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BAYLE'S THEORY OF TOLERATION

by

BENJAMIN FISCHER

Under the Direction of Andrew Jason Cohen

ABSTRACT

This paper gives an overview of Pierre Bayle's theory of toleration and derives a normative principle of toleration from it that is meant to compete with other normative principles of toleration such as the Harm principle.

INDEX WORDS: Political philosophy, Social philosophy, toleration, religion, Christianity, justice, legitimacy, stability, John Locke, Pierre Bayle, Baruch Spinoza, Harm principle.

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A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree

of

Master of Arts

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Georgia State University

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DEDICATION

First, I wish to dedicate this page to my friends and colleagues at the GSU philosophy department. The years I spent at GSU have been among the happiest in my life and much of my intellectual development can be directly traced to conversations with them.

Lastly, I also wish to dedicate this paper to my family: Javier, Talia, Karin, and Ilana Fischer. Their love of and steadfast support of me, no matter the situation, has been more valuable than words can express

.

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John Kilcullen's work on the subject of Bayle and toleration was of immense use in preparing this thesis. Without his example, I doubtlessly would have misinterpreted many sections of Bayle's moral theory. I also wish to thank Michael Augustine for his help in reading an early draft of my paper and for providing insightful comments on it. Lastly, (and most importantly), I cannot thank Dr. Andrew Jason Cohen enough for all of his hard work and help in writing on this subject. I hope I can come to deserve the effort he put in on my behalf.

TABLE OF CONTENTS

ACKNOWLEDGEMENTS v

1 Introduction 1

2 An Exposition of Bayle's Moral Theory 2

2.1 Introduction to Part Two 2

2.2 The Context of Bayle's Argument 3

2.3 Bayle's Response to the Efficacy of Coercion 5

2.4 The Wrongness of Coercion in Religious Matters 7

2.5 Why Conscience Matters 9

2.6 The Relationship between Conscience and Toleration 12

2.7 The Cost of intolerance In Politics 19

2.8 Conclusion 23

3 A Baylean Principle of Toleration 24

3.1 What can (and must) be tolerated according to Bayle 25

3.2 Bayle's Conception of Toleration 29

3.3 A Initial Formulation of the Baylean Toleration Principle 32

3.4 Which Societies deserve to be protected? 34

3.5 The second version of the Baylean Principle of Toleration 37

3.6 Does it matter if we are right? 39

3.7 Conclusion to part three 44

4 Final Thoughts 44

5 Bibliography 45

1 Introduction

In his day, Pierre Bayle was highly regarded as a philosopher and thinker. His writings on religion influenced the skepticism of David Hume, and thinkers such as Leibniz felt compelled to respond to his positions in their books.[1] Today, however, Pierre Bayle has fallen into relative obscurity, along with his theory of toleration. I hope to do my small part to rectify the latter misfortune in this thesis, and also to help sharpen Bayle's theory of toleration so that it can be more useful for current theorists. In part two, I give an exposition of Bayle's moral theory and his defense of broad religious toleration, while attempting to show that the defense of toleration is still compelling even when we don't share all of Bayle's suppositions. This sets the state for part three, where I attempt to improve Bayle's theory by deriving a normative principle of toleration from his account of the limits of legitimate toleration.

[1] Pierre Bayle, *A Philosophical Commentary on These Words of the Gospel, Luke 14:23, "Compel Them to Come In, That My House May Be Full"*, ed. John Kilcullen and Chandran Kukathas (Indianapolis, Indiana: Liberty Fund, Inc., 2005), xii.

2 An Exposition of Bayle's Moral Theory

2.1 Introduction to Part Two

Pierre Bayle was one of the first writers, along with John Locke and Benedict Spinoza, to offer a defense of broad religious toleration in the late 17th century. That defense, in turn, could be extended to a defense of toleration of different political beliefs and practices as well. Bayle's account is unique because it most directly attacks the most prominent argument against broad religious toleration: that of St. Augustine's. Augustine argued, based on the quote from the Gospel, "Compel them to come in", that 1) Christians are obligated to compel non-Christians and heretics to the orthodox faith, and 2) the use of violence was able to open recalcitrant individuals to the truth of Roman Catholicism.[2] Therefore, the use of violence against heretics for the purpose of opening their eyes to the truth was both possible, permitted, and in some cases obligatory.

Bayle takes on Augustine's argument against toleration by use of two methods: he argues that on an exegetical level, Augustine's interpretation of the biblical phrase is contrary to the spirit of the Gospel, and second, that philosophy shows us that compulsion in religious matters is neither practically useful nor morally acceptable. For the purposes of this essay, I will fo-

[2] Bayle 2005, xvii.

cus on Bayle's philosophical arguments against intolerance. In the second part, I will attempt to show that Bayle's arguments against intolerance still hold some force, even when we don't grant all of Bayle's assumptions regarding the existence of God. This will provide the context for part three, which attempts to derive a normative theory of what we ought to tolerate.

2.2 The Context of Bayle's Argument

Bayle wrote in the 17th century, during a time in which both Protestants and Catholics claimed that they had the right and obligation to persecute those who did not agree with them, or who disagreed about points of doctrine. The main argument for intolerance was that of St. Augustine. Augustine originally thought that heretical sects in Christianity ought to be tolerated, since true belief in religious matters cannot be forced if it is to be genuine. Since only genuine religious belief is valuable, there is no reason to endorse the use of persecution in religious matters. But Augustine changed his opinion after the Donatist persecution in 409.

The Donatist's were a Christian sect that held beliefs opposed to those of the Catholic Church. Due to many historical factors the authorities at the time decided to stop tolerating the Donatists and instead forced them to convert to Catholicism. The efficacy of their efforts convinced Augustine that his previous objections against intolerance were not cogent, and thus provided the context for him to write an essay justifying Roman persecution of the Donatist sect. Augustine likened religious false belief to a potentially fa-

tal disease: those who held false beliefs were liable to be damned to hell, and so it was incumbent upon good Christians to save them, much like it's incumbent to save someone from a fatal sickness.[3]

This leads to the issue of whether coercion is an efficacious or acceptable method by which to spread religious Doctrine. Augustine acknowledges that coercion doesn't by itself produce the beliefs that are necessary for salvation; but he asserts that coercion is capable of opening heretics' "Eyes to the truth".[4] The threat of violence might compel people, Augustine says, into viewing the relative worth of the beliefs more accurately then they would otherwise. Augustine cites the fact that entire cities had converted back to Catholicism as evidence that coercion in such matters is effective.

Augustine then argues that not only is such coercion effective, it is morally good. While Augustine agrees that coercion in general is not good, he argues that coercion in the case of true religion is acceptable since the motive is to save the person, on the general principle that the motive and the situation affect whether coercion is acceptable. By contrast, heretical attempts to coerce individuals are not permissible, since the intention behind them is to make the individual "sicker." Therefore, it is permissible, effective, and morally good to coerce heretical souls into the true faith of Catholicism.

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[3] Bayle 2005, 293.
[4] Bayle 2005, 333

2.3 Bayle's Response to the Efficacy of Coercion

Bayle argues that the traditional justification for coercion is questionable at best due to the empirical evidence concerning its effect. One of the greatest enemies of truth is the awakening of the "passions", that is, strong emotions. When people are in intense fear about something, or are desirous of something, Bayle argues, they are not able to consider truth very carefully. Hence, our ordinary practice is to use judges that are not connected to the issue at hand at all.

Persecution, of course, has a tendency to inflame the passions. Why the prospect of pain should increase the passions is relatively easy to understand: people who think they are about to undergo significant amounts of pain are apt to be fearful. As a result, they are not able to weigh an issue carefully when asked to decide between two propositions.[5] This has very obvious consequences for the value of persecution: if persons fear the prospect of being tortured, then their assent to any question put before them is not likely to be because they have suddenly become aware of the truth of the proposition. It is probably because they have become aware of the potential consequences for retaining their former beliefs. If we are not willing to engage in such actions when we want people to carefully consider the truth of non religious problems, it is unclear, at least for Bayle, why someone should

[5] Bayle 2005, 289

be thought a capable judge between "Catholick and Protestant" while being forced to deal with the possibility of punishment.[6]

Augustine might reply that violence is not the only method by which to force people to examine their beliefs: we might force people to examine their beliefs by showing them that they could do well materially by switching their religion. Bayle replies, however, that this method is just as prone to violence to produce passions in the person being swayed. Bayle does not say that material inducements and threats of violence are never incapable of forcing somebody to examine their beliefs carefully and come to the truth; he implies that threatening punishment if someone refuses instruction about a certain religion might be acceptable, if we wanted people to be fully informed about their religious decisions.[7] So while it is theoretically possible for someone to be forced to examine religious propositions carefully because of their punishment, it is extremely unlikely. Therefore, we have strong reason to doubt the efficacy of punishing or rewarding people in an effort to force them to truly convert to a religion.

This argument by itself does not prove very much. Augustine and those like him might think that while Pierre Bayle might be right in certain isolated cases about the efficacy of coercion, they could argue that coercion works often enough to justify its use in religious matters, even if some persons decide to lie about the truth during the process of coercion. Just be-

[6] Bayle 2005, 139
[7] Though see section 3.1 for important caveats as to that position.

cause a treatment doesn't work all the time does not mean that it's worthless, as Augustine himself puts it.[8] What's needed here, then, is an argument that coercion is wrong and dangerous by itself, and not just because it's ineffective.

2.4 The Wrongness of Coercion in Religious Matters

The heart of Bayle's book is meant to provide just this sort of argument, in the guise of interpreting the quote from the gospel, "Compel them to come in." Unlike contemporary philosophers, Bayle is not at liberty to present an argument for respecting conscience entirely independent of the context of religious teachings: doing such a thing, and arguing from strictly secular terms, might lead people to think that Bayle was begging the question. So before Bayle starts setting out his argument for toleration, he needs to present an argument for how we ought to interpret the relevant claims at hand concerning religious conduct, namely, the claims that are listed in the Bible. If Bayle accepts a literal reading of the gospel quote "compel them to come in", then he could not hope to successfully argue against intolerance.

Bayle appeals to the principle of "Light of nature"; there are certain propositions that are so basic that any interpretation of Scripture and morality must be tested against them. We don't learn these propositions by use of the Scripture; rather, all human beings know them through the use of the faculties that God gave them. Bayle includes among these "That the Whole is

[8] Compare Bayle 2005, 296.

greater than the Part; That if we take things equal, the reminder will be equal."[9] These truths, however, are not merely of a logical and metaphysical nature; Bayle argues that there are even some (very basic) moral truths included among them, among which are "that 'tis honest to be grateful to our Benefactors... and to act by Conscience." As evidence that all persons who engage in biblical reading try to not violate some of the principles of natural light, Bayle demonstrates that church fathers such as "P. Valerien Magni" tried to show that Catholic doctrines of transubstantiation do not violate the principle of "*The Whole is Greater than the Part".* Now, whether Valerien was successful in his endeavor is quite irrelevant for Bayle's purposes; what Bayle is attempting to show is that it is widely accepted by all participants in the conversation that there are such principles and that they are accepted as binding upon all relevant interpretations of the Bible. In this matter, Bayle is successful: most persons will not admit that their religious doctrines contradict reason, but will instead insist that their doctrines are at least internally consistent, provided that they are understood in the right way.

One of these basic principles is "That all literal Construction, which carries an Obligation of committing Iniquity, is false."[10] Biblical interpretation, in other words, can never lead to a place that violates the morality that is given by "natural light". Thus, if the literal "interpretation" of "compel them to come in" does result in morally pernicious consequences according

[9] Bayle 2005, 73.
[10] Bayle 2005, 66.

to the doctrines of natural light, then Bayle can conclude that the interpretation is incorrect, thus not warranted by the Bible, and thus immoral to put into practice. Bayle can thus proceed with his argument on purely philosophical terms, and try to construct an argument against intolerance and compulsion, based purely on the inherent wrongness of compulsion.

2.5 Why Conscience Matters

Turning our eyes back to his discussion of natural light, we should note that Bayle argues that according to natural light, we find that "there is a Being soverignly perfect, who rules over all things, who ought to be ador'd by Mankind", and that we may also conclude that only certain forms of conduct and worship are pleasing to that God, much as in the same way an earthly king is pleased only by the real bowing of his subjects, and not by a puppet or a machine pretending to bow before him.[11]

Bayle's doctrine that what counts in terms of worship of God bears a strong resemblance to Kant's conception of the good will being the only thing that matters in morality. Kant argues that the essence of moral action is that the person who engages in the action does so out of a good and universalizable will: that the action has good consequences or produces certain physical reactions in the world, does not count towards the appraisal of the

[11] Bayle 2005, 76

action.[12] Bayle makes a similar move in putting right action in terms of internal decisions, rather than external consequences; but he differs from Kant in that he locates the source of good action not in terms of a universalizable categorical imperative, but in terms of "conscience". From the principles of natural light, Bayle believes we know that when we judge an action to be "good or bad", we do so, (provided that we are not atheists) on the principle that this "Rule and law is founded in the Nature of God".[13] Thus, the fact that a proposition is wrong entails that it must offend God. This leads Bayle to conclude that if we willfully commit an evil action, we must willfully "offend and disobey God." If we think we are committing an evil action, then we must think we are willfully offending and disobeying God. But if we think we are willfully offending and disobeying God, that entails that we are willfully offending God. [14] Thus, Bayle concludes that acting against our conscience (what we think is right or wrong), itself entails acting badly. Even if the consequences turn out to be innocuous, the action is evil.

While Bayle's written argument hinges on the presence of god, we can see the force of it by thinking about praiseworthy and blameworthy actions. If someone commits an action that *they think* is wrong and vicious, even though it isn't, we are inclined to blame them for such an action, even if the

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[12] Compare Immanuel Kant, *Grounding for the Metaphysics of Morals: On a Supposed Right to Lie because of Philanthropic Concerns*, trans. James W. Ellington (Indiananopolis, Indiana: Hackett Publishing Company, Inc, 1993), 15.
[13] Bayle 2005, 220
[14] Compare John Kilcullen, *Sincerity and Truth: Essays on Arnauld, Bayle, and Toleration* (New York: Oxford University Press, 1988) 68.

consequences of the action are neutral. For example, suppose that someone pushed a button because she thought it was supposed to destroy an entire city, but instead made a thousand kittens happy. Suppose also that she thought that committing such an action was wrong. In this case, this person would be blameworthy for the intention behind her action, even if her action wasn't objectively wrong after all. The next step in the argument is to shift our attention from the specific intent of the person, to the general intent of doing something wrong knowingly. If a person thinks she is doing wrong in Xing and continues to X, then it is fairly intuitive that she is not praiseworthy for doing X even if the action is normally considered right (under whatever theory).

Thus, Bayle's argument for the importance of doing things according to conscience does not need to rest on thinking that there is a God who judges our interior judgments: our ordinary judgments can suffice for teaching us that acting against our conscience, or what we think to be right, entails that we commit a somewhat blameworthy action. For the modified Baylean theory, an action can only be good if and only if we act according to our conscience on the matter. However, Bayle does not assert (nor does he need to) that acting according to what you think is right is *sufficient* for right action. As Kilcullen puts it, Bayle can be thought of distinguishing between what makes an action good, and what makes an action right: an action is poten-

tially good without being right.[15] Whether it is right or not, for Bayle, depends on the actual moral law that God gives (or in a secular interpretation, whatever system of morality happens be best), and on whether we act according to our conscience on the matter. We act rightly, then, if and only we act in a good fashion according to our conscience *and* our actions actually accord with the morality that God sets above us. In any system of morality, if we want people to act rightly or with goodness, then we cannot expect them to act against what they think is right: instead, we must change what they think is right or wrong, through the use of rational persuasion.

2.6 The Relationship between Conscience and Toleration

Bayle argues that since an action that is done against conscience is bad, all persons have an obligation to themselves and to God to follow their conscience, even if their conscience happens to be incorrect as to the actual facts (moral or otherwise). In making this case, Bayle gives the case of a woman who sleeps with a man that she mistakenly believes is her husband, returned from a long trip.[16] Bayle argues that the woman in this case is obligated to sleep with the imposter if she is under the impression that the imposter is her lawful husband.[17] Of course, that does not excuse the imposter for pretending that he is her husband: he ought to be punished, since he is committing a sin. But she would be doing a wrong if she refused to sleep

[15] Kilcullen 1988, 70
[16] Bayle 2005, 234
[17] It should be obvious that we can understand Bayle's example without endorsing Bayle's view of male-female relationships

with him, according to Bayle, since she would be committing an action that she thinks is wrong, and committing an action that one thinks is wrong is insulting God, and is thus itself wrong. Bayle is not saying that the housewife merely feels like she is obligated to sleep with the husband, for that would be a tautology. Bayle is committed to the harder claim that the wife would be committing a wrong in not following her conscience, even if her conscience was misinformed on the matter.[18] She is still obligated to follow her conscience, in order not to be committing a wrong action.[19] In order for them to not be under a different obligation, their conscience (or what they think is the right thing to do, which amounts to the same thing) must be changed by rational persuasion. They have an obligation to act on their conscience, according to Bayle, even if their conscience is in error.

How does the fact that an erring conscience binds bear on tolerance? The reason Bayle attempts to bring out the importance of how conscience binds is that the traditional case for religious *intolerance* rested on the presupposition that the fact that Christians (either Protestants or Catholics, depending on who was doing the persecuting) had the truth on their side rendered their persecution of heathens acceptable. As Augustine's case put it, Catholics had the right to persecute heathens because they were making the

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[18] See Bayle 2005, 220-221 "In like manner this Proposition is evident, *That whoever does a thing which his Conscience tells him is evil, or omits that which his Conscience tells him he ought to do, commits a Sin."*

[19] This does not mean that the wife would be committing a right action if she slept with the imposter, however. She would be committing, as put above in section 2.5, a good but wrong action. However, if she refused to sleep with the imposter, she would be committing a bad and wrongful action.

heathens better, and because possessing the truth licenses certain efforts that would not be permitted those who did not hold the truth (hence heathen oppression of Christians was not acceptable, but Christian oppression of heathens was).

If Bayle's theory is correct, however, Christians would no longer be able to say that they are justified in persecuting heathens because they are in possession of the truth, while heathens are not. Rather, if Christian persecution were acceptable, it would be because persecution would always be acceptable, no matter who does it, so long as it is in accord with the actor's conscience. Bayle's argument goes like this: when a conscience binds, it binds regardless of the veracity of the conscience. Let us suppose that it is an accepted moral law that those who hold correct religious opinions are morally permitted to coerce others into believing the correct religious opinion through the use of force. The problem is that this moral right for the correct religious doctrine to coerce others will also become a moral right for those who have false opinions about religion, because they will be under the impression that their beliefs are true, making it right for them to coerce. It would thus be good, and obligatory, for everyone to coerce everybody else into religion against conscience, no matter whether the religion be true or false. The fact that makes it obligatory for persons to act in a certain way is not the truth: it is the fact that they think they have the truth.

Most people, of course, will not accept the idea that a world in which everybody is able to coerce one another into a different religion is one that is to be counted morally better than one in which the so called "right religion" is able to coerce (morally). But there is no world, for Bayle, in which it can be morally good for the correct religion to persecute, while morally bad for other religions to persecute: for everyone who thinks they are in the correct religion would also have be good in persecuting those they consider heathens. Thus, in order to coherently say that not everybody has the right to coerce persons into different religion, we must say that no one has the right to coerce people into religious faith.[20]

An objection to Bayle's argument might be to bite the bullet, and say provided you really do think that it is right to force others into your religion, then it really is good for you to coerce others into it: in fact, it is good for every particular sect to try to violently coerce others into their preferred religion, so long as they sincerely think that it is right. Thus, the fact that coercion on the part of one religion entails coercion on the parts of all religion would do nothing to entail the wrongness of the reaction of the action.

There are two ways that Bayle could get out of this trap. Bayle agrees that whether the action is good or not is dependent on whether you believe your action to be right. He can, nonetheless, consistently deny that thinking an action is right makes it right. It might be the case that everyone's action

[20] Bayle would add a condition allowing religious faiths cannot unacceptably physically endanger nonbelievers. For more details on this condition, see section 2.0.

would end up being good, but wrong. The necessary analysis of wrongness might entail some sort of deontological or consequentialist framework, but Bayle could say that while it is conceivable for everybody in the world to be committing a good action by coercing others into the correct religion, it is not conceivable for them to be committing a right one.

Another route that Bayle could use to rebut this objection is to it is deny the possibility of an intolerant or persecuting act being good, because the criteria of universalizability will also work to undermine the possibility of an act of intolerance being considered good. Bayle offers us a method by which to consider whether we could consider endorsing a certain political practice, by asking whether we would recommend its adoption by a foreign country. He also asks his audience to consider if Christians could expect the Chinese to take in missionaries, considering the practice of Christian missionaries.[21] In short, all of the reflections seem to point to an implicit premise: we are incapable of considering a given practice right, or mandated by conscience, when presented with evidence that it could not be adopted universally. But a necessary condition of an action being good, on Bayle's view, is that the person who commits the action thinks the action is right. Therefore, if an argument is given that to any person P that successfully demonstrates a given action X to be wrong, or at least shows that we cannot be confident

[21] See Bayle 2005, 93

confident that X is right, then the action X as committed by P cannot be considered right by P, and thus cannot be good.[22]

Bayle has evidence that, more often than not, when faced with an accusation that an action is not universilazable, persons are incapable of thinking that it is good. The common reaction, when persons are told that an action that they perform could not be universalized or would be ridiculous if it were, is to try to try to deny the claim, suggesting there is some property of the action that makes it special (for example, only true doctrines get the benefit of coercion). Alternatively, someone might deny that universalization has any bearing on whether an action is moral or not. In the case of coercion in religious matters, the first of these options is rendered improbable by Bayle's fallibilism: we cannot insist that only true doctrines have the right to coerce, since that assumes we know these matters fully in the first place.[23] The second option would also be unappetizing for Bayle's contemporaries (and perhaps, for most philosophers), for the basis of the urge to coerce was a universalizing urge. That is, those seeking to use coercion thought it true that it would be best *for everyone* if they accepted the religion in question. Thus, Bayle could be relatively at ease about the importance of universalism as a component for evaluation of action. In addition, the mere presence of Bayle's book, and the arguments against the rightness

[22] At the very least, they must truthfully reckon with the possibility that they could be mistaken. See Section 3.6 for more discussion on the epistemological duties that Bayle's moral theory implies.
[23] Compare Kilcullen 1988, 86.

of tolerance, makes it less likely that any such actions of intolerance can even be considered good, let alone right. Remember that an action is only good for Bayle if the person who does the action thinks that the action is right. But if a compelling argument is put forth that questions the rightness of the action, then the responsible agent's belief in the rightness of the action must be questioned. If the agent cannot fully believe the action to be right (or deliberately limits her investigation into whether the action is right) then the agent cannot be said to be committing even a good action. After the publication of his book, Bayle could argue that intolerant actions may not be able to be considered good—at least not without further argument.

We should take pains to realize that what Bayle is proposing here is not a mere *modus vivendi* like Thomas Hobbes. Hobbes, in the *Leviathan*, argued that warring groups should not coerce each other because the costs of warfare was too high for any individual to rationally bear. He believed that if the individuals, or groups, in the state of nature could be assured that they win the fight, than they would have no motivation or reason to honor the peace. Because of the expense of warfare, though, individuals in *modus vivendi* situation agree to not interfere with each other's situation, and to establish a sovereign to ensure the peace (which may not be the same as tolerating each other). However, Bayle assumes that people will continue to care very deeply about their religions, and that they will have legitimate objections to the religious practice of others. Bayle is giving an argument that

people ought to not interfere with certain behavior because interference would be morally wrong, not because it would lead to unpleasant consequences for the people who interfered. Tolerators in Bayle's theory have a reason for not interfering with the behavior of others.

2.7 The Cost of intolerance In Politics

Of course, those who argue for intolerance may try a different tack. Instead of just arguing that those who have the true religion are allowed to persecute others because they hold the truth, those who follow in Augustine's footsteps may argue that tolerating different religious sects may "throw the State into all kinds of Confusion".[24] Plurality of religions in any one state, in this argument, lead to unrest and lack of stability. A plurality of religions "sets Neighbor at variance with his Neighbor, father against Son", because the different religions involved will have different standards of the good, and all will attempt to take over the powers of the state in order to repress others. In order to avoid such confusion, the state must therefore endorse and set one religion over the others, even forcibly repressing them. This is not an uncommon doctrine among early modern philosophers. Rousseau also thought that in the ideal state there should be an official "civil religion" that all citizens must endorse, as a condition of being part of the state, on the basis that "wherever theological intolerance is allowed, it is im-

[24] Bayle 2005, 199.

possible for it not to have some civil effect."[25] Given incompatibility of plural religions and stable government, then advocates of intolerance might be able to argue that intolerance is morally permissible, since an official state religion is a necessary component of a good and stable state. [26]

Bayle takes the potential danger of religious disagreement seriously, but he denies that the cause of the danger is the fact that governments become too tolerant. Rather, he attributes the danger to the fact that different religions "endeavor… to crush and destroy the other by methods of Persecution."[27] Religions and persons believe in a zero-sum world, in which the winning religion gets the ability to coerce the others using the power of the state. But working from this fact is misidentifying the problem; if we instead changed the rules so that religions did not have the power to coerce others (or declined to because they thought coercion in such matters was a grave moral wrong), then we would not see instability in such matters. Instead, each religion, in Bayle's words, would endeavor to outdo each other by their "Zeal in the practice of Vertue", and strive to show that their own religion was the more virtuous. The religions in question would compete for the favors of God in a way that benefits everyone in the society, much like the presence of different tradesmen in the society does not mean that the com-

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[25] Jean-Jacques Rousseau, *The Social Contract and other later political writings*, ed. Victor Gourevitch (Cambridge: Cambridge University Press, 1997), 150-151.
[26] Obviously, this argument would not go through if we took an anarchist position on the virtues of the state. For the moment, we are assuming that states in theory can be both justified and legitimate.
[27] Bayle 2005, 200

petitors are forced to fight each other to the death. Since there is no necessary connection between the plurality of religious opinion and the violence that undermines the state, we can thus attribute the problem purely to the practices of intolerant religions. Moreover, those who advocate intolerance are not only the source of instability, but are also responsible for the crimes that attend state-endorsed policies of intolerance. When a prince gives an order, according to Bayle, he is responsible not only for the explicit acts that the order endorses, but also for the foreseeable actions that arise from the way the order is carried out. For example, if an officer is given an order to interrogate all evildoers who enter into a kingdom, he is likely to use what are, on his judgment, the means necessary to complete that end. [28] If the order is badly formulated, or the king could have the reasonable presupposition that such an order will result in crimes, then the king is morally responsible for all the officer does that could be reasonably foreseen. Of course, there are limits; Bayle would not say that the king is responsible for utterly irrational and unreasonable interpretations of the order. If the officer decided to interrogate all birds that entered into the kingdom because the officer was under the supposition that all birds were necessarily evildoers, the king could not be blamed for that, provided the king had no idea of the officer's irrational beliefs.[29]

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[28] See Kilcullen 1988, 74.

[29] However, if after having found out about the bird situation, the king neglected to either change the order or remove the officer, then the king would be blameworthy. But then he

People who advocate intolerance, Bayle thinks, must necessarily advocate the foreseeable evils that come with it, because they are entailed by intolerance. Intolerance, during Bayle's time, routinely included brutal acts of violence such as punishment by "fire, Banishment, Dungeons, and quartering of Soldiers". All of these acts are inherently immoral. The fact that coercion in religious matters leads to such actions therefore makes the practice of religious intolerance morally problematic. Since it is foreseeable that the order to not tolerate will result in widespread crimes, the order to not tolerate (reasonable) dissenting religions is immoral.

The response, of course, could be that coercion in religious matters does not entail such extreme actions: instead, punishment for being in the wrong religion could be relatively light, such as merely imposing fines. Thus, a state could still reap the benefits of a supposed intolerant policy, while keeping its hands free of the intrinsically bad deeds such as burning by the stake, and what not. Now, as discussed later, Pierre Bayle does not necessarily object to lighter burdens against certain religions, provided they keep within certain bounds.[30] However, those burdens are meant to serve a much less comprehensive purpose than the ones that are proposed by those Bayle considers intolerant--conversion of all heretics. Furthermore, the proponents of such policies don't usually recognize any inherent limit to how they

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would be blameworthy for not correcting his mistake, and all subsequent actions of the officer, not the initial acts of the officer engaging in unreasonable interpretations of the order.

[30] See my discussion of the type of instruction a king may impose, in the second section of this paper.

may accomplish this goal. Thus, the tendency is to push towards more and more "effective" methods, when the old gentle methods don't work, or are shown to be less effective than the brutal ones. After all, if some fear works wonders in making men listen more easily to the reason, why not add more fear and pain to make it go even quicker?[31] Since the only purpose of the coercion is to maximize the amount of conversions to the one true religion, there doesn't seem to be a natural stopping point for coercion into different religions. While it may be theoretically possible for someone to advocate stopping at some point, it turns out in practice that once you admit that it is permissible to coerce others into accepting a religion, people start finding all sorts of reasons to have more and more extensive punishment (as evidenced by the example of France and Spain). The institution of coercion seems to provide its own justification for more and more brutality.[32] Thus, there are good institutional reasons not to start down the path of religious coercion: when we look at the moral costs honestly, no moral person can endorse the logical conclusion.

2.8 Conclusion

In this chapter, I have outlined some of the arguments that Bayle uses to establish the wrongness of religious intolerance. First, the efficacy of religious intolerance in persuading others to convert to the true religion can

[31] Compare Bayle 2005,165

[32] For a similar argument on the issue of torture, see David Luban, "Liberalism, Torture, and the Ticking Bomb," in *Arguing about Political Philosophy*, ed. Matt Zwolinski, 647-663 (New York: Routledge, 2009).

never be firmly established and we can assumed to it is ineffective. Second, and more importantly for Bayle, religious intolerance is intrinsically bad because it a) always implies the repression of conscience which is necessary for good action, b) cannot be willed to be a universal practice, as binding on all persons and sects, and c) as an institution, leads to even worse crimes. If I have done my job right, I have hopefully made some of Bayle's arguments plausible, and have sufficiently sketched out Bayle's general moral theory. In the next chapter, I will proceed to derive a normative principle of toleration from Bayle.

3 A Baylean Principle of Toleration

Bayle argues that because of the unique role that conscience plays, we cannot assume that holding true opinions (about religion) gives us the right to persecute those who do not hold true opinions. We must grant that if we think we have the obligation (and right) to persecute those who hold false opinions, then those who hold false opinions may think they are obligated (and have the right) to persecute us. In order to avoid this conclusion, we must say that we are obligated to tolerate differences in religious opinion. This argument for religious toleration can also be extended to belief and practices that are not religious in nature.

While Bayle offers a coherent account of why we are obligated to tolerate, he is not nearly as clear as to *what* we should tolerate. Bayle of-

fers tokens of proper instances of toleration, but he only gestures at a normative principle of toleration; nor does he give a strict definition of the concept of toleration. In this paper, I intend to draw out a Baylean normative principle of toleration and see whether it can plausibly play a role in deciding what we may and may not tolerate. This will entail uncovering both (1) Bayle's conception of toleration and (2) a Baylean normative principle of toleration. In discussing these, I show that Bayle's conception of toleration importantly differs from contemporary theories. In addition, I also attempt to make Bayle's normative principle of toleration at least *prima facie* compelling; I do not intend to argue that the Baylean principle is *better* than a competing normative principle of toleration: only that it is conceptually coherent.

3.1 What can (and must) be tolerated according to Bayle

Bayle offers a defense of toleration that relies on the premise that the only conduct which can be considered good, as Kilcullen puts it, is that conduct which is done according to a person's conscience.[33] Conduct that does not follow from a person's conscience does not deserve praise, even if the action performed would be otherwise praiseworthy. However, just because an action is done according to conscience does not imply that we should tolerate it. It might be good (in this sense) for the sincere murderer to mur-

[33] See Killcullen 1988, 71. Note that Bayle differentiates between an actions being good and an action being *right*. Acting on your conscience is a necessary condition for your action being right, not a sufficient one. But acting on your conscience is a sufficient condition for it being good.

der, but we are not obligated to tolerate her murderous ways.[34] Respect for conscience has limits.

Bayle tells us that nearly all opinions about religious doctrines may be tolerated; states and religious groups are obligated to tolerate Jews, Muslims, and even Pagans, though not Catholics and Atheists.[35] The reason that Bayle gives for not tolerating Catholics and Atheists, however, is not tied to the intrinsic wrongness of their beliefs; rather, it is because of a perceived danger to the wider society. Catholics, Bayle thought, are too tied by obligation to the Roman Catholic Church, and to the practices of forcing belief to be allowed positions of power.[36] However, Bayle's view is that provided Catholics are willing to keep their divisive opinions to themselves, there is no justification for oppressing them in any way.[37] The mere fact that they hold the opinion only justifies suspicion, not banishment. In addition, Bayle claims, since atheists are not capable of swearing the oaths that are necessary for the maintenance of society, it is permissible not to tolerate them.[38]

Jews, Muslims, and Pagans, however, do not suffer from these objections. Those who are prepared to tolerate the beliefs of others and who do not resort to objectionable methods for spreading their religion ought to be

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[34] Remember, a good action is not necessarily a right action; some may even be wrong.
[35] Bayle 2005, 211.
[36] Though Bayle does say that Catholics may be tolerated if they foreswear obedience to the pope. Whether they could do so while remaining Catholic is a question he does not consider.
[37] Bayle 2005, 191
[38] Bayle 2005, 243.

allowed to practice their religion.[39] Sects that do not practice toleration ought not to be tolerated, since they are a) committing a practice that is morally wrong, and b) might endanger the safety of the state. This leaves, of course, most groups being tolerated. Bayle's emphasis, however, is on the individuals (and, as we saw above, their consciences). Hence, while he would have us tolerate many groups of believers, he would also have us tolerate those who decide to depart from religious groups. Bayle does not envision a regime like the Ottoman Empire, in which different religions are tolerated, but no dissension or novelty from the originating religions are tolerated either by the government or by the originating sects.[40] In this sort of scenario, only already established groups would be tolerated and individuals would not be allowed to found new religious groups. A Baylean regime of toleration would be much more tolerant of individual beliefs. In fact, Bayle says we are obligated to permit "innovations in religion," thus mandating the state step in to prevent religions from persecuting dissenters, unlike the Ottoman Empire regime.[41] So while Bayle's *Commentary* concerns itself primarily with the problem of group toleration, Bayle does not make the subsequent step of thinking that it is primarily groups that need to be tolerated. Bayle is concerned with the practice of tolerating the individuals who make up the groups, not just tolerating the existence of different groups.

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[39] Bayle 2005, 214.
[40] See Will Kymlicka, "Two Models of Pluralism and Tolerance," in *Toleration: An Elusive Virtue*, ed. David Heyd, 81-105 (Princeton, New Jersey: Princeton University Press, 1996).
[41] Bayle 2005, 201.

While Bayle does not explicitly tell us that we ought to tolerate different religious practices as well as different religious beliefs, he is implicitly committed to that as well. Among the things to be tolerated are parents raising their children with a (perhaps religious) belief set that they choose and people worshipping at home, both of which imply rather robust ideas about the range of acceptable conduct.[42] Bayle's tolerance of Jews and Muslims also entails tolerating different modes of conduct, since being Jewish or Muslim in Bayle's day required eating different foods and adhering to different norms of conduct.

However, Bayle does not think that we are required to permit the construction of public places of worship, or to permit processions in the street, as these are not essential to freedom of religion.[43] The word "public" in this context is ambiguous: Does Bayle intend to say that we are not obligated to use public funds to build places of worship, or that we are not obligated to tolerate the building of public temples in the sense of being out in the open for everyone to see? The first sense would be fairly innocuous; many liberals would agree that we are not obligated to give public funds to every religious sect that wants them. In fact, many modern day liberals might even go so far as to say that we are required *not* to use public funds to build places of worship, since that would be a violation of the doctrine of the neutral state,

[42] Bayle 2005, 191
[43] Compare Bayle 2005, 140

that is, one that endeavors not to endorse one view or another in public conflict.[44]

I think Bayle probably intended to say that we are not obligated to let sects build temples at all, rather that just indicating that we are not obligated to fund them. It would fit the below reading of Bayle's principle of toleration, which does not make non-interference the standard by which we measure toleration. The more limited reading of toleration would also cohere with Bayle's non-endorsement of the fully neutral state. (Though Bayle is very progressive for his day, we should take pains to distinguish his position from John Stuart Mill's position, for example.)

3.2 Bayle's Conception of Toleration

While Bayle praises toleration, and gives limits for what we may tolerate, he is not careful to tell us what toleration requires conceptually. However, we can develop Bayle's conception of toleration through comparison with our own. Bayle accepts what Rainer Forst calls the "*objection, acceptance,* and *rejection*" requirements for toleration; Bayle thinks that toleration entails objecting to some practice or belief, but accepting that there is some reason to accept its practice.[45] The main difference between Bayle's conception of toleration and a contemporary conception of toleration is that Bayle does not think that tolerating an action entails non-interference. As seen

[44] However, Kymlicka might disagree.
[45] Rainer Forst, "Pierre Bayle's Reflexive Theory of Toleration," in *Toleration and its Limits*, ed. Melissa S. Williams and Jeremy Waldron, 78-113 (New York: New York University Press, 2008).

above, Bayle also thinks that toleration means allowing the propagation of differing beliefs and the education of children in them, but not necessarily accepting the right of individuals to either build public churches or parade in the streets. Toleration for Bayle also doesn't entail that the sovereign refrain from taking a position on religious matters; the sovereign might justifiably require that everyone becomes educated with some of the major doctrines of the sovereign's own religion.[46]

However, toleration and respect for other persons' rights of conscience requires that we do not make adhering to a given belief set P impossibly burdensome, due to financial restrictions, rewards, or punishments.[47] Doing any of these would give the person incentive to violate their conscience; and any action that is intended to corrupt a person's conscience is one that is morally blameworthy since abiding by one's own conscience is required for an act to be good. But we might be permitted to impose some costs, such as prohibiting the construction of public churches (see above) or requiring some religious education in the sovereign's chosen religion.[48] Accordingly, what counts as toleration for Bayle seems to be something like:

> Tb: A principled refraining from imposing excessive costs and/or rewards on a person's beliefs or actions, despite the beliefs or actions being thought objectionable.[49]

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[46] Bayle 2005, 142
[47] Bayle 2005, 139.
[48] Though Bayle's idea of what sort of education the sovereign may impose is very thin.
[49] For a contemporary definition of tolerance see Andrew Jason Cohen, "What Toleration Is," *Ethics: An International Journal of Social, Political, and Legal Philosophy*, 2004: 68-95.

By comparison, a modern formulation of tolerance would be something like:

> T: A principled act of non-interference against certain conduct, beliefs, or persons, despite the conduct being found objectionable.

What determines whether a cost is excessive in Tb is dependent on the context. For example, whether an individual is antecedently impoverished might determine whether the costs imposed on her for remaining in a different religion violates the doctrine of toleration. It is conceptually possible that if receiving instruction in another religion is too costly for some individual, the sovereign cannot simultaneously tolerate her and impose such instruction on her, even though Bayle says the sovereign is entitled to impose such instruction.[50] We might imagine that some individuals are so fearful that the very idea that the sovereign leans one way rather than another in terms of religion might impermissibly tempt them to abandon their consciences. Such individuals would be very rare, and Bayle might think that there are no such individuals that exist in this world; thus, as a matter of contingent fact, sovereigns remain entitled to impose such instruction while still being considered tolerant. But if Bayle's conception of toleration is to remain consistent, there may be some theoretical point at which the sovereign may not impose instruction. Excessive costs, and what toleration demands of us, must be

[50] Bayle 2005, 207.

considered context-sensitive, liable to change depending on the political, individual, and social conditions.

3.3 A Initial Formulation of the Baylean Toleration Principle

Having defined Bayle's conception of toleration, we can now move on to the process of defining the normative limit of toleration. A preliminary reading of Bayle suggests that the one reason we have to interfere with actions done in accord with one's conscience is to protect the stability of society. I call this first formulation of the principle, A.

> A: The sovereign (or other governing authority) is permitted to not tolerate only such actions and/or creeds that she thinks interferes with the stability of society.[51]

Such a principle would capture the main thrust of Bayle's toleration argument. Judges and sovereigns should not judge the truth of beliefs, but whether the beliefs threaten the stability of society. [52] While the criterion of good action, according to Bayle, is acting according to your conscience, the judge is not required to take that into account; indeed, in some cases the

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[51] A reader of this paper has asked me what exactly the sovereign is entitled to do when she is permitted to not tolerate a creed. I point to section 3.1 for the beginning of an answer, where I cite Bayle's discussion of how to deal with Catholics. Catholics who are loyal to the Pope may be justifiably exiled but may not be harassed in the private sphere, on account of "this being the Part and Office of a tempting Demon". For Bayle, being properly intolerant of a creed does not entail that all limits are off in terms of punishment: but Bayle does not include, and I can not include here, a full explanation of all the proper methods that a state may seek to manipulate its citizens. Section 2.7 also includes Bayle's discussion of intrinsically bad political persecutions that I shall also assume that any legitimate sovereign is not entitled to use. See Bayle 2005, 191.

[52] Compare Bayle 2005, 246.

judge may be obligated to ignore the fact that you were acting according to your conscience![53]

At this point, some would be satisfied with this account of the normative principle of tolerance for Bayle. After all, this principle is one that Bayle explicitly endorsed:

> That Soverigns, having an essential and unalienable Right of enacting laws for the Preservation of the State and Society over which they are plac'd, may ordain, that all, without distinction, who endanger the Public Peace by Doctrines tending to Sedition, Rapine, Murder, Perjury &c. be punish'd according to the Nature of their Crimes.[54]

This passage provides *prima facie* reason to believe that we should read Bayle as endorsing this principle. It also has the virtue of fitting in neatly with Bayle's previous statements about how the sovereign is not entitled (nor capable) of judging the truth of certain beliefs, at least in the role of being a sovereign. The investigation about which crimes may be justifiably prohibited under A is relatively simple, since the consensus about which actions and beliefs tend to undermine the "Public Peace" would be much greater than consensus about which beliefs are in themselves objectionable. In addition, most would agree the sovereign has an interest and an obligation in preserving the stability of a society.

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[53] For example, the sincere murderer might believe that it was her duty to murder her children because she thinks overpopulation is a grave problem. Bayle would say that a judge would be required not to excuse her action, even though it was in a certain sense good.
[54] Bayle 2005, 190

3.4 Which Societies deserve to be protected?

However, principle A is not sufficient. While Bayle is concerned with the stability of society, he must have criteria about the worthiness of the society itself. If a society is stable but represses conscience routinely, it is doubtful that Bayle would say that we should wish to see its stability supported. Rational persuasion against the tenets of Nazi Germany might plausibly be held to undermine the stability of society under such a regime, but that would not render the action of the Nazi governments in interfering with rational persuasion right, for two different reasons. One, we might think, with H.L.A Hart, that a wicked society does not have a right to defend itself.[55] Second, Bayle says we are obligated to allow those with differing viewpoints about religious matters an opportunity to inform us about their opinions.[56] Since Nazi Germany would directly interfere with the ability of persons to test their opinions about the true religion, this would constitute another telling objection against allowing the stability of Nazi Germany to be the mark of whether an opinion should be tolerated or not. This would also rule out societies that force their members to subscribe to one particular religion over another as a condition for membership in the political society; societies that did this to their members might be forcing their members to renege on their obligation to hear dissenting views, thus forcing their members

[55] See HLA Hart, "Law, Liberty, and Morality," in *Classic Readings and Cases in the Philosophy of Law*, ed. Susan Dimock, 411 (New York: Pearson Education, 2007).
[56] Compare Bayle 2005, 97-100

to commit a moral wrong.[57] The banning of expression of rational persuasion should show that this account of a Baylean principle is flawed; we must determine what type of society is permissible.

Thankfully, Bayle actually provides us with a state of nature account of what type of society people would enter into. Bayle states that

> For the same Reason it's evident, that no Body of Men, who enter into Society, and deposite their Liberty in the hands of a Soverign, ever meant to give him a Power over their Consciences: this were a Contradiction in terms: for unless we suppose the Partys to the original Contract errand Ideots or mad Men ….Such engagements therefore [to make their progeny adhere to a particular religion] are null and void in themselves, and exceed the Power of those who make 'em.'"[58]

Bayle is clearly pointing towards a contract model that tells us what sort of society may be justified—though his account is incomplete.[59] One reason for that incompleteness may be that Bayle is not (explicitly) concerned with the legitimacy of government in this book, whereas other writers that use the contract model, such as John Locke, are. But Bayle is clearly gesturing towards the idea that there is a certain set of boundaries that society may not overrun in the pursuit of stability.

Bayle can be interpreted, in the passage just proffered, as saying that the right of conscience is *inalienable*; persons in the state of nature are not

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[57] However, my objection here might not hold against societies that also have robust exit rights that people have ample opportunities to take advantage of.
[58] Bayle 2005, 163.
[59] It's not clear, for example, whether Bayle intends for the contract to be hypothetical or actual. I'm inclined to read him as intending it to be hypothetical consent. This is in contrast to Locke who thought the consent needed was actual.

at liberty to give it up. However, even if we don't agree with Bayle that the right of conscience is inalienable, we can think that people in the state of nature would not give up their right of conscience, because the costs of doing so are greater than any benefits that could be gained. For example, people in the state of nature might refuse to give up their right of conscience because to give up their right of conscience endangers their immortal soul: if they act against what their conscience tells them to do, then they must be committing a bad act, since acting against your conscience is a necessary condition for acting in a good way. In more secular terms, we might argue that acting according to your conscience is an essential human interest; thus, it is almost impossible to think of situations that people would willingly give up their right of conscience.[60]

It would be more convenient if Bayle said that we enter into society primarily to protect our right of conscience: however, there are many other things which society does for us that do not revolve around the right of conscience, such as protection of property rights. In any event, either the inalienability of the right of conscience or the central interest of the right of conscience will deliver the conclusion that societies may not violate the right of conscience.

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[60] For a contemporary argument to this effect, see Chandran Kukathas, *The Liberal Archipelago: A Theory of Diversity and Freedom* (New York, New York: Oxford University Press, 2003).

3.5 The second version of the Baylean Principle of Toleration

So now we need to change A to

> A2: The sovereign is permitted to not tolerate such actions and/or beliefs that she thinks interferes with the stability of a society that meets the minimum standards of S.

Where S stands for:

> S: A society that fully protects, among other rights, the right of conscience.[61]

This formulation goes a long way towards limiting the actions of tyrannical societies. While the sovereign is still permitted to not tolerate such actions as she thinks "interfere" with the society, she has to subject her interference to an idealized standard in order to justify it. This would ordinarily exclude the possibility of a sovereign being permitted to interfere with practices that would not undermine a good society. The sovereign of Nazi Germany, according to this principle, would not be able to interfere with the practices of a Quaker sect that advocated pacifism. Even if the actions of the Quaker sect created instability due to the intolerant activities of opposing sects, the sovereign would not be justified in repressing the Quaker sect because their actions would not have created instability in an ideal society.[62]

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[61] The reason that I put in "among other rights" is that there might be other rights that a society needs to respect other than the right of conscience in order to be ideal.

[62] However, if the sovereign of a tyrannical society sincerely believed that the actions she was not tolerating would undermine the stability of a society S, then her actions would have to be considered "good" but not right. However, the way she came to have those beliefs

Thus, intolerant societies do not get the benefit of the doubt under the Baylean standard.

However, the question may arise as to why we don't say

> A3: The sovereign of a society of type S is permitted to not tolerate such actions and/or beliefs that she thinks interfere with the stability of her society. [63]

After all, both principles A2 and A3 try to eliminate the possibility of the sovereign of Nazi Germany being able to cite concerns about stability to justify repressive policies. A3 also has the advantage of being simpler to understand, and avoids the problem of the sovereign being under an idealized standard.

A3, however, is too strong. As formulated, A3 would not only exclude those societies that are perfectly tyrannical, but also those in a state of transition from being intolerant to tolerant. Suppose there was a society that was transitioning from being Nazi Germany to something like a liberal democracy. Let us also suppose there was an intolerant group that would have been justifiably not permitted (in that transitioning regime) under A2. Under A3, the transitional society would *not* be able to interfere with the actions of the intolerant group, since only a society that fulfilled S *currently* would have the right to not tolerate these actions. This would exclude societies that are in the process of changing their intolerant laws and regimes from preventing

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would play a role in determining whether her belief could be counted as sincere, and thus her action good: see section 3.6 below.

[63] Thanks to Dr. Andrew Jason Cohen for raising this objection.

intolerant actions. For example, it would be then impermissible for post World War 2 Japan to prevent religious persecution, since they might have still been moving towards a society that fulfilled S. [64]

In effect, only the perfectly tolerant society would have the right to defend itself. This might have the unfortunate effect, depending on how seriously we take standard S, of saying that *no* society that existed at the time Bayle had the right to defend itself. I am not prepared to say that any particular regime coincides perfectly with the standards of S; nor does it seem likely to conclude that Bayle thought that no society of his time possessed the right to defend itself. In the absence of convincing evidence otherwise, we should remain with A2 in lieu of the more radical A3.

3.6 Does it matter if we are right?

The principles I have formulated raise the question of why we require the sovereign to act according to what she *thinks* interferes with the stability of the ideal society, rather than what would actually interfere with the stability of the ideal society. Here I am keeping in line with Bayle's normative theory, in which we are not required to act in accord with the truth, but only according to how we perceive the world around us.[65] Part of Bayle's case for

[64] A question might be raised about actions that that would not threaten the stability of the good society, but as a matter of fact, would increase the badness of the transitional society in question. If the badness that increases is the intolerance, then Bayle is quite clear that the real source of the badness is the intolerance itself, and so we should tolerate the action in question (Compare Bayle 2005, 200). However, if the badness in question is not intolerance, it seems the sovereign may interfere, provided the badness in question would affect the other sort of rights that are covered under S.
[65] Kilcullen 1988, 60

toleration rests on the idea that we are obligated to act according to our conscience, which means we can be obligated to act in a way that follows from moral (or other) facts if we do not know those facts (since we would not be able to formulate the idea to do so for that reason ourselves, we could not act according to our conscience in that way). In fact, the sovereign may be blameworthy if she acts according to,

> P*: the sovereign is permitted not to tolerate such actions that actually interfere with the stability of the society that meets standards S.

The sovereign would be blameworthy if she does not actually believe that the actions interfere with the stability of a society that meets standards S. What matters in determining goodness is whether a person acts according to how they think they ought to act (according to their own conscience).

But this might lead to the query about whether Bayle's standard actually means anything substantive. For if the moral rule only consists in acting as you think you ought to act, why isn't the ruler of our bad society entitled to act according to the stability of the bad society, provided he really and truly thinks it is best? And indeed, in some possible world, Bayle might agree that the ruler of a bad society might be permitted (or even obligated) to act according to what she thinks is best. However, this could be the case only if the ruler really did not have any information to the contrary, or was even aware of the possibility that there could be disagreement.[66]

[66] Compare Kilcullen 1988, 64-65.

While the sovereign is obligated to do as she thinks is right, how she gets to what she thinks is right provides normative constraints. In our world, the sovereign would hopefully realize that there are profound disagreements in religious and moral matters, not all of which are motivated by self-interest, but some of which are motivated by honest perplexity.[67] Indeed, Bayle's writings could be seen as part of an effort to show that not all disagreements about moral matters are motivated by self-interest or obstinacy. By writing about the different ways in which different peoples worship God, or follow the rules of morality, Bayle provides reasons to think that disagreements about many moral matters may have their origins in principled reasoning, thus undermining the thesis that different ways of worshipping God are necessarily blasphemous. [68] The sovereign should also realize (unless there has been a systematic effort to keep her in the dark) that it is possible to be mistaken about moral beliefs, which implies that there needs to be an epistemological standard through which we determine which beliefs about what ought to be done are correct (or justifiable). The sovereign must also be aware of there being different countries and communities that do certain things differently, implying that the standards of the sovereign's actual community are not the standard for everybody. This does not imply relativism; Bayle is committed to the idea that there are actual moral rules

[67] Compare Bayle 2005, 148.
[68] Compare Bayle 2005, 205.

(of which one is "follow your conscience"). But it does commit Bayle to fallibilism about moral knowledge: all of our moral beliefs could be mistaken.

This set of considerations implies that a sovereign must also have beliefs that are not formed by obviously bad processes. For instance, if the sovereign forms her beliefs on the basis of some information gathering process that she suspects are flawed, then she could not justifiably (at least according to Bayle), act on those beliefs. But if the sovereign never comes across any information that puts in doubt her assessment about either a) what the stability of the ideal society would need or b) the method by which she formed her opinion, than she is not blameworthy for her actions, even if she is incorrect on the matter. Furthermore, if the sovereign is forced to act on belief A in a time of crisis, she is not blameworthy if she does not justify A, provided she has another belief which states that her taking the time to justify belief A would pose an unacceptable risk. [69] If, however, the sovereign deliberately limited her belief, or refused to investigate other possibilities, she is blameworthy for her belief gathering process, and thus she cannot be said to be acting according to her conscience. Her actions, according

[69] This is not unreasonable. To motivate this, suppose any trolley case and also suppose that it is permissible to let one person die to save five others. Any person acting on this belief would not be blameworthy if they did not engage in an investigation about the relative moral worth of the five individuals on the other track vs. the one, even if it turns out that the one is Phillippa Foot, and the others turn out to be members of the Nazi Party. A key part of the blamelessness of the lack of investigation is that we believe we do not have time to investigate. For more on Trolley cases, see Judith Jarvis Thomson, "The Trolley Problem," *The Yale Law Journal* 94, no. 6 (May 1985): 1395-1415.

to Bayle, could no longer be considered even good, let alone right. [70] We should further amend principle A2 to read:

> A4: The sovereign is permitted to not tolerate (where toleration refers to Tb) such actions or creeds that she believes (when belief meets standard B) would endanger the stability of the society that meets standard S, which may or may not be the same society that the sovereign rules.
>
> B: A belief is acceptable as a principle for action when either a) the person holding the belief has encountered no reason to doubt the belief or the method by which she attained it, or b) has engaged in a good faith effort to justify the belief.
>
> S: A society that fully protects, among other rights, the right of conscience.
>
> Tb: A principled refraining from imposing excessive costs and/or rewards on beliefs or actions, despite the beliefs or actions being thought objectionable.

At this point, I have maintained Bayle's central doctrine, in that the sovereign is not responsible for making sure his beliefs on the matter are true; but I have also shown there are significant limitations on the sort of beliefs that would actually past muster. In many cases, the sovereign would be required to justify the belief about what is tolerable or not or at least go try to establish a reliable method of justice for determining what may be just or not. While the sovereign who keeps this theory in mind may sometimes be

[70] This would rule out, as a matter of contingent fact, the goodness of tyrannical rulers not tolerating: they presumably (but not always) deliberately limited their belief gathering processes.

be mistaken about what the ideal society may require, the process of answering principle A4 will hopefully generate answers that are stable and correct as far as what the ideal society would require.

3.7 Conclusion to part three

I have made the first steps towards identifying a Baylean principle of toleration. I have also successfully shown that Bayle's theory concerning the limits of toleration can actually have normative force in terms of showing what we should tolerate, rather than just reaffirming the right of sovereigns to do whatever they wish. Thus, this Baylean principle of toleration has conceptual bite, and is a viable competitor to other normative principles of toleration, such as Mill's Harm principle. However, whether the Baylean principle of toleration is better than its competitors remains an open question.

4 Final Thoughts

In part 2 of this paper, I gave an exposition of Bayle's defense of religious toleration, giving an account of his general moral theory, its resemblance to that of Kant's, and showing that Bayle's defense remains compelling even if we don't believe in God. After giving the context, I then showed that one can derive a normative principle of toleration that has conceptual bite, though I have declined to show that the principle I have derived is superior to any of the other competitors on the market. I hope that my work here will help further scholarship into Bayle's theory of toleration.

5 Bibliography

Bayle, Pierre. *A Philosophical Commentary on These Words of the Gospel, Luke 14:23, "Compel Them to Come In, That My House May Be Full".* Edited by John Kilcullen and Chandran Kukathas. Indianapolis, Indiana: Liberty Fund, Inc., 2005.

Cohen, Andrew Jason. "What Toleration Is." *Ethics: An International Journal of Social, Political, and Legal Philosophy*, 2004: 68-95.

Forst, Rainer. "Pierre Bayle's Reflexive Theory of Toleration." In *Toleration and its Limits*, edited by Melissa S. Williams and Jeremy Waldron, 78-113. New York: New York University Press, 2008.

Hart, HLA. "Law, Liberty, and Morality." In *Classic Readings and Cases in the Philosophy of Law*, edited by Susan Dimock, 411. New York: Pearson Education, 2007.

Kant, Immanuel. *Grounding for the Metaphysics of Morals: On a Supposed Right to Lie because of Philanthropic Concerns.* Translated by James W. Ellington. Indiananopolis, Indiana: Hackett Publishing Company, Inc, 1993.

Kilcullen, John. *Sincerity and Truth: Essays on Arnauld, Bayle, and Toleration.* Oxford University Press, 1988.

Kukathas, Chandran. *The Liberal Archipelago: A Theory of Diversity and Freedom.* Oxford University Press, 2007.

Kymlicka, Will. "Two Models of Pluralism and Tolerance." In *Toleration: An Elusive Virtue*, edited by David Heyd, 81-105. Princeton, New Jersey: Princeton University Press, 1996.

Luban, David. "Liberalism, Torture, and the Ticking Bomb." In *Arguing about Political Philosophy*, edited by Matt Zwolinski, 647-663. New York: Routledge, 2009.

Thomson, Judith Jarvis. "The Trolley Problem." *The Yale Law Journal* 94, no. 6 (May 1985): 1395-1415.