target that hit much closer to his Christian readers: "Scholars who suspect Hobbes of subversive motives claim that he intended his readers to see the same kind of [superstitious] behavior in Christianity. But the textual evidence is just the contrary." Here Martinich cites Hobbes' pious but unexplained assertion that Abraham, Moses, and Jesus cultivated Christianity "by God's commandment and direction" (12.12), and concludes that "[t]here is not a hint of irony or sarcasm in this passage," Martinich (1992), p. 64. On the next page, Martinich claims that "One might object that Hobbes, as a philosopher, must have seen that Christianity has its own 'mongrel god' as a redeemer. But

the deeper significance of the genuine **political** difference that Hobbes identifies between the two religions: as ridiculous as the practices and superstitious of the gentiles may appear, their religion was always part of “the human politics” and therefore supportive of sovereign authority, whereas the Biblical religions, because of their origins in purported supernatural revelation in the absence of established and uncontested political sovereignty, are necessarily part of “divine politics,” and therefore constantly capable of injecting instability in political life. In a crucial way, Hobbes’ reflections in Chapter 12, when combined with his account of the origins of the Mosaic and Christian religions in Chapters 40-41, are an extended exploration of the political prerequisites that are necessary for a healthy civil religion, and a systematic investigation of the peculiar features, and political consequences, of the Biblical religion that make it ill-suited to be effectively employed, or even managed, as a lasting civil religion for a stable political community. These reflections about the inherent features and limits of Christianity inform and shape the absolutist political strategy of erastianism—the subordination of religious worship, teaching and interpretation to the sovereign—that Hobbes will begin to develop in the next part of the work.

To be sure, in his thematic treatment of the pagan and Christian religions in Chapter 12 Hobbes will continue to follow his usual rhetorical strategy of giving the impression that Christianity is insulated from his critique of the politically mercenary origins of organized religiosity. Hobbes accordingly divides the cultivators of religions into two separate categories: the founders and the legislators of the Gentiles who acted “according to their own invention” in organizing the pagan religion, and Abraham, Moses, and Jesus, who

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this interpretation is conjectural, based on a dubious premise and a dubious inference of a priori reasoning.” Martinich does not indicate what “dubious premise” is involved in this objection, nor does he explain how, after Hobbes subjected the notion of divine inspiration and prophecy to a thorough debunking, he can genuinely mean that Abraham, Moses and Jesus were actually acting on God’s direction.

allegedly ordered religion according to “God’s commandment and direction” through divine inspiration and supernatural revelation (12.12). Thus the initial distinction between the “human politics” of the pagan religion and the “divine politics” of Christianity is presented as perfunctory dismissal of any lingering doubts about the supernatural origins of the Biblical faith. But Hobbes begins to blur this distinction immediately, because he indicates that the founders of the religion of the Gentiles, just as much as the Christian prophets, claimed divine revelation (12.20), and that both groups of “cultivators” were enticed by the prospect of wielding greater political power over the multitude when they resorted to the strategy of exploiting superstition for their own purposes: “both sorts have done it with a purpose to make those men that relied on them the more apt to obedience, laws, peace, charity, and civil society” (12.12, compare 2.8, 11.27, 12.33, 51.6-7). In blurring this distinction so clearly and so immediately, then, Hobbes certainly insinuates that Christianity too, and not just the religion of Gentiles, originated from altogether human sources (12.24). But, even more importantly, he alerts us to remain attentive to how the differing historical and political circumstance dictated, to a great extent, the political-theological trajectories that the cultivators of religions (the pagan legislators, on the one hand, and Moses and Jesus, on the other hand) could pursue. In other words, Hobbes is laying the foundations for the natural and political history of Christianity which he will eventually elaborate in Chapters 40 and 41 of the Leviathan.

On the surface, Hobbes suggests that the Gentiles devoted themselves to a false and ridiculous religion. He reinforces this suggestion by openly mocking their superstitions and their gullible or naïve habit of ascribing the cause of every natural accident or phenomenon that they could not explain to gods (12.8, 12.13-17). But when one takes a step back from this exhaustive tabulation of the ridiculous practices of the Gentiles, and considers the

purposes for which the heathen legislators designed their religious practices, a different assessment of paganism begins to emerge. Hobbes' account of the devices that the founders of the religion of the Gentiles employed for the establishment of public obedience and peace stands in stark contrast with the discussion at the end of the chapter of the effects of the Church of Rome on political life: while "all formed religion is founded at first upon the faith which a multitude hath in some one person," in the case of the Gentiles the authors of the religious institutions were the political legislators who "pretended" to speak with gods, whereas in the case of Christianity, the Roman Pope, as distinguished from the English prince, has the exclusive privilege of promulgating and interpreting what is purported to be divine revelation (12.20, 12.24, 12.32). Thus, amongst the Gentiles, the legislators cultivated the natural seeds of religion so as to reinforce and strengthen their own political authority, whereas in the Christian world a foreign power exploits the same seeds of religion and in the process divides and subverts the sovereignty of the English princes (12.32). Because the religion of the Gentiles was part of their civic policy, the legislators could ensure that "the same things were displeasing to the gods which were forbidden by the laws" of the sovereign (12.21). In the Christian world, however, men are also subjects in "the peculiar kingdom of God," and are likely to hold their duties to the heavenly kingdom in higher esteem than their obligations to the earthly sovereign (12.12, 12.22).

What made the religion of the Gentiles especially suited for the maintenance of civic authority was its peculiarly ceremonial character and its essential independence from, or indifference to, the belief in the afterlife (12.20). By creating a faith that did not emphasize and encourage man's longing for heavenly salvation, the authors of the religion of the Gentiles ensured that men would not succumb to the temptation to disobey the public laws in order to fulfill their overriding private obligation to a religion that promised rewards and



punishments “after this life” (12.20). Instead, the legislators of the Gentiles instituted religious ceremonies through civic laws so that the practice of public worship would be directed toward man’s earthly needs and comforts, which could be achieved within the civic community itself (12.20-21). Thus, by denying man a private path of worship and a private road to heavenly salvation beyond the reach of the state, and by establishing the practice of religion through **laws**, the legislators of the Gentiles ensured “that the common people in their misfortunes, laying the fault on neglect or error in their ceremonies, or on their **own disobedience to the laws**, were the less apt to mutiny against their governors” (12.21, emphasis added). Such an arrangement was not only more peaceful and less subversive of civic authority than the otherworldly Christian faith, but also more tolerant of other religions, since it did not demand the belief in the afterlife and merely required conformity with Roman laws (12.21). As Hobbes revealingly observes, the Romans, an imperial people who had conquered a great deal of the world, and whose capital was therefore the hub and conduit of an immense variety of ethnicities and religious sects, “made no scruple of tolerating any religion whatsoever in the city of **Rome** itself, unless it had something in it that could not consist with their civil government” (12.21). The only religion that the Romans forbade, Hobbes concludes, was “that of the Jews,” and that not out of prejudice or intolerance, but because the Jews, “being the peculiar kingdom of God” because of supernatural revelation, “thought it unlawful to acknowledge subjection to any mortal king or state whatsoever” (12.21). It does not take a great deal of logical deduction, nor imaginative leaps in reasoning, to extend Hobbes’ account of why the Romans polity could not extend toleration to the Jewish sects to a more contemporary revealed religion that also subscribes to a “peculiar kingdom of God,” albeit a kingdom that has a different, but still politically problematic, meaning.

To better understand the full import of Hobbes' assertion that the fundamental difference between paganism and the Biblical religions is that former was always "part of human politics," whereas the Bible laid the foundations for the emergence of "divine politics" of the kingdom of God (12.12), it is useful to turn momentarily to his account of the Mosaic commonwealth in Part III of the Leviathan. Especially in his presentation of Scriptural history in Chapters 40 and 41, Hobbes shows that the Biblical religions owe their politically subversive characteristic to the unique conditions in which Moses found the Israelites after their deliverance from Egypt: the Israelites at Mount Sinai were "not only wholly free but also totally hostile to human subjection because of their recent experience of Egyptian slavery," and their profound desire for liberty and deep-seated distrust of earthly government meant that Moses could only succeed at establishing political authority and at securing the promise of their obedience by convincing them that he was "God's lieutenant" (De Cive, 16.8, Leviathan, 40.6). Just as he had showed that the politically-salutary character of the pagan religions was owed to the deliberate human designs of the founders of the regimes, who fashioned religion to suit their sensible political goals, the peculiar characteristics that make the Biblical faith ill-suited to serve as a lasting and stable civil religion can be traced to the unique and politically arduous origins of the Mosaic commonwealth and law. The basis of Moses' authority, therefore, was not human "consent" to a sovereign induced by the desire for security, but rather the Israelites' agreement to obey a divine representative that they believed would "deliver unto them [...] the commandment of God" (Leviathan, 40.6-7). While Moses sought to institute only an earthly kingdom, he was compelled to establish sovereignty under the existing authority of the "kingdom of God," a divine kingdom so infiltrated by the priesthood that no sooner was the covenant formed than it was exposed to internal divisions as a result of the dualism of

spiritual and temporal powers: the Mosaic covenant planted the seeds for the eventual intervention of the priesthood into human politics, and therefore it put into place an extraordinarily defective political arrangement that was destined to culminate in civil discord and political anarchy (40.7, 40.10-12). To vindicate this claim is the chief purpose of Hobbes' reinterpretation of Biblical history in Chapter 40: even after the Israelites had grown weary of being governed by the priests, and, after having deposed them, set up the regime of human kingship "after the manner of the nations," the seditious influence of the priesthood and the kingdom of God persisted amongst the people (40.13). And thus the Israelites "always kept in store a pretext, either of justice or religion, to discharge themselves of their obedience, whensoever they had hope to prevail" (40.13).

In what turns out to be a shockingly historicist and secular-political reading of Biblical history, Hobbes proceeds to articulate the reasons for the excessive spiritualization and otherworldliness of Judaism, and eventually, of Christianity. According to Hobbes, the political captivity that historical circumstances imposed upon the Jews deprived them of their earthly commonwealth, and their oppression intensified and transformed their longing for liberty into a hope for the renewal of their covenant under the kingdom of God and for the coming of the Messiah who could restore that kingdom (40.14, 41.4). Hobbes traces the roots of Christianity to the corruption of Judaism that was brought about by the failure to satisfy this profound hope for the restoration of the Jewish commonwealth, which he claims was the unfulfilled objective of Christ's first coming: "It was to restore unto God, by a new covenant, the kingdom which, being his by the old covenant, had been cut off by the rebellion of the Israelites in the election of Saul" (41.4). If one follows the intimations in Chapter 41 of the *Leviathan*, and especially in Chapter 17 of *De Cive*, Hobbes suggests that Jesus undertook the mission to give political expression to this longing by preaching that he

was a Messiah in the Jewish sense, “that is, the king promised to them by the prophets,” and by “proclaiming to the Jewish people that the Kingdom of God for which they were waiting was at hand; and that he himself was the **King** i.e. the Christ” (Leviathan, 41.4, De Cive, 17.3). Jesus imitated the political strategy of Moses, but he faced a tremendous obstacle in the form of an established civil sovereignty which Moses never had to confront when he brought order to the Israelites: Jesus’ preaching led to an intense political reaction and his condemnation, on the basis of accusations that he was “aspiring to kingship,” and ultimately resulted in his crucifixion (De Cive, 17.3). Hobbes suggests that the failure of the political movement that Jesus launched was the basic germ from which the New Testament spiritualism sprang as a reaction to the failure of the Messiah to restore the kingship and as a strategic withdrawal from the direct realm of human politics in favor of the spiritual kingdom of God (Leviathan, 41.4).

By reinterpreting the Biblical account of Jesus’ mission as a political rebellion that ultimately failed to achieve its earthly objective of acquiring civil power, Hobbes hoped to establish a purely natural or atheistic explanation for the emergence of the politically pernicious characteristics of the Christian faith and for the infusion of the New Testament with the intensified claims of spiritual power. Thus the strategy that Hobbes employs in Part III of the Leviathan builds on and complements his earlier psychological account of religion: the critical reinterpretation of Biblical history is directed primarily to those readers who have already been impressed, if not altogether persuaded, by Hobbes’ naturalistic and psychological account of the seeds of human religiosity, with the goal of laying bare the foundations on which the superstitious edifice of ecclesiastical power was erected and finally spread throughout the world by the Roman Empire (47.19). The overarching intention running through the Leviathan, then, can be characterized as Hobbes’ attempt to account for

the historical emergence of the theological-political problem in the uniquely problematic form of Biblical Christianity, and to begin to articulate the strategic steps that could unravel its influence over political life: Hobbes was compelled to challenge the revealed character of the Bible through an argument that exposed it as an outgrowth of the political machinations of “crafty ambitious persons” in order to vindicate his confidence that a rational and secure society could indeed be established once “the superstitious fear of spirits” had been thoroughly dispelled by his political science (2.8). While the first prong of Hobbes’ strategy for bringing the rational society into fruition, the reduction of the requirements of the Christian faith to the principle of obedience to the established civil sovereign (33.22-35, 42.43, 43.22-23, 48.50), is addressed primarily to private individuals and subjects, the second and more far-reaching tactic is meant for the potential sovereign himself. The latter set of recommendations are meant to supply the sovereign with the design of an institutional arrangement that could enable the regulation of the most inflammatory and explosive religious doctrines (18.9, 29.15), combined with the introduction of a pacified version of the Biblical faith that Hobbes hoped would become increasingly superfluous with the spread of his own moral doctrine and would gradually wither away under the weight of its own inconsistencies (2.8, 15.16, 12.23-12.32, 31.3, 47.20). While we started to detect the outlines of this institutional arrangement for the political management of religion in Hobbes contrast of paganism and Biblical politics, Hobbes’ more complete advice to the sovereign is developed in his treatment of political absolutism.

#### **IV. The Secular Case for Absolutism in the Leviathan**

In light of this critique of Biblical politics, and the theological transformations modeled on the pagan civil religions that Hobbes’ political outlook appears to require, we are in a position to begin to confront and to assess Hobbes’ case for political absolutism in the

Leviathan. My intention is not so much to defend Hobbes, nor to present a comprehensive account of his political teaching, but instead to place his argument for political absolutism within the larger context of his theological and cultural goals. By doing so, I hope to demonstrate how and why absolutism is for Hobbes an instrument of civic, moral, and, above all, theological reform, and in the process to clarify why the Hobbesian state is in fact much more intrusive than has been generally appreciated. It is precisely in these sections of the Leviathan that the contemporary liberal mind detects the most objectionable aspects of Hobbes' political teaching, for it is here that Hobbes articulates and justifies his vision of unlimited sovereign authority, one that is even empowered to control the teaching and preaching of subversive doctrines. But, paradoxically, precisely because Hobbes erects his teaching of absolutism on the basis of unprecedented and uncompromising individualism, it is also in these sections that a contemporary reader encounters those aspect of Hobbes' political disposition that most closely resemble crucial elements of the moral-political outlook of liberalism, and are therefore especially attractive to that outlook. The clue to understanding Hobbes' political teaching consists in unraveling this contradictory and tension-ridden aspect of his political thought, by confronting squarely the steps that inform Hobbes' construction of a new modern secular-absolutist political synthesis from its constitutive elements. It is in that distinctive and unique synthesis, which combines the absolute priority of civil peace with the absolute necessity of an all-powerful state, that Hobbes' relationship to the pre-modern political tradition, on the one hand, and to his genuinely liberal successors, on the other, becomes clarified.<sup>71</sup> Indeed, as recent studies of

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<sup>71</sup> My For the attempt to place Hobbes within the social contract tradition, and to divorce Hobbes's premises from his absolutism, either by concluding that he was simply contradictory (e.g. Hampton), or that, as Gauthier argues, he was serious but that his "alienation social contract theory need not be wedded to this implausible and unattractive absolutism," or that, as Steinberger argues, an esoteric reading reveals that Hobbes suggests his sovereign is not actually absolute because the subjects retain the right to resist

liberal constitutionalism demonstrate, there is an element of Hobbes' absolutist position that very much endures in modern constitutionalism, and even in the teaching of John Locke.<sup>72</sup> Our own recent constitutional experience, informed by a reinvigorated awareness of the degree to which even mature liberalism cannot simply dispense with certain absolutist powers in times of existential crisis, is itself a testament to the endurance of the Hobbesian insight about the necessary limits of ordinary rule of law.

Part of the reason why Hobbesian absolutism is so difficult for contemporary liberals to comprehend, as anything other than an internal contradiction in Hobbes' position, is that Hobbes constructs the super-structure of his all-powerful state on a familiar notion of modern individualism and the priority of the individual's right to self-preservation. The structure that ultimately emerges from the consensual basis of government, through which individuals voluntarily submit some of their absolute rights to a an undivided and unlimited common sovereign, therefore lacks any spiritual, moral or civic purpose that transcends the securing of peace: the Hobbesian state aspires neither to the moral or spiritual perfection of the individual, nor to securing a genuine common good not reducible to the peaceful pursuit of mutual self-interests among its citizens. Indeed, the revolutionary innovation of the Hobbesian theory of the state, at least in the way it presents itself at first glance, is that it was the first systematic attempt to deliberately eschew any higher Thomistic or Aristotelian aspiration, since Hobbes judged such religious and moral aspirations to be too contentious and divisive to serve as the solid foundation of a common political life. Thus, according to Hobbes, the purpose of "laws is not to restrain people from a harmless liberty, but to

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improperly exercised authority. See, respectively, Hampton (1986); Gauthier (1988); Steinberger (2002). Generally, these accounts fail to understand the necessity of Hobbes's absolutism because they incorrectly interpret his state of war as arising merely from resource competition, rather than from religious and moral irrationality.

<sup>72</sup> Kleinerman (2007)

prevent them from rushing into dangers or harm to themselves or to the commonwealth” (L., 30, OL edition). On this impression, the Hobbesian law is therefore not ascriptive, since it is not intended to be used by the sovereign as a coercive instrument of moral education, as it had been in the political thought of Aristotle, Aquinas, and other representatives of the classical civic and Christian traditions. Instead, the law should be viewed as setting the boundaries within which individuals can safely be left alone to their own devices, and the legislator should aim to “direct and keep them in such a motion as not hurt themselves by their own impetuous desires, rashness, or indiscretion, as Hedges are set, not to stop Travellers, but to keep them in the way” (L., 30.20). As it turns out, however, this impression, while for the most part accurate, cannot capture the full extent, and the amazing degree of initial intrusiveness, of the authority of the Hobbesian state, for the capacity of law to remain pragmatic, and even tolerant of differences, depends on prior capacity of the sovereign state to form or shape human beings into citizens who are willing to accept the absolute priority of civil peace over any other contending theological or moral goods.

But even as so many readers appreciate Hobbes’ modernist and pragmatic reinterpretation of the purpose of law, they find it even more shocking that he would wed it to a doctrine of political absolutism that they regard to be so hostile to the establishment of a nonintrusive state constrained by the rule of law. Especially if the state is devoted exclusively to securing the conditions in which individuals can peaceably pursue their interests, then it is even harder to accept the absolutist conclusion towards which Hobbes builds his argument. This, in part, explains why so many scholars try to demonstrate a contradiction in Hobbes’ political teaching between the priority of individual rights in the



state of nature and his espousal of absolute sovereignty.<sup>73</sup> For while later liberalism does not, for the most part, abandon the secular individualistic foundation of the social contract that Hobbes champions, it fundamentally modifies the logic of his argument and draws opposite conclusions about the proper extent and nature of government power. As Locke would ably demonstrate in his Second Treatise, the Hobbesian starting premise of the priority of self-preservation and the fear of violent death should lead just as much, if not more, to the fear of an unlimited sovereign power unconstrained by the rule of law, as it should to the general realization that the establishment of sovereignty is an absolute necessity if individuals are to avoid the “inconveniences” of the state of nature (citation). As Locke argues, when he objects to the Hobbesian absolutist position without mentioning Hobbes’ “justly decried” name, “as if when men quitting the State of Nature entered into Society, they agreed that all of them but one, should be under the restraint of laws, but that he should still retain all the liberty of the state of nature, increased with power, and made licentious by impunity. This is to think, that men are so foolish, that they take care to avoid what mischiefs may be done them by pole-cats, or foxes; but are content, nay, think it safety, to be devoured by lions” (ST, Ch. 7). But, as I try to show in Chapter 2, even as the mature Locke abandoned and repudiated the absolutism of his Early Two Tracts in favor of a vision of a limited state and the rule of law, an element of Hobbesian absolutism nevertheless

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<sup>73</sup> Curran, E., 2006, “Can Rights Curb the Hobbesian Sovereign? The Full Right to Self-preservation, Duties of Sovereignty and the Limitations of Hohfeld”, Law and Philosophy, 25: 243-265. Consider also Curran, E., 2007, Reclaiming the Rights of Hobbesian Subjects (Hampshire: Palgrave Macmillan). Alternatively, other scholars try to circumvent and soften the ruthless rationalistic consistency of Hobbes’ absolutist conclusion by suggesting that in his political teaching “he is voicing an axiom of the Reformation” and that, therefore, “Hobbes, like the Reformers, saw community in biblical terms,” p. 92 in Joshua Mitchell in “Hobbes and the Equality of All under the One,” Political Theory 21 (February 1993): 78-100. Mitchell argues that “Hobbes’s theory should not be viewed as an absolutist political theory but as a worldly extension of a theological insight, one which he perhaps thought could arrest the volatility that inhered in other Christian interpretations of the meaning of the equality of all under the one. To put it boldly, Hobbes’s theory is a theology from which can be deduced certain conclusions about how worldly affairs must be attended to. Who the sovereign is cannot be disentangled from how Hobbes views the relationship between humankind and God!”

endures even in the mature Locke, in particular in his teaching on prerogative power and especially in his complicated position on toleration of religious factions.

Hobbes, to be sure, is very much aware of the objections that Locke, and many others, would voice against his absolutism. Hobbes responds to some of these objections in Chapter 30 of the Leviathan, but the most succinct statement of the objection, as well as the most revealing response, appears in De Cive: “They object against absolute command [...] that if any man had such a right, the condition of the citizens would be miserable. For thus they think; he will take all, spoil all, kill all” (De Cive, Ch. 6, p. 181). In the Preface to De Cive, Hobbes speaks directly to his readers, and implores them not reject his doctrine blindly, but to consider that whatever inconveniences it may entail, they are far outweighed by the benefits of civil peace: “Readers [...] when you should rightly apprehend and thoroughly understand this doctrine I here present you with, would rather choose to brook with patience some inconveniences under government (because human affairs cannot possibly without some), than self-opinionatedly disturb the quiet of the public” (De Cive, Preface). In these passages, the absolutist Hobbes speaks in a populist democratic voice to his readers; his strategic goal is to reassure the people, to convince them of the prudence of his position, to bring them over to his position and to encourage them to form a secular alliance with a political sovereign that embraces Hobbes’ teaching. While Hobbes’ intransigently rational theological teaching requires him to take the risk of provoking, and even alienating, the most religiously-sensitive critics and Church authorities of his time, the fate of his political teaching depends very much on his capacity to shape its positive reception among the broader public which cares, above all, for this-worldly security and prosperity. It is instructive and revealing, therefore, that while Hobbes responds sympathetically to the Lockean objection that absolutism is destructive of the very ends for

which government are instituted, since arbitrary sovereign power is a greater threat for man's security than even the "inconveniences" of the state of nature, he deliberately avoids giving voice to a potentially more powerful objector: in his defense of absolutism, Hobbes never explicitly address the profound **religious** objections to his political doctrine that were rooted in a competing ecclesiastical conception of the relationship between church and state. As I demonstrate in the last section of this chapter, objections to the ecclesiastical implications of Hobbesian erastianism and absolutism, and not so much to his unorthodox theology, were the primary motivations behind the attacks on Hobbes that were orchestrated by the Divines of the exiled Anglican Church during the Interregnum.<sup>74</sup>

But the objection from Locke, and the more profound religious challenge on behalf of spiritual independence, to Hobbesian absolutism compel us to ask, why does Hobbes, even as he admits the dangers of his absolutism, insist that it must be accepted as an "inconvenience" that is ingrained in human nature? Answering this question requires us to recover and to confront the much more intrusive role that Hobbes believed the sovereign had to embrace to secure even and especially the minimal conditions of civil peace. The invasiveness of absolute sovereignty is for Hobbes a necessity not because men could not, in theory, be trusted to exercise their liberties and to pursue their individual interests

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<sup>74</sup>. My understanding of the historical context of the Interregnum period and the reception of Hobbes' political teaching by the exiled Anglican Church, on the one hand, and the Independent Cromwellians, on the other, is greatly indebted to, and informed by, Jeffrey Collins' excellent study of this topic in The Allegiance of Thomas Hobbes. As I try to show in this section, however, I fundamentally disagree with Collins' interpretation that Hobbes endorsed the Cromwellian Church Settlement, and even less that his intellectual career was shaped by his sympathy with the broad religious-political goals of the revolutionary Independents. An assessment of Hobbes' reception, which I provide in the last section of this chapter, is revealing not only because it helps us to understand what the implications of Hobbes' teaching, but also because it illustrates the kind of influence that Hobbes exercised on the theological climate of his time. Contrary to AP Martinich, the reception of Hobbes demonstrates with explosive clarity that Hobbes was decidedly not working within the orbit of (or on behalf of) the conventional religious thought of his time, but was instead reshaping it (and in many ways working against it). The question therefore is to what degree his effort succeeded.

responsibility and peacefully, but above all because men in general, and especially the “great” or the ambitious, are **unwilling** to rest satisfied merely with civil peace. The difficulty becomes an acute thorn in the logic of the Leviathan as Hobbes begins to indicate that he himself recognizes that men are not entirely the rational profit-seekers and egoistic security-maximizers that his account of human psychology on first glance depicted. Thus, while it is true that “desire of ease and sensual delight disposeth men to obey a common Power,” these peaceful desires have powerful competitors within the human psyche that pull men away from their rational priority of civil peace (L, 11.4). Rational egoism and individualism is not so much an empirical reality, as a normative prescription in Hobbes’ moral-political teaching that is the necessary precondition for the gradual enlightenment of social and political existence. In the first place, and as Hobbes has already started to indicate, man’s rationality is clouded by a profound existential anxiety, because man can never be secure enough in this life to rest satisfied with his present condition, for what he really wishes is “to assure forever the way of his future desire” (L, 11.1). Hobbes is aware of this existential anxiety that is ingrained in the nature of man by his mortal insecurity, and of its propensity to make men irrational and excessively “over-provident” about their future state, and its capacity to nourish in human beings an unlimited desire for power: “So that in the first place, I put for a general inclination of all mankind, a perpetual and restless desire of power after power, that ceaseth only in death” (L., 11.2).

The difficulty, however, is that the desire for power tends to take on an irrational life of its own, especially when it becomes transformed and transfigured into a moral concern for dignity and honor as signs of power and dominion: “Competition of riches, honour, command, **or other power**, inclineth to contention, enmity, and war, because the way of one competitor to attaining of his desire is to kill, subdue, supplant, or repel the other” (L., 11.3).

Thus, while the fear of violent death can be expected to induce man to behave rationally, the rational clarity and peaceful disposition that that fear should provide is continually clouded, distorted, and subverted by more powerful moral passions that shape human concerns in ways that are not conducive to peace. For this reason, much of the scholarship on the Hobbes' political thought is mistaken to identify material scarcity, or resource competition, as the predominant source of political conflict.<sup>75</sup> Thus, C.B. Macpherson, in his famous Marxist interpretation of Hobbes' theory of "possessive individualism," asserts that "[i]t was to the new strength of market morality that Hobbes attributed the Civil War."<sup>76</sup> But this interpretation forces Macpherson to discount or severely downplay Hobbes' insistence in the Behemoth that it is was "opinions in divinity and politics," and the religious sectarianism that these opinions fostered, rather than economic factors, that caused the civil discord that engulfed England in the 1650s.<sup>77</sup> According to Hobbes, therefore, there is a deeper and more intransigent source of competition and conflict in human beings, one that cannot be explained merely by material scarcity, or even by economic and class "ideology." Indeed, as Hobbes himself illustrates through the contrast between human nature and the sociability of other creatures, unlike other creatures, "men are continually in competition for Honour and Dignity," and "men ... think themselves wiser and abler to govern the Publique, better than

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<sup>75</sup> See, for example Gauthier (1988).

<sup>76</sup> C.B. Macpherson, The Political Theory of Possessive Individualism (Oxford: Clarendon Press, 1962), p. 65. Furthermore, in connection with the question of Hobbes' account of sources of political conflict, Robert Kraynak observes: "A more sophisticated attempt to explain the role of economic class is made by Ashcraft (1978, pp. 44-47). He acknowledges that Hobbes emphasizes opinions or ideology, but argues that ideology is always tied to economic class. Yet, except for the views of the London merchants, which Hobbes says were merely an expression of opposition to taxes which commercial men have voiced throughout history, there is no class basis of ideology shown in Behemoth. Indeed, where Hobbes mentions groups such as "the common people" he says they had no ideology: 'there were very few of the common people that cared much for either of the causes, but would take any side for pay or plunder' (Behemoth, p. 166). Thus, it is difficult to say that class is even a category of analysis for Hobbes, let alone a source of ideology."

<sup>77</sup> Just as the causes of war are not reducible to material factors, similarly Hobbes' objections to pluralism are not accurately captured by the "collective-action problem," as much of recent scholarship tries do. See, in general, Boyd (2001), pp. 392-413. Hobbes deep objections against pluralism is that they are especially conducive to religious fanaticism and political instability.

the rest ... and thereby bring it into Distraction and Civil Warre,” (L, 17). Furthermore, man’s moralistic concern for dignity and honor, as a public reflection of actual power, takes on an especially explosive form when it is joined with, and amplified by, the intoxicating zeal of theological or religious purity and sectarianism. Hobbesian absolutism, and its intrusive powers to regulate the preaching and teaching of doctrines, is especially tailored to address this problem of religious instability by undermining religious orthodoxy, theological zealotry and the attachment to Biblical revelation .

Hobbesian absolutism, therefore, aims not merely at the suppression of subversive doctrines and beliefs, but above all at the transformation of religious believers into citizens that are committed to minimalist statist goals of civic peace. Only such a **theological** transformation can effectively foreclose the reemergence, through human nourishing and exploitation of the seeds of religiosity, of spiritual and moralistic commitments that can easily be flared up into sectarian and civil discord. Chapter 18 of the Leviathan culminates in Hobbes’ famous assertion that if the commonwealth is to achieve lasting peace and security, the sovereign’s authority should be unlimited (18.20). Included in this authority is the sovereign’s power to judge and to regulate the doctrines that may be taught to the people, for the failure to grant the English sovereign this power has resulted in the proliferation of false doctrines that are “repugnant to peace,” which have plunged the commonwealth into discord and civil war (18.9, 18.16). As he had done before in his discussions of religion, in this chapter Hobbes once again singles out religious doctrines as the most potent source of those teachings which dispose multitudes of men to disobey civil authority and therefore pose the greatest threat to the establishment of lasting peace and security (cf. 18.16 OL with 15.8, 12.32). By demanding that the sovereign be granted the authority to regulate doctrines and the power to proscribe seditious and false opinions, in Chapter 18 Hobbes comes very

close to acknowledging that his political teaching requires the dissemination of scientific knowledge or popular enlightenment as the long-term means through which the weakening and ultimately the erosion of man's superstitious "fear of spirits" can be accomplished (18.16).

Hobbes presents all the powers that the sovereign wields as the indispensable means for the attainment of peace, the end for which the commonwealth was originally instituted (18.1-2). Thus, the sovereign's power to regulate doctrines is a necessary consequence of the object of self-preservation for which men unite and establish the commonwealth: enduring peace and security cannot be obtained so long as men are disposed to risk "rebellion" against their sovereign, a risk they will continue to be tempted to undertake as long as the fear of punishment that the sovereign can inspire in men's hearts is less powerful than their fear of invisible spirits or their hope of attaining "an eternal felicity after death" as a reward for their defiance of civil laws in the name of zealous theological purity and doctrinal certainty (18.19, 15.8). In other words, although Hobbes has indicated that in order to guarantee the fulfillment of man's covenants "the passion to be reckoned upon is fear" (14.31), he has not explained how one can build a stable society merely on the basis of the fear of death if man's actions are simultaneously governed by a force "greater than other fears," namely "the fear of darkness and ghosts" (29.15). Reason cannot be expected to successfully cooperate with the fear of death in compelling man to perform his covenants if superstitious fears and "fancies" about the afterlife continue to intervene with and to derail the natural process of human reasoning that would otherwise guarantee the establishment of the desired political system (18.16 OL).

The policy of broad toleration of opinions can be adopted only to the extent that human religiosity has been purged of seditious and subversive tendencies, and to the extent that religious claims have been neutralized and subsumed by the indisputable supremacy of civil sovereignty. Hobbes indicates that while the weakening of the power of the church through the subordination of religious authority to the civil power is the first step in this process, it is by no means the last (cf. 12.32, 18.9, 18.16.OL with 29.14-15, 47.20). According to Hobbes, if in addition the power of regulating doctrines is not extended to the sovereign, “superstitious citizens will be stirred to rebellion by their own fancies,” and independently of the church the subjects will divide themselves into separate factions and “opposed armies” and take up arms against each other, as they had already done in England before (18.16.OL). Legal censorship is perhaps the most powerful instrument that Hobbes’ sovereign has at his disposal for the regulation of doctrines (18.9, 29.14). Although the employment of the power of censorship may be necessary and prudent in the most extreme cases, Hobbes was aware that it was not in itself an effective means for achieving his desired end: broad government censorship has the potential to inflame religious passions instead of pacifying them, and therefore Hobbes warns the sovereign against extending “the rule of the law, which is the rule of action only, to the very thoughts and consciences of men” either for the purposes of enforcing salutary opinions or abolishing religious beliefs altogether (46.37). Since it is futile to attempt to coerce belief, the application of legal censorship should be concerned with suppressing the teaching or the expression only of those extreme opinions that pose the threat of rebellion: citizens should not be exposed to any doctrines that encourage the disobedience of civil laws under the threat of eternal “damnation” or that undermine the basis of civil authority by promising rewards and punishments that can overwhelm the “fear of temporal death” (De Cive, 6.11, Leviathan, 15.8, 29.15).



But this limited censorship should be combined with an active and robust state-sponsored effort of public education, aimed at disseminating the Hobbesian doctrine of absolute sovereignty and the basis and nature of sovereign authority. Hobbes does not explicitly state, though he surely implies, that an atheistic society would be the most suitable and stable foundation for the commonwealth that he envisions in the Leviathan. Absent a society of irreligious people who would be prudently obedient to civil laws and receptive of the doctrine of absolute sovereignty, Hobbes recommends that the “vulgar be better taught than they have hitherto been” regarding the true grounds of the sovereign’s authority and about the indivisible character of his powers (18.16). In the same passage Hobbes indicates that the false doctrine which has contributed the most to disturbing peace and security in England is the opinion held by many that the powers of the sovereign are divisible within the commonwealth (18.16). But if Hobbes held that the false doctrine regarding the divisibility of political sovereignty was the cause that drove the country into the civil war, then there would appear to be even more of a reason to apply his judgment even closer to home, to those religious doctrines that altogether deny the supremacy of temporal sovereignty and the primacy of self-preservation, and that assert the independent authority of Christian ecclesiology (whether in its Anglican or Presbyterian forms) (12.32, 15.4). For as Hobbes himself explicitly indicates in De Cive, “no one can serve two masters, and the one to whom we believe that obedience is due, under fear of damnation, is no less a Master than the one to whom obedience is due through fear of temporal death, but rather more” (De Cive, 6.11). Thus, Hobbes was compelled to argue for the sovereign’s right to regulate doctrines above all because he had to empower the secular state to become the exclusive interpreter of revelation (Leviathan, 14.23), an arrangement that was both necessary for the subordination of the religious institution to the demands of political life as well as conducive

to Hobbes' long-term desire to pacify and to undermine the Christian tradition by means of a thorough reinterpretation of the Scripture (De Cive, 6). Hobbes hoped therefore to advance this project of theological enlightenment by lending it the authority of the state.

When Hobbes speaks explicitly of reforming the established church, he always preserves a prudent measure of external ambiguity about his deepest hopes and expectations for the future of religion in the political society that he advocates. For when he reflects directly on how he wishes to dissolve the “knot on Christian liberty” that was tied through the usurpation of political power first by the Roman Papacy and then by the “Church government in England,” he seems to suggest that he would rest satisfied if reforms merely weakened the authority of the church and replaced it with religious “independency” (47.20). It is certainly true that the establishment of independent congregations, as well as the proscription of the most subversive tenets of Catholicism, would make it more difficult for the Roman Papacy to intervene in and to destabilize the political life of England (12.32). But Hobbes does not limit himself to the rejection of the Roman Church, but also attacks the whole episcopacy, a system of church government which he blames for suppressing natural sciences and for persecuting those who engage in philosophical investigations (46.42, 47.20). At any rate, it is unlikely that Hobbes would have regarded the establishment of mere religious “independency” as an acceptable solution to this problem, partly because “independency” can be hijacked by intense religious zealotry, as was amply illustrated by Cromwell, whom Hobbes describes in the Latin version as a “tyrant” (47.29.OL). Merely to be “reduced to the independency of primitive Christians, to follow Paul, or Cephas, or Apollos, every man as he liketh best,” means to be exposed again to the schemes and plots of religious leaders who would wish to exploit human superstitions to their own advantage. Even in the English version of the text, Hobbes goes so far as to explicitly qualify his

support for the Cromwellian alternative, and therefore to betray his judgment that it is not a true or lasting solution, by noting that religious independency would only be acceptable to him if it were “without contention” (46.20).

## V. The Meaning, Purpose and Ambiguity of Hobbes’ Natural Law Teaching and the Critique of Natural Theology

An important early glimpse religious transformation that Hobbes has in mind, its reduction to a minimal and unobjectionably theology, is provided by his doctrine of natural laws and his discussion of natural theology. Here Hobbes begins to develop an effort to endow his individualistic and egoistic moral psychology with a theological shell, or framework that can provide it with some semblance of the lasting appeal that traditional morality had enjoyed. It is true that in comparison to Locke and other later Enlightenment thinkers, Hobbes makes only minimal strides towards a modern natural theology. Part of this difference reflects, not so much a disagreement about the rational plausibility of a natural theology and of a genuine natural law teaching, but rather a divergent assessment about the theological requirements of a healthy society. Hobbes’ natural theology is intended much more as a critical demonstration of the implausibility of arriving, through the use of unassisted human reason alone, at a conception of a providential ruling God: the teaching on natural theology is a continuation of his harsh critique of religion, both revealed and natural, that runs throughout the Leviathan. Similarly, the doctrine of natural law that Hobbes espouses is not, as it would later become in the thought of John Locke and subsequent philosophers of liberal rationalism, an effort to enrich and infuse the Enlightenment individualistic outlook with those moral elements of traditional natural law that are conducive to and supportive of liberalism. Instead, Hobbes’s doctrine of natural

law, when placed within the context of his natural theology, is a reductionist teaching, aimed primarily at accomplishing a revolutionary redefinition and restructuring of natural law in rational individualistic term. The purpose of Hobbes' doctrine is therefore both to drain traditional natural law of its anti-individualistic moral and civic commitments, and, above all, to dissolve the metaphysical and theological connection to Biblical revelation that it acquired through medieval Scholasticism, so that it can once again obtain a genuinely independent rational foundation.

Even before he treats the topic thematically in Chapter 31, Hobbes scatters certain provocative statements about the possibility of natural theology early in Part I of the Leviathan. The first elaboration occurs in his early treatment of the seeds of religiosity in Chapter 11, where Hobbes contends that **natural**, as distinguished from revealed, religion grows out of man's inquisitiveness into the causes and effects of things. The inductive or regressive chain of reasoning from effects leads human beings, "of necessity," to the thought "that there is some cause, whereof there is no former cause, but is eternal, which is it men call God" (11.25). Hobbes does not indicate why the first cause at the beginning of the chain of causes must necessarily be "eternal," nor why men decide to refer to that cause as a "God," i.e., why the induction to causes predisposes human beings to begin to conceive of an eternal willful creator, as opposed to a purposeless natural order. But Hobbes already begins to indicate that men are uneasy even with accepting merely the rational necessity of some sort of inconceivable or unintelligible first cause, since human beings begin to make a dramatic leap towards a willful intelligent deity. For, while "it is impossible to make any profound inquiry into natural causes without being inclined thereby to believe there is one God eternal," Hobbes insists here, as elsewhere throughout the Leviathan, that because of the limits of natural reason, men "cannot have any idea of him in their mind answerable to

his nature” and that the image of God is “inconceivable” (11.25). That philosophic individual who is genuinely gripped by rational curiosity, or by “love of the knowledge of causes,” Hobbes indicates, would have to rest satisfied with the limited knowledge of the existence of the first cause, without leaping to the conclusion that it is a purposeful deity ruling the universe. But, immediately at the beginning of the next paragraph, Hobbes distinguishes such a philosophic individual from other human beings, who are gripped not by rational curiosity, but rather by superstitious fears that essentially color and distort their chain of reasoning: “And they that make little or no inquiry into the natural causes of things, yet from the fear that proceeds from the ignorance itself of what it is that hath the power to do them much good or harm are inclined to suppose and feign unto themselves several kinds of powers invisible, and to stand in awe of their imaginations, and in time of distress to invoke them, as also in the time of unexpected good success to give them thanks, making the creatures of their own fancy their gods” (11.25). The vast majority of mankind is gripped, not by philosophic curiosity, but rather by fear and anxiety, and this induces men to make the questionable or unwarranted leap of ascribing to the first cause a complex set of attributes, among them willfulness, intelligence, and even benevolence, justice and care, as well as other characteristics. Human anxiety and ignorance contribute to the transform the first cause, which even the philosophers acknowledge, into an active and purposeful deity who is intimately involved in governing human life (cf. Leviathan, 11.26, 12.7, 31.28 with 11.25, 12.6, 31.33 and De Cive, 15.15). The psyches of most men are therefore naturally fallow ground, as Hobbes goes on to demonstrate in Chapter 12, for the Machiavellian cultivation and exploitation that nourishes “formed religion.”

The deepest stratum of Hobbes’ theoretical reflections on religion, as well as the main considerations that led him to reject revelation, can be found in Chapter 31 of the

Leviathan. In that chapter, titled “Of the Kingdom of God by Nature,” Hobbes outlines in the most unambiguous fashion the close connection between the political teaching that he presents in the Leviathan and his overarching theoretical position on the question of the existence of God. Those reflections, which are considerations of whether there are any laws of God intelligible to natural reason alone, culminate in the proposition that is the foundation of Hobbes’ teaching of natural law: “natural punishments [...are...] naturally consequent to the breach of the laws of nature,” which is to say that the only sanctions in the universe are the natural harms that one would suffer from failing to act according the dictates of reason (32.40, compare 15.41). However, as Hobbes pointed out at the beginning of the Chapter, if there is to be a kingdom of God by nature, God would have to govern the universe through divine laws, and reason would have to be able to discern the existence of God as the supreme and omnipotent ruler who enforces divine sanctions against those who either violate his laws or refuse to acknowledge Him through unbelief (32.2). But Hobbes indicates immediately that natural reason and human experience testify to the utter implausibility of this supposition, for they confront man with the absolute absence of any proof that there are divine sanctions against injustice: the undeniable fact that “**evil men prosper, and good men suffer adversity,**” or the utter lack of empirical evidence for any divine sanctions for God’s laws, is a difficulty which “hath shaken the faith, not only of the vulgar, but of philosophers” too, including Hobbes himself (31.6). And when natural reason grapples with the question of whether any divinity exists, and whether men have any duties to such a being, it cannot help but to come to the conclusion that it is unreasonable and absurd for men to fear and to worship, on the basis of blind and unreflective faith, an omnipotent and providential God: Hobbes’ natural theology is meant to establish conclusively the complete dubiousness of the claims of revealed religion on the basis of the

assertion that natural reason is not capable of “teaching us anything of God’s nature,” let alone of demonstrating that God is just and caring (31.33, 31.13, 31.28).

In light of this absolutely disenchanting disposition towards the universe, it becomes even more implausible to believe that Hobbes intends his natural law teaching, and his doctrine of obligation, to depend on, or to presuppose, the existence of such a ruling providential God.<sup>78</sup> Hobbes’ elaboration of the First and Second Natural Laws in Chapter 14 appear immediately after Hobbes’ presentation of man’s natural condition in Chapter 13. In that infamous picture of the inhospitable and harsh conditions in which man finds himself prior to civil sovereignty, Hobbes did not even hint at the possibility of divine providence and protection for the just, nor any divine enforcement, through supernatural penalties and rewards, of the laws of nature. Indeed, Hobbes’ infamous reputation for proclaiming man’s natural wickedness (but not his sinfulness) could very well be traced to his explicit assertions in Chapter 13 that prior to the establishment of civil sovereignty, “nothing can be unjust,” and that “[t]he notions of right and wrong, justice and injustice, have [...] no place” in the state of nature (13.13). It is true that in his elaboration of the First and Second Natural Laws in Chapter 14, as well as in other places, Hobbes speaks as if the laws of nature, while discernable by unassisted human reason, are supported by revelation and even enforced by God. But in each case he does so in a way that is meant to signal to the reader vast distance between the Biblical perspective and his laws of nature, as well as the absence of any empirical evidence of divine sanctions for the rational laws of nature that he is elaborating.

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<sup>78</sup> When Martinich dismisses those interpretations that view Hobbes’ doctrine the laws of nature as mere rational rules of conduct that are conducive to self-preservation, he asserts that “Hobbes almost always means what he says about the laws of nature, namely, that the laws of nature are literally laws; more precisely, they are moral laws in the same way in which they are divine laws” multiple citations from Hobbes, p. 100. His more precise formulation of this issue appears a little bit earlier in his discussion, when he claims on p. 88 that Hobbes believed that God enforced the laws of nature: “I maintain that it is Hobbes’s view that God is the controlling authority for the laws of nature and that his irresistible power enforces the required sanction.”

Thus, when he slyly appropriates the Biblical Golden Rule to support his second law of nature—the injunction to put as much of one’s rights and to retain as much “liberty against other men, as he would allow other men against himself” (14.5)—Hobbes only underscores how distant that is from the Biblical injunction to do unto others “whatsoever you require that others should do to you.” At the end of Chapter 14, however, Hobbes deliberately blurs the distinction between natural laws and divine laws, for he says that prior to civil society, only fear could strengthen an individual’s obligation to keep “a covenant of peace agreed on,” and that of the two principal types of fear, the fear of invisible powers is “commonly the greater fear” than the fear of death (14.31).



### Chapter 3: Does Toleration Promote Religious Indifference, And Is That A Problem For Liberalism? - Separation of Church and State, Neutrality, and the Locke-Proast Debate

**Abstract:** Contemporary critics of liberalism allege that separation of church and state is a chimera that fails to genuinely deliver on its promise to secure religious liberty. This criticism holds that the US Supreme Court's preferred position of "neutrality between [...] religion and nonreligion,"<sup>79</sup> which the Court traces to Jefferson and Madison, and through them to the political philosophy of John Locke, is untenable in theory and amounts to subordination of religion to secular ends in practice. A different group of scholars holds that Lockean toleration is of little relevance to the contemporary world, since Locke's teaching is based on theological assumptions that are explicitly Christian. In this chapter, I examine the evolution of Locke's teaching on religion from his Two Tracts on Government through his Letters on Toleration. Against Kraynak, Fish and others who see in Locke's mature teaching of toleration a more effective but muted version of his early absolutism, I show that Locke wanted to promote not just a right, but above all the moral duty, of toleration, and anticipated that a liberalized Christianity could be enlisted to support such a liberal morality. However, while I argue that Locke does indeed cultivate the public impression that he grounds his teaching in Christianity, a deeper examination of the arguments that he employs in response to his contemporary religious critics reveals that the precondition for his defense of toleration is theological skepticism and rational doubt about the Bible. Among the myriad objections raised by his contemporaries against his teaching, the most damning accusation was launched by the Anglican clergyman Jonas Proast, who charged that Locke was "promoting [...] Scepticism in Religion among us," and predicted that adopting Locke's principles would usher in religious relativism and atheism. The criticism from Proast pushed Locke to mount an increasingly vigorous defense of his argument, but one that also required Locke to embrace an explicit teaching of theological skepticism, based on epistemic limits of human knowledge about the divine, which he had deliberately tried to mute in the Letter. Separation of church and state, it becomes clear in the Locke-Proast debate, presupposes separation of faith and knowledge, and requires the promotion of skepticism as the only healthy outlook that human beings can adopt towards theological questions. Locke has therefore left behind an ambiguous theological legacy: he claims that the regime of toleration benefits religion, and even that his liberal morality depends on belief in God, but his rationalist theoretical teaching is grounded on skepticism and encourages religious indifference and apathy. The contradictions within the Supreme Court's religious jurisprudence and in its doctrine of neutrality are a reflection of this inescapable disharmony within separation of church and state and within the Lockean theory of liberal toleration.

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<sup>79</sup> Epperson v. Arkansas, 393 U.S. 97, 1968.

## I. Introduction

Both postmodern and religious critics of contemporary liberalism have declared separation of church and state a chimera that fails to genuinely deliver on its promise to secure religious liberty. In particular, this criticism holds that the US Supreme Court's preferred position that "First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion"<sup>80</sup> is untenable in theory and amounts to a subordination of religion to secular ends in practice. Those who subscribe to this view assert that in relegating religion to the private sphere, and in privileging secular ends in the public sphere, liberalism creates institutions that marginalize religion and nurtures a culture that trivializes faith. It is for this reason, for example, that Stanley Fish has dubbed separation of church and state as "Mission Impossible," and has declared that "liberalism does not differ from fundamentalism or from any other system of thought" (Fish 1987, 1000). Writing from the opposite perspective of a believing Christian, Stephen Carter has declared neutrality "a theory about freedom of religion in a world that does not and cannot actually exist" (Carter 1994). These views receive considerable support from a certain strand of scholarship on liberalism, where the argument that liberal toleration is a form of intolerance has a long and distinguished pedigree. At the same time, a strong case has been made by a different set of scholars, more sympathetic to Locke, that the theory of human nature behind Locke's political teaching is a muted version of secular self-interested individualism that we find in Hobbes' Leviathan, which Locke chose to conceal in order not to endanger himself and the reception of his work, while also moderating the harshness of the political conclusions of Hobbesianism (Rabieh 1991, 935, Pangle 1988, 131-132). These scholars stress that despite Locke's apparent claims to distinguish himself from Hobbes'

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<sup>80</sup> Epperson v. Arkansas, 393 U.S. 97, 1968.

“justly decried name” by appealing to the law of nature, Locke produced neither a proof of such a law nor a convincing demonstration of the providential divine enforcer that it would require (Strauss 1953, 207, Pangle 1988, 201-203, Forde 2001, 397-398). Finally, drawing on Locke’s earliest writings where he took an explicitly Hobbesian position, Robert Kraynak has argued that even Locke’s mature teaching of religious toleration is, at least theoretically, indistinguishable from Hobbes’ secular absolutism, and that both entail a subordination of religion to secular ends and “differ, according to Locke, only as strategies in the political management of religion.”<sup>81</sup>

Most scholars, however, find little evidence that Locke’s theory of toleration is based on secular foundations and on rational philosophical skepticism. On the contrary, the most prominent view in scholarship contends that Locke’s teaching rest on theological assumptions, and that the specifically Christian outlook that undergirds his principle of toleration renders it too narrow and sectarian to be relevant to contemporary considerations. John Dunn remains the most well-known interpreter to articulate this view, which has now acquired the status of a near-consensus in scholarship. In The Political Thought of John Locke, Dunn claimed that Locke’s teaching on toleration “rests firmly upon a religious premise.” More specifically, many of Locke’s arguments for toleration are developed from his “Puritan religious individualism” and are “explicitly Christian” in their character. Scholars of a wide range of approaches now accept Dunn’s characterizations as the starting point of their analysis. Joshua Mitchell, for example, has argued that Locke follows Luther in justifying separation on the basis of “a theological argument,” and furthermore that “the reasonableness of toleration, for Locke, can be understood fully only in the context of his Christianity” (Mitchell 1990, 75, 78). Similarly, Amy Schwartzman claims that “Locke’s

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<sup>81</sup> Kraynak (1980), p. 55.

argument from belief rests on certain theological claims based on his interpretation of Christianity,” and that this means that his defense of toleration is “sectarian” and therefore fatally defective insofar as it is incapable of convincing “reasonable people [who] will inevitably disagree with the religious beliefs that motivate his argument” (Schwartzman 2005, 694). In concluding that Locke’s teaching is rooted in Christianity, these scholars seem to be affirming Richard Ashcraft’s judgment that “Locke stands closer to Luther and his world than he does to ours” because he deploys “anticlericalism” as the cornerstone of his argument for toleration while also squarely rejecting the drift toward “religious skepticism” (Ashcraft 1996, 208).

The force and appeal of these interpretations should not be surprising, since Locke himself is at pains to encourage the view that he is basing his argument on Biblical revelation. Locke not only opens the Letter Concerning Toleration with his famous declaration that “Toleration [...is...] the chief Characteristic Mark of the True Church,”<sup>82</sup> but he also builds his subsequent argument on the basis of references, albeit as we shall see of varying degrees of accuracy and plausibility, to the Biblical text. The rhetorical crux of the Letter, moreover, involves a moral appeal to his contemporaries to emulate the model of Jesus Christ, whose teaching of charity imposes on Christians the duty of toleration as a requirement of the true faith (LCT 25). Furthermore, Locke weds these religious arguments for toleration with severe restrictions on religious pluralism in his envisioned healthy liberal society, particularly through his exclusion of atheists and the intolerant, and, at least if one follows the insinuations on the surface of the text, of Catholics as well: “Those are not at all to be tolerated who deny the being of God. Promises, covenants, and oaths, which are the

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<sup>82</sup> John Locke, A Letter Concerning Toleration (Hackett, 1983), p. 23, edited by Mark Tully. Hereafter cited as LCT.

bonds of human society, can have no hold upon an atheist” (51). Finally, in his other writings, Locke repeatedly declares that a genuine morality cannot obtain without a belief in God: “[T]he true ground of Morality ... can only be the Will and Law of a God, who sees Men in the dark, has in his Hand Rewards and Punishments, and Power enough to call account the proudest Offender” (ECHU, p. 37).<sup>83</sup> It is thought, therefore, that Locke’s failure to rationally demonstrate the existence of natural law led him to embrace the scripture as the source of moral ethics, and that the outcome of this retreat into revelation was the Reasonableness of Christianity.<sup>84</sup> Locke’s thought, therefore, “was yoked by violence together” and what held “it together was a religious faith rather than an achieved philosophical position” (Dunn 1969, 195).

In this chapter, I examine the evolution of Locke’s teaching on religion from his Two Tracts on Government through his Letters on Toleration. Against Kraynak, Fish and others who see in Locke’s mature teaching of toleration simply a more effective but muted version of his early absolutism, I show that Locke wanted to promote not just a right, but above all the moral duty, of toleration, and anticipated that a liberalized Christianity could be enlisted to support such a liberal morality. However, while I argue that Locke does indeed cultivate the public impression that he grounds his defense of toleration in Christian

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<sup>83</sup> It is true that in the Essay Concerning Human Understanding Locke claims that God has, “by an inseparable connexion, joined virtue and public happiness together, and made the practice thereof necessary to the preservation of society, and visibly beneficial to all” (ECHU, “No Innate Practical Principles,” p. 37.), so that in principle one might base one’s whole morality on earthly convenience without any thought of God and his sanctions. But in The Reasonableness of Christianity Locke insists on the inadequacy of a purely interest-based account of natural law. Though “[t]he law of nature, is the law of convenience too,” yet so conceived, it can never really “rise to the force of a law” (RC: 142): “That could not be, without a clear knowledge and acknowledgment of the law-maker, and the great rewards and punishments for those that would, or would not obey him” (RC: 144).

<sup>84</sup> This argument appears in Aschraft 1969, 218-223; Dunn 1969, 193-195. Important exceptions to this interpretation are Pangle (1988), Forde (2001), Zuckert (1994). These contrasting interpretations discern in Locke both an effort to lend his liberalism theological legitimacy, and to cultivate a popular religious teaching that he anticipated would be necessary for liberal morality.

revelation, a deeper examination of the arguments that he employs in response to his contemporary religious critics reveals that the precondition for his defense of toleration is theological skepticism and rational doubt about the Bible. The publication of Locke's Letter on Toleration provoked a fascinating historical debate spurred by a series of critical responses from the Anglican Divine Jonas Proast, leading Locke to author three additional Letters responding to Proast's increasingly trenchant criticisms. Among the myriad objections that Proast raised against Locke's teaching, the most damning accusation involved the charge that Locke was "promoting [...] Scepticism in Religion among us," and that the adoption of Locke's principles would usher in religious relativism and, eventually, even atheism (P.I.35).<sup>85</sup> The criticism from Proast pushed Locke to mount an increasingly vigorous defense of his argument, but one that also required Locke to embrace an explicit teaching of theological skepticism, based on epistemic limits of human knowledge about the divine, which he had deliberately tried to mute in the Letter. Separation of church and state, it becomes clear in the Locke-Proast debate, presupposes separation of faith and knowledge, and requires the promotion of indifference as the only healthy outlook that human beings can adopt towards theological questions. Locke has therefore left behind an ambiguous theological legacy: he claims that the regime of toleration benefits religion, and even that his liberal morality depends on belief in God, but his rationalist theoretical teaching is grounded on skepticism and encourages religious indifference and apathy. The contradictions within the Supreme Court's religious jurisprudence and in its doctrine of neutrality are a reflection

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<sup>85</sup> Proast's three letters have been reprinted in the Philosophy of John Locke, ed. Peter A. Schouls (New York: Garland Publishing, 1984). Locke's four Letters may be found in the fifth volume of The Works of John Locke: The Twelfth Edition (London: 1824). With the exception of Locke's first Letter, where I cite the Tully edition, all page citations to Locke's and Proast's letters refer to these editions. I use the following abbreviations: for Proast's three letters, P.I, P.II, and P.III, and for Locke's three letters, L.I, L.II, and L.III, followed by the page number.

of this inescapable disharmony within separation of church and state and within the Lockean theory of liberal toleration.

## II. Secular Absolutism and Religion in the *Two Tracts on Government*

The Two Tracts on Government, the earliest known writings by Locke, were written shortly after the Restoration while Locke was a student of Christ Church. Locke never published them during his own lifetime. The First Tract is written in English, and consists of a direct refutation of a pamphlet by the Puritan divine Edward Bagshaw, published in 1660 under the title The Great Question Concerning Things Indifferent, from which Locke quotes extensively as he constructs his point-by-point refutation. The Second Tract is written in Latin and does not mention Bagshaw. The dispute with Bagshaw centers on the question as to “whether a magistrate may lawfully impose and determine the use of indifferent things in reference to religion” (FI, 124). Arguing on scriptural grounds, Bagshaw urges that the individual should be free to determine the indifferent things in divine worship according to his own conscience. Indifferent things are those parts of divine worship which revelation has left undetermined. Locke defends authority against those he refers to as the “popular assertors of public liberty,” and argues that if religious liberty were “indulged in England it would prove only a liberty for contention, censure and persecution and turn us loose to the tyranny of religious rage” (120). As a result of this pessimistic view of the political effects of religious liberty, the young Locke thought that the state should have the authority to impose an arbitrary uniformity in religious worship in the name of peace and order: “[t]he supreme magistrate of every nation what way soever created, must necessarily have an **absolute and arbitrary power** over all the indifferent actions of his people” (122-123). In defending such arbitrary authority, Locke emphatically refuses to distinguish between the liberty of subjects

in monarchy and republican government, and insists that subjects do not “enjoy greater share of [...] freedom in a pure commonwealth [...] than in a absolute monarchy” (125, 232).<sup>86</sup> Locke’s position in the Two Tracts is therefore directly opposed to his teaching in the Second Treatise, where he repudiates Hobbesianism and argues that “absolute monarchy [...] is indeed inconsistent with civil society” (Section 90).

The authority that Locke purports to appeal to in the Two Tracts, however, is not Hobbes, who is never mentioned in the work, but rather the Anglican Hooker, who appears in the Latin Tract as the “learned and revered [...] champion of the truth” whom Locke purports to follow (170).<sup>87</sup> In his introductory commentary to the text, Philip Abrams concludes that even though The Two Tracts echo some of Hobbes’ arguments for absolute sovereignty, “Locke in 1660 belongs [...] in the classical, pre-Lockean, tradition of political thought” (80). While noting significant and even crucial deviations from the traditional teachings of Aquinas and Hooker about the nature of law that may suggest that Locke is appropriating the mantle of traditional Anglicanism in the service of his own more radical position,<sup>88</sup> Abrams interprets Locke as following the “Anglican orthodoxy,” “an older authoritarian tradition [that was] forced, before Hobbes, to come to terms with the theory of consent” (76). As for his embrace of arguments that are reminiscent of Hobbes, Abrams claims that Locke followed the lead of monarchist authors such as Dudley Digges and

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<sup>86</sup> Cf. Hobbes, Leviathan, Chapter 21.

<sup>87</sup> As I show below, I am more sympathetic to the suggestion made by Strauss (1967) in a review of the Two Tracts: Locke’s failure to mention Hobbes in the Tracts, Strauss declares, “would not by any means exclude the possibility that the tracts were influenced or inspired by Hobbes, for silence on Hobbes might have been part of the ‘strategy’ of the young Locke as it was part of the ‘strategy’ of the mature Locke (cf. p 68).”

<sup>88</sup> See Abrams’ discussion of the contrasting postures of the traditional teleological conception of law that Hooker shares with Aquinas and the “nominalist” or “voluntarist” conception of law that Locke embraces throughout the Tracts on pp. 69-71 and 80-81. Cf. 77-79. Abrams states: “The question arises of how far Locke knew that his use of Hooker was misleading. By prefacing his treatment of law with the passage from Hooker he distracts attention from the voluntarism of his own position” (p. 70).



Anthony Ascham, who in the 1640s anticipated Hobbes “in standing consent theories on their heads to produce an absolute state” (76). In Abrams estimation, the decisive difference between Hobbes and the traditional Anglican “authoritarianism” of Locke is that “Hobbes eliminates the freedom of conscience as well as that of action,” whereas Locke, following the orthodox position, argues that “freedom of conscience is possible even while we obey the magistrate in all our actions” (77). But a cursory familiarity with Hobbes’ Leviathan should remind us that whatever may be said of Hobbes’ absolutism, he was by no means opposed to freedom of conscience, and his position may be more sympathetic to Lockean toleration than is usually supposed: “There is another error in their [Schoolmen] civil philosophy ... to extend the power of the laws, which is a rule of actions only, to the very thoughts and consciences of men, by examination and inquisition of what they hold, notwithstanding the conformity of their speech and actions. By which men are either punished for answering the truth of their thoughts, or constrained to answer an untruth for fear of punishment.”<sup>89</sup>

As Kraynak and Casson point out, by misconstruing the Hobbesian position as a species of totalitarianism as opposed to the radically secular and proto-liberal absolutism that it really is, Abrams makes the mistake of associating Locke’s genuine position with the traditional Anglican authoritarianism from which he may be subtly and quietly departing in the direction that Hobbes had already charted.<sup>90</sup> Indeed, Abrams discussion of Locke’s “persistent strategy” of adopting traditional arguments from respectable sources acceptable to “those in political or ecclesiastical authority” even as puts them in the service anti-traditional conclusions may shed light on a central ambiguity of the Tracts about the

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<sup>89</sup> Hobbes, Leviathan, Chapter 46.

<sup>90</sup> Kraynak 1980, p. 57. Cf. p. 68 where Abrams refers to a view that Locke employs a “persistent strategy ... of insinuating radical positions into arguments which, in their form, terms and design, would seem to be acceptable to those in political and ecclesiastical authority.”

foundations of civil power. Throughout the Tracts, and in sharp contrast to his position in the Two Treatises on Government, Locke creates the impression that his argument for absolute sovereignty can be sustained without resolving the question of whether civil authority originates in the consent of the subjects or whether it derives “immediately from **God**” (123). In the First Tract, Locke claims that he does not “intend to meddle with that question whether the magistrate’s crown drops down on his head immediately from **heaven** or be placed there by the **hands of his subjects**,” but then immediately proceeds to take up precisely this question (122). He insists that however the question of the origins of civil authority is settled, it will have no effect on the conclusion that the sovereign’s power must “necessarily” be “absolute and arbitrary” (123). But after voicing this confident disclaimer, Locke goes out of his way on the next page to indicate that erecting absolute sovereignty on the basis of consent is much more difficult in practice than it is on the basis of divine right, because the former presupposes the consensual or voluntary surrender of “the whole of [man’s] natural liberty”<sup>91</sup> to the sovereign: since the people “are never forward to part with more of their liberty than needs must, I think it will clearly follow, that if he received his commission immediately from **God** the people will have little reason thereupon to think it more confined than if he received it from them” (123). It would seem then that young “authoritarian” Locke already had doubts about secular absolutism, or at least strong enough reservations that he perceived and was even willing to state the case for divine right. Having teased the reader for a moment with the seeds of this potential argument for divine right, Locke pulls the curtain down and avers that he “shall not build upon this foundation.” (123).

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<sup>91</sup> The same consideration comes up again when Locke takes up the question of the possible alternative foundations of civil authority in the Latin Tact, pp. 230-232. Locke there indicates that it is impossible to erect absolute sovereignty on consent, as Hobbes intends to do in the Leviathan, “unless each and every individual surrenders the whole of this natural liberty of his, however great it may be, to a legislator, granting it to him who with the authority of all (by proxy, as it were), empowered by the general consent of all, makes valid laws for them.”

But after rejecting divine right as his foundation, Locke next pretends to reject the theory of consent as well (124), settling to articulate an alternative to both: “God wished there to be order, society and government among men” (231). This divinely ordained imperative for political order includes the requirement “that there must be some supreme power without which [there] cannot truly be a commonwealth,” and that this supreme power—which “is exactly the same in all government, namely, legislative”—posses arbitrary authority to settle all indifferent things in religion (123, 231-232). By affirming absolute authority on these seemingly conservative or traditional grounds (cf. Abrams, 77), Locke avoids having to engage in the Hobbesian effort to derive a doctrine of obligation from the contractual theory of consent, which presupposes a Hobbesian account of the state of nature as a condition of war that men exit only by following the laws of nature that dictate peace.<sup>92</sup> This strategy allows Locke to pitch his position as if it were a respectable successor to Hooker’s traditional defense of the Anglican polity in the Laws of Ecclesiastical Polity. But a closer look reveals that in crafting this purportedly traditional position, Locke begins to import into it a very Hobbesian outlook about man’s natural liberty as well as about the ends of government, for he seeks to defend political authority and order while “allowing every man by nature as large a liberty as he himself can wish” (123). Locke even admits that “a great part of [his] discourse” is drawn “from the **supposition** of magistrate’s power [...] derived from the consent of the people,” because such a foundation is most conciliatory to the “patron’s of liberty” that object to the theory of divine right (122-123, emphasis in the original). In fact, Locke goes even further in indicating that his argument presupposes a

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<sup>92</sup> Kraynak (1980) provides an insight into Locke’s choice of this crafty strategy: “This perfects Hobbes’ theory by making preservation the end of government, while creating an obligation to obey beyond self-preservation; and it removes the natural right to self-preservation as a pretext for disobedience.” Locke therefore improves Hobbesian sovereignty on Hobbes’ own term, by “remov[ing] all appeals to divine or natural law - in the name of the true religion, moral virtue, or self-preservation - above the arbitrary will of the magistrate,” p. 59.

Hobbesian state of nature and its inconveniences in a different part of the text, since he declares that “one of the necessities of government” arises from the fact that men, “being favourable judges in their own cause,” are inevitably in a state of conflict without a common civil power (137). Such a state of conflict makes it necessary that men “should mutually agree to give up the exercise of their native liberty” and establish a common authority to secure peace (138). And, finally, in response to Bagshaw’s complaints about the “inconveniences” of absolute sovereignty and imposition, Locke puts forward the distinctly Hobbesian rejoinder that these “disadvantages of government [...] are far less than are to be found in its absence as no peace, no security, no enjoyments, enmity with all men and safe possession of nothing, and those stinging swarms of miseries that attend anarchy and rebellion” (155-156).

As for the religious implications of this extremely pessimistic account of natural liberty, Locke deliberately employs that starting point to construct an argument for secular absolutism that frees the magistrate from any obligation to promote true religion and from any concern for orthodoxy of belief. Both Bagshaw and Locke begin with man’s natural liberty, agreeing further that divine and natural law have left certain indifferent things with respect to religion undetermined (126-127). But Bagshaw argues that upon entering society, men “voluntarily parted [only] with their civil” liberty, and that therefore they “ought not to be entrenched upon their spiritual freedom” by the magistrate, since “[a]s Christians [they are] not his subjects so much as his brethren” (169). Bagshaw, moreover, appeals to the Scripture to argue that “imposing things indifferent is directly contrary to Gospel precepts” (130). Locke takes the same starting point, but disputes Bagshaw’s argument by interpreting Christ’s injunction against imposition as being directed against the encroachment of the Pharisees on the Jews (131-136), and therefore as having no effect on a Christian magistrate

determining indifferent things. Furthermore, Locke insists that “[t]he Scripture speaks very little of politics anywhere.” “[T]he Scripture is very silent in particular questions, the discourses of Christ and his Apostles seldom going beyond the general doctrines of the Messiah or the duties of the moral law,” which are, from Locke’s perspective, all that is necessary for salvation (171-172). For Locke, the Bible’s purported silence on “politics” implies that God left political affairs to the determination of human prudence. Moreover, the Scripture’s silence about “particular questions” means that the scope of actions that are indifferent to God is considerably great, since all that the Bible requires is conformity to the moral law. Finally, in response to Bagshaw’s objection that imposition would “lay as much stress upon these indifferent things as upon any the most material parts of our religion,” Locke suggests that the polity that he envisions limits itself to secular purposes of peace and order, rather than the promotion of true belief, which is left to the individual to determine in the privacy of internal conscience. Locke’s absolute sovereign, no less than the one that Hobbes envisions in the Leviathan, does not aim at things “that are out of his reach,” especially “faith and repentance [where the] substantial parts of religion” reside (167).

Part of the difficulty with Locke’s solution is that it expects the religious believer to accept external religious uniformity, imposed arbitrarily by the sovereign for secular purposes, while being satisfied merely with freedom of internal belief. Locke insists that “[t]he great business of Christian religion lies in the heart,” and this internal realm which constitutes “the first and chiefest part of our homage and obedience” to God is left undisturbed in his polity, for the magistrate “reverently forebears to interpose his authority” beyond the realm of external actions (168). Such imposition on external acts, according to Locke, does not implicate the subject’s internal beliefs and therefore does not endanger the potential salvation of his soul. Genuine imposition on the conscience, on the other hand,

entails “the pressing of doctrines or laws upon the belief or practice of men as of divine original, as necessary to salvation and in themselves obliging the conscience, when indeed they are no other but ordinances of men and products of their authority” (138). Just as much as the regime of separation of church and state that Locke would later describe in the Letter, the sovereign of the Two Tracts, we are led to believe, will make no claims about what is necessary for true religion and salvation, and will limit himself to regulating external acts of worship that may tend to disturb peace and order. But in one of his objections, Bagshaw trains his guns precisely on this distinction between internal beliefs necessary for salvation and indifferent external actions on which Locke hinges so much of the force of his argument: “It is so far from being an argument for impositions to urge that the thing imposed is indifferent, that there cannot be a stronger argument against them, since it is a requisite to Christian practice that things necessary be held necessary” (p. 173). Bagshaw’s objection in effect collapses the distinction between indifferent actions and necessary beliefs, because he stresses that what Locke regards as actions that are theologically indifferent, and therefore legitimately subordinate to the civil concern for peace and order, are in fact held to be necessary for salvation by the believer.

Locke was clearly aware of this objection, but chose to ignore it and refused to respond to it explicitly in the Tracts.<sup>93</sup> In both the First and the Second Tract he retreats to the position that “the essence and soul of religion consists” of the “inner worship of the heart which God demands,” and that “this worship, wholly silent and secret as it is, completely hidden from the eyes and observation of men, is neither subject to human laws, nor indeed capable of such subjection” (176, 214). From Locke’s perspective,

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<sup>93</sup> See Abrams discussion of this in the footnote on p. 173 of the First Tract and in Chapter 2 of his commentary of the text.

acknowledging Bagshaw's objection that links internal beliefs with actions in the name of liberty of conscience is tantamount to undermining the whole fabric of the rule of law, since "conscience [is] nothing but an opinion of the truth" or a "private judgment," and "if men's private judgments were to be the moulds wherein laws were to be cast, it is a question whether we should have any at all" (137-138). But within a span of less than a decade, Locke would begin to experience doubts about the practicability of a solution whose success was contingent on the cynical strategy of convincing believers (especially the Puritan dissenters) that significant parts of their religion were indifferent to God and therefore could be arbitrarily determined by the sovereign. By the time he wrote the Essay Concerning Toleration in 1667, Locke came to recognize that an effective political solution to the problem of religious conflict had to accommodate the concerns that animated Bagshaw's objections, and the psychology of the "scrupulous Christian" (168) who regarded imposition as contrary to the requirements of true faith, more than he was willing to do in the Tracts. This may explain Locke's seeming repudiation of his previous position on the question of indifferent things, and his concession to the Puritan perspective on religious worship, in the Essay: "in religious worship nothing is indifferent, for it being the using of those habits, gestures, etc., and no other, which I think acceptable to God in my worshipping of him, however they may be in their own nature perfectly indifferent, yet when I am worshipping my God in a way I think he has prescribed and will approve of, I cannot alter, omit, or add any circumstance in that which I think the true way of worship."<sup>94</sup> Locke must therefore come up with a strategy that can simultaneously respect this religious outlook without allowing it to spill over into religious persecution while also avoiding recourse to a teaching of absolutism that cynically declares religious worship indifferent.

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<sup>94</sup> Essay Concerning Toleration (Liberty Fund: 2008), ed. by Mark Goldie, p. 133. Hereafter cited as ECT.

Locke begins the Essay by subdividing human opinions into three categories: (i) “purely speculative opinions,” in which Locke conspicuously includes “divine worship;” (ii) practical opinions that are “in their own nature neither good nor bad and yet concern society,” such as the management of estates and family life, which Locke labels “matters of indifference;” and (iii) “moral virtues and vices” with the state may legitimate concern itself. The Essay differs not only from the Tracts, but also from the Letter, since while the former is explicitly absolutist, and the latter defends only limited religious toleration as a moral duty, here Locke is willing to assert an “absolute and universal right of toleration” (107). However, Locke extends this absolute right of toleration “only [to] speculative opinions and divine worship,” in which “man hath a perfect uncontrolled liberty, which he may freely use without or contrary to the magistrate’s command” (107, 110). The strategy of the Essay therefore involves the attempt to diffuse divisive religious contentions by assimilating “divine worship” as much as possible into the purely intellectual activity of “speculative opinions,” around which one can safely erect the wall of toleration, while submitting everything else to sovereign control. In this, the strategy is indistinguishable from the one that we saw Locke adopting in the Two Tracts, since the success of both approaches is contingent on convincing believers that their religious commitments deserve toleration only to the extent that they are internalized and cordoned off from the public sphere, without at the same time supplying a moral argument for religious toleration.<sup>95</sup> Moreover, Locke’s new suspicion of absolutism in the Essay pulls him in another direction that further exposes the

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<sup>95</sup> Sanford Kessler points out that Locke would later come to see that restricting religious freedom to speculative opinions was insufficient for securing civic peace, and that the liberal project had to first transform opinions in order to make them supportive of liberalism and conducive to toleration: “When dogmatic opinions ‘are received and embraced as first and unquestionable principles,’ Locke wrote in An Essay Concerning Human Understanding (1690), ‘men even of good understanding in other matters, will sooner part with their lives, and whatever is dearest to them, than suffer themselves to doubt, or others to question the truth of them.’ In order to protect civil society from such enthusiasm, Locke somehow had to diminish drastically the zeal which even a limited amount of religious freedom could produce.”



lack of sufficient moral foundations to his new liberal teaching of toleration: although “the countenancing virtue is so necessary a prop to a state [...] Yet give me leave to say, however strange it may seem, that the lawmaker hath nothing to do with moral virtues and vices, nor ought to enjoin the duties of the second table any otherwise, than barely as they are subservient to the good and preservation of mankind under government” (115).<sup>96</sup> At this stage in his evolution Locke seems to regard the shaping of a specifically liberal moral outlook, supported and enriched by a liberalized religious outlook, to be secondary to the need to establish peace. Shaping such a liberal outlook, as we shall see, will become the central task of the Letter on Toleration, but it will also require Locke’s political philosophy to take a more active concern for endowing toleration with a moral foundation than he does in the Essay.

This impression is reinforced by what Locke anticipates will be the effects of the policy of toleration on religious sects and on the moral character of the pluralism that will emerge under the regime that he envisions. For when he responds to his own objection that toleration of religious sects fosters “distinctions wherein men unite and incorporate into bodies separate from the public, [which] may occasion disorder, conspiracies and seditions,” Locke answers merely that this risk constitutes the lesser of two evils in comparison to the alternative of absolutism: to remove all causes of “disorder and conspiracy,” one must remove all “discontented and active men,” and this would mean that “whispering [would be] less tolerated than preaching, as much likelier to carry on and foment a conspiracy” (p. 133).

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<sup>96</sup> It is striking that in the Essay Locke, in an effort to disqualify the magistrate from “interposing his authority [on the] opinions” of his subjects, classifies polygamy and divorce in the same category as “all other things indifferent,” rather than as questions of morality that affect civil society and are therefore legitimately within the purview of the state: “I say all practical principles or opinions by which men think themselves obliged to regulate their actions with one another. As that men may breed their children or dispose of their estates as they please, that men may work or rest when they think fit, that polygamy and divorce are lawful or unlawful, etc.” (p. 110).

On the other hand, toleration and religious freedom are desirable not so much because they constitute moral ends in themselves without which men cannot pursue salvation, but because the most immediate consequence of their establishment is the increasing division and multiplication of sects, which redounds to the benefit of civic peace. Because the “minds of men are so various in matters of religion,” where dissenters are “indifferently tolerated, and persecution and force does not drive them together, they are apt to divide and subdivide into so many little bodies” (134). But this sectarianism does not foster a pluralism that is united in its commitment to religious freedom as a moral good and a duty owed to every human being. Instead, just as state persecution made dissenters “secret but exasperated enemies of the state” (127), government toleration only deflects, but does not overcome, the religious antagonism that animates the sects (134). The most that one can hope to achieve with toleration, therefore, is an extended political ceasefire, one that shifts the hostility of the dissenters away from the state and diffuses it through religious factionalism: since each sect “always [has] the greatest enmity to those they last parted from or stand nearest to, they [become] a guard one upon another, and the public can have no apprehensions of them as long as they have their equal share of common justice and protection” (p. 134). Richard Ashcraft refers to Locke’s teaching in the *Essay* as a strategy of “Peace through Sectarianism” (Ashcraft 1986, p. 98)—a “modus vivendi” that would fall far short of a genuine moral community and the promise of the *Letter*—and Locke seems to confirm this by the following emphatic statement that appears towards the end of the *Essay Concerning Toleration*: “This I am sure: [under toleration, the sects] are less dangerous as being more scattered and not formed into that order” that opposes the state (*ECT*, p. 134).

Before exploring how Locke perfects his religious strategy in the *Letter*, however, it behooves us first to raise the question of what animates Locke to modify his approach to

religious sectarianism in the first place. Is Locke's concern merely to find a more effective method for controlling religious strife, as it was in the Two Tracts, and therefore a more rhetorically and psychologically palatable approach to subordinating religion to the state than political absolutism, or is there a broader reorientation in his political teaching that in turn informs the evolution in his religious strategy? We are provided a helpful indication of Locke's broader animating concerns at the beginning of the Essay, where Locke again lays out his starting point as a reflection on the origins of civil authority. Unlike the Tracts, however, where as we saw Locke was willing to deploy both divine right and consent in the service of absolutism, in the Essay he is just as unambiguous in his repudiation of absolute monarchy rooted in divine right as he is in his rejection of limited monarchy devoted to the secular goal of civic peace. With respect to those "that tell us that monarchy is **jure divino**," Locke mockingly asserts that they must "be suspected [to] have forgot what country they were born in [...since they...] cannot but be obliged to declare Magna Charta to be downright heresy" (106). "[L]imited monarchy," on the other hand, in which the magistrate does not claim pretensions to absolute authority sanctioned by divine right but instead limits himself to "the preservation of his subjects in this life," Locke declares to be an "absurdity, if not a contradiction" (106). While Locke does not here indicate what renders limited monarchy (and the secular absolutism of Hobbes' "mighty Leviathan") such an absurdity as to disqualify it from consideration, he closes the Essay with a reflection that suggests that absolutism in practice cannot be effectively limited to secular ends, because unchecked authority of the magistrate in "civil dominion" eventually inevitable gets co-opted by forces of spiritual dominion and religious tyranny: "But notwithstanding the liberality of the clergy to princes, when they have not strength enough to deal with them, be very large; yet when they are once in a condition to strive with him for mastery, then is it seen how far their

spiritual power extends, and how, **in ordine at spiritualia**, absolute temporal power comes in.” (139). It is clear, therefore, that by the time that Locke wrote the Essay he had renounced secular absolutism because he doubted that it could long remain non-theocratic,<sup>97</sup> and was clearly moving in the direction of consensual and limited government as the only legitimate solution to religious strife. He had not, however, yet developed a full moral argument that could justify and sustain toleration as the moral foundation of limited government.

### III. The Political Teaching and the Theoretical Foundations of Locke’s *Letter*: The Locke-Proast Debate

The steps that Locke begins outlining in the Essay Concerning Toleration lead to considerable, albeit incomplete and somewhat contradictory, modifications of his religious teaching. The Letter will perfect Locke’s strategy by developing a new and novel account of human faith based on sincerity of worship, an approach that allows Locke to moderate sectarian zeal, weaken the authority of the church, and to displace the principle of doctrinal orthodoxy with the principle of toleration as the central tenet of Christianity. While Locke will present toleration as a moral duty that grows out of Christ’s message of charity in the New Testament, and will claim that the boundaries separating church and state are “fixed and immovable,” a closer examination reveals that his teaching in the Letter shares more with the strategic intent and the spirit of the Two Tracts and the Essay than at first meets the eye (LCT, p. 33). The Letter in fact continues Locke’s effort to establish secular supremacy over religion, it restricts the scope of religious freedom to the requirements of civil peace, and its doctrine of toleration grows out of rationalist doubt and skepticism about

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<sup>97</sup> “So that ordination, that begins in priesthood, if it be let alone, will certainly grow up to absolute empire; and though Christ declares to have no kingdom in this world, his successors have (whenever they can but grasp the power) a large commission to execute, and that rigorously, civil dominion” (ECT, 139)

religious authority than from a devout reading of the Bible. However, because Lockett wants to establish toleration not just as a rational and natural right, but above all as a moral duty that can be enlisted against political absolutism, Locke attempted to mute these antitheological foundations of his teaching. As I show below, Locke's crafty effort to establish such a moral duty of toleration not only accounts for his notorious exclusion of the atheist and the intolerant, but also explains the ambiguities in his presentation that led Jonas Proast, an Anglican clergyman and one of Locke's contemporary critics, to charge him with "promoting [...] Scepticism in Religion among us."<sup>98</sup>

This new approach is discernible from the beginning of the Letter, with Locke launching his argument with his famous proclamation that toleration is the principal ecclesiastical virtue of the Christian church: "I esteem [...] Toleration to be the chief Characteristic Mark of the True Church" (LCT, 23). Locke follows this declaration with a surge of Biblical references, citing more passages directly in the first two pages than in the rest of the Letter combined. It is therefore worthwhile to pause and to consider how Locke employs the Biblical text in support of his proposition that the Bible requires toleration because it teaches that "[t]he Business of True Religion [...] is not instituted [...] to the obtaining of Ecclesiastical Dominion, nor to the exercising of compulsive Force." The Bible, according to Locke, does not sanction the use of force to root out heresy or to promote doctrinal orthodoxy, because its message is limited "to the regulating of Mens Lives according to the Rules of Vertue and Piety" (23). In an effort to render persecution of "Schism and Heresies" illegitimate on Biblical grounds, Locke next deploys a number of references by which he purports to establish the scriptural basis for his novel account of

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<sup>98</sup> Jonas Proast, A Third Letter Concerning Toleration (1691), pp. 35. Hereafter cited as P.III followed by the page number.

Christian faith, a “Faith which works, not by force, but by Love,” and whose only requirement is good works and charity to fellow men (23-24). Because all that the Bible requires is charity, love and virtuous living, the real heretic is not the one who, “whilst accompanied by Innocency of Life,” breaks “from the Publick Assemblies and Ceremonies of his Country,” but rather anyone who violates the moral law. The decisive passage that Locke invokes in his support is Galatians 5.19-20, and his rendering is revealing of Locke’s method, since he is compelled to blatantly misrepresent and selectively quote from the text in order to portray its meaning as supportive of toleration: “**Adultery, Fornication, Uncleanness, Lasciviousness, Idolatry, and such like things, cannot be denied to be Works of the Flesh;** concerning which the Apostle has expressly declared, **that they who do them shall not Inherit the Kingdom of God.** Whosoever therefore is sincerely solicitous about the Kingdom of God [...] ought to apply himself with no less care and industry to the rooting out of these Immoralities, than to the Extirpation of Sects” (24-25). But consulting the scripture reveals that Locke deliberately cuts of the list of prohibitions in order to shift the emphasis from correct belief to moral action, since the quote in Galatians adds to the proscription of idolatry the prohibition not only of “witchcraft, hatred, variance, emulations, wrath, strife,” but also of “seditions [and] heresies.” (Gal. 5.20). The Bible, it would seem, did not distinguish between prohibited “moral vices,” on the one hand, and “opinions,” on the other, and taught that deviation in both ought to be deterred through punishment in order to counteract heresy and to secure justification through faith.

Now as it turns out the scriptural passage on which Locke hinges so much of his opening rhetorical case for the decriminalization of heterodox opinions was actually central to the Christian Thomistic tradition’s posture towards heresy. In reference to the same passage from the Galatians that Locke cited, Augustine stressed that for St. Paul heresy was

counted among “the fruits of the flesh,” and therefore religious crimes were as subject to punishment as civil crimes: “Why then do the Donatists think it right that the severity of the law is applied to prisoners, and wrong when applied to heresies and unholy dissensions, since the Apostle puts these last crimes on the same level with other fruits of iniquity?”<sup>99</sup> In the Summa Theologica, Aquinas followed Augustine’s definition of heretics as those “who hold mischievous and erroneous opinions” in matters of faith, and issued a fierce condemnation of the practice and justified its punishment by death if all efforts at conversion failed.<sup>100</sup> It is true that Aquinas tempered his condemnation of heresy with the need to be solicitous of the salvation of the heretic’s soul, and therefore advised the Church to practice “mercy which looks to the conversion of the wanderer, wherefore she condemns not at once, but [only] ‘after the first and second admonition’” had failed. But for the Thomists, the separation of opinions and acts that Locke introduces in the Letter, on the basis of very tendentious scriptural exegesis, as one of the central central “beams” of what he later describes as the “house” of toleration (L.II.67), was clearly alien to Bible. Indeed, after one clears away Locke’s rhetorical pitch that toleration is “agreeable to the Gospel of Jesus Christ,” it becomes obvious that that the genuine basis of his separation of opinions and acts is found not in the Bible, but rather in Locke’s own epistemological account of the limits of human knowledge about the divine. That account, as we shall see, is what alarmed Jonas Proast as the most dangerous innovation in Locke’s theory, because it was grounded in and encouraged theological skepticism as a precondition of civil toleration.

But before Locke broaches the controversial question of human knowledge, he presents an alternative non-Biblical argument for separation based on the nature of human

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<sup>99</sup> Augustine, *Contra Epistulam Parmeniani*, 1, X, 16, quoted in John Locke, Toleration, and Early Enlightenment Culture, ed. John Marshall, (Cambridge: 2006), p. 216.

<sup>100</sup> Aquinas, Summa Theologica, Question 11, Articles 1-4.

belief. Standard interpretations hold that what Locke offers here as the foundation of his theory is essentially a version of the Protestant view of the liberty of conscience,<sup>101</sup> and that therefore Locke's teaching is decisively indebted to, and shaped by, post-Reformation Christianity. It is true that Locke encourages this interpretation, since he argues that because "[a]ll the Life and power of true religions consists in inward persuasion of the mind," and because "only light and evidence [...] can work a change in men's opinions," the use of force is, at best, futile and ineffective, and, at worst, "displeasing" to God because it fosters religious hypocrites (27). Although this claims appear self-evident to the modern reader, Locke never elaborates on it in his other Letters, and an examination of Locke's debate with Proast demonstrates that it was not the deepest, nor even the essential, foundation of his teaching. This becomes apparent from the concessions that Proast is able to draw out of Locke on the efficacy of compulsion not only for establishing, but even for changing, opinions. In his rejoinder, Proast concedes that true religion must genuinely convince the believer to qualify as a saving faith, but for him this consideration does not disqualify the legitimacy of religious compulsion. On the contrary, Proast insists that precisely because true religion depends on such internal persuasion, its perpetuation always requires some measure of authority backed by force, in order to encourage men "to lend an ear" to arguments in its favor and "to embrace that truth, which otherwise, either through carelessness and negligence they would never acquaint themselves with, or through prejudice they would reject and condemn unheard."<sup>102</sup> And that such force is necessary, Proast insists, is self-evident from human experience, which demonstrates that men have utterly failed in their duty to examine and pursue the true religion: "There is nothing more notorious, than

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<sup>101</sup> E.g., Tully (1983), pp. 6–7; Dunn (1990), Mitchell (1990),

<sup>102</sup> Proast, The Argument of the Letter on Toleration Considered and Briefly Replied, p. 5, p. 11. Hereafter cited as P.I followed by the page number.



that men have fought out many inventions, and contrived a great variety of religions for themselves,” which explains “all the false religions now on foot in the world” (P.I.7). And when Locke finally gets around to responding to this objection in his Third Letter, instead of retreating to his original argument that the efficacy of force can secure only outward conformity without internal belief, which leads to religious hypocrisy, he concedes Proasts’ major point about the efficacy of arguments backed by force:

“And had you been in France some years since, who knows but the arguments the king of France produced might have been proper and sufficient to have convinced you that you ought to go to mass? I do not by this think you less confident of the truth of your religion, than you profess to be. **But arguments set on with force, have a strange efficacy upon human frailty;**” (L.III.400)

This concession is extremely significant, because not only does it shed light on how Locke uses the argument about the futility of compulsion to mute the deeper basis of his theory, which does not in fact depend on the principle of the inviolability of the conscience, but it also brings Locke dangerously close to admitting Proast’s contention that without compulsion men are not genuinely solicitous about the true religion. In the original Letter the deeper basis of toleration is suggested not in the discussion of the futility of force, but rather when Locke turns to the implications of religious pluralism and diversity for his teaching of toleration. Even if force could change men’s minds, Locke insists, it “would not help at all to the salvation of their souls,” because “in the variety and contradiction of opinions in religion, wherein the princes of the world are as much divided as in their secular interests, the narrow way [is] much straitned” (27-28). But the variety of religious beliefs does not in itself establish the need for, much less morally justify the duty of, toleration. For as long as it is maintained that there is “one truth [...and only...] one way to heaven,” i.e. that genuine orthodoxy and true religion exist and can be known, religious diversity demonstrates at most “that one country in the world [...is...] in the right” (27-28), and as we

saw for Proast this empirical reality is arguably what necessitates the use of force in the first place. Indeed, that Locke draws the opposite conclusion from religious diversity suggests that the policy of toleration follows from more than the mere fact of pluralism. The only way that Locke can derive the duty of toleration from the fact of religious diversity is by denying the possibility of knowledge of genuine orthodoxy and by affirming religious relativism, which he does, somewhat cagily, throughout the original Letter, and much more explicitly in his responses to Proast. The significance of this move can be seen in its prominent placement in the Letter: in the very opening sentences of the work Locke declares, paradoxically, that “everyone is orthodox to himself” (23). He proceeds to make the very same point about churches and magistrates—that “every church is orthodox to itself” (32) and “the religion of every prince is orthodox to himself” (42). While he continues to pay lip-service to the idea that orthodoxy exists, Locke cannot suppress the implication of his own argument that the consequence of such pluralism is radical theological uncertainty, because among such competing orthodoxies there can be no judge on earth, for “the decision of that question belongs only to the supreme judge of all men” (32).

This muted religious relativism that Locke affirms, as a precondition for his teaching of toleration, has its foundations not in pluralism or in the lack of agreement on religious truths, but rather in a deeper outlook of theological skepticism that Locke believes is the only healthy and rational, though by no means inevitable, disposition that human beings can adopt towards theological questions. This antitheological implication of Locke’s religious relativism did not escape Proast’s notice, and it is therefore not surprising that the exchange in which he ensnared Locke on this point culminated in Proast’s charge that Locke was promoting religious skepticism. Proast responds to Locke’s argument about religious

pluralism—which he links to Locke’s claim that every prince is orthodox unto himself—with a sense of exacerbated frustration: “Now all this [i.e., diversity of religious beliefs] I acknowledge to be very true. [...] But to what sense it is here alleged I do not understand. The power I ascribe the Magistrate, is given him, to bring men, not to his **own**, but to the **true** religion” (P.I.25-26). In insisting that the magistrate’s coercive power is to be used for the promotion of only the true religion, Proast presses Locke into confronting a question that he wanted to avoid in the original Letter—namely, is the knowledge of true religion accessible to human beings? That Locke chose to address this objection directly in the second Letter suggests that the answer to this question was of great significance to his position in the dispute, even though it would lead him increasingly to retreat into a denial of the possibility of acquiring certain knowledge of religious truth. At the beginning of the second Letter, Locke at first pretends to deny that the dispute has opened this controversial question of the possibility of knowing the true religion: “True religion and Christian religion are, I suppose, to you and me, the same thing.” (L.II.63, cf. L.III.144). But what follows this less than enthusiastic endorsement of the truth of Christianity is a highly unflattering and revealing portrait of what Locke considers to be the basis of Proast’s conviction that he possesses religious truth:

I much suspect, this, as absurd as it is, lies at the bottom; and you build all you say upon **this lurking supposition**, that the national religion now in England, backed by the public authority of the law, is the only true religion, and therefore no other is to be tolerated; which being a **supposition** equally unavoidable, and equally just in other countries, [...] will in other places exclude toleration, and thereby hinder truth from the means of propagating itself. (L.II.65, emphasis added).

Confidence about the true religion and assurance about the way to salvation, Locke suggests, is nothing more than a “supposition.” We are therefore lacking any sure guidance in religious matters, and all we have to fall back on are, at best, our “suppositions” of the

truth or, at worst, our traditions and prejudices. Moreover, it is not just Christians who are entitled to suppose their religion to be the true one. As Locke indicates, Proast's supposition of the truth of his religion "can no more be allowed to you in this case, whatever your church or religion be, than it can be to a papist or a Lutheran, a Presbyterian or an Anabaptist; nay no more to you, than it can be allowed to a Jew or a Mahometan" (L.II.111, cf. LCT, 44).

It was especially this last implication of Locke's argument that provoked Proast to conclude that Locke's theory of toleration rests on theological skepticism that either denies that there is a true religion or, if there is one, denies that it is accessible to human beings: "For 'tis obvious that there can be no other reason for this assertion [...] but either the equal truth, or at least the equal certainty (or uncertainty) of all religions" (P.II.47). Both alternatives, according Proast, necessarily foster an attitude of "indifference" towards religious truth. Whoever considers Locke's assertion regarding the equal claim to "supposition" of the truth of every religion, Proast argued, must necessarily conclude "either 1. That no religion is **the true religion**, in opposition to other religions: Which makes all religions **true**, or all **false**, and so either way **indifferent**. (Or, 2. That though some one religion be **the true religion**; yet no man can have any more reason [...] than another [...] to believe his to be true [...which...] renders it vain and idle to inquire after the true religion)" (P.II.47). Thus, contrary to many contemporary scholars who contend that skepticism has little or no significance in the Locke-Proast debate and in Locke's defense of toleration more generally,<sup>103</sup> Proast took a different view. For Proast, what was at stake in the debate over

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<sup>103</sup> This view is quite common in contemporary accounts of Locke's teaching of toleration. According to Waldron (1981), the "first point to notice is that" Locke's defense of toleration "does not rest on any religious doubt," in "Locke: Toleration and the Rationality of Persecution." Similarly, Goldie (1991) concludes that the "battle" between Locke and Proast "was fought on a narrow front, with limited

persecution and toleration was precisely the question of whether the true religion was knowable, because the denial of such knowledge unravels the case for persecution and, as Proast admits, “then without more adoe, the Cuase is yours” (P.II.47). This is precisely the reason that Proast appeals to a certain “persuasion” or “full assurance” regarding the truth of religion as a candidate for the status of knowledge which, though “not grounded upon strict demonstration [...is...] very frequently and familiarly called in the scripture, not faith, or belief only, but knowledge” (P.II.6). As becomes clearer in the Third and Fourth Letter, the deepest foundation of Locke’s teaching on toleration is the denial of the title of knowledge to the persuasion to which Proast appeals: “how well grounded and great so ever the assurance of faith may be wherewith it is received; but faith it is still, and not knowledge; persuasion, and not certainty. This is the highest the nature of the thing will permit us to go in matters of revealed religion” (L.III.144). Separation of faith and knowledge, therefore, is the precondition for the separation of church and state and of the regime of toleration, because, as Locke points out in the fourth Letter, the issue between Proast and Locke boils down to the question of whether “certain demonstrative knowledge of true religion” is available to human beings (L.IV.62). In the final analysis, Locke denies the possibility of such knowledge on the basis of rational skepticism, though he refuses to acknowledge in the original Letter that this is the true foundation of his teaching.<sup>104</sup> Insofar as Locke may not want to promote rational skepticism as the foundation of a public morality, such fostering of toleration necessarily requires, at minimum, the promotion of religious indifference with respect to doctrinal orthodoxy.

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attention paid to the larger question of the inroads of skepticism upon the idea of 'true religion,'" p. 364 in "The Theory of Religious Intolerance in Restoration England." These views would seem to be shaped by Locke’s own effort to seal of his religious teaching from its foundation in skepticism.

<sup>104</sup> Note Locke’s unabashed denial that Proast can show that the first and the second Letters promote skepticism: “For I challenge you to show, in either of those two letters you mention, one word tending to epicurism, atheism, or scepticism in religion (L.III.415).

Now this rational foundation of toleration that we have uncovered in the Locke-Proast exchange would seem to stand in tension with what is clearly another objective of the Letter: to establish toleration as a moral duty that can provide a foundation for and sustain liberal politics. Such a tension between rational skepticism and the need to cultivate a liberal morality may have induced Locke to mute, as much as possible, the antitheological foundations of the duty of toleration in the original Letter, since it would seem that the promotion of skepticism and relativism in religion could just as easily spill over into the promotion of similar skepticism and relativism in morality.<sup>105</sup> At the same time, however, this morally positive side of Locke's political philosophy, which distinguishes his teaching from the contemporary Rawlsian and anti-foundationalist efforts to construct liberal politics without recourse to rational or moral foundations, accounts for the positive steps that Locke encourages the sovereign to take in promoting a liberal morality and the limits that he imposes on the principle of toleration in the original Letter. As his discussion of the limits on toleration indicates, Locke's project aims at more than the establishment of peace through factionalism and suppression of the intolerant (cf. Tarcov, 1999). While he denies toleration to any sect that "will not own and teach the duty of tolerating all men in matters of meer religion" (50), he indicates that this restriction is meant to extend a positive incentive that can induce the sects to transform themselves into preachers of tolerations: "It is not enough that Ecclesiastical Men abstain from Violence and Rapine, and all manner of Persecution," Locke insists, for "he that pretends to be a successor of the apostles [...] is obliged also to admonish his hearers of the duties of peace, and good-will towards all men; as well towards the erroneous as the orthodox" (33-34). Thus, Locke's project seems to depend on the success of a transformative effort at civic and theological education, one that

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<sup>105</sup> Cf. Owen (2007).

allows him to look forward to a day when the pulpits of every church will resound “with this doctrine of peace and toleration,” spreading the teaching of toleration as a Christian duty to the faithful of the future. Locke not only grants the sovereign considerably leeway in pursuing this goal, but he enjoins him to implement this project of civic education by obligating the churches to “lay down Toleration as the Foundation of their own Liberty [...] and [to] teach that Liberty of Conscience is every mans natural Right” (51).

The most striking limit on toleration that appears in the Letter, however, and one that most puzzles contemporary scholars and disqualifies Locke’s teaching from the status of liberalism,<sup>106</sup> is his exclusion of atheists. There are a number of explanations for this exclusion, but the two most efficient and direct accounts would seem to correspond to the scholarly dichotomy that views Locke either as an esoteric Hobbesian or as a genuinely Christian thinker. According to the former interpretation, Locke may have excluded Christians out of prudential considerations aimed at making his unorthodox teaching of toleration more palatable to a Christian audience, whereas the latter interpretation would hold that Locke earnestly concluded that unbelievers were incapable of being good citizens since, as he wrote in the Letter, “promises, covenants, and oaths, which are the bonds of humane society, can have no hold upon an atheist” (51). But there is another possibility that would render his exclusion of atheists theoretically and normatively more significant, and more in harmony with Locke’s pronouncements elsewhere, than either mere prudential defensive rhetoric or a seventeenth century prejudice on Locke’s part: Locke could have sought to exclude atheists for the same reason that he muted the rational skepticism of his teaching on toleration, insofar as he judged the public diffusion of atheism and skepticism to

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<sup>106</sup> Dunn (1991), p. 192. See also, p. 179: “This [exclusion of atheists] is hardly an exclusion that any Western society today would regard as furnishing a very handsome allowance of freedom for thought—even if it might still evoke some applause in Tehran.”

have a tendency to “undermine and destroy all religion,” including especially the reinterpreted and liberalized Christianity that he wanted to see promoted as the foundation for his liberal morality (51). As he wrote in the Reasonableness of Christianity, a work explicitly aimed at demonstrating that the only requirement of Christianity is the belief in Jesus as the messiah and a devotion to his moral teaching, the Christian “view of heaven and hell [will] give attractions and encouragements to virtue which reason and interest, and the care of ourselves, cannot but allow and prefer. Upon this foundation, and upon this only, morality stands firm, and may defy all competition.”<sup>107</sup> To be sure, the morality that Locke proposes is a liberal morality directed primarily at self-preservation and happiness of mankind, and therefore much less demanding than genuine Christian morality (Forde 2001), but Locke does not seem to believe that the demands of even this liberal morality can be fully satisfied with this-worldly self-interest (cf. RC, pp. 148-149; Tarcov 1984, 149; Pangle 1988, 191, 211). Lockean morality, therefore, still seems to require divine rewards and punishments.

As Nadon (2006) and Kessler (1985) both point out, Locke attacks atheism in the Letter not as a doctrine that is theoretically incorrect, but rather as one that produces pernicious political effects when it is advocated publicly. The atheist educated by Locke would presumably maintain public silence, mindful that skepticism can destroy belief in God, and aware of the civic and moral benefits that religion, when properly reformed, can provide to political liberty. This interpretation receives further support from the Letter, where Locke illustrates that he intends to enlist religion as a check against absolutism by extending to religious believers a modified form of the right to resist tyranny which he describes in the Second Treatise on Government. Throughout the Letter, Locke subtly

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<sup>107</sup> Locke, Reasonableness of Christianity, p. 150, in Works, Vol. 6.



indicates that political tyranny may be more responsible for religious persecution than even the intolerance of orthodox religion itself: “the most violent of these defenders of the truth, the opposers of errors, the exclaimers of schism, do hardly ever let loose this their zeal for god [...] unless where they have the civil magistrate on their side” (32). Furthermore, Locke insists that one of the most deplorable unintended consequences of the corruption of Christianity through the “unhappy agreement [...] between the state and the church” has been the strengthening of political tyranny: no magistrate would put up with the “disturbers of the public peace” in the church, “if it did not appear that they have been invited by them unto a participation of the spoil, and have therefore though fit to make use of their covetousness and pride as means whereby to increase their own power” (55). The secular state with ambitions for greater political power, therefore, benefits from its alliance with a corrupted church willing to lend it the zeal of religious authority. Severing the unhappy alliance between church and state, Locke predicts, will transform all the “several separate congregations [...] into [...] so many guardians of the public peace,” who would grow to cherish religious freedom so much that they would be as willing to risk civil disobedience against a magistrate that sought absolute authority as they would be against one who sought to compel them “to embrace a strange religion” (53).

## Chapter 4: Tocqueville's Critique of Enlightenment Rationalism and the Mutual Accommodation of Religion and Democracy

**Abstract:** In search for a vision of liberal democracy less hostile to religion than Enlightenment rationalism, many contemporary thinkers appeal to Tocqueville's famous presentation of the alleged harmony between religion and liberalism in his Democracy in America. Because he traces the roots of American democracy to its Puritan New England origins, Tocqueville would appear to lend support to the popular view that democracy finds its historical source in Christianity. In this chapter I show that the religious account of democracy that Tocqueville presents is animated by his desire to counteract what he regards as the most dangerous consequence of the early Enlightenment rationalism: the spread of philosophic skepticism and materialism that are not only destructive of traditional religion, but also corrosive of the very moral and civic foundations on which liberal democracy and self-government depend. While Tocqueville does not reject the liberal politics that the early Enlightenment thinkers like Hobbes and Locke championed, he judges that the model of liberalism that they recommend is too civically impoverished and morally and spiritually wanting to sustain itself in the long-term. Although he follows and perfects Locke's strategic and rhetorical posture of moderation towards religion, Tocqueville perceives Lockean rational skepticism spreading even in America and culminating in precisely the sort of religious indifference that Locke encouraged in the Letter. Because he sees such increasing religious indifference as but a half-way house on the way to pantheism and explicit materialism, Tocqueville perceives in it unseen political dangers to liberal democracy, and attempts to counteract it with an interpretation of separation of church and state that is supportive of, rather than hostile to, religious belief. Far from being a purely historical account of the origins of American democracy and of its effects on religion, Tocqueville's presentation of America emerge instead as a normative effort to develop a democratic teaching whose moral and theological foundations are insulated, as much as possible, from rational skepticism.. In making the case for such a moderate Enlightenment that can accommodate and enlist religion for civic purposes, Tocqueville seems to have anticipated, on behalf of liberal democracy, the criticisms of the present-day anti-foundationalists like Rawls as well as the objections of contemporary Christian thinkers, but without siding with the anti-rational and anti-liberal conclusions of either camp.

## I. Tocqueville's Critique of Enlightenment Rationalism in the Old Regime: The "New Political Science" and the Fate of Religion After the French Revolution

In the Introduction to Democracy in America, Tocqueville describes the gradual development of equality of conditions around the world as a "providential fact" which can neither be reversed nor resisted: "To wish to stop democracy would [...] appear to be to struggle against God himself, and it would only remain for nations to accommodate themselves to the social state of Providence" (7).<sup>108</sup> But while democracy cannot be resisted, Tocqueville indicates that the animating concern behind his work is to ensure that the providential dispensation of the democratic social state is not allowed to drift along uninstructed into its extreme pathologies: "To instruct democracy, if possible to reanimate its beliefs, to purify its mores, to regulate its movements [...] such is the first duty imposed on those who direct society in our day" (p. 7). Tocqueville next suggests that meeting this momentous challenge of instructing democracy in the virtues that it requires, and in counteracting the peculiar vices that it engenders, will not be possible on the basis of preexisting political science. While he does not mention early modern Enlightenment thinkers like Hobbes and Locke, Tocqueville indicates that the version of political rationalism that these thinkers advocated will not measure up to the task, since the pathologies of democracy grow out of the fact that their political science "abandoned [democracy] to its savage instincts" (p. 7). In particular, Tocqueville frames the challenge that confronts democracy as the need to bring about the mutual conciliation between partisans of liberty and defenders of religion, two parties which coexist harmoniously in

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<sup>108</sup> Unless otherwise noted, all references to Tocqueville's Democracy in America throughout this chapter are to Tocqueville (2000). All references to The Old Regime and Revolution are to Tocqueville (1998). For parenthetical citations, I use the abbreviation DA (followed by page numbers) and OR (followed by Book and Chapter numbers) for Democracy in America and The Old Regime respectively.

America but which “elsewhere have often made war with each other” (p. 11-12, p. 43). In a seeming rejection of the Enlightenment’s rationalistic approach to politics, including especially its approach to religion, Tocqueville calls for “a new political science for a world altogether new,” but provides neither an explicit blueprint nor a methodology for such a science in the Democracy in America, a work in which, at least until the Second Volume, he is curiously silent about the modern rationalist intellectual and theological revolution from which the American founding took its explicit bearings.<sup>109</sup>

To get a better grasp of Tocqueville’s relationship with the modern Enlightenment, and with its religious and political teaching, we will turn first to the Old Regime and the Revolution, a work that is devoted to investigating the historical and theoretical origins, as well as the motives and the political consequences, of the French Revolution.<sup>110</sup> Tocqueville devotes the opening chapters of The Old Regime and the Revolution to dispelling certain myths about the French Revolution, chief among them the erroneous belief that the aim and essential purpose of the Revolution was “to destroy religion and to weaken the state” (OR,

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<sup>109</sup> Compare Alexander Hamilton’s announcement in the Federalist Papers of the benefits of modern political science, through which “the excellencies of republican government may be retained, and its imperfections lessened or avoided,” to Tocqueville’s silence about Enlightenment roots of the Declaration of Independence and the American constitutional system. In Federalist 9, Hamilton announces that “[t]he science of politics [...] like most other sciences, has received great improvement. The efficacy of various principles is now well understood, which were either not known at all, or imperfectly known to ancient.” Tocqueville’s neglect or omission of the Declaration is the central target of West’s criticism of him (see West 1991).

<sup>110</sup> By stressing Tocqueville’s deeply critical attitude toward Enlightenment rationalism, even as he aims to instruct and elevate the liberal democratic politics in which the Enlightenment culminated, I hope to show my disagreement with those scholars who view Tocqueville as essentially continuing the modern rationalist political project. Zetterbaum (1967), for instance, finds Tocqueville to be continuing the tradition “originating with Machiavelli and continuing in the natural-rights teaching of Hobbes. The political problem of man is solved by lowering one’s standards – the doctrine of self-interest rightly understood does not aim at lofty object” (p. 105). Similarly, Koritansky (2010) believes that “Tocqueville is a thinker in the modern tradition inaugurated by Rousseau,” both in his critique of bourgeois democracy and in his appeal to the Rousseauian idea of “humanity” (p. 13). My interpretation will be closer to Kessler (1994), who stresses that from Tocqueville’s perspective, “[f]reedom requires religion, but skepticism endangers it,” and therefore the “ascendance of enlightenment rationalism made the task of insuring Christianity’s survival in democracy highly problematic” (p. 72).

I.2). Downplaying the lasting effects of the pervasive antireligious ire that animated the revolutionary upheaval is a difficult task, however, because as Tocqueville himself proclaims “[o]ne of the first acts of the French Revolution was to attack the Church, and among the passions born of the Revolution the first lit and the last extinguished was this passion against religion” (I.2). But Tocqueville insists that the French Revolution, and the democratic social state that it produced, need not be inexorably incompatible with religion and Christianity, since its antireligious impulse was merely a transitory manifestation of its commitment to political equality that required the destruction of all established hierarchical institutions, including the privileged political position held by the Church and the clergy in the old regime: “it was much less as a religious doctrine than as a political institution that Christianity aroused these furious hatreds” (I.2). Thus, Tocqueville seems intent on nurturing the optimistic view that once the Revolution had completed dismantling the aristocratic feudal order that the Church had propped-up for centuries, the antireligious tide presumably would ebb and the power of the Church would once again grow among the French masses.

While the picture of the democratic revolution that the French case presents contrasts sharply in its excessive violence, intolerance and hostility to religion with the more peaceful experience with democracy in America, Tocqueville advances the same thesis about the future prospects of religion in both societies: Tocqueville’s confident optimism about the revival of religion in France echoes his claim in Democracy in America that religion can indeed perpetuate itself in the democratic era, but only if it withdraws from the political realm and subordinates itself to the sovereignty of the people and to its democratic instincts (DA, I 2.8, OR, I.2). Thus, the “war against religion” that characterized the French Revolution was merely “one of its striking but fleeting aspects,” an effect of a peculiar

revolutionary strategy that the supporters of equality were compelled temporarily to employ because of the mutual interdependence and political fusion of the Church and the aristocracy in the old regime, but one that was nevertheless not reflective of the general disposition of democratic society toward religion and Christianity: “[n]othing in Christianity, nothing even in Catholicism, is absolutely contrary to the spirit of democratic society” (I.2). Tocqueville therefore suggests that the profound antagonism and hostility between the democratic revolution and Christianity was the consequence of the mixture of spiritual and temporal power that was peculiar to the France of the old regime (as well as to Christian Europe more broadly), a mixture that, as the purportedly healthier American experience demonstrates, need not be either natural or permanent. Thus, Tocqueville does not hesitate in concluding that “to the extent that the Revolution’s political work has been consolidated, its antireligious work has been destroyed [...and...] there is hardly a Christian church in Europe which has not revived since the French Revolution” (p. 97).

This assessment, however, is contradicted by Tocqueville himself when he characterizes the French Revolution as “a political revolution which acted like a religious revolution” in Chapter Three of Book I of the Old Regime (I.3). The outcome of the discussion in that Chapter is to render untenable the possibility of a rigid distinction between the political and religious spheres even in the democratic era, and therefore to point to the conclusion that a certain mixture and mutual interdependence of politics and religion is not a peculiarity of any particular society, but rather the permanent characteristic of the human condition. Tocqueville there asserts that what distinguished the French Revolution from all other political revolutions was that it appropriated the tactic typical of major religions of addressing itself through universal and abstract language to all men in order to maximize the appeal of its principles and to establish, “above all particular nationalities, a common

intellectual homeland where men of all nations could become citizens” (I.3). But while the Revolution employed religious tactics by relying on “preaching and propaganda” to advance its general ideas and through them its political goals, the philosophy of the eighteenth century from which it gained its inspiration and derived the substance of its political principles was “deeply irreligious” (I.2-3). These general political principles, which Tocqueville describes as a “political gospel” powerful and universal enough to challenge and transcend all established political and religious conventions, not only animated the French Revolution, but also radiated outward the irresistible appeal of equality, winning over “converts” with astonishing speed and making it possible for the rest of Europe to imitate the revolutionary fate of France (I.3, I.3.Notes).

Tocqueville goes so far as to describe not merely the tactics, but also the lasting political doctrines, of the French Revolution as “a new kind of religion,” a universal secular faith that effectively invaded the territory that was hitherto the reserved domain only of Christianity (I.3). Thus, while in Chapter Two he stated that there was nothing about the principles of democracy that would have the “effect of leading the human mind to impiety” and to unbelief, in the next Chapter Tocqueville claims that the faith which gave birth to and sustained the new democracy was a religion “without God, without ritual, and without a life after death,” in other words, a thoroughgoing form of religious unbelief (I.2-3). From Democracy in America we know that the chief elements of the new political religion that was popularized by the French Revolution are the same ones that constitute what Tocqueville refers to as the “philosophical method of the Americans,” which systematically attacks all entrenched hierarchies while compelling every authority that aspires to legitimacy to defend its claims before the tribunal of individual reason, and whose political manifestation is the sovereignty of the people (DA, II 1.1, OR, III.2). But whereas

Tocqueville argues that irreligion could be avoided in America, where the absence of an aristocratic past meant that the domestication of religion had already taken place at the time of the settlers and its “harmonization” with the majority’s democratic tastes had transpired voluntarily and peacefully without requiring the adoption of revolutionary tactics, French democracy enjoyed no such peculiar and accidental advantage: the French revolutionaries did not stop at attacking the Church merely because it attached itself to the privileges of the feudal society in the old regime, but rather sought to destroy the Church as a **religious institution** altogether, and to replace it with atheism, because it had “served as foundation and model” for the aristocratic order that they despised (cf. DA, I 2.9 with OR, III.2).<sup>111</sup>

Lurking beneath Tocqueville’s historical account of how the Church was dragged into the debris of the French Revolution by its corrupt alliance with the old regime, however, is a deeper elucidation of the radical intellectual currents that informed the methods and goals of the Revolution and led it to embrace what Tocqueville calls a “new kind of religion” of militant secularism. When he revisits this question of why the Revolution was animated by hostility to religion in Book III, Tocqueville significantly modifies his assessment: he no longer speaks as if the Church was merely an accidental victim of the Revolution targeted due to its unfortunate intrusion in politics, but instead argues that the conflict was driven by deeper, more abiding, reasons that found their source in the two radically divergent religious and intellectual outlooks that the Church and the revolutionaries represented. In the Chapter entitled “How Irreligion Was Able to Become a General and Dominant Passion Among the French of the Eighteenth Century, and What Kind of Influence This Had on the Character of the Revolution,” Tocqueville places the

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<sup>111</sup> Manent (1996), p. 99. Cf. Pangle (1996), who I follow in emphasizing the philosophic roots of the French Revolution’s anti-religious extremism.



responsibility for the public diffusion of atheism, and thus for creating the conditions which dramatically exacerbated the clash between the Church and the cause of the Revolution, squarely on French intellectuals and literary figures that were inspired by Enlightenment rationalism. While Tocqueville concedes that by the eighteenth century the Church was already in disrepute and weakened throughout Europe, he insists that its waning authority had not yet provoked widespread hostility towards religion: “in the majority of countries, [the Church] was more abandoned than violently attacked; even those who abandoned it left it with regret” (203). Under these circumstances, atheism “was widespread among the rulers and advanced minds,” but had not yet “penetrated into the heart of the middle class and the people; it remained the whim of a few minds, not a common opinion” (203). The tipping point, according to Tocqueville, came in France, the only nation in Europe where philosophic skepticism and irreligion were not held back at the threshold of the cultural and political elite and were actively carried forward into the broader society by French intellectuals.

Drawing on a particular radical strand of Enlightenment philosophy, the “great writers” of revolutionary era France were “inclined to deny the truths of the Christian religion” (203). While in the Old Regime Tocqueville makes a passing reference to Voltaire as a potential explanation of the success of these ideas in France (204), in Democracy in America he associates the French intellectual climate at the time, especially with regard to religion, with Benedict Spinoza. It is Spinoza, according to Tocqueville, who, by surpassing even Hobbes in the boldness and frankness of his materialism, taught the leading revolutionary lights “to believe [...] in the eternity of the world,” and therefore to associate

the cause of liberty with the destruction of religion (DA, 281).<sup>112</sup> It was in this intellectual climate, shaped by Spinozistic materialism, that French intellectuals were spurred to attack Christianity “with a kind of fury, without even any attempt to put another religion in its place” (OR, 203). And in the Church they confronted a target representing precisely the traditional religious-political outlook that they despised and sought to overcome altogether with a philosophy of secular rationalism and democratic equality: the Church was based on tradition and “recognized an authority superior to individual reason,” whereas the writers “appealed to nothing but that same reason”; “[t]he Church was founded on hierarchy: they aimed at the abolition of rank” (204). Finally, Tocqueville stresses that it was Catholicism’s complicity in the **ancient regime**, and its willingness to establish “a kind of exchange [in which] the rulers lent the Church temporal power, [while] the Church lent them its moral authority” (205), that caused it to squander away the legitimacy that it would have required to have survived the democratic Revolution intact: “By the very principles of its government, the Church formed an obstacle to the ideas which the intellectuals wished to see prevail in civil government” (205). Because it exposed both institutions to the propagandistic onslaught of the democratic principles of the Enlightenment, the aristocratic alliance between religion and

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<sup>112</sup> Curley (1992) notes that “I durst not write so boldly” is the way that Thomas Hobbes is reported to have expressed his reaction upon encountering Spinoza’s Theological Political Treatise. Spinoza clearly commits himself to the eternity of the world through infinite regress (Ethics I, Prop. 28). Hobbes's official teaching rejects the eternity of the world, but in his 'rejection' Hobbes mocks the arguments of those who use the paradoxes of infinity to show that the world must have had a beginning (citation). Spinoza clearly denies that God is providential, as he denies that God has an intellect, will, and ends: “An actual understanding (whether it is finite or infinite), as also will, desire, love, etc., must be referred to Nature natured, and not to Nature natured.” (Ethics I, Prop. 31 and App.). Hobbes interprets the doctrine of providence in such a way as to render it of no relief to human suffering. While Spinoza denies that miracles are even metaphysically possible (Theological-Political Treatise, Ch. 6, “A Miracle in the Sense of a Contravention of Natural Laws an Absurdity”), Hobbes cautions us to be wary of believing in any particular miracle (Leviathan, Ch. 37). In general, Hobbes shares Spinoza’s radical materialism on these questions, but presents his assumptions more ambiguously than does Spinoza. See in general Curley (2007) “Hobbes and the Cause of Religious Toleration.”

politics proved to be just as destructive to the **ancien régime** as it did to the ancient Catholic faith of the French forefathers.

Beyond assaulting it for its role in propping up the aristocracy, however, the radical revolutionary writers “had more particular,” “in effect personal” as opposed to “general” and political, reasons for attacking the Church because of its history of persecution and censorship of radical and independent thinking and writing. According to Tocqueville, because the Church was “specially charged to oversee thought and censor writings, it got in the way of the writers all the time” (204). While Tocqueville immediately stresses that the regime of censorship in pre-Revolutionary France was of the rather mild variety, since the “[a]uthors were persecuted only enough to make them complain, not enough to make them afraid,” the **philosophes** nevertheless perceived in the Church the established and entrenched enemy of radical free-thinking against whom they were willing to wage “their own battle” (205). This led them to embrace what Tocqueville perceives to be a dangerously shallow and un-civic view of religious liberty: the intellectual partisans of French Revolution championed “the general freedoms of the human mind against the Church” not because they regarded such freedoms to be the prerequisites for genuine spiritual and moral flourishing of all human beings, but above all because they perceived them to be essential for independent philosophic thinking and writing (205). In Tocqueville’s assessment, such a radical posture of hostility to religion in the name of intellectual freedom was not only politically dangerous—in setting the extreme tone of the revolution, it pushed impiety and unbelief to “spread [...] downward” (205) into society and was responsible for the “unusual extremes” (206) of the Revolution—but also philosophically misguided in its assessment of the value of religious liberty. While the revolutionary thinkers believed that the abolition of the Church’s authority would usher in even greater free-spirited thinking and writing, especially among the

elite, Tocqueville insists instead that it was precisely the mild censorship or “half-constrain” that these writers had experienced that was responsible for spurring their literary and intellectual innovations before the Revolution. Thus, unlike Spinoza, who anticipates the triumph of modern rationalism and religious liberty to lead to great benefits to both philosophy and politics, Tocqueville concludes from his study of the French Revolution that the opposite is the case: the diffusion of irreligion through the medium of modern rationalism is both destructive of genuine philosophic and literary greatness and almost irreversibly harmful for political liberty.

Thus, it is not so much that America and France present two opposite but equally feasible versions of democracy’s disposition towards religion, but rather that the former presents an incomplete picture of the fundamentally anti-religious impulse intrinsic to democratic society that is only fully revealed in the revolutionary experience of France. Tocqueville’s attempt to attribute the hostility toward religion that characterized the French Revolution exclusively to the accidental fact that the Church had stepped outside of its natural bounds by meddling in the political affairs of the old regime conceals a broader truth about the permanent mixture of politics and religion which the French Revolution illustrated and which Tocqueville explicitly articulated in Democracy in America: “Next to each religion is a political opinion that is joined to it by affinity. Allow the human mind to follow its tendency and it will regulate political society and the divine city in a uniform manner; it will seek, if I dare say it, to **harmonize** the earth with the Heaven” (DA, I 2.9). From this perspective, the blind antireligious zeal that gripped the revolutionaries, and which persisted to exercise its influence in France even after the Revolution (OR, I.2), was actually the natural and necessary consequence of man’s incessant tendency to seek to impose the same fundamental governing scheme on religion as well as on society, and to bring the one in

conformity with the other. These observations make it much more difficult to accept on face value Tocqueville's optimistic prediction at the beginning of Old Regime that as the Revolution completed its political task, its assault on religion would cease and France would experience a genuine religious revival (I.2). More than anything else, they point to the likelihood that to the extent that men would again turn to religion in post-revolutionary France, they would be returning to a Church that had become "a stranger in the midst of a civil society almost none of whose interests can directly concern" it any longer (II.11).

At the same time, however, given the picture of the dire fate of religion that we encounter in the Old Regime, it would seem that Tocqueville's call in Democracy in America for "a new political science for a world altogether new" should be understood as an effort to foster a science of politics that can rescue the Enlightenment, and with it democracy as a way of life, from succumbing to the radical irreligious path to which France was inescapably destined by its history. Indeed, this seems to be precisely the suggestion that Tocqueville advances about the purpose of his study of American democracy in the Introduction to that work. There Tocqueville writes again of the deplorable clash between the partisans of religion, who wish to resist the march of freedom, and the partisans of equality, who seek to destroy faith, in post-Revolutionary Europe, and in particular in his native France: "[B]y a strange concurrence of events, religion finds itself enlisted for the moment among the powers democracy is overturning, and it is often brought to reject the equality it loves and to curse freedom as an adversary, whereas by taking it by the hand, it could sanctify its efforts" (11). Tocqueville explains that this antagonism between faith and democracy is not natural, but instead the result of a "strange confusion" originating in "the intellectual world" through which the two parties have been led to misunderstand their genuine interests and their mutual dependence on each other (10). In explaining his decision to write the book,

Tocqueville describes the choice of his subject matter and his method of studying it as being oriented by the following didactic purpose: “I confess that in America I saw more than America; I sought there an image of democracy itself, of its penchants, its character, its prejudices, its passions; I wanted to become acquainted with it if only to know at least what we ought to hope or fear from it” (13). In America, where the social state of equality has “attained its natural limits,” Tocqueville continues to explain, “I wanted to find lessons [...] from which we could profit” by discovering “the precautions that American had made use of to direct” democracy, foremost among them, as Tocqueville soon indicates, their apparently successful use of religion for democratic civic purposes (12-13, cf. 43). Tocqueville’s deepest hope, therefore, seems to have entailed the desire to counteract the “confusion” about religion and liberty that he attributes, only tacitly in Democracy in America but explicitly in the Old Regime, to the Enlightenment’s attack on faith, and thus the most immediate political goal of his study of the American democracy was to convince the partisans of equality “to hasten religion to their aid” by showing them “that the reign of freedom cannot be established without that of mores, nor mores founded without beliefs” (11).<sup>113</sup>

## II. The Puritan Origins of American Democracy and Tocqueville’s Rhetorical Strategy

To get a better sense of how and why Tocqueville hopes to bring about such a rapprochement between religion and democratic equality, it behooves us to turn to

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<sup>113</sup> As I will show below, while he is a critic of democracy, Tocqueville’s criticism is a friendly one, for while the advent of equality entails the erosion of the greatness, nobility and self-transcendence of the aristocratic age, Tocqueville ultimately judges democracy to be more just and more natural than aristocracy. His task therefore is to demonstrate to those whose resistance to democracy is rooted in aristocratic pride and otherworldly devotion the comparable justice and benefits of democracy when it has been properly instructed and moderated by Tocqueville’s “new political science.”

Tocqueville's account of the historical origins of American democracy, an account which also seems to present a model of what Tocqueville means by "a new political science" that can both instruct democracy from within its own horizon while also protecting it from its most dangerous pathologies. For unlike the Enlightenment thinkers such as Hobbes and Locke, who teach that political life is an artificial construct of human reason through which men escape the state of nature in order to secure their natural rights to life and property, and unlike Jefferson and Madison, who celebrate the discovery of these Enlightenment doctrines precisely because they liberate human beings from their religious and moral prejudices and therefore make men more rational and peaceable, Tocqueville presents a story of democracy's historical emergence from Christianity that is deliberately silent about the contribution of Enlightenment rationalism to the American way of life.<sup>114</sup> According to Tocqueville, those who settled the New England colonies were animated by a civic and religious spirit that was alien to, and surpassed in dignity, the Enlightenment's effort to secure a world of material comfort and security: "What distinguished them above all from all the others was the very goal of their undertaking. It was not necessity that forced them to abandon their country; [...] nor did they come to the New World in order to improve their situation or to increase their wealth; they tore themselves away from the sweetness of their native country to obey a purely intellectual need; in exposing themselves to the inevitable miseries of exile, they wanted to make **an idea** triumph" (32, emphasis in the original).

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<sup>114</sup> Thomas West identified Tocqueville's omission of any mention of the doctrine of natural rights in the context of the Founding as a major "flaw" in *Democracy in America*. Tocqueville, according to West, failed to note the decisive fact that "in our founding we Americans understood ourselves to be dedicated to the truth that all men are created equal, and that this dedication, and this truth, are what justified the break with Britain and made us a nation."<sup>16</sup> Indeed, as West points out, Tocqueville never so much as mentions America's seminal document, the Declaration of Independence. For the argument that Tocqueville's silence on the Declaration of Independence is "intentional," and part of his broader strategic approach to normative political science—an argument that this Chapter seeks to support and substantiate—see Caeser (2011), p. 224.

Tocqueville believed that he discovered in the American regime a model of democratic liberty that was wedded at its foundation with certain moderating elements that served as antidotes to the tyranny of the majority and excessive individualism, and he sought to recommend these remedies that the Americans had incorporated in their regime to the rising generation of Europeans who were zealously committed to the progress of political equality. Of the many factors that Tocqueville claims favored the preservation of liberty in America, one in particular stands out above all others: America, Tocqueville contends, “is the product (and this point of departure ought constantly to be present in one’s thinking) of two perfectly distinct elements that elsewhere have often made war with each other, but which, in America, they have succeeded in incorporating somehow into one another and combining marvelously. I mean to speak of the **spirit of religion** and the **spirit of freedom**” (43). The root of the vitality of the American regime is that democracy in America was founded by ardent religious believers, who succeeded at combining the enlightened spirit of republican liberty with the most austere elements of piety and religious devotion (43). Tocqueville believed that the lasting impact of the Puritan “point of departure” of the American regime was so crucial for preserving liberty in this country that he claimed that in that origin was present “the key to almost the whole work” that was contained in Democracy in America (29). Because he believed that American democracy was sustained by what he called “mutual support” of religion and liberty, and by the salutary and moderating influence that faith continued to exert on the character of that regime, Tocqueville hoped to present the American model as an alternative, or a corrective, to the radical anti-religious ire that had engrossed the advocates of democracy in Europe (DA, 43, Old Regime, 96-99).



The historical roots of this allegedly harmonious and fruitful relationship between religion and democratic liberty that Tocqueville admires in the American regime grew out of the anti-Catholic New England Protestantism. “The greatest part of English America,” Tocqueville contends, “has been peopled by men who, after having escaped the authority of the pope, did not submit to any religious supremacy; they therefore brought to the New World a Christianity that I cannot depict better than to call it democratic and republican: this singularly favors the establishment of a republic and of democracy in affairs” (DA, 275). But the immediate difficulty with this characterization is that the picture that Tocqueville’s study of early New England Protestantism presents does not confirm his assertion that in America religion and liberty had coexisted harmoniously from the very beginning due to their prudent separation into two distinct spheres. Indeed, while Tocqueville claims that the legislation of New England colonies contains “the password to the great social enigma” of the United States and the secret to the success and maintenance of American democracy, he cannot avoid drawing our attention to the unambiguously illiberal and religiously intrusive character of many of the laws of that period (38-39). Tocqueville stresses that the framers of the New England penal laws were “above all preoccupied with the care of maintaining moral order and good mores in society,” and “by drawing on sacred texts” they enacted statutes that constantly invaded “the domain of conscience” of the individual (38). Among the laws that Tocqueville describes were statutes against adultery, laziness and drunkenness, as well as “severe penalties,” including capital punishment, for religious worship that did not conform to the Puritan tenets (39). Thus Tocqueville is ultimately compelled to acknowledge that “these bizarre and tyrannical laws,” which “were not imposed” on the settlers but were rather freely and democratically enacted by them out of concern for the maintenance of

good mores, required a tremendous sacrifice of religious and intellectual liberty as a result of the intimate mixture of theology and political life (39).

The problem that the Puritan founding illustrates is that the Puritans, as Tocqueville himself indicates, brought to America both Christian doctrines as well as the dogma of the sovereignty of the people: “Puritanism [...] was almost as much a political theory as a religious doctrine” (35). These two dimensions of Puritanism stood in deep tension with each other, and their political admixture in the New World necessarily required the subordination of one or the other of the two principles: either religious dogma or individual liberty had to be sacrificed to the unrelenting and invasive demands of the other force. The fact that religiously-based penal codes that were aimed at the maintenance of the moral order prevailed in the Puritan laws is a revealing sign that the democratic spirit of the New England Puritans was neither modern nor entirely liberal. Instead, it was an uneasy and contradictory compromise between popular sovereignty and a deeply illiberal form of state-enforced Christianity, a religion which Tocqueville elsewhere describes as “the most precious inheritance from aristocratic times” (519). Thus the dark and rather unsettling feature of the birth of American democracy that Tocqueville’s discussion presents is that in the New England founding, democracy was the subservient handmaiden of the thoroughly religious aspirations of the Puritans, who were after all “ardent sectarians” who drew their moral authority and their vision of a republican society from revealed texts (43). And although the New England legislation was truly democratic in its origins, the form of liberty which the Puritans aimed to establish through their laws was holy rather than worldly, and one that extended to the group or the sect rather than to the individual (42). Thus the “idea” that the New England settlers wanted to make “triumph” in the New World was not so much the idea of the liberty of the individual to do, and to believe in, what he chooses, but instead **the**

**liberty of their sect** “to live in their manner and to pray to God in freedom” from persecution from other sects (32).

At the same time, however, the dimension of Puritan life that Tocqueville genuinely does admire and praise reveals the richer moral conception of liberty, and its foundations in transcendent religious belief, that Tocqueville hopes to help nurture and reanimate in an age of democratic self-interest in which it is so alien. While he quietly nudges the reader to see the paternalistic and tyrannical side of the New England penal law which he deplors, Tocqueville paradoxically also seems to admire “the intelligence” which the legislator of that time displays through his attentiveness to shaping the moral character of the citizen and to nurturing through law “a more elevated and more complete idea of the duties of society towards its members than the European legislators at that time” (41). At one point Tocqueville goes out of his way to quote from the Connecticut Code of 1650, which announces its provisions for compulsory religious education in the preamble as an effort to counteract “that old deluder, Satan, [who aims] to keep men from the knowledge of the Scripture” (41). After stressing that the Puritans would “levy fines” on families that resisted the compulsory religious education for the young, Tocqueville pauses to bring to the reader’s attention that “in America, it is religion that leads to enlightenment; it is the observance of divine laws that guides man to freedom” (41). Finally, Tocqueville’s discussion of the Puritan origins culminates with a lengthy quotation from John Winthrop in which Tocqueville discovers a “beautiful definition of freedom” which he contrasts favorably to the self-interested notion of liberty which the Enlightenment championed. According to Winthrop, there are two kinds of liberty, and the first kind “is a **liberty** of corrupt nature, which is affected both by **men** and **beasts**, to do what they list” (42). In quoting Winthrop’s rejection of this negative definition of liberty which man shares with the

animals, Tocqueville appears to take issue with the foundational political teaching of the Enlightenment, for as we recall from Hobbes' Leviathan, the definition of liberty that was central to his (as well as Locke's) argument about the state of nature and about the purposes of government was precisely what Winthrop describes as "liberty of corrupt nature." "By liberty is understood, according to the proper signification of the word, the absence of external impediments; which impediments may oft take away part of man's power to do what he would."<sup>115</sup> In Winthrop's judgment, a view that Tocqueville appears to share, because this definition of liberty asserts the supremacy of man's unregulated desires and urges, it is "impatient of all restraint," and is therefore "inconsistent with authority" (42).

But according to Winthrop there is another, positive definition of liberty that endows human beings with ends that are higher in dignity than mere self-preservation and material comfort: "[T]here is a civil, a moral, a federal **liberty**, which is the proper end and object of authority; it is a liberty for that only which is **just** and **good**; for this liberty you are to stand with the hazard of your very **lives**" (42). Because it demands of human beings to do what is morally right or good, this positive and elevated liberty imposes restraints on their exercise of natural rights and freedoms, and thereby renders men both capable of moderation and self-government under law and willing to sacrifice their own lives for the preservation of the community. Thus the culmination of this chapter brings into sharp focus both the meaning of Tocqueville's "new political science" as well as his paradoxical relationship to the Enlightenment: as he indicates in the Introduction, Tocqueville accepts democracy as an "accomplished fact" (13), and goes so far as to defend it as a regime that is superior in justice (though inferior in "greatness") to aristocracy, and therefore as worthy of devotion, but is deeply worried about its propensity to erode human greatness and self-

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<sup>115</sup> Hobbes, Leviathan, Chapter 14.

transcendence and to degenerate into the type of individualism and materialism that prepares human beings for despotism. As we are beginning to see, the same paradox is at the core of Tocqueville's ambiguous assessment of the Puritan penal laws and the lessons he wants to draw from his study of their experience in New England for the mature democracies of his age: Tocqueville wants to nurture the solemn religious devotion that the Puritans displayed, but without their asceticism; he wishes to reanimate in democracy the same sort of civic and moral seriousness that they practiced, but without the "tyrannical" laws on which the Puritans relied; he hopes for the communal spirit of piety that they displayed, but without sacrificing freedom of religion, speech and thought. Tocqueville therefore shares some important common ground with the Enlightenment effort to advance the cause of human liberty, but the practical solutions that he concludes are necessary to sustain democratic freedom—above all the reanimation of religious belief as a foundation of both man's dignity and of the moral restraints on freedom—constitute a sharp break with the Enlightenment's effort to liberate human beings from religion.<sup>116</sup>

All of this is not to deny that Christianity contributed an egalitarian core to the nation's origins which steered the American mind to recognizing the equality of conditions

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<sup>116</sup> Tocqueville's discussion of Winthrop also suggests that his conception of liberty is neither entirely democratic, nor Lockean, but instead a vestige of the aristocratic notion of virtue which he hopes can be fused with the democratic notion of right, and thereby reanimate and ennoble democracy by challenging it to devote itself to something higher in dignity than mere material self-interest. In one deliberately ambiguous but very illuminating passage, Tocqueville shows us the higher priority that he attaches to virtue, as the source of human greatness, and its relationship to right, as the foundation of political justice: "After the general idea of virtue, I know of no higher principle than that of right; or rather these two ideas are united in one. The idea of right is simply that of virtue introduced into the political world. It was the idea of right that enabled men to be independent without arrogance and to obey without servility.... There are no great men without virtue; and there are no great nations—it may almost be added, there would be no society-with-out respect for right" (229). On the next page, Tocqueville ominously asks the reader: "Do you not see that religions are weakening and that the divine notion of rights is disappearing?" (229). Kraynak (1987) correctly notes that Tocqueville's favors a strategy for "inculcation of virtue" that is indirect, and that this approach is dictated by the triumph of modern democracy and natural rights (p. 1182).

as the only legitimate political principle, and that the establishment of New England townships as the repository of the sovereignty of the people meant that it would only take time for the democratic impulse of popular self-government to be unleashed on the national level (54, 275). But it is meant to show a grave difficulty, if not a deliberately intended ambiguity, with Tocqueville's assertion that in America the spirit of liberty and the spirit of religion have been "combin[ed] marvelously" for the "mutual support" of each other from the nation's very inception (43). For while the Puritans understood democratic self-government principally as an instrument that served to advanced their altogether religious goals, Tocqueville turns to religion above all because he perceives in religious faith the most powerful and lasting source of **civic** antidotes for the **secular** pathologies that threaten democratic liberty from within. This is the meaning of Tocqueville' insistence throughout Democracy in America that religion in America should "be considered as the first of their political institutions," and that "if it does not give them the taste for freedom, it singularly facilitates their use of it" (280). As Tocqueville himself indicates in the chapter on the Puritan origins, the relationship between religion and politics that Tocqueville wants to encourage takes its bearings above all by the social requirements of liberty, rather than by the demands of Biblical revelation or even by the priorities of religious belief:

Religion sees in civil freedom a noble exercise of the faculties of man; in the political world, a field left by the Creator to the efforts of intelligence. [...] Freedom sees in religion the companion of its struggles and triumphs, the cradle of its infancy, the divine source of its rights. It considers religion as the safeguard of mores; and mores as the guarantee of laws and the pledge of its own duration. (43-44).

Tocqueville seeks to carve out a place for religious belief within what he will tacitly acknowledge to be an extremely inhospitable environment of a mature commercial or bourgeoisie liberal society, whose social state is animated by the sort of "spirit of individual independence" which is "most dangerous" to religion, and where the foothold of religious

authority in the bosom of public opinion is necessarily very tenuous (424). In his extensive notes to the Democracy in America, Tocqueville concedes that the ardent religious devotion of the Puritan founding was expiring within several generations of their settlement in New England: “[T]he Puritan rigor that presided at the birth of the English colonies of America has already been much weakened” (680). But he insists that even in the nineteenth century, one can discern many traces that “the religious spirit and the austere mores of the first emigrants have left on laws” (682). But since elsewhere Tocqueville openly concedes that men who live in democratic centuries are “strongly inclined to eschew all religious authority,” his challenge is to show whether and how religion can accommodate itself to democratic instincts while preserving some of the influence that can help nourish the mores and manners that enable men to retain their liberty and sustain their dignity (424). We will therefore turn to Tocqueville’s famous account of the virtues of separation of church and state in American democracy, in which he discerns the institutional conditions that allow for the prudential withdrawal of religion from the political sphere that Tocqueville believes is necessary for the perpetuation of the authority of religion in the democratic centuries. It is through such a separation of church and state, through which “religion itself has so to speak set its own limits” (406), that American’s succeed, paradoxically, at harnessing the moderating power of faith that constitutes the social utility of religion for democracy, and therefore unlike Locke, Tocqueville promises to show through his study of the American regime how religion can genuinely succeed at preserving itself and prospering in an age of Enlightenment.

### III. Disestablishment and Religious Transformation: Tocqueville's Ambiguous Defense of Separation of Church and State and the Social Utility of Religion in Democracy

In the first several chapters of the second volume of Democracy in America Tocqueville deepens his account of the paradoxical nature of the religious aspect of the American democratic experience. There Tocqueville asserts that no lasting and healthy society can subsist if it lacks public dogmas that the vast majority of men can accept without hesitation or reflection, and that “among all dogmatic beliefs the most desirable seem [...] to be dogmatic beliefs in matters of religion” (407, 417). Without a solid core of fixed beliefs about man’s moral duties to his fellow creatures and to the Creator, the human mind is gripped by the corrosive and paralyzing forces of profound doubt about the “primordial questions” of human existence (418). Such doubt, Tocqueville insists, is the precursor of the suspension of belief and the pathway to outright materialism that amounts to a denial of both the human soul and human agency (citations). It therefore “cannot fail to enervate souls” and finally to endanger freedom itself (418). The need for religion is especially acute in centuries of equality, because religion presents the last and perhaps the strongest bulwark against the “very dangerous instincts” that democracies foster in their citizens: religious belief serves as a powerful antidote for the unfortunate inclination of democratic men to isolate themselves from one another, and for their excessive taste for physical pleasures and material “well-being” (418). Beyond these psychological benefits of belief to each individual, religion also provides an indispensable civic function in democracy: because it affirms the existence of the soul and an afterlife and thus the dignity of each individual human being, Tocqueville perceives in religion the most promising source of effective moral restraints against the propensity of majority opinion in democracy to claim a unrestricted title to rule and an unlimited right to advance its collective interests at the expense of individual rights: it



is because of the authority that Christianity maintains in America that “[u]p to now, no one has been encountered in the United States who dared advance the maxim that everything is permitted in the interest of society”—a principle which Tocqueville describes as “[a]n impious maxim [...] invented in a century of freedom to legitimate all the tyrants to come” (280). If the instincts that democratic conditions unleash are not disciplined and moderated by a power not inherent in democracy itself, then the sheer “limitless independence” and the fluctuating uncertainty of man’s surroundings is bound to crush the human spirit with doubt that “slackens the springs of the will and prepares citizens for servitude” (418).

But what is striking is the degree to which Tocqueville’s hope for enlisting religion for such a civic purpose seems unrelated to the source and character of divine revelation and the doctrinal teachings to which a particular religion subscribes: “There are religions that are very false and very absurd; nevertheless [...] one must recognize that if it does not save men in the other world, it is at least very useful to their happiness and their greatness in this one” (418). In fact, insofar as the incomparable benefit that religious belief provides to democratic society consists in thwarting its dangerous tendencies and in fostering their opposite habits, Tocqueville argues that the social utility of faith is largely independent of (and perhaps even indifferent to) its substantive truth: “There is no religion,” Tocqueville observes, “that does not place man’s desires beyond and above earthly goods,” nor one “that does not impose on each some duties toward the human species or in common with it,” and it is precisely these features of man’s existence that incline him toward an immaterial and transcendent fulfillment and that tie him with a moral bond to his community that are attacked on all sides within a democracy (419). The civic benefits that Tocqueville wants to see democracy draw from religion require only that the belief in the creator and the afterlife subsist, and while Tocqueville suggests that democracy can afford to be indifferent to

theological truth, he insists that it cannot be so indifferent to the existence of religious belief itself. It can afford such indifference to doctrine because “most religions are only general, simple, and practical means for teaching men the immortality of the soul,” and such belief is sufficient, according to Tocqueville, to counteract individualism and materialism and treat the root causes of the peculiar deficiencies that plague the spiritual and psychological condition of the democratic man (519). While Locke and other Enlightenment thinkers anticipated such doctrinal indifference to lead to the “gradual weakening of beliefs,” and confidently predicted that “[r]eligious zeal [would] be extinguished as freedom and enlightenment increase,” Tocqueville argues that that such a decline in religion is neither the natural nor a desirable consequence of the Enlightenment (282).

Zetternaum (1967) and Lively (1962) fault Tocqueville for undermining religion by recommending indifference to theology, and argue that this strategy betrays his failure to resolve the conflict between religion and democracy and his reluctant decision to side with the latter at expense of the former and to give up on perpetuating a morality that draws on religion to restrain democracy.<sup>117</sup> A closer look, however, suggests that Tocqueville’s promotion of indifference to theology and revelation is borne not so much from his lack of

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<sup>117</sup> Zetterbaum judges Tocqueville’s religious effort to be a failure: “If Tocqueville’s analysis is correct, and democracy cannot achieve greatness without morality that draws its strength from religion, and if my analysis is also correct, and neither genuine religion nor spiritualistic myth can retain its power in a democracy, we are forced to question Tocqueville’s success in evolving restraints on the democratic tendencies toward materialism and mediocrity” (p. 123). Zetterbaum cites Tocqueville’s insistence that, if he had to choose, he would rather see a democracy believe in metempsychosis as opposed to materialism as evidence that Tocqueville’s “primary concern with religion was not with the support it might give morality by promises of rewards and punishments in an afterlife, but rather with the support it would inevitably give a people’s sense of continuity and futurity (p. 119) But as Zuckert (1981) points out Zetterbaum’s interpretation misses Tocqueville’s chief goal in is to preserve “the belief in an immaterial and immortal principle,” a belief that is indispensable to both morality and “to man’s greatness.” See also Lively (1962), pp. 195-200. In a more nuanced take, Manent (1996) presents this as a “central difficulty” of Tocqueville’s teaching on civil religion: “For religion to have its proper force, it is necessary for men to be devoted to it for itself and not for social utility or by love of the political institutions to which it can be fused. [...] The religion of the Americans loses its utility proportional to their attachment to it for reasons of utility” (p. 91).

concern or appreciation for the question of religious truth, but rather from his strategic assessment of what type of religion can survive in democratic centuries under separation of church and state. Unlike Locke, who we saw promoting theological indifference and even skepticism as a means to pacifying religious disputes and, in the long-term, tacitly undermining the grip of religious convictions on human beings, Tocqueville promotes a studied silence on religious doctrine as a method through which religion can win a hearing and prosper in democracy. As he begins indicating in Chapter 5 of Volume Two (“How, In the United States, Religion Knows How To Make Use of Democratic Instincts”), his advocacy of theological indifference is meant to enhance rather than weaken the strength of religion: “I find that for religions to be able, humanly speaking, to maintain themselves in democratic centuries, they must not only confine themselves carefully to the sphere of religious matters; their power depends even more on the nature of the beliefs they profess, the external forms they adopt, and the obligations they impose” (420). Tocqueville is unambiguous that this means that if a religion is to survive in democracy, it must not only withdraw into a separate sphere, but also drastically simplify its theological doctrines and its external forms and ceremonies: “A religion that would become more minute, inflexible, and burdened with small observances at the same time that men were becoming more equal would soon see itself reduced to a flock of impassioned zealots in the midst of an incredulous multitude” (422). From Tocqueville’s perspective, such a transformation of religion is essential to if religion is to secure a future for itself in democracy.

Tocqueville contends that in America religion accomplishes this admirable task of infusing democracy with moderation not despite but because of the fact that it “never mixes directly in the government of society” (280). Tocqueville argues incessantly that the friendly separation of church and state in American democracy, instead of entailing an erosion of the

influence of religious authority, in fact creates the conditions under which religion's true strength and influence can best flourish (283). Unlike Hobbes, who traced religious superstition to its roots in ignorance and fear and argued that enlightenment, security and material comfort could make liberate men from their attachment to religiosity, Tocqueville contends that the seeds of religion are much more deeply rooted in human nature.<sup>118</sup> The Enlightenment thinkers misunderstood the character of man's religious experience, for in Tocqueville's judgment religious longing is rooted not in fear, nor in insecurity, but rather in the overwhelming natural human desire and hope for immortality. Religion accordingly finds its nourishment and sustenance in the hearts of all human beings, and from Tocqueville's perspective it would be both foolish and unnatural to attempt to eradicate it by in an effort to render man entirely at home in this world: "The short space of sixty years will never confine the whole imagination of man; the incomplete joys of this world will never suffice for his heart. Alone among all the beings, man shows a natural disgust for existence and in immense desire to exist: he scorns life and fears nothingness" (283-284). Religious longing is inexorably interlinked with, and grows out of, the deep disparity between man's desires and capacities, a disproportion which makes human beings intensely dissatisfied with their finite, earthly existence and fervently hopeful for immortality in the afterlife: "Religion is therefore only one particular form of hope, and it is as natural to the human heart as hope itself. Only by a kind of aberration of the intellect and with the aid of a sort of moral violence exercised on their own nature do men stray from religious beliefs; an invincible inclination leads them back to them. Disbelief is an accident; faith alone is the permanent state of humanity" (284). Thus Tocqueville's harshest criticism of the Enlightenment entails the judgment that its rationalistic impulse and its ambitious humanistic political project, which

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<sup>118</sup> Cf. Hobbes, Leviathan, Ch. 8.

drove it to contend against religion as an obstacle that stood in the way of its rational goals, made it complicit in a kind of “moral violence” against human nature, a moral violence that is the most deplorable legacy of the French Revolution.

Precisely because there is such a natural foundation for religion, and such a natural appeal to its power in the human soul, it does not require the support of political institutions to flourish. Indeed, when religion attempts to ground its authority on the power of political institutions, as was the case in Europe where “Christianity had permitted itself to be intimately united with the powers of the earth,” it necessarily squanders this natural and “legitimate” appeal by tying its destiny to the fate of “ephemeral” political forces (284). Through their friendly separation of church and state, Americans have steered clear of Europe’s fate by prudently refusing to tie religious authority to human institutions, and as a result religion’s place in American society is both more universally respected and less exposed to the attacks of partisans of every stripe (282). This is the fundamental line of reasoning that informs Tocqueville’s defense of religious liberty and of the separation of church and state, a defense which he attributes to the American Clergy but one that he also supports himself (283). But just as the core of the New England Puritan founding revealed not a harmonious and mutually supportive separation between religion and politics but rather the complete subordination of individual liberty to religious practice, Tocqueville’s picture of a separate and distinct sphere that is reserved for religion in the mature American democracy conceals similarly rich ambiguities. For as Tocqueville develops his account further, what begins as the prudent withdrawal of religion into a separate sphere where it can continue to “purify” and “restrain” the dangerous passions of democratic men, ends with the submission of religion to the tightening grip of the “the intellectual empire” of the majority through which faith becomes diluted and prepared for absorption into common

opinion (422-423). But the most striking factor of this development is that, unlike Europe, where Tocqueville perceives democratic revolutions igniting and nourishing an actively anti-religious form of atheism, in America the withdrawal of religion into a separate sphere fosters neither widespread atheism nor indifference toward religious belief but rather something entirely different (287-288). What Tocqueville describes is not so much a religion ceasing to exercise its sway over Americans due to the establishment of these two distinct spheres, nor the outbreak of religious sectarianism and skepticism, but rather the persistence of religious belief after the form and even the substance of the faith has been gradually adopted to democratic opinions. Through the separation of church and state in America, “a public opinion in favor of religion is produced,” “[w]ith those who do not believe hiding their disbelief and those who believe showing their faith [...] people love it, sustain it and honor it, and one must penetrate to the bottom of their souls to discover the wounds it has received” (287). But the public attachment to faith and to some of its moral restraints is sustained not because Americans wholeheartedly believes in religion’s truth, but instead because they increasingly considers belief to be “necessary to the maintenance of republican institutions” (287, 280). This opinion about the particular utility of religious belief for the democratic social state, Tocqueville argues, “does not belong only to one class of citizens or to one party, but to the entire nation; one finds it in all ranks” (280).

#### **IV. The Paradox of Civil Religion and Democratic Hypocrisy: A Public Opinion in Favor of Religion**

The profound paradox of the religious experience among the Americans, according to Tocqueville, is that of all human beings they need religion the most in order to supply an object for man’s “natural disgust for existence” and for his permanent hope for transcendent eternity, and yet they cannot help but to adopt religion above all for the benefit of its

political utility (I 2.9). And if democratic conditions mean that men will become more and more attached to religion for the sake of its social utility and not for purely religious reasons, it is hard to see how religion can be expected to preserve liberty by “purifying” their passions and by restraining them from “daring everything” as Tocqueville initially had hoped in Volume I of Democracy in America. It seems that the solution that Tocqueville proposes to this difficulty in Volume II (“How the Americans Apply the Doctrine of Self-Interest Well Understood in the Matter of Religion”) consists of stripping religion of its formal requirements, and this solution ultimately demands that religion perpetuate itself not by appealing to the permanent hope that drives man’s “soul toward contemplation of another world” (284) – as Tocqueville had described it in Volume I - but by shifting its emphasis to the calculation of man’s self-interest in this world: “American preachers constantly come back to earth” and make their listeners “see daily how religious beliefs favor freedom and public order, and it is often difficult to know when listening to them if the principal object of religion is to procure felicity in the other world or well-being in this one” (505-506). This accommodation of religion and liberty leads Americans to blend the two dimensions of their existence together, a phenomenon through which they acquire a kind of civil religion that inspires in them a spiritual commitment to republican institutions and democracy: “Americans so completely confuse Christianity and freedom in their minds that it is almost impossible to have them conceive of the one without the other” (280-281). While this sort of civil religion may fall short of truly elevating man above his material concerns in order to preserve man’s “genuine greatness,” as his earlier hopes for religion seemed to suggest, Tocqueville holds out as the alternative to pantheism that can still aspire to be the morally purifying instrument for the healthy expression of the same instincts for material comfort.

This is illustrated by Tocqueville's detailed discussion of how the American clergy accommodate themselves to the democratic impulse for material acquisition -being without at the same time sacrificing their moral authority over secular ends. In Chapter Five of Volume II, Tocqueville illustrates this inevitable submission of religion to the dogma of sovereignty of the people through his discussion of the restraint that the American clergy are compelled to exercise in order to accommodate the democratic taste for material comfort or its "love of well-being" (422). The process that Tocqueville there describes begins with what appears as the prudent withdrawal of religion into a separate sphere where it can continue to "purify" and "restrain" the dangerous passions of democratic men, but ends with the subordination of religion to the tightening grip of the moral and "the intellectual empire" of the majority through which faith becomes diluted and prepared for absorption into common opinion (236 , 422-423). And yet, what Tocqueville describes is not so much a religion ceasing to exercise its sway over Americans due to the establishment of these two distinct spheres, nor the rise of indifference and even skepticism toward religion, but rather the persistence of religious belief after the form and the substance of the faith has been adopted to democratic opinion: since the American priests cannot attempt to turn men away from the democratic instinct for material well-being without also driving them away from religion itself, they assume a prudent posture of non-hostility toward the "mother passion" that animates the majority's love of wealth (422). So little can they lead men away from the material objects of this passion to the contemplation of "the future life" (423), that the American clergy are reduced to trying to convince men "to enrich themselves only by honest means" by appealing to their self-interest (cf. I 2.9 with II 1. 5, II 2.9).

Tocqueville is understandably hesitant to insinuate that at the heart of American attachment to religion may be a profound hypocrisy consisting in the public's devotion to a



faith which it no longer believes in its convictions but continues to support for reasons of utility (278, 521). But he does not shrink back from drawing out the drastic limitations that the sovereignty of the people imposes on the capacity of religion to make itself heard in the hearts of democratic men. In dwelling in Volume II on the restraint that the American clergy are compelled to exercise in order to accommodate the democratic taste for material “well-being,” Tocqueville quietly refines his position on the separation of church and state in American democracy, showing that the impression of a complete separation is not so much a reality but rather a comforting and useful illusion insofar as both spheres are founded upon the empire of public opinion (422). Tocqueville suggests that when conditions become equal, and public opinion emerges “more and more as the first and most irresistible of powers,” religions that collide with any of the powerful majority sentiments and generally-held opinions will do so at the risk of destroying themselves by permanently driving away their followers (422-423). Since the American priests cannot attempt to turn men away from the democratic instinct for material well-being without also driving them away from religion itself, they assume a prudent posture of non-hostility toward the “mother passion” that animates the majority’s love of wealth (422). However, in refraining from opposing the majority’s ardent preoccupation with material well-being, the American clergy do not thereby make themselves entirely impotent, but instead they **transform** the source and the character of their influence with the public: knowing that “they will not succeed in turning men away from love of wealth,” they persuade them that it is in their individual interest to “to enrich themselves only by honest means” (422, 505-506). Incapable of inculcating virtue by any other means, the religious authority in a democracy becomes the prophet and the preacher of the doctrine of self-interest rightly understood (505).

To the extent that religion has to flatter the majority “in all that is not contrary to faith,” it becomes the servant of the majority tyranny on which it continually relies to sustain its reign over society (423). Thus, Tocqueville observes, among “the Anglo-Americans, some profess Christian dogmas because they believe them, others because they are **afraid** of not looking like they believe them” (279, emphasis added). But unlike his earlier discussion of tyranny of the majority, where Tocqueville perceived the deepest pathologies of democratic majoritarianism, he seems to laud the conformism that he discerns in the opinion that Americans hold of religion: because of such conformism, religion continues to rule in America “without obstacles, on the admission of all,” guised in democratic and popular consent but in reality relying on the fear that the tyranny of the majority inspires in order to ensure universal conformity within the society. Unlike the Puritans, the Americans of Tocqueville’s time do not resort to punitive legal measures to ensure conformity to religious dogmas as a means of imposing salutary restrictions on human liberty. Instead of punishing moral transgressions that already occur, the Americans of the 1830s rely on a much more sublimated form of spiritualized tyranny that attacks the unorthodox thought at its roots even before its full inception, and as a result even though “the law permits the American people to do everything, religion prevents them **from conceiving everything** and forbids them to dare everything” (280, emphasis added). In this way it ensures that the idea of individual liberty and the sovereignty of the people does not degenerate into the “[impious] maxim that everything is permitted in the interest of society,” a maxim which legitimates despotism (280). Thus the profound paradox of Tocqueville’s assessment is that religious zeal, precisely because it helps to maintain this sort of moral and psychological conformism through its alliance with public opinion, is the means through which Americans teach

themselves the art of moderate and responsible self-government and which is necessary for the preservation of freedom (280).

Unlike his contemporary critics who object to what they call Tocqueville's "religious functionalism,"<sup>119</sup> Tocqueville repeatedly insists that the need for religion is not merely a matter of social utility, but one that grows naturally from the requirements of the individual soul, and that atheism is an unnatural condition which the human heart can sustain only by engaging in tremendous violence against itself (284). Indeed, Tocqueville is so insistent on this point that he finds even and especially in the spirit of self-interest with which the Americans plunge themselves in the anxious pursuit of worldly enjoyments corroborating evidence for the proposition that the roots of religiosity are naturally sowed in the human heart: "If the doctrine of self-interest well understood had only this world in view, it would be far from sufficient; for there are a great number of sacrifices that can find their recompense only in the other world" (504). According to Tocqueville, precisely in America, where the doctrine of enlightened self-interest has taken on the greatest hold on human beings, men find themselves psychologically incapable of taking their bearings merely by their individual self-interest: the extreme restlessness and dissatisfaction that Tocqueville observes even among the prosperous Americans is a sign of their profound dissatisfaction with what are at best incomplete and ephemeral enjoyments of this world, a dissatisfaction which would render their lives not worth living were it not for the consolation that they continue to derive from religion (283, 512-514, 510). But because Americans try to deny this restlessness by incessantly convincing themselves that they **are** thoroughly rational and self-interested, even when they are engaging in kind generosity towards others through "little sacrifices each day" (504), they end up deceiving themselves: "[O]ne sometimes sees citizens

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<sup>119</sup> Lively (1962); Zetterbaum (1967).

in the United States abandoning themselves to the disinterested and unreflective sparks that are natural to men; but the Americans scarcely avow that they yield to movements of this kind; they would rather do honor to their philosophy than to themselves” (502). Indeed, Tocqueville claims that even those Americans who are “zealous Christians” tend to succumb to this self-delusion, convincing themselves that their acts of charity are motivated not by the firm conviction that charity is simply good, but instead by the calculated desire “to merit the goods of the next world” (504). Americans therefore unreflectively and insincerely espouse “Pascal’s bet” when they attempt deny their self-sacrificial natures by projecting the calculations of self-interest even to the pursuit of an eternal life in the next world, but unlike the philosopher they are incapable of resisting the self-forgetfulness in their actions that a strict devotion to enlightened self-interest and individualism would seem to require (505).

#### **IV. Democracy and the Future of Religion: Protestantism, Catholicism, or Pantheism?**

Tocqueville’s diagnosis of the role of religious belief in democracy is ultimately much less reassuring than one would have hoped. Not only does Tocqueville acknowledge that the version of religious belief and hope that is grounded in the doctrine of self-interest is insufficient to “produce great devotion” or human greatness (502), but he also suggests that in the erosion of the more traditional forms of piety may encourage democratic individuals to succumb to two distinct but equally undesirable and dangerous spiritual and intellectual extremes: the intense dissatisfaction with the democratic way of life may predispose individuals in democratic centuries to gradually embrace a particularly pernicious form of democratic pantheism, punctuated from time to time to by intense and uncontrollable outbreaks of religious “madness” and fanaticism (510). On the one hand, the appeal of pantheism in democratic centuries grows in proportion with the leveling and truncating

effects of equality: “As conditions become more equal and each man in particular becomes more like all others, one gets used to no longer viewing citizens so as to consider only the people; one forgets individuals so as to think only of the species” (426). Pantheism appeals to the democratic man’s deeply frustrated sense of pride: it flatters the individual with the idea that he is an equal if insignificant member of the irresistibly powerful majority, and therefore mitigates the sense of resentment that is aroused by the debilitating experience of weakness and powerlessness in the face the omnipotence of the majority. But, precisely because it flatters the democratic man’s egalitarian sensibilities, pantheism is intrinsically hostile to any individual claims to superiority. Furthermore, Tocqueville worries that because pantheism extends the principle of equality not only to the whole human species, but also to the whole universe, it can seduce man into “enclosing God and the universe within a single whole,” and development that would undermine human dignity by eroding the distinction between the creation and the Creator (426). By nourishing the collective attachment to equality of all, pantheism, Tocqueville warns, “destroys human individuality” while rendering the impulse for “the genuine greatness of man” both illegitimate and impotent (426). Seduced by the charms of pantheism, the democratic mind will find it increasingly uncomfortable to entertain any notions of either the supernatural or the extraordinary, which is precisely the reason that Tocqueville hopes democracies will preserve their Christian heritage as an ennobling bulwark against the spiritual disintegration that looms in their future.

While Tocqueville spotlights the dangers of pantheism in Democracy in America, he continues to present not just reformed Protestantism, but even especially traditional Catholicism, as a sustainable religious option that will attract believers in democratic centuries and thereby fend off the drift towards pantheism. Indeed, in the Second Volume

of the book he speaks with optimism of the growing appeal in America of Catholicism, even to Protestant believers, on account of its unique capacity to provide for the needs and the requirements of the democratic soul through its stress on order and unity: “Men of our day are naturally disposed to believe; but when they have a religion they immediately encounter a hidden instinct in themselves that pushes them without knowing it toward Catholicism” (424). While its doctrines may “astonish them,” democratic men nevertheless “feel a secret admiration for its government, and its great unity attracts them” (424). Tocqueville goes so far as to predict that democratic people will find themselves dividing between complete atheist and those who return to the Catholic Church: “Our descendants will tend more and more to be divided into only two parts, those leaving Christianity entirely and others entering into the bosom of the Roman Church” (424-425).<sup>120</sup> Tocqueville does not fully explain his assessment of the growth of American Catholicism in Democracy in America, nor what its place in the spectrum of American religious experience implies for the future of the democratic civil religion that he traced to reformed Protestantism. But elsewhere, in his private letters, Tocqueville speaks more openly of these alternative religious options, and sheds more troubling light on the precarious future that he anticipates for civil religion in the era of democracy. In a letter to Louis de Kergorlay, Tocqueville again observes the phenomenon of the “practical exactitude that accompanies the practice of religion in America,” but there he is also much more explicit in spotlighting what he perceives to be the growing religious indifference that is lurking beneath America’s melting-pot of religious

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<sup>120</sup> Koritansky (1974) suggests that Tocqueville's discussion is an implicit attack on the Catholic church for its continuing demand for doctrinal obedience, p. 497n. Lively (1962) seems to agree with this view, since he shows that Tocqueville does in effect criticize certain aspects of the French church's practice at the time, pp. 188-194. Both appear to short-shrift Tocqueville’s prediction that Catholicism would find new appeal in democracy centuries, and that it would do so precisely because of the authoritarian or trans-rational dimensions of the traditional Catholic teaching which would tap into the democratic soul’s dissatisfaction with worldly material existence.

pluralism: while in America “opinion [...] compels everyone to appear at church,” nevertheless, Tocqueville observes, “either I am badly mistaken or there is a great store of doubt and indifference hidden underneath these external forms” (48).<sup>121</sup> The withdrawal of religion from politics and its democratic transformation and simplification that he celebrated in Democracy in America as a means to strengthening faith now appears to him to be a weakening of religion and a corruption of religious dogma: in spite of separation of church and state, “religion does not have any more power [...] and is expiring day by day (48). At the same time, the transformation of Protestantism into a democratic civil religion means that the churches “speak of morality,” but “of dogma not a word,” content to preach an easy-going faith that neither tests the beliefs nor the commitments of their followers (48). The end-point of this transformation, according to Tocqueville, is that “religion does not move people deeply” in America (49).

In an astonishing passage in the same letter, Tocqueville concludes that the democratic transformation of Protestantism underway in America is an unsustainable halfway house on the road to deism: “It seems clear to me that reformed religion is a kind of compromise, a sort of **representative monarchy** in matters of religion which can well fill an era, serve as a passage from one state to another, but which cannot constitute a definite state itself and which is approaching its end” (50). Here, however, Tocqueville describes the place of Catholicism in the “milieu” of American religious pluralism in terms that are quite different from the presentation he gave in Democracy in America, for he stresses that American Catholicism is so far from being compatible with democracy and toleration, that it finds itself as a reluctant participant in a regime that it is too weak to overthrow, but whose ranks are swelling with new converts who are both “poor” and “full of zeal.” American

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<sup>121</sup> Letter to Louis de Kergorlay, June 29, 1831, in Tocqueville (1985).

Catholics, Tocqueville notes, “are making use of the tolerance of their ancient adversaries, but [...] are staying basically as intolerant as they have always been, as intolerant in a world as people who believe” (50). As for the future of reformed Protestantism, whose ministers he describes as “in effect businessmen of religion,” Tocqueville perceives a future of continuing doctrinal decline into Unitarianism, followed by further degeneration, until that moment when it will collapse into outright deism: “On the borders of Protestantism is a sect which is Christian only in name; these are **Unitarians** [...] which is to say [...] those who deny the Trinity and recognize only one God, [among whom] are some who see in Jesus Christ only an angle, others a prophet, finally others a philosopher like Socrates. These are pure deists (51).

While such deism may satisfy the open-minded curiosities of the educated elite and the upper crusts of society, from Tocqueville’s perspective it can neither address the deepest longings of the vast majority of human beings nor provide the religious foundation that a morality suited for democratic liberty requires. Indeed, Tocqueville goes far in conceding “that what is called natural religion could suffice for the superior classes of society, provided that the belief in the two or three great truths that it teaches is real and that something of an external religion mixes and ostensibly unites men in the public profession of these truth” (52). However, the Enlightenment hope that such natural religion, divorced from both revelation and from a belief in an immaterial existence beyond this life, could suffice for most human beings, Tocqueville judges to be ill-founded. While Tocqueville’s assessment of the fate of reformed Protestantism closes with a prediction that men will either return to their old faith or “fall steadily into the single doctrine of self-interest,” he seems to also hold out a darker possibility in Democracy in America. There Tocqueville suggests that precisely because of the vigor and the appeal of pantheism and materialism in democratic centuries,



democracies may increasingly confront outbreaks of religious fanaticism and madness from within: “If the minds of the great majority of the human race were ever concentrated on the search for material goods alone,” Tocqueville warns, “one can expect that an enormous reaction would be produced in the souls of some men” (DA, 510). These agitated individuals, Tocqueville continues, would be moved to “throw themselves head over heels into the world of spirits” in an uncontrollable reaction to what they regard as the bodily imprisonment imposed upon them by democratic way of life. It would seem, therefore, that Tocqueville’s deepest criticism of the Enlightenment effort to liberate human beings from religiosity leads him to the conclusion that such an effort could very well back-fire, leading to a paradoxical increase of religious fanaticism as a reaction to the world that rationalism tried to bring into existence.

## Conclusion: Rawls, Obama and the Disharmony in America's Religious Legacy

As we saw in the previous chapter, Tocqueville's political science is oriented by the awareness that democracy is both inevitable and in need of instruction. It is inevitable because the march of democratic freedom and its historical triumph cannot be resisted, but it is in need of instruction because neither the Enlightenment nor democracy can supply the moral resources necessary for the practice of civil liberty. While the triumph of democracy appears as the victory of the rational Enlightenment over aristocracy and the Old Regime, Tocqueville shows that it reveals a defect in liberal rationalism that cannot be repaired by recourse to rationalism alone. But unlike modern-day anti-foundationalists like John Rawls and Richard Rorty, Tocqueville does not conclude that the short-comings of liberal rationalism require us to surrender the effort to supply liberalism with moral foundations and limits. In place of the Enlightenment and its deistic or atheistic foundation in the state of nature and in materialism, Tocqueville hoped that liberalism could cultivate a foundation in a civil religion—but a religion that was tailored not so much to the requirements of Christian revelation, as it was to the peculiar moral needs and spiritual anxieties of the democratic soul as they were discerned by Tocquevillian political science. This meant, from Tocqueville's perspective, that even the moderate and relatively healthy form of liberalism that Americans practiced was purchased at tremendous spiritual cost that must be counteracted: "Legislators of democracies and all honest and enlightened men who live in them must therefore apply themselves relentlessly to raising up souls and keeping them turned toward Heaven" (Democracy in America, 519). Precisely because the natural tendency of democracy is to unleash materialism and to degrade human souls by turning men away from the heaven, what Tocqueville offers is not so much a full-proof solution to the fate of religion in the democratic age, but rather a grasp on the dilemma of the

democratic soul and the alternatives that it confronts within liberalism. The best that friends of democracy could do was to learn to cope with the spiritual consequences of liberalism, and to foster a public culture in which a moderate and tolerant civil religion could find a respectful hearing among believers as much as among the unbelievers, who would see in faith a friend to their own liberty rather than an enemy of freedom.

During his campaign for the presidency, President Obama spoke of religion's positive role in democracy in terms that perhaps unconsciously drew upon Tocqueville's vision of a civil religion. In an effort to bridge the partisan divide and find a language of civic faith that could appeal to both believers and non-believers, candidate Obama took the unusual step in his "Call to Renewal Address" to chastise his secular progressive base in the name of religion. In that Address, Obama argued that the progressive discomfort with religious language in the public sphere not only rhetorically disadvantaged progressivism as a political movement, but also morally impoverished the nation's political character. It is true, he acknowledged, that "[s]ome of the problem here is rhetorical - if we scrub language of all religious content, we forfeit the imagery and terminology through which millions of Americans understand both their personal morality and social justice."<sup>122</sup> But Obama was unwilling to treat religion only instrumentally, merely for partisan political ends, when he urged progressives to be more welcoming of religious discourse and language, and instead went on to stress that religious belief can and should make an indispensable and unique positive contribution to democracy that secularism alone cannot supply: "Our failure as progressives to tap into the moral underpinnings of the nation is not just rhetorical, though.

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<sup>122</sup> Barack Obama, "Call to Renewal Address," 2006, available at <http://obamaspeeches.com/081-Call-to-Renewal-Keynote-Address-Obama-Speech.htm>

Our fear of getting ‘preachy’ may also lead us to discount the role that values and culture play in some of our most urgent social problems” (ibid).

In the case of the Civil Rights Movement, Christian theology helped expose the moral hypocrisy of segregation that secular liberalism was willing to tolerate for many generations, and it endowed the message of racial equality with the moral urgency that resonated even among Southern whites by reminding them that racial tyranny was an affront to God’s Creation. Martin Luther King, in President Obama’s interpretation, was continuing a long tradition of American civil religion, embraced by Abraham Lincoln as well as Frederick Douglas in their opposition to slavery, whose roots can be traced to a broad consensus about the public utility of religious belief among the American founders.<sup>123</sup> Though nurtured in the private sphere and protected by a broad reading of religious freedom, Obama seemed to arrive at the conclusion that a civil religion will be effective only insofar as it seeks to have its voice heard in the public sphere: “So to say that men and women should not inject their ‘personal morality’ into public policy debates is a practical absurdity. Our law is by definition a codification of morality, much of it grounded in the Judeo-Christian tradition.” The type of civil religion that Obama endorsed in that speech would seem to be just as incompatible with Rawls’ neutral public sphere sanitized of religious arguments as it is would be endangered by a Hobbesian absolutism that views the

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<sup>123</sup> Obama’s “Call to Renewal” draws on a broader historical tradition in American political thought and statesmanship that viewed separation of church and state as a necessary precondition for the cultivation of a civil religion that can support and sustain republican government. While scholars usually single out George Washington as the preeminent model for this understanding of civil religion, the logic and the rhetoric of Madison’s “Madison’s Memorial and Remonstrance” also supports this position. Jefferson position, succinctly captured in his statements that “our civil rights have no relation to our religious opinions” and that the First Amendment requires a “wall of separation,” represents the extreme left on this issue among the Founders. (Cf. Eva Brann, “Madison’s Memorial”; Judd Owen “Religion and Nonreligion: Jefferson and Backus on Separation of Church and State;” Philip Vincent Munoz, God and the Founders).

Church, and the broader civil society, as essentially subordinate to the secular priorities of the state.<sup>124</sup>

In putting his rhetorical and moral weight behind such a civil religion, Obama was following the path first paved by Tocqueville. Indeed, the diagnosis of the problem of democratic spiritualism that Obama offered takes its departure from the Tocquevillian insight that a democracy that is devoid of religion is too spiritually shallow to satisfy what Obama describes in the same speech as the “hunger” that Americans feel, the “chronic loneliness” that they experience, in the absence of “a sense of purpose and a narrative arc to their lives” that religion supplies. But there is a competing dimension in Obama’s speech that reflects a strand of liberalism that is less friendly to religion. This alternative strand not only frustrate the capacity of religion to speak in the public sphere, but may even undermine religious belief altogether. For in the same speech Obama seems to draw on a Rawlsian approach when he drastically qualifies his endorsement of a civil religion and dramatically narrows the degree to which the public sphere can accommodate religious speech and values: “Democracy demands that the religiously motivated translate their concerns into universal, rather than religion-specific, values. It requires that their proposals be subject to argument, and amenable to reason.”<sup>125</sup> Just as we saw Rawls insisting in Political Liberalism

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<sup>124</sup> As an illustration of how much Rawls’ doctrine of “public reason” is challenged by Martin Luther King’s position on civil disobedience, and how much Rawls has to stretch and dilute that position by suppressing the foundation of MLK’s theory of civil disobedience in Thomas Aquinas’ natural law, consider the following quote from “Public Reason Reconsidered:” “Consider the Abolitionists and those in the Civil Rights Movement. The proviso [...to translate religious values into neutral arguments of public reason...] was fulfilled in their case, however much they emphasized the religious roots of their doctrines, because these doctrines supported basic constitutional values – as they themselves asserted – and so supported reasonable conceptions of justice.” Rawls adds in a footnote: “I do not know whether the Abolitionists and King thought of themselves as fulfilling the purpose of the proviso. But whether they did or not, they could have. And had they know and accepted the idea of public reason, they would have,” in Political Liberalism, p. 464.

<sup>125</sup> “Call to Renewal Address.” Obama’s formulation of the demand that democracy makes on religious believers—that they render their convictions into universal reasonable arguments—echoes, indeed it almost transposes in compressed form, Rawls’ “proviso” in his discussion of public reason: “To engage in

and in the “Idea of Public Reason Revisited” that religious believers must replace their “doctrines of truth or right” with an “idea of the politically reasonable addressed to citizens as citizens (PL, p. 441), Obama also hopes that religious believers will adopt a similar process of rationalizing translation. But such a requirement of reasonableness seems to raise serious questions about how a religion that is acceptable in a democratic public sphere can continue to fulfill the high moral purpose that Obama laid out for it earlier in the speech.

But in a sign that suggests that he may realize that the Rawlsian approach may suffer from a deep inconsistency in its putative solution to this dilemma, Obama is compelled to go beyond Rawls’ position in search for a way to make religion more resonant in democratic society. Here Obama’s deviations from Rawls are even more revealing than are those areas where the two agree, and this is especially the case with regard to the posture that secularists must take towards religion. Obama says that the translation must be mutual and must go both ways; that secularists must also be willing to translate their political and social concerns into a language that speaks to the moral seriousness and the devotion to the spiritual health of the community that animates religion: “[I]f we truly hope to speak to people where they’re at—to communicate our hopes and values in a way that’s relevant to their own—then as progressives, we cannot abandon the field of religious discourse” (ibid). This means, much as Tocqueville seemed to stress, that separation of church and state should not be interpreted only negatively as requiring strict privatization of religion, but should be seen as securing the liberty that is necessary for religion to make a positive contribution in the public sphere: “Because when we ignore the debate about what it means to be a good Christian or

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public reason is to appeal to one of these political conceptions - to their ideals and principles, standards and values - when debating fundamental political questions. **This requirement still allows us to introduce into political discussion at any time our comprehensive doctrine, religious or nonreligious, provided that, in due course, we give properly public reasons to support the principles and policies our comprehensive doctrine is said to support.** I refer to this requirement as the proviso, and consider it in detail below,” in “The Idea of Public Reason Revisited,” p. 776, emphasis added. See also p. 784.

Muslim or Jew; when we discuss religion only in the negative sense of where or how it should not be practiced, rather than in the positive sense of what it tells us about our obligations towards one another” (ibid). The contrasting postures toward religion that I have spotlighted in Barack Obama are reflective of a broader disharmony **within** our constitutional culture, a dissonance between our solicitude for and dependence on a civil religion and our constitutional commitment to secularism. In the closing section of this dissertation, I want to explore precisely such a tension in the Supreme Court’s First Amendment jurisprudence, and ask whether the Court’s embrace of “neutrality” actually succeeds at insulating it from having to choose sides between religion and nonreligion, and whether such an aspiration to neutrality is either theoretically feasible or practically desirable in a constitutional regime.

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